AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

FEDERAL REGISTER

VOLUME 8 NUMBER 12

Washington, Tuesday, January 19, 1943

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 10—FEDERAL LAND BANKS

REVISION OF REGULATIONS

Part 10 of Chapter I, Title 6, Code of Federal Regulations is hereby amended to read as follows:

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FEDERAL REGISTER

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

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

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

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Farm Loan Act, as amended (12 U.S.C. 771 (4)), the terms "equipment" and "improvement" are defined as follows:

(a) *Equipment.* The term equipment shall include implements appropriate for the operation of a farm, and may consist of teams as well as machinery, tools, and like articles.

(b) *Improvement.* The term improvement shall include any beneficial structure or any useful, permanent physical change tending to increase the productive value of the farm, such as clearing, tiling, drainage, fencing, building, and preparations for irrigation. (Sec. 6, 47 Stat. 14, Sec. 12 "Fourth" (c), 39 Stat. 370, as amended; 12 U.S.C. 665, 771 "Fourth" (c).

§10.10 *Farm unit; required area and yield of farm.* To constitute a proper unit for a bank loan, a farm must be of sufficient area to yield at the hands of an ordinarily capable farmer, putting it to the use to which it is generally adapted, using average methods, and receiving normal prices, an income sufficient to maintain the family of the applicant, pay operating expenses and taxes, maintain the property, and discharge the interest and amortization payments on his loan. Since the earning power of land varies because of difference in the quality of soils, climatic conditions, crop adaptation, market facilities, and standards of living, no arbitrary acreage limit should be established as necessary for a farm unit. Any decision that a particular property does not constitute a proper farm unit should be reached only after careful consideration of the factors of production and the earning power of the individual farm. (Sec. 6, 47 Stat. 14, Sec. 12 "Fifth", 39 Stat. 370, as amended; 12 U.S.C. 665, 771 "Fifth")

§ 10.25 *Normal agricultural value basis.* The normal value of farms for agricultural purposes shall be the basis of appraisal for loans. For the purpose of such appraisal, commodity prices received by farmers during the period from 1909 to 1914, with such adjustment as may be necessary because of the change in the economic position of particular products, shall be the basis for determining the earning power of farm land. The normal agricultural value of a farm may be defined as the amount a typical purchaser would, under usual conditions, be willing to pay and be justified in paying for the property for customary agricultural uses, including farm home advantages, with the expectation of obtaining average production and of receiving normal prices for farm commodities. (Sec. 6, 47 Stat. 14, Secs. 12 "Fifth", 13 "Second", 39 Stat. 370, 372, as amended; 12 U.S.C. 665, 771 "Fifth", 781 "Second").

§ 10.28 *Special interest rates.* For bank loans secured by first mortgages on the following farm property in the continental United States:

(a) Land that is employed primarily in the production of naval stores as defined by section 2 of the Naval Stores Act (Sec. 2, 42 Stat. 1435; 7 U.S.C. 92);

(b) Land used for the raising of livestock, in estimating the earning power and in establishing the value of which leases or permits for the use of other lands were taken into consideration and were a factor in determining the amount of the loan; and

(c) A farm property, a substantial part of the earnings from which is from orchard crops;

approval has been given to the following interest rates:

(1) For loans through associations, 1 and one-half per centum per annum in excess of the interest rate in the last series of consolidated Federal farm loan bonds, such interest rate not to exceed 6 per centum per annum;

(2) For direct loans, one-half of 1 per centum per annum in excess of the interest rate approved for loans through associations under (1) preceding; and

(3) For loans under section 25 (b) of the Farm Credit Act of 1937 (50 Stat. 711; 12 U.S.C., Sup., 724) through associations, the capital stock of which is impaired, one-fourth of 1 per centum per annum less than the interest rate approved for direct loans under (2) preceding. (Sec. 6, 47 Stat. 14, Secs. 7 (b), 12 "Second", 17 (b), 39 Stat. 365, 370, 375, Sec. 25 (b), 50 Stat. 711; 12 U.S.C. 665, 723 (b), 771 "Second", 831 (b), 724)

§ 10.29 *Special payments.* A bank may accept special payments on a bank loan or payment in full thereof either before or after 5 years from the date the loan was made. Where payment arises from the refinancing of the loan from a non-Government lending source and the loan has not been in force for at least 5 years, the bank may collect from the borrower such a sum as will reimburse it for the expense of making the loan. In all other cases of special principal payments or full payment of bank loans, the bank should not charge either a prepayment fee or interest beyond the date the funds are received. (Sec. 6, 47 Stat. 14, Sec. 12 "Second", 39 Stat. 370, as amended; 12 U.S.C. 665, 771 "Second")

§ 10.31 *Conditional payments.* Conditional payments shall be held for subsequent credit upon indebtedness to the bank or the Corporation, except in cases of unusual circumstances where the release of the funds is justified. Interest shall be allowed on such payments held for more than 1 month at the effective interest rate applicable to the indebtedness in connection with which such conditional payment is held. (Sec. 4, 39 Stat. 363, Sec. 17, 50 Stat. 708; 12 U.S.C. 676, 781 "Eighteenth")

§ 10.33 *Division of loans.* In dividing a bank loan between separate owners of the mortgaged property in the continental United States, whether by means of new loans or otherwise, each bank may in its discretion retain for the resulting or new loans the contract interest rate of the original loan, or the rate currently applicable to new loans of the same class, or some intermediate rate. Within these limits, the policy to be followed by each bank shall be determined by its board of directors. An important factor to be considered in connection with any policy involving a reduction in interest in connection with divisions of loans is the extent to which it may induce other borrowers to seek a reduction in their interest rates and the effect it may have on the repayment of loans. The policy for each bank should be set out in a general resolution adopted by the board of directors, a copy of which should be submitted to the Commissioner for consideration; but such resolutions need not be submitted for prior approval. (Sec. 6, 47 Stat. 14, Secs. 12 "Second", 17 (b), 39 Stat. 370, 375, Sec. 26, 48 Stat. 44, Sec. 25 (b), 50 Stat. 711; 12 U.S.C. 665, 771 "Second", 831 (b), 723 (b) and Sup., 724 (a), (b) "Second")

§ 10.101 *Executors and administrators (including temporary administrators).* Bank loans may be made to executors and administrators (including temporary administrators) when (a) either some individual beneficiary of the decedent's estate, or the executor, administrator, or any coexecutor or coadministrator of the estate, independently of his representative capacity, is (1) eligible as a borrower, and (2) owns, or is about to become the owner of, an interest in the property on which the loan is sought, and (3) can and will incur personal liability for the loan and assume the obligations of national farm loan association membership; and (b) a valid lien can and will be given on the property on which the loan is sought. As used in this paragraph, the term "eligible as a borrower" means a person who is engaged in farming operations, or who is shortly to become engaged in farming operations, or who derives the principal part of his income from farming operations. (Sec. 6, 47 Stat. 14, Secs. 7, 9, 12 "Sixth", 39 Stat. 365, 368, 370, as amended; 12 U.S.C. 665, 716, 745, 771 "Sixth")

§ 10.103 *Heirs (including a sole heir taking without administration), devisees, and grantees of a deceased owner of farm land.* Loans may be made to heirs including a sole heir taking without administration), devisees and grantees of a deceased owner of farm land under the same conditions as will permit a loan's being made to any other owner of farm land. (Sec. 6, 47 Stat. 14, Sec. 12 "Sixth", 39 Stat. 370, as amended; 12 U.S.C. 665, 771 "Sixth", as amended)

AUTHORITY: §§ 10.104 to 10.108 inclusive, issued under the authority contained in Sec. 6, 47 Stat. 14, Secs. 7, 9, 12 "Sixth", 39 Stat.

365, 368, 370, as amended; 12 U.S.C. 665, 745, 771 "Sixth", as amended.

§ 10.104 *Trustees (whether appointed by will or deed), and other fiduciaries.* Bank loans may be made to trustees (whether appointed by will or deed) when (a) the trustee in his fiduciary capacity is engaged, or shortly to become engaged, in farming operations, or the beneficiaries of the trust are engaged in farming operations or derive the principal part of their income from farming operations; and (b) a valid lien can and will be given on the property on which the loan is sought; and (c) the trustee, or any cotrustee, or some individual beneficiary of the trust can and will incur personal liability for the loan, and assume the obligations of national farm loan association membership.

§ 10.105 *Guardians.* Bank loans may be made to guardians when (a) the guardian in his fiduciary capacity is engaged, or shortly to become engaged, in farming operations, or the wards are engaged in farming operations or derive the principal part of their income from farming operations; and (b) a valid lien can and will be given on the property on which the loan is sought; and (c) the guardian, or any coguardian, independently of his fiduciary capacity owns an interest in the property, and can and will incur personal liability for the loan and assume the obligations of national farm loan association membership.

§ 10.107 *Persons not legally competent (including infants, insane persons, and incompetents) when not represented by a guardian.* Loans may not be made to persons not legally competent (including infants, insane persons, and incompetents) when not represented by a guardian; and property in which such a person, not represented by a guardian, owns an interest is ineligible as security for a loan.

§ 10.108 *Landlords.* Loans may be made to landlords when (a) the landlord has the right to and does exercise substantial control over the management of the farm on which the loan is sought; or (b) he is engaged, or shortly to become engaged, in farming operations, independently of his capacity as landlord of the farm on which the loan is sought; or (c) the principal part of his income is derived from farming operations.

AUTHORITY: §§ 10.109 to 10.115 inclusive, issued under the authority contained in Secs. 2, 12 "First", 12 "Sixth", 39 Stat. 360, 370, as amended; 12 U.S.C. 642, 771 "First", 771 "Sixth", as amended.

§ 10.109 *Owners of future interests.* Loans may be made to owners of future interests when (a) all interests necessary to the creation of a fee simple estate in the land on which the loan is sought are included in the mortgage; and (b) the owner of the future interest is engaged, or shortly to become engaged, in farming operations independently of his capacity as owner of a future interest in the farm on which the loan is sought, or derives the principal part of his income from farming operations.

§ 10.110 *Tenants for years.* Bank loans may not be made to tenants for years.

§ 10.112 *Life tenants.* Loans may be made to life tenants when (a) all interests necessary to the creation of a fee simple estate in the land on which the loan is sought are included in the mortgage; and (b) the life tenant, by reason of farming operations conducted by him on the land covered by his life interest, or otherwise, is eligible as a borrower. As used in this paragraph, the term "eligible as a borrower" means a person who is engaged in farming operations, or who is shortly to become engaged in farming operations, or who derives the principal part of his income from farming operations.

§ 10.114 *Husband and wife.* Loans may be made on their respective lands to a husband and wife owning land in severalty.

§ 10.115 *Aliens.* To the extent that State laws do not restrict the right of aliens to hold and convey real estate, loans may be made to aliens upon the same basis as to citizens: *Provided, however,* That such loans are not prohibited by and are made in conformity with the provisions of the Trading with the Enemy Act, as amended, the Foreign Funds Control regulations, and any other applicable laws and regulations relating to transactions with or property of enemy or other aliens.

AUTHORITY: §§ 10.116 to 10.118, inclusive, issued under the authority contained in Sec. 6, 47 Stat. 14, Sec. 12 "Sixth," 39 Stat. 370, as amended; 12 U.S.C. 665, 771 "Sixth," as amended.

§ 10.116 *Individuals taking title from a corporation (bona fide ownership required).* Loans which are otherwise qualified may be made to individuals who have taken title from a corporation in which they were interested as stockholders, provided the transfer is in good faith and not a mere temporary expedient for the purpose of evading the provisions of the Federal Farm Loan Act, which preclude loans to corporations other than corporations engaged in the raising of livestock.

§ 10.117 *Corporations.* Loans may be made to corporations (in addition to those engaged in raising livestock, when acting solely in a representative or fiduciary capacity for individual beneficiaries, provided the conditions of §§ 10.101, 10.102, 10.104, 10.105, and 10.106 are satisfied.

§ 10.118 *Livestock corporations.* Loans may be made to livestock corporations, provided the corporation is primarily engaged in the raising of livestock. It may also be engaged in such general farming operations as are incidental to its livestock raising. If it engages in any secondary operations not strictly incidental to livestock raising, such secondary operations may constitute only a minor part of the corporation's activities.

§ 10.148 *Computing amount loanable to one borrower.* In determining the aggregate amount of existing and prospective bank loans to any one borrower for the purpose of applying the limitation provided for in section 12 (Seventh) of the Federal Farm Loan Act (12 U.S.C. 771 (7)), there shall be included (a) the amount of the unpaid principal of loans made by a bank which are secured by mortgages on property owned by the applicant, except loans secured by purchase money mortgages not made on a basis which qualifies them for deposit with the registrar as collateral security for farm loan bonds; (b) the amount of the unpaid principal of bank loans made to the applicant, or assumed by him with the permission of the bank, which are secured by mortgages on property he no longer owns, except loans secured by mortgages which have been assumed with the permission of the bank by a subsequent owner of the property in accordance with section 12 (Sixth) of the Federal Farm Loan Act (12 U.S.C. 771 (6)); and (c) the amount of the unpaid principal of mortgages which are liens on property owned by the applicant and which have been acquired by a bank under the provisions of section 13 (Second) of the Federal Farm Loan Act (12 U.S.C. 781 (2)). (Sec. 12 "Seventh", 39 Stat. 370, as amended; 12 U.S.C. 771 "Seventh")

§ 10.174 *Applicability of loan regulations.* Except as otherwise specifically provided in these direct bank loan regulations and in section 7 of the Federal Farm Loan Act, as amended (12 U.S.C. 711–723), all provisions of said act and of the rules and regulations adopted thereunder which are applicable with respect to loans made through national farm loan associations shall, insofar as practicable, apply with respect to direct loans. (Sec. 7, 39 Stat. 365, as amended; 12 U.S.C. 723 (a))

§ 10.175 *Receipt evidencing stock subscription.* Each borrower who obtains a direct loan shall be furnished by the bank with a receipt evidencing his subscription and payment for, and the issuance to him of, shares of the capital stock of said bank, the number and amount of such shares to be stated in said receipt. Each such receipt shall contain the following statement:

The shares of stock hereinbefore mentioned are held by the Federal land bank as collateral security for the direct loan obtained by said borrower; said stock is nonvoting, and may be transferred only on the books of said bank and with its permission, as provided in section 12 (Sixth) of the Federal Farm Loan Act (12 U.S.C. section 771 (Sixth)), or to the Federal Farm Mortgage Corporation as authorized in section 7 of the act (12 U.S.C. 723 (c)). Said stock will be canceled by the bank if and when said borrower becomes a member of a duly organized national farm loan association, and in such event there will be issued in the name of said national farm loan association an equal number of shares of the capital stock of the bank, such shares to be held by the bank as collateral security for the loan of said borrower. The shares of stock of the Federal land bank issued to said borrower shall, if still outstanding, upon payment in full of said loan or foreclosure of the mortgage securing the same, be canceled at par, or, in the event that such stock shall have

become impaired, at the estimated value thereof as approved by the Land Bank Commissioner, and the proceeds thereof shall be paid to the borrower: *Provided, however,* That all sums accruing and payable as dividends on such stock, and/or proceeds of such stock upon payment in full of said loan or foreclosure of said mortgage, shall be subject to the right of the bank to retain and apply the same upon any obligation(s) due and unpaid under the terms of said mortgage.

(Sec. 7, 39 Stat. 365, as amended; 12 U.S.C. 723 (a), (c), (d))

INSURANCE REQUIREMENTS FOR BANK LOANS

AUTHORITY: §§ 10.183 to 10.197, inclusive, issued under the authority contained in Sec. 12 "Ninth", 39 Stat. 370; 12 U.S.C. 771 "Ninth".

§ 10.183 *Buildings on which insurance must be maintained by mortgagor; amount and type of insurance.* All buildings, the value of which was a factor in determining the amount of a bank loan, shall be kept insured against fire and any other risks specified by the bank, in amounts fixed by it aggregating not less than 60 percent of the value thereof to the farm for agricultural purposes, as shown by the report of the land bank appraiser upon which such loan was based. If a building be substituted for a building the value of which was a factor in determining the amount of a loan, the substituted building shall be kept insured in like manner and the aggregate amount of insurance required by this paragraph shall not be reduced by reason thereof.

§ 10.184 *Additional insurance requirable.* Nothing contained in these insurance regulations (§§ 10.183 to 10.197) shall prevent a bank from requiring that any other building on a farm mortgaged to the bank shall be kept insured in such amounts and/or against such risks as shall be deemed advisable for the protection of the bank's interests.

§ 10.185 *Reduced insurance to be maintained when full amount cannot be provided.* If, when insurance must be renewed or obtained in order to comply with these insurance regulations (§§10.183 to 10.197), the aggregate insurable value of the buildings insured and/or to be insured be less than the amount required by § 10.183, the said buildings shall be kept insured for the full insurable value thereof.

§ 10.186 *Reduction of insurance under certain circumstances.* A bank may reduce the amount of insurance theretofore required or discontinue such requirement in whole or in part, provided the bank deems the reduction or discontinuance of insurance advisable in the light of all pertinent factors: (a) whenever the unpaid balance of the mortgage debt does not exceed $200; or (b) whenever it is found that the land, without the buildings mentioned in § 10.183, would afford ample security under the provisions of the Federal Farm Loan Act for a new loan in the amount of the unpaid balance of the mortgage debt. On each request for reduction in the amount of insurance or for discontinuance of the insurance requirement, in whole or in part, such information in writing should be obtained as will enable the bank to act advisedly. The chief appraiser or his assistant should recommend whether or not an appraiser's report or other information is necessary and, subject to the approval of the bank, take steps to obtain such information. The bank may request any further information or investigation. Insurance is not required in excess of the unpaid balance of the mortgage debt; however, there may be conditions under which the bank would be warranted in requiring additional insurance.

§ 10.187 *Acceptable insurers.* Insurance required under § 10.183 shall be evidenced by a lawful policy or policies, issued by any reputable insurance company including any State supervised mutual insurance company which is satisfactory to the bank: *Provided,* That such company be authorized to do such insurance business, and be subject to service of process in suits brought, in the State in which the insured property is located, except that, when insurance is procured and paid for by the bank upon default under the mortgage, such insurance company may be one which is subject to service of process in suits brought in the State where the bank is located. The acceptance by a bank of insurance from an organization other than one provided for by this paragraph shall be subject to the approval of the Commissioner.

§ 10.188 *Losses to be made payable to bank; exception.* Insurance shall be made payable to the bank, as mortgagee, as its interest may appear at time of loss, but the bank may, in its discretion, permit individual losses of $50 or under to be paid directly to the mortgagor for use in the prompt reconstruction of the buildings destroyed. The provisions of §§ 10.189 to 10.197, inclusive, of these regulations shall not be applicable to losses of $50 or under which are paid directly to the mortgagor, with the permission of the bank, for use in reconstruction.

§ 10.189 *Mortgagor's option to use loss proceeds for reconstruction.* At the option of the mortgagor and subject to the provisions of these regulations any sum received by a bank in settlement of a loss covered by insurance required by these regulations may be used to pay for the reconstruction of the buildings involved; provided that the bank may charge and collect from the mortgagor the reasonable cost of appraisal and of any investigation to determine the priority of the bank's mortgage over any lien by reason of such construction, and may withhold from such sum the amount of any such charge not otherwise paid.

§ 10.190 *Subsequent owner deemed "mortgagor" under certain circumstances.* When a subsequent owner of premises mortgaged to a bank has assumed the mortgage and stock interests of the original mortgagor in accordance with the provisions of section 12 (Sixth) of the Federal Farm Loan Act (12 U.S.C. 771 (6)), and is primarily liable therefor, and not otherwise, the term "mortgagor" shall be deemed for the purposes of these regulations to refer to such subsequent owner.

§ 10.191 *Manner in which mortgagor's option to use loss proceeds shall be exercised.* The bank as promptly as possible after the receipt of the sum referred to in § 10.189 shall send to the mortgagor a notice in writing thereof. Within 30 days after such notice is sent, if the mortgagor desires to exercise his option, he shall so notify the bank in writing. With such notice to the bank or within 30 days thereafter, unless such time for good cause be extended by the bank, the mortgagor shall furnish the bank information in such form as shall be satisfactory to it covering the plans of the mortgagor for the reconstruction of the building involved in sound and serviceable form and condition, at least equal to that which existed immediately prior to the loss. Within said 30 days the mortgagor shall also furnish assurance satisfactory to the bank that such reconstruction will be completed within a reasonable time, and that there will be no unsatisfied liens for labor, material, and/or other expenses that will have priority over the bank's mortgage when such reconstruction shall have been completed or when the said sum received by the bank shall have been paid by the bank to or for the account of the mortgagor.

§ 10.192 *Reconstruction of improvements in different form.* If the mortgagor desires to use the insurance money, in whole or in part, in order to replace the building involved with an insurable building of less expensive type, or to substitute any other insurable building, the said fund may be used for such purpose, provided the land bank is satisfied that the proposed building will be suitable and adequate to the agricultural needs of the farm.

§ 10.193 *Evidence that mortgagor can supply additional funds; meaning of term "reconstruction."* If the sum received by the bank (after making the deductions, if any, authorized by these regulations) be inadequate to enable the mortgagor to reconstruct as herein provided, and he desires nevertheless to do so, he shall furnish the bank assurance satisfactory to it that he will have the necessary additional funds. Where, under these regulations, a building may be repaired, replaced, or substituted, the operations involved shall be deemed to be covered by the words "reconstruct" or "reconstruction," as the case may require.

§ 10.194 *Loss proceeds not to be disbursed in absence of evidence that prior liens will not attach.* No sum so received by the bank shall be paid to or for the account of the mortgagor for the purpose of enabling him to reconstruct a building until it is satisfied that no lien by reason of reconstruction of the buildings covered by such insurance will have priority over its mortgage thereon. If, however, in any case the sum received by the bank be less than $100, the bank may pay over such sum to or for the account of the mortgagor upon assurance satisfactory to the bank that such sum will be used for the reconstruction of the building involved and that there will be no lien against

such building which would have priority over the bank's mortgage.

§ 10.195 *Application of loss proceeds to mortgage debt.* If the mortgagor fails or refuses to exercise his option in accordance with these regulations, or to comply with all of the conditions of these regulations with respect thereto, or if the mortgage be in process of foreclosure, or if the mortgagor be in default in such manner that the mortgage is subject to foreclosure, the sum received by the bank may be retained by it for application upon the indebtedness secured by such mortgage or as collateral security therefor. Any portion of the sum received by the bank which is not used for reconstruction or withheld for cost of appraisal and investigation in accordance with § 10.189 of these regulations may also be retained by the bank for application upon the indebtedness or as collateral security therefor.

§ 10.196 *Circumstances under which mortgagor's option to use loss proceeds does not obtain.* The option of the mortgagor referred to in these regulations shall not apply in the case of any sum received by the bank (a) under a policy of insurance which was not provided or paid for by the mortgagor, or (b) in settlement of a loss on buildings not required by these regulations to be insured. Such option shall not apply to any sum with respect to which liability to the mortgagor is denied by the insurer, unless and until such denial be rescinded or until final judgment of a court of competent jurisdiction that the insurer is liable to the mortgagor. In either event the mortgagor shall initiate the steps otherwise necessary under these regulations for the exercise of his option within 30 days after the establishment of the liability of the insurer to him for such loss.

§ 10.197 *Conditional release of loss proceeds.* No insurance proceeds may be released unconditionally to a borrower or a junior lienor except for the purpose and under the conditions hereinbefore set forth, unless the remaining security for the loan meets the provisions of the Federal Farm Loan Act relating to new loans, that is, unless the unpaid balance of the loan does not exceed 50 percent of the value of the land and 20 percent of the value of the permanent, insured improvements remaining thereon. Exceptions to this requirement may be made only where it is clearly to the best interest of the bank to do so. Where insurance proceeds are released unconditionally to a borrower or junior lienor the procedure governing the release of funds received from the sale of part of the security shall be followed so far as applicable.

§ 10.222 *Refinancing mortgages purchased from joint stock land banks.* In connection with the purchase of a mortgage from a joint stock land bank, the right given a mortgagor to refinance under the provisions of section 13 (Second) of the Federal Farm Loan Act, as amended (12 U.S.C. 781 (2)), is a personal privilege granted only to the owner of the property at the time the mortgage is purchased by the Federal land bank. It is the responsibility of the Federal land bank to notify such an owner of his right to have his indebtedness refinanced. A reasonable time of not to exceed 6 months should be specified in the notice as the period in which he may file an application for a refinancing loan. (Sec. 13 "Second", 39 Stat. 372, as amended; 12 U.S.C. 781 "Second")

AUTHORITY: §§ 10.236 to 10.246 inclusive issued under the authority contained in Sec. 4, 39 Stat. 363, Sec. 17, 50 Stat. 708; 12 U.S.C. 676, 781 "Eighteenth".

§ 10.236 *Conditional payments; joint indebtedness to a bank and the Corporation.* In cases where the respective indebtednesses of the borrower to the bank and Corporation are secured by the same or common real property, amounts to be accepted as conditional payments (by the bank for subsequent credit on its indebtedness and by the Corporation for subsequent credit on its indebtedness should be allocated to each indebtedness in such manner as to assure the borrower of relatively the same security against future delinquency on the respective indebtednesses.

§ 10.237 *Reports; conditional payments; joint indebtedness to a bank and the Corporation.* Each bank should review at least annually its entire operation in connection with the acceptance and application of conditional payments on joint indebtedness of borrowers to the bank and the Corporation and submit a detailed report of its findings, with comments or suggestions thereon, to the Commissioner as soon as practicable after December 31 of each year.

§10.238 *Conditional payments; unrelated loans.* In those cases in which a borrower has indebtedness to the bank and/or Corporation, which are not secured by the same or common real property, determination should be made by the bank, on the basis of the facts in each case, as to the indebtedness or indebtednesses on which conditional payments are to be accepted and held for subsequent credit. A subsequent report of the action taken should be made by the bank to the Commissioner with a brief statement of the reasons therefor. When conditional payments are accepted in these cases, they shall be subject to all the provisions of these regulations governing conditional payments insofar as practicable.

§ 10.239 *Interest allowance.* Interest shall be allowed on conditional payments in accordance with the following terms and conditions:

(a) The rate(s) at which interest is allowed the borrower on a conditional payment shall be the rate(s) effective on those installment dates of the indebtedness to which the conditional payments are applied and which installment dates occurred during the period such conditional payments were held. As used herein, "effective interest rate" means the rate actually charged the borrower on the indebtedness on which a conditional payment is applied.

(b) Interest shall be allowed on conditional payments from the date of acceptance of such payments to the date of application on the borrower's indebtedness and such interest shall be compounded as of the installment dates of such indebtedness which occurred during the period the conditional payments were held by the bank; *Provided*, That interest shall not be allowed upon any amount which has not been held for the credit of the borrower as an unapplied conditional payment for the period of at least 1 month.

(c) Interest allowed on a conditional payment shall be credited to the borrower as of the date of application of a conditional payment on his indebtedness, or returned to him in accordance with § 10.242.

§ 10.240 *Interest liability.* The books and statements of condition of the bank and Corporation shall reflect the liability for interest accrued in connection with conditional payments held for subsequent application. Such liability shall be accrued on installment dates and for the periods provided in § 10.239 for determining interest allowances, at the rate actually charged the borrower on the unmatured portion of the indebtedness in connection with which such conditional payment is held. Such accruals shall be subject to any adjustment required upon application of the conditional payment in order that the interest allowed on the conditional payment shall conform to the provisions of § 10.239.

§ 10.241 *Application of conditional payments on indebtedness.* Conditional payments shall be applied on the borrower's indebtedness in connection with which they are held, or on the borrower's indebtedness to the Corporation when such indebtedness is secured by the same or common real property, in accordance with the following terms and conditions:

(a) As the borrower may direct in writing, the bank shall pay out of conditional payments to the borrower's credit any portion of the indebtedness to the bank on regular installment dates.

(b) At its option the bank may pay out of conditional payments to the borrower's credit on his bank indebtedness any portion of the indebtedness to the bank as and when the same becomes due and payable, if it is not otherwise paid by the borrower at or before maturity.

(c) At the borrower's written direction the bank shall pay out of conditional payments to the borrower's credit on his bank indebtedness, any portion of the borrower's indebtedness to the Corporation, which is secured in whole or in part by the same real property securing the indebtedness to the bank, as and when the same becomes due and payable, if it is not otherwise paid by the borrower at or before maturity. With the consent of the Corporation the bank may pay out of conditional payments to the borrower's credit on his bank indebtedness any portion of the borrower's indebtedness to the Corporation which is secured in whole or in part by the same real property securing the indebtedness to the bank, if it is not otherwise paid by the borrower on or prior to 60 days after maturity. Such payments transferred by the bank shall not include any

interest allowance to the borrower; however, the Corporation shall allow interest to the borrower on such payments in accordance with § 10.239 (a) from the date(s) such payments were accepted by the bank to the date of maturity of the indebtedness upon which such payments are applied. The first amount accepted as conditional payments by the bank shall be considered as the first amount paid out of conditional payments either on the indebtedness to the bank or on the indebtedness to the Corporation.

(d) If at any time the balance of unapplied conditional payments to a borrower's credit together with the interest allowance thereon equals or exceeds the total amount of the indebtedness, the whole indebtedness shall become due and payable at once and shall be paid out of such balance.

(e) In the event of the borrower's death or bankruptcy, or in the event of transfer of the indebtedness by the bank or conveyance of title to the property securing the indebtedness by the borrower, the bank at its option may apply all or any portion of the conditional payments to the borrower's credit on the indebtedness.

§ 10.242 *Disposition of unapplied conditional payments after payment of indebtedness in full.* Any balance of unapplied conditional payments together with interest allowance thereon held in connection with the borrower's indebtedness shall be refunded to the borrower by the bank when the indebtedness is paid in full: *Provided, however,* That amounts of conditional payments held by the bank in connection with an indebtedness secured by the same or common real property upon which the borrower is indebted to the Corporation, may, at the written direction of the borrower, be transferred to the Corporation, when the borrower's indebtedness to the bank is paid in full. Such payments transferred shall be subject to an interest allowance by the Corporation, in accordance with §§ 10.239 (a) and 10.241 (c).

§ 10.243 *Evidence of acceptance of conditional payments.* Upon acceptance of a conditional payment, the bank shall furnish the borrower with a receipt, which shall identify the indebtedness in connection with which the conditional payment is accepted, and set forth generally the conditions under which such payments are held. The form of receipt used by a bank shall have the approval of the Administration.

§ 10.244 *Indebtedness current before conditional payments accepted.* Conditional payments shall not be accepted by a bank while there are outstanding unpaid matured obligations of the borrower to the bank on such indebtedness or to the Corporation on an indebtedness secured by the same or common real property; provided that at the direction of the borrower funds tendered as conditional payments may be used to pay such matured and unpaid obligations and any balance remaining may be accepted as conditional payments.

§ 10.245 *Compensation for conditional payments held.* The bank shall compensate the Corporation for the use of conditional payment funds transferred in accordance with §§ 10.241 (c) and 10.242 at a rate prescribed by the Commissioner for the period from the date the conditional payments were received by the bank to the date of maturity of the indebtedness upon which such payments are applied.

§ 10.246 *Rate of compensation for conditional payments held.* The present rate of compensation for conditional payments held by the bank and transferred to the Corporation shall be 2 percent per annum.

§ 10.275 *Subrogation of insurer following payment of loss.* An insurance company which has made payment to a bank under the uniform loss payable clause, but which denies liability to the mortgagor, is not entitled to subrogation against the endorsing association because of such payment. Nor can such an insurer, in the case of an association-endorsed or direct loan, obtain an interest in the bank stock pledged with the bank as security for the loan. No assignment of mortgage or other form executed by a bank in favor of such an insurer shall by express provision or by implication undertake (a) to transfer any right of the bank against the endorsing association or any interest in the bank stock pledged by the association in connection with the loan, or (b) in the case of a direct loan, to transfer any right or interest to the insurance company in the direct loan stock. (Sec. 17, 39 Stat. 375, Sec. 6, 47 Stat. 14; 12 U.S.C. 831 (i), 665)

§ 10.383 *Conversion of direct loan into Association loan.* The provisions of section 7 of the Federal Farm Loan Act, as amended (12 U.S.C. 723 (d)), with respect to the reduction of interest rates and issuance of association stock in lieu of stock in the bank shall be applicable also to a borrower who has obtained a direct loan and who subsequently is elected to membership in an existing association whose endorsement at the time is acceptable to the bank. (Sec. 6, 47 Stat. 14, Sec. 7, 39 Stat. 365, as amended; 12 U.S.C. 665, 723 (a), (b), (c))

AUTHORITY: §§ 10.522 to 10.525, inclusive, issued under the authority contained in Sec. 6, 47 Stat. 14, 12 U.S.C. 665.

§ 10.522 *Exchange of consolidated bonds.* Consolidated bonds issued by the 12 Federal land banks may be exchanged for bonds of the same issue, and assignments of registered consolidated bonds of all issues may be effected, under and in accordance with the regulations of the United States Treasury Department governing exchange and transfers of United States bonds.

LOST, STOLEN, DESTROYED, MUTILATED, OR DEFACED BONDS AND COUPONS

§ 10.523 *Bonds issued by individual banks.* Whenever it appears to the Land Bank Commissioner, by clear and satisfactory evidence, that any interest-bearing bond or any coupon thereof issued by any Federal land bank or joint stock land bank has, without bad faith on the part of the owner, been lost, stolen, or destroyed, and is not lawfully held by any person as his own property, or has been so mutilated or defaced as to impair its value to the owner, and is identified by number and description, the Land Bank Commissioner may authorize payment to be made (upon approval of the proofs of loss, etc., bonds of indemnity and related papers filed with the banks of issue in such cases, detailed information as to which has been furnished the banks) without requiring the issuance of any new bonds for record purposes.

§ 10.524 *Owner of lost bond to file bond of indemnity.* The owner of any such lost, stolen, or destroyed coupon bond or coupon thereof shall file with the bank of issue a bond of indemnity in a penal amount double the sum of the face amount of such coupon bond and the interest due and unpaid to the date when the bond was called or matured; and the owner of any such lost, stolen, or destroyed registered bond shall file with the bank of issue a bond of indemnity in a penal amount equal to the sum of the face amount of such bond and the interest thereon due and unpaid to the date when the bond was called or matured; with good and sufficient corporate surety to be approved by the bank of issue and the Land Bank Commissioner, and with conditions to indemnify and save harmless the bank of issue from all claims, demands, or loss, on account of the bond for which payment is requested.

§ 10.525 *Consolidated bonds.* The statutes of the United States, now or hereafter in force, and the regulations of the Treasury Department, now or hereafter in force, governing relief on account of loss, theft, destruction, mutilation, or defacement of United States securities, and the regulations of the Treasury Department, now or hereafter in force, governing the payment of mutilated or defaced coupons of United States securities, so far as such statutes and regulations may be applicable, and as modified to relate to consolidated Federal farm loan bonds, and coupons of such bonds, shall govern the granting of relief on account of lost, stolen, destroyed, mutilated, or defaced consolidated Federal farm loan bonds, and mutilated or defaced coupons of such bonds.

PART 11—NATIONAL FARM LOAN ASSOCIATIONS

REVISION OF REGULATIONS

Part 11 of Chapter I, Title 6, Code of Federal Regulations is hereby amended to read as follows:

Sec.
11.172 Stock subscription required.
11.373 Merger of shareholder groups in associations operating under section 25 (b).
11.374 Definitions.
11.375 Procedure.

RETIREMENT OF STOCK UPON REPAYMENT OF LOANS

Sec.
11.392 Classification of associations.
11.393 Disposition of stock proceeds where association is in Class 1.
11.394 Disposition of stock proceeds where association is in Class 2.
11.395 Disposition of stock proceeds where association is in Class 3 or 4.
11.1011 Eligibility determined by location of land.
11.1012 Husband or wife as sole owner.
11.1013 Joint owners.
11.1014 Livestock corporations.
11.1015 Other corporations.
11.1016 Voting by proxy.
11.1017 Participation certificates.

§ 11.172 *Stock subscription required.* Where an additional bank loan as defined in § 19.329 is applied for, the capital stock of the association through which the outstanding loan was made is not impaired or the only stock outstanding in connection with the outstanding loan is bank stock, and the applicant is entitled to the proceeds of the stock in the association or the bank which was issued in connection with such loan, the Administration approves the retirement, under section 7 of the Federal Farm Loan Act (12 U.S.C. 721), of stock of the bank held as security in connection with such loan in an amount sufficient to permit the applicant to use the proceeds of the association or bank stock to purchase the stock required in connection with the additional loan: *Provided,* That such retirement is authorized by the board of directors of the bank: *And provided further,* That the outstanding stock shall not be reduced to an amount less than 5 percent of the unmatured principal balance of the outstanding loan. If the total of the unmatured principal balance of the outstanding loan plus the amount of the additional loan exceeds the original face amount of the outstanding loan, it will be necessary under this procedure for the borrower to purchase additional stock only in an amount equal to 5 percent of the excess. (Sec. 6, 47 Stat. 14, Sec. 7, 39 Stat. 365; 12 U.S.C. 665, 721)

AUTHORITY: §§ 11.373 to 11.375, inclusive, issued under the authority contained in Sec. 6, 47 Stat. 14, Sec. 25 (b), 50 Stat. 711; 12 U.S.C. 665, 724 (d).

§ 11.373 *Merger of shareholder groups in associations operating under section 25 (b).* The following regulations are issued pursuant to the fourth paragraph of section 25 (b) of the Farm Credit Act of 1937 (title 12, U.S.C. 724(d)):

§ 11.374 *Definitions.* For the purpose of these regulations the following words and phrases shall have the meanings herein ascribed to them:

(a) "To merge" shall mean to combine pursuant to an agreement authorized by the fourth paragraph of said section 25 (b) and entered into in accordance with these regulations and "merger" shall describe the consummation of the union provided for in such an agreement.

(b) "Group 1" shall mean those shareholders of an association with loans which were made prior to the date on which the first member was admitted to such association pursuant to said section.

(c) "Group 2" shall mean those shareholders of an association with loans which were made on or after the date on which the first member was admitted to the association pursuant to said section and with respect to whom the special provisions of paragraphs "First" to "Sixth" of that section have become applicable.

(d) "When all impairment is removed," as used in the fourth paragraph of said section, shall mean when the Administration shall determine that the aggregate corporate liabilities of a group in an association authorized to operate under said section, including capital stock, do not exceed in amount the fair value of the total assets of such group, or, if there is an excess of such liabilities over such assets, that excess reasonably may be regarded, under all the circumstances, as negligible in amount or percentage, as apparent rather than real, or as temporary only.

§ 11.375 *Procedure.* Whenever, in an association authorized to operate under section 25 (b) of the Farm Credit Act of 1937, all impairment is removed in the stock owned by shareholders in group 1, and there is no impairment in the stock owned by shareholders in group 2, such groups may merge in the manner hereinafter set forth:

(a) The board of directors of the association shall call separate special meetings of the shareholders of group 1 and the shareholders of group 2 for the purpose of considering a proposed resolution of merger in a form prescribed by the Administration. Such meetings shall be called and held in accordance with the provisions of the association's bylaws applicable to meetings of association shareholders. The notice of the meetings shall contain a statement that a merger of the two groups of association shareholders will be voted upon and should contain a brief statement of the nature and effect of the proposal. At these meetings the effect of the proposed merger should be fully explained to the shareholders.

(b) The approval of two-thirds of the shareholders present and entitled to vote at each meeting at which the resolution of merger is considered shall be requisite for the adoption of such resolution.

(c) At least three copies of such resolution shall be prepared, and, when the resolution has been duly adopted by both groups, three copies shall be forwarded to the bank.

(d) The bank may request an examination of the association either on or before the adoption of the merger resolution. An examination may be required by the Land Bank Commissioner at any stage in the proceedings if it appears necessary in the interests of the shareholders.

(e) The bank shall forward to the Administration the three copies of the resolution, a current financial statement of groups 1 and 2, and its recommedation as to whether the merger should be approved.

(f) No merger shall be effective unless or until it has been approved by the Commissioner. If the merger resolution is approved by the Commissioner, the effective date will be specified in his written approval and the bank and association will be notified of the approval and effective date by letter; and each will be sent one copy of the merger resolution for its files. Upon receipt of the approval notice the bank shall take such steps as it deems necessary to assist the secretary-treasurer of the association in consolidating the accounts and records of the two groups pursuant to the merger resolution. Such consolidation of accounts and records shall be made as of the close of business on the effective date of the merger. As soon as the merger has been completed, the secretary-treasurer shall notify each of the members of the association that the merger has been effected. A copy of that notice shall be sent to the Administration.

RETIREMENT OF STOCK UPON REPAYMENT OF LOANS

AUTHORITY: §§ 11.392 to 11.395, inclusive, issued under the authority contained in Sec. 6, 47 Stat. 14, Secs. 7, 8, 39 Stat. 365, 367; 12 U.S.C. 665, 721, 733.

§ 11.392 *Classification of associations.* Each bank shall establish a practical procedure for carrying out the provisions of the Federal Farm Loan Act, as amended, with respect to the retirement of the capital stock of the banks and national farm loan associations in the case of repayment of loans. In making a specific application of the general legal principles of stock retirement to the problems presented by the individual associations in its district, each bank should classify such associations with respect to their financial condition on the following general basis:

(a) Associations able to meet their obligations currently and free from distressed loans are to be placed in class 1;

(b) Associations apparently unable to meet their obligations currently without a present impairment of their capital, but, in the opinion of the bank, able to work out of their difficulties within a reasonable time, are to be placed in class 2;

(c) Associations unable to meet their obligations currently without a material impairment of their capital, although to an extent not exceeding the aggregate amount thereof, and, in the opinion of the bank, unable to work out of their difficulties within a reasonable time, are to be placed in class 3;

(d) Associations whose unsatisfied obligations equal or exceed the amount of their capital are to be placed in class 4.

§ 11.393 *Disposition of stock proceeds where association is in class 1.* When a borrower pays his mortgage debt in full and the association through which the loan was made is in class 1, the bank shall retire the stock standing on its books in the name of the association, which was subscribed for by it at the time the loan was made, and shall pay the par value of such stock to the association. In that event, if the association does not have other outstanding obligations to such an extent that the association's capital has thereby become impaired, the association shall pay to the retiring borrower the par value of

said stock less any personal indebtedness of said borrower to the association: *Provided, however,* That the bank may, upon the order and with the consent of the association, credit the par value of said stock upon the retiring borrower's mortgage, after the bank has satisfied itself that the association does not have outstanding obligations to persons other than the bank to such an extent that the association's capital has thereby become impaired.

§ 11.394 *Disposition of stock proceeds where association is in Class 2.* Where the association is in class 2, the bank after retiring its stock may, in its discretion, pay to the association all or a portion of the proceeds of such retired stock. If the bank pays to the association in cash a portion of the proceeds of its retired stock, the association may pay the retiring stockholder a similar amount, less any personal indebtedness of the borrower to the association, in full settlement of the value of his stock. If, however, the bank elects to retain all the proceeds of its retired stock, the association, unless it has other funds available, may not make a payment to the retiring borrower until it has paid, or has made adequate provision for paying, its indebtedness to its creditors and has sufficient funds available for distribution among its former shareholders on a pro rata basis. In such cases the association may issue to each retiring borrower a certificate which would recite, in effect that "the holder of this certificate is entitled to share pro rata on the basis of _____ shares of capital stock of the aggregate par value of $_____, of the _____ National Farm Loan Association of _____, in the distribution of the net proceeds of all its capital stock after all of its indebtedness has been satisfied."

§ 11.395 *Disposition of stock proceeds where association is in Class 3 or Class 4.* Where the association is in class 3 or 4, the bank shall retain the full amount of the proceeds of such retired stock and apply the same as a credit on the debts due by such association to the bank: *Provided, however,* That where the association is in class 3 the bank may pay to the association from the proceeds of such retired stock an amount sufficient to permit the association to make settlements under section 29 of the Federal Farm Loan Act as amended by section 25 (d) of the Farm Credit Act of 1937, in which case any balance of such proceeds shall be retained by the bank and applied as a credit on the indebtedness of the association to it.

AUTHORITY: §§ 11.1011 to 11.1016, inclusive, issued under the authority contained in Sec. 6, 47 Stat. 14, Secs. 7, 8, 9, 12 "Sixth", 39 Stat. 365, 367, 369, 370, as amended, 12 U.S.C. 665, 716, 733, 745, 771 "Sixth".

§ 11.1011 *Eligibility determined by location of land.* A farm owner shall be eligible to membership in the national farm loan association within whose chartered territory any part of the land to be mortgaged is located, regardless of the applicant's place of residence. If the farm to be mortgaged lies within the territory of two or more associations, the applicant shall be eligible to join any one of the associations, but if the lands to be mortgaged are not adjoining, they will be treated as a single farm for loan purposes only if the separate units are under common management and are in such proximity to each other as to constitute practically one operative agricultural unit.

§ 11.1012 *Husband or wife as sole owner.* When husband and wife both sign a mortgage but one or the other is sole owner, the one in whose name the title stands is the one who is eligible to membership in the association.

§ 11.1013 *Joint owners.* In cases of joint ownership, each owner who assumes personal liability for a loan must be elected to membership in the association through which the loan is made and the association stock must be issued jointly to all such owners.

§ 11.1014 *Livestock corporations.* Corporations engaged in the raising of livestock are eligible to become members of national farm loan associations. If a livestock corporation which is eligible for a loan, purchases property mortgaged to a land bank it may, with the approval of the bank, assume the mortgage and stock interests of the vendor. If an association approves the application of a livestock corporation, the corporation itself should be elected to membership and the association stock issued in its name. The corporation must authorize, by power of attorney, one of its shareholders to act for it in all association matters. The person so authorized to act for the corporation may be elected a director of the association, provided he is a bona fide resident of the territory within which the association is authorized to do business. The power of attorney referred to should be so drawn that it will continue in full force and effect until the association has received another power of attorney to supersede the old one or until the old power has been revoked.

§ 11.1015 *Other corporations.* In the event a corporation becomes the purchaser of the mortgaged property, while it may assume the payment of the existing mortgage, it cannot become a member of or an actual stockholder in an association unless it qualifies as engaged in the raising of livestock. However, any corporation may purchase the equity of redemption of the original borrower in such stock and thereby become entitled to any dividends on said stock and ultimately to the proceeds thereof. Stock that has been so purchased cannot be transferred on the stock certificate book of the association, but the fact that an assignment has been made may be noted on the back of the certificate so that the proceeds, including the dividends, may be paid the person equitably entitled thereto. In this connection, it should be borne in mind that the stock in the association is collateral security for the payment of the loan, and, in addition, may carry the statutory double liability. The original owner, so far as the association is concerned, remains the stockholder whether the purchaser of the equity does or does not agree to assume the liability.

§ 11.1016 *Voting by proxy.* Voting by proxy shall not be permitted at stockholders' meetings of associations unless the proxy holder is (a) the person authorized to act for a livestock corporation owning the stock, (b) a joint owner of the stock, or (c) the husband or wife of the owner of the stock. In the latter case, said husband or wife shall not be eligible to any office in the association.

§ 11.1017 *Participation certificates.* If any shareholder or former shareholder does not desire to settle on the basis of the fair book value of the stock of the association as determined in conservatorship proceedings pursuant to section 29 of the Federal Farm Loan Act, as amended by section 25 (d) of the Farm Credit Act of 1937, he may, in lieu thereof, be given a participation certificate which will entitle him to share pro rata on the basis of the number of shares of stock which he owned in the association in the distribution of any assets of the association which is made after all its indebtedness to creditors has been satisfied, but not to exceed the par value of such shares. The holder of a participation certificate may, at any time, by surrendering the certificate to the secretary-treasurer of the association, receive the amount which is being paid to retired shareholders at the date of such surrender as the fair book value of the stock of the association less the amount of the credit for, or proceeds of, such stock which already shall have been allowed or distributed: *Provided, however,* That if the person surrendering such certificate shall have acquired his interest in the claim evidenced thereby through a voluntary assignment or pledge made after the commencement of any conservatorship proceedings in the association, such certificate shall not be redeemed at a value in excess of the fair book value of the association stock as of the date when the initial holder thereof became entitled to receive such certificate. Settlements with holders of participation certificates in accordance with the preceding sentence should be made only on condition that they accept the settlement as payment in full. Unless the holder surrenders his participation certificate as herein provided, he shall receive no cash payments in connection with such certificate, except as follows:

(a) If the association is liquidated by receivership or otherwise, he shall be entitled to share pro rata with other persons having similar rights in the distribution of any assets of the association which is made after all of its indebtedness to creditors has been satisfied.

(b) If, prior to liquidation as provided in (1) above, the fair book value of the stock of the association reaches par, he shall be entitled to receive par for such certificate.

(c) If, prior to liquidation as provided in (1) above, all indebtedness of the association is paid but the fair book value of the stock is not par, he may share pro rata with other persons having similar rights in the distribution of any assets of the association which may

be made from time to time. [S–41] (Sec. 6, 47 Stat. 14, Sec. 25 (d), 50 Stat. 713; 12 U.S.C. 665, 967)

PART 12—FEDERAL FARM MORTGAGE CORPORATION

REVISION OF REGULATIONS

Part 12 of Chapter I, Title 6, Code of Federal Regulations is hereby amended to read as follows:

Sec.
12.1 Applicability of Federal Land Bank rules and regulations to Federal Farm Mortgage Corporation.
12.102 Executors and administrators (including temporary administrators).
12.106 Trustees (whether appointed by will or deed), guardians and other fiduciaries.
12.111 Tenants for years.
12.150 Computing amount loanable to one borrower.

INSURANCE REQUIREMENTS FOR COMMISSIONER LOANS

12.199 Insurance in connection with first mortgage loans.
12.200 Insurance in connection with second mortgage loans.
12.201 Insurance in connection with chattel mortgages.

§ 12.1 *Applicability of Federal land bank rules and regulations to Federal Farm Mortgage Corporation.* Insofar as they are not in conflict with the provisions of Part 12, the rules and regulations pertaining to the Federal land banks heretofore set out in Part 10 apply also to the Federal Farm Mortgage Corporation except to such extent as those rules and regulations, by their terms or necessary inference, are inapplicable to the Federal Farm Mortgage Corporation. (Secs. 33, 34, 1, 2, 48 Stat. 49, 344, 345, as amended; 12 U.S.C. 1017, 1018, 1020, 1020 (a))

AUTHORITY: §§ 12.102 to 12.150, inclusive, issued under the authority contained in Secs. 32, 33, 48 Stat. 48, 49, as amended; 12 U.S.C. 1016, 1017.

§ 12.102 *Executors and administrators (including temporary administrators).* Commissioner loans may be made to executors and administrators (including temporary administrators) when (a) the decedent was engaged in farming operations or derived the principal part of his income from farming operations, or the executor or administrator in his representative capacity is engaged, or shortly to become engaged, in farming operations, or the principal part of the income of the estate is derived from farming operations; and (b) a valid lien can and will be given on the property on which the loan is sought; and (c) the executor or administrator or some individual beneficiary of the decedent's estate can and will incur personal liability for the loan, or the executor or administrator can and will charge the general assets of the estate with liability for the loan.

§ 12.106 *Trustees (whether appointed by will or deed), guardians, and other fiduciaries.* Commissioner loans may be made to trustees (whether appointed by will or deed), guardians, and other fiduciaries when (a) the trustee or guardian in his fiduciary capacity is engaged, or shortly to become engaged, in farming operations, or the beneficiaries of the trust or wardship are engaged, or shortly to become engaged, in farming operations or derive the principal part of their income from farming operations; and (b) a valid lien can and will be given on the property on which the loan is sought; and (c) the trustee or guardian or some individual beneficiary of the trust or wardship can and will incur personal liability for the loan, or, in the event the beneficiaries are not sui juris and the trustee or guardian will incur liability in his fiduciary capacity only, some other person intimately connected by blood or interest with a beneficiary can and will incur personal liability for the loan as a coobligor with the trustee or guardian.

§ 12.111 *Tenants for years.* Commissioner loans may be made to tenants for years to the extent of the value as security of the leasehold interest on which the loan is sought if the tenant, by reason of farming operations conducted by him on the land covered by his leasehold, or otherwise, is eligible as a borrower. As used in this paragraph, the term "eligible as a borrower" means a person who is engaged in farming operations, or who is shortly to become engaged in farming operations, or who derives the principal part of his income from farming operations.

§ 12.150 *Computing amount loanable to one borrower.* If a Commissioner loan has been obtained on farm property owned by one or more persons, Commissioner loans on other property which such person or persons may own individually or jointly with others may only be made in an amount which, when added to the amount of the unpaid balance of the previous loan or loans, does not exceed a maximum of $7,500.

INSURANCE REQUIREMENTS FOR COMMISSIONER LOANS

AUTHORITY: §§ 12.199 to 12.201, inclusive, issued under the authority contained in Secs. 32, 33, 34, 48 Stat. 48, 49, Secs. 1, 2, 3, 48 Stat. 344, 345, as amended; 12 U.S.C. 1016, 1017, 1018, 1020, 1020 (a), 1020 (b).

§ 12.199 *Insurance in connection with first mortgage loans.* Every borrower from the Commissioner whose loan is secured by a first mortgage on real estate shall provide insurance under a policy (or policies) to which there is attached a mortgage clause running in favor of the Commissioner and the Corporation as their respective interests may appear. Such mortgage clause shall contain the provisions of the New York standard mortgage clause or shall contain provisions which will afford the Commissioner and the Corporation the same protection and privileges as would be theirs under the New York standard mortgage clause. Insurance on farm properties mortgaged as security for Commissioner first mortgage loans shall be for the full insurable value, or the value to the farm, whichever is lower, of the farm buildings and other improvements which are necessary for the proper operation of the mortgaged premises, unless such value be greater than the amount of the mortgage debt, in which event the insurance shall be for at least the amount of the debt. Such insurance shall provide coverage against loss by fire and/or such other risk or risks as the bank deems advisable to include in the coverage, upon consideration of the hazards ordinarily insured against by reasonably prudent lending agencies in the locality where the mortgaged farm is situated.

§ 12.200 *Insurance in connection with second mortgage loans.* Every borrower from the Commissioner whose loan is secured by a second mortgage on real estate shall, if practicable, provide insurance in accordance with the requirements for first mortgage Commissioner loans. Where the borrower is unable to comply with the requirements for first mortgage Commissioner loans, by reason of a policy taken out, or to be taken out, in favor of the first mortgagee, he shall procure and cause to be affixed to such policy a mortgage clause providing that any loss which is not payable under the policy to the first mortgagee shall be payable to the Commissioner and the Corporation as their respective interests may appear. Such mortgage clause shall contain provisions of the New York standard mortgage clause or shall contain provisions which will afford the Commissioner and the Corporation the same protection and privileges as would be theirs under the New York standard mortgage clause. Except where the policy is held by the bank as first mortgagee, the borrower shall furnish a certificate from the company issuing the policy that the interests of the Commissioner and the Corporation are insured thereunder, and the bank may, in addition, require a statement from the first mortgagee (or other holder of the policy) that a mortgage clause in favor of the Commissioner and the Corporation has been attached to the policy. Insurance on farm properties mortgaged as security for Commissioner second mortgage loans shall be for the full insurable value, or the value to the farm, whichever is lower, of the farm buildings and other improvements which are necessary for the proper operation of the mortgaged premises, except that the insurance need not be for a greater amount than the sums of the first and second mortgage debts. The borrower shall provide insurance in accordance with the provisions of this paragraph against loss by fire and/or such other risk or risks as the bank deems advisable.

§ 12.201 *Insurance in connection with chattel mortgages.* Where a Commissioner loan is secured by a mortgage covering crops and/or personal property, the borrower shall provide insurance against such risks, in such form and to such amounts as the bank deems advisable.

PART 14—JOINT STOCK LAND BANKS

APPLICABILITY OF FEDERAL LAND BANK RULES AND REGULATIONS TO JOINT STOCK LAND BANKS

Section 14.1 of Title 6, Code of Federal Regulations is hereby amended to read as follows:

§ 14.1 *Applicability of Federal land bank rules and regulations.* The following rules and regulations pertaining to the Federal land bank system set out heretofore in Part 10 apply also to joint stock land banks except to such extent as the rules and regulations, by their terms or necessary inference, are restricted to Federal land banks or are otherwise inapplicable to joint stock land banks:

Sec.
10.25 Normal agricultural value basis.
10.29 Special payments.
10.183 to 10.197 Insurance requirements for bank loans.
10.523 to 10.525 Lost, stolen, destroyed, mutilated, or defaced bonds and coupons.

(Sec. 6, 47 Stat. 14, Sec. 16, 39 Stat 374; 12 U.S.C. 665, 813)

PART 19—FEES AND CHARGES ON LAND BANK AND COMMISSIONER LOANS

REVISION OF REGULATIONS

Part 19 of Chapter I, Title 6, Code of Federal Regulations is hereby amended to read as follows:

Sec.
19.282 Forbearance agreements.
19.320 Association application fees.
19.322 Bank application fees.
19.323 Local correspondent's fees.
19.324 Association closed loan fees.
19.325 Bank closed loan fees.
19.326 Appraisal and title determination fees.
19.329 Additional loans; association fees.
19.330 Additional loans; bank fees.
19.331 Fee on application for transfer of loan from one association to another.
19.332 Association transfer fees.
19.333 Bank transfer fees.
19.335 Conversion of direct loans; association fees.

§ 19.282 *Forbearance agreements.* No fees may be charged in connection with forbearance agreements but borrowers may be charged with direct outlays for determination of title including filing or notarial expense. (Secs. 11 "Third", 13 "Ninth", 17 (d), 39 Stat. 365, 372, 375, Secs. 26, 32, 48 Stat. 44, 48, as amended; 12 U.S.C. 761 "Third", 781 "Ninth", 831 (d), 723 (e), 1016 (e))

§ 19.320 *Association application fees.* Associations may collect an association application fee of not more than $5.00 in connection with each application for $5,000.00 or less, and an association application fee of not more than $10.00 in connection with each application for over $5,000.00: *Provided, however,* That the amount of any such fee shall not exceed 1 percent of the amount of the loan applied for. This fee may be collected at the time the application is filed. It may be retained by the association regardless of whether the loan is rejected or closed as a bank loan, a Commissioner loan, or a joint bank and Commissioner loan; *Provided, however,* That if no association appraisal is made after this fee has been collected, the amount of such fee, less $1.00 shall be refunded. (Secs. 11 "Third", 17 (d), 39 Stat. 369, 375, as amended; 12 U.S.C. 761 "Third", 831 (d))

§ 19.322 *Bank application fees.* The banks may collect an application fee of not to exceed $10.00 on applications for loans of $5,000.00 or less: *Provided, however,* That with the approval of the Commissioner a fee of $15.00 may be collected on applications for $5,000.00 or less which fall within special classes of cases in connection with which appraisal costs are unusually high. On applications for more than $5,000.00, bank application fees shall be governed by the schedules approved for the respective banks. The application fees herein authorized shall be refunded if the application is rejected without appraisal and shall be credited on the appraisal and title determination fees if a loan is granted. (Secs. 12 "Ninth", 17 (d), 39 Stat. 372, 375, Secs. 26, 32, 48 Stat. 44, 48, as amended; 12 U.S.C. 781 "Ninth", 831 (d), 723 (e), 1016 (e))

§ 19.323 *Local correspondent's fees.* Regardless of the amount applied for, an authorized local correspondent of the bank in direct loan territory may collect $1.00, and no more, in connection with each application for assisting the applicant in filling out his application. No other or additional fee shall be collected by the local correspondent, directly or indirectly, for his services in connection with taking the application or closing the loan, except amounts paid to him by the bank. (Sec. 6, 47 Stat. 14, Secs. 7, 13 "Ninth", 17 (d), 39 Stat. 365, 372, 375, Secs. 33, 34, 48 Stat. 49 as amended; 12 U.S.C. 665, 723 (a), 781 "Ninth", 831 (d), 1017, 1018)

§ 19.324 *Association closed loan fees.* When a bank loan is closed, associations may collect a closed loan fee in an amount which, when added to the association application fees already collected, will equal but not exceed 1 percent of the amount of the bank loan closed. The application fees provided in § 19.320 may be retained by associations, even though the loan is rejected or the amount of such fees is more than 1 percent of the land bank loan closed, but in such event no closed loan fee may be collected. (Sec. 11 "Third", 17 (d), 39 Stat. 369, 375, as amended; 12 U.S.C. 761 "Third", 831 (d))

§ 19.325 *Bank closed loan fees.* The banks may collect a closed loan fee not to exceed 1 percent of the amount of the loan closed, including the $1.00 local correspondent's fee, in connection with each direct loan closed. (Secs. 13 "Ninth", 17 (d), 39 Stat. 372, 375, Secs. 26, 32, 48 Stat. 44, 48, as amended; 12 U.S.C. 781 "Ninth", 831 (d), 723 (e), 1016 (e))

§ 19.326 *Appraisal and title determination fees.* Appraisal and title determination fees to be charged in connection with bank and Commissioner loans shall be in accordance with schedules approved by the Commissioner for the respective banks. (Secs. 13 "Ninth", 17 (d), 39 Stat. 372, 375, Secs. 32, 33, 34, 48 Stat. 48, 49, as amended; 12 U.S.C. 781 "Ninth", 831 (d), 1016 (e), 1017, 1018)

§ 19.329 *Additional loans: association fees.* When an applicant for a loan offers as security therefor property which is mortgaged, in whole or in part, to a bank, the Corporation, or both, the provisions of § 19.320 and the last sentence of § 19.324 shall apply in determining the amount of the application fee which may be collected and retained by the association through which such application is submitted, except that the maximum association application fee which may be collected in accordance with § 19.320 shall be based upon the difference between the amount of the loan applied for and the total unmatured principal, as of the date of the application, of the outstanding loan held by the bank or the Corporation or both. Where, upon the basis of such application, a bank loan is closed through an association which endorsed the outstanding bank loan, the association may, whether the transaction is completed by way of a supplemental loan or a rewriting of the outstanding loan, collect a closed loan fee which, when added to the association application fee already collected, will not exceed 1 percent of the amount of the new note or notes which represents other than principal of the outstanding bank loan unmatured as of the date of the application. Where, upon the basis of such application, a bank loan is closed through a different association than that which endorsed the outstanding bank loan, or through any association if only a loan held by the Corporation was outstanding, the association may collect a closed loan fee which, when added to the association application fee already collected, will not exceed 1 percent of the amount for which it endorses the bank loan. (Secs. 11 "Third", 17 (d), 39 Stat. 369, 375, as amended; 12 U.S.C. 761 "Third", 831 (d))

§ 19.330 *Additional loans; bank fees.* When an applicant for a loan offers as security therefor property which is mortgaged, in whole or in part, to a bank, the Corporation, or both, the application fee collected by the bank shall not exceed an amount computed in accordance with approved schedules upon the basis of the difference between the amount of the loan applied for and the total unmatured principal as of the date of the application, of the outstanding loan held by the bank or the Corporation or both. The balance of the appraisal and title determination fees collected by a bank in such cases shall not exceed an amount computed in accordance with approved schedules upon the amount of the new note or notes which represents other than principal of the outstanding loan held by the bank or the Corporation or both, unmatured as of the date of the application. The bank's direct loan closed loan fee in such cases shall not exceed 1 percent of the amount included in the new note or notes which represents other than principal of the outstanding bank loan unmatured as of the date of the application. (Secs. 13 "Ninth", 17 (d), 39 Stat. 372, 375, Secs. 26, 32, 48 Stat. 44, 48, as amended; 12 U.S.C. 781 "Ninth", 831 (d), 723 (e), 1016 (e))

§19.331 *Fee on application for transfer of loan from one association to another.* In connection with each application for a transfer of a loan from another association to it, an association may:

(a) Absorb expenses incurred in connection with such application including the cost of its inspection; or

(b) Require the payment of a fee of not to exceed $5.00 to cover the cost of its inspection before it considers the application: *Provided, however,* That the total amount so collected shall not, in any case, exceed 1 percent of the unpaid balance of the indebtedness: *And provided further,* That an association operating under a plan intended to compensate it for total operating expenses shall not require such payment. If the transfer is being made at the request of and for the convenience of the bank, the bank may pay the fee required by the association. If, however, the transfer is being made at the request of and for the convenience of the borrower, he may be required to pay the association fee. No fee may be collected by the transferor association. (Sec. 6, 47 Stat. 14, Secs. 11 "Third", 17 (d), 39 Stat. 369, 375, as amended; 12 U.S.C. 665, 761 "Third", 831 (d))

§ 19.332 *Association transfer fees.* In order to reimburse associations for expenses incurred in transferring the mortgage and stock interest of their members, or in transferring a mortgage endorsed by the association, each association is authorized to collect a fee which shall not exceed $5.00 for each such transfer: *Provided, however,* That the total amount so collected shall not, in any case, exceed 1 percent of the unpaid amount of the indebtedness secured by the mortgage so transferred: *And provided further,* That an association operating under a plan intended to compensate it for total operating expenses shall not collect such a fee. Where an application for the transfer of a mortgage endorsed by the association or of the mortgage and stock interests of a borrower through the association is withdrawn by the applicant or rejected by the bank after the association has given its approval to such application, an association may provide that any fee collected under the authority of the preceding sentence shall not be refunded. (Sec. 6, 47 Stat. 14, Secs. 11 "Third", 17 (d), 39 Stat. 369, 375, as amended; 12 U.S.C. 665, 761 "Third", 831 (d))

§ 19.333 *Bank transfer fees.* In connection with the transfer of the mortgage and stock interests of a direct loan borrower, banks are authorized to collect a fee of $5.00 for each such transfer: *Provided, however,* That the total amount so collected shall not, in any case, exceed 1 percent of the unpaid amount of the indebtedness secured by the mortgage so transferred. (Secs. 7, 13 "Ninth", 39 Stat. 365, 372, as amended; 12 U.S.C. 723 (a) and (e), 781 "Ninth")

§ 19.335 *Conversion of direct loans; association fees.* An association may collect from each direct borrower applying for membership in the association a fee of not to exceed $5.00 or ¼ of 1 percent of the unpaid amount of the indebtedness secured by the mortgage, whichever fee is the greater: *Provided, however,* That the amount of the fee collected shall not exceed 1 percent of the unpaid amount of the indebtedness secured by the direct loan mortgage; *And provided further,* That an association operating under a plan intended to compensate it for total operating expenses shall not collect such a fee. No other or additional association fee may be collected in connection with the conversion of a direct loan. If an application is rejected without association appraisal after a fee provided for in this paragraph has been collected, the amount of such fee, less $1.00, shall be refunded. (Secs. 7, 11 "Third", 17 (d), 39 Stat. 365, 369, 375, as amended; 12 U.S.C. 723 (a), 761 "Third", 831 (d))

[SEAL] W. E. RHEA,
Land Bank Commissioner.

[F. R. Doc. 43-94; Filed, January 1, 1943; 5:02 p. m.]

PART 19—FEES AND CHARGES ON LAND BANK AND COMMISSIONER LOANS

FEES

Part 19 of Chapter I, Title 6, Code of Federal Regulations, is hereby amended by adding § 19.344, as follows:

§ 19.344 *Associations operating under section 25 (b) of Farm Credit Act of 1937.* The association and bank fee regulations herein contained and the resolutions adopted by the association in pursuance thereof will govern fees to be collected by an association operating under section 25 (b) of the Farm Credit Act of 1937 in connection with applications for 25 (b) loans.

(Sec. 6, 47 Stat. 14, sec. 25 (b), 50 Stat. 711, secs. 7, 11 "Third", 17 (d), 39 Stat. 365, 369, 375, as amended; 12 U.S.C. 665, 724, 723 (a), 761 "Third", 831 (d))

[SEAL] W. E. RHEA,
Land Bank Commissioner.

[F. R. Doc. 43-708; Filed, January 14, 1943; 3:11 p. m.]

Chapter II—Commodity Credit Corporation

[Amendment 2 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:

[1] 7 F.R. 10901.

Section 250.30 *Definitions*[1] is amended by revising paragraph (2) thereof to read as follows:

(2) "Fifteen days' supply" means the total tonnage of any oilseed product which, based on his current method and rate of operation, is needed by a person to fill his manufacturing, sales, or consumption requirements during the period of fifteen days next succeeding the estimated date of receipt thereof, such date to be determined by adding to the date of shipment specified in the purchase order therefor the usual number of days required for transit from shipping point to destination.

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 purchases of oilseed products by any person in minimum carload lots as determined by Office of Defense Transportation regulations if such purchases are made in quantities and at intervals which are in accordance with purchases regularly made by such person, (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, and (iii) shall not restrict purchases by any ranchman of oilseed products if such purchases are made in quantities and at intervals which are in accordance with purchases regularly made by such ranchman, and such purchases are necessary for economical use of transportation facilities under Office of Defense Transportation regulations and to provide a readily available supply of oilseed products for ranch feeding purposes.

Issued this 14th day of January 1943.

[SEAL] J. B. HUTSON,
President.

[F. R. Doc. 43-757; Filed, January 15, 1943; 11:25 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine

[B. E. P. Q. 503, 4th Rev.; Supp. 1, 1st Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

WHITE-FRINGED BEETLE INSTRUCTIONS MODIFIED; AUTHORIZED TREATMENT

Introductory note: Recent investigational work has shown that it is possible to kill all stages of the different white-fringed beetles by methyl bromide fumigation under partial vacuum under a series of dosage schedules modified to compensate for variations in the soil-ball temperatures. It has also been found that *Pantomorus peregrinus* is slightly more resistant to fumigation than the other species, therefore a separate series of schedules has been developed for that

species. These schedules permit fumigation of plants at the existing soil temperature in most instances, without the necessity of heating soil balls to a prescribed temperature of 70° F. as required heretofore. The administrative instructions as to fumigation of plants in pots or in soil balls, as specified in circular B. E. P. Q. 503, Fourth Revision, and supplement No. 1, which became effective May 6, 1942, are hereby further revised accordingly. All authorized treatments are now set forth in the above circular and in the current supplement.

Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by paragraph (a) of § 301.72–5, Chapter III, Title 7, Code of Federal Regulations [Regulation 5 of Notice of Quarantine No. 72 on account of the white-fringed beetle as revised] subparagraph (2) of paragraph (a) of § 301.72–5c [page 2 of the mimeographed edition of circular B. E. P. Q. 503, Fourth Revision] is hereby modified further effective January 18, 1943, to read as follows:

§ 301.72–5c[1] *Administrative instructions; treatments authorized.* * * *

(a) * * *

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

Species	Soil temperatures at least	Dosage per 1,000 cubic feet
	° *F.*	*Pounds*
For *Pantomorus* spp. (except *P. peregrinus*)	50	5.5
	55	4.5
	60	4.0
	65	3.5
	70	3.0
	75	2.5
For *P. peregrinus* or mixed species including *P. peregrinus*	50	5.5
	55	5.0
	60	4.5
	65	4.0
	70	3.5
	75	3.0

(ii) The soil masses shall have a diameter of not more than 16 inches if spherical, or if not spherical the masses or pots shall be of such size that no point within them will be more than 8 inches from the nearest point on the surface.

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

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

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

The following paragraphs concerning the effects of methyl bromide, as quoted from circular B. E. P. Q. 503, Fourth Revision, are brought forward as a precaution to persons concerned.

(d) *Disclaimer.* There has been opportunity to test these treatment on only relatively few varieties of plants and in authorizing the movement of potted plants, nursery stock, or soil treated according to the requirements stated above, it is understood that no liability shall attach either to the United States Department of Agriculture or to any of its employees in the event of injury to either plants or operators.

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

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

Done at Washington, D. C., this 7th day of January 1943, effective January 18, 1943.

[SEAL] P. N. ANNAND, *Chief.*

[F. R. Doc. 43–817; Filed, January 16, 1943; 11:40 a. m.]

[1] Superseding §§ 301.72–5a and b.

Chapter VII—Agricultural Adjustment Agency

[ACP–1942–19]

PART 701—AGRICULTURAL CONSERVATION PROGRAM

ALLOTMENTS, YIELDS, GRAZING CAPACITIES, 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 1942 Agricultural Conservation Program, as amended, is further amended as follows:

Section 701.301 (c), subparagraph (1) is amended to read as follows:

§ 701.301 *Allotments, yields, grazing capacities, payments and deductions.* * * *

(c) *Peanuts.* * * *

(1) *National and State acreage allotments.* The national and State peanut acreage allotments, as established by the Secretary, are as follows:

State	*Allotment in acres*
Alabama	274,907
Arkansas	5,473
California	1,257
Florida	73,236
Georgia	550,694
Louisiana	353
Mississippi	2,476
New Mexico	3,673
North Carolina	225,702
Oklahoma	61,607
South Carolina	18,375
Tennessee	4,766
Texas	246,373
Virginia	141,108
Total	1,610,000

Section 701.301 (c), subparagraph (3) is amended by adding the following:

(3) *Normal yields.* * * *

The 1942 county average yields of peanuts, as established by the Secretary, are as follows:

Counties and yields per acre in pounds:

Alabama: Autauga, 522; Baldwin, 590; Barbour, 620; Bibb, 590; Blount, 590; Bullock, 567; Butler, 618; Chambers, 662; Chilton, 584; Clarke, 441; Coffee, 771; Conecuh, 638; Covington, 728; Crenshaw, 689; Cullman, 590; Dale, 722; Dallas, 542; Elmore, 685; Escambia, 642; Etowah, 590; Geneva, 767; Hale, 515; Henry, 734; Houston, 755; Lee, 540; Lowndes, 496; Macon, 494; Madison, 590; Marengo, 449; Marion, 590; Marshall, 590; Mobile, 590; Monroe, 665; Montgomery, 624; Perry, 707; Pike, 700; Randolph, 590; Russell, 537; Shelby, 590; Sumter, 441; Talladega, 590; Tallapoosa, 590; and Wilcox, 450.

Arkansas: Crawford, 345; Cross, 631; Faulkner, 560; Franklin, 591; Hempstead, 392; Johnson, 502; Little River, 544; Logan, 335; Nevada, 307; Poinsett, 670; Pope, 583; St. Francis, 529; and Sebastian, 335.

California: Madera, 913; Merced, 1,155; and Stanislaus, 1,481.

Florida: Alachua, 573; Bay, 655; Bradford, 562; Calhoun, 691; Citrus, 489; Columbia, 609; Dixie, 551; Escambia, 659; Gadsden, 609; Gilchrist, 500; Hamilton, 649; Hernando, 562; Holmes, 685; Jackson, 660; Jefferson, 520; Lafayette, 572; Leon, 528; Levy, 622; Madison, 598; Marion, 596; Okaloosa, 578; Santa Rosa, 745; Suwannee, 545; Union, 550; Wakulla, 622; Walton, 663; and Washington, 578.

Georgia: Appling, 630; Atkinson, 660; Bacon, 583; Baker, 632; Baldwin, 590; Ben Hill, 739; Berrien, 657; Bibb, 580; Bleckley, 665; Brooks, 669; Bryan, 597; Bulloch, 707; Burke, 682; Butts, 646; Calhoun, 666; Candler, 649; Chattahoochee, 495; Clay, 657; Coffee, 738; Colquitt, 749; Columbia, 701; Cook, 733; Coweta, 627; Crawford, 510; Crisp, 613; Decatur, 593; Dodge, 679; Dooly, 800; Dougherty, 603; Early, 718; Effingham, 686; Emanuel, 705; Evans, 583; Fayette, 597; Glascock, 657; Grady, 712; Hancock, 590; Harris, 555; Heard, 566; Henry, 601; Houston, 765; Irwin, 836; Jasper, 588; Jeff Davis, 619; Jefferson, 677; Jenkins, 706; Johnson, 641; Jones, 480; Lanier, 670; Laurens, 616; Lee, 633; Lowndes, 682; McDuffie, 698; Macon, 626; Marion, 533; Meriwether, 592; Miller, 683; Mitchell, 721; Monroe, 580; Montgomery, 666; Muscogee, 551; Newton, 661; Peach, 764; Pierce, 619; Pike, 609; Pulaski, 693; Put-

nam, 590; Quitman, 723; Randolph, 704; Richmond, 699; Rockdale, 590; Schley, 558; Screven, 673; Seminole, 656; Spalding, 600; Stewart, 630; Sumter, 718; Talbot, 512; Tattnall, 632; Taylor, 622; Telfair, 615, Terrell, 767; Thomas, 612; Tift, 787; Toombs, 619; Troup, 618; Turner, 777; Twiggs, 586; Upson, 603; Ware, 619; Washington, 673; Wayne, 644; Webster, 702; Wheeler, 655; Wilcox, 712; Wilkes, 590; Wilkinson, 536; and Worth, 748.

Louisiana: Lincoln, 525; Rapides, 629; Union, 637; and Washington, 836.

Mississippi: Forrest, 493; Greene, 477; Harrison, 485; Lauderdale, 478; Neshoba, 485; Rankin, 478; Smith, 512; Stone, 502; and Winston, 474.

New Mexico: DeBaca, 940; Roosevelt, 1,100.

North Carolina: Beaufort, 1,099; Bertie, 1,168; Bladen, 1,062; Brunswick, 920; Camden, 1,181; Chowan, 1,270; Columbus, 1,098; Craven, 893; Cumberland, 961; Currituck, 1,146; Duplin, 913; Edgecombe, 1,169; Franklin, 929; Gates, 1,192; Greene, 926; Halifax, 1,167; Harnett, 898; Hertford, 1,169; Hoke, 948; Johnston, 880; Jones, 913; Lenoir, 893; Martin, 1,144; Moore, 870; Nash, 1,254; New Hanover, 912; Northampton, 1,202; Onslow, 939; Pamlico, 892; Pasquotank, 1,177; Pender, 896; Perquimans, 1,232; Pitt, 1,061; Robeson, 1,045; Sampson, 914; Scotland, 880; Tyrrell, 1,161; Wake, 800; Warren, 935; Washington, 1,144; Wayne, 952; and Wilson, 1,055.

Oklahoma: Atoka, 483; Bryan, 460; Caddo, 461; Canadian, 477; Carter, 493; Choctaw, 444; Cleveland, 518; Coal, 483; Creek, 569; Garvin, 493; Grady, 483; Harmon, 493; Haskell, 461; Hughes, 520; Jefferson, 447; Johnston, 526; Latimer, 422; Le Flore, 495; Lincoln 499; Love, 456; McClain, 550; McCurtain, 453; McIntosh, 506; Marshall, 470; Mayes, 468; Murray, 453; Muskogee, 449; Okfuskee, 495; Oklahoma, 467; Okmulgee, 511; Osage, 525; Pawnee, 472; Payne, 439; Pittsburg, 520; Pontotoc, 533; Pottawatomie, 504; Pushmataha, 469; Rogers, 461; Seminole, 509; Sequoyah, 397; Stephens, 445; Tulsa, 471; Wagoner, 483; and Washita, 460.

South Carolina: Abbeville, 554; Aiken, 662; Allendale, 700; Bamberg, 663; Barnwell, 713; Calhoun, 680; Charleston, 684; Chesterfield, 665; Colleton, 762; Darlington, 829; Dillon, 787; Edgefield, 582; Fairfield, 660; Florence, 915; Hampton, 741; Horry, 833; Kershaw, 686; Lancaster, 698; Lee, 781; Lexington, 825; Marion, 860; Orangeburg, 790; Sumter, 862; and Williamsburg, 750.

Tennessee: Benton, 777; Decatur, 832; Fayette, 458; Hardeman, 550; Hickman, 802; Humphreys, 1,002; and Perry, 769.

Texas: Anderson, 494; Atascosa, 448; Bailey, 365; Bastrop, 448; Bee, 431; Bexar, 429; Blanco, 455; Bosque, 404; Bowie, 474; Brazos, 440; Brooks, 389; Brown, 449; Burnet, 448; Caldwell, 457; Callahan, 429; Cherokee, 588; Clay, 372; Coleman, 359; Comanche, 471; Cooke, 392; Coryell, 421; Dallas, 459; Denton, 481; De Witt, 448; Dickens, 378; Dimmit, 300; Duval, 351; Eastland, 427; Erath, 462; Fannin, 520; Fayette, 504; Fort Bend, 518; Freestone, 412; Frio, 392; Garza, 386; Gillespie, 491; Goliad, 422; Gonzales, 458; Grayson, 463; Grimes, 432; Guadalupe, 450; Hamilton, 425; Harris, 569; Henderson, 497; Hill, 433; Hood, 433; Hopkins, 478; Houston, 503; Jack, 410; Jim Hogg, 383; Jim Wells, 479; Johnson, 424; Jones, 404; Karnes, 429; Kent, 348; Lamar, 546; Lamb, 365; La Salle, 373; Lavaca, 447; Lee. 463; Leon, 446; Liberty, 518; Live Oak, 437; Llano, 434; Lubbock, 402; Lynn, 328; McCulloch, 365; McLennan, 435; McMullen, 402; Marion, 483; Mason, 451; Medina, 438; Milam, 461; Mills, 360; Montague, 387; Montgomery, 466; Morris, 458; Nacogdoches, 451; Palo Pinto, 427; Parker, 474; Polk, 487; Rains, 477; Red River, 481; Runnels, 373; Rusk, 462; San Saba, 402; Smith, 486; Somervell, 434; Stephens, 388; Tarrant, 460; Taylor, 355; Terry, 365; Titus, 468; Upshur, 460; Waller, 587; Webb; 352; Williamson, 457; Wilson, 467; Wise, 405; Wood, 468; and Zavala, 346.

Virginia: Amelia, 840; Brunswick, 770; Charles City, 985; Chesterfield, 840; Dinwiddie, 910; Greensville, 1,150; Hanover, 845; Isle of Wight, 1,240; James City, 1,115; Mecklenburg, 830; Nansemond, 1,240; New Kent, 1,140; Norfolk, 1,235; Nottoway, 1,000; Powhatan, 845; Prince George, 920; Princess Anne, 1,120; Southampton, 1,210; Surry, 1,160; Sussex, 1,105; and York, 1,150.

§ 701.301 (d) (1) is amended to read as follows:

(d) *Potatoes.* * * *

(1) *National and state acreage allotments.* The national and State potato acreage allotments for States in the commercial potato-producing area, as established by the Secretary, are as follows:

State	*Allotments in acres*
Alabama	22,210
Arizona	1,793
Arkansas	2,820
California	70,593
Colorado	92,199
Connecticut	10,415
Delaware	673
Florida	28,036
Georgia	3,088
Idaho	118,750
Illinois	4,247
Indiana	22,288
Iowa	7,154
Kansas	11,350
Kentucky	6,199
Louisiana	26,756
Maine	145,326
Maryland	10,307
Massachusetts	7,850
Michigan	112,393
Minnesota	170,000
Mississippi	822
Missouri	14,261
Montana	8,904
Nebraska	67,620
Nevada	1,700
New Hampshire	1,994
New Jersey	50,144
New York	118,314
New Mexico	3,053
North Carolina	36,731
North Dakota	136,270
Ohio	41,583
Oklahoma	4,140
Oregon	31,902
Pennsylvania	85,221
Rhode Island	3,603
South Carolina	11,886
South Dakota	19,600
Tennessee	4,100
Texas	20,294
Utah	7,586
Vermont	2,238
Virginia	51,679
Washington	32,764
West Virginia	1,333
Wisconsin	90,591
Wyoming	17,000
Total	1,740,280

Section 701.301 (d) (3) is amended by adding the following:

(5) *Normal yields.* * * *

The 1942 county average yields of potatoes in the commercial potato-producing area, as established by the Secretary, are as follows:

Counties and yields per acre in bushels:

Alabama: Baldwin, 134; Colbert, 110; Covington, 136; Cullman, 135; De Kalb, 125; Elmore, 140; Escambia, 142; Etowah, 125; Jackson, 120; Lauderdale, 120; Madison, 118; Marshall, 125; Mobile, 136; Monroe, 120; Morgan, 120; Perry, 129; and Sumter, 142.

Arizona: Coconino, 76; Greenlee, 100; Maricopa, 164; Pima, 115; Yavapai, 150; and Yuma, 79.

Arkansas: Bradley, 118; Craighead, 158; Crawford, 105; Faulkner, 124; Franklin, 111; Grant, 99; Hempstead, 102; Hot Spring, 108; Independence, 114; Johnson, 106; Lincoln, 129; Logan, 128; Mississippi, 128; Nevada, 98; Quachita, 85; Pope, 108; Pulaski, 99; Saline, 118; Sebastian, 119; and White, 109.

California: Alameda, 254; Butte, 220; Contra Costa, 275; Fresno, 193; Humboldt, 250; Inyo, 303; Kern, 314; Lake, 110; Lassen, 127; Los Angeles, 244; Madera, 205; Marin, 168; Mendocino, 180; Merced, 192; Modoc, 333; Mono, 151; Monterey, 165; Orange, 179; Plumas, 127; Riverside, 259; San Benito, 220; San Bernardino, 224; San Diego, 177; San Joaquin, 306; San Luis Obispo, 194; San Mateo, 92; Santa Barbara, 320; Santa Clara, 101; Santa Cruz, 258; Shasta, 162; Siskiyou, 339; Sonoma, 200; Stanislaus, 200; Sutter, 180; Tulare, 224; and Ventura, 319.

Colorado: Adams, 99; Alamosa, 130; Archuleta, 52; Boulder, 65; Chaffee, 76; Conejos, 98; Costilla, 123; Custer, 61; Delta, 141; Dolores, 69; Eagle, 190; Elbert, 25; El Paso, 43; Fremont, 53; Garfield, 177; Gilpin, 62; Grand, 72; Gunnison, 105; Huerfano, 39; Jefferson, 34; La Plata, 122; Larimer, 131; Logan, 45; Mesa, 133; Moffat, 75; Montezuma, 104; Montrose, 165; Morgan, 177; Ouray, 102; Park, 44; Phillips, 25; Pitkin, 189; Prowers, 37; Rio Blanco, 102; Rio Grande, 169; Routt, 110; Saguache, 110; San Miguel, 77; Sedgwick, 135; Summit, 89; Teller, 58; Washington, 59; Weld, 178; and Yuma, 46.

Connecticut: Fairfield, 215; Hartford, 279; Litchfield, 220; Middlesex, 220; New Haven, 210; New London, 210; Tolland, 279; and Windham, 242.

Delaware: Kent, 104; New Castle, 123; and Sussex, 107.

Florida: Alachua, 110; Baker, 100; Bradford, 100; Broward, 125; Clay, 130; Dade, 158; De Soto, 105; Escambia, 125; Flagler, 100; Gadsden, 75; Glades, 105; Hardee, 100; Highlands, 90; Hillsborough, 100; Holmes, 75; Lee, 150; Manatee, 90; Martin, 100; Osceola, 100; Palm

Beach, 105; Polk, 115; Putnam, 132; St. Johns, 135; St. Lucie, 100; Santa Rosa, 100; Sarasota, 105; Seminole, 115; Union, 110; Volusia, 105; and Washington, 50.

Georgia: Berrien, 67; Brooks, 67; Bryan, 67; Bulloch, 75; Chatham, 152; Cook, 76; Dade, 69; Effingham, 143; Fannin, 72; Gilmer, 72; Habersham, 59; Lanier, 108; Lowndes, 67; Lumpkin, 67; Rabun, 96; Screven, 67; Telfair, 67; Thomas, 67; Towns, 75; Twiggs, 67; Union, 84; Walker, 63; and Wayne, 75.

Idaho: Ada, 241; Adams, 151; Bannock, 202; Bear Lake, 111; Benewah, 89; Bingham, 253; Blaine, 153; Boise, 151; Bonner, 99; Bonneville, 254; Boundary, 113; Butte, 192; Camas, 101; Canyon, 254; Caribou, 89; Cassia, 250; Clark, 151; Clearwater, 77; Custer, 163; Elmore, 201; Franklin, 241; Fremont, 202; Gem, 201; Gooding, 226; Idaho, 75; Jefferson, 213; Jerome, 252; Kootenai, 93; Latah, 80; Lemhi, 231; Lewis, 80; Lincoln, 211; Madison, 210; Minidoka, 226; Nez Perce, 117; Oneida, 196; Owyhee, 254; Payette, 257; Power, 221; Teton, 141; Twin Falls, 257; Valley, 189; and Washington, 257.

Illinois: Adams, 102; Alexander, 125; Boone, 84; Bureau, 125; Cass, 140; Cook, 125; De Kalb, 92; Du Page, 125; Henderson, 125; Jo Daviess, 106; Kane, 125; Kankakee, 140; Lee, 100; Livingston, 125; McHenry, 125; McLean, 90; Madison, 125; Marshall, 125; Monroe, 150; Ogle, 76; Randolph, 125; Rock Island, 87; St. Clair, 130; Shelby, 125; Stephenson, 125; Union, 80; Whiteside, 130; Will, 125; Winnebago, 125; and Woodford, 125.

Indiana: Adams, 123; Allen, 118; Bartholomew, 113; Blackford, 113; Carroll, 133; Cass, 127; Clark, 97; De Kalb, 121; Delaware, 132; Elkhart, 124; Floyd, 98; Fountain, 111; Franklin, 116; Fulton, 154; Grant, 138; Hamilton, 136; Harrison, 101; Hendricks, 122; Henry, 132; Howard, 143; Huntington, 127; Jasper, 107; Jay, 114; Jefferson, 103; Jennings, 97; Kosciusko, 169; Lagrange, 100; Lake, 102; La Porte, 112; Madison, 120; Marion, 127; Marshall, 120; Miami, 139; Monroe, 103; Montgomery, 127; Morgan, 120; Newton, 119; Noble, 124; Ohio, 107; Owen, 96; Porter, 112; Pulaski, 107; Putnam, 107; Randolph, 128; Rush, 138; St. Joseph, 118; Starke, 120; Steuben, 104; Tippecanoe, 119; Union, 150; Vanderburgh, 110; Wabash, 120; Warren, 114; Warrick, 100; Wayne, 133; White, 118; and Whitley, 127.

Iowa: Adams, 65; Allamakee, 150; Benton, 175; Black Hawk, 200; Boone, 74; Bremer, 180; Buchanan, 184; Buena Vista, 163; Butler, 200; Calhoun, 120; Carroll, 242; Cass, 113; Cedar, 175; Cerro Gordo, 300; Cherokee, 116; Clay, 223; Clayton, 200; Dallas, 250; Delaware, 77; Des Moines, 99; Dickinson, 144; Emmet, 209; Fayette, 162; Floyd, 200; Franklin, 264; Greene, 92; Grundy, 118; Hamilton, 197; Hancock, 207; Hardin, 210; Humboldt, 214; Iowa, 138; Jasper, 100; Jones, 80; Kossuth, 233; Lee, 146; Linn, 141; Louisa, 70; Marshall, 200; Mills, 150; Mitchell, 161; Monona, 173; Muscatine, 69; O'Brien, 200; Osceola, 371; Page, 152; Palo Alto, 219; Plymouth, 137; Pocahontas, 241; Polk, 167; Pottawattamie, 91; Sac, 150; Scott, 136; Shelby, 171; Sioux, 144; Story, 151; Tama, 192; Taylor, 150; Union, 100; Wapello, 76; Warren, 110; Washington, 113; Webster, 149; Winnebago, 296; Woodbury, 129; Worth, 291; and Wright, 253.

Kansas: Cheyenne, 75; Clay, 80; Cowley, 100; Douglas, 144; Finney, 100; Ford, 100; Geary, 100; Grant, 100; Gray, 100; Jackson, 90; Jefferson, 149; Jewell, 75; Johnson, 140; Labette, 100; Leavenworth, 148; Marshall, 100; Pawnee, 100; Pottawatomie, 100; Rawlins, 75; Reno, 90; Riley, 120; Scott, 143; Sedwick, 100; Shawnee, 153; Sherman, 75; Sumner 100; Wabaunsee, 100; and Wyandotte, 147.

Kentucky: Bullitt, 152; Caldwell, 119; Daviess, 150; Fayette, 167; Jefferson, 114; Jessamine, 200; Kenton, 144; Lewis, 400; Nelson, 100; and Oldham, 118.

Louisiana: Ascension, 86; Assumption, 78; Bossier, 85; East Baton Rouge, 98; East Feliciana, 108; Evangeline, 94; Iberia, 90; Iberville, 75; Jefferson, 72; Lafayette, 88; La Fourche, 78; Lincoln, 96; Livingston, 100; Orleans, 86; Ouachita, 115; Plaquemines, 95; Pointe Coupee, 95; Rapides, 94; St. Charles, 72; St. Helena, 96; St. James, 82; St. John the Baptist, 83; St. Landry, 90; St. Mary, 76; St. Tammany, 98; Tangipahoa, 102; Terrebonne, 83; Washington, 102; West Baton Rouge, 94; West Feliciana, 100; and Winn, 95.

Maine: Androscoggin, 240.3; Aroostook, 303.9; Cumberland, 222.0; Franklin, 205.0; Hancock, 236.8; Kennebec, 233.6; Knox, 205.6; Lincoln, 240.3; Oxford, 235.3; Penobscot, 275.0; Piscataquis, 262.2; Sagadahoc, 240.3; Somerset, 250.0; Waldo, 264.3; Washington, 260.0; and York, 190.8.

Maryland: Allegany 126; Anne Arundel, 100; Baltimore, 120; Carroll, 110; Cecil, 165; Dorchester, 150; Frederick, 134; Garrett, 200; Howard, 115; Kent, 150; Montgomery, 118; Prince Georges, 119; Queen Annes, 150; St. Marys, 162; Somerset, 155; Washington, 149; Wicomico, 138; and Worcester, 140.

Massachusetts: Barnstable, 200; Berkshire, 198; Bristol, 226; Dukes, 175; Essex, 197; Franklin, 221; Hampden, 229; Hampshire, 234; Middlesex, 246; Nantucket, 175; Norfolk, 168; Plymouth, 201; and Worcester, 218.

Michigan: Alcona, 136; Alger, 136; Allegan, 125; Alpena, 136; Antrim, 149; Arenac, 136; Baraga, 146; Barry, 127; Bay, 141; Benzic, 119; Berrien, 108; Branch, 119; Calhoun, 122; Cass, 119; Charlevoix, 141; Cheboygan, 141; Chippewa, 137; Clare, 112; Clinton, 131; Crawford, 125; Delta, 152; Dickinson, 140; Eaton, 131; Emmet, 152; Genesee, 134; Gladwin, 125; Gogebic, 134; Grand Traverse, 141; Gratiot, 116; Hillsdale, 121; Houghton, 163; Huron, 136; Ingham, 114; Ionia, 130; Iosco, 125; Iron, 141; Isabella, 130; Jackson, 116; Kalamazoo, 125; Kalkaska, 138; Kent, 130; Kowsena, 112; Lake, 114; Lapser, 138; Leclanau, 143; Lenawes, 130; Livingston, 117; Luce, 130; Mackinac, 119; Macomb, 134; Manistee, 119; Marquette, 152; Mason, 119; Mecosta, 132; Menominee, 141; Midland, 119; Missaukee, 136; Monroe, 130; Montcalm, 141; Montmorency, 138; Muskegon, 108; Nowaygo, 127; Oakland, 119; Occana, 125; Ogemaw, 130; Ontonagon, 134; Osceola, 132; Oscoda, 119; Otsego, 136; Ottawa, 108; Presque Isle, 140; Roscommon, 108; Saginaw, 132; St. Clair, 152; St. Joseph, 108; Sanilac, 138; Schoolcraft, 130; Shiawassee, 128; Tuscola, 136; Van Buren, 125; Washtenaw, 117; Wayne, 117; and Wexford, 124.

Minnesota: Aitkin, 105; Anoka, 85; Becker, 85; Beltrami, 120; Benton, 85; Big Stone, 80; Blue Earth, 90; Brown, 90; Carlton, 108; Carver, 90; Cass, 108; Chippewa, 85; Chisago, 86; Clay, 87; Clearwater, 100; Cottonwood, 85; Crow Wing, 100; Dakota, 100; Dodge, 88; Douglas, 86; Faribault, 100; Fillmore, 90; Freeborn, 140; Goodhue, 96; Grant, 84; Hennepin, 103; Houston, 88; Hubbard, 90; Isanti, 85; Itasca, 121; Jackson, 84; Kanabec, 85; Kandiyohi, 82; Kittson, 89; Koochiching, 105; Lac qui Parle, 80; Lake of the Woods, 105; Le Sueur, 90; Lincoln, 85; Lyon, 84; McLeod, 86; Mahnomen, 83; Marshall, 92; Martin, 95; Meeker, 84; Mille Lacs, 91; Morrison, 89; Mower, 90; Murray, 82; Nicollet, 90; Nobles, 84; Norman, 89; Olmsted, 90; Otter Tail, 88; Pennington, 90; Pine, 100; Pipestone, 80; Polk, East, 92; Polk West, 95; Pope, 82; Ramsey, 98; Red Lake, 92; Renville, 84; Rice, 90; Rock, 80; Roseau, 98; St. Louis, 123; Scott, 90; Sherburne, 85; Sibley, 86; Stearns, 85; Steele, 91; Stevens, 83; Swift, 85; Todd, 86; Traverse, 80; Wabasha, 97; Wadena, 86; Waseca, 90; Washington, 93; Watonwan, 85; Wilkin, 82; Winona, 100; Wright, 85; and Yellow Medicine, 80.

Mississippi: Adams, 114; Claiborne, 134; Jones, 112; Lamar, 123; Lauderdale, 103; Marion, 134; Stone, 116; and Walthall, 115.

Missouri: Andrew, 135; Buchanan, 140; Butler, 135; Callaway, 135; Cape Girardeau, 135; Carroll, 135; Chariton, 135; Clay, 140; Cole, 140; Jackson, 160; Jasper, 119; Jefferson, 140; Lafayette, 135; Macon, 108; Mississippi, 135; Nodaway, 129; Osage, 135; Perry, 135; Platte, 140; Ray, 151; St. Francois, 129; St. Louis, 151; Saline, 135; Stoddard, 135; and Warren, 135.

Montana: Beaverhead, 176; Big Horn, 139; Blaine, 176; Broadwater, 118; Carbon, 140; Carter, 74; Cascade, 127; Chouteau, 139; Custer, 97; Daniels, 65; Dawson, 65; Deer Lodge, 176; Fallon, 39; Fergus, 78; Flathead, 149; Gallatin, 197; Garfield, 53; Glacier, 139; Golden Valley, 74; Granite, 190; Hill, 119; Jefferson, 145; Judith Basin, 83; Lake, 176; Lewis and Clark, 176; Liberty, 69; Lincoln, 148; McCone, 53; Madison, 228; Meagher, 83; Mineral, 176; Missoula, 211; Musselshell, 57; Park, 192; Petroleum, 57; Phillips, 113; Pondera, 100; Powder River, 74; Powell, 149; Prairie, 130; Ravalli, 197; Richland, 105; Roosevelt, 79; Rosebud, 114; Sanders, 175; Sheridan, 61; Stillwater, 132; Sweet Grass, 33; Teton, 101; Toole, 69; Treasure, 98; Valley, 97; Wheatland, 78; Wibaux, 61; and Yellowstone, 142.

Nebraska: Adams, 116; Banner, 68; Boone, 120; Box Butte, 61; Brown, 95; Buffalo, 224; Burt, 45; Cass, 55; Chase, 68; Cherry, 48; Cheyenne, 95; Custer, 113; Dakota, 100; Dawes, 62; Dawson, 145; Deuel, 81; Dodge, 73; Douglas, 60; Fillmore, 75; Gage, 45; Garden, 78; Garfield, 119; Greeley, 120; Hall, 150; Harlan, 100; Hitchcock, 100; Howard, 120; Jefferson, 45; Kearney, 113; Keith, 102;

Kimball, 77; Knox, 114; Lancaster, 45; Lincoln, 77; Loup, 119; Madison, 120; Merrick, 76; Morrill, 138; Nance, 120; Nemaha, 75; Perkins, 75; Phelps, 100; Pierce, 120; Polk, 40; Red Willow, 100; Richardson, 72; Sarpy, 55; Saunders, 50; Scotts Bluff, 175; Sheridan, 60; Sherman, 120; Sioux, 125; Stanton, 45; Thayer, 60; Thurston, 55; Valley, 119; Washington, 55; and York, 75.

Nevada: Churchill, 142; Douglass, 220; Elko, 122; Eureka, 125; Humboldt, 122; Lander, 125; Lincoln, 140; Lyon, 190; Nye, 115; Pershing, 126; Storey, 115; Washoe, 178; and White Pine, 123.

New Hampshire: Belknap, 229; Carroll, 266; Cheshire, 293; Coos, 297; Grafton, 246; Hillsboro, 225; Merrimack, 240; Rockingham, 218; Strafford, 210; and Sullivan, 255.

New Jersey: Atlantic, 160; Bergen, —; Burlington, 190; Camden, 190; Cape May, 160; Cumberland, 202; Essex, —; Gloucester, 190; Hudson, —; Hunterdon, 190; Mercer, 202; Middlesex, 202; Monmouth, 202; Morris, 190; Ocean, 190; Passaic, —; Salem, 202; Somerset, —; Sussex, 180; Union, —; and Warren, 190.

New York: Albany, 176; Allegany, 145; Bronx, —; Broome, 155; Cattaraugus, 155; Cayuga, 166; Chautauqua, 153; Chemung, 160; Chenango, 170; Clinton, 190; Columbia, 151; Cortland, 184; Delaware, 141; Dutchess, 153; Erie, 140; Essex, 190; Franklin, 190; Fulton, 126; Genesee, 158; Greene, 146; Hamilton, —; Herkimer, 178; Jefferson, 147; Kings, —; Lewis, 141; Livingston, 153; Madison, 200; Monroe, 165; Montgomery, 150; Nassau, 245; New York, —; Niagara, 147; Oneida, 195; Onondaga, 172; Ontario, 178; Orange, 202; Orleans, 220; Oswego, Otsego, 136; Putnam, 180; Queens, —; Rensselaer, 150; Richmond, —; Rockland, —; St. Lawrence, 141; Saratoga, 153; Schenectady, 172; Schoharie, 135; Schuyler, 135 Seneca, 135; Steuben, 140; Suffolk, 220; Sullivan, 135; Tioga, 153; Tompkins, 160; Ulster, 176; Warren, 150; Washington, 150; Wayne, 175; Westchester, 180; Wyoming, 150; and Yates, 135.

New Mexico: Catron, 150; Colfax, 95; Grant, 150; Hidalgo, 158; Lea, 74; Luna, 150; Mora, 35; Quay, 101; Rio Arriba, 35; Roosevelt, 100; and San Juan, 126.

North Carolina: Alleghany, 140; Ashe, 140; Avery, 130; Beaufort, 160; Bertie, 193; Brunswick, 130; Buncombe, 125; Caldwell, 120; Camden, 144; Carteret, 162; Chowan, 140; Columbus, 135; Craven, 155; Cumberland, 135; Currituck, 144; Duplin, 150; Edgecombe, 135; Gates, 125; Haywood, 125; Henderson, 125; Hertford, 125; Hyde, 140; Johnston, 125; Jones, 125; Madison, 120; Martin, 140; Mitchell, 125; New Hanover, 140; Onslow, 140; Pamlico, 162; Pasquotank, 144; Pender, 135; Perquimans, 140; Pitt, 150; Polk, 120; Robeson, 130; Sampson, 135; Swain, 120; Tyrrell, 145; Washington, 145; Watauga, 140; Wayne, 150; Yadkin, 120; and Yancey, 125.

North Dakota: Adams, 42; Barnes, 70; Benson, 70; Billings, 35; Bottineau, 66; Bowman, 46; Burke, 37; Burleigh, 48; Cass, 85; Cavalier, 90; Dickey, 46; Divide, 41; Dunn, 41; Eddy, 57; Emmons, 47; Foster, 70; Golden Valley, 42; Grand Forks, 93; Grant, 48; Griggs, 65; Hettinger, 49; Kidder, 50; La Moure, 44; Logan, 49; McHenry, 55; McIntosh, 43; McKenzie, 60; McLean, 52; Mercer, 43; Morton, 46; Mountrail, 45; Nelson, 61; Oliver, 55; Pembina, 103; Pierce, 68; Ramsey, 75; Ransom, 57; Renville, 55; Richland, 74; Rolette, 67; Sargent, 64; Sheridan, 54; Sioux, 44; Slope, 47; Stark, 43; Steele, 85; Stutsman, 47; Towner, 70; Traill, 92; Walsh, 95; Ward, 54; Wells, 62; and Williams, 44.

Ohio: Allen, 124; Ashland, 135; Ashtabula, 135; Auglaize, 126; Butler, 110; Carroll, 140; Champaign, 133; Clark, 118; Clermont, 118; Clinton, 145; Columbiana, 160; Coshocton, 170; Crawford, 125; Cuyahoga, 145; Darke, 137; Defiance, 142; Delaware, 116; Erie, 129; Fairfield, 171; Franklin, 153; Fulton, 147; Gallia, 131; Geauga, 136; Greene, 112; Guernsey, 135; Hamilton, 126; Hancock, 153; Hardin, 149; Henry, 118; Highland, 118; Hocking, 147; Holmes, 139; Huron, 147; Knox, 131; Lake, 139; Lawrence, 142; Licking, 149; Logan, 137; Lorain, 150; Lucas, 138; Madison, 222; Mahoning, 149; Marion, 157; Medina, 145; Meigs, 131; Mercer, 128; Miami, 129; Monroe, 131; Montgomery, 129; Morgan, 162; Morrow, 167; Muskingum, 166; Ottawa, 157; Paulding, 97; Perry, 163; Pickaway, 154; Portage, 158; Preble, 110; Putnam, 132; Richland, 153; Ross, 147; Sandusky, 143; Scioto, 160; Seneca, 135; Shelby, 112; Stark, 137; Summit, 141; Trumbull, 162; Tuscarawas, 170; Van Wert, 97; Warren, 119; Washington, 145; Wayne, 158; Williams, 157; Wood, 139; and Wyandot, 114.

Oklahoma: Bryan, 61; Canadian, 67; Choctaw, 74; Grady, 58; Haskell, 104; Hughes, 88; Le Flore, 96; McCurtain, 83; McIntosh, 95; Murray, 62; Muskogee, 100; Okfuskee, 78; Oklahoma, 69; Osage, 79; Pawnee, 80; Pittsburg, 89; Pottawatomie, 71; Sequoyah, 102; Tulsa, 89; Wagoner, 99; and Washington, 80.

Oregon: Baker, 155; Benton, 115; Clackamas, 120; Clatsop, 115; Columbia, 178; Coos, 125; Crook, 267; Curry, 110; Deschutes, 184; Douglas, 115; Gilliam, 100; Grant, 130; Harney, 100; Hood River, 178; Jackson, 125; Jefferson, 200; Josephine, 100; Klamath, 309; Lake, 260; Lane, 153; Lincoln, 155; Linn, 137; Malheur, 231; Marion, 117; Morrow, 120; Multnomah, 158; Polk, 120; Sherman, 90; Tillamook, 120; Umatilla, 121; Union, 121; Wallowa, 120; Wasco, 120; Washington, 160; Wheeler, 100; and Yamhill, 165.

Pennsylvania: Adams, 190; Allegheny, 175; Armstrong, 195; Beaver, 175; Bedford, 185; Berks, 190; Blair, 298; Bradford, 207; Bucks, 195; Butler, 192; Cambria, 202; Cameron, 175; Carbon, 190; Centre, 201; Chester, 195; Clarion, 197; Clearfield, 180; Clinton, 185; Columbia, 208; Crawford, 192; Cumberland, 195; Dauphin, 200; Delaware, 183; Elk, 193; Erie, 185; Fayette, 191; Forest, 191; Franklin, 209; Fulton, 200; Greene, —; Huntingdon, 185; Indiana, 193; Jefferson, 179; Juniata, 180; Lackawanna, 182; Lancaster, 200; Lawrence, 199; Lebanon, 193; Lehigh, 204; Luzerne, 199; Lycoming, 190; McKean, 180; Mercer, 180; Mifflin, 185; Monroe, 195; Montgomery, 198; Montour, 182; Northampton, 212; Northumberland, 175; Perry, 192; Philadelphia, 165; Pike, 232; Potter, 195; Schuylkill, 182; Snyder, 170; Somerset, 209; Sullivan, 190; Susquehanna, 165; Tioga, 171; Union, 194; Venango, 187; Warren, 193; Washington, 199; Wayne, 205; Westmoreland, 194; Wyoming, 192; and York, 180.

Rhode Island: Bristol, 200; Kent, 160; Newport, 257; Providence, 160; and Washington, 300.

South Carolina: Allendale, 125; Beaufort, 189; Berkeley, 161; Calhoun, 100; Charleston, 161; Chesterfield, 100; Clarendon, 105; Colleton, 137; Darlington, 100; Dillon, 105; Dorchester, 135; Florence, 100; Georgetown, 115; Hampton, 145; Horry, 143; Jasper, 154; Lee, 105; Marion, 105; Orangeburg, 127; Sumter, 105.

South Dakota: Aurora, 44; Beadle, 50; Bennett, 44; Bon Homme, 64; Brookings, 79; Brown, 62; Brule, 41; Buffalo, 40; Butte, 81; Campbell, 41; Charles Mix, 55; Clark, 89; Clay, 76; Codington, 94; Corson, 40; Custer, 61; Davison, 45; Day, 69; Deuel, 98; Dewey, 40; Douglas, 44; Edmunds, 43; Fall River, 49; Faulk, 42; Grant, 91; Gregory, 43; Haakon, 41; Hamlin, 92; Hand, 43; Hanson, 49; Harding, 48; Hughes, 40; Hutchinson, 57; Hyde, 42; Jackson, 40; Jerauld, 44; Jones, 42; Kingsbury, 64; Lake, 69; Lawrence, 65; Lincoln, 72; Lyman, 43; McCook, 65; McPherson, 42; Marshall, 75; Meade, 54; Mellette, 40; Miner, 48; Minnehaha, 78; Moody, 72; Pennington, 72; Perkins, 50; Potter, 40; Roberts, 86; Sanborn, 45; Shannon, 43; Spink, 57; Stanley, 40; Sully, 40; Todd, 44; Tripp, 44; Turner, 67; Union, 81; Walworth, 41; Washabaugh, 40; Washington, 41; Yankton, 72; and Ziebach, 40.

Tennessee: Anderson, 100; Bledsoe, 100; Blount, 100; Campbell, 100; Carter, 100; Coffee, 105; Cumberland, 110; Davidson, 100; Fentress, 110; Franklin, 112; Giles, 100; Grundy, 105; Hamilton, 100; Johnson, 112; Lawrence, 97; Lewis, 98; Lincoln, 99; Marion, 91; Maury, 100; Morgan, 118; Pickett, 125; Putnam, 75; Rhea, 100; Roane, 118; Robertson, 120; Scott, 115; Sequatchie, 100; Shelby, 75; Unicoi, 110; Warren, 98; and Washington, 120.

Texas: Atascosa, 81; Bailey, 122; Bastrop, 75; Bexar, 92; Bowie, 90; Briscoe, 92; Brooks, 56; Brown, 58; Cameron, 91; Camp, 81; Cass, 79; Castro, 101; Colorado, 78; Comanche, 60; Dallam, 97; Deaf Smith, 112; Erath, 61; Floyd, 87; Fort Bend, 62; Hale, 111; Harris, 66; Henderson, 76; Hidalgo, 81; Hockley, 87; Hood, 66; Hopkins, 88; Kaufman, 82; Lamar, 75; Lamb, 96; Leon, 81; Liberty, 66; Lubbock, 87; Medina, 89; Parmer, 106; Potter, 102; Red River, 85; Smith, 76; Swisher, 97; Terry, 82; Upshur, 84; Van Zandt, 81; Walker, 86; Wharton, 76; Wise, 55; and Wood, 79.

Utah: Beaver, 171; Box Elder, 216; Cache, 204; Carbon, 125; Daggett, 105; Davis, 230; Emery, 155; Garfield, 180; Iron, 190; Juab, 173; Millard, 192; Morgan, 215; Piute, 193; Rich, 115; Salt Lake, 220; San Juan, 50; Sanpete, 185; Sevier, 190; Tooele, 174; Utah, 221; Wasatch, 200; Washington, 192; Wayne, 190; and Weber, 222.

Vermont: Addison, 214; Bennington, 202; Caledonia, 270; Chittenden, 229; Essex, 283; Franklin, 223; Grand Isle, —;

Lamoille, 264; Orange, 260; Orleans, 256; Rutland, 223; Washington, 245; Windham, 283; and Windsor, 229.

Virginia: Accomac, 140; Amelia, 40; Amherst, 81; Botetourt, 110; Caroline, 161; Culpeper, 125; Elizabeth City, 119; Fairfax, 100; Floyd, 120; Gloucester, 150; Goochland, 165; Grayson, 100; Henrico, 110; Henry, 100; Isle of Wight, 124; James City, 125; King William 130; Lancaster, 152; Madison, 150; Mathews, 150; Middlesex, 150; Nansemond, 145; New Kent, 126; Norfolk, 140; Northampton, 150; Northumberland, 100; Page, 140; Powhatan, 170; Prince George, 75; Princess Anne, 140; Rockbridge, 130; Rockingham, 192; Spotslyvania, 165; Warwick, 120; Westmoreland, 170; Wise, 87; Wythe, 100; and York, 130.

Washington: Adams, 60; Benton, 165; Chelan, 103; Clark, 140; Columbia, 70; Douglas, 67; Franklin, 160; Grant, 175; Grays Harbor, 110; Island, 150; Jefferson, 103; King, 200; Kittitas, 275; Klickitat, 110; Okanogan, 120; Pierce, 163; San Juan, 116; Skagit, 203; Skamania, 100; Snohomish, 200; Spokane, 70; Stevens, 89; Thurston, 105; Walla Walla, 125; Whatcom, 170; Whitman, 85; and Yakima, 252.

West Virginia: Berkeley, 190; Braxton, 192; Brooke, 180; Clay, 155; Fayette, 187; Grant, 125; Hampshire, 163; Hancock, 200; Harrison, 182; Jackson, 130; Jefferson, 250; Lewis, 280; Marshall, 194; Mason, 205; Monroe, 176; Nicholas, 225; Pleasants, 300; Pocahontas, 213; Preston, 215; Putnam, 244; Raleigh, 208; Randolph, 259; Tucker, 260; Upshur, 147; Wayne, 200; and Wood, 298.

Wisconsin: Adams, 76; Ashland, 113; Barron, 104; Bayfield, 112; Brown, 118; Buffalo, 109; Burnett, 95; Calumet, 131; Chippewa, 107; Clark, 104; Columbia, 100; Crawford, 120; Dane, 116; Dodge, 129; Door, 123; Douglas, 115; Dunn, 109; Eau Claire, 111; Florence, 112; Fon du Lac, 122; Forest, 97; Grant, 118; Greene, 105; Green Lake, 92; Iowa, 117; Iron, 112; Jackson, 97; Jefferson, 109; Juneau, 99; Kenosha, 115; Kewaunee, 131; La Crosse, 119; Lafayette, 117; Langlade, 115; Lincoln, 109; Manitowoc, 133; Marathon, 97; Marinette, 106; Marquette, 77; Milwaukee, 106; Monroe, 98; Oconto, 112; Oneida, 96; Outagamie, 112; Ozaukee, 107; Pepin, 123; Pierce, 114; Polk, 100; Portage, 84; Price, 100; Racine, 121; Richland, 120; Rock, 113; Rusk, 106; St. Croix, 103; Sauk, 121; Sawyer, 91; Shawano, 109; Sheboygan, 125; Taylor, 107; Trempealeau, 112; Vernon, 119; Vilas, 103; Walworth, 102; Washburn, 89; Washington, 124; Waukesha, 101; Waupaca, 101; Waushara, 79; Winnebago, 109; and Wood, 97.

Wyoming: Albany, 39; Carbon, 61; Converse, 76; Crook, 34; Fremont, 139; Goshen, 137; Hot Springs, 84; Johnson, 60; Laramie, 70; Lincoln, 91; Niobrara, 33; Park, 141; Platte, 118; Sheridan, 86; Sublette, 61; Sweetwater, 88; Teton, 103; Uinta, 99; Washakie, 152; and Weston, 26.

Section 701.301 (f) (1) is amended to read as follows:

(f) *Tobacco.* * * *

(1) *National and State acreage allotments.* The national and State acreage allotments of flue-cured tobacco, as established by the Secretary, are as follows:

State:	*Allotments in acres*
Alabama	500
Florida	15,170
Georgia	81,063
North Carolina	564,388
South Carolina	94,249
Virginia	85,797
Total	841,167

The national and State acreage allotments of fire-cured tobacco, as established by the Secretary, are as follows:

State:	*Allotments in acres*
Illinois	15
Kentucky	33,415
Missouri	13
Tennessee	35,176
Virginia	16,056
Total	84,675

The national and State acreage allotments of Burley tobacco, as established by the Secretary, are as follows:

State:	*Allotments in acres*
Alabama	167
Arkansas	85
Georgia	136
Illinois	38
Indiana	10,751
Kansas	456
Kentucky	265,439
Missouri	5,673
North Carolina	8,042
Ohio	13,705
Oklahoma	8
South Carolina	101
Tennessee	63,772
Virginia	10,620
West Virginia	4,057
Total	383,050

The national and State acreage allotments of dark air-cured tobacco, as established by the Secretary, are as follows:

State:	*Allotments in acres*
Indiana	382
Kentucky	30,989
Missouri	7
Tennessee	4,702
Total	36,080

The national and State acreage allotment of Virginia sun-cured tobacco, as established by the Secretary, is as follows:

State:	*Allotments in acres*
Virginia	3,100

The national and State acreage allotment of cigar filler Type 41 tobacco, as established by the Secretary, is as follows:

State:	*Allotments in acres*
Pennsylvania	30,500

The national and State acreage allotments of cigar filler and binder tobacco (except Types 41 and 45), as established by the Secretary, are as follows:

State:	*Allotments in acres*
Connecticut	11,715
Illinois	15
Indiana	17
Massachusetts	5,190
Minnesota	779
New Hampshire	33
New York	1,360
Ohio	17,649
Pennsylvania	483
Vermont	30
Wisconsin	24,905
Total	62,182

The national and State acreage allotments of Georgia-Florida Type 62 Tobacco, as established by the Secretary, are as follows:

State	*Allotments in acres*
Florida	2,349
Georgia	551
Total	2,900

Section 701.301 (f) (3) (iii) is amended by the addition of the following:

(3) *Normal yields.* * * *

(i) The 1942 county average yields of flue-cured tobacco, as established by the Secretary, are as follows:

Counties and yields per acre in pounds:

Alabama: Autauga, 800; Butler, 744; Coffee, 800; Conecuh, 800; Covington, 836; Bale, 840; Etowah, 840; Geneva, 838; Henry, 797; Houston, 853; Jackson, 700; and Randolph, 700.

Florida: Alachua, 948; Baker, 820; Bay, 810; Bradford, 890; Calhoun, 820; Citrus, 714; Columbia, 909; Dixie, 811; Gadsden; 821; Gilchrist, 898; Hamilton, 941; Hernando, 921; Hillsborough, 850; Holmes, 878; Jackson, 879; Jefferson, 842; Lafayette, 850; Lake, 809; Leon, 865; Levy, 868; Madison, 900; Marion, 852; Nassau, 825; Okaloosa 870; Pasco, 820; Polk, 820; St. Johns, 900; Santa Rosa, 869; Seminole, 900; Sumter, 889; Suwannee, 909; Taylor, 890; Union, 918; Wakulla, 900; and Washington, 851.

Georgia: Appling, 977; Atkinson, 1,017; Bacon, 976; Baker, 851; Barrow, 812; Ben Hill, 898; Berrien, 1,039; Brantley, 1,028; Brooks, 1,020; Bryan, 786; Bulloch, 918; Burke, 799; Calhoun, 976; Camden, 872; Candler, 844; Charlton, 943; Chatham, 861; Chattahoochee, 800; Cherokee, 816; Clarke, 816; Clayton, 753; Clinch, 944; Coffee, 1,030; Colquitt, 1,033; Cook, 1,041; Crawford, 812; Crisp, 882; Decatur, 854; DeKalb, 812; Dodge, 847; Dooly, 895; Dougherty, 891; Early, 877; Echols, 848; Effingham, 841; Emanuel, 820; Evans, 854; Fayette, 816; Glynn, 1,011; Glascock, 940; Grady, 880; Gwinnett, 812; Hall, 799; Heard, 812; Henry, 795; Houston, 880; Irwin, 995; Jeff Davis, 1,034; Jefferson, 828; Jenkins, 739; Johnson, 721; Lanier, 1,042; Laurens, 855; Lee, 943; Liberty, 814; Long, 863; Lowndes, 995; McIntosh, 970; Madison, 812; Marion, 776; Miller, 880; Mitchell, 899; Monroe, 812; Montgomery, 856; Pierce, 989; Pulaski, 805; Quitman, 756; Richmond, 812; Schley, 816; Screven, 810; Seminole, 904; Stewart, 757; Sumter, 900; Taliaferro, 826; Tattnall, 879; Taylor, 816; Telfair, 838; Terrell, 799; Thomas, 1,011; Tift, 991; Toombs, 830; Treutlen, 781; Troup, 812; Turner, 906; Walton, 804; Ware, 1,036; Washington,

816; Wayne, 998; Webster, 800; Wheeler, 850; Wilcox, 849; Wilkes, 812; Wilkinson, 797; and Worth, 999.

North Carolina: Alamance, 738; Alexander, 870; Anson, 871; Beaufort, 907; Bertie, 973; Bladen, 879; Brunswick, 869; Burke, 775; Cabarrus, 832; Caldwell, 806; Camden, 744; Carteret, 854; Caswell, 834; Catawba, 826; Chatham, 743; Chowan, 868; Cleveland, 826; Columbus, 1,020; Craven, 856; Cumberland, 860; Currituck, 826; Davidson, 823; Davie, 744; Duplin, 891; Durham, 717; Edgecombe, 945; Forsyth, 840; Franklin, 883; Gaston, 723; Gates, 785; Granville, 745; Greene, 921; Guilford, 841; Halifax, 974; Harnett, 878; Hertford, 981; Hoke, 871; Hyde, 934; Iredell, 811; Johnston, 915; Jones, 875; Lee, 845; Lenoir, 900; Lincoln, 688; Martin, 960; Mecklenburg, 806; Montgomery, 697; Moore, 763; Nash, 908; New Hanover, 856; Northampton, 821; Onslow, 904; Orange, 754; Pamlico, 802; Pender, 847; Perquimans, 826; Person, 820; Pitt, 872; Randolph, 769; Richmond, 834; Robeson, 957; Rockingham, 883; Rowan, 781; Sampson, 866; Scotland, 841; Stanley, 681; Stokes, 847; Surry, 823; Tyrrell, 826; Union, 843; Vance, 825; Wake, 820; Warren, 788; Washington, 791; Wayne, 900; Wilkes, 691; Wilson, 956; and Yadkin, 822.

South Carolina: Aiken, 617; Allendale, 747; Bamberg, 771; Barnwell, 831; Berkeley, 730; Calhoun, 689; Charleston, 700; Cherokee, 700; Chester, 768; Chesterfield, 820; Clarendon, 864; Colleton, 855; Darlington, 883; Dillon, 932; Dorchester, 857; Edgefield, 624; Fairfield, 666; Florence, 917; Georgetown, 930; Greenville, 801; Hampton, 752; Horry, 1,076; Jasper, 830; Kershaw, 735; Lancaster, 785; Laurens, 700; Lee, 832; Lexington, 828; McCormick, 906; Marion, 926; Marlboro, 882; Newberry, 994; Orangeburg, 817; Richland, 719; Saluda, 834; Sumter, 891; Williamsburg, 927; and York, 649.

Virginia: Amelia, 840; Amhurst, 750; Appomattox, 800; Bedford, 860; Brunswick, 780; Buckingham, 750; Campbell, 785; Carroll, 800; Charlotte, 828; Chesterfield, 780; Cumberland, 838; Dinwiddie, 785; Floyd, 700; Fluvanna, 750; Franklin, 862; Gloucester, 750; Goochland, 770; Greensville, 790; Halifax, 760; Henrico, 760; Henry, 750; Isle of Wight, 910; Lunenburg, 780; Mecklenburg, 780; Middlesex, 760; Nansemond, 840; New Kent, 800; Norfolk, 800; Nottoway, 800; Patrick, 815; Pittsylvania, 790; Powhatan, 790; Prince Edward, 845; Prince George, 741; Smyth, 750; Southampton, 750; Surry, 895; and Sussex, 800.

(ii) The 1942 county average yields of fire-cured tobacco, as established by the Secretary, are as follows:

Counties and yields per acre in pounds:

Illinois: Johnson, 851; Massac, 860.

Kentucky: Ballard, 920; Caldwell, 830; Calloway, 830; Carlisle, 880; Christian, 825; Crittenden, 851; Fulton, 851; Graves, 830; Hickman, 857; Hopkins, 796; Livingston, 805; Logan, 860; Lyon, 840; McCracken, 829; Marshall, 808; Muhlenberg, 737; Simpson, 960; Todd, 800; Trigg, 835.

Missouri: Butler, 860.

Tennessee: Carroll, 790; Cheatham, 876; Coffee, 739; Davidson, 921; Dickson, 823; Dyer, 495; Franklin, 741; Giles, 750; Henry, 809; Henderson, 600; Hickman, 681; Houston, 832; Humphreys, 792; Lawrence, 833; Macon, 1,100; Montgomery, 822; Moore, 863; Obion, 860; Robertson, 889; Stewart, 840; Sumner, 864; Warren, 650; Weakley, 840; and Williamson, 802.

Virginia: Albemarle, 700; Amelia, 830; Amherst, 795; Appomattox, 850; Bedford, 875; Botetourt, 900; Brunswick, 940; Buckingham, 795; Campbell, 850; Charlotte, 850; Chesterfield, 880; Cumberland, 830; Dinwiddie, 880; Floyd, 800; Franklin, 825; Frederick, 800; Greensville, 610; Halifax, 800; Henry, 700; Lunenburg, 885; Mecklenburg, 800; Nelson, 795; Nottoway, 880; Pittsylvania, 840; Powhatan, 830; Prince Edward, 860; Roanoke, 750; Rockbridge, 950; and Sussex, 750.

(iii) The 1942 county average yields of Burley tobacco, as established by the Secretary, are as follows:

Counties and yields per acre in pounds:

Alabama: Calhoun, 845; Cullman, 845; Jackson, 765; Lauderdale, 550; Limestone, 823; Madison, 837; Marshall, 845; Sumter, 845; Tuscaloosa, 660; and Winston, 693.

Arkansas: Baxter, 800; Benton, 850; Carroll, 857; Clay, 800; Fulton, 800; Sharp, 700; Van Buren, 800; Washington, 650; and White, 495.

Georgia: Banks, 849; Catoosa, 844; Cherokee, 819; Dade, 850; Fannin, 850; Floyd, 850; Gilmer, 860; Gordon, 845; Habersham, 850; Hall, 850; Hancock, 850; Monroe, 851; Murray, 850; Pickens, 850; Rabun, 852; Towns, 863; Union, 845; Walker, 850; and Whitfield, 861.

Illinois: Clark, 400; Crawford, 857; Effingham, 850; Hamilton, 837; Moultrie, 850; Vermilion, 849; Warren, 814; and Will, 800.

Indiana: Bartholomew, 909; Brown, 838; Clark, 778; Crawford, 693; Daviess, 660; Dearborn, 825; Decatur, 784; Dubois, 823; Fayette, 945; Floyd, 809; Fountain, 1,219; Franklin, 804; Grant, 1,140; Greene, 942; Harrison, 729; Hendricks, 1,421; Henry, 852; Howard, 823; Jackson, 726; Jefferson, 939; Jennings, 727; Johnson, 1,219; Lawrence, 776; Madison, 852; Martin, 852; Monroe, 886; Marion, 852; Morgan, 1,028; Ohio, 899; Orange, 824; Owen, 814; Parke, 852; Perry, 767; Putnam, 852; Randolph, 852; Ripley, 817; Rush, 936; Scott, 760; Shelby, 741; Spencer, 698; Sullivan, 823; Switzerland, 910; Tipton, 852; Union, 1,123; Wabash, 852; Warrick, 822; and Washington, 777.

Kansas: Atchison, 740; Brown, 869; Doniphan, 909; Jefferson, 821; Johnson, 912; Leavenworth, 885; Linn, 906; Miami, 841; and Wyandotte, 841.

Kentucky: Adair, 768; Allen, 815; Anderson, 804; Ballard, 700; Barren, 804; Bath, 815; Bell, 721; Boone, 950; Bourbon 993; Boyd, 638; Boyle, 892; Bracken, 840; Breathitt, 688; Breckenridge, 709; Bullitt, 768; Butler, 715; Caldwell, 753; Calloway, 757; Campbell, 845; Carlisle, 759; Carroll, 946; Carter, 718; Casey, 793; Christian, 803; Clark, 938; Clay, 737; Clinton, 805; Crittenden, 748; Cumberland, 704; Daviess, 766; Edmondson, 739; Elliott, 726; Estill, 679; Fayette, 1,010; Fleming, 861; Floyd, 750; Franklin, 849; Fulton, 600; Gallatin, 940; Garrard, 845; Grant, 940; Graves, 801; Grayson, 704; Green, 754; Greenup, 709; Hancock, 722; Hardin, 783; Harlan, 600; Harrison, 892; Hart, 734; Henderson, 756; Henry, 865; Hickman, 792; Hopkins, 719; Jackson, 741; Jefferson, 799; Jessamine, 889; Johnson, 710; Kenton, 870; Knott, 600; Knox, 682; Larue, 805; Laurel, 734; Lawrence, 710; Lee, 611; Leslie, 610; Letcher, 622; Lewis, 789; Lincoln, 828; Livingston, 607; Logan, 874; Lyon, 741; McCracken, 666; McCreary, 730; McLean, 745; Madison, 862; Magoffin, 641; Marion, 836; Marshall, 691; Mason, 862; Meade, 750; Menifee, 686; Mercer, 869; Metcalfe, 730; Monroe, 730; Montgomery, 907; Morgan, 720; Muhlenberg, 686; Nelson, 872; Nicholas, 882; Ohio, 680; Oldham, 811; Owen, 887; Owsley, 680; Pendleton, 840; Perry, 599; Pike, 740; Powell, 635; Pulaski, 765; Robertson, 808; Rockcastle, 736; Rowan, 720; Russell, 748; Scott, 980; Shelby, 914; Simpson, 891; Spencer, 810; Taylor, 799; Todd, 780; Trigg, 761; Trimble, 940; Union, 785; Warren, 894; Washington, 858; Wayne, 830; Webster, 796; Whitley, 659; Wolfe, 725; and Woodford, 1,006.

Missouri: Adair, 854; Andrew, 965; Atchison, 860; Bates, 716; Bollinger, 641; Boone, 809; Buchanan, 965; Caldwell, 934; Calloway, 916; Cape Girardeau, 748; Carroll, 864; Carter, 500; Cass, 874; Chariton, 889; Clay, 965; Clinton, 965; Cole, 799; Cooper, 890; Daviess, 937; DeKalb, 937; Gentry, 862; Grundy, 878; Holt, 860; Howard, 866; Howell, 858; Jackson, 962; Knox, 828; Lafayette, 937; Lawrence, 600; Lewis, 800; Lincoln, 972; Linn, 916; Livingston, 801; McDonald, 854; Macon, 922; Maries, 600; Marion, 826; Mercer, 682; Miller, 533; Monroe, 922; Moniteau, 910; Oregon, 942; Pike, 814; Platte, 965; Randolph, 801; Ray, 937; Reynolds, 500; St. Clair, 845; Saline, 908; Schuyler, 808; Scotland, 808 Scott, 748; Shelby, 876; Stone, 666; Taney, 700; Warren, 600; Webster, 748; and Worth, 850.

North Carolina: Alleghany, 981; Ashe, 987; Avery, 948; Buncombe, 927; Burke, 856; Caldwell, 852; Cherokee, 896; Clay, 938; Cleveland, 826; Davidson, 857; Davie, 927; Durham, 600; Forsyth, 762; Gasten 762; Graham, 944; Haywood, 943; Henderson, 871; Jackson, 928; McDowell, 841; Macon, 880; Madison, 900; Mecklenburg, 887; Mitchell, 926; Polk, 762; Rutherford, 725; Swain, 874; Transylvania, 936; Watauga, 997; Wilkes, 750; and Yancey, 926.

Ohio: Adams, 829; Belmont, 1,312; Brown, 863; Butler, 761; Clark, 678; Clermont, 859; Clinton, 831; Coshocton, 901; Fairfield, 897; Fayette, 857; Gallia, 955; Greene, 1,028; Guernsey, 901; Hamilton, 863; Highland, 922; Hocking, 901; Jackson, 938; Knox, 1,000; Lawrence, 852; Meigs, 771; Miami, 987; Monroe, 781; Montgomery, 988; Morgan, 901; Muskingum, 901; Noble, 871; Pickaway, 994; Pike, 782; Preble, 817; Ross, 897; Scioto, 837; Shelby, 988; Union, 725; Vinton, 813; Warren, 867; and Washington, 1,106.

Oklahoma: Delaware, 850; and Mayes, 850.

South Carolina: Abbeville, 875; Anderson, 875; Cherokee, 871; Chester, 875; Greenville, 870; Laurens, 875; McCormick, 875; Oconee, 874; Pickens, 874; Saluda, 875; Spartanburg, 868; Union, 875; and York, 835.

Tennessee: Anderson, 825; Bedford, 835; Bledsoe, 740; Blount, 980; Bradley, 869; Campbell, 860; Cannon, 735; Carter, 993; Cheatham, 900; Claiborne, 960; Clay, 735; Cocke, 880; Coffee, 630; Cumberland, 702; Davidson, 886; DeKalb, 815; Dickson, 879; Dyer, 934; Fentress, 762; Franklin, 802; Giles, 799; Grainger, 1,000; Greene, 925; Grundy, 680; Hamblen, 994; Hamilton, 732; Hancock, 997; Hawkins, 915; Hickman, 788; Houston, 900; Humphreys, 721; Jackson, 815; Jefferson, 1,003; Johnson, 1,112; Knox, 982; Lawrence, 784; Lewis, 676; Lincoln, 835; Loudon, 934; McMinn, 860; Macon, 830; Marion, 787; Marshall, 831; Maury, 842; Meigs, 810; Monroe, 880; Montgomery, 785; Moore, 846; Morgan, 602; Obion, 880; Overton, 769; Perry, 670; Pickett, 810; Polk, 793; Putnam, 822; Rhea, 885; Roane, 865; Robertson, 840; Rutherford, 810; Scott, 740; Sequatchie, 760; Sevier, 970; Smith, 840; Stewart, 791; Sullivan, 960; Sumner, 845; Trousdale, 840; Unicoi, 900; Union, 930; Van Buren, 610; Warren, 702; Washington, 980; Wayne, 770; White, 905; Williamson, 845; and Wilson, 869.

Virginia: Albemarle, 825; Amelia, 825; Amherst, 825; Appomatox, 825; Bedford, 875; Bland, 1,149; Botetourt, 950; Brunswick, 975; Buchanan, 960; Buckingham, 960; Campbell, 825; Carroll, 875; Charlotte, 825; Chesterfield, 825; Cumberland, 849; Dickenson, 960; Dinwiddie, 825; Floyd, 1,000; Fluvanna, 850; Franklin, 825; Frederick, 900; Giles, 825; Goochland, 825; Grayson, 1,090; Halifax, 825; Henrico, 850; Lee, 1,000; Lunenburg, 800; Mecklenburg, 860; Montgomery, 1,000; Nottoway, 825; Orange, 800; Powhatan, 860; Patrick, 825; Prince Edward, 850; Pulaski, 1,000; Rockbridge, 850; Russell, 1,190; Scott, 1,030; Smyth, 1,125; Spotsylvania, 900; Tazewell, 1,200; Washington, 1,125; Wise, 960; and Wythe, 1,027.

West Virginia: Boone, 683; Cabell, 698; Clay, 641; Jackson, 723; Kanawha, 630; Lincoln, 640; Logan, 611; Mason, 762; Mercer, 1,190; Mingo, 741; Monroe, 1,175; Putnam, 659; Roane, 660; Wayne, 737; Wirt, 628; and Wood, 609.

(iv) The 1942 county average yields of dark air-cured tobacco, as established by the Secretary, are as follows:

Counties and yields per acre in pounds:

Indiana: Dubois, 865; Perry, 1,092; Pike, 730; Posey, 860; Spencer, 872; and Warrick, 825.

Kentucky: Allen, 950; Breckinridge, 795; Butler, 808; Caldwell, 830; Calloway, 830; Carlisle, 857; Christian, 825; Crittenden, 851; Daviess, 920; Fulton, 851; Graves, 818; Grayson, 738; Hancock, 990; Hardin, 1,100; Henderson, 910; Hickman, 857; Hopkins, 796; Logan, 860; Lyon, 840; McCracken, 829; McLean, 875; Marshall, 808; Monroe, 850; Muhlenberg, 737; Ohio, 850; Simpson, 960; Todd, 800; Trigg, 835; Union, 860; Warren, 965; and Webster, 340.

Missouri: Ripley, 860; and Texas, 860.

Tennessee: Bedford, 750; Benton, 822, Carroll, 586; Giles, 837; Henry, 809; Jackson, 800; Lewis, 600; Macon, 861; Montgomery, 855; Obion, 860; Overton, 659; Pickett, 660; Robertson, 824; Sumner, 836; Trousdale, 666; Warren, 650; Weakley, 830; and Williamson, 700.

(v) The 1942 county average yields of Virginia Sun-cured tobacco, as established by the Secretary, are as follows:

Counties and yields per acre in pounds:

Virginia: Amelia, 830; Buckingham, 795; Caroline, 1,000; Charlotte, 850; Chesterfield, 840; Cumberland, 830; Dinwiddie, 800; Essex, 945; Fluvanna, 800; Goochland, 750; Hanover, 840; Henrico, 850; King and Queen, 909; King William, 910; Louisa, 800; Lunenburg, 800; Powhatan, 830; Prince George, 750; and Spotsylvania, 835.

(vi) The 1942 county average yields of cigar filler tobacco, Type 41, as established by the Secretary, are as follows:

Counties and yields per acre in pounds:

Pennsylvania: Berks, 1,218; Chester, 1,381; Dauphin, 1,148; Lancaster, 1,278; Lebanon, 1,200; and York, 1,293.

(vii) The 1942 county average yields of cigar filler and binder tobacco (other than Types 41 and 45) as established by the Secretary, are as follows:

Counties and yields per acre in pounds:

Connecticut: Fairfield 1,500; Hartford, 1,586; Litchfield, 1,500; Middlesex, 1,500; and Tolland, 1,585.

Illinois: Boone, 1,000.

Indiana: Randolph, 896; and Wayne, 896.

Massachusetts: Franklin, 1,568; Hampden, 1,568; and Hampshire, 1,568.

Minnesota: Benton, 914; Fillmore, 956; Freeborn, 1,021; Houston, 1,000; Meeker, 1,065; Mille Laos, 1,010; Sherburne, 893; Scott, 1,000; Stearns, 1,237; and Winona, 686.

New Hampshire: Cheshire, 1,489.

New York: Cayuga, 1,187; Chemung, 1,298; Onondaga, 1,262; Oswego, 1,148; Steuben, 1,231; and Wayne, 1,185.

Ohio: Butler, 1,155; Clark, 968; Darke, 936; Greene, 1,032; Miami, 951; Montgomery, 991; Preble, 975; Shelby, 898; and Warren, 1,081.

Pennsylvania: Bradford, 1,130; Northumberland, 1,268; Clinton, 1,297; Juniata, 1,402; Lycoming, 1,375; Snyder, 1,280; Tioga, 1,099; and Union, 1,375.

Vermont: Windham, 1,489.

Wisconsin: Barron, 1,058; Buffalo, 1,200; Chippewa, 1,239; Columbia, 1,303; Crawford, 1,371; Dane, 1,390; Dunn, 1,045; Grant, 1,243; Green, 1,308; Jackson, 1,103; Jefferson, 1,278; Juneau, 1,031; La Crosse, 1,355; Monroe, 1,316; Richland, 1,369; Rock, 1,342; St. Croix, 1,356; Sauk, 1,354; Trempealeau, 1,155; and Vernon, 1,329.

(viii) The 1942 county average yields of Georgia-Florida Type 62 tobacco, as established by the Secretary, are as follows:

Counties and yields per acre in pounds:

Georgia: Decatur, 1,047; and Grady, 1,050.

Florida: Gadsden, 1,019; Leon, 900; and Madison, 970.

(Secs. 7 to 17, as amended, 49 Stat. 1148, 1915; 50 Stat. 329; 52 Stat. 31, 204, 205; 53 Stat. 550, 573; 54 Stat. 216, 727; 16 U.S.C. 1940 ed. 590g–590q; 55 Stat. 257, 860; Pub. Law 439, approved February 6, 1942)

Done at Washington, D. C., this 14th day of January 1943. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 43–774; Filed, January 15, 1943; 11:25 a. m.]

Chapter XI—Food Distribution Administration

[Food Directive 1]

PART 1400—DELEGATIONS OF AUTHORITY

DELEGATION OF AUTHORITY WITH RESPECT TO RATIONING CONTROL OF PROCESSED FOODS

§ 1400.1 *Food Directive 1; processed foods.* (a) In order to permit the effective rationing of processed foods the authority heretofore delegated to the Office of Price Administration by the War Production Board in Directive No. 1 and all supplements thereto relating to food is hereby extended to include the exercise of control over the sale, transfer, delivery or other disposition of processed foods by any person or to any person and to the acquisition, use or distribution of processed foods by any person. The authority delegated by War Production Board Directive No. 1 and supplements thereto is hereby ratified and confirmed in all respects insofar as it affects food.

(b) The authority delegated herein shall not include the power to limit or restrict the quantity of processed foods which may be obtained by or for any agency of the United States for export to, and consumption or use in, any foreign country or by or for the Army, Navy, Marine Corps, Coast Guard, War Shipping Administration, Food Distribution Administration, or Office of Lend Lease Administration.

(c) The authority herein conferred shall also include the power to regulate or prohibit the sale, transfer, delivery or other disposition of processed foods to, or the acquisition or use of processed foods by, any person who has acted in violation of any rationing, allocation or restriction order or regulation concerning food issued by the Office of Price Administration.

(d) As used in this Directive, the term "processed foods" means and includes:

(1) All fruits, fruit juices, vegetables, vegetable juices, soups, baby foods of all kinds, fish, shellfish, and milk packed in hermetically sealed containers of any type and sterilized by the use of heat.

(2) All jams, jellies, preserves, fruit butters, pickles and relishes.

(3) All frozen fruits and vegetables.

(4) All dried and dehydrated fruits and vegetables.

(5) All combinations of any of the foregoing with meat.

(6) All combinations of any of the foregoing.

(e) This Food Directive No. 1 shall become effective January 16th, 1943.

Issued this 16th day of January 1943.

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

[F. R. Doc. 43-876; Filed, January 18, 1943; 11:10 a. m.]

[Food Distribution Order 3, Amendment 1]

PART 1405—FRUITS AND VEGETABLES

RESTRICTIONS ON MANUFACTURE AND SALE OI CITRUS FRUIT JUICE

Section 1405.1 (g) (8 F.R. 255) is hereby amended to read as follows:

(g) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the United States Department of Agriculture, Food Distribution Administration, Washington, D. C., Ref: FD 3.

(E.O. 9280, 7 F.R. 10179)

Issued this 16th day of January 1943.

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

[F. R. Doc. 43-818; Filed, January 16, 1943; 11:40 a. m.]

[Food Distribution Order 1, Amendment 1]

PART 1404—BAKERY PRODUCTS

MANUFACTURE AND SALE OF BREAD AND ROLLS

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, Food Distribution Order No. 1,

Section 1404.1 (8 F.R. 11105), is amended by:

1. Striking out paragraph (a) (7);
2. Renumbering paragraphs (a) (8), (9) and (10), as paragraphs (a) (7), (8) and (9) respectively;
3. Striking out paragraph (b) (1) and inserting in lieu thereof:

(1) No baker may perform the process of twisting or cross-panning in the manufacture of any pan bread. The making of twin loaves shall not be construed as cross-panning under this restriction;

4. Inserting in paragraph (b) (2) after the words "sliced bread" the words "or rolls"; and after the words "may be sliced" the words "and sold to restaurants, hotels, institutions, or commissaries for service with meals";
5. Striking out in paragraph (b) (3) the word "double" after the words "except that" and inserting in lieu thereof the words "more than one";
6. Inserting in paragraph (b) (4) after the words "any bread" the words "or rolls";
7. Inserting in paragraph (b) (6) after the words "shall make" in the first line the words "in any one bakery"; after the words "he made" the words "in such bakery"; and after the words "any baker" the words "in or from such bakery";
8. Inserting in paragraph (b) (7) after the words "printing of bread" the words "or roll"; and
9. Striking out in paragraph (b) (9) the words "milk solids" and inserting in lieu thereof the words "solids of milk or skim milk" and adding at the end of said paragraph the following:

* * * *Provided,* That white bread other than pan bread may for a period of 90 days from the effective date of this order contain less than three parts of solids of milk or skim milk.

(E.O. 9280, 7 F.R. 10179)

Issued this 13th day of January 1943.

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

[F. R. Doc. 43-756; Filed, January 15, 1943; 11:26 a. m.]

[Food Distribution Order 4-2]

PART 1450—TOBACCO

RESTRICTIONS ON SALE AND ACQUISITION OF 1942 CROP BURLEY TOBACCO

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, Food Distribution Order No. 4, § 1450.1 (8 F.R. 335), is amended by striking out paragraph (b) (2) and inserting in lieu thereof:

§ 1450.1 *1942 crop burley tobacco, allocation and restrictions on acquisitions.* * * *

(b) *Restrictions.* * * *

(2) No person shall offer or cause to be offered for resale at auction burley tobacco of the 1942 crop, which has been sold after January 15, 1943, on an auction market.

(E.O. 9280, 7 F.R. 10179)

Issued this 16th day of January 1943.

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

[F. R. Doc. 43-877; Filed, January 18, 1943; 11:10 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter I—Aid of Civil Authorities and Public Relations

PART 5—SAFEGUARDING TECHNICAL INFORMATION

ADMISSION TO WAR DEPARTMENT OR COMMERCIAL MANUFACTURING ESTABLISHMENTS

Section 5.18 (c) (3) is hereby amended as follows:

§ 5.18 *Authority for admission.* * * *

(c) *United States citizens.* Subject to the approval of the commanding officer or the contractor, United States citizens, except those representing a foreign government, firm, or corporation, may be admitted to War Department or commercial manufacturing establishments engaged on classified work or projects under the following conditions:

* * * * *

(3) Accredited reporters, photographers, and other representatives of publicity agencies may be admitted to manufacturing establishments engaged on work for the War Department: *Provided,* Classified matter, projects, or processes of manufacture are not shown or discussed with them. News items, photographs, and motion pictures resulting from the visit must be submitted to the War Department Bureau of Public Relations for review prior to publication. (R.S. 161; 5 U.S.C. 22) [Par. 59c, AR 380-5, September 28, 1942, as amended by C 4, January 1, 1943]

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

[F. R. Doc. 43-836; Filed, January 16, 1943; 2:39 p. m.]

PART 7—MANUFACTURE OF DECORATIONS

INSIGNIA; AUTHORIZATION FOR SALES

Section 7.3a is added and §§ 7.3 and 7.7 are amended as follows:

§ 7.3 *Medals, etc.* (a) Authority may be granted to sell or to manufacture:

* * * * *

(14) All insignia prescribed by the War Department with the exception of that mentioned in § 7.3a. (42 Stat. 1286 as amended by 45 Stat. 437; 10 U.S.C. 1425; 47 Stat. 342 as amended by 53 Stat. 752; 18 U.S.C. 76a, 76b) [Par. 4, AR 500-90, December 31, 1940, as amended by C3, December 31, 1942]

* * * * *

§ 7.3a *Certificate of authority.* No certificate of authority is required for the sale of cloth insignia such as chevrons, shoulder sleeve and other patch type insignia. (42 Stat. 1286 as amended by 45 Stat. 437; 10 U.S.C. 1425; 47 Stat. 342 as amended by 53 Stat. 752; 18 U.S.C. 76a, 76b) [Par. 4½, AR 600-90, December 31, 1940, as amended by C3, December 31, 1942]

§ 7.7 *Sales, to whom authorized*—(a) *Individuals.* * * *

(4) Insignia, including buttons, as distinguished from decorations, medals, and badges prescribed or authorized by the War Department, may be sold by authorized dealers only to persons who present official War Department identification indicating their right to wear such insignia.

(5) Insignia of grade, arm or service may be purchased by members of the State Guard who present official identification of such membership issued by a State adjutant general. The sale of buttons, cap devices, and other insignia authorized for use on uniforms of Federal forces to members of the State Guard is prohibited. (42 Stat. 1286 as amended by 45 Stat. 437; 10 U.S.C. 1425; 47 Stat. 342 as amended by 53 Stat. 752; 18 U.S.C. 76a, 76b) [Par. 8a, AR 600-90, Decem-

ber 31, 1940, as amended by C3, December 31, 1942]

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

[F. R. Doc. 43-862; Filed, January 18, 1943; 9:53 a. m.]

PART 15—REGULATIONS FOR CORRESPONDENTS ACCOMPANYING U. S. ARMY FORCES IN THE FIELD

ACCREDITED AND VISITING CORRESPONDENTS

Sections 15.2, 15.7, and 15.9 (b) are hereby amended as follows:

§ 15.2 *Definition.* The term "correspondent" as used in this manual includes journalists, feature writers, radio commentators, motion picture photographers, and still picture photographers accredited by the War Department to a theater of operations or a base command within or without the territorial limits of the United States in time of war. Correspondents are classed as "accredited" and "visiting." This manual pertains principally to the former. (See § 15.18 for instructions concerning visiting correspondents.) Correspondents have the status of noncombatants. (R.S. 161; Sec. 1, 41 Stat. 787; 5 U.S.C. 22, 10 U.S.C. 1473) [Par. 2, F.M. 30-26, January 21, 1942, as amended by C 2, July 25, 1942]

§ 15.7 *Agreement*—(a) *Accredited correspondents.* Before final acceptance an accredited correspondent will be required to sign an agreement, in triplicate, as follows:

WAR DEPARTMENT

BUREAU OF PUBLIC RELATIONS

Washington

(Date)

Agreement

In connection with authority granted by the War Department to me, the undersigned, to accompany ----------
(Name of field force)
for the purpose of securing news or story material, still or motion pictures, or to engage in radio broadcasting, I subscribe to the following conditions:

1. That, as a civilian accredited to the Army of the United States within or without the territorial limits of the United States, I am subject to the Articles of War and all regulations for the Government of the Army issued pursuant to law.

2. That, I will govern my movements and actions in accordance with the instructions of the War Department and the commanding officer of the Army unit to which I am accredited, which includes the submitting for the purposes of censorship all statements, written material, and all photography intended for publication or release either while with the Army or after my return, if the interviews, written matter, or photography are based on my observations made during the period or pertain to the places visited under this authority. I further agree that I will submit for purposes of censorship all such material even though written after my return, if the interviews, written material, or statements are based on my observations made during the period or pertain to the places visited under this authority. This includes all lectures, public talks, "off the record" speeches, and all photography intended for publication or release, either while with the armed forces or after my return, if they are based upon my observations during this period or pertain to the places visited.

3. That, I waive all claims against the United States for losses, damages, or injuries which may be suffered as a result of this authority.

4. That, this authority is for the period ---------- to ---------- and subject to revocation at any time.

5. That at the termination of my assignment, I will surrender my credentials without delay to the Bureau of Public Relations, War Department.

Signed: ----------
Representing: ----------
(Company, syndicate, or agency)
Witnessing officer: ----------
(Name)

(Grade and organization)

This form will be executed in triplicate.

(b) *Visiting correspondents.* Visiting correspondents will sign the following form:

WAR DEPARTMENT

BUREAU OF PUBLIC RELATIONS

Washington

(Date)

Agreement (Visiting)

In connection with recognition as a war correspondent outside the continental limits of the United States, granted by the War Department to me, the undersigned, for purpose of securing news or story material, still or motion pictures, or to engage in radio broadcasting I subscribe to the following conditions with reference to United States military and naval activities:

1. That as a civilian recognized as a war correspondent outside the continental limits of the United States, I am subject to the Articles of War and all regulations for the government of the Army issued pursuant to law, when with such forces.

2. That, I will govern my movements and actions in accordance with the instructions of the War Department and the commanding officer of the Army unit to which I am accredited, which includes submitting, for purposes of censorship, all statements or written material, lectures, public talks, "off the record" speeches, and all photography intended for publication or release either while with the Army or after my return, if the interviews, written matter, lectures, public talks, or "off the record" speeches are based on my observations made during the period or pertain to the places visted under this authority.

It is further understood and agreed that undeveloped film which cannot be processed and passed by the unit intelligence officer will be forwarded by him to the War Department.

3. That I waive all claims against the United States for losses, damages, or injuries which may be suffered as a result of this authority.

4. That this authority is subject to revocation at any time.

5. That at the termination of my assignment I will surrender my credentials without delay to the Bureau of Public Relations, War Department.

Signed: ----------
Representing: ----------
(Company, syndicate, or agency)
Witnessing officer: ----------
(Name)

(Grade and organization)

This form will be executed in triplicate. (R.S. 161; sec. 1, 41 Stat. 787; 5 U.S.C. 22, 10 U.S.C. 1473) [Par. 7, F.M. 30-26, January 21, 1942, as amended by C 2, July 25, 1942 and C 3, December 23, 1942]

§ 15.9 *Uniform.* * * *

(b) The uniform includes the official brassard worn on the left sleeve. This is a green cloth band, 4 inches wide, with a 2-inch white block letter "C" or "P", indicating the function of the correspondent. Journalists, feature writers, and radio commentators will wear "C" brassards. Photographers operating still or motion equipment will wear "P" brassards. (R.S. 161; sec. 1, 41 Stat. 787; 5 U.S.C. 22, 10 U.S.C. 1473) [Par. 9, F.M. 30-26, January 21, 1942, as amended by C 2, July 25, 1942]

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

[F. R. Doc. 43-775; Filed, January 15, 1943; 2:45 p. m.]

Chapter V—Military Reservations and National Cemeteries

PART 54—EXCHANGES

LIMITATIONS OF CERTAIN SALES TO ENLISTED MEN

Section 54.3 (b) (5) is hereby amended to read as follows:

§ 54.3 *Activities.* * * *

(b) *Limitations.* * * *

(5) The sale to enlisted men of regulation trousers, shirts, caps, belts, ties, socks, underwear, metal insignia and cloth insignia, such as chevrons, shoulder sleeve and other patch type insignia, is authorized. The sale of articles of the uniform, except those specified above, similar to, or as substitutes for those issued by supply services of the Army is forbidden. (R.S. 161; 5 U.S.C. 22) [Par. 9*b*, AR 210-65, July 1, 1941, as amended by C 3, December 30, 1942]

* * * * *

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

[F. R. Doc. 43-835; Filed, January 16, 1943; 2:39 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Amendment 61-2, C. A. Regs.]

PART 61—SCHEDULED AIR CARRIER RULES

PILOTS' COMPARTMENT; TRAINEES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 8th day of January 1943.

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 January 8, 1943, Part 61 of the Civil Air Regulations is amended as follows:

By adding a new subparagraph (7) to paragraph (c) of § 61.7803[1] to read as follows:

§ 61.7803 *Pilots' compartment.* * * *

(c) * * *

(7) Pilot trainees in the employ of the air carrier. This provision shall terminate at the end of the war.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN, *Secretary.*

[F. R. Doc. 43-891; Filed, January 18, 1943; 12:03 p. m.]

[Amendment 61-3, C. A. Regs.]

PART 61—SCHEDULED AIR CARRIER RULES

DE-ICING EQUIPMENT FOR AIR CARRIER OPERATIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 13th day of January 1943.

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 January 13, 1943, Part 61 of the Civil Air Regulations is amended as follows:

By striking § 61.7700 and inserting in lieu thereof the following:

§ 61.7700 *Icing conditions.* No air carrier shall dispatch or operate aircraft in air transportation through any known or probable icing condition unless the aircraft is equipped for de-icing wings, propellers; and for such other parts of the aircraft as the Administrator may prescribe to assure safety of the flight under the particular conditions to be encountered. When an icing condition is encountered in flight the pilot shall, if possible, immediately notify his radio ground station of such fact and the company shall immediately transmit such information to the nearest office of the United States Weather Bureau in accordance with § 61.733.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN, *Secretary.*

[F. R. Doc. 43-892; Filed, January 18, 1943; 12:03 p. m.]

[1] 6 F.R. 1334, 5485; 7 F.R. 1664; 8 F.R. 65.

Chapter II—Office of the Administrator of Civil Aeronautics

PART 532—REPRODUCTION AND DISSEMINATION OF CURRENT EXAMINATION MATERIALS

PROHIBITION

JANUARY 15, 1943.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and finding that this action is required to best effectuate the policies of said Act, and is desirable in the public interest, I hereby issue the following regulation:

§ 532.1 *Prohibition against the reproduction and dissemination of current examination materials.* No person shall use, reproduce, publish, or disseminate in whole or in part, without the consent of the Administrator:

(a) Any examination questions in use by the Administration for the examination of applicants for airman or ground instructor certificates, or

(b) Any material which purports to be a key sheet of specific answers to any multiple choice examination paper in use by the Administration for the examination of applicants for airman or ground instructor certificates.

This regulation shall become effective January 1, 1943.

C. I. STANTON, *Administrator.*

[F. R. Doc. 43-865; Filed, January 18, 1943; 10:07 a. m.]

PART 600—DESIGNATION OF CIVIL AIRWAYS

[Amendment 16]

REDESIGNATION OF AMBER CIVIL AIRWAY NO. 2; DELETION OF BOUNDARY, ALASKA, TO FAIRBANKS, ALASKA, CIVIL AIRWAY

JANUARY 13, 1943.

Acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600 of the regulations of the Administrator of Civil Aeronautics as follows:

1. By amending § 600.10101 *Amber Civil Airway No. 2* to read as follows:

§ 600.10101 *Amber civil airway No. 2 (Daggett, Calif., to U. S.—Canadian Border).* From the Daggett, Calif., radio range station, via the Silver Lake, Calif., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Silver Lake, Calif., radio range and the Southwest leg of the Las Vegas, Nev., radio range; Las Vegas, Nev., radio range station; Mormon Mesa, Nev., radio range station; Enterprise, Utah, radio range station; Milford, Utah, radio range station; Delta, Utah, radio range station; Tintic, Utah, radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Tintic, Utah, radio range and the south leg of the Salt Lake City, Utah, radio range; to the Salt Lake City, Utah, radio range station. From the Ogden, Utah, radio range station, via the Plymouth, Utah, radio range station; Pocatello, Idaho, radio range station; Idaho Falls, Idaho, radio range station; Dubois, Idaho, radio range station; Dillon, Mont., radio range station; Whitehall, Mont., radio range station; Helena, Mont., radio range station; the intersection of the center lines of the on course signals of the north leg of the Helena, Mont., radio range and the southwest leg of the Great Falls, Mont., radio range; Great Falls, Mont., radio range station; to the intersection of the center line of the on course signal of the southeast leg of the Lethbridge, Alberta, Canada, radio range and the U. S.-Canadian border. From the intersection of the center line of the on course signal of the southeast leg of the Northway, Alaska, radio range and the U. S.-Canadian Border, via the Northway, Alaska, radio range station, the Tanacross, Alaska, radio range station, Big Delta, Alaska, radio range station, and the intersection of the center lines of the on course signals of the northwest leg of the Big Delta radio range and the south leg of the Fairbanks, Alaska, radio range, to the Fairbanks, Alaska, radio range station.

2. By striking § 600.10405 *Boundary, Alaska, to Fairbanks, Alaska, Civil Airway.*

This amendment shall become effective 0001 E. W. T. January 30, 1943.

C. I. STANTON, *Administrator.*

[F. R. Doc. 43-863; Filed, January 18, 1943; 10:07 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4872]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

PURITY CANDY COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., of candy, or any other merchandise, (1) supplying, etc., others with push or pull cards, punch boards, or other lottery devices, either with assortments of candy or other merchandise or separately, which said push or pull cards, punch boards or other lottery devices are to be used or may be used in selling or distributing such candy or other merchandise to the public; (2) selling, etc., candy or any merchandise so packed and assembled that sales of said candy or other merchandise to the public are to be made or, due to the manner in which such merchandise is packed and assembled at the time it is sold by respondents, may be made by means of a game of chance, gift enterprise or lottery scheme; and (3) selling, etc., any merchandise by means of a game of chance, gift enterprise or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45 (b) [Cease and desist order, Purity Candy Company, Docket 4872, January 5, 1943]

In the Matter of Peter Anastasoff and James Anastasoff, Individuals, Trading as Purity Candy Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of January, A. D. 1943.

This proceeding having been heard by the Federal Trade Commisison upon the complaint of the Commission and the answer of respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Peter Anastasoff and James Anastasoff, individually and trading as Purity Candy Company, or trading under any other name, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of candy or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Supplying to or placing in the hands of other push or pull cards, punch boards or other lottery devices, either with assortments of candy or other merchandise or separately, which said push or pull cards, punch boards or other lottery devices are to be used or may be used in selling or distributing such candy or other merchandise to the public.

2. Selling or distributing candy or any merchandise so packed and assembled that sales of said candy or other merchandise to the public are to be made or, due to the manner in which such merchandise is packed and assembled at the time it is sold by respondents, may be made by means of a game of chance, gift enterprise or lottery scheme.

3. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme.

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

By the Commission.

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

[F. R. Doc. 43-760; Filed, January 15, 1943; 11:27 a. m.]

[Docket No. 4708]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

JOSEPH G. BRANCH INSTITUTE OF ENGINEERING AND SCIENCE

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Individual or private business as educational, religious or research institution:* § 3.96 (b) *Using misleading name—Vendor—Individual or private business being educational, religious or research institution.* In connection with offer, etc., in commerce, or respondent's courses of study or instruction, and among other things, as in order set forth, (1) using the word "Institute", or any abbreviation or simulation thereof, as a part of respondent's trade name or as a part of the name of respondent's school; or otherwise representing, directly or by implication, that respondent's school is an institute or that it was organized or established or is equipped to carry on the work of an institute; (2) using the word "University", or any abbreviation or simulation thereof, to designate, describe, or refer to respondent's school; or otherwise representing, directly or by implication, that the business conducted by respondent is a university or an educational institution of higher learning; or (3) representing, through the use of the word "University" or any other word, or by any other means, that respondent's school is an educational institution of higher learning with power to confer degrees; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Joseph G. Branch Institute of Engineering and Science, Docket 4708, January 5, 1943]

§ 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Individual or private business as educational, religious or research institution.* In connection with offer, etc., in commerce, of respondent's courses of study or instruction, and among other things, as in order set forth, representing, through the issuance of so-called degrees or other documents which purport to have been issued by a duly qualified educational institution of higher learning authorized to confer academic or scientific title or rank, that respondent's school is a university or institution of higher learning; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Joseph G. Branch Institute of Engineering and Science, Docket 4708, January 5, 1943]

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Government endorsement:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Reputation, success or standing:* § 3.18 *Claiming indorsements or testimonials falsely.* In connection with offer, etc., in commerce, of respondent's courses of study or instruction, and among other things, as in order set forth, using the words "officially recognized", or any other word or words of similar import, in connection with respondent's school; or otherwise representing, directly or by implication, that respondent's school is recognized or approved as an institution of learning by the United States Government or any state of the United States, or by any agencies thereof; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Joseph G. Branch Institute of Engineering and Science, Docket 4708, January 5, 1943]

§ 3.69 (5) *Misrepresenting oneself and goods—Business status, advantages or connections—Government indorsement, sanction or sponsorship:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Reputation, success or standing.* In connection with offer, etc., in commerce, of respondent's courses of study or instruction, and among other things, as in order set forth, (1) representing, through the use of certificates of acknowledgment or authentication executed by notaries public or other public officials and affixed to so-called diplomas and degrees or other similar documents, that respondent's school is an institution of learning recognized by the Government of the United States or by any state of the United States; or (2) representing in any other manner or by any other means, either directly or indirectly, that respondent's school is an accredited institution, or that the so-called diplomas or degrees or any other similar documents issued by it are recognized or accepted by any governmental agency or any reputable college or university; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Joseph G. Branch Institute of Engineering and Science, Docket 4708, January 5, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of January, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence in support of and in opposition to the allegations of the complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and the exceptions to such report, briefs in support of and in opposition to the complaint, and oral argument; and the Commission having made its findings as to the facts [1] and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act.

It is ordered, That the respondent, Joseph G. Branch, individually and trading as Joseph G. Branch Institute of Engineering and Science, or trading under any other name, and his agents, representatives and employees, directly or through any corporate of other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's courses of study or instruction, do forthwith cease and desist from:

1. Using the word "Institute," or any abbreviation or simulation thereof, as a part of respondent's trade name or as a part of the name of respondent's school; or otherwise representing, directly or by implication, that respondent's school is an institute or that it was organized or

[1] Filed as part of the original document.

established or is equipped to carry on the work of an institute.

2. Using the word "University," or any abbreviation or simulation thereof, to designate, describe, or refer to respondent's school; or otherwise representing, directly or by implication, that the business conducted by respondent is a university or an educational institution of higher learning.

3. Representing, through the use of the word "University" or any other word, or by any other means, that respondent's school is an educational institution of higher learning with power to confer degrees.

4. Representing, through the issuance of so-called degrees or other documents which purport to have been issued by a duly qualified educational institution of higher learning authorized to confer academic or scientific title or rank, that respondent's school is a university or institution of higher learning.

5. Using the words "officially recognized," or any other word or words of similar import, in connection with respondent's school; or otherwise representing, directly or by implication, that respondent's school is recognized or approved as an institution of learning by the United States Government or any state of the United States, or by any agencies thereof.

6. Representing, through the use of certificates of acknowledgment or authentication executed by notaries public or other public officials and affixed to so-called diplomas and degrees or other similar documents, that respondent's school is an institution of learning recognized by the Government of the United States or by any state of the United States.

7. Representing in any other manner or by any other means, either directly or indirectly, that respondent's school is an accredited institution, or that the so-called diplomas or degrees or any other similar documents issued by it are recognized or accepted by any governmental agency or any reputable college or university.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-867; Filed, January 18, 1943; 10:27 a. m.]

TITLE 21—FOODS AND DRUGS

Chapter I—Food and Drug Administration

[Docket Nos. 12 and 29]

PART 19—CREAM CHEESE, NEUFCHATEL, CHEESE, COTTAGE CHEESE, AND CREAMED COTTAGE CHEESE: DEFINITIONS AND STANDARDS OF IDENTITY

ORDER CHANGING EFFECTIVE DATE

An order having been issued on December 22, 1942, (7 F.R. 10755, 10835) promulgating regulations fixing and establishing definitions and standards of identity for cream cheese, neufchatel cheese, cottage cheese, and creamed cottage cheese, which standards exclude as optional ingredients, sodium, and calcium propionates; and a notice having been issued this day, of a hearing to be held upon a proposal to amend said definitions and standards to include as optional ingredients sodium propionate and calcium propionate;

Now, therefore, it is ordered, That notwithstanding the provisions of the last paragraph of said order dated December 22, 1942, and in lieu of the effective date therein specified, such regulations shall, to the extent that such standards exclude sodium and calcium propionate, become effective on the ninetieth day after the date of publication in the FEDERAL REGISTER of the final order issued with respect to said proposal to amend such standards.

[SEAL] WATSON B. MILLER,
Acting Administrator.

JANUARY 16, 1943.

[F. R. Doc. 43-889; Filed, January 18, 1943; 11:57 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter III—Proclaimed List of Certain Blocked Nationals

CUMULATIVE SUPPLEMENT 3, JANUARY 16, 1943 TO REVISION IV OF NOVEMBER 12, 1942

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Board of Economic Warfare, and the Coordinator of Inter-American Affairs, by Proclamation 2497 of the President of July 17, 1941 (6 F.R. 3555), the following Supplement 3[1] containing certain additions to, amendments to, and deletions from The Proclaimed List of Certain Blocked Nationals, Revision IV of November 12, 1942 (7 F.R. 9510), is hereby promulgated.

By direction of the President:

CORDELL HULL,
Secretary of State.
RANDOLPH PAUL,
Acting Secretary of the Treasury.
FRANCIS BIDDLE,
Attorney General.
JESSE H. JONES,
Secretary of Commerce.
MILO PERKINS,
Executive Director,
Board of Economic Warfare.
NELSON A. ROCKEFELLER,
Coordinator of Inter-American Affairs.

JANUARY 16, 1943.

[F. R. Doc. 43-815; Filed, January 16, 1943; 10:44 a. m.]

[1] Filed with the Division of the Federal Register. Inquiries should be addressed to the Department of State.

TITLE 24—HOUSING CREDIT

Chapter IV—Home Owners' Loan Corporation

[Bulletin 156]

PART 403—PROPERTY MANAGEMENT DIVISION

MISCELLANEOUS AMENDMENTS

The fifth paragraph of § 403.00 shall be amended to read as follows:

§ 403.00 *Jurisdiction.* * * *

Public improvements. The Regional Manager, with the advice of the Regional Counsel, may in his discretion bind the Corporation to expend such sums for sidewalks, street improvements or other local improvements affecting property under the jurisdiction of the Property Management Division, or for the general improvement of the neighborhood in which any such property is located, as he may deem to be for the interest of the Corporation, and may on behalf of the Corporation join in and sign petitions or requests therefor, subject to limitations prescribed in § 403.14. Consents to proposed improvements out of which assessments or levies will arise shall be executed pursuant to the provisions of Part 2 of this chapter.

The first and second paragraphs of § 403.06–10 shall be amended to read as follows:

§ 403.06–10 *Listing procedure.* It shall be the responsibility of the Analysis Section to furnish to the Listing Subsection pertinent data in order to enable that Subsection to prepare a specific listing of the property either for sale or rent, or jointly for sale and rent and to forward such listing to the Contract Broker who has been designated for that purpose. The preparation of listings with brokers and the maintenance of appropriate records will be performed by the Listing Subsection of the Regional Office. The Assistant Regional Manager in charge of Property Management shall designate the Contract Broker with whom the property is to be listed.

When the property is listed with a Contract Sales Broker, the Corporation shall distribute, on authorized forms, listings of any such property to Approved Sales Brokers within a reasonably effective area of the property. In cases where the use of standard listing forms is not expedient, properties may be listed with brokers by letter or other means deemed appropriate by the Assistant Regional Manager in Charge of Property Management.

The fourth paragraph of § 403.07–1 shall be amended to read as follows:

§ 403.07–1 *Sales broker's commissions.* * * *

Conditional authorization of sale. Notwithstanding any other provision of this section, the Home Office Property Committee, Regional Property Committee or Regional Manager, when authorizing the acceptance of a specific offer to purchase, may issue such authorization upon the condition that the broker effecting the sale shall agree to a commission below the rate established by the Corporation for the particular

locality, or that the Contract Sales Broker shall agree to accept as his override commission an amount smaller than provided in this section.

The first and second paragraphs of § 403.10 shall be amended to read as follows:

§ 403.10 *Plans and terms of sale.* The General Manager, with the approval of the General Counsel, is authorized to determine the plans of sale of real properties under the jurisdiction of the Property Management Division and of any leasehold or other interests therein. The General Manager is authorized to determine the terms of payment for the sale of such properties or interest therein: *Provided, however,* That in no event shall the term of repayment under any mortgage or other security instrument or instalment or like contract exceed fifteen years from the date of delivery of the deed or of such contract. The General Manager is authorized to dispose of any personal property, or any right or interest therein, acquired by the Corporation and under the jurisdiction of the Property Management Division, in such manner and for such consideration as he may determine. The authority herein vested in the General Manager may be exercised also by the Regional Manager, under procedure and limitations elsewhere provided in the Regulations.

The Regional Manager shall have authority to effect sales of real properties under the jurisdiction of the Division and of any leasehold or other interests therein at or above the minimum sales price which shall be fixed in accordance with established procedure. Once a minimum sales price has been fixed in accordance with established procedure such price need not be revised by reason of subsequently authorized expenditures for reconditioning or other purposes unless such expenditures in the opinion of the Regional Manager enhance the value of the property. In cases where the value of the property is enhanced the new minimum sales price then shall be established by the Regional Manager. In those cases where the General Manager, Deputy General Manager in Charge, Home Office or Regional Property Committee has not established a minimum sales price for the property "as is" but has established such a price "as reconditioned" in accordance with a specific reconditioning program, the Regional Manager may determine to hold the property "as is" or to proceed only with limited repairs. In such cases he is authorized to reduce the minimum sales price previously set by such amount as, in his opinion, is appropriate but in no event by an amount in excess of the estimated cost of reconditioning items which he determines should not be performed. The authority granted to the Regional Manager in this paragraph shall not be exercised in any case where the General Manager, Deputy General Manager in Charge, Home Office or Regional Property Committee has directed otherwise.

The concluding paragraph of § 403.10 shall be amended to read as follows:

Tax and insurance accounts in term sales. Obligations taken for the unpaid balance of the purchase price in connection with the sale of real property, or of any interest therein, shall provide for interest at the rate of 4½% per annum. In sales on terms, the purchaser shall be required (a) to establish and maintain a Tax and Insurance Account pursuant to the provisions of Part 2 of this Chapter, (b) to pay into such account at time of sale closing a lump sum in such amount, if any, as the Corporation may estimate to be necessary to avoid deficiencies in such account during the 12 months next succeeding the sale closing, and (c) to furnish insurance pursuant to Part 2 of this Chapter. In sales on terms, the General Manager may generally or specially authorize or approve the waiver by the Corporation of payment by the purchaser at or prior to sale closing of all or any part of the cash down payment on account of the purchase price, if the amount so waived is included in the purchaser's note, bond or installment contract and if the purchaser in writing agrees to such arrangement. In sales on terms, the General Manager may also generally or specially authorize or approve the addition to the purchaser's note, bond or installment contract of all or any part of any moneys payable by the purchaser at or prior to the sale closing for credit to the Tax and Insurance Account and of all or any part of any net adjustment found to be due the Corporation at time of sale closing. In sales on terms, any net adjustment found to be due the purchaser at sale closing in excess of any amounts then payable by the purchaser for credit to the Tax and Insurance Account shall not be applied in reduction of the cash down payment or of the principal amount of the purchaser's note, bond or installment contract, but shall be applied to the purchaser's account subsequent to the sale closing either in direct reduction of principal or as a prepayment, as the purchaser shall elect. The authority in this paragraph vested in the General Manager may also be exercised by the Regional Manager.

Section 403.10–2 (c) shall be amended to read as follows:

§ 403.10–2 *Functions.* * * *

(c) Maintain an active up-to-date record of all inquiries received in the Regional Office from prospective purchasers and advise the Contract Sales Broker with whom the property is listed of such inquiries.

Section 403.10–12 shall be amended to read as follows:

§ 403.10–12 *Preparation of Form PM–412 and of agreement for sale of real estate.* The prospective purchaser shall be required to submit a credit statement on Form PM–412 on which the Contract Sales Broker shall endorse his recommendation. The Corporation's approved form of agreement for the sale of real estate will then be prepared. This agreement may be prepared in the Regional Office, or the Contract Sales Broker may cause such agreement to be prepared. Form PM–412, the agreement for the sale of real estate, and the prospective purchaser's deposit shall then be transmitted by the broker to the Regional Office. Upon receipt of these papers, a credit report shall be obtained by the Property Management Division from an established credit reporting agency unless such report has previously been ordered. The representations made by the prospective purchaser on Form PM–412 shall be checked by the Regional Manager who shall endorse thereon his decision as to the acceptability of the prospective purchaser as a credit risk. In all cases where the cash payment offered by the prospective purchaser is equal to or in excess of 25% of the purchase price, the credit report may be waived.

Section 403.10–13 *Submission of file to Regional Office* shall be revoked.

Section 403.10–14 shall be amended to read as follows:

§ 403.10–14 *Execution of agreement for sale.* Any agreement for the sale of real estate, signed by a purchaser whose credit standing is satisfactory to the Regional Manager, may be executed on behalf of the Corporation when the amount of the offer is not less than the minimum sales price and the terms thereof conform to the regulations. Such agreement may be referred to the Regional Counsel for advice as to its legal sufficiency and the time therein provided for closing. Upon the execution of such agreement on behalf of the Corporation one executed copy thereof shall be promptly transmitted to the purchaser, either directly or through the Contract Sales Broker, and the Contract Sales Broker shall be advised of the execution of the agreement by the Corporation. When the executed agreement for sale provides that the Corporation shall furnish title evidence in addition to that then held by it, the Property Management Division shall at the same time transmit or cause to be transmitted direct to the Regional Counsel all title evidence in the case which is available in the Regional Office and the original executed agreement of sale.

Section 403.10–16 shall be amended to read as follows:

§ 403.10–16 *Preparation for closing.* Promptly upon the execution on behalf of the Corporation of the agreement for the sale of real estate, the Property Management Division shall transmit or cause to be transmitted to the Regional Counsel the agreement for sale and all available title evidence, instruments and insurance, tax and other information in pursuance of the general advice of the Regional Counsel.

The Regional Counsel shall advise the Regional Manager generally of the title evidence, instruments and insurance tax, and other information which the Property Management Division shall assemble in order to enable the Legal Department to close sales in each jurisdiction within the Region.

Section 403.10–19 shall be amended to read as follows:

§ 403.10–19 *Preparation of agreements for sale.* Agreements for the sale of real estate may be prepared by Contract Sales Brokers and by salaried personnel of the Property Management Division on approved Corporation forms.

In special and unusual cases the Property Management Division may request the Regional Counsel to prepare such agreements.

Section 403.10–20 shall be amended to read as follows:

§ 403.10–20 *Instructions for such preparation.* The Regional Manager, with the advice and approval of the Regional Counsel, shall issue from time to time for each State within the Region general instructions relating to the preparation of agreements for the sale of real estate, adjustments, leases, and other pertinent matter to be provided for in such agreements. The Regional Manager may issue specific instructions or directions with respect to the preparation of any particular agreement for the sale of real estate. General and special instructions shall not be inconsistent with the regulations of the Corporation. Copies of such general instructions shall be furnished to the Regional Counsel and the Supervising Auditor, and three copies shall be forwarded to the Deputy General Manager in Charge of Property Management for distribution to the Associate General Counsel and the Auditor.

The first paragraph of § 403.10–31 shall be amended to read as follows:

§ 403.10–31 *Provisions in Form 653–B.* In Plan B sales the agreement for sale shall require the purchaser to furnish insurance and to establish and maintain a Tax and Insurance Account. In Plan B sales such agreement shall further require the purchaser to pay a lump sum for credit to such account in such amount, if any, as the Corporation may deem necessary to avoid deficiencies in such account during the 12 months next succeeding the sale closing and shall provide that any net adjustment due at the closing of the sale from the Corporation to the purchaser in excess of any amounts to be credited to the Tax and Insurance Account shall not be applied in reduction of the cash down payment or of the principal amount of his note, bond or installment contract, but shall be applied subsequent to the sale closing either in reduction of the principal balance of the vendee account or as a prepayment, as the purchaser may direct.

The fourth paragraph of § 403.10–31 shall be amended to read as follows:

Adjustments at sale closing. If in the closing of any Plan B sale the net adjustment is in favor of the Corporation, the Regional Manager is authorized to direct in the individual case that all or any part of such net adjustment not paid by the purchaser in cash may be added to the principal amount of the purchaser's note, bond or installment contract. Any such direction shall be furnished to the Legal Department in writing.

The ninth paragraph of § 403.10–31 shall be amended to read as follows:

Insurance. In any Plan B sale, the Regional Manager may waive the requirement that the purchaser furnish required insurance at time of sale closing in any case where in his opinion such action will be in the Corporation's interest in the circumstances of the particular case. When the Regional Manager has authorized the closing of a Plan B sale without any insurance being furnished by the purchaser, the required insurance shall be purchased by the Corporation and shall be ordered by it through carriers under contract at the time the closed sales file is received by the Insurance Section, and the amount credited to the Tax and Insurance Account for such insurance shall be thirty-six times the monthly accrual shown on Form 198. In Plan B sales where the Regional Manager has authorized the acceptance of insurance pursuant to the provisions of Part 2 of this Chapter, no additional insurance will be ordered by the Corporation by reason of such authorization and no adjustment shall be made at sales closing with respect to insurance.

The first paragraph of § 403.10–32 shall be amended to read as follows:

§ 403.10–32 *Reconditioning in connection with sales.* In connection with the sale of its property the Corporation may agree to perform at its expense any reconditioning of the property sold which is authorized by the regulations governing the reconditioning of properties under the jurisdiction of the Property Management Division. Such reconditioning by the Corporation shall be authorized by the Regional Manager, subject to the limitations contained in § 403.14, either by his execution of the agreement for sale or by issuance of Form PM–409 or Form PM–431, and the reconditioning may be undertaken and completed prior or subsequent to the sale closing. Such reconditioning shall be performed under the direction and supervision of the Reconditioning Section: *Provided, however,* That if such reconditioning consists wholly of maintenance items the case may, at the discretion of the Regional Manager, be supervised either by the Property Management Division through the facilities of the contract broker, or by the Reconditioning Section.

The third paragraph of § 403.10–32 shall be amended to read as follows:

Reconditioning by Corporation. The agreement for such reconditioning by the Corporation shall specify all reconditioning to be performed thereunder in such detail as will, in the opinion of the Regional Manager, avoid any future controversy as to the scope of the reconditioning. In the event the scope of reconditioning is insufficiently described, the Regional Manager may order an R–4–D report from the Reconditioning Section in order to insert in such agreement adequate specifications covering the reconditioning work to be performed by the Corporation. Such R–4–D reports shall be based upon an inspection of the property, if the information available to the Reconditioning Section is inadequate. In determining whether or not an R–4–D report shall be obtained in the particular case, consideration shall also be given to the scope of the reconditioning, the amount involved and the technical nature of the work. If the Regional Manager determines that the description of the reconditioning to be performed by the Corporation is not adequate, the instruments containing the offer to purchase shall be modified or redrawn, and the purchaser's signature thereon shall be secured before they are executed on behalf of the Corporation. If the closing of the sale is to be deferred until the reconditioning is completed, the agreement for sale shall so provide.

The third, fourth and fifth paragraphs of § 403.10–33 shall be amended respectively to read as follows:

§ 403.10–33 *Reconditioning by purchaser.* * * *

Whenever a sale of Corporation property is negotiated on condition that the purchaser perform reconditioning, the Regional Manager shall determine whether to require the purchaser to perform the reconditioning under the supervision of the Corporation or to permit him to perform the work independently of the Corporation, after considering the competency of the purchaser to perform or supervise the reconditioning; the nature, extent, and cost of the reconditioning; and any other factors which may affect the interest of the Corporation.

In the event the Regional Manager decides to require supervision by the Corporation it shall be stipulated accordingly in the agreement for sale, and in any supplemental agreement which may be required by the Regional Manager.

The agreement for such reconditioning by the purchaser shall specify all reconditioning to be performed thereunder in such detail as will in the opinion of Regional Manager avoid any future controversy as to the scope of the reconditioning. In the event the scope of reconditioning is insufficiently described, the Regional Manager may order an R–4–D report in order to insert in such agreement adequate specifications covering the reconditioning work to be performed by the purchaser. Such R–4–D report shall be based upon an inspection of the property, if the information available to the Reconditioning Section is inadequate. In determining whether or not an R–4–D report shall be obtained in the particular case, consideration shall be given to the scope of the reconditioning, the amount involved, and the technical nature of the work. If the Regional Manager determines that the description of the reconditioning to be performed by the purchaser is not adequate, the instruments containing the offer to purchase shall be modified or redrawn, and the purchaser's signature thereon shall be obtained before they are executed on behalf of the Corporation.

Section 403.11–11 shall be amended to read as follows:

§ 403.11–11 *Repairs during receivership.* Where there is a receiver for the property, the Regional Manager, shall, if he deems it practicable to do so, first request the receiver to make the necessary or emergency repairs and in the event of the refusal of the receiver to proceed without the assurance of the Corporation that it will advance funds

for the same, the Regional Manager is authorized in his discretion to give such assurance and to take such other steps as he may deem necessary to the end that the repairs may be promptly and properly completed.

Section 403.11–12 shall be amended to read as follows:

§ 403.11–12 *Procedure where receiver requests advances for repairs.* In cases where the receiver requests the Corporation to make an advance for such repairs, he should make such request to the Property Management Division on Form R–100–A or on such other approved form or forms as may be satisfactory to the Regional Counsel. If the Regional Manager approves the advance he shall request the Legal Department to obtain appropriate court authority where necessary, or desirable, and shall thereafter assign the case to the Reconditioning Section for processing in accordance with the applicable provisions of the Reconditioning Chapter.

Disbursement. After the Reconditioning Section has certified that the work has been completed in accordance with the contract and to the satisfaction of the receiver, the Regional Manager, subject to limitations as to amount set forth in § 403.14, may authorize payment to or for the account of the receiver upon the obtaining of such evidence of debt owing by the receiver to the Corporation as may be required by the court order, if any, or such as the Regional Counsel may prescribe or approve and upon obtaining such evidence as to the release or satisfaction of all liens as required by Part 5 of this Chapter.

The first paragraph of § 403.11–17 shall be amended to read as follows:

§ 403.11–17 *Supervision of repairs by reconditioning section or by broker.* Maintenance repairs and the purchase of equipment incident to maintenance shall be accomplished under the direction of the broker with whom the property has been listed except in those cases where the Property Management Division requests the Reconditioning Section to supervise such maintenance repairs and purchases of equipment. If the property is listed with a Contract Broker and the cost of the repairs does not exceed the amount of the expenditure which the broker is authorized to incur without the prior approval of the Regional Manager, the work shall be performed under the supervision of the broker. If the cost of the maintenance repairs recommended by the broker is in excess of such amount, the work shall be accomplished by the broker with whom the property is listed or by the Reconditioning Section, at the discretion of the Regional Manager. In exercising this discretion, due regard shall be given to the amount involved, the technical nature of the work, and the experience and facilities of the broker. If the repairs recommended by the broker constitute reconditioning other than maintenance, the work shall be processed in accordance with the provisions of Part 5 of this Chapter.

Section 403.11–19 shall be amended to read as follows:

§ 403.11–19 *Competitive bids.* Before incurring any charges for repairs, the purchase of materials necessary to effect such repairs or the purchase of equipment, the broker shall obtain the prior approval of the Regional Manager unless the cost of such charges does not exceed the limitations on the broker's authority as provided in § 403.14–2. The broker shall be responsible for the completion of such repairs in a good and workmanlike manner, for the selection of appropriate equipment, and for the proper installation of such equipment. Competitive bids are not required if the cost of the repairs or purchases does not exceed $25.00. If the cost exceeds $25.00 the broker shall obtain competitive bids unless such bids are waived as hereinafter provided. In any case where the repairs cost in excess of $25.00 and the broker is required to obtain the approval of the Regional Manager before incurring any charges therefor, he shall forward to the Regional Manager for approval the bids, if any, secured by him, together with his recommendations.

With respect to the installation of items of new equipment or in replacement of old equipment costing in excess of $25.00, such as gas stoves, refrigerators, heating plants, incinerators, or other similar items, the Contract Broker shall obtain such bids in the number and manner as the Corporation may prescribe, and shall forward such bids, accompanied by his recommendations to the Regional Manager. The Corporation reserves the right to specify to the Contract Broker what products and materials shall be used in making repairs. In the purchase of supplies and any authorized equipment, the Contract Broker shall follow such precedure as the Corporation may prescribe.

The Regional Manager may waive competitive bids for repairs or purchases of equipment where it is not feasible to obtain bids because of the urgency of the situation, the limited number of contractors or vendors willing or able to submit bids, or if there is a reasonable possibility that the loss of time resulting from obtaining bids might cause the loss of a prospective sale or tenancy. Competitive bids in connection with repairs may also be waived by the Contract Broker for the same reasons in any case where under § 403.14–2 he is authorized to incur charges without the prior approval of the Regional Manager.

In all cases where the Contract Broker pursuant to the provisions of the next preceding paragraph has waived the obtaining of competitive bids in connection with repairs costing in excess of $25.00, he shall forward to the Corporation a written statement justifying the awarding of the contract without bids and said statement shall accompany vouchers to secure payment, or shall be transmitted with the copy of the Broker's Monthly Operating Report forwarded to the Property Management Division in the event payment has been made by the Broker out of funds collected by him from the properties listed with him for management. In any case where the Regional Manager has authorized repairs or the purchase of equipment without competitive bids, he shall state the reason for waiving bids on the voucher submitted to secure payment to the contractor or vendor.

The Regional Manager may further authorize the purchase of standard equipment costing in excess of $25.00 at standard prices without competitive bids where in his opinion the obtaining of such bids would serve no useful purpose. In communities where it is feasible, the Regional Manager may obtain, through the Reconditioning Section and as provided in Part 5 of this Chapter, price lists, catalogs or offers for periodic purchases from competitive concerns containing prices at which standard equipment may be purchased during a stipulated time. Purchases of equipment may be made on the basis of such price lists without other bids from such concerns.

The first paragraph of § 403.11–30 shall be amended to read as follows:

§ 403.11–30 *Authority to rent.* The Regional Manager, Assistant Regional Manager in Charge of Property Management, Property Management Field Supervisor, Supervisor of the Management Section and Contract Management Broker shall, subject to the control of the Deputy General Manager in Charge, have authority to effect any month-to-month rental agreement, and in connection with properties owned by the Corporation any lease for not longer than one year which by its terms permits its cancellation by the Corporation upon not more than one month's notice in event of sale of any of the property leased, and to execute on behalf of the Corporation leases and rental agreements therefor on authorized forms. All other leases recommended for approval by the Regional Manager shall be submitted to the Home Office Property Committee, except that the Deputy General Manager in Charge may authorize the Regional Manager to effect such leases for periods not exceeding two years. When the Regional Manager is so authorized, or when leases have been approved by the Home Office Property Committee, such leases shall be executed by such officers as are authorized by the regulations of the Corporation.

The first paragraph of § 403.11–32 shall be amended to read as follows:

§ 403.11–32 *Terms on which properties are rented.* The terms on which properties are to be rented shall be fixed by the Regional Manager or by the Home Office Property Committee. All rents should be due and payable on the first of each month in advance. In those cases where tenants take possession on dates other than the first of the month and pay a full month's rent in advance, the rent shall be adjusted at the beginning of the period of occupancy so that on the first succeeding regular billing, the tenant shall be billed for the balance of the calendar month remaining after the expiration of the first month's occupancy by the tenant and that monthly

rent thereafter shall be due and payable in advance on the first of each month. Where possible, rent should be computed on the basis of thirty days to the calendar month. The Property Management Division shall specifically advise the Accounting Division, in all cases, of the amount of rent which is applicable to the month in which the tenancy begins, and the amount, if any, applicable to a future period.

The third paragraph of § 403.11–33 shall be amended to read as follows:

§ 403.11–33 *Approved forms to be used; waivers.* * * *

When rental agreement to be obtained. Unless waived by the Regional Manager pursuant to the next preceding paragraph, the Corporation requires that a written rental agreement be obtained from the occupant of property under the jurisdiction of the Property Management Division if the Corporation desires to enter into the relationship of landlord and tenant with such occupant and has the legal right to do so. Once a rental agreement has been entered into between the Corporation and such tenant, no new rental agreement shall be required, unless there is a subsequent change in the rental agreement, such as a change in the rental rate or in the expiration date of the rental agreement. Unless the Regional Counsel otherwise directs, no new rental agreement is required solely for the purpose of evidencing the amortization of rental delinquencies. Where a new agreement is required under the ruling of the Regional Counsel, the rental rate shall not be increased by reason of such amortization and any payments to be made on account of rental delinquencies shall be shown separately in such new rental agreement.

Section 403.11–38 shall be amended to read as follows:

§ 403.11–38 *Duplicate copies Form 416.* At the same time that the original Monthly Operating Report of Contract Management Broker is mailed to the Regional Treasurer, the broker shall send to the Property Management Division a duplicate copy of the report accompanied by receipted bills for all disbursements reported by the broker and by original and duplicate copies of new written leases or rental agreements.

The second paragraph of § 403.11–41 shall be amended to read as follows:

§ 403.11–41 *Certification in lieu of receipted bill.* * * *

In cases where it is impracticable for the broker to obtain a receipted bill, the Official in Charge of Management is authorized to waive the necessity of obtaining such receipted bill upon certification by the broker, preferably, on the bill or letterhead of the broker, that it was impracticable to obtain a receipted bill and stating the reasons therefor, and upon satisfactory evidence that payment, in fact, has been made.

Section 403.11–42 shall be amended to read as follows:

§ 403.11–42 *Delinquencies.* The Official in Charge of Management shall cause to be reviewed all delinquencies, as disclosed by the Monthly Operating Report by Contract Management Brokers. Appropriate action shall be taken promptly upon a default in the payment of rent so that the tenant will in no case remain in possession of the property when the deliquency is forty-five days old, except upon the approval of the Regional Manager. Where it has been decided by the Official in Charge of Management that a delinquent tenant should be required to move, a notice to vacate in form satisfactory to Regional Counsel should be forwarded to the Contract Management Broker for immediate service on such tenant. If extensions are granted to delinquent tenants the Contract Management Broker shall be notified immediately of the terms of said extensions.

Section 403.11–49 shall be amended to read as follows:

§ 403.11–49 *Identification card.* Property Management representatives and Property Management field supervisors shall be furnished with Identification Card, Form 61–A, which must be carried whenever they are on official business and be exhibited upon request.

Section 403.13–1 shall be amended to read as follows:

§ 403.13–1 *Reconditioning contracts.* The Regional Manager is authorized to sign or approve contracts for repairs, reconditioning, and for the purchase of equipment in all cases where the acceptable bid does not exceed the limitations as to amount placed upon his authority to incur charges as provided in § 403.14 of this Part and in all cases where the items and amounts included in the scope of the work have been authorized by higher authority.

Section 403.13–2 shall be amended to read as follows:

§ 403.13–2 *Contracts for public utilities.* The Regional Manager, Assistant Regional Manager in Charge of Property Management, Supervisor of the Management Section and Contract Management Broker are authorized to execute in behalf of the Corporation contracts for water, gas, electricity, and other services furnished by public utilities, where, in their opinion, such services are necessary or desirable in the management of properties under the jurisdiction of the Property Management Division, and where it is the established local custom that such services be furnished at the expense of the landlord.

The third paragraph of § 403.14 shall be revoked. (This is the paragraph relating to the authority of state and district managers.)

The fourth paragraph of § 403.14 shall be amended to read as follows:

§ 403.14 *Limitation on authority of Regional Managers.* * * *

In adddition to the limitations imposed by this section on the authority of Regional Managers to incur or approve charges or expenses, the prior approval of the Home Office Property Committee shall be first obtained in any case involving reconditioning, repairs or purchases of equipment and supplies in excess of $100.00, provided the expenditure is to be capitalized and is not due to an insurance loss or loss covered by the Reserve for Losses from Fire and Other Hazards, and further provided that it appears from the latest quarterly report of the Accounting Division received by the Regional Manager, or from the Property Ledger Card maintained by the Accounting Division, that the cumulative amount of disbursements capitalized for repairs, reconditioning and the purchase of equipment and supplies on the property subsequent to the effective date of the transfer of the account from loan or vendee status, when added to the amount to be authorized, exceeds either $1,500.00 or 50% of the difference between (a) the current minimum sales price of the property in its then condition, and (b) the cumulative amount of such disbursements. In the event no current minimum sales price has been established for the property in its condition at the time the additional amount is to be authorized, the current market price of the property in its then condition as established by the Property Management Division shall be used in lieu of such minimum sales price for the purpose of applying the provisions of this paragraph.

The sixth paragraph of § 403.14 shall be amended to read as follows:

The Regional Manager is authorized and directed, within the limitations herein provided, to determine the necessity for any expenditures incurred or approved by him in accordance with the provisions of this Part and the amounts thereof.

The seventh paragraph of § 403.14 shall be amended to read as follows:

Expenditures by brokers. Contract Management Brokers and Contract Sales Brokers may incur charges in behalf of the Corporation in connection with properties assigned to them by the Corporation, subject to procedures and limitations elsewhere prescribed in the regulations.

Section 403.14–1 shall be amended to read as follows:

§ 403.14–1 *General.* Charges and bills incurred or approved by the Regional Manager shall upon certification by the Auditor or an authorized deputy be paid by the Regional Treasurer from the Regional Working Fund or from such other fund as may be provided elsewhere in the regulations, except in those cases where disbursements are authorized to be made by brokers out of funds in their possession received from the income of properties listed with them. Vouchers shall be accompanied by the proper receipts and releases except as provided elsewhere in the regulations.

The authority of the Regional Managers contained in § 403.14 shall not extend to payrolls, travel or any other expenditure for which there is an established procedure requiring payment from the Home Office; nor to any compensation of fee attorneys; expenses for abstracts, surveys, title searches, title

certificates, title insurance policies; attorneys' fees for deeds in lieu of foreclosure, foreclosures or other litigation, or expenses of litigation. Any legal fees and expenses shall be incurred, approved and paid in the manner provided in Part 6 of this Chapter.

The first paragraph of § 403.14–2 shall be amended to read as follows:

§ 403.14–2 *Limitations on brokers to incur charges.* The Contract Broker is authorized to incur charges in the performance of any of the functions or duties required or authorized to be done by Part 403 of this Chapter, including charges for maintenance, repairs, and for the purchase of supplies, and of items of new equipment costing not in excess of $25.00 and for coal or other fuel, water, gas, electricity, or janitor service: *Provided,* The total cost of such charges does not exceed $25.00 during any monthly accounting period on any particular property listed with him containing not more than one unit or $50.00 on any property containing more than one unit except in cases requiring emergency repairs for which the broker may incur charges not exceeding $100.00. Where the cost of such items other than for emergency repairs exceeds these limitations on any particular property during any monthly accounting period, or in any case where the purchase of items of new equipment or in replacement of old equipment costing more than $25.00 is required, the broker shall not incur such charges without the approval of the Regional Manager. The Regional Manager may authorize the broker in writing, either generally or with respect to any specific property, to incur charges of a recurring nature such as expenditures for fuel, water, gas, electricity, or janitor service, in which event future expenditures for any such items shall not be taken into consideration in computing the limitations of $25.00 or $50.00 provided for in this section. Copies of such authorizations shall be maintained by the Property Management Division and shall be furnished to the Regional Supervising Auditor. Notwithstanding the above limitations, where repairs are required immediately in order to prevent impairment of health or to protect the property from imminent damage as a result of breakage, storm, fire, or other casualty, the Contract Broker is authorized to award a contract or contracts to effect such repairs in a sum not to exceed $100.00 without first receiving authorization from the Regional Manager. However, in each such case where the cost of such emergency repairs exceeds $25.00 on any property containing not more than one unit, or $50.00 on any property containing more than one unit, the Contract Broker shall submit promptly to the Regional Manager a detailed explanation of the necessity for such expenditure. Charges or expenses duly incurred or approved under authority of this section with respect to any individual Corporation property listed with the Contract Broker may be paid by such Contract Broker out of any revenues received by him from any Corporation properties listed with him for management: *Provided,* That if the amounts of such charges or expenses exceed $300.00 in any individual case, the same shall be paid by voucher submitted by such broker to the Corporation in accordance with the regular procedure provided therefor.

Section 403.14–4 shall be amended to read as follows:

§ 403.14–4 *Advances to receivers.* The Regional Managers may authorize advances to be made to receivers of properties under the jurisdiction of the Property Management Division for emergency and necessary repairs and for any other items authorized by this Part, subject, however, to the limitations as to amount provided for in § 403.14.

The third paragraph of § 403.19 shall be amended to read as follows:

§ 403.19 *Payments of water rents and other charges.* * * *

The authority vested in the General Manager by this section may be exercised also by the Regional Manager, with the advice of the Regional Counsel.

The first paragraph of § 403.19–8 shall be amended to read as follows:

§ 403.19–8 *Compromises.* The Regional Manager, with the advice of the Regional Counsel, is authorized to approve and execute on behalf of the Corporation any agreements with municipalities or private companies furnishing property services to compromise charges for property services in connection with any particular property or properties in any State or locality. A copy of all agreements affecting more than one property shall be forwarded to the General Manager.

(Secs. 4 (a), 4 (k), 48 Stat. 129, 132, as amended by sec. 13, 48 Stat. 647; 12 U.S.C. 1463 (a), (k); E.O. 9070; 7 F.R. 1529)

Effective: January 11, 1943.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 43–776; Filed, January 15, 1943; 2:54 p. m.]

[Bulletin 162]

PART 406—LEGAL DEPARTMENT

CONVEYANCE UNDER INSTALLMENT CONTRACT

Section 406.16–11 is amended to read as follows:

§ 406.16–11 *Conveyance under installment contract.* When the Corporation's vendee or his successor in interest has requested the Corporation to convey to him the property purchased by him under an installment contract or like instrument prior to full payment of the purchase price thereunder and when such request has been duly approved on behalf of the Corporation, and when the Accounting Division has prepared a statement of account and executed Block III of Form 196, the entire file with two copies of completed Form 196 and such other instruments and information as the Regional Counsel shall request, shall be forwarded to the Regional Counsel for the purpose of effecting consummation of the transaction. Such transactions shall be processed and consummated pursuant to the regulations governing the processing and closing of sales of Corporation property, insofar as they are applicable, and pursuant to the general or special instructions of the Legal Department and the provisions of Articles 221–4 and 221–5 of the Corporation's Manual. A new instrument providing for a Tax and Insurance Account pursuant to § 402.11 (a) of Part 402 of this Chapter shall be taken from the purchaser at the consummation of the transaction, unless Form 196 affirmatively directs that the converted account will not have a Tax and Insurance Account.

The new instruments taken from the purchaser to evidence and secure his indebtedness to the Corporation shall bear interest at the rate specified in the original installment contract or like instrument. Such instruments shall provide that interest shall commence on the date shown as the effective date in Block III of Form 196. It is not required, however, that the conversion be accomplished in fact on a cycle date. The instruments need not bear the date shown on Form 196 as the effective date, but may bear such date as Regional Counsel shall direct. The approved attorney or title company consummating the transaction shall collect from the vendee all fees and expenses which he is to pay in connection therewith and shall make a report of the consummation of the transaction on a form approved for that purpose. If required by the Regional Counsel, the approved attorney or title company shall furnish a certificate as to title and the priority and validity of the Corporation's lien instruments. The Regional Counsel shall promptly transmit the closed file to the Regional Accountant, but if the transaction fails of closing, the Regional Counsel shall promptly return the file thereof to the Regional Loan Service Division with a statement of the reasons for failure to close.

(Secs. 4 (a), 4 (k), 48 Stat. 129, 132, as amended by sec. 13, 48 Stat. 647; 12 U.S.C. 1463 (a), (k); E.O. 9070; 7 F.R. 1529.)

Effective: January 15, 1943.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 43–777; Filed, January 15, 1943; 2:54 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

[T. D. 5214]

PART 18—REFUNDS UNDER SECTION 203 OF THE PUBLIC SALARY TAX ACT OF 1939

INCOME TAX

Refunds under section 203 of the Public Salary Tax Act of 1939, as amended by section 509 of the Revenue Act of 1942.

Pursuant to the authority contained in the Public Salary Tax Act of 1939 (Public, No. 32, 76th Congress), approved

April 12, 1939, as amended by the Revenue Act of 1940 (Public, No. 656, 76th Congress), approved June 25, 1940, and by the Revenue Act of 1942 (Public Law 753, 77th Congress), approved October 21, 1942, the following regulations are prescribed:

Sec.

18.0 Introductory.
18.1 Definitions.
18.2 Claims filed after January 18, 1939.
18.3 Application of section 203.
18.4 Effective date of regulations.

AUTHORITY: §§ 18.0 to 18.4 issued under section 203 of the Public Salary Tax Act of 1939 (Pub. No. 32, 76th Cong.), as amended by section 509 of the Revenue Act of 1942 (Pub. Law 753, 77th Cong.).

SOURCE: Treasury Decision, 5214, approved Jan. 15, 1943.

§ 18.0 *Introductory.* (a) Section 203 (as amended by section 509 of the Revenue Act of 1942), section 204, section 205 (as amended by section 401 of the Revenue Act of 1940), section 206, and section 210 of the Public Salary Tax Act of 1939 provide:

SEC. 203. (a) Any amount of income tax (including interest, additions to tax, and additional amounts) collected on, before, or after the date of the enactment of this Act for any taxable year beginning prior to January 1, 1939, to the extent attributable to compensation for personal service as an officer or employee of a State, or any political subdivision thereof, or any agency or instrumentality of any one or more of the foregoing, shall be credited or refunded in the same manner as in the case of an income tax erroneously collected, if claim for refund with respect thereto is filed after January 18, 1939, and the Commissioner of Internal Revenue, under regulations prescribed by him with the approval of the Secretary of the Treasury, finds that disallowance of such claim would result in the application of the doctrines in the cases of Helvering against Therrell (303 U. S. 218), Helvering against Gerhardt (304 U. S. 405), and Graves et al. against New York ex rel O'Keefe, decided March 27, 1939, extending the classes of officers and employees subject to Federal taxation.

(b) Any amount of income tax (including interest, additions to tax, and additional amounts) for taxable years beginning after December 31, 1938, to the extent attributable to compensation for personal service rendered in a taxable year beginning prior to January 1, 1939 (other than compensation received as a pension, retirement pay, or similar allowance), as an officer or employee of a State, or any political subdivision thereof, or any agency or instrumentality of any one or more of the foregoing—

(1) Shall not be assessed; and

(2) If assessed, the assessment shall be abated and any amount collected in pursuance of such assessment shall be credited or refunded in the same manner as in the case of an income tax erroneously collected,

if the Commissioner of Internal Revenue, under regulations prescribed by him with the approval of the Secretary of the Treasury, finds that assessment of such tax, or disallowance of a claim for credit or refund, except for Title I of this Act, would result in the application of the doctrines in the cases of Helvering against Therrell (303 U. S. 218), Helvering against Gerhardt (304 U. S. 405), and Graves et al. against New York ex rel O'Keefe (306 U. S. 466), extending the classes of officers and employees subject to Federal taxation.

SEC. 204. Neither section 201 nor section 203 shall apply in any case where the claim for refund, or the institution of the suit, or the filing of the petition with the Board, was, at the time filed or begun, barred by the statute of limitations properly applicable thereto.

SEC. 205. Compensation shall not be considered as compensation within the meaning of sections 201, 202, and 203 to the extent that it is paid directly or indirectly by the United States or any agency or instrumentality thereof. If the amount of the deficiency in income tax for any taxable year beginning before January 1, 1939, attributable to compensation paid indirectly by the United States, or any agency or instrumentality thereof, for personal service as an officer or employee of a State, or any political subdivision thereof, or any agency or instrumentality of any of the foregoing, is paid on or before March 15, 1941, then with respect to failure to pay such amount or make return of such compensation: (a) No criminal penalty shall apply; and (b) the additions to tax provided in sections 291 and 293 of the Internal Revenue Code shall not apply.

SEC. 206. The terms used in this Act shall have the same meaning as when used in Chapter I of the Internal Revenue Code.

SEC. 210. For the purposes of this Act, the term "officer or employee" includes a member of a legislative body and a judge or officer of a court.

(b) In Helvering v. Therrell, 303 U. S. 218, the Supreme Court held that compensation paid to individuals acting as liquidators and attorneys for insolvent State banking and insurance corporations was subject to Federal income tax where such compensation was paid from corporate assets and not from funds belonging to the State. In Helvering v. Gerhardt, 304 U. S. 405, the court held that compensation of employees of the Port of New York Authority, a bi-state corporation created by a compact between New York and New Jersey and approved by Congress, was subject to Federal income tax. In Graves et al. v. New York ex rel O'Keefe, 306 U. S. 466, the court overruled Collector v. Day (11 Wall. 113), so far as that case recognized an implied constitutional immunity from Federal income taxation of the compensation of officers and employees of State and local governments or their instrumentalities. Each of those decisions extended the classes of State and local officers and employees subject to Federal income taxation on their compensation. Under prior Supreme Court decisions the taxability of compensation of a State or local officer or employee depended upon the nature of his office or employment, i. e., whether he was engaged in the exercise of an essential governmental function or a proprietary function. (See Helvering v. Powers et al., 293 U. S. 214, and Brush v. Commissioner, 300 U. S. 352.) Section 509 (b) of the Revenue Act of 1942 provides that the amendments made by section 509 of that Act shall be effective as of the date of enactment of the Public Salary Tax Act of 1939.

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

(1) The term "act" means the Public Salary Tax Act of 1939, as amended by section 401 of the Revenue Act of 1940 and by section 509 of the Revenue Act of 1942.

(2) The term "State employee" means an officer or employee of a State, or any political subdivision thereof, or any agency or instrumentality of one or more States or political subdivisions; and includes a member of a State or local legislative body and a judge or officer of a State or local court.

(3) The term "compensation" does not include any amount paid directly or indirectly by the United State or any agency or instrumentality thereof.

(4) The term "claim" means a claim for refund filed within the period of limitations provided by the applicable revenue law.

§ 18.2 *Claims filed after January 18, 1939.* Section 203 (a) of the act describes the circumstances under which a claim filed after January 18, 1939, by a State employee for refund of tax attributable to his compensation for personal services as a State employee for any taxable year beginning prior to January 1, 1939, shall be allowed. If, under these regulations, the Commissioner of Internal Revenue finds that disallowance of such claim would result in the application of the doctrines announced in Helvering v. Therrell 303 U. S. 218; Helvering v. Gerhardt 304 U. S. 405; and Graves et al. v. New York ex rel. O'Keefe, 306 U. S. 466, extending the classes of State employees subject to Federal income tax, then such claim shall be allowed. Section 203 (b) of the act provides that compensation (other than pensions, retirement pay, or similar allowance) of a State employee received in a taxable year beginning after December 31, 1938, for personal services rendered in a taxable year beginning prior to January 1, 1939, is not taxable if the collection or retention of tax on such compensation, except for Title I of the Public Salary Tax Act of 1939, would result in the application of the doctrine of the Therrell, Gerhardt, and O'Keefe cases. If the tax attributable to the compensation referred to in section 203 (b) of the act has been assessed and any amount collected pursuant to such assessment, a claim may be filed by the taxpayer for credit or refund.

If, under Supreme Court decisions rendered prior to 1938 on the question of the constitutional immunity of compensation of State employees from Federal income taxation, an assessment of such tax or a disallowance of such claim would be proper, then the tax shall be assessed (or if already assessed the assessment shall not be abated) or the claim shall be disallowed; but if under such decisions an assessment of such tax or a disallowance of such claim would not be proper, then the tax shall not be assessed (or if assessed the assessment shall be abated) or the claim shall be allowed.

A taxpayer is entitled to the benefits of section 203 of the act, therefore, if under these regulations, the Commissioner of Internal Revenue finds that such compensation was for personal services rendered in the exercise of an essential governmental function as distinguished from a proprietary function.

A claim under section 203 of the act shall not be disallowed solely because of the provisions of section 322 (c) of the Revenue Act of 1938 and corresponding sections of prior revenue acts relating to the prohibition against the allowance of a credit or refund.

Amounts properly subject to credit or refund under section 203 of the act include interest, additions to tax, and additional amounts paid with respect to the

tax. Such amounts shall be credited or refunded in the same manner as in the case of an erroneously collected income tax. The tax on amounts received as a pension, retirement pay, or similar allowance is not subject to credits or refunds under section 203 (b) of the act.

Section 203 (a) of the act has no application to a case in which a State employee files a claim prior to January 19, 1939, for refund of tax attributable to his compensation for any taxable year beginning prior to January 1, 1939.

§ 18.3 *Application of section 203.* The application of section 203 of the act may be illustrated as follows:

Claims shall be allowed if filed, for example, by State public-school teachers, receivers and masters appointed by State courts, liquidators of banks and insurance companies taken over by a State, and officers and employees of a city engaged in maintenance, operation or regulation of public parks and playgrounds, or of water supply. Similarly, in the case of such individuals, assessments will not be made, or if made shall be abated and any amount collected in pursuance of such assessment credited or refunded.

Claims shall not be allowed if filed, for example, by State liquor store employees or municipal railway employees. Likewise, with respect to such persons, assessments will be made, or if made shall not be abated or any amount collected pursuant thereto credited or refunded.

§ 18.4 *Effective date of regulations.* These regulations are effective as of April 12, 1939, the date of enactment of the Public Salary Tax Act of 1939. Treasury Decision 4904 [Part 18, Title 26, Code of Federal Regulations, 1939 Sup.] is hereby revoked as of the date of its approval.

GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: January 15, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43-853; Filed, January 16, 1943; 4:28 p. m.]

TITLE 29—LABOR

Chapter VII—War Manpower Commission

[Amendment 2]

PART 901—TRANSPORTATION OF WORKERS

TRANSPORTATION OF WORKERS TO NON-FERROUS METAL PRODUCING AREAS AND LUMBER PRODUCING AREAS

The "Regulations Governing Transportation of Workers to Non-Ferrous Metal Producing Areas," [7 F.R. 8457, 10253] promulgated by the Chairman of the War Manpower Commission on October 17, 1942, pursuant to the letter of the President dated October 8, 1942, allocating certain sums from the Emergency Fund for the President to the War Manpower Commission, as amended by Amendment No. 1, dated December 4, 1942, are hereby further amended as follows:

I. The title and introductory paragraph of said regulations are amended, effective December 1, 1942, to read as follows:

Title: Transportation of Workers to Non-Ferrous Metal and Lumber Producing Areas.

Introductory paragraph: By virtue of and pursuant to the authority vested in me by Executive Orders No. 9139, 9247, and 9279, and by the letter of the President dated October 8, 1942, allocating certain sums from the Emergency Fund for the President, National Defense, 1942 and 1943, to the War Manpower Commission, as amended by the letter of the President dated December 1, 1942, I hereby prescribe the following regulations:

II. Section 901.2 of said regulations is amended to read as follows:

§ 901.2 *Prerequisites to transportation.* (a) No transportation shall be provided for any worker, his dependents, and household effects, and no reimbursement shall be made to any worker for transportation, or to any employer for advances made by him to any worker for transportation unless (1) reasonably adequate use is being made of the local labor supply at the proposed place of employment, and (2) the employer and the worker have entered into a contract of employment which includes the provisions contained in forms provided by the United States Employment Service for such purposes. Such contract shall provide for a ninety-day period of employment (or for such shorter period as may be specifically authorized in exceptional types of cases by the Director of the Bureau of Placement in the War Manpower Commission) beginning on the day the worker begins travel to the place of employment, and shall include provisions for reimbursement to the United States by the worker or the employer, as the case may be, of the costs of transportation furnished pursuant to these regulations in the event that the employment is terminated without good cause prior to the expiration of such ninety-day or authorized shorter period.

III. Section 901.3 of said regulations is amended, effective December 1, 1942, to read as follows:

§ 901.3 *Persons for whom transportation provided.* In furtherance of the plan for "Employment Stabilization in Non-Ferrous Metals and Lumbering Activities," transportation may be provided for a worker qualified for employment in critical occupations as defined in said plan, and not to exceed three dependents of any such worker, from points in the continental United States to places of employment in the non-ferrous metal and lumbering industry. For the purposes of these regulations, "dependent" means a wife or minor child of the worker or a person whose support the worker has assumed in good faith, *Provided*, That the worker maintains a bonafide family relationship in his home with such wife, child or other person.

(E.O. 9139, 9247, 9279; 7 F.R. 2919, 7379, 10177)

PAUL V. MCNUTT,
Chairman.

JANUARY 14, 1943.

[F. R. Doc. 43-765; Filed, January 15, 1943; 12:09 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1805]

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

ORDER GRANTING RELIEF, ETC.

Memorandum opinion and order granting temporary relief and conditionally providing for final relief in the matter of petition of District Board No. 4 for the revision of the effective minimum prices for the coals of the Apex Mine, Mine Index No. 7, of the Haverhill Coal Company for shipment into Market Areas 20, 21 and 23 for use as off-line railroad fuel.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been duly filed with this Division by District Board No. 4, requesting that the Note added in § 324.11 (*Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*) of the Schedule of Effective Minimum Prices for District No. 4 For All Shipments except Truck by the order issued in Docket No. A-1019 on March 16, 1942, 7 F.R. 2125, be modified by excluding from the operation of this Note, the coals of the Apex Mine, Mine Index No. 7, ("Apex") operated by Haverhill Coal Company ("Haverhill"), a code member located in Subdistrict 3 of District No. 4, when for shipment into Market Areas 20, 21, and 23, respectively, for use as off-line railroad fuel. This request, if granted, it is alleged in the petition filed herein, will establish minimum f. o. b. mine prices for the coals of the Apex Mine for movement to Market Areas 20, 21 and 23, for use as off-line railroad fuel, at parity with competitive coals moving to these destinations for this use from mines located in Subdistricts 1, 2, 3, 4 and 6 of District No. 4.

The gravamen of this petition lies in the freight rate structure applicable to the coals of Haverhill and to the coals of code members located in Subdistricts 1, 2, 3, 4, and 6, with which the Haverhill coals are competitive, for movement into Market Areas 20, 21, and 23, for use as off-line railroad fuel.

It appears that the coals produced at this mine are included in Freight Origin Group No. 81 and, for movement into Market Areas 20, 21, and 23, take the same freight rates as those applicable to competitive coals moving into these market areas for this use from lines located in Subdistricts 1 and 2 of District No. 4. These rates are 10 cents per ton higher than the freight rates applicable to other coals produced in Subdistrict 3 for movement to these market areas for this use.

The increase established by the Order of March 16, 1942, failed to take into account the fact that the freight rates applicable to the Apex coals for movement to these market areas for this use were 10 cents per ton higher than those applicable to other Subdistrict 3 coals. Consequently, the increase resulted in pricing the Apex coals at 10 cents per net ton higher than similar coals produced in Subdistrict 1, 2, and 3 for movement to these market areas for this use, and placed the Apex coals at a competitive disadvantage to that extent.

Accordingly, it appears to the Director 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 that the following action is necessary to effectuate the purposes of the Act.

Therefore, it is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 4 For All Shipments Except Truck be, and the same hereby is, amended by adding the following proviso to the note appearing in § 324.11 (*Special prices* (a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*) of said schedule:

* * * *Provided, however,* That such increase shall not be applicable to the coals of the Apex Mine, Mine Index No. 7, of the Haverhill Coal Company.

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: January 13, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-769; Filed, January 15, 1943; 12:17 p. m.]

[Docket No. A-1784]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 7 for the establishment of minimum prices for the coals of Mill Creek Colliery Co.

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 the Mill Creek No. 2 Mine, Mine Index No. 124, operated by Mill Creek Colliery Co., for truck shipment; 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, § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplement is 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: January 2, 1943.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area*—Supplement T

Code member index	Mine	Index No.	Subdistrict No.	County	Seam	All lump, 3" or larger, all egg and stove	All nut or pea 1¼" top size or smaller	Screened M/R	Straight mine run	1¼" screenings	¾" screenings
						1	2	3	4	5	6
Mill Creek Colliery Company	No. 2	124	2	Fayette	No. 2 Gas	335	270	(*)	(*)	210	(*)

*When shown under a Size Group Number, this symbol indicates coals previously classified in this Size Group.

[F. R. Doc. 43-768; Filed, January 15, 1943; 12:17 p. m.]

[Docket No. A-1769]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices for the coals of certain mines and for changes in shipping points of certain other mines.

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, requesting changes of shipping points for certain other mines, and requesting a change of shipping point, Freight Origin Group Number and railroad, for a certain other mine, all located in District No. 8.

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, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 328.34 (*General prices for high volatile coals 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: January 2, 1943.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

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 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

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

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

Mine Index No.	Code member	Mine name	High volatile seam	Sub-district No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. For destinations other than Great Lakes: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	*18, 19, 20, 21	22	23	24	25	26	27
2146	Clark, Ellis & Sam Gilbert (Ellis Clark).	J. W. Baker	No. 5	7	Maness, Va. [2]	L&N & Sou.	204	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)
[1]2650	Coker, Frank	Frank Coker	Glen Mary	6	Crosses Crossing, Tenn. [3]	Tenn	71	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)
5857	Dark Ridge Coal Co. (Mose Godsey).	Godsey-Johnson	Mason	6	Colmar, Ky	L&N	111	O	O	K	J	G	E	G	D	E	J	(†)	(†)	(†)	(†)	(†)	(†)
2864	Derifield, E. P. (Derifield Coal Co.)	Hensley	Pond Creek	8	McVeigh, Ky	N&W	130	Q	Q	M	L	H	F	H	C	C	J	(†)	(†)	(†)	(†)	(†)	D
5375	Derifield, E. P. (Derifield Coal Co.)	Reed No. 1	Pond Creek Rider.	8	McVeigh, Ky	N&W	130	Q	Q	M	L	H	F	H	C	C	J	(†)	(†)	(†)	(†)	(†)	D
2563	Fields, Walter	Dry Fork	Elkhorn	3	Whitesburg, Ky	L&N	100	K	K	K	J	G	E	G	D	D	J	(†)	(†)	(†)	(†)	(†)	(†)
822	Garrison, Theo	Garrison	Horse Creek	6	Manchester, Ky	L&N	111	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)
5840	Greene, A. M	Wilton-Jellico No. 60.	Jellico	6	Woodbine, Ky	L&N	111	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)
5829	Guaranty Elkhorn Coal Co.	Turner No. 5	Elkhorn No. 2	1	Drift, Ky	C&O	61	H	H	H	G	E	C	E	B	C	G	L	(†)	A	A	A	A
231	Hardy-Burlingham Mining Co., The	Hardburly	Hazard No. 7	3	Hardburly, Ky	L&N	100	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(*)	(*)	(*)	C
2040	Jackson Bros. (W. I. Jackson).	Jackson Bros	Coal Creek	6	Oliver Springs, Tenn. [4]	L&N & Sou.	260	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)
5841	McGhee, Edwin (Mountain Coal Co.)	Mountain No. 1	Elkhorn No. 3	1	Pikeville, Ky	C&O	61	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C
5799	Moore, Elmer	Moore	Penn Lee	7	Maness, Va	L&N & Sou.	204	M	M	K	J	G	E	E	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)
5843	Napier & Hensley (John L. Napier).	Matoka	Straight Creek	6	Pineville, Ky	L&N	111	F	F	E	D	C	C	A	B	C	H	(†)	(†)	(†)	(†)	(†)	A
5777	P. H. Elkhorn Coal Co. (Eaph H. Hayes).	P. H. Elkhorn C. Co.	Elkhorn No. 1	1	Bosco, Ky	C&O	61	H	H	H	G	E	C	E	B	C	H	(†)	(†)	(†)	(†)	(†)	C
5827	Profitt, S. G	Profitt No. 5	Hazard No. 4	3	Jackson, Ky	L&N	100	M	M	N	M	K	H	K	F	F	M	(†)	(†)	(†)	(†)	(†)	(†)
5745	Pugh Bros. (Lawrence Pugh).	Pugh Bros. No. 2	Bon Air No. 2	6	Campbell Jct., Tenn.	TC	72	P	P	M	L	K	J	M	H	G	O	(†)	(†)	(†)	(†)	(†)	(†)
5790	Raleigh-Wyoming Mining Co.	No. 6	No. 2 Gas	4	Edwight, W. Va	C&O	123	O	O	H	G	E	C	E	A	(*)	A	(†)	(†)	A	A	A	(*)
5818	Rock Creek Mining Co		No. 2 Gas	4	Rock Creek, W. Va.	C&O	123	L	L	H	G	G	E	G	B	B	H	(†)	(†)	A	B	B	B
2555	Shell, A. D	Shell	Pine Mountain.	2	Baxter, Ky	L&N	80	O	O	L	K	F	D	D	D	D	H	(†)	(†)	(†)	(†)	(†)	C
5786	Shouse, Bill	Shouse	Jackson	3	Elkatawa, Ky	L&N	100	M	M	N	M	K	H	K	F	F	M	(†)	(†)	(†)	(†)	(†)	(†)
5787	Slemp, C. S	Slemp Coal Co	Upper Banner	7	Coeburn, Va	N&W	30	M	M	K	J	F	C	E	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)

Mine Index No.	Price classifications by size group Nos. For Great Lakes cargo only: 1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
2146	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)
[1]2650	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)
5857	O	M	K	F	C	C	G	M	J	(†)	(†)	(†)	(†)	(†)
2864	O	N	L	G	D	D	H	O	J	(†)	(†)	(†)	(†)	D
5375	O	N	L	G	D	D	H	O	J	(†)	(†)	(†)	(†)	D
2563	K	K	K	F	D	D	G	L	J	(†)	(†)	(†)	(†)	(†)
822	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)
5840	O	M	J	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
5829	H	H	H	D	B	B	E	J	G	L	A	A	A	A
231	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(*)	(*)	(*)	(*)	C
2040	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)
5841	K	K	H	D	B	B	C	K	G	(†)	(†)	(†)	(†)	C
5799	M	M	K	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
5843	F	F	E	C	B	C	A	J	H	(†)	(†)	(†)	(†)	A
5777	H	H	H	D	B	B	E	K	H	(†)	(†)	(†)	(†)	C
5827	M	M	M	H	F	F	K	O	M	(†)	(†)	(†)	(†)	(†)
5745	P	O	M	H	F	F	M	Q	O	(†)	(†)	(†)	(†)	(†)
5790	O	M	L	F	B	A	E	(*)	A	(†)	A	A	A	(*)
5818	L	L	J	E	C	C	G	M	H	(†)	A	B	B	B
2555	O	M	K	F	C	C	D	N	H	(†)	(†)	(†)	(†)	C
5786	M	M	M	H	F	F	K	O	M	(†)	(†)	(†)	(†)	(†)
5787	M	M	K	F	D	D	E	L	K	(†)	(†)	(†)	(†)	(†)

[1] Mine Index No. 510. Originally assigned to this mine, shall no longer be applicable.
[2] Denotes new shipping point. Shipping point at St. Charles, Va., shall no longer be applicable.
[3] Denotes new shipping point. Shipping point at Huntsville, Tenn. shall no longer be applicable.
[4] Denotes new shipping point, railroad and Freight Origin Group number. Shipping point at Robbins, Tenn., on the CNO&TP Ry., in freight origin group No. 70 shall no longer be applicable.
†Indicates no classification effective for these size groups.
*Indicates previously classified these size groups.

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine	Mine Index No.	Seam	Base sizes							
				Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 5"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under, slack	¾" and under, slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 1—BIG SANDY-ELKHORN											
FLOYD COUNTY, KY.											
Guaranty Elkhorn Coal Co	Turner No. 5	5829	Elkhorn No. 2	305	285	245	250	235	235	190	185
P. H. Elkhorn Coal Co. (Eaph H. Hayes).	P. H. Elkhorn C. Co.	5777	Elkhorn No. 1	305	285	245	250	235	235	185	180
PIKE COUNTY, KY.											
McGhee, Edwin (Mountain Coal Co.).	Mountain No. 1	5841	Elkhorn No. 3	295	275	240	250	235	230	190	185
SUBDISTRICT NO. 3—HAZARD											
BREATHITT COUNTY, KY.											
Profitt, S. G	Profitt No. 5	5827	Hazard No. 4	285	265	230	225	210	220	165	160
Shouse, Bill	Shouse	5786	Jackson	285	265	230	225	210	220	165	160
WOLFE COUNTY, KY.											
Bush, Arthur	Bush	5798		285	265	230	240	225	220	170	165
SUBDISTRICT NO. 4—KANAWHA											
BOONE COUNTY, W. VA.											
Rock Creek Mining Co		5818	No. 2 Gas	290	270	250	250	225	240	185	180
RALEIGH COUNTY, W. VA.											
Raleigh-Wyoming Mining Co.	No. 6	5790	No. 2 Gas	275	255	(*)	250	235	(*)	220	215
SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN											
BELL COUNTY, KY.											
Dark Ridge Coal Co. (Mose Godsey).	Godsey-Johnson	5857	Mason	305	285	240	260	235	230	175	170
Napier & Hensley (John L. Napier).	Matoka	5843	Straight Creek	315	295	245	265	235	235	185	180
KNOX COUNTY, KY.											
Greene, A. M	Wilton-Jellico No. No. 60.	5840	Jellico	275	255	245	245	225	235	175	170
Widener, James W	Widener Blue Gem #2.	5838	Blue Gem	355	335	255	280	245	245	165	160
WHITLEY COUNTY, KY.											
Fredericks, Bill	Fredericks No. 3	5839	Blue Gem	355	335	255	280	245	245	165	160
Siler, Finley	Finley No. 2	5817	Jellico	305	285	245	260	235	235	190	185
Stevens, Lee	Stevens No. 2	5819	Jellico	305	285	245	260	265	235	190	185
CUMBERLAND COUNTY TENN.											
Pugh Brothers (Lawrence Pugh).	Pugh Bros. No. 2	5745	Bon Air No. 2	270	250	225	230	205	215	155	150
PICKETT COUNTY, TENN.											
Koger, Porter	Terry	5797	No. 3	270	250	225	230	205	215	155	150
Smithers, Charles		5796	No 3	270	250	225	230	205	215	155	150
SUBDISTRICT NO. 7—VIRGINIA											
LEE COUNTY, VA.											
Fultz, General	General Fultz	5808	No. 3	285	265	235	240	225	225	175	170
Moore, Elmer	Moore	5799	Penn Lee	285	265	235	240	225	225	175	170
WISE COUNTY, VA.											
Slemp, C. S	Slemp Coal Co	5787	Upper Banner	285	265	240	240	235	230	175	170
SUBDISTRICT NO. 8—WILLIAMSON											
WAYNE COUNTY, W. VA.											
Johnson, David	Lincoln Block #2	5858		265	245	225	230	205	215	165	160

*Indicates previously classified these size groups.

[F. R. Doc. 43-767; Filed, January 15, 1943; 12:17 p. m.]

[Docket No. A-1745]

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 4 for the establishment of price classifications and minimum prices for rail and truck shipments and for change of shipping point for the coals of a certain mine in District No. 4.

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 certain mines in District No. 4 and for a change of shipping point for the coals of the May Mine, Mine Index No. 856 of D. S. Thomas Coal Company; 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, § 324.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 324.24 (*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, commencing forthwith the shipping point of Crooksville, Ohio, on the New York Central Railroad be, and the same hereby is, deleted as a shipping point for the coals of the May Mine, Mine Index No. 856 of D. S. Thomas Coal Company, and in lieu thereof Tropic, Ohio, on the New York Central Railroad be, and the same hereby is, established as the shipping point for the coals of this mine.

It is further ordered, That no relief be granted herein for the coals of the Davis #2 Mine, Mine Index No. 3068 of A. R. Davis and Emory Baughman (A. R. Davis) for the reason that the coals of this mine have been heretofore priced for truck shipments in Docket No. A-1703.

It is further ordered, That, upon the request of the petitioner, the price classifications and minimum prices proposed by it for the coals of the E. E. Richards & Son Mine, Mine Index No. 3062, of E. E. Richards & Son (E. E. Richards) in Size Groups Nos. 7 and 8, respectively, for shipment via truck into all market areas, be deleted from said petition, and that there be established and made effective in lieu thereof, the price classifications and minimum prices appearing in said Supplement T for said coals, in order that said coals may be classified and priced at parity with analogous coals

produced at the Richard Mine, Mine Index No. 285 of James G. McKitterick (McKitterick Coal Co.).

It is further ordered, That no relief be granted herein for the coals of the Balser Mine, Mine Index No. 2505, of Balser Coal Company, Howard, pending further investigation and clarification of the Code membership status of this producer.

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: January 2, 1943.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 4

NOTE: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 324, Minimum Price Schedule for District No. 4 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

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

[Alphabetical list of code members having railroad loading facilities, showing price classification by price group numbers]

Mine index No.	Code member	Mine name	Seam	Type	Subdistrict No.	Shipping points in Ohio	Freight origin group No.	Railroad	Price group No.	Railroad fuel price group No.	
										On line	Off line
3089	Buckeye Coal Mining Company, Inc., The	Buckeye #1	6	Strip	4	Lisbon	71	Erie	72	108	202-204
3061	Donley, Charles	Donley	6	Deep	5	New Straitsville	22	C&O	21	103	201-203
3054	Downard, Ellsworth F	Downard	1	Deep	7	Jackson	42	DT&I	55	105	201-203
3023	Hackathorn & Myers	Possum Hill	6A	Deep	3	Bergholz	52	NYC	64	110	201-203
3073	McCormick, Frank (McCormick Coal Co.)	Marjorie #1	8	Strip	1	Bethesda	11	B&O	3	102	202-204
2432	Pugh-Wright Coal Company (Donald Lantz)	Pugh-Wright C. Co	6	Deep	5	Murray City	22	C&O	21	103	201-203
3062	Richards, E. E. & Son (E. E. Richards)	E. E. Richards & Son	5	Strip	7	Lawco	42	DT&I	52	106	202-204
1013	Snyder, George R	Snyder Coal Co	6	Deep	6	Saltillo	32	NYC	42	110	201-203
805	Walton, Isam	Walton	6	Deep	5	Starr	22	C&O	21	103	201-203
3043	Wilkinson Coal Co. (Walter W. Wilkinson)	Wilkinson	6	Strip	4	Dover	53	PRR	65	113	202-204

FOR TRUCK SHIPMENTS

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

Code member	Mine	Mine index No.	Type	Seam	Base sizes							
					6" lump	3", 4", 6" lump	2" lump	2" x 4" egg, 2" x 6" egg	1¼" lump, 1¼" x 4" egg	Mine run, nut and pea	2" x 0 slack	¾" x 0 slack
					1	2	3	4	5	6	7	8
SUB-DISTRICT NO. 1—EASTERN OHIO												
BELMONT COUNTY												
McCormick, Frank (McMick Coal Co.).	Marjorie #1	3073	Strip	8	295	285	270	245	240	230	210	200
SUB-DISTRICT NO. 2—CAMBRIDGE												
NOBLE COUNTY												
McConnell, M. R.	McConnell	3063	Deep	8	290	280	265	240	240	240	220	210
Smithberger, Raymond	Thompson	3064	Deep	8	290	280	265	240	240	240	220	210
Roe, Homer	Archer	3065	Deep	8	290	280	265	240	240	240	220	210
SUB-DISTRICT NO. 4—MIDDLE												
COLUMBIANA COUNTY												
Buckeye Coal Mining Company, Inc., The.	Buckeye #1	3089	Strip	6	320	310	295	270	265	245	225	215
Excelsior Fire Clay Co., The	Excelsior	3066	Strip	7	320	310	295	270	265	245	225	215
COSHOCTON COUNTY												
McCoy Coal Co. (Ed. McCoy)	McCoy #2	3087	Deep	6	300	290	280	255	250	215	185	175
GUERNSEY COUNTY												
Alexander, Everett	Alexander	3055	Deep	6	300	290	280	255	250	215	185	175
Chambers, Bert	Chambers	3056	Deep	6	300	290	280	255	250	215	185	175
STARK COUNTY												
Garaux Brothers Company, The.	Garaux #14	3086	Strip	5 & 6	295	285	270	255	255	230	210	200
Hi-Heat Coal Co. (William Longworth).	Camp Creek	3067	Deep	A-1	360	350	335	310	305	295	255	245
SUMMIT COUNTY												
Massillon Mining Co., The (Robert D. Paul)	Massillon Mining	3088	Deep	1	360	350	335	310	305	295	255	245
TUSCARAWAS COUNTY												
Wilkinson Coal Company (Walter W. Wilkinson).	Wilkinson	3043	Strip	6	295	285	270	255	255	230	210	200
SUB-DISTRICT NO. 5—HOCKING												
HOCKING COUNTY												
Rose, Clayton & Charles (Clayton Rose).	Tick Ridge #2	3035	Deep	6	315	305	295	270	265	215	185	175
PERRY COUNTY												
Donley, Charles	Donley	3061	Deep	6	315	305	295	270	265	215	185	175
SUB-DISTRICT NO. 6—CROOKSVILLE												
MORGAN COUNTY												
Francis, M. P.	Hilton	3060	Deep	8	300	290	280	255	250	215	185	185
MUSKINGUM COUNTY												
Mansfork Coal Company (Donald S. Christy).	Schlaegel	3058	Deep	6	300	290	280	255	250	215	185	185
SUB-DISTRICT NO. 7—JACKSON												
JACKSON COUNTY												
Downard, Ellsworth F.	Downard	3054	Deep	1	315	305	295	270	265	215	195	185
LAWRENCE COUNTY												
Richards, E. E. & Son (E. E. Richards).	E. E. Richards & Son.	3062	Strip	5	315	305	295	270	265	215	185	175

[F. R. Doc. 43-808; Filed, January 16, 1943; 10:38 a. m.]

[Docket No. A-1788]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 7 for the establishment of price classifications and minimum prices for the coals of the Bower Mine of Chas. H. Bower and the Dash Mine of John C. Dash, Jr. in District No. 7.

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 the Bower Mine of Chas. H. Bower, Mine Index No. 331 and the Dash Mine of John C. Dash, Jr., Mine Index No. 702, in District No. 7; 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, § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original 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: January 6, 1943.

[SEAL] DAN H. WHEELER, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

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 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

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

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

Mine index No.	Code member	Mine name	Sub-district No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classification by size group No.									
								1	2	3	4	5	6	7	8	9	10
331	Bower, Chas. H.	Bower	5	Poca. #6	Harmco, W. Va.	Vgn.	14	(†)	(†)	(†)	(†)	(†)	B	B	(†)	(†)	(†)
702	Dash, John C., Jr.	Dash	4	War Creek	War, W. Va.	N&W	30	D	(†)	(†)	(†)	(†)	E	D	(†)	H	(†)

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

FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area*—Supplement T

Code member index	Mine	Mine index No.	Subdistrict No.	County	Seam	All lump 2¼" or larger, all egg and stove	All nut or pea 1¼" top size or smaller	Screened M/R	Straight mine run	1¼" screenings	¾" screenings
						1	2	3	4	5	6
Bower, Chas. H.	Bower	331	5	Wyoming	Poca. #6	----	----	300	235	----	----

[F. R. Doc. 43-809; Filed, January 16, 1943; 10:38 a. m.]

[Docket No. A-1779]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 8 for permission to combine Mine No. 4 with the existing Mine No. 2, Mine Index No. 162, under the single index number of Mine No. 2, Mine Index No. 162.

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 permission to combine Mine No. 4 with the existing Mine No. 2 under the single index number of Mine Index No. 162 for Mine No. 2, operated by Detroit Mining Company, without changing the seam designation or price classifications and minimum prices for Mine No. 2; 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 § 328.11 (*Alphabetical list of code members*) and § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) in the Schedules of Effective Minimum Prices for District No. 8 for All Shipments Except Truck and for Truck Shipments are amended by changing the name of Mine No. 2, Mine Index No. 162 of Detroit Mining Company to Mine No. 2 and 4, Mine Index No. 162; and it is further ordered that the price classifications and minimum prices heretofore applicable to said Mine No. 2 be and the same hereby are applicable to said Mine No. 2 and 4, Mine Index No. 162.

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: January 1, 1943.

[SEAL] DAN H. WHEELER, *Director*.

[F. R. Doc. 43-807; Filed, January 16, 1943; 10:38 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

[General License 9]

REVOCATION OF GENERAL LICENSE RELATIVE TO FOREIGN FUNDS CONTROL

JANUARY 15, 1943.

General License No. 9 is hereby revoked.

(Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Public No. 354, 77th Congress, 55 Stat. 838; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, December 9, 1941, and E.O. 8998, December 26, 1941; E.O. 9193, July 6, 1942; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] RANDOLPH PAUL, *Acting Secretary of the Treasury.*

[F. R. Doc. 43-761; Filed, January 15, 1943; 11:31 a. m.]

APPENDIX B—PUBLIC CIRCULARS UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

[Public Circular 21]

PUBLIC CIRCULAR RELATING TO FOREIGN FUNDS CONTROL

JANUARY 15, 1943.

Public Circular No. 21 under Executive Order No. 8389, as amended, Executive Order No. 9193, sections 3 (a) and 5 (b) of the Trading With the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

(1) *Status of sub-accounts.* Each sub-account of a blocked account is deemed to be a separate blocked account.

(2) *Certain transactions not authorized by General Licenses No. 1, No. 1A, No. 4 and No. 27.* (a) On and after January 16, 1943, General Licenses No. 1, No. 4 and No. 27 shall not be deemed to authorize the crediting of the proceeds of the sale of securities held in a blocked account or a sub-account thereof, or the income derived from such securities, to a blocked account or sub-account under any name or designation which differs from the name or designation of the specific blocked account or sub-account in which such securities were held;

(b) On and after January 16, 1943, General License No. 1A shall not be deemed to authorize the transfer of securities held in a blocked account or sub-account thereof to a blocked account or sub-account under any name or designation which differs from the name or designation of the specific blocked account or sub-account in which such securities were held.

(3) *Certain transactions not authorized by specific licenses.* On and after January 16, 1943, no specific license shall

be deemed to authorize (a) the crediting of the proceeds of the sale of securities held in a blocked account or sub-account thereof, (b) the crediting of the income derived from such securities or (c) the transfer of such securities, to a blocked account or sub-account under any name or designation which differs from the name or designation of the specific blocked account or sub-account in which such securities were held, unless such specific license by its terms expressly authorizes such crediting or transfer.

(Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Public No. 354, 77th Congress, 55 Stat. 838; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, December 9, 1941, and E.O. 8998, December 26, 1941; E.O. 9193, July 6, 1942; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] RANDOLPH PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 43-762; Filed, January 15, 1943; 11:31 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amendment 114]

PART 802—GENERAL LICENSES

PART 805—SELECTED DESTINATIONS CLEARANCE PROCEDURE

Section 802.10 *General licenses which permit shipments not exceeding a specified value* is hereby amended in the following particulars:

1. Paragraph (a) is amended by revising the paragraph preceding the list of commodities to read as follows:

(a) General licenses are hereby issued permitting exportation to destinations in general license country group K, as set forth in § 802.3 (a) of this subchapter, and to Liberia, of all commodities where, in a single shipment, the net value (net value is defined to mean the invoice price exclusive of shipping charges) of such commodities classified under the same Department of Commerce Schedule B or F number does not exceed $25 with exception of the commodities listed below (which, when preceded by an asterisk, shall be construed to include their forms, conversions and derivatives):

2. Paragraph (b) is hereby amended by revising the paragraph preceding the list of commodities to read as follows:

(b) General licenses are hereby issued permitting exportation to destinations in general license country group K, as set forth in § 802.3 (a) of this subchapter, of all commodities excepted from paragraph (a) of this section when the net value (net value is defined to mean the invoice price exclusive of shipping charges) of a single shipment of such commodities does not exceed $1.00: *Provided,* That the following commodities may not be exported under these general licenses in any amount:

3. Paragraph (d) is hereby amended by revising the paragraph preceding the list of commodities to read as follows:

(d) General licenses are hereby issued permitting exportation to destinations in general license country group K, as set forth in § 802.3 (a) of this subchapter, of all medicinals, pharmaceuticals and chemicals used solely for medicinal purposes, except those listed in paragraph (a) of this section, where, in a single shipment, the net value (net value is defined to mean the invoice price exclusive of shipping charges) of such commodities classified under a single Department of Commerce Schedule B or F number does not exceed $100: *Provided, however,* That any medicinal commodity listed below (including its forms, conversions and derivatives, and whether or not contained in a preparation) may not be exported under these general licenses to destinations in general license country group K in an amount exceeding $25 net value (as above defined):

Section 805.2 *Selected destinations* is hereby amended by deleting Liberia G-91 from the list of countries designated selected destinations.

Section 805.3 *General license provisions* is hereby amended by deleting Liberia from the list of countries therein. (Sec. 6, 54 Stat. 714, Pub. Laws 75 and 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 31, 7 F.R. 9807)

PAUL CORNELL,
Chief of Office,
Office of Exports.

JANUARY 14, 1943.

[F. R. Doc. 43-732; Filed, January 15, 1943; 10:24 a. m.]

[Amendment No. 115]

PART 802—GENERAL LICENSES

Paragraph (a) of § 802.11 *Personal baggage* is hereby amended to read as follows:

§ 802.11 *Personal baggage.* (a) General licenses are hereby issued, subject to the restrictions contained in paragraphs (c) and (d) of this section, permitting exportation to all destinations of the following classes of commodities when exported by persons leaving the United States solely for the use of themselves and their families and not for resale or other commercial purpose:

(1) Household articles, including furniture, refrigerators, radios, decorations and other household furnishings.

(2) Personal effects, including clothing, books, toilet articles, souvenirs, articles of personal adornment, personal firearms, hunting guns, etc. (restricted to three guns per person), cameras and similar articles.

(3) Professional instruments and tools of trade, including typewriters, which have been used by the passenger in his occupation, profession or employment.

(4) Passenger automobiles when the personal property of persons departing from this country and not being exported for purposes of resale. The passenger must file with the collector of customs an affidavit certifying that the exportation is not for resale.

(Sec. 6, 54 Stat. 714, Public Law 75, 77th Cong., Public Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 31, 7 F.R. 9807.)

PAUL CORNELL,
Chief of Office,
Office of Exports.

JANUARY 14, 1943.

[F. R. Doc. 43-733; Filed, January 15, 1943; 10:24 a. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Suspension Order S-214]

COVE, INC.

Cove, Inc., is a Pennsylvania corporation formed for the purpose of operating a restaurant and taproom in the premises situated at 1301-03 Locust Street, Philadelphia, Pennsylvania. Subsequent to September 7, 1942, Cove, Inc., began construction, as defined in Conservation Order L-41, as amended September 7, 1942, on the remodeling of the premises situated at 1301-03 Locust Street, Philadelphia, Pennsylvania, into a restaurant and taproom without specific authority from the Director General for Operations. The estimated cost of this construction was considerably in excess of $200.00. The construction is now partially complete, having been stopped by the War Production Board approximately two months ago. At the time of the beginning of said construction the principal officers of the corporation knew, or should have known, of the restrictions contained in Conservation Order L-41, as amended. These acts constituted a wilful violation of said order.

This violation of said order has hampered and impeded the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing, *It is hereby ordered:*

§ 1010.214 *Suspension order S-214.* (a) Neither Cove, Inc., nor any other person shall order, purchase, accept delivery of, withdraw from inventory or in any other manner secure or use material or construction plant in order to continue or complete construction of the remodeling of the premises situated at 1301-03 Locust Street, Philadelphia, Pennsylvania, except as specifically authorized by the Director General for Operations.

(b) For a period of ninety days from the effective date of this order no application filed by Cove, Inc., or any other person for authorization to complete the said construction of the remodeling of the premises situated at 1301-03 Locust Street, Philadelphia, Pennsylvania, shall be granted.

(c) Nothing contained in this order shall be deemed to relieve Cove, 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.

(d) This order shall take effect on 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 15th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-770; Filed, January 15, 1943; 2:16 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-215]

A. B. MILES

A. B. Miles of Philadelphia, Pennsylvania, is a general contractor. Subsequent to September 7, 1942, he began construction, ordered, purchased and accepted materials to begin construction of the remodeling of the premises situated at 1301-03 Locust Street, Philadelphia, Pennsylvania, into a restaurant and taproom at an estimated cost in excess of $200.00, without specific authority from the Director General for Operations. At the time he began construction he knew, or should have known, of the restrictions contained in Conservation Order L-41, as amended September 7, 1942. These acts constituted a wilful violation of said order.

This violation of Conservation Order L-41 has hampered and impeded the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing, *It is hereby ordered:*

§ 1010.215 *Suspension Order S-215.* (a) A. B. Miles, his successors and assigns, are hereby prohibited from ordering, purchasing, accepting delivery of, withdrawing from inventory, or in any other manner securing or using material or construction plant in order to begin erection, or continue construction, remodeling or rehabilitation of any building, structure or project or additions thereto or extensions or alterations thereof, including maintenance and repair, except as specifically authorized in writing by the Regional Compliance Chief of the Philadelphia Regional Office of the War Production Board.

(b) Deliveries of material to A. B. Miles, his 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.

(c) No allocation shall be made to A. B. Miles, his 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.

(d) Nothing contained in this order shall be deemed to relieve A. B. Miles 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.

(e) This order shall take effect January 18, 1943 and shall expire on April 18, 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 15th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-771; Filed, January 15, 1943; 2:16 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-216]

ALVIN FIXTURE CO.

T. B. Corenblum, doing business as the Alvin Fixture Company, Birmingham, Alabama, is engaged in the business of manufacturing various types of wooden engineer chests for the United States Army. On or about October 1, 1942, the Alvin Fixture Company began the erection of a new plant consisting of a building 60 x 200 feet in area, a paint shop 30 x 60 feet in area and a boiler room and dry kiln which was to be used for the expanded manufacture of wooden engineer chests. The estimated cost of construction of this project was substantially in excess of the cost permitted by Conservation Order L-41 as amended September 2, 1942, and was begun without the authorization required by such order. T. B. Corenblum was aware of the existence of Conservation Order L-41 and of the restrictions of that order upon new construction. Consequently, the beginning of construction without authorization constituted a wilful violation of Conservation Order L-41 as amended September 2, 1942.

About October 1, 1942, the Alvin Fixture Company extended a preference rating of A-1-j to the delivery of certain steel sashes, for installation in the above structure, although that rating had been assigned to the Alvin Fixture Company for the procurement of material to be incorporated in engineer chests. The extension of this rating for the procurement of material not authorized by the terms of such preference rating constituted a wilful violation of Priorities Regulation No. 3 as amended.

These violations 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, *It is hereby ordered:*

§ 1010.216 *Suspension Order S-216.* (a) Neither T. B. Corenblum, individually or doing business as the Alvin Fixture Company, nor any other person shall order, purchase, accept delivery of, withdraw from inventory, or in any other manner secure or use material or construction plant in order to begin, continue, or complete construction of a new structure 60 x 200 feet in area, together with other new structures to be used in connection therewith or with the present plant of the Alvin Fixture Company whether adjacent to the new structure or present plant or otherwise, except as specifically authorized by the Director General for Operations.

(b) For a period of nine months from the effective date of this order, no application filed by T. B. Corenblum, individually or doing business as, the Alvin Fixture Company, or any other person, for authorization to complete the construction described in paragraph (a) hereof, shall be granted.

(c) Nothing contained in this order shall be deemed to relieve T. B. Corenblum, individually or doing business as the Alvin Fixture Company, his or 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.

(d) This order shall take effect on 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 15th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-772; Filed, January 15, 1943; 2:16 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-217]

M'PHERSON HOTEL CORP.

McPherson Hotel Corporation is a New Jersey corporation, operating the Hotel Hildebrecht in Trenton, New Jersey. During the month of August, 1942, the McPherson Hotel Corporation began construction and ordered, purchased and withdrew from inventory materials to begin construction on the remodeling of the coffee shop of the Hotel Hildebrecht without authorization from the Director General for Operations. The estimated cost of this construction, as defined in Conservation Order L-41, substantially exceeded $1,000.00.

This constituted a wilful violation of Conservation Order L-41 which has

hampered and impeded the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing: *It is hereby ordered:*

§ 1010.217 *Suspension Order S–217.* (a) Neither the McPherson Hotel Corporation nor any other person shall order, purchase, accept delivery of, withdraw from inventory or in any other manner secure or use material or construction plant in order to continue or complete construction of the remodeling of the coffee shop at the Hotel Hildebrecht, Trenton, New Jersey, except as specifically authorized by the Director General for Operations.

(b) For a period of six months from the effective date of this order no application filed by the McPherson Hotel Corporation or any other person for authorization to complete the said construction of the remodeling of the coffee shop at the Hotel Hildebrecht, Trenton, New Jersey, shall be granted.

(c) Nothing contained in this order shall be deemed to relieve the McPherson Hotel 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 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 15th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43–773; Filed, January 15, 1943; 2:16 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–204]

LOMBARD IRON WORKS

Lombard Iron Works, Augusta, Georgia, operates a cast iron foundry, machine shop, boiler shop, and plating shop. It is a Class 1 producer within the meaning of Priorities Regulation No. 11. This Company was formed about September 1, 1942, and began operations about October 1, 1942. Despite the fact that the Company was a Class 1 producer, it failed to file Form PD–25–a for the fourth quarter of 1942 within a reasonable time after becoming a Class 1 producer and failed to file Form PD–25–a for the first quarter of 1943 as required by Priorities Regulation No. 11. The responsible officers of the Company had full knowledge during this entire period that they were required to operate under the Production Requirements Plan, but nonetheless failed to make any reasonable efforts to prepare and file the required applications. The Company also obtained material by extension of customers ratings after having failed to file an application on Form PD–25–a. This failure to file Form PD–25–a for either the fourth quarter of 1942 or the first quarter of 1943 and the extension of customers ratings to obtain material after having failed to file Form PD–25–a constituted a violation of Priorities Regulation No. 11.

The negligent failure to comply with the provisions of Priorities Regulation No. 11 has shown a lack of responsibility on the part of the managers of the Lombard Iron Works and thus necessitates the imposition of closer controls over that Company's operations in order to insure the production of important war material and to insure that the Company complies with the regulations set up for the distribution of critical materials. In view of the foregoing facts, *It is hereby ordered:*

§ 1010.204 *Suspension Order S–204.* (a) Deliveries of material to the Lombard Iron Works, 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 Regional Compliance Chief, War Production Board, Atlanta, Georgia.

(b) Lombard Iron Works, its successors and assigns, shall not receive, put in process, process, manufacture, use or deliver any of the metals specified on the Metals List attached to Priorities Regulation No. 11 in any form except as specifically authorized by the Regional Compliance Chief, War Production Board, Atlanta, Georgia.

(c) Nothing contained herein shall be deemed to relieve Lombard Iron Works, its successors and assigns, from any restriction, prohibition or provisions 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 is to take effect on January 23, 1943, and will expire on April 23, 1943, at which time it will have 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 16th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43–837; Filed, January 16, 1943; 2:57 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–218]

BUTANE GAS & PLUMBING CO., INC.

Butane Gas & Plumbing Company, Inc. of Cotton Port, Louisiana, is engaged in the business of selling and installing butane gas heating equipment. On May 27, 1942, this company, after having been charged with installation of new butane gas heating equipment in violation of General Limitation Order L–86, was specifically advised that such installations could not be made by it under the order and was warned against making any further installations. Thereafter, between that date and July 25, 1942, the company sold and installed new butane gas heating equipment in fifteen instances under circumstances similar to the installation in May, 1942. The company knew that these installations, without prior approval of the War Production Board, were in violation of General Limitation Order L–86, and its violations were wilful.

These violations of said order have hampered and impeded the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing, *It is hereby ordered,* That:

§ 1010.218 *Suspension order S–218.* (a) For a period of three months from the effective date of this order, Butane Gas & Plumbing Company, Inc., its successors and assigns, shall not install or deliver for installation purposes any liquefied petroleum gas equipment as the same is defined in General Limitation Order L–86, whether new or used, except as specifically authorized by the Director General for Operations.

(b) Deliveries of material to Butane Gas & Plumbing Company, Inc., 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 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.

(c) No allocation shall be made to Butane Gas & Plumbing Company, Inc., 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.

(d) Nothing contained in this order shall be deemed to relieve Butane Gas & Plumbing Company, 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.

(e) This order shall take effect January 19, 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 16th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-838; Filed, January 16, 1943; 2:57 p. m.]

PART 933—COPPER

[Amendment 1 to Conservation Order M-9-c, as Amended Dec. 26, 1942]

Section 933.4 *Conservation Order M-9-c* is hereby amended in the following respects:

By amending the item on List A-2 which reads as follows:

Blow torches, gasoline and alcohol, (except when the only copper products or copper base alloy products used are for the pump valve, pump check valve assembly, pump cylinder cap, brazing material, pack nut, valve stem, valve body and jet block), Jan. 20, 1943.

to be and read as follows:

Blow torches, gasoline and alcohol, (except when the only copper products or copper base alloy products used are for the pump barrel, pump check valve assembly, pump cylinder cap, brazing material, pack nut, valve stem, valve body and jet block), Jan. 20, 1943.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 18th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-875; Filed, January 18, 1943; 11:02 a. m.]

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

[Priorities Regulation 9, as Amended Jan. 18, 1943]

PRIORITIES ASSISTANCE UNDER FORM PD-311 REVISED OR OTHER PRESCRIBED FORM

Section 944.30 *Priorities Regulation 9* is hereby amended to read as follows:

§ 944.30 *Priorities Regulation 9*—(a) *Forms for export; scope of regulation.* Priorities assistance for export may hereafter be made available pursuant to application on Form PD-311 Revised or other prescribed form filed by or in the name of the person desiring the export of the material involved. Such person is hereinafter referred to as the applicant, which term shall also include any agency authorized to place purchase orders for such person. This regulation shall be applicable to priorities assistance granted pursuant to application on such form or any other form prescribed exclusively for exports which by its terms is expressly subject to this regulation.

(b) *Application and extension of preference ratings.* (1) One copy of Form PD-311 Revised or other prescribed form will be returned to the applicant accompanied or followed by a statement indicating the ratings assigned to deliveries of those quantities of material specified on such form, or indicating the granting of other priorities assistance. Such preference ratings shall be applied and extended only in the manner provided in (2) and (3) below.

(2) The applicant, in order to apply a preference rating assigned pursuant to the provisions of this regulation, must have received an export license, a statement of export clearance, or a statement of authority to export (or a copy thereof if authorized by the issuing agency) and must endorse on, or attach to, each contract or purchase order placed by him to which such a rating is to be applied, a certification in the following form (or, if appropriate, at the applicant's option, in the form prescribed in General Export Order M-148, as amended from time to time) signed manually or as provided in Priorities Regulation No. 7 (§ 944.27) by an official duly authorized for such purpose:

The undersigned purchaser hereby represents to the seller and to the War Production Board that he has received an export license, a statement of export clearance, or a statement of authority to export, that he is entitled to apply the preference ratings indicated opposite the items shown in this purchase order, and that such application is in accordance with Priorities Regulation No. 9, as amended, with the terms of which the undersigned is familiar.

(Name of purchaser)	(Address)
By	
(Signature and title of duly authorized officer)	(Date)

The person receiving the certification and rating shall be entitled to rely on such representation, unless he knows or has reason to believe it to be false. Each person applying ratings must maintain at his regular place of business all documents, including purchase orders and preference rating orders and certificates, upon which he relies as entitling him to apply such ratings, segregated and available for inspection by representatives of the War Production Board, or filed in such manner that they can be readily segregated and made available for such inspection.

(3) A supplier with whom a purchase order or contract has been placed for a delivery to the applicant, to which purchase order or contract the rating has been applied as provided in (2) above, may extend such ratings to his suppliers and they may in turn extend such rating to their suppliers only in conformity with the applicable provisions of Priorities Regulations Nos. 3 and 11, as such regulations may be amended from time to time.

(c) *Effect of revocation.* If the export license, statement of export clearance or statement of authority to export any material is revoked, any preference rating subject to this regulation which has been assigned to the delivery of material shall be automatically cancelled, as regards delivery to the applicant; and no delivery of such material shall be made to or received by the applicant. As regards each supplier of the applicant or of another supplier, who has extended such rating, it shall likewise be automatically cancelled, and each such supplier shall promptly notify his suppliers of such cancellation; *Provided, however,* That if, in the opinion of any supplier, cancellation of the rating would seriously interfere with any program of war work, he may make application in writing to the Director General for Operations, Washington, D. C., Att: Petroleum Administration for War, requesting continuation of the rating. The Director General for Operations may thereupon grant such relief as he may deem appropriate.

(d) *Limitation on other forms of priorities assistance.* No person who is entitled to obtain a preference rating or any other form of priorities assistance pursuant to application on Form PD-311 (or any other form prescribed pursuant to this regulation) for an operation shall apply any preference rating otherwise obtained, or use any form of priorities assistance otherwise granted, with respect to a delivery of material for such operation; except that this provision shall not prevent application of any rating lawfully assigned prior to January 18, 1943 or the rerating of any delivery pursuant to Priorities Regulation No. 12.

(e) *Revocation of Preference Rating Order P-98-d.* Section 1041.5 *Preference Rating Order P-98-d* is revoked as of 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 18th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-873; Filed, January 18, 1943; 11:02 a. m.]

PART 1041—PRODUCTION, TRANSPORTATION, REFINING AND MARKETING OF PETROLEUM

[Revocation of Preference Rating Order P-98-d]

Section 1041.5 *Preference Rating Order P-98-d* hereby is revoked as of this 18th day of January 1943.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125; 7 F.R. 2719; sec. 2 (a), Pub. Law

671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 18th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-874; Filed, January 18, 1943; 11:02 a. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS

[General Imports Order M-63 as Amended Jan. 18, 1943]

§ 1042.1 *General Imports Order M-63*—(a) *Definitions.* For the purposes of this order:

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

(2) "Owner" of any material means any person who has any property interest in such material except a person whose interest is held solely as security for the payment of money.

(3) "Consignee" means the person to whom a material is consigned at the time of importation.

(4) "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.

(5) "Place of initial storage" means any warehouse, yard ground storage, or other place, to which the person making the entry or withdrawal from custody of the United States Bureau of Customs of material imported subject to this order directs or has directed that such material be transported from the port of entry to be held until disposed of pursuant to this order.

(6) Material shall be deemed "in transit" if it is afloat, if an on board ocean bill of lading has actually been issued with respect to it, or if it has actually been delivered to and accepted by a rail, truck, or air carrier, for transportation to a point within the continental United States.

(7) "Governing date" with respect to any material means the date when such material first became subject to General Imports Order M-63.

(b) *Restrictions on imports of materials*—(1) *General restriction.* No person, except as authorized in writing by the Director General for Operations, shall purchase for import, import, offer to purchase for import, receive, or offer to receive on consignment for import, or make any contract or other arrangement for the importing of, any material subject to this order after the governing date. The foregoing restrictions shall apply to the importation of any material subject to the order, regardless of the existence on the governing date or thereafter of any contract or other arrangement for the importation of such material. The materials subject to this order are those listed from time to time upon List I, List II, and List III attached hereto.

(2) *Authorization by Director General for Operations.* Any person desiring such authorization, whether owner, purchaser, seller, or consignee of the material to be imported, or agent of any of them, shall make application therefor in duplicate on Form PD-222C, addressed to the War Production Board, Ref.: M-63, Washington, D. C. Unless otherwise expressly permitted, such authorization shall apply only to the particular material and shipment mentioned therein and to the persons and their agents concerned with such shipment; it shall not be assignable or transferable either in whole or in part.

(3) *Restrictions on financing of imports.* No bank or other person shall participate, by financing or otherwise, in any arrangement which such bank or person knows or has reason to know involves the importation of any material subject to this order after the governing date unless such bank or person has received either a copy of the authorization issued by the Director General for Operations, or, if the transaction comes within the exceptions set forth in paragraph (b) (4), an affidavit stating the facts which show the exception.

(4) *Exceptions.* Unless otherwise directed by the Director General for Operations, the restrictions set forth in this paragraph (b) shall not apply:

(i) To the Board of Economic Warfare, Commodity Credit Corporation, Metals Reserve Company, Defense Supplies Corporation, or any other United States governmental department, agency, or corporation, or any agent acting for any such department, agency, or corporation; or

(ii) To any material of which any United States governmental department, agency, or corporation is the owner at the time of importation, or to any material which the owner at the time of importation had purchased or otherwise acquired from any United States governmental department, agency, or corporation; or

(iii) To any material which on the governing date was in transit to a point within the continental United States.

(iv) To materials imported by mail where the value of the shipment is less than $100.00; or

(v) To materials consigned as gifts or as samples, or for use as samples, or imported for personal use, where the value of each consignment or shipment is less than $200.00; or

(vi) To materials consigned as gifts for personal use by or to members of the Armed Services of the United States.

(vii) To any material on List I or List II imported by any person under any contract or other arrangement made before, or in existence on, the governing date and which, on December 28, 1942, was in transit to a point within the continental United States.

(c) *Restrictions on disposition of List I material.* Except as hereinafter specifically provided in paragraph (d) hereof:

(1) *Restrictions upon owners and consignees.* No owner or consignee of any material on List I which is imported after the governing date shall in any way, directly or indirectly:

(i) Dispose of any interest in such material;

(ii) Process or in any way change the physical condition of such material;

(iii) Transfer possession, or cause or permit a transfer of possession, of such material except to the port of entry and from the port of entry to the place of initial storage of such material; or

(iv) Change, or cause or permit a change of, the location of such material except to the port of entry and from the port of entry to the place of initial storage of such material.

Provided: That a consignee of such material may dispose of his interest in such material to the extent necessary to complete any commitment or contract made prior to the governing date. The person to whom he disposes of such interest shall be subject to all restrictions imposed upon owners by this order.

(2) *Restrictions upon banks and persons similarly situated.* No bank or other person which, as agent, pledgee, beneficiary under a trust receipt, or otherwise, has possession of or any interest in any written instrument evidencing any interest in any material on List I shall in any way, directly or indirectly, dispose of any such interest, or transfer possession, or cause or permit a transfer of possession, of such instrument, unless:

(i) Such material was imported before the governing date; or

(ii) Such person neither knows nor has reason to know that such material was imported after the governing date; or

(iii) Such disposition or transfer is necessary to permit a consignee to make a permissible disposition of material in accordance with subparagraph (1) of this paragraph (c); or

(iv) Such disposition or transfer is made to the owner of the material and such owner has complied with all the provisions of this order.

(d) *Permissible disposition of List I materials*—(1) *Transfer to Governmental agency.* Nothing contained in this order shall prohibit an owner or consignee of any material on List I im-

ported after the governing date, or a bank or other person having possession of, or an interest in, a written instrument evidencing an interest in such material, from disposing of, or making any arrangement to dispose of, any interest in such material to the Board of Economic Warfare, Commodity Credit Corporation, Metals Reserve Company, Defense Supplies Corporation, or any other United States governmental department, agency, or corporation.

(2) *Authorization by Director General for Operations.* Notwithstanding the provisions of paragraph (c), an owner or consignee of material on List I imported after the governing date or a bank or other person having possession of or an interest in a written instrument evidencing an interest in such material, may process such material or may dispose of any interest in such material or any such written instrument, or transfer possession or change the location thereof, or cause or permit such a transfer of possession or change of location, upon written authorization by the Director General for Operations. Any such person may make application in duplicate for such an authorization on Form PD–222A, which form shall be addressed to the War Production Board. Ref.: M–63, Washington, D. C.

(3) *Exceptions.* The restrictions set forth in paragraph (c) shall not apply to any material after any United States governmental department, agency, or corporation becomes the owner thereof, and shall not apply to any material of which any United States governmental department, agency, or corporation is the owner at the time of importation, and shall not apply to any material purchased or otherwise acquired from any United States governmental department, agency, or corporation.

(e) *Restrictions on disposition of List II or List III material.* Any material on List II or List III, which is imported after the governing date, may be sold, delivered, processed, consumed, purchased, or received without restriction under this order, but all such transactions shall be subject to all applicable provisions of the regulations of the War Production Board and to all orders and directions of the Director General for Operations which now or hereafter may be in effect with respect to such material.

(f) *Reports*—(1) *Reports on customs entry.* No material which is imported after the governing date, including materials imported by or for the account of the Board of Economic Warfare, Commodity Credit Corporation, Metals Reserve Company, Defense Supplies Corporation, or any other United States governmental department, agency, or corporation, shall be entered through the United States Bureau of Customs for any purpose, whether for consumption, for warehouse, in transit, in bond, for re-export, for appraisal, or otherwise, unless the person making the entry shall file with the entry Form PD–222B in duplicate. The filing of such form a second time shall not be required upon any subsequent entry of such material through the United States Bureau of Customs for any purpose; nor shall the filing of such form be required upon the withdrawal of any material from bonded custody of the United States Bureau of Customs, regardless of the date when such material was first transported into the continental United States. Both copies of such form shall be transmitted by the Collector of Customs to the War Production Board, Division of Stockpiling and Transportation, Ref.: M–63, Washington, D. C.

(2) *Other reports.* All persons having any interest in, or taking any action with respect to, any material imported after the governing date, whether as owner, agent, consignee, or otherwise, shall file such other reports as may be required from time to time by the War Production Board.

(g) *Routing of communications.* All communications concerning this order shall, unless otherwise herein directed, be addressed to: War Production Board, Washington, D. C., Ref.: M–63.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or who 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 assistance.

(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.

(j) *Effective date.* This order shall take effect at 12:01 a. m. on the 28th day of December, 1942, 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 18th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

LIST I

NOTE: List I was amended in its entirety January 18, 1943.

The numbers listed after the following materials are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (issue of January 1, 1943). Materials are included in the list to the extent that they are covered by the commodity numbers listed below.

Material	Commerce import Class No.	Governing date
Albarco logs	N. S. C.	1/18/43
Albarco lumber	N. S. C.	1/18/43
Alpaca, llama, and vicuna hair	3535. 600–3535. 400	[1] 7/2/42
Asphalt	5078. 100	7/2/42
	5079. 100	7/2/42
	5394. 000	7/2/42
Beef and mutton tallow—includes oleo stock	0036. 600	5/22/42
Beef and mutton tallow (inedible)—includes oleo stock	0815. 600	5/22/42
Brazilian pebble (quartz crystals), unmanufactured	5120. 600	10/6/42
Brazilian pebble (quartz crystals), manufactured and semimanufactured in blanks, slabs, bars, etc	N. S. C.	10/6/42
Bristles, hog and pig	0917. 000	[2] 3/14/42
	0979. 100	[3] 3/14/42
Cacahuananche oil	N. S. C.	1/18/43
Castor beans	2231. 000	4/8/42
Cinchona bark or other bark from which quinine may be extracted	2201. 000	5/22/42
Cod oil	0804. 000	5/22/42
Coir fiber	3409. 000	11/23/42
Coir yarn	3420. 000	11/23/42
Coir manufactures, other than pile mats, floor coverings, mattings, etc	N. S. C.	11/23/42
Columbium ore (columbite) or concentrates	6270. 300	4/8/42
Cottonseed oil, crude, refined	1423. 100	5/22/42
	1423. 200	5/22/42
Divi-divi pods	2320. 140	7/2/42
Divi-divi, hemlock, and chestnut extracts	2345. 000	7/2/42
Flax, unmanufactured (all types)	3261. 000	7/2/42
	3262. 500	4/8/42
	3262. 600	4/8/42
	3262. 700	7/2/42
	3262. 800	5/4/42
	3262. 900	5/4/42
Flaxseed (linseed)	2233. 000	5/22/42
Goose down	N. S. C.	7/2/42
Graphite or plumbago:		
Amorphous, natural (except of Mexican origin)	5730. 100	4/8/42
Crystalline, flake	5730. 500	12/28/41
Crystalline, crucible lump and chip graphite	5730. 610	4/8/42
Crystalline, dust and other crystalline lump and chip graphite	5730. 630	4/8/42
Hemp (Cannabis Sativa type only), unmanufactured:		
Hackled, including "line of hemp"	3263. 000	9/11/42
Not hackled	3263. 200	9/11/42
Tow	3263. 300	9/11/42
Horse mane and tail hair, raw and drawn, including switches	3694. 000	3/14/42
	3694. 100	3/14/42
Lac: crude, seed, button and stick	2105. 000	[3] 4/8/42
Linseed oil, and combinations and mixtures, in chief value of such oil	2254. 000	5/22/42
Mangrove extract (including Philippine cutch)	2342. 000	7/2/42
Muru muru nut oil	N. S. C.	8/21/42
Myrobalan fruit and extract	2304. 000	7/2/42
	2345. 800	7/2/42
Neatsfoot oil and animal oils known as neatsfoot stock	0808. 950	5/22/42

[1] Moved from List III effective date.
[2] Moved from List II 11/23/42.
[3] Moved from List II 10/6/42.

Material	Commerce import Class No.	Governing date
Oleo oil	0036.200	8/21/42
Peanut (ground nut) oil	1427.000	5/22/42
Pyrethrum, or insect flowers	2202.000	10/21/42
Pyrethrum, or insect flowers, advanced in value or condition	2220.310	10/21/42
Quebracho extract	2344.000	7/2/42
Red squill	2210.650	10/21/42
Rotenone bearing roots (cubé root (timbo or barbasco), derris and tuba), crude and advanced	2210.280	5/4/42
	2210.300	5/4/42
	2220.360	5/4/42
	2220.370	5/4/42
Rubber seed	2239.500	5/22/42
Rubber seed oil	N. S. C.	5/22/42
Rutile	6270.200	12/28/41
Sunflower oil, edible and denatured	1421.000	5/22/42
	2247.000	5/22/42
Tantalum ore (tantalite)	6270.400	4/8/42
Tara	2320.230	7/2/42
Tucum oil	N. S. C.	8/21/42
Valonia beards and valonia extract	2307.000	7/2/42
	2345.100	7/2/42
Wattle extract	2345.500	7/2/42
Whale oil (other than sperm)	0803.500	5/22/42
Wool grease, including degras or brown wool grease (all grades)	0813.200	5/22/42
	0813.300	5/22/42
	0813.500	5/22/42
Zirconium ore	6270.500	12/28/41

N. S. C.—No separate class. Commodity number has not yet been assigned by the Department of Commerce, Statistical Classification of Imports.

List II

Note: List II was amended in its entirety January 18, 1943.

The numbers listed after the following materials are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (issue of January 1, 1943). Materials are included in the list to the extent that they are covered by the commodity numbers listed below.

Material	Commerce Import Class No.	Governing date
Agave manufactures and semi-manufactures:		
Sisal cordage, including cables, tarred or untarred, composed of 3 or more strands, each strand composed of 2 or more yarns	3417.010	1/18/43
	3417.110	1/18/43
Carpet yarns of agave, dyed or undyed	N. S. C.	7/21/42
Cordage of agave fibers, other than sisal	N. S. C.	1/18/43
Cords and twines of agave fibers	N. S. C.	1/18/43
Fabrics woven of agave fiber	N. S. C.	9/11/42
Other manufactures of agave fibers	N. S. C.	1/18/43
Aluminum scrap	6302.300	6/1/42
Antimony	6650.000	12/28/41
	6651.000	12/28/41
	6651.100	12/28/41
	8380.180	12/28/41
	8380.210	12/28/41
Asbestos, unmanufactured (originating in Rhodesia or Union of South Africa)	5500.010	1/13/42
	5500.020	1/13/42
	5500.090	1/13/42
	5500.300	1/13/42
	5500.500	1/13/42
	5501.000	1/13/42
	5501.100	1/13/42
	5501.900	1/13/42
	5502.100	1/13/42
Babassu nuts and kernels	2239.130	4/8/42
	2239.150	4/8/42
Babassu nut oil	2257.100	4/8/42
Balsa wood:		
Logs	4029.100	6/10/42
Sawed boards, planks, deals and sawed timber	4118.000	6/10/42
Beryl ore or beryllium ore	6270.000	5/4/42
Beryllium oxide, carbonate and other beryllium salts	8380.963	5/4/42
Cashew nut kernel oil	2257.400	4/8/42
Cashew nut shell oil	2260.050	4/8/42
Castor oil	2260.020	4/8/42
Cattle, ox, and calf tail hair including switches	3696.100	7/2/42
Chrome ore (chromite)	6213.100	12/28/41
	6213.300	12/28/41
	6213.500	12/28/41
Coconut oil	2242.500	1/13/42
Cohune nuts and kernels	N.S.C.	4/8/42
Cohune nut oil	N.S.C.	9/11/42
Copper	6401.800	12/28/41
	6417.100	3/14/42
	6430.000	3/14/42
	6418.300	6/1/42
Copper and brass scrap	6401.900	12/28/41
	6418.100	7/2/42
	6453.000	6/1/42
	6760.020	6/1/42
Copra	2232.000	1/13/42
Corn or maize oil (edible)	1422.000	5/22/42
Corundum and emery in grains, or ground, pulverized, or refined	5470.010	5/22/42
Corundum ore	5460.000	5/22/42
Cotton linters, munitions or chemical grades only (Grades 3-6 according to Department of Agriculture Classification)	N. S. C.	4/8/42
Cotton yarns and fabrics:		
Airplane cloth, type MM	N. S. C.	8/21/42
Balloon fabric, type HH	N. S. C.	8/21/42
Balloon fabric, type SS	N. S. C.	8/21/42
Cotton rope for spinning mules	N. S. C.	11/23/42
Decating apron fabric	N. S. C.	11/23/42
English spun combed cotton yarn, single or plied, in counts of 58's and finer	N.S.C.	11/23/42
Filter cloth	N.S.C.	11/23/42
Grey tracing cloth fabric	N.S.C.	11/23/42
Lithograph moleskin cloth	N.S.C.	11/23/42
Printers molleton	N.S.C.	11/23/42
Tracing cloth	3970.000	8/21/42
Typewriter ribbon fabric	N.S.C.	8/21/42
Cottonseed hull fiber	N.S.C.	7/21/42
Glycerine, crude and refined	8290.000	5/22/42
	8291.100	5/22/42
Goat and kid skin furs	0711.400	7/21/42
Hides and skins:		
Buffalo hides, dry and wet	0203.000	1/13/42
	0203.100	1/13/42
Cabretta skins or hair sheep skins	0235.000	7/2/42
Calf, dry and wet	0207.000	1/13/42
	0208.000	1/13/42
Cattle hides, dry and wet	0201.000	1/13/42
	0202.000	1/13/42
Goat and kidskins, dry and wet	0241.000	7/2/42
	0242.000	7/2/42
Kip, dry and wet	0205.000	1/13/42
	0206.000	1/13/42
Shearlings (includes dry and green salted skins)	0231.300	7/2/42
Iron and steel scrap, fit only for remanufacture	6004.000	6/1/42
	6004.100	6/1/42
Istle or tampico fiber manufactures (including all istle products)	N. S. C.	11/23/42
Istle or tampico fiber, unmanufactured (including istle waste)	3405.000	3/14/42
Jute, unmanufactured	3241.000	10/6/42
Jute butts, unmanufactured	3242.000	10/6/42
Kapok	3403.000	7/2/42
Kyanite and sillimanite	5930.950	12/28/41
Lead	6504.000	12/28/41
	6505.000	1/9/42
	6505.100	12/28/41
	6506.100	1/9/42
	6506.500	1/9/42
	6506.900	6/1/42
	6507.000	1/9/42
	6509.000	1/9/42
Loofa (Luffa) sponges	N. S. C.	8/21/42
Magnesium, metallic and scrap	6760.310	6/1/42
Maguey or cantala, unmanufactured	3409.200	1/18/43
Mahogany logs	4031.000	7/2/42
Mahogany, rough (not further manufactured than sawed)	4202.100	7/21/42
Mahogany, dressed (sawed and not further manufactured than planed, tongued, and grooved)	4204.100	7/21/42
Mahogany manufactures and semi-manufactures	N. S. C.	1/18/43
Mercury-bearing ores and concentrates	N. S. C.	4/8/42
Mercury or quicksilver (metallic)	6662.000	12/28/41
Meshta fiber	N. S. C.	10/6/42
Metallic beryllium, caesium, lithium, and potassium	8380.870	5/4/42
Metallic mineral substances in crude form, not otherwise classified (such as drosses, skimmings, residues, brass foundry ash, and flue dust)	6740.190	6/1/42
Mica	5560.700	3/14/42
	5560.803	3/14/42
	5560.910	3/14/42
	5560.920	3/14/42
	5560.930	3/14/42
	6560.940	3/14/42
	5560.950	3/14/42
	5560.960	3/14/42
	5560.970	3/14/42
	5560.980	3/14/42
	5560.990	3/14/42
	5561.000	3/14/42
	5561.700	7/21/42
	5561.800	3/14/42
	5561.810	3/14/42
	5561.820	3/14/42
	5561.830	3/14/42
	5561.850	3/14/42
	5561.900	3/14/42
	5564.000	3/14/42
	5564.200	3/14/42
Milkweed	N. S. C.	1/18/43
Nutgalls or gall nuts	2310.000	9/11/42
Oiticica oil	2255.600	4/8/42
Ouricury (uricury) nuts and kernels	2239.610	5/22/42
	2239.620	5/22/42
Ouricury (uricury) oil, inedible and edible	2257.800	5/22/42
	2257.830	5/22/42
Palm nut kernels	2236.500	3/14/42
Palm kernel oil	2248.000	3/14/42
Palm oil	2243.000	1/13/42
Rapeseed oil, denatured and not denatured	2246.000	5/22/42
	2253.000	1/13/42
Shellac, unbleached and bleached	2107.200	3/14/42
	2108.000	3/14/42
Silk:		
Cocoons	3703.000	10/21/42
Partially manufactured silk, and silk noils exceeding 2 inches in length, not twisted or spun	3799.000	10/21/42
Raw silk in skeins, reeled from the cocoon, or re-reeled, not wound, doubled, twisted, or advanced	3702.000	10/21/42
Silk waste	3704.000	10/21/42
Wild silk or tussah	3702.100	10/21/42
Silver:		
Ores, concentrates, and base bullion, valuable chiefly for silver content	6819.500	7/21/42
Bullion, refined	6819.600	7/21/42
Coin, foreign	6819.800	7/21/42
Sweepings and scrap, including silver sulphides	6819.900	7/21/42
Semiprocessed items, valuable chiefly for silver content	N. S. C.	7/21/42
Compounds, mixtures and salts, valuable chiefly for silver content	N. S. C.	7/21/42
Sisal and henequen, unmanufactured	3401.000	1/18/43
Sperm oil, crude, refined or otherwise processed	0803.000	5/22/42
	0803.100	5/22/42
Talc, steatite (magnesium silicate), containing not to exceed 1½% lime and 1½% ferric oxide:		
Crude and unground	N. S. C.	11/23/42
Ground, washed, powdered, or pulverized	N. S. C.	11/23/42
Tin:		
Alloys, chief value tin, n. s. p. f. (including alloy scrap)	6551.900	6/1/42
Bars, blocks, pigs, grain or granulated	6551.300	6/1/42
Metallic scrap (except alloyed scrap)	6551.500	6/1/42
Tin-plate scrap	6740.050	7/2/42
Tung oil (China wood oil)	2241.000	1/13/42
Tungsten ore and concentrates	6232.000	12/28/41
Urena lobata fiber	N. S. C.	10/6/42
Vanadium ore	6260.000	12/28/41
Wool, apparel, finer than 44's	3520.000	7/2/42
	3521.100	7/2/42
	3521.200	7/2/42
	3521.300	7/2/42
	3522.000	7/2/42
	3523.100	7/2/42
	3523.200	7/2/42
	3523.300	7/2/42
	3526.000	7/2/42
	3527.100	7/2/42
	3527.200	7/2/42
	3527.300	7/2/42
	3528.000	7/2/42
	3529.100	7/2/42
	3529.200	7/2/42
	3529.300	7/2/42

Material	Commerce import Class No.	Governing date
Wool (apparel, finer than 40's but not finer than 44's)	3513.000	7/2/42
	3514.100	7/2/42
	3514.200	7/2/42
	3514.300	7/2/42
	3524.000	7/2/42
	3525.100	7/2/42
	3525.200	7/2/42
	3525.300	7/2/42
Zinc, blocks, pigs, or slabs	6558.200	12/28/41
Zinc, dross and skimmings	6558.100	1/18/43
Zinc, old and worn out, fit only for remanufacture	6558.000	1/18/43

N.S.C.—No separate class. Commodity number has not yet been assigned by the Department of Commerce Statistical Classification of Imports.

List III

Note: List III was amended in its entirety January 18, 1943.

Material	Commerce import Class No.	Governing date
Alewives and other pickled or salted fish, n. s. p. f.	0073.300–0073.900 inc.	7/2/42
Alfalfa seed	2401.000	7/2/42
Anchovies, canned, not in oil or in oil and other substances	0067.000	7/2/42
Anchovies, in oil or in oil and other substances	0064.200	1/18/43
	0064.300	1/18/43
Annatto and annatto extracts	2320.000	7/2/42
Argols, tartar and wine lees, and crude calcium tartrate	8329.000	7/2/42
	8330.000	7/2/42
	8380.013	7/2/42
Balsams, crude, not containing alcohol (except Canada balsam)	2141.000	7/2/42
	2141.300	7/2/42
	2141.400	7/2/42
	2141.500	7/2/42
	2141.900	7/2/42
Bananas, green or ripe	1301.000	7/2/42
Barley malt	1080.000	7/2/42
Baskets and bags of wood, straw, etc	4221.000	7/2/42
	4221.200	7/2/42
	4221.500	7/2/42
	4221.600	7/2/42
	4221.900	7/2/42
Beans, dried	1192.000	7/2/42
Beef and veal, pickled or cured	0029.000	7/2/42
Beef, canned, including corned beef	0028.000	7/2/42
Beeswax	0972.000	7/2/42
	0972.100	7/2/42
	0974.000	7/2/42
Blood, dried	8505.000	7/2/42
Bone black, bone char, and blood char	0990.130	7/2/42
Bones, crude	0911.200	7/2/42
Bones, ground, ash, dust, meal and flour	0911.300	7/2/42
Boxwood logs	4033.000	7/2/42
Bran; shorts; and other wheat by-product feeds	1181.000	7/2/42
Brazil or cream nuts	1356.000	7/2/42
	1357.000	7/2/42
Broomcorn	2936.000	11/23/42
Butter	0044.000	7/2/42
Cacao butter (cocoa butter)	1420.000	7/2/42
Camel's hair tops	3560.000	1/18/43
Canary seed	2452.000	7/2/42
Candelilla wax	2252.000	7/2/42
Carnauba wax	2251.000	7/2/42
Caroa fiber	4692.800	7/2/42
Caroa manufactures	N. S. C.	1/18/43
Caroa yarn	N. S. C.	10/6/42
Casein or lactarene	0943.000	7/2/42
Cashew nuts and kernels	1377.000	4/8/42
Cassia buds, unground	1533.000	10/6/42
Cassia, cassia vera, unground	1533.100	10/6/42
Cassia, cassia buds and cassia vera, ground	1550.070	10/6/42
Castor bean pomace (castor oil cake and castor oil cake meal)	8509.100	1/18/43
Cheese	0045.100–0046.990 inc.	7/2/42
Chickpeas and garbanzos, dried	1200.000	7/2/42
Chicle, crude and refined or advanced	2131.000	7/2/42
	2189.300	7/2/42
China clay or Kaolin	5300.000	8/21/42
Cinnamon and chips of, unground	1526.000	10/6/42
Cinnamon and chips of, ground	1550.030	10/6/42
Cocoa beans or cacao beans	1501.300	7/2/42
Cocoa powder, unsweetened and sweetened	1502.100	1/18/43
	1502.300	1/18/43
	1502.900	1/18/43
Coconuts, in the shell	1351.000	10/21/42
Coconut meat, shredded and desiccated or similarly prepared	1379.000	10/21/42
Coffee, raw or green; roasted or processed	1511.000	7/2/42
	1511.100	7/2/42
Combinations and mixtures of animal, vegetable, or mineral oils, or any of them, with or without other substances, not specifically provided for	2260.120	7/21/42
Corn	1031.000	7/2/42
Corn, cracked	1090.180	7/2/42
Cotton linters, other than munitions, & chemical grades (Grades 1-2 according to Department of Agriculture Classification)	N. S. C.	7/2/42
Cotton, raw (all staple length)	3001.000	7/2/42
Cotton waste	3003.600	7/2/42
	3003.700	7/2/42
	3003.800	7/2/42
	3006.100	7/2/42
	3006.200	7/2/42
	3006.310	7/2/42
	3006.330	7/2/42
	3006.350	7/2/42
	3006.600	7/2/42
	3230.380	7/2/42
	3230.390	7/2/42
Cotton—Merino waste	9850.902	7/2/42
Crabs, fresh or frozen, prepared or preserved	0086.400	7/2/42
	0086.500	7/2/42
Dog food	1190.700	7/2/42
	1190.800	7/2/42
Eggs (chicken), whole, in the shell	0088.100	7/2/42
Ergot	2210.330	10/6/42
Fatty acids, not specifically provided for, derived from vegetable oils, animal or fish oils, animal fats and greases, not elsewhere specified:		
Cottonseed oil	2260.220	5/22/42
Linseed oil	2260.210	7/21/42
Soybean oil	2260.230	7/21/42
Other, not elsewhere specified	2260.240	7/21/42
Fatty alcohols and fatty acids sulphated, not elsewhere specified, and salts of fatty acids sulphated not elsewhere specified	2260.280	7/21/42
Fish scrap and fish meal	0976.000	7/2/42
	8509.700	7/2/42
Floor coverings:		
Carpets and carpeting, mats, rugs, art squares, etc., of wool, n. s. p. f.	3660.000–3670.570 inc.	10/21/42
Pile mats and floor coverings of cocoa fiber (coir fiber)	3960.100	10/21/42
Pile mats and floor coverings of rattan	3960.300	10/21/42
Matting and articles of cocoa fiber (coir fiber) or rattan	3963.000	10/21/42
Floor coverings of grass or rice straw, not in chief value of cotton	3963.200	10/21/42
Textile floor coverings, other than wool, cotton, silk, rayon, etc., n. e. s.	3963.600	10/21/42
Fluorspar	5301.000	7/2/42
	5301.100	7/2/42
Garlic	1205.000	7/2/42
Ginger root unground, not preserved or candied	1536.100	10/6/42
Ginger root, ground, not preserved or candied	1550.080	10/6/42
Glue, except glue size and fish glue (value—under 40¢ lb.)	0940.100	7/2/42
Goat and kid hair except Angora (mohair) and Cashmere	3696.200	7/2/42
Grapefruit and pomeloes	1302.000	7/2/42
Grapes, fresh (other than hothouse)	1318.500	7/2/42
Guano	8504.000	7/2/42
Gum arabic or senegal (Acacia gum)	2161.000	10/21/42
Gum ghatti	N. S. C.	10/21/42
Gum kadaya (karaya) and talka	2163.000	10/21/42
Gum tragacanth	2162.000	10/21/42
Hempseed	2238.000	5/22/42
Hempseed oil	2260.030	7/21/42
Herring (including sprats, pilchards and anchovies), all types	0070.000–0070.900 inc.	7/2/42
Hibiscus cannabinus or ferox	N. S. C.	7/2/42
Hide cuttings, raw	0930.800	7/2/42
Hides and skins:		
Deer: buck, or doe	0293.100	9/11/43
Horse, colt, and ass	0211.100	7/2/42
	0211.300	7/2/42
	0212.100	7/2/42
	0212.200	7/2/42
	0212.300	7/2/42
	0212.500	7/2/42
Sheep and lamb skins, except shearlings, cabrettas, etc.:		
Pickled skins, not split, no wool	0234.000	7/2/42
Pickled fleshers, split, flesh side	0234.100	7/2/42
Pickled skivers, split, grain side	0234.200	7/2/42
Slats, dry, no wool	0231.700	7/2/42
Other wooled, (wool on) except shearlings	0231.500	7/2/42
Honey	1654.800	7/2/42
Hydrogenated or hardened oils and fats, vegetable or animal	2260.100	7/21/42
Ilmenite (including ilmenite sand)	6270.100	7/2/42
Iodine	8300.000	7/2/42
	8380.630	7/2/42
Ipecac, crude and advanced in value or condition	2210.450	1/18/43
	2220.170	1/18/43
Iron ore	6001.000	7/2/42
Kola nuts	2210.490	7/2/42
Lamb and sheep fur, except Caracul and Persian lamb	0711.300	7/21/42
Leather, unmanufactured	0300.100–0345.900 inc.	7/2/42
Lentils	1199.000	7/2/42
Lignaloe oil or Bois de Rose	2280.270	7/2/42
Limes	1304.000	7/2/42
Lobsters, canned and not canned	0083.000	7/2/42
	0084.000	7/2/42
Lupines	1199.100	7/2/42
Mace, unground	1540.000	10/6/42
Mace, ground	1550.090	10/6/42
Mace, Bombay or wild, unground	1549.200	10/6/42
Mace, Bombay or wild, ground	1550.100	10/6/42
Mangrove bark	2320.180	7/2/42
Maté	2210.570	7/2/42
Maté, Yerba, advanced in value or condition (Paraguay tea)	1770.900	10/6/42
Meats, canned, n. e. s., and prepared or preserved meats, n. s. p. f. (include liver paste; also include mutton)	0032.900	10/21/42
Meat extracts, including fluid	0096.000	7/2/42
Melons	1330.420	7/2/42
	1330.430	7/2/42
Milk, condensed and evaporated	0040.000	7/2/42
	0040.100	7/2/42
	0040.700	7/2/42
Mohair (Angora goat hair)	3530.000–3530.400 inc.	7/2/42
Mohair tops	3560.100	1/18/43
Mohair yarns	3570.300–3570.600 inc.	1/18/43
Molasses and sugar sirup, edible and inedible	1630.480–1640.000 inc.	7/2/42
Monazite sand and other thorium ore	5930.300	7/2/42
Muru muru nuts and kernels	2239.630	5/22/42
	2239.640	5/22/42
Nitrates, Sodium and Potassium	8506.000	7/2/42
	8527.500	7/2/42
	8527.900	7/2/42
Nitrogenous material, n. s. p. f. (including hoof meal and horn meal)	8509.800	1/18/43
Nutmegs, unground	1539.000	10/6/42
Nutmegs, ground	1550.110	10/6/42
Oats, hulled and unhulled	1041.000	7/2/42
	1041.100	7/2/42
Offal, edible	0023.600	7/2/42
Oil cake and oil cake meal, made of cottonseed, peanut, hempseed, and others (except coconut or copra, soybean and linseed)	1114.000–1119.900 inc.	7/2/42
Oleo stearin	0036.300	7/2/42
Onions, edible	1208.100	7/2/42
Orange flower or neroli oil	2280.280	1/18/43
Orange oil (including mandarin)	2277.000	1/18/43
Orange oil, terpeneless (including mandarin)	2277.100	1/18/43
Ouricury (uricury) wax	2252.300	7/2/42
Paper base stock:		
Rags for paper stock	4691.000	7/2/42
Waste bagging, gunny cloth and bags	4692.000	7/2/42
Grasses, fibers, waste, shavings, clippings, etc., n. e. s.	4692.900	7/2/42
Peaches, green, ripe, or in brine	1330.610	7/2/42
Pears, green, ripe or in brine	1330.660	7/2/42
Peas, dried and split	1197.000	7/2/42
	1198.000	7/2/42
Peppers	1210.050	7/2/42
Plassava fiber	3409.350	7/2/42

Material	Commerce import Class No.	Governing date
Pigeons, racing or fancy	0895.500	7/2/42
Pigeons, other	N. S. C.	7/2/42
Pimento (allspice), unground	1543.000	10/6/42
Pimento (allspice), ground	1550.130	10/6/42
Pony fur skins, undressed	0721.000	1/18/43
Pork, hams, shoulders, bacon, sausage; prepared, cooked, boned, canned, etc.	0030.900 0031.900	7/2/42 7/2/42
Quebracho wood	2305.000	7/2/42
Rapeseed	2237.000	5/22/42
Rice, broken	1059.200	7/2/42
Rye	1044.000	7/2/42
Salts derived from vegetable oils, animal oils, fish oils, animal fats and greases, not elsewhere specified, or from fatty acids thereof	2260.260	7/21/42
Sausage casings, sheep, lamb and goat only	0034.000	7/2/42
Sausage casings, other	0035.500	7/2/42
Sesame oil, edible and inedible	1428.200	7/21/42
	2249.000	7/21/42
Sesame seed	2234.000	5/22/42
Soap (except Castile) and soap powder	8712.300–8719.900 inc.	7/2/42
Soap bark or quillaya	2210.820	7/2/42
Sugar, cane	1610.750–1610.000 inc.	7/2/42
Sunflower seed	2240.000	5/22/42
Tallow, vegetable	2250.000	7/2/42
Tankage (incl. cracklings, greave cakes, liver meal, meat meal, meat flour, meat scrap, etc.)	0975.000 8509.600	7/2/42
Tanning extracts, not specially provided for	2345.900	7/2/42
Tapioca, tapioca flour, and cassava (including mandoica flour)	1228.000	7/2/42
Tea, not specially provided for	1521.000	7/21/42
Textile waste, not elsewhere specified (incl. jute thread and flax, etc.)	9850.905	7/2/42
Tobacco, unmanufactured	2601.000–2610.000 inc.	7/2/42
Tonka beans	1546.000	7/2/42
Tops of hair other than camel's hair, mohair, and wool (including alpaca and vicuna), n. e. s.	3560.500	1/18/43
Tucum nuts and kernels	2239.650	5/22/42
	2239.660	5/22/42
Tuna fish, fresh or frozen	0058.000	7/2/42
Turtles	0086.200	7/2/42
Vanilla beans	1545.000	7/2/42
Vegetable ivory or tagua nuts	2911.000	7/2/42
Vegetable oil foots, other than olive	N. S. C.	7/21/42
Vegetable soapstock	N. S. C.	7/21/42
Wattle bark	2309.000	7/2/42
Wool, advanced, n. e. s.	3560.900	1/18/43
Wool, apparel, 40's or coarser	3506.000–3509.300 inc.	7/2/42
Wool, apparel, finer than 40's, not finer than 44's on the skin	3514.000 3525.000	7/2/42 7/2/42
Wool, carpet	3501.000–3502.300	7/2/42
Wool mungo	3553.900	11/23/42
Wool noils and wastes	3550.000–3553.700 inc.	7/2/42
Wool press cloth waste	9850.903	7/2/42
Wool rags	3554.000	11/23/42
Wool shoddy and wool extract	3553.800	11/23/42
Wool tops	3560.400	1/18/43
Wool yarns and yarns of other hair	3574.300–3574.600 inc.	1/18/43
Yarns wholly or in chief value of Angora rabbit hair.	3573.400–3573.800 inc.	1/18/43

N. S. C.—No separate class. Commodity number has not yet been assigned by the Department of Commerce, Statistical Classification of Imports.

INTERPRETATION 1

No authorization under paragraph (b) of the order is necessary for the release or withdrawal of materials on List II or List III from a free port, a free zone, or the bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States regardless of the date when such materials first entered such place. The actual importation, which is the subject of restriction under paragraph (b), is deemed to have occurred before the question of release or withdrawal arises. Also, no authorization under paragraph (d) of the order is necessary for the subsequent disposition, processing, or shipment of such released or withdrawn List II and List III materials.

As to List I materials which are similarly situated, no authorization under paragraph (b) of the order is necessary for their release or withdrawal from free port, free zone, or bonded custody, but authorization under paragraph (d) of the order is necessary for their subsequent disposition, processing, or shipment unless they are shipped in bond to Canada, Mexico, or some other foreign country, in which event the foreign destination is deemed to be the place of initial storage as such term is used in the order.

[F. R. Doc. 43-870; Filed, January 18, 1943; 11:02 a. m.]

PART 1114—TIRE RETREADING, RECAPPING AND REPAIR EQUIPMENT

[General Limitation Order L-61, as Amended Jan. 18, 1943]

Whereas the shortage of crude rubber for military requirements and essential civilian uses has created an abnormal demand for retreading and recapping equipment for rubber tires; and

Whereas the supply of existing retreading and recapping equipment, if supplemented by careful selection of locations for small quantities of additional equipment, is adequate to satisfy the demand for retreading and recapping of rubber tires; and

Whereas the production for delivery of retreading and recapping equipment, if unregulated, will duplicate existing facilities and thus utilize quantities of scarce and critical materials as to which defense requirements have created a shortage for defense, private account and export, and it is necessary, in the public interest and to promote defense of the United States, to take the measures hereinafter set forth, and to regulate the production and delivery of retreading and recapping equipment.

Now, therefore, it is hereby ordered, That:

§ 1114.1 *General Limitation Order L-61*—(a) *Definitions.* For the purpose of this order:

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

(2) "Retreading, recapping and repair equipment" means any mechanical device used in connection with applying uncured rubber (in the form of camelback, patching rubber or otherwise) to rubber casings or inner tubes for the purpose of renewing or repairing a rubber casing or inner tube. The term includes, but is not limited to, full circle molds, full circle matrices, holders, tables, steam chambers, kettle curing devices, curing rings, curing bands, pressure plates, spacer rings, curing rims, sectional molds, sectional matrices, tire and tube repair and spot equipment, tire spreaders, tire buffers, mechanical stitchers, mechanical rollers, and regroovers. It does not include, however, small tools, such as knives, hand rollers, hand stitchers, jacks, shears, and other miscellaneous shop tools and supplies.

(b) *Restrictions on manufacture and distribution.* No person shall produce any new retreading, recapping and repair equipment, or parts therefor, and no person shall sell, lease, rent, deliver or otherwise transfer, or purchase, accept or otherwise acquire, any new or used retreading, recapping or repair equipment, or parts therefor; except (i) under purchase orders rated A-9 or higher on a preference rating certificate PD-1A, PD-1X or PD-200, or forms of the PD-408 series, issued by the Director General for Operations, or (ii) pursuant to written or telegraphic authorization of the Director General for Operations: *Provided,* That any manufacturer of retreading, recapping and repair equipment or of component parts thereof may fabricate component parts of retreading, recapping and repair equipment in advance of the receipt of purchase orders which are either rated A-9 or higher or are covered by special written or telegraphic authorization (as contemplated by clauses (i) and (ii) of this paragraph (b)), but only in such quantities that such manufacturer shall not have in his inventories at any time an amount of such component parts in excess of one-sixth of his total production of such component parts during the calendar year 1941. No such component parts shal' be assembled in the manufacture of new retreading, recapping and repair equipment except upon compliance with either clause (i) or clause (ii) of this paragraph (b).

(c) *Criteria for issuing preference rating certificates.* In issuing ratings on preference rating certificates, the Director General for Operations will consider the following factors, to the extent feasible, among others:

(1) The number and capacity of retreading, recapping and repair equipment facilities at present available in the particular locality.

(2) The anticipated need for retreading, recapping and repair equipment in the particular locality.

(3) The amount of uncured rubber (in the form of camelback, patching rubber or otherwise) expected to be made available in the particular locality.

(d) *Exceptions with respect to small equipment and repair or maintenance of existing equipment.* The prohibitions of paragraph (b) hereof shall not apply to the manufacture, sale, lease, loan, renting, delivery, transfer, purchase, acceptance or acquisition of:

(i) Any item of tube repair or spot equipment having a retail value of $100 or less, or any tire spreader having a retail value of $25 or less; provided that no person shall, for the purpose of

qualifying under this exception, divide a single order, or place separate orders when in the usual course of business he would have placed a single order.

(ii) Parts to be used to repair or maintain existing retreading, recapping or repair equipment or to repair or maintain equipment delivered in accordance with the provisions of this General Limitation Order No. L–61.

(e) *Production requirements plan.* Pursuant to paragraph (c) of Priorities Regulation No. 11, any person manufacturing retreading, recapping, or repair equipment, who desires priorities assistance in procuring materials to be used in such manufacture, is hereby required, unless exempted by the Director General for Operations, to file a PRP application, to qualify as a PRP unit, and to operate under the Production Requirements Plan after January 1, 1943.

(f) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time, except that notwithstanding the provisions of Priorities Regulation No. 3, any person applying or extending a preference rating for retreading, recapping, or repair equipment shall certify on his purchase order or contract whether the preference rating is one assigned by a preference rating certificate PD–1A or PD–1X, or by a form of the PD–408 series, issued by the Director General for Operations.

(g) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C., Ref: L–61.

(h) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the Director General for Operations, Washington, D. C., Ref: L–61, 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.

(i) *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.

(j) *Records.* Each manufacturer or distributor of new retreading, recapping and repair equipment affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventory, production and sales of such equipment.

(k) *Reports.* Each person affected by this order shall execute and file with the War Production Board, such reports and answers to questionnaires as the Board shall from time to time request.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 18th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43–871; Filed, January 18, 1943; 11:02 a. m.]

PART 1222—EXPORTS UNDER LICENSES ISSUED BY THE BOARD OF ECONOMIC WARFARE

[General Exports Order M–148, as Amended Jan. 18, 1943]

§ 1222.1 *General Exports Order M–148*—(a) *Requirement of delivery for export.* Any person receiving, from the holder of an export license issued by the Board of Economic Warfare, a purchase order for material covered by such license, to which a preference rating has been assigned by the Board of Economic Warfare, shall accept such order and make delivery thereunder in accordance with such rating, unless such order would be in excess of any export quota relating to such material previously established for such person by the Director General for Operations. Such delivery shall be made regardless of any order of the Director General for Operations restricting inventories of material or uses thereof in manufacture or otherwise, or requiring certificates with respect to such inventories or uses, insofar as such inventories are maintained or such uses occur in the country to which such material is to be exported, but shall be subject to such restrictions with respect to inventories maintained or uses occurring within the United States prior to export. Such preference ratings shall be assigned by the Board of Economic Warfare only pursuant to specific authority granted, from time to time, by the Director General for Operations with respect to specified quantities of material.

(b) *Reports.* Any person accepting a purchase order to which a preference rating has been assigned by the Board of Economic Warfare shall promptly send to the War Production Board, Washington, D. C., Ref: M–148, a copy of the purchase order, bearing thereon the export license number and the United States Department of Commerce Export Classification Code Schedule B and F Number. Such further and other reports shall also be made by any person operating under this order as may be required from time to time by the Director General for Operations.

(c) *Violations.* Any person who wilfully violates any provision of this order 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 making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance by the Director General for Operations.

(d) *Application or extension of rating.* Notwithstanding the provisions of Priorities Regulation No. 3, a rating assigned by the Board of Economic Warfare may be applied, by the holder of the export license for the material ordered, only by endorsing on, or attaching to, the contract or purchase order to which the rating is to be applied, a certification in substantially the following form (or, if appropriate, and at the holder's option, in the form prescribed in Priorities Regulation No. 9, as amended from time to time) signed manually or as provided in Priorities Regulation No. 7 (§ 944.27) by an official duly authorized for such purpose:

The undersigned hereby represents to the seller and the War Production Board that he is entitled to apply the preference ratings indicated opposite the items shown on this purchase order, pursuant to an assignment thereof by the Board of Economic Warfare upon Export License Number ____, and that this purchase order is subject to the provisions of General Exports Order No. M–148. This material is to be charged to the period: -------- to ---------

---------- ----------
(Name) (Address)

(Date)

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

Any extension of any such rating shall be pursuant to the provisions of Priorities Regulation No. 3.

(e) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to the provisions of all priorities regulations, 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.

This order shall take effect October 1, 1942, and 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 this 18th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43–872; Filed, January 18, 1943; 11:02 a. m.]

Chapter XI—Office of Price Administration

PART 1499—COMMODITIES AND SERVICES

[Order 218 Under § 1499.3 (b) of GMPR]

WILLIAM C. KABEL

Maximum prices for special item of storm sash (insulating window sash).

William C. Kabel of Lynbrook, New York, has made application under § 1499.3 (b) of the General Maximum Price Regulation for specific authorization to determine the maximum price for a commodity which cannot be priced under § 1499.2 thereof. Due consideration has been given to the application and an opinion in support of the 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 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 ordered:*

§ 1499.1454 *Approval of maximum prices for sale by William C. Kabel of a special item of insulating window sash consisting of sets of two, small sash made with 5/8" x 3/4" frames containing B single window glass.* (a) On and after January 15, 1943, William C. Kabel of Lynbrook, New York, may sell and deliver, and any person may purchase and receive from William C. Kabel, a special item of insulating window sash consisting of sets of two small sash made with 5/8" x 3/4" frames containing B single window glass, one to screw on the outside of the top sash and one on the inside of the bottom sash of a double hung window, at a price not in excess of the following for the following window opening sizes; f. o. b. mill:

SPECIAL STORM SASH INVENTED BY MR. WILLIAM C. KABEL IN SETS OF 2, GLAZED

MAXIMUM PRICES

Window opening size	F. o. b. factory per set—Any quantity	
	Carton packed	No carton
2' 0" x 3' 0"	$1.07	$1.04
2' 0" x 3' 2"	1.08	1.05
2' 0" x 3' 6"	1.13	1.10
2' 0" x 3' 10"	1.26	1.23
2' 0" x 4' 0"	1.35	1.31
2' 0" x 4' 2"	1.35	1.31
2' 0" x 4' 6"	1.42	1.37
2' 0" x 4' 10"	1.54	1.48
2' 0" x 5' 2"	1.59	1.53
2' 0" x 5' 6"	1.65	1.58
2' 0" x 5' 10"	1.93	1.84
2' 0" x 6' 2"	1.99	1.90
2' 4" x 3' 0"	1.25	1.22
2' 4" x 3' 2"	1.26	1.23
2' 4" x 3' 6"	1.33	1.30
2' 4" x 3' 10"	1.38	1.34
2' 4" x 4' 0"	1.46	1.42
2' 4" x 4' 2"	1.46	1.42
2' 4" x 4' 6"	1.61	1.55
2' 4" x 4' 10"	1.64	1.58
2' 4" x 5' 2"	1.75	1.68
2' 4" x 5' 6"	1.89	1.80
2' 4" x 5' 10"	2.12	2.03
2' 4" x 6' 2"	2.18	2.08
2' 6" x 3' 0"	1.29	1.25
2' 6" x 3' 2"	1.33	1.29
2' 6" x 3' 6"	1.40	1.36
2' 6" x 3' 10"	1.44	1.39
2' 6" x 4' 0"	1.60	1.55
2' 6" x 4' 2"	1.60	1.55

SPECIAL STORM SASH INVENTED BY MR. WILLIAM G. KABEL IN SETS OF 2, GLAZED—Continued.

MAXIMUM PRICES

Window opening size	F. o. b. factory per set—Any quantity	
	Carton packed	No carton
2' 6" x 4' 6"	$1.70	$1.64
2' 6" x 4' 10"	1.77	1.70
2' 6" x 5' 2"	1.90	1.83
2' 6" x 5' 6"	2.06	1.97
2' 6" x 5' 10"	2.26	2.16
2' 6" x 6' 2"	2.44	2.33
2' 7" x 3' 0"	1.34	1.30
2' 7" x 3' 2"	1.34	1.30
2' 7" x 3' 6"	1.45	1.40
2' 7" x 3' 10"	1.49	1.44
2' 7" x 4' 0"	1.66	1.61
2' 7" x 4' 2"	1.66	1.61
2' 7" x 4' 6"	1.79	1.72
2' 7" x 4' 10"	1.86	1.79
2' 7" x 5' 2"	1.94	1.86
2' 7" x 5' 6"	2.11	2.02
2' 7" x 5' 10"	2.33	2.22
2' 7" x 6' 2"	2.53	2.42
All 2'8" width sash, same price as 2'7" widths for the identical heights		
2' 10" x 3' 0"	1.38	1.33
2' 10" x 3' 2"	1.41	1.36
2' 10" x 3' 6"	1.52	1.47
2' 10" x 3' 10"	1.61	1.56
2' 10" x 4' 0"	1.71	1.65
2' 10" x 4' 2"	1.71	1.65
2' 10" x 4' 6"	1.88	1.80
2' 10" x 4' 10"	2.00	1.92
2' 10" x 5' 2"	2.07	1.98
2' 10" x 5' 6"	2.26	2.13
2' 10" x 5' 10"	2.54	2.39
2' 10" x 6' 2"	2.61	2.45
3' 0" x 3' 0"	1.43	1.38
3' 0" x 3' 2"	1.46	1.41
3' 0" x 3' 6"	1.52	1.46
3' 0" x 3' 10"	1.71	1.65
3' 0" x 4' 0"	1.81	1.74
3' 0" x 4' 2"	1.81	1.74
3' 0" x 4' 6"	2.00	1.92
3' 0" x 4' 10"	2.01	1.92
3' 0" x 5' 2"	2.19	2.09
3' 0" x 5' 6"	2.43	2.29
3' 0" x 5' 10"	2.70	2.54
3' 0" x 6' 2"	2.72	2.55

(b) On and after January 15, 1943, any resellers of this product may add the same average mark-up as allowed the particular seller under the General Maximum Price Regulation on sales of 1 1/8" two light storm sash.

(c) This Order No. 218 may be revoked or amended at any time.

(d) This Order No. 218 (§ 1499.1454) shall become effective January 15, 1943.

(Pub. Law 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 15th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-745; Filed, January 15, 1943; 10:30 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 194,[1] Amendment 10]

ALASKA

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.*

[1] 7 F.R. 5909, 6268, 6744, 8023, 8358, 8947, 9195, 10231, 10790, 11012.

Section 1418.61 is amended as set forth below:

§ 1418.61 *Applicability of other maximum price regulations.* The provisions of this Maximum Price Regulation No. 194 supersede the provisions of all other maximum price regulations, except where other maximum price regulations provide that notwithstanding Maximum Price Regulation No. 194 such other regulations shall be applicable in the Territory of Alaska.

§ 1418.66 *Effective dates of amendments.* * * *

(j) Amendment No. 10 (§ 1418.61) to Maximum Price Regulation No. 194 shall become effective January 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 15th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-780; Filed, January 15, 1943; 3:42 p. m.]

PART 1429—POULTRY AND EGGS

[Revised MPR 269, Amendment 3]

POULTRY

Correction

The bracketed head on the document appearing on page 567 of the issue for Friday, January 15, 1943, should read "Revised MPR 269, Amendment 3" instead of "RPS 269, Amendment 3."

PART 1300—PROCEDURE

[Procedural Reg. 9,[1] Amendment 1]

UNIFORM APPEAL PROCEDURE UNDER RATION ORDERS

Paragraph (d) to § 1300.602 is amended and new §§ 1300.610 and 1300.611 are added to read as set out below.

§ 1300.602 *Definitions.* * * *

(d) "State Director" means the person holding the office of State Director in a district or State office or the office of District Manager in a district office who has been designated by the Regional Administrator to decide appeals from the decisions of local war price and rationing boards located within the area of his jurisdiction.[2]

§ 1300.610 *Effective dates of amendments.* (a) Amendment No. 1 (§ 1300.603 (d)) to Procedural Regulation No. 9 shall become effective January 16, 1943.

§ 1300.611 *Appendix A: List of district and State offices designated by regional administrators to decide appeals.*—(a) *Region I.* Connecticut: Hartford; Maine: Augusta; Massachusetts: Boston; New Hampshire: Concord; Rhode Island: Providence; Vermont: Montpelier.

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

[1] 7 F.R. 8796.

[2] See appendix A, § 1300.611.

(b) *Region II.* New York: New York, Albany, Buffalo, Rochester, Syracuse; New Jersey: Newark, Trenton; Pennsylvania: Philadelphia, Altoona, Pittsburgh, Scranton, Williamsport; Maryland: Baltimore; Delaware: Wilmington; Washington, D. C.: Washington, D. C.

(c) *Region III.* Indiana: Indianapolis; Kentucky: Louisville; Michigan: Detroit; Ohio: Columbus; West Virginia: Charleston.

(d) *Region IV.* Alabama: Montgomery, Birmingham; Florida: Jacksonville, Tampa; Georgia: Atlanta, Savannah; Mississippi: Jackson; North Carolina: Raleigh, Charlotte; South Carolina: Columbia; Tennessee: Nashville, Memphis; Virginia: Richmond, Roanoke.

(e) *Region V.* Arkansas: Little Rock; Kansas: Wichita; Louisiana: Baton Rouge; Missouri: St. Louis, Kansas City; Oklahoma: Oklahoma City; Texas: Ft. Worth.

(f) *Region VI.* Illinois: Chicago, Springfield; Iowa: Des Moines; Minnesota: St. Paul; Nebraska: Lincoln; North Dakota: Bismarck; South Dakota: Pierre; Wisconsin: Milwaukee.

(g) *Region VII.* Colorado: Denver; Idaho: Boise; Montana: Helena; New Mexico: Albuquerque; Utah: Salt Lake City; Wyoming: Cheyenne.

(h) *Region VIII.* Arizona: Phoenix; California: Los Angeles, San Francisco; Nevada: Reno; Oregon: Portland.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Directive No. 1, 7 F.R. 562; E.O. 9125, 7 F.R. 2719)

Issued this 16th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-829; Filed, January 16, 1943; 12:39 p. m.]

PART 1304—IRON AND STEEL SCRAP

[RPS 4,[1] Amendment 10]

IRON AND STEEL 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.*

Paragraph (c) of § 1304.6 is added; § 1304.13 (a) (2), (a) (5) (i), (e) (2), (e) (4) and (e) (5) are amended; item 21 in the table in § 1304.13 (a) (2) is revoked; item 21 in § 1304.13 (f), item 2 in § 1304.15 (a) (1) and item 2 in § 1304.15 (c) are revoked; subparagraph (6) is added to § 1304.13 (e); subparagraphs (1), (3), (4), (8), (9), (10), (11), (13), (16), (18), (19), (20), (22), (23), (28a) of § 1304.13 (f) are amended; subparagraph (4) of § 1304.14 (e) is amended; the text of § 1304.15 (a) (2) is designated subdivision (i) and a new subdivision (ii) is added to such section. § 1304.15 (a) (1) and (a) (5) are amended; items 1, 3, 4, and 7 in § 1304.15 (c) are amended; all to read as set forth below:

§ 1304.6 *Commissions.* * * *

(c) Notwithstanding any provision to the contrary in paragraph (a) of this § 1304.6, if scrap is sold to a consumer and is to be prepared in-transit pursuant to the provisions of § 1304.13 (e) (4), (5) or (6) or § 1304.14 (e) (4), the fact that the preparation is to be performed by the person selling the scrap to the consumer shall not preclude such person from charging a commission.

* * * * *

§ 1304.13 *Appendix A: Maximum prices for iron and steel scrap other than railroad scrap:* (a) * * *

(2) *Basing point prices of standard grades.* * * *

Standard grades	*Adjustments (plus or minus)*
Basic open hearth grades:	
* * * * *	
8. Machine shop turnings	−$5.00
Blast furnace grades:	
9. Mixed borings and turnings	−5.00
10. Shovelling turnings	−3.00
* * * * *	
Electric furnace, acid open hearth and foundry grades—for electric furnace, acid open hearth and foundry use only:[1]	
* * * * *	
18. Cut structural and plate scrap, 3 ft. and under	+1.50
19. Cut structural and plate scrap, 2 ft. and under	+2.00
20. Cut structural and plate scrap, 1 ft. and under	+2.50
22. Foundry steel, 2 ft. and under	+1.50
23. Foundry steel, 1 ft. and under	+2.00
* * * * *	

(5) (i) *Prohibition against special preparation charges.* Except upon prior approval by the Office of Price Administration, no charge may be made for special preparation.

* * * * *

(e) *Unprepared scrap.* * * *

(2) For unprepared scrap, maximum prices shall be $3.50 (and in the case of the material from which No. 1, No. 2, and No. 3 bundles are made, $4.00) less than the maximum prices for the corresponding grade or grades of prepared scrap. In no case, however, shall electric furnace, acid open-hearth and foundry grades, listed in paragraph (a) of this section be used as the "corresponding grade or grades of prepared scrap".

* * * * *

(4) Where a consumer purchases unprepared remote scrap in rail carload lots, if no adequate facilities for preparation exist at or near the shipping point, the consumer may designate a dealer or dealers to prepare such scrap on a preparation fee basis. The maximum preparation fee shall be $4.00 per gross ton for No. 1, No. 2, and No. 3 bundles, and $3.50 per gross ton for all other grades. The maximum delivered price shall be the maximum shipping point price for the unprepared scrap at the remote shipping point, plus the rail transportation charges incurred in moving the scrap to the dealer's yard, plus the applicable maximum preparation fee, plus transportation charges from the dealer's yard to the point of delivery. The transportation charges from the dealer's yard to the point of delivery shall be computed in the same manner as the charges allowable under § 1304.13 (d) on an identical tonnage of scrap shipped by the dealer from his yard to the same point of delivery. The maximum delivered price of such scrap shall not exceed by more than $5.00 the price at the basing point nearest the consumer's plant except upon prior approval of the Office of Price Administration as provided in Exception 3 in paragraph (d) of this section. Every purchase of scrap on this preparation fee basis shall likewise be subject to all the filing and other requirements in Exception 3 of paragraph (d) of this section. At no time shall ownership of such scrap reside in the dealer to whom the preparation fee is paid.

(5) If unprepared scrap in rail carload lots is allocated by the War Production Board to a consumer lacking facilities for preparing such scrap, such consumer may designate a dealer or dealers to prepare such scrap in-transit on a preparation fee basis. The maximum preparation fee shall be the differential established in paragraphs (a) and (e) of this section between the unprepared scrap and the listed grade into which the scrap is prepared—e. g. $3.50 per gross ton for No. 1 heavy melting steel, $5.50 per gross ton for foundry steel, 1 foot and under, and $4.00 per gross ton for No. 1, No. 2 and No. 3 bundles. If the unprepared scrap is scrap rails in random lengths, the maximum preparation fee shall be as follows: $2.00 per gross ton for rails cut 3 feet and under; $2.25 per gross ton for rails cut 2 feet and under; and $2.50 per gross ton for rails cut 18 inches and under. The maximum delivered price shall be the maximum shipping point price for the unprepared scrap at the original shipping point, plus the rail transportation charges incurred in moving the scrap to the dealer's yard, plus the applicable maximum preparation fee, plus transportation charges from the dealer's yard to the point of delivery. The transportation charges from the dealer's yard to the point of delivery shall be computed in the same manner as the charges allowable under § 1304.13 (d) on an identical tonnage of scrap shipped by the dealer from his yard to the same point of delivery pursuant to an allocation order. At no time shall the ownership of such scrap reside in the dealer to whom the preparation fee is paid.

(6) If the War Production Board allocates machine shop turnings, Item 8, in rail carload lots to a consumer, such consumer may designate a dealer or dealers to prepare such scrap in-transit, into baled machine shop turnings, Item 28a. The maximum preparation fee for such service shall be $5.00 per gross ton. The maximum delivered price shall be the maximum shipping point price for machine shop turnings, Item 8, at the original shipping point, plus the rail

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

[1] 7 F.R. 1207, 2132, 2155, 2507, 3087, 3550, 3889, 4488, 6217, 8190, 8948, 10151.

transportation charges incurred in moving the scrap to the dealer's yard, plus the $5.00 per gross ton preparation fee, plus transportation charges from the dealer's yard to the point of delivery. The transportation charges from the dealer's yard to the point of delivery shall be computed in the same manner as the charges allowable under § 1304.13 (d) on an identical tonnage of scrap shipped by the dealer from his yard to the same point of delivery pursuant to an allocation order. At no time shall the ownership of such scrap reside in the dealer to whom the preparation fee is paid.

(f) *Definitions of grades referred to in paragraph (a).* * * *

(1) *No. 1 heavy melting steel.* Clean wrought iron or steel scrap ¼ inch and over in thickness, not over 18 inches in width and not over 5 feet in length. Individual pieces must be free from attachments and so cut as to lie flat in the charging box. May include heavy forgings, forge butts, billet, bloom, slab or bar crops not conforming to chemical analysis required for electric furnace or acid open hearth use. May include new mashed pipe ends, original diameter 4 inches and over. May not include auto body and fender stock.

* * * * *

(3) *No. 1 busheling.* Clean wrought iron or steel scrap ⅛ inch and over in thickness, not exceeding 12 inches in any dimension. May not contain burnt material, or auto body and fender stock. Must be free of metal coated, limed, or porcelain enameled stock.

(4) *No. 1 bundles.* New black steel sheet scrap, clippings, or skeleton scrap, hydraulically compressed or hand bundled to charging box size and weighing not less than 75 pounds per cubic foot. (Hand bundles must also be tightly secured and stand handling with a magnet.) Must be free of paint or protective coating of any kind. May include Stanley balls, or mandrel wound bundles or skeleton reels, tightly secured. May not include detinned scrap, electrical sheets, or any material over 0.5% of silicon.

* * * * *

(8) *Machine shop turnings.* Clean steel or wrought iron turnings, (including high sulphur shell turnings), free of cast or malleable iron borings, non-ferrous metals in a free state, scale, or excessive oil. May not contain badly rusted or corroded stock.

(9) *Mixed borings and turnings.* Clean, short, steel or wrought iron turnings (including high sulphur shell turnings), drillings, screw cuttings, and cast or malleable iron borings and drillings, free of nonferrous metals in a free state, scale, or excessive oil. May not contain badly rusted or corroded stock.

(10) *Shovelling turnings.* Clean, short, steel or wrought iron turnings (including high sulphur shell turnings), drillings, or screw cuttings. May include any such material whether resulting from crushing, raking, or other processes. Must be free of stringy, bushy, tangled or matted material, lumps, nonferrous metals in a free state, excessive oil, or scale.

(11) *No. 2 busheling.* Cut hoops, netting, cut unbaled fence wire, light sheets, rusted car sides, cotton ties, and galvanized light material. No dimension over 12 inches. May be black or galvanized. May include oil field or similar cable cut to lengths of 2 feet or less. No hard steel, porcelain enameled, or metal coated material may be included.

* * * * *

(13) *Billet, bloom and forge crops.* Billet, bloom, axle, slab, heavy plate and heavy forge crops, not over 0.05% phosphorus or sulphur, not over 0.5% silicon and free from alloys. Must be not less than 2 inches in thickness, not over 18 inches in width, and not over 36 inches in length. Must be new material.

* * * * *

(16) *Punchings and plate scrap.* Punchings, plate scrap, and bar crops, not over 0.05% of phosphorus or sulphur, not over 0.5% of silicon and free of alloys. All material must be cut 12 inches and under. Punchings may not be less than ¼ inch in diameter.

* * * * *

(18) *Cut structural and plate scrap, 3 feet and under.* Clean, open-hearth steel plates, structural shapes, crop ends, shearings, or broken steel tires. Must be not less than ¼ inch thick, cut to 3 feet and under in length and 18 inches and under in width. Not over 0.05% of phosphorus or sulphur.

(19) *Cut structural and plate scrap, 2 feet and under.* Clean, open-hearth steel plates, structural shapes, crop ends, shearings, or broken steel tires. Must be not less than ¼ inch thick, cut to 2 feet and under in length and 18 inches and under in width. Not over 0.05% of phosphorus or sulphur.

(20) *Cut structural and plate scrap, 1 foot and under.* Clean, open-hearth steel plates, structural shapes, crop ends, shearings, or broken steel tires. Must be not less than ¼ inch thick, cut to 1 foot and under in length and width. Not over 0.05% of phosphorous or sulphur.

* * * * *

(22) *Foundry steel, 2 feet and under.* Steel scrap ⅛ inch and over in thickness, not over 2 feet in length or 18 inches in width. Individual pieces must be free from attachments. May not include nonferrous metals, metal coated material, cast or malleable iron, wrought iron, pipe, body and fender stock, cable, enameled or galvanized material.

(23) *Foundry steel, 1 foot and under.* Steel scrap ⅛ inch and over in thickness, not over 1 foot in length or width. Individual pieces must be free from attachments. May not include nonferrous metals, metal coated material, cast or malleable iron, wrought iron, pipe, body and fender stock, cable, enameled or galvanized material.

* * * * *

(28a) *Baled machine shop turnings.* Machine shop turnings, Item 8, hydraulically compressed into bundles weighing not less than 75 pounds per cubic foot. May include not over 25% (by weight) black sheet scrap used for binding or wrapping purposes.

§ 1304.14 *Appendix B: Maximum prices for iron and steel scrap originating from railroads.* * * *

(e) *Unprepared scrap.* * * *

(4) Where a consumer purchases grades of unprepared scrap for which maximum prices have been authorized under paragraph (a) (1) (ii) or paragraph (b) (2) of this section, the consumer may designate a dealer or dealers to prepare such scrap on a preparation fee basis. The maximum preparation fee shall be the applicable differential established in paragraphs (a) and (e) of § 1304.13 or paragraphs (a) and (e) of § 1304.14, whichever is applicable, between the unprepared scrap and the listed grade into which the scrap is prepared—e. g. $3.50 per gross ton for No. 1 heavy melting steel, $6.00 per gross ton for cut structural and plate scrap 1 foot and under, and $2.50 per gross ton for scrap rails 18 inches and under. In such cases the maximum delivered price shall be the maximum delivered price applicable to an identical shipment of the unprepared scrap direct to such consumer, plus the applicable maximum preparation fee. At no time shall ownership of such scrap reside in the dealer to whom the preparation fee is paid.

* * * * *

§ 1304.15 *Appendix C: Maximum prices for cast iron scrap other than railroad scrap*—(a) *Maximum prices at shipping point*—(1) *Listed grades.* * * *

	Group A	Group B	Group C
*	*	*	*
4. Unstripped motor blocks..	$15.50	$16.50	$17.50
* *			*

(2) *Special preparation charges.* (i) Except upon prior approval by the Office of Price Administration, no charge may be made for special preparation.

(ii) Whenever scrap has arrived at the point of delivery, and the consumer engages a dealer to prepare such scrap, no charge may be made for such service unless prior approval is secured from the Office of Price Administration.

* * * * *

(5) *Purchases by basic open hearths.* Except in the case of Item 4 (unstripped motor blocks) and Item 7 (charging box cast) no basic open hearth (and, in the case of Item 8, miscellaneous malleable, no consumer other than a malleable foundry) may pay for any grade a price in excess of the price listed in this paragraph for Item 6 (heavy breakable cast). The restrictions in this subparagraph shall not apply to scrap shipped pursuant to an allocation order issued by the War Production Board.

* * * * *

(c) *Definitions of grades referred to in paragraph (a).*

Item 1. No. 1 cupola cast. Clean cast iron scrap, including machinery cast iron scrap, cast iron parts of agricultural machinery and

iron castings of a miscellaneous nature. Must be cupola size, not over 24 inches by 30 inches, and no piece to weigh over 150 pounds. Must be free of stove plate, burnt iron and foreign material.

* * * * *

Item 3. Clean auto cast. Clean auto blocks, free of all steel parts except camshafts, valves, valve springs and studs.

Item 4. Unstripped motor blocks. Automobile motors from which steel and nonferrous fittings have not been removed. Must be free of transmissions, parts of frames, drive shafts, and differentials.

* * * * *

Item 7. Charging box size cast. Clean cast iron scrap, such as columns, pipes, plates and castings of miscellaneous nature, but free from stove plate. Must be 18 inches by 5 feet and smaller, except that unbroken cast iron car wheels may be included.

* * * * *

§ 1304.12a *Effective dates of amendments.* * * *

(j) Amendment No. 10 (§§ 1304.6 (c), 1304.13 (a), 1304.13 (e), 1304.13 (f), 1304.14 (e), 1304.15 (a), 1304.15 (c)) to Revised Price Schedule No. 4 shall become effective January 22, 1943.

(Pub. Law 421, 77th Cong., Pub. Law 729, 77th Cong.; and E.O. 9250, 7 F.R. 7871)

Issued this 16th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-828; Filed, January 16, 1943; 12:40 p. m.]

PART 1340—FUEL

[RPS 88,[1] Amendment 59]

PETROLEUM AND PETROLEUM PRODUCTS

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

Subdivision (iii) of § 1340.159 (c) (6) is amended to read as set forth below:

§ 1340.159 *Appendix A: Maximum prices for petroleum and petroleum products.* * * *

(c) *Specific prices.* * * *

(6) *Residual fuel oils.* * * *

(iii) *Wyoming.* The maximum price for No. 6 fuel oil f. o. b. refinery or shipping point in the State of Wyoming shall be 75¢ per barrel in bulk lots for delivery by motor transport or tank car.

* * * * *

§ 1340.158a *Effective dates of amendments.* * * *

(ggg) Amendment No. 59 (§ 1340.159 (c) (6) (iii)) to Revised Price Schedule No. 88 shall become effective January 22, 1943.

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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, 6067, 6471, 6680, 7242, 7838, 8433, 8478, 9120, 9134, 9335, 9425, 9460, 9620, 9621, 9817, 9820, 10684, 11069, 11112, 11075; 8 F.R. 157, 232, 233.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-832; Filed, January 16, 1943; 12:38 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Correction to MPR 285]

IMPORTED FRESH BANANAS, SALES EXCEPT AT RETAIL

Section 1351.1258 is hereby added to read as follows:

§ 1351.1258 *Evasion.* The price limitations which are set forth in this Maximum Price Regulation No. 285 shall not be evaded, whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relationship to imported fresh bananas, alone or in conjunction with any other commodity or by way of commission, service, transportation, discount, premium, or other privilege, or by way of tying agreement, or other trade understanding, or by changing a business practice relating to the sale of imported fresh bananas or otherwise.

§ 1351.1266a *Effective dates of amendments.* * * *

(b) This correction (§ 1351.1258) to Maximum Price Regulation 285 shall become effective January 22, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7870)

Issued this 16th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-831; Filed, January 16, 1943; 12:37 p. m.]

PART 1381—SOFTWOOD LUMBER

[Correction to MPR 94]

WESTERN PINE AND ASSOCIATED SPECIES OF LUMBER

In Appendix A, § 1381.513, following Table 14, under the heading, *Differentials and Rules Applicable to All Grades of Ponderosa Pine*, the amount of "$7.50" in item 13 is corrected to read "$2.50".

Issued this 16th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-834; Filed, January 16, 1943; 12:37 p. m.]

PART 1389—APPAREL

[Correction to MPR 287[1]]

MANUFACTURERS' PRICES FOR WOMEN'S, GIRLS' AND CHILDREN'S OUTERWEAR GARMENTS

In the pricing chart in § 1389.371, the minimum allowable cost figure "3.55", in column F, is corrected to read "3.65".

[1] 7 F.R. 10460, 8 F.R. 323.

§ 1389.369a *Effective dates of corrections and amendments.* * * *

(c) Correction (§ 1389.371) to Maximum Price Regulation No. 287 shall be effective as of December 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-833; Filed, January 16, 1943; 12:37 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 87 to Supp. Reg. 14[1] to GMPR[2]]

MIXED FEEDS FOR ANIMALS AND POULTRY

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.* A new subparagraph (55) is hereby added to paragraph (a) of § 1499.73 of the General Maximum Price Regulation as set forth below.

§ 1499.73 *Modification of the maximum prices established by § 1499.2 of the General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

* * * * *

(55) *Mixed feed for animals and poultry*—(i) *Definitions.* As used in this subparagraph the following terms shall have the following meanings:

(*a*) "Mixed feed" is a mixture or blend of more than one feed ingredient for the purpose of feeding animals and poultry except the following commodities:

(*1*) Those commodities listed in § 1499.9 (a) (7) of the General Maximum Price Regulation as exempt from said regulation.

(*2*) The following commodities:

(A) A mixture resulting from the blending or mixing of offals or byproducts from a single vegetable, plant or other agricultural product.

(B) Screenings as defined in the official publication of the Association of the American Feed Control Officials, Inc. for 1942,

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[1] 7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358, 8524, 8652, 9900, 8707, 8881, 8899, 9082, 8950, 9131, 8953, 8954, 8955, 8959, 9043, 9196, 9397, 9495, 9496, 9639, 9786, 9901, 10069, 10111, 10022, 10151, 10231, 10294, 10346, 10381, 10480, 10537, 10557, 10583, 10865, 11005; 8 F.R. 276.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5764, 5763, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7753, 7913, 8431, 8881, 9044, 8942, 9435, 9615, 9616, 9732, 10155, 10454.

which commodities shall be and remain subject to § 1499.2 and other applicable provisions of the General Maximum Price Regulation;

(3) Cat and dog foods on which a maximum price has been determined under § 1499.263 of this General Maximum Price Regulation, which cat and dog foods shall be and remain subject to said provision; and

(4) All other cat and dog food shall be and remain subject to the General Maximum Price Regulation.

(b) "Pelleted mixed feed" is a mixed feed further processed into pellets.

(c) "Mineral mixed feed" is a mixed feed ninety percent of which consists of a mixture of two or more chemicals or minerals suitable for feeding animals or poultry, with or without mixture with other ingredients.

(d) "Manufacturer" is one who produces and sells a mixed feed by grinding, mixing or blending whether by stationary or portable equipment.

(e) A "class A manufacturer" is a manufacturer who computes his maximum prices under subdivision (ii) hereof.

(f) A "class B manufacturer" is any manufacturer who computes his maximum prices under subdivision (iii) hereof.

(g) A "mineral mixed feed manufacturer" is a manufacturer who produces and sells mineral mixed feeds.

(h) A "custom mixer" is one who furnishes to a consumer for a recompense the service of producing mixed feeds. Either the custom mixer or the consumer or both may furnish the ingredients for the mixed feeds.

(i) A "private brand dealer" is one who resells mixed feed ordered and bought by him from a manufacturer who produced and packed the same in containers bearing the dealer's private brand.

(j) A "class A private brand dealer" is a private brand dealer who computes his maximum prices under subdivision (vi) hereof.

(k) A "class B private brand dealer" is a private brand dealer who computes his maximum prices under subdivision (vii) hereof.

(l) A "wholesaler" is one who buys mixed feed and unloads his purchase into a warehouse and resells the same to retailers.

(m) A "retailer" is one who buys mixed feed and resells the same to consumers.

(n) A "consumer" is one who buys mixed feeds for the purpose of actually feeding it to animals or poultry.

(o) A "billing charge" is the charge or entry as a part of the bookkeeping system of debits and credits made between different departments, branches or units of one concern or between different units of an affiliated group of concerns or organizations for services rendered or commodities produced by one and furnished or delivered by another.

(p) Whenever reference is made in this subparagraph (55) to "transportation or freight charges", the tax imposed by section 620 of the Revenue Act of 1942 (Pub. Law 753, 77th Cong., approved October 21, 1942) shall be deemed to be a part of and shall be included in said charges with like effect as if it were a like increase in the rate or the amount charged by the carrier for the transportation in question. The provisions of Supplementary Order No. 31 issued by the Office of Price Administration on November 26, 1942, shall have no application to sales of mixed feed as governed by this subparagraph (55) of this § 1499.73 (a).

(q) Whenever reference is made in this subparagraph (55) to "carload lots or quantities" the same shall be deemed to include sales or shipments in pool cars or assorted cars.

(ii) *Maximum prices of class A manufacturers.* Every class A manufacturer of mixed feeds shall determine his maximum price per ton in carload quantities sacked for each mixed feed other than pelleted or mineral mixed feeds produced by him as follows:

(a) He shall first compute his costs for a ton of the commodity to be priced as follows:

(1) He shall include the cost of all mill feeds, fish meal or fish scrap, animal feedingstuffs, and soybean, cottonseed and peanut oil meals and cakes used at the maximum price thereof to him per ton in carload quantities at the time of the calculation as prescribed by the Office of Price Administration. Said maximum price shall be the maximum price at his producing plant except that where in his purchase a rate point is selected as the destination to secure favorable transit rates and balances said maximum price shall be the maximum price at said rate point.

(2) He shall include the cost of every other ingredient used which is subject to maximum prices prescribed by the Office of Price Administration at the actual cost thereof to him at the time of the calculation not exceeding the maximum price (and applicable transportation charges where said maximum price is fixed on an f. o. b. basis) thereon to him at said time for the quantities normally purchased by him as prescribed by the Office of Price Administration: *Provided*, That said actual cost (and said maximum price) shall be the actual cost (and the maximum price) at his producing plant except that where in his purchase a rate point is selected as the destination to secure favorable transit rates and balances said actual cost (and said maximum price) shall be the actual cost (and the maximum price) at said rate point.

(3) He shall include the cost of every other ingredient used which is not subject to maximum prices prescribed by the Office of Price Administration at the reasonable market value thereof to him at the time of the calculation for the quantities normally purchased by him: *Provided*, That said reasonable market value shall be such value at his producing plant except that where in his purchase a rate point is selected as the destination to secure favorable transit rates and balances the reasonable market value shall be such value at said rate point.

(4) He shall include the cost of twenty 100 pound bags for the sacking of one ton of the commodity to be priced at the maximum price thereof to him at the time of the calculation as prescribed by the Office of Price Administration: *Provided* (A) He shall give due credit for the bags received in his purchase of the ingredients; (B) he shall give due credit for the bags returned by his buyer from former purchases from him; and (C) he shall not include any cost for bags if the buyer furnishes bags other than by a return of bags as last above mentioned in inferior subdivision (B) hereof.

(b) For sales to each private brand dealer, whether class A or class B, to whom he sold in 1942, he shall next ascertain the average of the margins per ton on the same or the most nearly similar commodity to the commodity being priced as sold during the months of January, March, May, October, November and December, 1942 for shipment in carload quantities to the private brand dealer in question for further resale. He shall ascertain these average margins by deducting from the selling price of each ton of such commodity sold to said private brand dealer during each such month, the replacement cost at the time of the sale of every ingredient used therein and of twenty 100 pound bags if furnished by him. Said replacement cost shall be the replacement cost at his producing plant except that where in his initial purchase a rate point was selected as the destination to secure favorable transit rates and balances said replacement cost shall be the replacement cost at said rate point.

He shall next average the margin so ascertained for each of said months to obtain an average margin for all of the said months.

He shall then add the total of the costs specified in inferior subdivision (a) to the markup determined under this subparagraph and the resultant figure shall be his maximum price to the private brand dealer in question per ton in carload quantities, sacked, f. o. b. his producing plant except that it shall include the transportation to the rate point to a like extent as his costs are computed under inferior subdivision (a) at that rate point and provided that he may add all other actual costs of transportation to the buyer's receiving point.

In like manner, the manufacturer shall determine his maximum price to other private brand dealers to whom he sold in 1942.

To determine a maximum price for a new private brand dealer, whether class A or class B, to whom the manufacturer did not sell in 1942, the manufacturer shall proceed in like manner to ascertain his costs as specified in inferior subdivision (a) to which he shall add the average of his margins per ton on the same or the most nearly similar commodity to the commodity being priced as sold during the months of January, March, May, October, November, and December 1942 for shipments in carload lots to all his private brand dealers for further resale. The resultant figure shall be his maximum price to new private brand dealers per ton in carload quantities, sacked, f. o. b. his producing plant

except that it shall include transportation to the rate point to a like extent as costs are computed under inferior subdivision (*a*) at that rate point and provided that he may add all other actual costs of transportation to the buyer's receiving point.

(*c*) For sales in carload quantities to retailers and for deliveries in carload quantities to his established retail outlets other than sales to consumers at his producing plant, he shall (after computing costs as specified in inferior subdivision (*a*)) next ascertain the average of the margins per ton on the same or the most nearly similar commodity to the commodity being priced during the months January, March, May, October, November, and December, 1942, on all such sales and deliveries. He shall ascertain these average margins by deducting from the selling price or billing charge for all such sales or deliveries of each ton of such commodity during each such month the replacement cost of every ingredient used therein and of 20–100 pound bags if furnished by him provided that said replacement cost shall be the replacement cost at his producing plant except that where in his initial purchase a rate point was selected as the destination to secure favorable transit rates or balances said replacement cost shall be the replacement cost at said rate point.

The average margins so obtained for each month shall be averaged for all of said months.

He shall then add the total of the costs specified in inferior subdivision (*a*) to the margin determined under this inferior subdivision (*c*) and the resultant figure shall be his maximum price and billing charge on all such sales and deliveries per ton in carload quantities, sacked, f. o. b. his producing plant except that it shall include transportation to the rate point to a like extent as costs are computed under inferior subdivision (*a*) at that rate point, and provided that he may add all other actual costs of transportation to the receiving point.

The maximum price or billing charge so ascertained under this inferior subdivision shall also be known as his list price.

(*d*) For sales in carload quantities to wholesalers and for deliveries in carload quantities to his established wholesale outlets including his producing plant by class A manufacture, the maximum price and billing charge shall be his maximum price and billing charge as ascertained under the last inferior subdivision (*c*) hereof less the differential given by him in 1942 from his 1942 single carload list price on each such sale or delivery and for new such sales or deliveries less the reasonable differential normal to the trade, and provided that except to the extent shipped under the transit billing he may add all actual costs of transportation to the receiving point.

(*e*) For sales to consumers by a class A manufacturer at his producing plant, the maximum price shall be the maximum price of his nearest retailer competitor whose maximum price is fixed under subdivision (x) hereof and provided that except to the extent shipped under transit billing he may add all actual costs of transportation to the buyer's receiving point.

(*f*) For sales or deliveries in l. c. l. quantities by a class A manufacturer at his producing plant to other than consumers, the maximum price and billing charge shall be his maximum price and billing charge as ascertained under said inferior subdivision (*c*) hereof plus an addition at the rate of $1.00 per ton and he may add all actual costs of transportation to the receiving point.

(*g*) For sales of pelleted mixed feeds by a class A manufacturer, the maximum price shall be the applicable maximum price as above set forth plus an addition at the rate of $1.50 per ton.

(*h*) For sales in seller's bags less than 100 pound bags.

(*1*) For fifty-pound bags, the maximum price shall be the applicable maximum price as above set forth plus an addition at the rate of $1.00 per ton.

(*2*) For twenty-five-pound bags the maximum price shall be the applicable maximum price as above set forth plus an addition at the rate of $1.50 per ton.

(*3*) For ten-pound bags the maximum price shall be the applicable maximum price as above set forth plus an addition at the rate of $5.00 per ton.

(*4*) For five-pound bags the maximum price shall be the applicable maximum price as above set forth plus an addition at the rate of $6.00 per ton.

(*5*) For any other container the maximum price shall be the applicable maximum price as above set forth plus the differential above given for the weight nearest the weight of the container in question.

(A) For sales in buyer's bags less than 100 pounds the maximum price shall be the applicable maximum price as above set forth plus only the actual cost of filling the containers of the size in question.

(iii) *Maximum prices for class B manufacturers.* Every class B manufacturer of mixed feeds shall determine his maximum price per 100 pound sellers' bag for l. c. l. quantities for each mixed feed other than pelleted or mineral mixed feed as follows:

(*a*) He shall compute his costs per one 100-pound bag of the commodity to be priced as follows:

(*1*) He shall include the cost of all mill feeds, fish meal or fish scraps, animal feedingstuffs and soybean, cottonseed and peanut oil meals and cakes used at the maximum price thereof to him for the quantities normally purchased by him at the time of the calculation as prescribed by the Office of Price Administration; provided that said maximum price shall be the maximum price at his producing plant except that where in his purchase a rate point is selected as the destination to secure favorable transit rates and balances said maximum price shall be the maximum price at said rate point.

(*2*) He shall include the cost of every other ingredient used which is subject to maximum prices prescribed by the Office of Price Administration at the actual cost thereof to him at the time of the calculation not exceeding the maximum price (and applicable transportation charges where said maximum price is fixed on an f. o. b. basis) thereon to him at said time for the quantities normally purchased by him as prescribed by the Office of Price Administration; provided that said actual cost (and said maximum price) shall be the actual cost (and the maximum price) at his producing plant except that where in his purchase a rate point is selected as the destination to secure favorable transit rates and balances said actual cost (and maximum price) shall be the actual cost (and the maximum price) at said rate point.

(*3*) He shall include the cost of every other ingredient used which is not subject to maximum prices prescribed by the Office of Price Administration at the reasonable market value thereof to him at the time of the calculation for the quantities normally purchased by him; provided that said reasonable market value shall be such value at his producing plant except that where in his purchase a rate point is selected as the destination to secure favorable transit rates and balances the reasonable market value shall be such value at said rate point.

(*4*) He shall include the cost of one 100-pound bag for the sacking of one such bag of the commodity to be priced at the maximum price thereof to him at the time of the calculation as prescribed by the Office of Price Administration; provided (A) he shall give due proportional credit for the bags received in his purchase of the ingredients; (B) he shall give due proportional credit for the bags returned to him by his buyer from former purchases from him, and (C) he shall not include any cost for bags if the buyer furnishes bags other than by a return of bags as last above mentioned in inferior subdivision (B) hereof.

(*b*) For sales to consumers at his producing plant and for deliveries to his other established retail outlets in lots of one to five 100-pound bags he shall next ascertain the average of the margins per one 100-pound bag on the same or the most nearly similar commodity to the commodity being priced during the months of January, March, May, October, November and December, 1942, on all such sales or deliveries. He shall ascertain those average margins by deducting from the selling price or billing charge for all such sales or deliveries during each such month the replacement cost of every ingredient used therein and of the 100-pound bags if furnished by him; *Provided*, That said replacement cost shall be the replacement cost at his producing plant except where in his initial purchase a rate point was selected as the destination to secure favorable transit rates and balances said replacement cost shall be the replacement cost at said rate point. He shall next average the margins so obtained for each of said months to obtain an average for all of said months.

He shall then add the total of the costs specified in inferior subdivision (*a*) to the margin determined under this in-

ferior subdivision (*b*) and the resultant figure shall be his maximum price or billing charge per 100-pound bags on all such sales and deliveries f. o. b. his producing plant and he may add, except to the extent shipped under transit billing, all actual costs of transportation to the receiving point.

The maximum price or billing charge so determined under this inferior subdivision shall also be known as his list price.

(*c*) For sales to any other class of purchaser and for deliveries to his established wholesale and retail outlets by a class B manufacturer in quantities greater than lots of one to five 100-pound bags the maximum price shall be the maximum price as above ascertained for lots of one to five 100-pound bags less the differential given by him in 1942 under his 1942 list price for sales in lots of one to five 100-pound bags on each such sale or delivery, and for new such sales or deliveries less the reasonable differential normal to the grade and he may add, except to the extent shipped under transit billing, all actual costs of transportation to the receiving point.

(*d*) For sales to private brand dealers, whether class A or class B, by a class B manufacturer the maximum price shall be ascertained in like manner as the maximum price for sales to private brand dealers by a class A manufacturer.

(*e*) For sales of pelleted mixed feed by a class B manufacturer the maximum price shall be the applicable maximum price as above set forth plus an addition at the rate of $1.50 per ton.

(*f*) For sales in seller's bags less than 100 pound bags.

(*1*) For fifty pound bags, the maximum price shall be the applicable maximum price as above set forth plus an addition at the rate of $1.00 per ton.

(*2*) For twenty-five pound bags the maximum price shall be the applicable maximum price as above set forth plus an addition at the rate of $1.50 per ton.

(*3*) For ten pound bags the maximum price shall be the applicable maximum price as above set forth plus an addition at the rate of $5.00 per ton.

(*4*) For five pound bags the maximum price shall be the applicable maximum price as above set forth plus an addition at the rate of $6.00 per ton.

(*5*) For any other container the maximum price shall be the applicable maximum price as above set forth plus the differential above given for the weight nearest the weight of the container in question.

(*g*) For sales in buyers' packages less than 100 pound bags the maximum price shall be the applicable maximum price as above set forth plus only the actual cost of filling the containers of the size in question.

(iv) *Maximum prices for mineral mixed feed manufacturers.* Every mineral mixed feed manufacturer shall determine his maximum prices for each mineral mixed feed produced by him in like manner as a class B manufacturer determines his maximum prices for mixed feeds produced by him; provided that all persons other than said manufacturer selling such mineral feeds to consumers shall be deemed to be retailers for the purposes of subdivision (x) hereof whether such person takes title to the mineral mixed feeds, acts as agent of the mineral mixed feed manufacturer, or sells on a commission basis under arrangement with the mineral mixed feed manufacturer.

(v) *Maximum prices for custom mixer.* The maximum price of a custom mixer for the production of mixed feed for a consumer shall be the total of the following:

(*a*) The service charge for the production of the mixed feed in question at the maximum price heretofore established by the Office of Price Administration for such service; plus (*b*) the cost of all ingredients and bags, if any, furnished by the custom mixer for the mixed feed in question at the maximum price thereof to him at the time of the service rendered as prescribed by the Office of Price Administration (plus all applicable transportation charges to his producing plant where such charges are not included in said maximum price) or if no such maximum price has been established at the reasonable market value thereof at his producing plant at the time of the service rendered plus an addition at the rate of $7.50 per ton on all ingredients so furnished by the custom mixer for the production of the mixed feed in question, and (*c*) he may add all actual costs of transportation to the buyer's receiving point.

(vi) *Maximum prices for class A private brand dealers:* (*a*) The maximum price or billing charge for sales in carload quantities to retailers and for deliveries in carload quantities to his established retail outlets, per ton sacked, of the commodity to be priced shall be the maximum price which may be charged by the manufacturer to him hereunder and the transportation charges, if any, to his place of business for carload quantities of the mixed feed to be priced plus a markup ascertained as follows: The average of the margins per ton on the same or the most nearly similar commodity to the commodity being priced during the months of January, March, May, October, November and December 1942, on all such sales or deliveries. He shall ascertain these average margins by deducting from the selling price or billing charge for all such sales or deliveries of each ton of such commodity during each month the replacement cost of the mixed feed from the same manufacturer at the time of the sale. The average margins so ascertained for each such month shall be averaged for all of said months. The resultant figure shall be his maximum price and billing charge per ton sacked for all such sales and deliveries in carload quantities f. o. b. manufacturer's production plant except that it shall include the transportation charges to the rate point to a like extent as the maximum price of the manufacturer to him includes transportation charges to said rate point and provided that he may add all other actual costs of transportation to the receiving point. All other transportation charges to the receiving point shall be borne or charged against the receiver. The maximum price or billing charge so determined under this inferior subdivision shall also be known as his list price.

(*b*) For sales in carload quantities to wholesalers and for deliveries in carload quantities to his established wholesale outlets in carload lots by a class A private brand dealer the maximum price and billing charge shall be his maximum price and billing charge in carload lots as ascertained under the last inferior subdivision (*a*) hereof less the differential given by him in 1942 from his 1942 single carload list price on each such sale or delivery and for new sales and deliveries less a reasonable differential normal to the trade and provided that except to the extent shipped under transit billing he may add actual transportation costs to the receiving point.

(*c*) For sales by a class A private brand dealer to consumers other than through a wholesale or retail outlet owned or controlled by him the maximum price shall be the maximum price of his nearest retail competitor whose maximum price is fixed under subdivision (x) hereof and provided that he may add the actual costs of transportation to the buyer's receiving point.

(*d*) For sales or deliveries by a class A private brand dealer in less than carload quantities to other than consumers the maximum price and billing charge shall be the maximum price and billing charge as ascertained under inferior subdivision (*a*) hereof plus an addition at the rate of $1.00 per ton and provided that he may add the actual costs of transportation to the receiving point.

(vii) *Maximum prices for class B private brand dealers.* (*a*) The maximum prices for sales of mixed feed by class B private brand dealers in lots of one to five 100 pound bags shall be the maximum price therefor which may be charged by the manufacturer to him hereunder and transportation charges to his place of business, if any, plus a markup ascertained as follows: The average of the margins per bag on the same or the most nearly similar commodity to the commodity being priced during the months of January, March, May, October, November and December, 1942, on all sales in lots of one to five 100-pound bags. He shall ascertain these margins by deducting from the selling price of each bag of such commodity sold during each such month replacement cost of the mixed feed from the same manufacturer at the time of the sale and transportation charges to his place of business, if any. The average margins so ascertained for each such month shall be averaged for all of said months. The resultant figure shall be his maximum price for sales in lots of one to five 100-pound bags f. o. b. his place of business and provided that he may add all actual transportation charges to the buyer's receiving point. The maximum price or billing charge so determined under this inferior subdivision shall also be known as his list price.

(b) The maximum price for sales of mixed feed by class B manufacturers in lots of more than five 100-pound bags shall be his maximum price as ascertained under inferior subdivision (a) hereof less the differential given by him in 1942 from his 1942 list price for lots of one to five 100-pound bags to each class of purchasers and for new classes of purchasers less a reasonable differential natural to the trade.

(viii) *Maximum prices of manufacturers, private brand dealers, custom mixer and mineral feed manufacturers who did not engage in business during specified months of 1942.* The maximum prices of every manufacturer and of every private brand dealer, and of every custom mixer and of every mineral feed manufacturer who did not engage in business in the months January, March, May, October, November, and December 1942 shall be and he shall be governed by the maximum prices of his closest competitor for whom maximum prices are prescribed hereunder.

(ix) *Maximum prices for wholesalers.* The maximum price that a wholesaler and a wholesale outlet of a class A or B manufacturer or of a class A private brand dealer may charge for sales of mixed feed shall be $2.50 per ton (maximum profit margin) over the list price of his supplier hereunder together with all applicable transportation charges to his place of business (where transportation charges are not included in said maximum price) and he may add all actual transportation costs from his place of business to the receiving point; provided that for sales of mixed feed in packages of 3 pounds or less his maximum profit margin to each class of purchasers shall be the average profit margin to each such class of purchasers on sales of such packages during December, 1942.

(x) *Maximum prices of retailers.* The maximum price that a retailer and a retail outlet of a class A or B manufacturer or of a class A private brand dealer may charge for sales of mixed feed shall be $7.50 per ton (maximum profit margin) over his supplier's list price hereunder or his wholesaler's maximum price hereunder, from whichever he purchased, together with all applicable transportation charges to his place of business (where transportation charges are not included in said maximum price) and he may add all actual transportation costs from his place of business to the buyers receiving point; provided that for sales of mixed feeds in packages of 3 pounds or less his maximum profit margin to each class of purchasers shall be the average profit margin to each such class of purchasers on sales of such packages during December, 1942.

(xi) *Rounding of maximum prices.* (a) In ascertaining maximum prices hereunder on a per ton basis round the figure obtained as the maximum price to the nearest even 20¢.

(b) In ascertaining maximum prices hereunder on a one 100 pound bag basis round the figure obtained as the maximum price to the nearest one cent.

(xii) *Dealings between persons of the same class.* No person shall sell mixed feed or mineral mixed feed bought from a person of the same class to which he belongs at higher than the maximum price at which he may buy the same from such person hereunder.

(xiii) *Time for calculating maximum prices.* (a) Within one week after the effective date of this amendment every manufacturer and mineral mixed feed manufacturer shall compute his maximum prices hereunder.

(b) Within two weeks after the effective date of this amendment every other person subject hereto shall compute his maximum prices hereunder.

(c) Every person hereinbefore in this subdivision (xiii) mentioned shall also select one day of the week as the day upon which he shall thereafter recompute his maximum prices hereunder.

(d) On the selected day of each succeeding week thereafter every person hereinbefore in this subdivision (xiii) mentioned shall recompute his maximum prices hereunder. If the selected day falls on a holiday he shall recompute his maximum prices hereunder for that week on the nearest business day preceding or succeeding said holiday at his option.

(e) For the initial calculation of maximum prices as herein provided every manufacturer may select whether he will compute his maximum prices under subdivision (ii) or (iii) hereof and every private brand dealer may select whether he will compute his maximum prices under subdivision (vi) or (vii) hereof, but for each succeeding weekly calculation he shall recalculate under the same subdivision under which he made his initial calculation.

(f) Every custom or batch mixer shall compute his maximum prices hereunder at or within one week prior to the date of the production of the mixed feed involved in each transaction.

(xiv) *Prohibition against selling mixed feed unless maximum prices are computed within time limits.* No mixed feed shall be sold by any person subject hereto unless the maximum prices thereon have been computed as and in the manner hereinbefore provided and within a time not exceeding more than one week last past from the date of the transaction in question.

(xv) *Publication of maximum prices.* (a) Every class A manufacturer shall post in his place of business and mail to all his wholesalers and retailers, and deliver to others upon request, a copy of his list prices and mail to each of his private brand dealers a copy of his maximum prices as to him, all as computed weekly hereunder.

(b) Every class B manufacturer shall post in his place of business a copy of his list prices, as computed weekly hereunder and advise in some manner all his wholesaler and retailer customers and others upon request thereof and mail to each of his private brand dealers a copy of his maximum prices as to him as in the case of a class A manufacturer.

(c) Every custom mixer shall prior to the production of the mixed feed in each transaction advise the person procuring the service of his maximum price thereon calculated as hereinbefore provided.

(d) Every wholesaler or retailer shall post in his place of business a copy of his maximum prices as computed weekly hereunder.

(b) *Effective dates.* * * *

(88) This Amendment No. 87 (§ 1499.73 (a) (55)) to Supplementary Regulation No. 14 shall become effective the 22d day of January 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871).

Issued this 16th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-830; Filed, January 16, 1943; 12:39 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 88 to Supp. Reg. 14[1] Under GMPR[2]]

SALT

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

A new subparagraph (56) is added to paragraph (a) of § 1499.73 as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of the General Maximum Price Regulation for certain commodities, services, and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services, and transactions listed below are modified as hereinafter provided:

* * * * *

(56) *Sales of certain grades of salt obtained from producers in Louisiana—(i) Maximum prices for sales by first buyers situated in certain parts of Florida.* Any seller obtaining the grades of salt listed here directly from producers in Louisiana or such producers' agents and reselling the same may, at his option, establish as his maximum prices therefor, the prices set forth in this subdivision (i) in lieu of the maximum prices therefor established pursuant to other provisions of the General Maximum Price Regulation.

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

[1] 7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7265, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 9082, 8950, 9131, 8953, 8954, 8955, 8959, 9043, 9196, 9397, 9391, 9395, 9495, 9496, 9639, 9786, 9900, 9701, 10069, 10011, 10022, 10151, 10231, 10294, 10346, 10381, 10480, 10537, 10557, 10583.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4887, 5027, 4659, 4738, 5276, 5192, 5365, 5445, 5775, 5784, 5783, 6058, 6081, 5484, 5565, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454; 8 F.R. 371.

Grade and quantity:	*Maximum cash price F. O. B. seller's shipping point*
100 lbs. C–A, No. 1, 2, 3 and 4	$1.22
100 lbs. Cotton, kiln dried, rock	1.32
6/10 lb. Pockets fine rock	1.16
15/4 lb. Pockets fine rock	1.20
50 lbs. plain stock blocks	.66
50 lbs. sulfur stock blocks	.77
50 lbs. iodized stock blocks	.93

These maximum prices for the grades mentioned above shall also be the maximum prices for other grades whose cost to the seller is within two cents per hundred pounds, per 6/10 lb. pockets or 15/4 pound pockets, or per 50-pound block, as the case may be, of the cost to the seller of the grades of salt specifically enumerated above.

This subdivision (i) is applicable only to sellers whose place of business is situated within one of the following-named counties in Florida and only to sales made from a shipping point located in one of such counties:

Marion	Hillsborough
Volusia	Polk
Seminole	Osceola
Orange	Manatee
Lake	Hardee
Sumter	Highlands
Citrus	Desoto
Hernando	Sarasota
Pasco	Charlotte
Pinellas	Lee

(ii) *Maximum prices for sales by retailers of salt obtained from a seller described in subdivision (i).* Any retailer obtaining salt at a maximum price determined under subdivision (i) may, at his option, establish as his maximum price therefor, a price which is the sum of his maximum price established pursuant to other provisions of the General Maximum Price Regulation and the difference in dollars and cents between the seller's [the seller meant is the seller described in subdivision (i)] former maximum price and the seller's maximum price under subdivision (i).

(iii) *Records and reports of sellers determining maximum prices under subdivision (i).* Any seller who determines his maximum selling price for any salt under subdivision (i) shall, within 10 days of his first sale at the maximum price so determined, file with the Office of Price Administration in Washington, D. C., a statement containing the following information with respect to each such commodity:

(*a*) The name of the commodity and the name of its producer.

(*b*) His maximum selling price on such commodity as established under § 1499.2 of the General Maximum Price Regulation together with his maximum selling price as adjusted under this amendment.

(c) The average percentage mark-up enjoyed by him during March 1942 over the manufacturer's carload price after cash discount on such commodity.

(iv) *Notification to retailers by sellers determining maximum prices under subdivision (i).* Any seller who determines his maximum price for any salt under subdivision (i) shall deliver invoices to retailers covering sales subject to this subparagraph (56) to § 1499.73 (a), and at the time of delivery attach to his first invoice to each such retailer on any sale at a price so determined a notice as follows:

The Office of Price Administration has permitted us to raise our maximum prices on certain grades of salt. These grades, with our previous and new maximum prices are as follows:

Grade and quantity	(1) Previous maximum price	(2) New maximum cash price f. o. b. our shipping point	Difference between columns "(1)" and "(2)"
100 lbs. C–A No. 1, 2, 3 and 4		$1.22	
100 lbs. Cotton kiln dried rock		1.32	
6/10 lb. Pockets fine rock		1.16	
15/4 lb. Pockets fine rock		1.20	
50 lbs. Plain stock blocks		.66	
50 lbs. Sulfur stock blocks		.77	
50 lbs. Iodized stock block		.93	

These increases represent only that part of cost increases which we were unable to absorb. Your maximum price for a sale of any of the above named grades and quantities may be increased by the difference in dollars and cents between our previous and our new maximum price for that grade and quantity, as shown in the column numbered "(3)" above. If you sell any of the above listed grades in smaller quantities than those listed, you may add to your former maximum price for that smaller quantity an amount which bears the same proportional relationship to your maximum price increase for the quantity listed above as the smaller quantity bears to the quantity listed above. O. P. A. requires that you keep this notice for examination.

(b) *Effective dates.* * * *

(89) Amendment No. 88 (§ 1499.73 (a) (56)) to Supplementary Regulation No. 14 shall become effective January 22, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43–826; Filed, January 16, 1943; 12:38 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 163 Under § 1499.18 (b) of GMPR]

TOBIN PACKING COMPANY

Order No. 163 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3–669.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1064 *Adjustment of maximum prices of hog intestines sold by the Tobin Packing Company.* (a) The Tobin Packing Company, Los Angeles, California, may sell and deliver and any person may buy and receive from the Tobin Packing Company hog intestines at a price not higher than $.15 per intestine.

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 163 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 163 (§ 1499.1064) 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. 163 (§ 1499.1064) shall become effective as of May 11, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43–821; Filed, January 16, 1943; 12:39 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 164 Under § 1499.18 (b) of GMPR]

BALAB

Order No. 164 Under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3–1973.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1065 *Adjustment of maximum prices for "Bubblebreaker", manufactured by Fred Bresee, Jr., doing business as Balab.* (a) Fred Bresee, Jr., doing business as Balab, 422 Tehama Street, San Francisco, California may sell and deliver, and any person may buy and receive from Fred Bresee, Jr., doing business as Balab, "Bubblebreaker", at prices not higher than the following:

Bubblebreaker:	*Cents per pound f. o. b. applicant's plant*
Evaporator type	11¾
Carbonator type	10¾

(b) This Order No. 164 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 164 (§ 1499.1065) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(d) This Order No. 164 (§ 1499.1065) shall become effective January 18, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43–822; Filed, January 16, 1943; 12:40 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 165 Under § 1499.18 (b) of GMPR]

N. BEARD'S BAKERY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1066 *Denial of application for adjustment of maximum price of bread sold by Morris Segal, doing business as N. Beard's Bakery, 706–08 South Street, Philadelphia, Pennsylvania.* (a) The application of Morris Segal, doing business as N. Beard's Bakery, 706–08 South Street, Philadelphia, Pennsylvania, filed September 12, 1942, and assigned Docket Number GF3–1952, requesting permission to increase the maximum price of bread sold by him, is denied.

(b) This Order No. 165 (§ 1499.1066) shall become effective January 18, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43–824; Filed, January 16, 1943; 12:37 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 4 Under 1499.18 (c) of GMPR]

BANKER COFFEE CORPORATION

Order No. 4 under § 1499.18 (c), as amended, of the General Maximum Price Regulation—Docket No. GF3–2938.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1504 *Authorization of a maximum price for sale of Red Head Brand Coffee by the Banker Coffee Corporation, by wholesalers and by retailers.* (a) On and after January 18, 1943, the Banker Coffee Corporation of Evansville, Indiana may sell and deliver and any person may buy and receive from the Banker Coffee Corporation "Red Head Brand Coffee" packed in one pound paper bags at a price of 21¢ per pound, delivered to the buyer's customary place of acceptance.

(i) Banker Coffee Corporation shall continue the customary allowances, discounts, price differentials and trade practices existing in March 1942 unless a change results in a lower selling price.

(b) Sellers at wholesale shall determine their maximum prices for Red Head Brand Coffee by applying the provisions of Maximum Price Regulation 237 as amended.

(c) Sellers at retail shall determine their maximum prices for Red Head Brand Coffee by applying the provisions of Maximum Price Regulation 238 as amended.

(d) All prayers of the applicant not granted herein are denied.

(e) This Order No. 4 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 4 (§ 1499.1504) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 4 (§ 1499.1504) shall become effective January 18, 1943.

(Public Laws 421 and 729, 77th Cong.; E.O. 9250, F.R. 7871)

Issued this 16th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43–827; Filed, January 16, 1943; 12:37 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 7 Under § 1499.18 (c) of GMPR]

STORAGE AND WAREHOUSING; REVOCATION OF ORDER

An opinion has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Order No. 7 (§ 1499.357) under § 1499.18 (c) of the General Maximum Price Regulation is hereby revoked.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued and effective this 16th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43–825; Filed, January 16, 1943; 12:38 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 1 to Order 49 Under § 1499.18 (c) of GMPR]

ABSHIRE WAREHOUSE ET AL.

Amendment No. 1 to Order No. 49 under § 1499.18 (c) of the General Maximum Price Regulation—Dockets Nos. GF3–1770 to GF3–1819 incl., GF3–1829, and GF3–1892 to 1897 incl.

An opinion accompanying this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

The items of § 1499.399 (e) listed below are amended and new paragraphs (f) and (g) are added, to read as follows:

§ 1499.399 *Adjustment of maximum prices for storage and warehousing of rough rice in the State of Louisiana by certain companies.* (a) The persons whose names and addresses are set forth in Appendix A hereto may sell and deliver, and any person may buy and receive from any of such persons, storage and warehousing of rough rice and services incident thereto at prices not higher than the prices set forth in said Exhibit A in conjunction with the names and addresses of such persons, respectively.

* * * * *

(e) *Appendix A.*

Names and addresses	Maximum prices in cents per barrel						
	1st Mo.	2nd Mo.	3rd Mo.	4th Mo.	5th Mo.	6th Mo.	Total for season
* * *		*	*	*			
Abshire Warehouse, Lake Charles, La.	10	6	4	2	------	------	**22
Campbell Warehouses, Welsh, La.	9	6	3	------	------	------	**18
Eunice Warehouse, Eunice, La.	12	2	2	2	------	------	**18
A. L. (Pat) Guillory Bonded, Eunice, La.	12	2	2	2	------	------	**18
Gulf Coast Warehouse, Welsh, La.	9	6	3	------	------	------	**18
W. C. McManus Warehouse, Elton, La.	8	4	------	------	------	------	**12
W. C. McManus Warehouse, Eunice, La.	12	2	2	2	------	------	**18
Mutual Warehouse Co., Inc., Welsh, La.	9	6	3	------	------	------	**18

* * * * *

(f) This Amendment No. 1 may be revoked or amended by the Price Administrator at any time.

(g) This Amendment No. 1 (§ 1499.399) shall become effective January 18, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43–823; Filed, January 16, 1943; 12:40 p. m.]

PART 1305—ADMINISTRATION

[General Ration Order 3]

RATION BANKING; BANKS

Pursuant to the authority vested in the Administrator by Pub. Laws 421, 507, and 729, 77th Cong., by Executive Order No. 9125, issued by the President on April 7, 1942, *It is hereby ordered,* That:

SCOPE OF GENERAL RATION ORDER NO. 3

Sec.

1305.401 Territorial limitation.
1305.402 Effect of this order on other orders.

DEFINITIONS

1305.405 Definitions.

ADMINISTRATION AND PERSONNEL

1305.406 Administration and personnel.

GENERAL PROVISIONS

1305.411 Nature and effect of participation by banks.
1305.412 Operation of ration bank accounts.
1305.413 Bank endorsements.
1305.414 Bank records and accounts confidential.
1305.415 Prohibition.

EFFECTIVE DATE

1305.419 Effective date of General Ration Order No. 3

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

AUTHORITY: §§ 1305.401 to 1305.419, inclusive, issued pursuant to Pub. Laws 421, 507, and 729, 77th Cong.; Executive Order No. 9125, 7 F.R. 2719, issued by the President on April 7, 1942; W.P.B. Dir. No. 1, 7 F.R. 562.

SCOPE OF GENERAL RATION ORDER NO. 3

§ 1305.401 *Territorial limitation.* Except as otherwise expressly provided, all of the provisions of this General Ration Order No. 3 shall apply to the entire area included within the continental limits of the United States.

§ 1305.402 *Effect of this order on other orders.* This order shall not be construed to permit any act or omission which would be in violation of any order of the Office of Price Administration.

DEFINITIONS

§ 1305.405 *Definitions.* When used in this order, unless the context otherwise requires:

(a) "Account" means a ration bank account maintained by a participating bank in which the bank keeps a record of deposits of ration evidences and transfers of ration credits.

(b) "Bank" means any bank or trust company organized under any State or Federal law, which is authorized to and does, on the effective date of this order, maintain dollar accounts (not including savings accounts), subject to withdrawal by check or other order payable on demand.

(c) "Check" means a non-transferable ration check drawn against a ration bank account and payable to the account of a named person.

(d) "Depositor" means a person who maintains a ration bank account. A person shall be deemed a depositor with respect to each of his accounts.

(e) "District office" means the district office of the Office of Price Administration having jurisdiction over the area in which the bank is located, or, if there is no district office having jurisdiction over that area, the State office of the Office of Price Administration having jurisdiction over that area.

(f) "Evidence" means a ration evidence authorizing the transfer, delivery, or acquisition of rationed commodities issued or authorized by the Office of Price Administration, including stamps, coupons, certificates, and other similar instruments which from time to time may be issued or authorized by the Office of Price Administration, and ration checks.

(g) "Manual of Operating Procedure" means the general instructions issued by the Office of Price Administration to the participating banks governing the procedure to be followed in maintaining and operating ration bank accounts in accordance with this order.

(h) "Office of Price Administration" means the Office of Price Administration, Washington, D. C., and any regional, State, or district office thereof.

(i) "Participating bank" means a bank which has opened a ration bank account, in accordance with the provisions of this order.

(j) "Person" means an individual, corporation, partnership, joint-stock company, trust, trustee, unincorporated association, government or governmental agency, and any other organized group or enterprise.

ADMINISTRATION AND PERSONNEL

§ 1305.406 *Administration and personnel.* This order shall be administered by the Office of Price Administration through participating banks and such other agencies and personnel as the Office of Price Administration may designate.

GENERAL PROVISIONS

§ 1305.411 *Nature and effect of participation by banks*—(a) *Becoming a participating bank.* Upon opening any account in accordance with § 1305.412 (a) (1), a bank shall become a participating bank, and shall thereupon notify the district office in writing of the date of the opening of such account.

(b) *Effect of becoming a participating bank.* Participating banks shall act as agencies of and under the direction and supervision of the Office of Price Administration and shall be responsible only to the Office of Price Administration. Each participating bank shall have all the rights and powers and assume all the duties provided in this order and any amendments thereto.

(c) *Reimbursement of participating banks.* Each participating bank shall be reimbursed by the Office of Price Administration in accordance with the following schedule, which schedule is based upon the cost of operating ration bank accounts and the expenses incidental thereto:

(1) Each participating bank shall receive thirty (30) cents for the first account opened for any depositor at any one office of the bank, plus five (5) cents for each additional account opened for that same depositor at the same bank office.

(2) Each participating bank shall receive a maintenance charge of ten (10) cents for each account carried on its books on the 15th day of each month.

(3) Each participating bank shall receive five (5) cents for each deposit made, plus one-half (½) cent for each item included in the deposit.

(4) Each participating bank shall receive four cents for each ration check properly debited to an account.

(5) As used in this paragraph (c), the following terms have the following meanings:

(i) Any opening of an account, even though an old account is supplanted, shall be deemed the opening of a new account. The moving of an account from one branch of a bank to another branch thereof shall not be deemed the opening of a new account.

(ii) Where several accounts are opened at the same bank office, each of which serves a separate establishment of one person, that person shall be deemed the depositor as to all such accounts.

(iii) A credit to an account made on the order of the Office of Price Administration shall be deemed to be a deposit.

(iv) Each separate evidence shall be deemed to be a separate item, except that, in the case of coupons or stamps required by order of the Office of Price Administration to be affixed to a card or sheet, each card or sheet bearing stamps or coupons shall be deemed one item. A deposit slip shall not be deemed an item.

(v) A debit to an account made on the order of the Office of Price Administration shall be deemed the debit of a ration check to the account.

Such reimbursement shall be made promptly after receipt and approval by the Office of Price Administration of quarterly reports of ration banking transactions by the participating bank. Reimbursement at such rate shall be made to the date upon which the bank voluntarily withdraws or is required to withdraw from participation in ration banking, as provided in paragraph (d) of this section. No participating bank shall receive any further payment from the Office of Price Administration, or from any other person, for any service rendered pursuant to the provisions of this order, amendments thereto, or instructions issued from time to time by the Office of Price Administration.

(d) *Withdrawal of participating banks*—(1) *Voluntary withdrawal.* Any bank may at any time withdraw from participation in ration banking by sending, registered mail, return receipt requested, to the district office, written notice of intention to withdraw. The withdrawal shall become effective thirty (30) days after the receipt of the notice by the district office and the bank, unless specifically authorized by the Office of Price Administration, shall not refuse to open any new accounts until the expiration of the thirty (30) day period: *Provided, however,* That a bank may, upon written notice forwarded by registered mail to the district office, withdraw immediately after the publication in the FEDERAL REGISTER of any amendment to this order or any other order of the Office of Price Administration, which is effective at a date sooner than thirty (30) days after such publication, and which in any way alters the provisions contained in §§ 1305.411 (c), 1305.411 (d) (1), 1305.411 (d) (2), 1305.412 (a) (1), 1305.412 (a) (2), 1305.412 (a) (3), 1305.412 (a) (4), 1305.412 (a) (6), 1305.412 (a) (7), 1305.412 (a) (10), 1305.412 (a) (11), 1305.412 (a) (14) and 1305.413 of this order, and is not acceptable to the participating bank.

(2) *Involuntary withdrawal.* The Deputy Administrator in Charge of Rationing of the Office of Price Administration may, upon written notice sent by registered mail, require any bank to withdraw from participation in ration banking within thirty (30) days after receipt of such notice. Upon receipt of such notice such bank shall refuse to open any new accounts.

(3) *Closing out accounts.* Any bank withdrawing from ration banking shall close out all its accounts in the manner prescribed in the Manual of Operating Procedure issued by the Office of Price Administration. The bank shall also dispose of all its ration banking records and take all other steps necessary to conclude its participation in ration bank-

ing in accordance with written instructions from the Office of Price Administration. The Office of Price Administration shall issue to the bank a receipt for all documents delivered under its instructions. Such receipt shall be conclusive evidence of the delivery of the documents described therein.

§ 1305.412 *Operation of ration bank accounts.* (a) Participating banks shall:

(1) *Opening of accounts.* Open an account for any person authorized by the Office of Price Administration to maintain an account, upon receipt of a proper application. Investigate the identity of each depositor and report to the district office upon any depositor whose identity has not been verified.

(2) *Acceptance of deposits.* Accept deposits of all evidences presented in proper form for deposit. Count, verify, and maintain proper control over all evidences deposited. Credit the proper accounts with the amounts of all apparently valid evidences deposited.

(3) *Disposal of ration evidences other than ration checks.* Retain all stamps and coupons for at least fifteen days and then destroy them. Certify to such destruction periodically to the district office, which certification in the absence of fraud, collusion, or wilful misconduct shall be conclusive evidence of destruction as between the participating bank and the Office of Price Administration only. Endorse and forward all evidences received, other than stamps, coupons, or checks, to the district office.

(4) *Acceptance of checks constituting overdraft.* Accept for credit to the account of a depositor any check presented in proper form, whether or not such check constitutes an overdraft on the drawer's account.

(5) *Clearance.* Clear all checks back to the drawee bank and debit to the proper account all checks received which are drawn on accounts maintained by the bank.

(6) *Certification.* Certify only checks payable to the Office of Price Administration and immediately charge the account of the drawer.

(7) *Reversal of credits.* Reverse or cancel a credit resulting from the deposit of evidences only upon order of the Office of Price Administration.

(8) *Report and disposal of invalid ration evidences and overdrafts.* Report to the district office all items lost in transit or misplaced, and all overdrafts on accounts, and at the time the next statement is due to the depositor, forward to the district office the statement and all cancelled checks for the period in which any overdraft occurs, unless otherwise instructed by the Office of Price Administration. Forward to the district office all items received for deposit in a transaction that appears to the bank to constitute fraud.

(9) *Statements and return of checks.* Issue a statement of each account to each depositor at least quarterly and return to the depositor all checks drawn by him and debited to his account during the period covered by the statement, except as provided in paragraph (a) (8) of this section.

(10) *Disputes over balances.* Refer all disputes over the balance in any account to the district office.

(11) *Stop orders.* Refuse to honor stop orders, except those received from the Office of Price Administration.

(12) *Adjustment of accounts.* Debit, credit, close out or otherwise deal with any account maintained by it upon specific written instructions of the Office of Price Administration. Refuse to close out or transfer any accounts, except upon order of the Office of Price Administration.

(13) *Forms.* Furnish signature cards, deposit slips, ration checks, and forms used by participating banks in their internal operations in connection with ration banking, printed according to specifications prescribed by the Office of Price Administration. Issue ration checks only to depositors.

(14) *Records and reports.* Preserve, maintain and keep available for inspection by the Office of Price Administration and its authorized agents such records, and make such reports to the district office, as the Office of Price Administration may from time to time prescribe. In the absence of fraud, collusion or wilful misconduct, a report shall be final and conclusive evidence, as between the participating bank and the Office of Price Administration only, of the correctness of the matters contained therein after six (6) months from its receipt by the district office.

(b) All of the foregoing shall be done in accordance with the provisions of the Manual of Operating Procedure and such other written instructions as may from time to time be issued by the Office of Price Administration.

§ 1305.413 *Bank endorsements.* In making any endorsement, a participating bank shall not be responsible for prior endorsements notwithstanding the wording of the endorsement stamp used by the bank, but such endorsement shall constitute a certification that the item has been deposited in an account standing in the same name as appears in the endorsement next preceding the bank's endorsement.

§ 1305.414 *Bank records and accounts confidential.* All ration banking records kept by any bank and the contents thereof shall be confidential. However, they shall be subject to inspection by State and national bank examiners authorized by the Office of Price Administration to examine ration banking operations and to inspection, removal or other disposition by the Department of Justice, the Office of Price Administration and such other persons as the Office of Price Administration may from time to time direct. The records of an account shall also be subject to inspection by the depositor.

§ 1305.415 *Prohibition.* No individual shall, in any record, report or other statement made or kept pursuant to, or required by the provisions of this order, make or cause to be made any untrue statement of any fact, or omit, or cause to be omitted any statement of any fact required to be stated therein or necessary to make the statements therein not misleading.

EFFECTIVE DATE

§ 1305.419 *Effective date of General Ration Order No. 3.* General Ration Order No. 3 (§§ 1305.401 to 1305.419, inclusive) shall become effective 12:01 a. m., January 27, 1943.

Issued this 4th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-849; Filed, January 16, 1943; 4:31 p. m.]

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

[MPR 300]

MAXIMUM MANUFACTURERS' PRICES FOR RUBBER DRUG SUNDRIES

In the judgment of the Price Administrator the prices of rubber drug sundries 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 rubber drug sundries prevailing between October 1 and October 15, 1941, and has made adjustment 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 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, and in accordance with Revised Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Maximum Price Regulation No. 300 is hereby issued.

Sec.

1315.1751 Applicability of this Maximum Price Regulation No. 300.
1315.1752. Maximum manufacturers' prices for victory line rubber drug sundries.
1315.1753 Maximum manufacturers' prices for rubber drug sundries, other than victory line, which have not been changed substantially since December 1, 1941.
1315.1754 Maximum manufacturers' prices for rubber drug sundries, other than victory line, which are not covered by § 1315.1753.

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

[1] 7 F.R. 8961.

Sec.

1315.1755 Maximum manufacturers' prices for rubber drug sundries, other than victory line, which cannot be priced under §§ 1315.1753 or 1315.1754.
1315.1756 Terms and conditions of sale.
1315.1757 Sales for export.
1315.1758 Federal and state taxes.
1315.1759 Transfers of business or stock in trade.
1315.1760 Less than maximum prices.
1315.1761 Evasion.
1315.1762 Records.
1315.1763 Reports.
1315.1764 Notification.
1315.1765 Marking of rubber drug sundries by the manufacturer.
1315.1766 Enforcement.
1315.1767 Petitions for amendment.
1315.1768 Applicability of the General Maximum Price Regulation.
1315.1769 Definitions.
1315.1770 Effective date.
1315.1771 Appendix A: Definition of rubber drug sundries.
1315.1772 Appendix B: Maximum manufacturers' prices for victory line rubber drug sundries.

AUTHORITY: §§ 1315.1751 to 1315.1772, inclusive, issued pursuant to Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1315.1751 *Applicability of this Maximum Price Regulation No. 300*—(a) *What commodities must be priced under this regulation.* This regulation applies to the commodities listed in Appendix A (§ 1315.1771) which will be called "rubber drug sundries," in this regulation. However, this regulation is applicable to those commodities only if they are produced in the continental United States or the District of Columbia on or after February 1, 1943. This regulation does not apply to rubber drug sundries produced before February 1, 1943, the maximum prices of which are established by the General Maximum Price Regulation.

(b) *To what types of sellers this regulation applies.* This regulation applies to all manufacturers of rubber drug sundries.

(c) *Geographical applicability of this regulation.* This regulation applies to the continental United States and the District of Columbia, but not to the territories and possessions of the United States.

(d) *Effect of this regulation.* This regulation establishes maximum manufacturers' prices for rubber drug sundries. On and after February 1, 1943, the date this regulation takes effect, regardless of any contract or other obligation, no manufacturer is permitted to sell or deliver any rubber drug sundries produced on or after February 1, 1943, at a price which is higher than the maximum price fixed by this regulation, and no person is permitted to buy or receive any rubber drug sundries produced on or after February 1, 1943, from a manufacturer in the course of trade or business at a price which is higher than the maximum price.

§ 1315.1752 *Maximum manufacturers' prices for victory line rubber drug sundries.* The maximum manufacturers' prices for victory line rubber drug sundries are set forth in Appendix B, incorporated herein as § 1315.1772. The term "victory line rubber drug sundries" is defined in that section.

§ 1315.1753 *Maximum manufacturers' prices for rubber drug sundries, other than victory line, which have not been changed substantially since December 1, 1941*—(a) *Applicability of this section.* This section is applicable to any type of rubber drug sundry, other than victory line, which the manufacturer was producing on December 1, 1941, or which has not been modified sufficiently since that date to result in a change of more than 5 percent in its factory costs. Factory costs shall be determined in accordance with the provisions of paragraph (c) of the next section (§ 1315.1754).

(b) *Maximum prices.* The maximum price for a sale by a manufacturer of any rubber drug sundry covered by this section shall be the first applicable among the following prices, less the deduction required by paragraph (c) of this section, wherever applicable, and all discounts, allowances, and other deductions which the manufacturer had in effect for a purchaser of the same class on December 1, 1941:

(1) The price stated in the published price lists of the manufacturer in effect on December 1, 1941, for a rubber drug sundry which is the same as the rubber drug sundry being priced.

(2) The price the manufacturer regularly quoted, other than through the medium of published price lists, to a purchaser of the same class on December 1, 1941, for a rubber drug sundry which is the same as the rubber drug sundry being priced.

(3) The highest price at which the manufacturer during the period October 1 to December 1, 1941, inclusive, delivered, or if no delivery was made, at which he offered to deliver a rubber drug sundry, which is the same as the rubber drug sundry being priced, to a purchaser of the same class.

(4) For the purposes of this paragraph (b) a rubber drug sundry formerly produced by the manufacturer will be deemed to be "the same as" the rubber drug sundry being priced if it is of the same type as the rubber drug sundry being priced and if its factory costs do not differ from the factory costs of the rubber drug sundry being priced by more than 5 percent. Factory costs shall be determined in accordance with the provisions of paragraph (c) of the next section (§ 1315.1754).

(c) *Deduction of amount of the federal excise tax.* If, on December 1, 1941, the manufacturer did not bill the federal excise tax on rubber products separately, he shall deduct the amount of such tax from the price determined in accordance with the provisions of paragraph (b) of this section.

§ 1315.1754 *Maximum manufacturers' prices for rubber drug sundries, other than victory line, which are not covered by § 1315.1753*—(a) *How the seller calculates his maximum price.* The seller is required to calculate each maximum price for a rubber drug sundry, other than victory line, which is not covered by § 1315.1753 or which is of a type produced by the manufacturer for the first time after December 1, 1941, as follows:

(1) The manufacturer should first find the rubber drug sundry he must use in determining the maximum price of the rubber drug sundry being priced. The method for selecting this rubber drug sundry is explained in paragraph (b) of this section. The manufacturer should then find the maximum price for each class of purchaser (in accordance with the provisions of paragraph (b) of § 1315.1753) of that rubber drug sundry.

(2) The manufacturer should then determine the "factory costs" of the rubber drug sundry being priced and of the rubber drug sundry he must use as a basis for determining the maximum price of the rubber drug sundry being priced. The method for computing "factory costs" is explained in paragraph (c) of this section.

(3) The manufacturer will then find the maximum price of the rubber drug sundry being priced by adding to or subtracting from the maximum price to each class of purchaser (as determined by paragraph (b) of § 1315.1753) of the rubber drug sundry used as a basis for determining the maximum price, the amount by which the "factory costs" of the rubber drug sundry being priced is greater or less than the "factory costs" of the rubber drug sundry used as a basis for determining the maximum price.

(4) Once the manufacturer has determined his maximum price for a rubber drug sundry under this section, that price is his maximum thereafter so long as the article is not modified sufficiently to result in a change of more than 5 percent in factory costs. If the article is modified to this extent, its maximum price must be recomputed in accordance with the provisions of this section. Factory costs must be determined in accordance with the provisions of paragraph (c) of this section.

(b) *Method of selecting the rubber drug sundry used in determining the maximum price.* The manufacturer shall use the first applicable of the following rubber drug sundries, which he offered for sale on December 1, 1941, in determining the maximum price of the rubber drug sundry being priced:

(1) The rubber drug sundry which would be the same as the rubber drug sundry being priced but for changes in specifications that have taken place since December 1, 1941.

(2) The rubber drug sundry manufactured by the same processes as the rubber drug sundry being priced. If there is more than one rubber drug sundry which is manufactured by the same processes as the rubber drug sundry being priced, the manufacturer shall use that one of those rubber drug sundries whose direct labor costs are nearest to the direct labor costs of the rubber drug sundry being priced. Direct labor costs shall be determined in accordance with the provisions of paragraph (c) (1) of this section.

(3) The rubber drug sundry having the same use as the rubber drug sundry being priced. If there is more than one

rubber drug sundry which has the same use as the rubber drug sundry being priced, the manufacturer shall use that one of those rubber drug sundries whose direct labor costs are nearest to the direct labor costs of the rubber drug sundry being priced. Direct labor costs shall be determined in accordance with the provisions of paragraph (c) (1) of this section.

(4) The rubber drug sundry whose direct labor costs are nearest to the direct labor costs of the rubber drug sundry being priced. Direct labor costs shall be determined in accordance with the provisions of paragraph (c) (1) of this section.

(c) *Computation of factory costs.* The factory costs of a rubber drug sundry shall be the sum total of direct labor costs, direct materials costs including waste, and factory overhead costs. The direct labor costs shall be determined by multiplying the estimated number of hours of each type of labor required in the manufacture of the rubber drug sundry by the wage rates determined in accordance with subparagraph (1) of this paragraph. The direct materials costs shall be determined by multiplying the estimated quantity of each type of material required in the manufacture of the rubber drug sundry by the materials prices determined in accordance with subparagraph (2) of this paragraph. Waste shall be determined by applying the same methods as were used or would have been used by the manufacturer in similar production on December 1, 1941, adjusted to reflect the actual quantity of waste in the production of the rubber drug sundry being priced. Factory overhead costs shall be determined in the manner set forth in subparagraph (3) of this paragraph.

(1) *Wage rates.* The wage rates applicable to any rubber drug sundry shall be the basic wage rates in effect in the manufacturer's plant on December 1, 1941, for each class of labor involved in the production of the rubber drug sundry. If the manufacturer did not employ a given class of labor on December 1, 1941, he shall use the wage rate paid on December 1, 1941, by the nearest employer operating under comparable conditions who employed that class of labor on that date, if that information is available.

(2) *Materials prices.* The price of any materials used in a rubber drug sundry shall be the highest price charged on December 1, 1941, by the manufacturer's supplier; except that if the Office of Price Administration has established a lower maximum price for the sale of that material to the manufacturer by his supplier, such lower price shall govern. If the material was not delivered or offered for delivery by the manufacturer's supplier on December 1, 1941, the material price shall be the first price at which the manufacturer's supplier offered to sell the material to a purchaser of the same class as the manufacturer after December 1, 1941, or the maximum price for the material established by the Office of Price Administration, whichever is the lower. The manufacturer's supplier shall be (i) his December 1941 supplier of the material, or (ii) lacking a December 1941 supplier of the material, his most recent supplier of the material. If neither of these exists, it shall be his potential supplier. For the purposes of this subparagraph (2) if the manufacturer shall receive a written statement from the seller that the material is being sold at a price which is not in excess of the maximum price established by the Office of Price Administration, and if the manufacturer shall have no cause to doubt the accuracy of the statement, the price as stated by the seller shall be deemed not to be in excess of the maximum price established by the Office of Price Administration for that material.

(i) When used in this subparagraph (2), the phrase "highest price charged on December 1, 1941," means:

(*a*) The highest price at which the seller delivered, or if he did not deliver, at which he offered the commodity for delivery, on December 1, 1941, to the same manufacturer in a quantity normal for that manufacturer;

(*b*) If the seller made no such delivery or offer for delivery on December 1, 1941, to the same manufacturer, the highest price at which the seller delivered, or if he did not deliver, at which he offered the commodity for delivery, on December 1, 1941, to a purchaser of the same class as the manufacturer in a quantity normal for that purchaser;

(*c*) If the seller made no such delivery or offer for delivery on December 1, 1941, to the same manufacturer or to a purchaser of the same class, the highest price at which the seller delivered, or, if he did not deliver, at which he offered the commodity for delivery, on December 1, 1941, to a purchaser of a different class, in a quantity normal for that purchaser, adjusted to reflect the seller's customary differential between the two classes of purchasers.

(3) *Factory overhead costs.* Factory overhead costs shall be determined by using the same methods and the same rates that the manufacturer used on December 1, 1941, in determining the factory overhead costs of the rubber drug sundry that he is required by paragraph (b) of this section to use as a basis for determining the maximum price of the rubber drug sundry being priced. It shall include only those costs which the manufacturer on December 1, 1941, used in calculating the factory overhead.

(d) *Reports of maximum prices.* If a manufacturer produces after January 31, 1943, a rubber drug sundry for which a maximum price must be determined under this section (§ 1315.1754), he shall report to the Office of Price Administration, Washington, D. C., within five days after a purchaser first agrees to buy such goods, the maximum price as computed by him and his selling prices. The report shall contain a full description of the rubber drug sundry being priced and of any innovation in manufacturing processes involved and a detailed explanation of the computation of factory costs and of the maximum price. It shall also contain a description of the rubber drug sundry used in determining the maximum price of the rubber drug sundry being priced and the maximum price, factory costs and an explanation of the reasons for the selection of that rubber drug sundry. The manufacturer may not accept payment for the rubber drug sundry, mark the maximum retail price on the rubber drug sundry or the unit of sale container, or notify any person of the maximum wholesale or retail price until the price so reported is approved in writing by the Office of Price Administration or fifteen days have elapsed after the mailing of the report. Within this fifteen day period the price so reported shall be subject to adjustment by the Office of Price Administration. Subsequent to this fifteen day period, such price shall be subject to adjustment (not to apply retroactively) at any time upon the written order of the Office of Price Administration.

§ 1315.1755 *Maximum manufacturers' prices for rubber drug sundries, other than victory line, which cannot be priced under §§ 1315.1753 or 1315.1754.* The maximum manufacturers' price for any rubber drug sundry, other than victory line, which cannot be priced under §§ 1315.1753 or 1315.1754 shall be a price in line with the level of prices established by this regulation determined by the seller after specific authorization from the Office of Price Administration. A seller who seeks an authorization to determine a maximum price under the provisions of this section shall file with the Office of Price Administration in Washington, D. C., on application setting forth:

(a) A description in detail of the rubber drug sundry for which a maximum price is sought (including the manufacturing process); (b) a statement of the facts which make it impossible for him to use the methods for determining the maximum price set forth in §§ 1315.1753 and 1315.1754; (c) his proposed pricing method; and (d) a statement of the reasons why he believes that the use of this method will result in prices in line with the level of prices established by this Maximum Price Regulation No. 300. Such authorization will be in writing prescribing a method of determining the maximum price for some or all of the rubber drug sundries manufactured by the applicant which cannot be priced under §§ 1315.1753 or 1315.1754.

§ 1315.1756 *Terms and conditions of sale.* (a) The maximum prices established by this Maximum Price Regulation No. 300 shall not be increased by any charges for the extension of credit.

(b) No manufacturer shall require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs incurred in the delivery of rubber drug sundries, than the seller required purchasers of the same class to pay during December 1941 on deliveries of the same or similar types of commodities.

§ 1315.1757 *Sales for export.* The maximum price at which a person may export any rubber drug sundry shall be determined in accordance with the pro-

visions of the Revised Maximum Export Price Regulation.

§ 1315.1758 *Federal and state taxes.* Any tax upon, or incident to, the sale, delivery or processing of rubber drug sundries 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: 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.

§ 1315.1759 *Transfers of business or stock in trade.* If the business, assets or stock in trade are sold or otherwise transferred after January 31, 1943, and the transferee carries on the business, or continues to deal in the same type of commodities, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

§ 1315.1760 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 300 may be charged, demanded, paid or offered.

§ 1315.1761 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 300 shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase of or relating to rubber drug sundries, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1315.1762 *Records.* To aid in the enforcement of this regulation every manufacturer is required to keep certain records for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect. These records are described in three paragraphs as follows:

(a) *Records of sales.* Every person engaged in the business of selling rubber drug sundries shall keep for inspection by the Office of Price Administration complete and accurate records of every sale of rubber drug sundries, including: (1) the date thereof; (2) the name and address of the buyer; (3) the quantity of each class, kind, type, condition and grade of rubber drug sundries sold; and (4) the price per unit received.

(b) *Records of the bases on which maximum prices are determined.* Every manufacturer subject to the provisions of this Maximum Price Regulation No. 300 shall keep for inspection by the Office of Price Administration, in addition to the records required by paragraph (a) of this section, complete and accurate records of the following:

(1) Published price lists, discount sheets and all other regularly quoted prices in effect on December 1, 1941.

(2) For those rubber drug sundries for which there were no published price lists or other regularly quoted prices in effect on December 1, 1941, the highest price at which he delivered, or if he did not deliver, at which he offered to deliver, each of those rubber drug sundries during the period October 1 to December 1, 1941, inclusive.

(3) Labor rates, materials prices and waste and factory overhead-rates in effect to him on December 1, 1941.

(4) Detailed cost estimate sheets and other data showing the calculations of prices of all rubber drug sundries sold or delivered after January 31, 1943, for which the maximum price must be determined in accordance with the provisions of §§ 1315.1754 or 1315.1755 of this regulation.

(c) *Records of notifications of maximum prices given to wholesalers and retailers.* Every manufacturer subject to the provisions of this Maximum Price Regulation No. 300 shall keep for inspection by the Office of Price Administration, in addition to the records required by paragraphs (a) and (b) of this section, exact copies of all notifications of maximum prices given to wholesalers and retailers.

§ 1315.1763 *Reports* (a) Every manufacturer subject to the provisions of this Maximum Price Regulation No. 300 shall file with the Office of Price Administration, Washington, D. C., on or before March 1, 1943, a report stating the maximum prices established by this Maximum Price Regulation No. 300 for all rubber drug sundies, other than victory line, he was producing on February 1, 1943, the method by which he determined those maximum prices, and the discounts, allowances, and other price differentials in effect therefor on December 1, 1941.

(b) Every manufacturer who produces victory line hot water bottles shall report to the Office of Price Administration, Washington, D. C., each brand name which he uses for colored and black victory line hot water bottles, respectively, within fifteen days after he starts production of a bottle bearing that brand name. Colored and black victory line hot water bottles are distinguished in footnotes six and seven to Table II in § 1315.1772.

(c) Every manufacturer subject to this Maximum Price Regulation No. 300 shall submit such other reports to the Office of Price Administration in addition to or in place of the reports required in paragraphs (a) and (b) of this section as the Office of Price Administration may from time to time require or permit.

§ 1315.1764 *Notification*—(a) *Notification of price charged.* Every manufacturer shall give each person purchasing rubber drug sundries from him an invoice showing the date of the transaction and the price charged for each type, brand and grade of rubber drug sundries sold.

(b) *Notification of maximum retail and wholesale prices of rubber drug sundries, other than victory line*—(1) *Notification to wholesalers.* Before or at the time of the first delivery of any rubber drug sundry, other than victory line, to a wholesaler after January 31, 1943, the manufacturer shall notify the wholesaler of the maximum wholesale price of that article. This notification shall include the brand and the type or description of the rubber drug sundry and the maximum wholesale price applicable thereto. For those rubber drug sundries, other than victory line, of a type that are sold at retail this notification shall include also the maximum retail price and a statement that the wholesaler is required by Maximum Price Regulation No. 301 to notify any retailer to whom he sells that rubber drug sundry of that price unless the manufacturer has marked the rubber drug sundry or the unit of sale container in which it is sold at retail with the maximum retail price.

(i) *Method by which the manufacturer calculates the maximum retail and wholesale price for notification to wholesalers.* The manufacturer shall calculate the maximum retail and wholesale price as follows:

The manufacturer shall first calculate the base price. This price is his maximum price for the sale of the rubber drug sundry in question to that class of wholesalers to which he sold the largest volume of rubber drug sundries during the calendar year 1942. The manufacturer will then calculate the maximum retail and wholesale price by multiplying the base price by a percentage which varies with the kind of seller. These percentages are shown in the following table:

Kind of seller:	*Percentage by which the manufacturer's base price is to be multiplied—percent*
Seller at wholesale, other than a dental, surgical or hospital supply house	133⅓
Dental, surgical or hospital supply house	142
Seller at retail, except a mail order house	233⅓

(2) *Notification to retailers, other than mail order houses.* Before or at the time of the first delivery of any rubber drug sundry, other than victory line, by a manufacturer to a retailer after January 31, 1943, the manufacturer shall notify the retailer of the maximum retail price of that article unless the manufacturer has marked the maximum retail price on the rubber drug sundry or on the unit of sale container in which it

is sold at retail. This notification shall include the brand and the type or description of the rubber drug sundry and the maximum retail price applicable thereto.

(i) *Method by which the manufacturer calculates the maximum retail price for notification to retailers.* The manufacturer shall calculate the maximum retail price as follows:

(a) *Rubber drug sundries for which the manufacturer can calculate a maximum wholesale price.* The manufacturer shall calculate the maximum retail prices of those rubber drug sundries for which he can calculate a maximum wholesale price in accordance with the provisions of § 1315.1753 or 1315.1754 of this regulation as follows:

The manufacturer shall first calculate the base price. This price is his maximum price for the sale of the rubber drug sundry in question to that class of wholesalers to which he sold the largest volume of rubber drug sundries during the calendar year 1942. The manufacturer will then calculate the maximum retail price by multiplying the base price by 233⅓ percent.

(b) *Rubber drug sundries for which the manufacturer can not calculate a maximum wholesale price.* The manufacturer shall calculate the maximum retail prices of those rubber drug sundries for which he can not determine a maximum wholesale price in accordance with the provisions of § 1315.1753 or 1315.1754 of this regulation as follows:

The manufacturer shall first calculate the base price. This price is his maximum price for the sale of the rubber drug sundry in question to that class of retailers to which he sold the largest volume of rubber drug sundries during the calendar year 1942. The manufacturer will then calculate the maximum retail price by multiplying the base price by 210 percent.

(3) *Rubber drug sundries to which this paragraph is not applicable.* Anything in this paragraph (b) to the contrary notwithstanding, this paragraph (b) is not applicable to the types of rubber drug sundries listed in paragraph (h) of Appendix A (§ 1315.1771).

(c) *Notification to mail order houses of the price to be used by the mail order house as a basis for determining its maximum prices for rubber drug sundries, other than victory line.* This paragraph (c) is applicable to all rubber drug sundries, other than victory line, except those listed in paragraph (h) of Appendix A (§ 1315.1771). Before or at the time of the first delivery after January 31, 1943, of any such rubber drug sundry to a mail order house, the manufacturer shall notify the purchaser of the price that the purchaser must use as a basis for determining his maximum price. This figure is the manufacturer's maximum price for a sale of the particular rubber drug sundry to the class of sellers at wholesale which during the calendar year 1942 purchased the largest quantity of rubber drug sundries from the manufacturer. If the manufacturer can not calculate the maximum wholesale price of the rubber drug sundry in question in accordance with the provisions of § 1315.1753 or 1315.1754 of this regulation, the manufacturer shall notify the mail order house of the manufacturer's maximum price to the class of sellers at retail which during the calendar year 1942 purchased the largest quantity of rubber drug sundries from the manufacturer.

§ 1315.1765 *Marking of rubber drug sundries by the manufacturer.* On or after February 1, 1943, before delivery of any rubber drug sundries the manufacturer shall mark them or have them marked as follows:

(a) *Victory line rubber drug sundries sold to any person, except a mail order house.* Victory line rubber drug sundries which are sold to any person, except a mail order house, shall be marked as follows:

(1) *Victory line rubber drug sundries, other than the hospital grade of hot water bottle.* Victory line rubber drug sundries, other than the hospital grade of hot water bottle, shall be marked with the maximum retail price thereof, set forth in Maximum Price Regulation No. 301. The maximum retail price shall be marked as follows: "Retail Ceiling $_____."

(2) *Victory line hospital grade of hot water bottles.* The hospital grade of victory line hot water bottles shall be marked with the maximum price thereof for sale to a consumer set forth in Maximum Price Regulation No. 301. This maximum price shall be marked as follows: "Hospital Ceiling $_____."

(b) *Victory line rubber drug sundries sold to mail order houses.* Victory line rubber drug sundries which are sold to mail order houses shall be marked with a "V."

(c) *Rubber drug sundries, other than victory line.* Rubber drug sundries, other than victory line, shall be marked with either an "R" or the maximum retail price, calculated in the manner set forth in paragraph (b) of § 1315.1764 of this regulation.

(d) *Method of marking.* The marking required by paragraphs (a), (b), or (c) of this section shall be done in a manner so as to make it plainly visible to the purchasing public. The marking shall be placed on the rubber drug sundry itself, on the unit of sale container in which the rubber drug sundry is sold at retail, on a tag which is firmly affixed to the rubber drug sundry or in some other manner approved by the Office of Price Administration in writing.

§ 1315.1766 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 300 are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 300 or any price schedule, regulation, or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to commmunicate with the nearest field, district, state or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1315.1767 *Petitions for amendment.* Any person seeking a modification of any provision of this Maximum Price Regulation No. 300 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

§ 1315.1768 *Applicability of the General Maximum Price Regulation.*[2] The provisions of this Maximum Price Regulation No. 300 supersede the provisions of the General Maximum Price Regulation, including §§ 1499.11, 1499.12, 1499.13, 1499.14 and 1499.25 thereof, with respect to sales and deliveries for which maximum prices are established by this regulation.

§ 1319.1769 *Definitions.* (a) When used in this Maximum Price Regulation No. 300 the term:

(1) "Manufacturer" means any person engaged in the production of rubber drug sundries.

(2) "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 agency of any of the foregoing.

(3) "Purchaser of the same class" and "class of purchaser" refer to the practice adopted by the seller in setting different prices for commodities for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas or for different quantities or grades or under different conditions of sale.

(4) "Rubber drug sundries" means the articles set forth in Appendix A.

(5) "Rubber" means substitute rubber and all forms and types of rubber, including synthetic and reclaimed rubber.

(6) "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.

(7) "Substitute rubber" means a substance made in whole or part by a chemical process or from natural gums, resins or oils which in physical properties sufficiently resembles natural or synthetic rubber to replace either of them for particular uses, including uses where only some and not all of the physical characteristics of natural or synthetic rubber are needed, and which serves the same use as natural or synthetic rubber in the particular application in which it is applied.

(b) Unless the context otherwise requires, the definitions set forth in the General Maximum Price Regulation shall apply to other terms used herein.

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[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.

§ 1315.1770 *Effective date.* This maximum Price Regulation No. 300 (§§ 1315.1751 to 1315.1772, inclusive) shall become effective February 1, 1943.

§ 1315.1771 *Appendix A: Definition of rubber drug sundries.* When used in this Maximum Price Regulation No. 300 the term "rubber drug sundries" means the articles listed in the following paragraphs, when made in whole or in part of rubber:

NOTE: Many of the items included in this list are not permitted to be produced out of crude, latex, synthetic, reclaimed or scrap rubber by the War Production Board.

(a) Water bottles, ice bags, syringes and other flat goods, including, but not limited to:

Air cushions
Bedpans
Combination syringes
Face and baby bottles
Fountain syringes
Hot water bottles
Ice bags and caps
Invalid rings and cushions

(b) Baby supplies, including, but not limited to:

Baby pants
Baby bibs
Breast pumps
Breast shields
Crib sheets
Diapers, diaper covers and diaper bags
Feeding nipples
Infant bottle combinations
Nipple shields
Nursery bottle caps
Pacifiers
Play pads
Teething rings

(c) Rubber tubing, stopples and irrigators for medical, surgical, dental, mortuary, veterinary and laboratory purposes, including, but not limited to:

Catheters
Irrigators
Rubber policemen
Stopples
Tubes and tubing

(d) Rubber dental supplies, including, but not limited to:

Abrasive wheels
Cut-off wheels
Dental dams
Dental separating strips and mouth props
Orthodontia bands
Plaster bowls
Polishing cups, discs and points
Rubber denture, denture suction and model formers
Soft rubber wheels

(e) Bulb and bulb goods for medical, surgical, dental, mortuary, veterinary and laboratory purposes, including, but not limited to:

Atomizers
Bulb syringes
Cautery bulb sets
Chip blower bulbs
Household bulb syringes
Politzer syringes
Sinus bulb sets
Spray douches

(f) Rubber gloves and finger cots, including, but not limited to:

Autopsy and mortuary gloves
Household gloves and cots
Industrial gloves and cots
Medical and surgical gloves and cots
Obstetrical gloves and sleeves

(g) Hospital and surgical supplies, including, but not limited to:

Air mattresses, beds and pillows
Hospital blankets
Mattress covers
Obstetricians' aprons
Operating cushions
Patient's bibs and throws
Pillow cases
Surgeons' aprons
Surgical cases
Urologists' aprons

(h) Prophylactics and other devices for the prevention of disease, including, but not limited to:

Diaphragms
Fitting rings
Pessaries
Prophylactics
Vaginal applicators

(i) Hard rubber for medical, surgical, dental, veterinary, mortuary and laboratory equipment and parts, including, but not limited to:

Stoppers
Syringes
Tubes, pipes, connections and accessories

(j) All other rubber medical, surgical, orthopedic, pharmaceutical and laboratory goods, including, but not limited to:

Acid bottles
Blood pressure bags, bulbs and tubing
Blood transfusion connectors
Brain surgery caps
Caps and closures
Colonic bags
Colostomy outfits
Crutch parts
Dilators
Cushions—ear, elbow and heel
Evacuators
Foot appliances—corrective
Funnels
Heating pads
Hagner bags
Inhalation bags and face pieces (medical, surgical, dental, veterinary and laboratory)
Insufflators
Intravenous connectors
Medicine droppers and bulbs
Microscope covers
Orsat bags
Orthopedic pads and parts
Parts for medical, surgical, dental, veterinary and mortuary instruments
Parts for acoustic aids
Prostatic bags
Prosthetic devices
Rubber bands and cushions for artificial limbs
Rubber suppositories
Sinus pads and bags
Spatulas
Splint cushions
Steam vaporizors
Thermapeutic applicators
Thermometer cases
Tourniquets
Truss parts
Umbilical belts
Urinals, individual wear
Veterinary sleeves
X-ray sheets, gloves, aprons and cooling hose

§ 1315.1772 *Appendix B: Maximum manufacturers' prices for victory line rubber drug sundries.* (a) The maximum manufacturers' prices for victory line rubber drug sundries shall be the prices listed in Table I. The specifications of the items priced in Table I will be found in paragraph (b) of this section.

TABLE I—MAXIMUM MANUFACTURERS' PRICES FOR VICTORY LINE RUBBER DRUG SUNDRIES[1]

Item	Maximum prices for sales by manufacturers		
	To wholesalers [2]	To mass retail distributors [3]	To other retailers [4] and ultimate consumers
Hot water bottles:			
Hospital grade (cloth inserted 2 quart)	$1.13		$1.51
Hospital grade (molded)	.55		.74
Consumer grade—colored—(molded)	.42	$.47	.53
Consumer grade—black—(molded)	.32	.36	.47
Combination syringes (molded) equipped with 4'8" regular flow tubing, stopper, shut-off and screw socket:			
Consumer grade—colored:			
Group I—2 slip pipes, adult rectal and vaginal	.56	.63	.75
Group II—2 screw pipes, adult rectal and vaginal plus screw pipe connections	.61	.69	.82
Group III—3 screw pipes, infant rectal, adult rectal, and balloon vaginal plus screw pipe connection, and rapid flow accessories	.80	.90	1.07
Consumer grade—black:			
Group I—2 slip pipes, adult rectal and vaginal	.46	.51	.62
Group II—2 screw pipes, adult rectal and vaginal plus screw pipe connections	.51	.56	.68
Group III—3 screw pipes, infant rectal, adult rectal, and balloon vaginal plus screw pipe connection and rapid flow accessories	.70	.77	.94
Combination syringe attachment sets—to include 4' 8" regular flow tubing, stopper, shut-off and screw sockets:			
Group I—2 slip pipes, adult rectal and vaginal	.15	.17	.20
Group II—2 screw pipes, adult rectal and vaginal plus screw pipe connections	.20	.22	.27
Group III—3 screw pipes, infant rectal, adult rectal and balloon vaginal plus screw pipe connection, and rapid flow accessories	.40	.44	.54
Ice caps (molded)	.45	.50	.60
Invalid rings and cushions (molded—all rubber):			
Size 12 inches	1.08	1.20	1.44
14 inches	1.17	1.30	1.56
16 inches	1.30	1.44	1.74
18 inches	1.55	1.72	2.07
Invalid rings and cushions (cloth inserted):			
Size 12 inches	1.26	1.40	1.68
14 inches	1.32	1.47	1.76
16 inches	1.45	1.61	1.94
18 inches	1.71	1.90	2.28

[1] These maximum prices are subject to the terms and conditions of sale set forth in § 1315.1756.
[2] "Wholesaler" means any seller at wholesale and includes dental, surgical and hospital supply houses.
[3] "Mass retail distributor" means: (a) a seller at retail who during 1942 purchased any of the types of rubber drug sundries listed in Table I at a discount of 25 percent or more from the manufacturer's list price; (b) a seller at retail who purchased during 1942 any private brand rubber drug sundries listed in Table I; or (c) any seller at retail who in the future buys in the same quantities, manner, and conditions as those which during 1942 qualified purchasers who sell at retail to receive a discount of 25 percent or more from the manufacturer's list price or to obtain private brand merchandise.
[4] "Other retailer" means any seller at retail who is not a mass retail distributor.

(b) "Victory line rubber drug sundries" means the items listed in Table II, manufactured after January 31, 1943, which can meet the minimum physical specifications set forth in that table.

TABLE II—MINIMUM PHYSICAL SPECIFICATIONS FOR VICTORY LINE RUBBER DRUG SUNDRIES [1]

	Minimum tensile strength (per sq. inch)	Minimum ultimate elongation (%)	Resistance to boiling water [2] (%)	Resistance to heat [3] (%)	Minimum wall thickness (in.)
Hot water bottles:					
Hospital grade (cloth inserted 2 quart): [4]	----------	----------	[5]	----------	.020
Hospital grade (molded)	1650	500	40	80	.028
Consumer grade—colored [6] (molded)	1250	400	40	75	.025
Consumer grade—black [7] (molded)	1250	400	40	75	.025
Combination syringes (molded): Consumer grade	1250	400	40	75	.025
Ice caps and bags (molded): Consumer grade	1250	400	----------	75	.025
Invalid rings (molded):					
(All sizes)	1650	500	----------	80	----------
Cloth inserted (all sizes) [4]	----------	----------	----------	----------	.030
Tubing for combination syringe (4' 8" lengths)	700	300	----------	----------	----------

[1] Testing and sampling shall be done by the methods provided by federal specifications ZZ-R-601, ZZ-B-581 ZZ-B-586a, ZZ-I-121, ZZ-C-796, and ZZ-C-791 and all emergency specifications.

[2] Percent of original tensile strength and ultimate elongation retained after 6 days in boiling water and 24 hours after removal in the case of the hospital grade bottles, or percent retained after 4 days in boiling water and 24 hours after removal in the case of the consumer grade bottles, and combination syringes.

[3] Percent of original tensile strength and ultimate elongation after seven days in air at 158° F, and 24 hours after removal.

[4] The article shall withstand a compressed oxygen test ("bomb" test) for ten days at 48 to 52 pounds pressure per square inch and at a temperature of 70° C without becoming significantly softer or stiffer than the original, shall not be tacky, and shall show no other change which might adversely affect its serviceability.

[5] After boiling in water for six continuous days the bottle shall be free from blisters and other defects which might affect its serviceability.

[6] A "colored hot water bottle" is one made in any color but black. In addition, such a bottle may only bear a brand name, which the manufacturer placed on bottles that he sold on December 1, 1941, at a net price of $0.36 or more and which the manufacturer has not reported for use on black bottles. Also, a "colored hot water bottle" must not bear a brand name which was placed on it by a mold, which on Jan. 16, 1943 bore a different brand name without written permission from the Office of Price Administration. "Net price" as used in this footnote 6, means the lowest price arrived at after deducting the federal excise tax on rubber products and all discounts except cash discount. The term "black hot water bottle" is defined in footnote 7. The manufacturer is required to report the brand name he uses for colored bottles in accordance with the provisions of paragraph (b) of § 1315.1763.

[7] A "black hot water bottle" is one which is made in no other color but black. The manufacturer is required to report the brand names he uses for black bottles in accordance with the provisions of paragraph (b) of § 1315.1763. Once a brand name has been reported for use on a black bottle, it may not be used on a colored bottle.

(c) If after January 31, 1943, a manufacturer produces a factory second or rubber drug sundry listed in Table II which does not meet the minimum specifications set forth in that table, the maximum price for that rubber drug sundry shall be 75 percent of the price set forth in Table I for a sale of the same type of rubber drug sundry to the same class of purchasers.

Issued this 16th day of January, 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-851; Filed, January 16, 1943; 4:32 p. m.]

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

[MPR 301]

RETAIL AND WHOLESALE PRICES FOR RUBBER DRUG SUNDRIES

In the judgment of the Price Administrator the prices of rubber drug sundries 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 rubber drug sundries prevailing between October 1 and October 15, 1941, and has made adjustment 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 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, and in accordance with Revised Procedure Regulation No. 1 [1] issued by the Office of Price Administration, Maximum Price Regulation No. 301 is hereby issued.

Sec.

1315.1776 Applicability of this Maximum Price Regulation No. 301.
1315.1777 Maximum retail and wholesale prices for victory line rubber drug sundries.
1315.1778 Maximum prices for sales at wholesale of rubber drug sundries, other than victory line.
1315.1779 Maximum prices for sales at retail of rubber drug sundries, other than victory line.
1315.1780 Terms and conditions of sale.
1315.1781 Sales for export.
1315.1782 Federal and state taxes.
1315.1783 Transfers of business or stock in trade.
1315.1784 Less than maximum prices.
1315.1785 Evasion.
1315.1786 Records.
1315.1787 Notification of maximum prices for sales at retail.
1315.1788 Sales slips and receipts.
1315.1789 Enforcement.
1315.1790 Petitions for amendment.
1315.1791 Licensing: Applicability of the registration and licensing provisions of the General Maximum Price Regulation.
1315.1792 Applicability of the General Maximum Price Regulation.
1315.1793 Definitions.
1315.1794 Effective date.
1315.1795 Appendix A: Definition of rubber drug sundries.
1315.1796 Appendix B: Maximum retail and wholesale prices for victory line rubber drug sundries.

AUTHORITY: §§ 1315.1776 to 1315.1796, inclusive, issued pursuant to Pub. Laws 521 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1315.1776 *Applicability of this Maximum Price Regulation No. 301*—(a) *What commodities must be priced under this regulation.* This regulation applies to the commodities listed in Appendix A (§ 1315.1795). These commodities will be called "rubber drug sundries" in this regulation. However, this regulation applies to these commodities only if they are produced in the continental United States or the District of Columbia on or after February 1, 1943. This regulation does not apply to rubber drug sundries produced before February 1, 1943, the maximum prices of which are established by the General Maximum Price Regulation. In order that you may know what rubber drug sundries are covered by this regulation all manufacturers of rubber drug sundries are required by Maximum Price Regulation No. 300 to mark the container of a rubber drug sundry produced after January 31, 1943, or the rubber drug sundry itself with either its maximum retail price or an "R" or a "V".

(b) *To what types of sellers this regulation applies.* This regulation applies to all sellers who sell at retail or at wholesale.

(c) *Geographical applicability of this regulation.* This regulation applies to the continental United States and the District of Columbia, but not to the territories and possessions of the United States.

(d) *Effect of this regulation.* This regulation establishes maximum prices for rubber drug sundries produced after January 31, 1943. On and after February 1, 1943, the date this regulation takes effect, regardless of any contract or other obligation, no person is permitted to sell or deliver at retail or wholesale any rubber drug sundries produced after January 31, 1943, at a price which is higher than the maximum price fixed by this regulation, and no person is permitted to buy or receive any rubber drug sundries produced after January 31, 1943, in the course of trade or business at a price which is higher than the maximum price.

§ 1315.1777 *Maximum retail and wholesale prices for victory line rubber drug sundries*—(a) *Maximum wholesale*

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

[1] 7 F.R. 8961.

prices. The maximum prices for sales at wholesale of victory line rubber drug sundries are set forth in Appendix B, incorporated herein as § 1315.1796.

(b) *Maximum retail prices.* The maximum retail price for a victory line rubber drug sundry is the price placed on the rubber drug sundry or the unit of sale container by the manufacturer. If there is no maximum retail price on the rubber drug sundry or the unit of sale container, the maximum retail price is the price set forth in Appendix B (§ 1315.1796). This price is the same price that the manufacturer is required to place on the rubber drug sundry or the unit of sale container.

(c) *Identification of victory line rubber drug sundries.* In order that you may know what rubber drug sundries are "victory line rubber drug sundries" they or their unit of sale container will be marked either with the maximum retail price or with a "V".

§ 1315.1778 *Maximum prices for sales at wholesale of rubber drug sundries, other than victory line.* This section is applicable to rubber drug sundries, other than victory line. The maximum price for sales at wholesale of such articles is the maximum price for the particular type of sale, furnished the wholesaler by the manufacturer. This maximum price must be furnished by the manufacturer in accordance with the provisions of paragraph (b) of § 1315.1764 of Maximum Price Regulation No. 300. If the manufacturer has not notified the wholesaler of the maximum price, the wholesaler shall not deliver the article until he has obtained the maximum price from the manufacturer.

§ 1315.1779 *Maximum prices for sales at retail of rubber drug sundries, other than victory line*—(a) *Sales by persons other than mail order houses.* This paragraph (a) is applicable to all sales at retail of rubber drug sundries, other than victory line, except those made by mail order houses. The maximum price for such sales shall be determined as follows:

(1) *Where the maximum retail price has been placed on the rubber drug sundry or the unit of sale container.* The maximum retail price shall be the price the manufacturer has placed on the rubber drug sundry or the unit of sale container. This maximum price must be determined by the manufacturer in accordance with the provisions of Maximum Price Regulation No. 300.

(2) *Where the maximum retail price has not been placed on the rubber drug sundry or the unit of sale container.* If the manufacturer has not placed the maximum retail price on the rubber drug sundry or the unit of sale container, the maximum retail price of that rubber drug sundry shall be determined as follows: The maximum price shall be the maximum retail price furnished the retailer by the person from whom he purchased the rubber drug sundry. If that person is a wholesaler, he must furnish that maximum price in accordance with the provisions of this Maximum Price Regulation No. 301. If that person is a manufacturer, he must furnish that maximum price in accordance with the provisions of Maximum Price Regulation No. 300. If the retailer has not been notified of the maximum retail price, he may not sell the rubber drug sundry until he has obtained the maximum retail price from the person who sold it to him.

(b) *Sales by mail order houses of rubber drug sundries purchased from manufacturers.* This paragraph (b) is applicable to rubber drug sundries, other than victory line, which have been purchased from a manufacturer. The maximum price for sales by mail order houses of such rubber drug sundries shall be determined as follows: If the mail order house is notified by the manufacturer of the manufacturer's maximum price for the sale of the rubber drug sundry being priced to the class of sellers at wholesale which purchased the largest quantity of rubber drug sundries from the manufacturer during the calendar year 1942, the mail order house shall determine its maximum price by multiplying this figure by 200 percent for sales by mail and by 233⅓ percent for all other sales. If the mail order house is notified by the manufacturer of the manufacturer's maximum price for the sale of the rubber drug sundry being priced to the class of sellers at retail which purchased the largest quantity of rubber drug sundries from the manufacturer during the calendar year 1942, the mail order house shall determine its maximum price by multiplying this figure by 180 percent for sales by mail and by 210 percent for all other sales.

(c) *Sales of baby feeding nipples.* Notwithstanding any other provisions of this section (§ 1315.1779), the maximum price for sales at retail of baby feeding nipples shall be determined in accordance with the applicable provisions of paragraphs (a), (b) or (c) of this section (§ 1315.1779), but in no case shall that price exceed three for $0.25. However, where the purchaser requests less than three baby feeding nipples that price shall not exceed $0.10 each.

§ 1315.1780 *Terms and conditions of sale.* (a) The maximum prices established by this Maximum Price Regulation No. 301 shall not be increased by any charges for the extension of credit.

(b) No seller shall require any purchaser, and no purchaser shall be permitted to pay a larger proportion of transportation costs incurred in the delivery of rubber drug sundries, than the seller required purchasers of the same class to pay during December 1941 on deliveries of the same or similar types of commodities.

§ 1315.1781 *Sales for export.* The maximum price at which a person may export any rubber drug sundry shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation.

§ 1315.1782 *Federal and state taxes.* Any tax upon, or incident to, the sale, delivery, or processing of rubber drug sundries 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: 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.

§ 1315.1783 *Transfers of business or stock in trade.* If the business, assets or stock in trade are sold or otherwise transferred after January 31, 1943, and the transferee carries on the business, or continues to deal in the same type of commodities, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this Maximum Price Regulation No. 301.

§ 1315.1784 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 301 may be charged, demanded, paid or offered.

§ 1315.1785 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 301 shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase of or relating to rubber drug sundries, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1315.1786 *Records.* To aid in the enforcement of this regulation every seller is required to keep certain records for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect. These records are described in three paragraphs as follows:

(a) *Records of purchases and sales.* The seller must preserve all records showing his purchases and sales of each class, kind, type, condition and brand of rubber drug sundries and all invoices showing purchases of rubber drug sundries after January 31, 1943.

(b) *Customary records of prices charged.* The seller must continue to keep records of the same kind as he has customarily kept showing the prices actually charged by him after the effective date of this regulation for rubber drug sundries produced after January 31, 1943.

(c) *Notifications of maximum prices of rubber drug sundries, other than victory line.* The seller must preserve all notifi-

cations of the maximum prices of rubber drug sundries, other than victory line, received by him. These notifications shall be kept for inspection by any person during ordinary business hours.

§ 1315.1787 *Notification of maximum prices for sales at retail*—(a) *Notification of maximum retail price of rubber drug sundries, other than victory line, to be given by wholesaler.* Before or at the time of the first delivery after January 31, 1943, of any rubber drug sundry, other than victory line, by a wholesaler to a retailer, the wholesaler shall notify the retailer of the maximum retail price of that article, unless the maximum retail price has been marked on the rubber drug sundry or the unit of sale container in which it is sold at retail. This notification shall include the brand and the type or description of the rubber drug sundry and the maximum retail price applicable thereto. The wholesaler will be furnished this maximum retail price by the manufacturer in accordance with the provisions of paragraph (b) of § 1315.1764 of Maximum Price Regulation No. 300. If the manufacturer has not notified the wholesaler of the maximum retail price, the wholesaler shall not deliver the article until he has obtained the maximum retail price from the manufacturer.

(b) *Marking of maximum retail price by mail order houses.* On or after February 1, 1943, before delivery of any victory line rubber drug sundries every mail order house selling any victory line rubber drug sundries at retail shall mark or cause to have marked the maximum price established by this Maximum Price Regulation No. 301 for the sale of that rubber drug sundry on the rubber drug sundry itself, on the unit of sale container in which the rubber drug sundry is sold at retail, on a tag which is firmly affixed to the rubber drug sundry, or in some other manner approved by the Office of Price Administration in writing. The maximum price shall be marked as follows: "Retail Ceiling $_____." The marking shall be large enough to make it plainly visible to the purchasing public.

§ 1315.1788 *Sales slips and receipts.* Any person who has regularly furnished customers with invoices, sales slips, receipts or similar documents shall continue to do so. Every person shall, regardless of previous custom, upon request of the customer, give such customer a signed receipt showing the date of the transaction, the type, brand and grade of the rubber drug sundries sold and the price charged therefor.

§ 1315.1789 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 301 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 301 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field, district, state or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1315.1790 *Petitions for amendment.* Any person seeking a modification of any provision of this Maximum Price Regulation No. 301 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

§ 1315.1791 *Licensing: Applicability of the registration and licensing provisions of the General Maximum Price Regulation.*[2] 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 Maximum Price Regulation No. 301 selling rubber drug sundries at wholesale or retail. When used in this section the terms "selling at wholesale" and "selling at retail" have the definitions given to them by §§ 1499.20 (p) and 1499.20 (o), respectively, of the General Maximum Price Regulation.

§ 1315.1792 *Applicability of the General Maximum Price Regulation.* Except as provided in § 1315.1791, the provisions of this Maximum Price Regulation No. 301 supersede the provisions of the General Maximum Price Regulation, including §§ 1499.11, 1499.12, 1499.13, 1499.14 and 1499.25 thereof, with respect to sales and deliveries for which maximum prices are established by this Maximum Price Regulation No. 301.

§ 1315.1793 *Definitions.* (a) When used in this Maximum Price Regulation No. 301 the term:

(1) "Rubber drug sundries" means the articles set forth in Appendix A (§ 1315.1795).

(2) "Rubber" means substitute rubber and all forms and types of rubber, including synthetic, reclaimed and balata rubber.

(3) "Sale at retail" or "selling at retail" means a sale or selling to an ultimate consumer other than an industrial or commercial user, except that (i) a "sale at retail" shall not include any sale by a producer, manufacturer, or fabricator of any commodity produced, manufactured, or fabricated by him, and (ii) a "sale at retail" shall not include any sale to the United States, any other government or any of its political subdivisions, any religious, educational or charitable institution, any institution for the sick, deaf, blind, disabled, aged or insane, or any school, hospital, library, or any agency of any of the foregoing.

(4) "Sale at wholesale" means a sale by a person who buys a commodity and resells it, without substantially changing its form, to any person other than the ultimate consumer, except that a sale at wholesale shall include any sale by such person to an industrial or commercial user, the United States, any other government or any of its political subdivisions, any religious, educational or charitable institution, any institution for the sick, deaf, blind, disabled, aged or insane, or any school, hospital, library or any agency of any of the foregoing.

(b) Unless the context otherwise requires, the definitions set forth in the General Maximum Price Regulation shall apply to other terms used herein.

§ 1315.1794 *Effective date.* This Maximum Price Regulation No. 301 (§§ 1315.1776 to 1315.1796, inclusive) shall become effective February 1, 1943.

§ 1315.1795 *Appendix A: Definition of rubber drug sundries.* When used in this Maximum Price Regulation No. 301 the term "rubber drug sundries" means the articles listed in the following paragraphs, when made in whole or in part of rubber:

(NOTE: Many of the items included in this list are not permitted to be produced out of crude, latex, synthetic, reclaimed or scrap rubber by the War Production Board.)

(a) Water bottles, ice bags, syringes and other flat goods, including, but not limited to:

Air cushions
Bedpans
Combination syringes
Face and baby bottles
Fountain syringes
Hot water bottles
Ice bags and caps
Invalid rings and cushions

(b) Baby supplies, including, but not limited to:

Baby pants
Baby bibs
Breast pumps
Breast shields
Crib sheets
Diapers, diaper covers and diaper bags
Feeding nipples
Infant bottle combinations
Nipple shields
Nursery bottle caps
Pacifiers
Play pads
Teething rings

(c) Rubber tubing, stopples and irrigators for medical, surgical, dental, mortuary, veterinary and laboratory purposes, including, but not limited to:

Catheters
Irrigators
Rubber policemen
Stopples
Tubes and tubing

(d) Rubber dental supplies, including, but not limited to:

Abrasive wheels
Cut-off wheels
Dental dams
Dental separating strips and mouth props
Orthodontia bands
Plaster bowls
Polishing cups, discs and points
Rubber denture, denture suction and model formers
Soft rubber wheels

(e) Bulb and bulb goods for medical, surgical, dental, mortuary, veterinary and laboratory purposes, including, but not limited to:

[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.

Atomizers
Bulb syringes
Cautery bulb sets
Chip blower bulbs
Household bulb syringes
Politzed syringes
Sinus bulb sets
Spray douches

(f) Rubber gloves and finger cots, including, but not limited to:

Autopsy and mortuary gloves
Household gloves and cots
Industrial gloves and cots
Medical and surgical gloves and cots
Obstetrical gloves and sleeves

(g) Hospital and surgical supplies, including, but not limited to:

Air mattresses, beds and pillows
Hospital blankets
Mattress covers
Obstetricians' aprons
Operating cushions
Patients' bibs and throws
Pillow cases
Surgeons' aprons
Surgical cases
Urologists' aprons

(h) Hard rubber for medical, surgical, dental, veterinary, mortuary and laboratory equipment and parts, including, but not limited to:

Stoppers
Syringes
Tubes, pipes, connections and accessories.

(i) All other rubber medical, surgical, orthopedic, pharmaceutical and laboratory goods, including, but not limited to:

Acid bottles
Blood pressure bags, bulbs and tubing
Blood transfusion connectors
Brain surgery caps
Caps and closures
Colonic bags
Colostomy outfits
Crutch parts
Dilaters
Cushions—ear, elbow and heel
Evacuators
Foot appliances—corrective
Funnels
Heating pads
Hagner bags
Inhalation bags and face pieces (medical, surgical, dental, veterinary and laboratory)
Insufflators
Intravenous connectors
Medicine droppers and bulbs
Microscope covers
Orsat bags
Orthopedic pads and parts
Parts for medical, surgical, dental, veterinary and mortuary instruments
Parts for acoustic aids
Prostatic bags
Prosthetic devices
Rubber bands and cushions for artificial limbs
Rubber suppositories
Sinus pads and bags
Spatulas
Splint cushions
Steam vaporizers
Thermapeutic applicators
Thermometer cases
Tourniquets
Truss parts
Umbilical belts
Urinals, individual wear
Veterinary sleeves
X-Ray sheets, gloves, aprons and cooling hose

§ 1315.1796 *Appendix B: Maximum wholesalers' and retailers' prices for victory line rubber drug sundries.* (a) The maximum prices for sales at wholesale and retail (except sales by mail by mail order houses) of victory line rubber drug sundries shall be the prices listed in Table I.

TABLE I—MAXIMUM WHOLESALERS' AND RETAILERS' PRICES FOR VICTORY LINE RUBBER DRUG SUNDRIES[1]

	Maximum price for sales at wholesale	Maximum price for sales at retail
Hot water bottles:		
Hospital grade (cloth inserted 2 quart)	1.51	----
Hospital grade (molded)	.74	----
Consumer grade—colored—(molded)	.57	1.00
Consumer grade—black—(molded)	.43	.75
Combination syringes (molded) equipped with 4'8" regular flow tubing, stopper, shut-off and screw socket:		
Consumer grade—colored:		
Group I—2 slip pipes, adult rectal and vaginal	.75	1.35
Group II—2 screw pipes, adult rectal and vaginal plus screw pipe connections	.82	1.45
Group III—3 screw pipes, infant rectal, adult rectal, and balloon vaginal plus screw pipe connection, and rapid flow accessories	1.07	1.90
Consumer grade—black:		
Group I—2 slip pipes, adult rectal and vaginal	.62	1.10
Group II—2 screw pipes, adult rectal and vaginal plus screw pipe connections	.68	1.20
Group III—3 screw pipes, infant rectal, adult rectal, and balloon vaginal plus screw pipe connection and rapid flow accessories	.94	1.65
Combination syringe attachment sets—to include 4' 8" regular flow tubing, stopper, shut-off and screw socket:		
Group I—2 slip pipes, adult rectal and vaginal	.20	.35
Group II—2 screw pipes, adult rectal, and vaginal plus screw pipe connections	.27	.50
Group III—3 screw pipes, infant rectal, adult rectal and balloon vaginal plus screw pipe connection, and rapid flow accessories	.54	.95
Ice caps (molded)	.60	1.05
Invalid rings and cushions (molded—all rubber):		
Size 12 inches	1.44	2.50
14 inches	1.56	2.75
16 inches	1.74	3.05
18 inches	2.07	3.60
Invalid rings and cushions (cloth inserted):		
Size 12 inches	1.68	2.95
14 inches	1.76	3.10
16 inches	1.94	3.40
18 inches	2.28	4.00

[1] These prices are subject to the terms and conditions of sale set forth in § 1315.1780.

(b) The maximum price for sales by mail, by mail order houses, of any victory line rubber drug sundry shall be the lower of the following: (1) the price stated in Table I for sales at retail of the rubber drug sundry in question; or (2) a price obtained by multiplying by 180 percent the manufacturer's maximum price (as established by Maximum Price Regulation No. 300) for the sale of the rubber drug sundry in question to mass distributors at retail.

Issued this 16th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-852; Filed, January 16, 1943; 4:32 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 93 to Supp. Reg. 14[1] to GMPR[2]]

VULCANIZED VEGETABLE OIL

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

A new subparagraph (59) is added to paragraph (a) of § 1499.73, as set forth below:

§ 1499.73 *Modifications of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services, and transactions listed below are modified as hereinafter provided:

* * * * *

(59) *Vulcanized vegetable oil.* Any seller or purchaser may contract that if the maximum price for any vulcanized vegetable oil made in whole or in part of rapeseed oil is increased by the Office of Price Administration, the selling price on any such vulcanized vegetable oil delivered between January 16, 1943, and the date of such increase in maximum price will be increased to such new maximum price.

(b) *Effective dates.* * * *

(94) Amendment No. 93 (§1499.73 (a) (59)) to Supplementary Regulation No. 14 shall become effective January 16, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of January, 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-850; Filed, January 16, 1943; 4:31 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 280,[3] Amendment 6]

MAXIMUM PRICES FOR SPECIFIC FOOD PRODUCTS

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

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

[1] 7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6577, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358, 8524, 8652, 8707, 8881, 8891, 9082, 8950, 9131, 8953, 8954, 8955, 8959, 9043, 9196, 9397, 9391, 9495, 9496, 10381, 9639, 9496, 9786, 9900, 9901, 10069, 10111, 10022, 10151, 10231, 10294, 10346, 10381, 10480, 10583, 10537, 10705, 10557, 10583, 10865, 11005; 8 F.R. 276, 439, 535, 494.

[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, 9782, 10454, 10155; 8 F.R. 371.

[3] 7 F.R. 10144, 10337, 10475, 10585, 10786, 10995, 8 F.R. 158.

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

A new paragraph (d) is added to § 1351.803; a new paragraph (h) is added to § 1351.808; and a new subparagraph (5) is added to § 1351.816 (a), as set forth below:

§ 1351.803 *Maximum prices.* * * *

(d) The provisions of this Maximum Price Regulation No. 280 do not apply to fluid milk sold at wholesale other than in glass or paper containers to stores, hotels, restaurants, and institutions in the "Dallas Regional area". Maximum Prices for such sales are set in subdivision (vi) of § 1499.73 (a) (1) of Supplementary Regulation No. 14 to the General Maximum Price Regulation. (Amendment No. 89 to Supplementary Regulation No. 14, issued January 16, 1943 and effective January 18, 1943.)

§ 1351.808 *Exempt sales.* * * *

(h) Fluid milk sold at wholesale in bulk to stores, hotels, restaurants, and institutions in the Dallas Regional area. Maximum prices for such sales are set in subdivision (vi) of § 1499.73 (a) (1) of Supplementary Regulation No. 14, to the General Maximum Price Regulation. (Amendment No. 89 to Supplementary Regulation No. 14, issued January 16, 1943, and effective January 18, 1943).

§ 1351.816 *Definitions.* (a) When used in this Maximum Price Regulation No. 280, the term: * * *

(5) "Dallas Regional area" means the States of Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas.

§ 1351.821 *Effective dates of amendments.* * * *

(f) Amendment No. 6 (§§ 1351.803, 1351.816, and 1351.808) to Maximum Price Regulation No. 280 shall become effective January 18, 1943.

(Pub. Laws 421 and 729; 77th Cong.; E.O. 9250; 7 F.R. 7871)

Issued this 16th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-854; Filed, January 16, 1943; 5:10 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 280,[1] Amendment 7]

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 (e) is added to § 1351.803; a new paragraph (i) is added to § 1351.808; and a new subparagraph (6) is added to § 1351.816 (a), as set forth below:

§ 1351.803 *Maximum prices.* * * *

(e) The provisions of this Maximum Price Regulation No. 280 do not apply to fluid milk sold at wholesale other than in glass or paper containers to stores, hotels, restaurants, and institutions in the "Memphis, Tennessee area". Maximum prices for such sales are set in subdivision (ii) of § 1499.73 (a) (1) of Supplementary Regulation No. 14 to the General Maximum Price Regulation. (Amendment No. 95 to Supplementary Regulation No. 14.)

§ 1351.808 *Exempt sales.* * * *

(i) Fluid milk sold at wholesale in bulk to stores, hotels, restaurants, and institutions in the Memphis, Tennessee area. Maximum prices for such sales are set in subdivision (ii) of § 1499.73 (a) (1) of Supplementary Regulation No. 14 to the General Maximum Price Regulation. (Amendment No. 95 to Supplementary Regulation No. 14).

* * * * *

§ 1351.816 *Definitions.* (a) When used in this Maximum Price Regulation No. 280, the term: * * *

(6) "Memphis, Tennessee area" means the territory included in the marketing area geographically defined in Federal Milk Marketing Order O-64, effective October 4, 1942, issued by the Secretary of Agriculture.

§ 1351.821 *Effective dates of amendments.* * * *

(g) Amendment No. 7 (§§ 1351.803, 1351.816, and 1351.808) to Maximum Price Regulation No. 280 shall become effective January 16, 1943.

(Pub. Laws 421 and 729; 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of January 1943.

LEON HENDERSON,
Administrator,

[F. R. Doc. 43-855; Filed, January 16, 1943; 5:11 p. m.]

PART 1363—FEEDING STUFFS

[Revised MPR 73,[1] as Amended, Amendment 2]

FISH MEAL AND FISH SCRAP

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.*

Sections 1363.9 (a) (4), 1363.12 (a) and (h), 1363.14 and 1363.16 are amended as set forth below.

§ 1363.9 *Definitions.* (a) When used in this Revised Maximum Price Regulation No. 73, as amended, the term: * * *

(4) "Grade" means the actual percentage of protein of the fish meal or fish scrap.

* * * * *

§ 1363.12 *Maximum prices for sales of fish meal and fish scrap*—(a) *Maximum prices for sales of fish meal f. o. b. conveyance at fish reduction plant*—(1) *Schedule of percentages and corresponding prices in seller's new burlap bags.*

Unit percentage of protein per ton	Pacific coast dollars per ton	Atlantic and Gulf coast dollars per ton
40	$46.50	$48.50
41	47.50	49.50
42	49.00	51.00
43	50.00	52.00
44	51.00	53.00
45	52.00	55.00
46	53.50	55.50
47	54.50	57.00
48	55.50	58.00
49	57.00	59.00
50	58.00	60.50
51	59.00	61.50
52	60.50	63.00
53	61.50	64.00
54	62.50	65.50
55	64.00	66.50
56	65.00	68.00
57	66.00	69.00
58	67.50	70.00
59	68.50	71.50
60	69.50	72.50
61	71.00	74.00
62	72.00	75.00
63	73.00	76.00
64	74.00	77.50
65	75.50	78.50
66	76.50	79.50
67	77.50	81.00
68	79.00	82.50
69	80.00	83.50
70	81.00	84.50
71	82.50	86.00
72	83.50	87.00
73	84.50	88.50
74	86.00	89.50
75	87.00	90.50
76	88.00	92.00
77	89.50	93.00
78	90.50	94.50
79	91.50	95.50
80	93.00	96.50

(2) *Limitations on open billing.* No contract for the sale of fish meal shall be executed unless at the time of the execution thereof the percentage of protein in the fish meal covered thereby is specified at least to the extent of a range not exceeding five per cent, also known to the trade as five points. In the event the fish meal tendered to the buyer named in said contract is lower in protein content than the lowest percentage of said specified range, and if delivery of the fish meal in question is nevertheless accepted by the buyer, the maximum price therefor shall not exceed the maximum price for the lowest percentage of said specified range, less the following deductions therefrom as a penalty, to wit:

(i) $1.50 for the first one per cent or fraction thereof below the lowest percentage of said specified range.

(ii) $3.00 for each succeeding one per cent or fraction thereof below the limit last mentioned.

In the event that the fish meal tendered under such contract is higher in protein content than the highest percentage of said specified range therein, and the buyer accepts delivery thereof, the maximum price therefor shall not exceed the maximum price for the highest percentage of said specified range.

(3) *Maximum prices for sales of fish meal in used burlap bags.* To determine the maximum price per ton for fish meal sold in used burlap bags, deduct one dollar ($1.00) from the prices specified in subparagraph (1) of this paragraph.

(4) *Maximum prices for sales of fish meal sold in bulk.* To determine the

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

[1] 7 F.R. 10144, 10337, 10475, 10585, 10786, 10995, 8 F.R. 158.

[1] 7 F.R. 2475, 2637, 8591, 8948.

maximum price per ton for fish meal sold in bulk, deduct three dollars ($3.00) from the prices specified in subparagraph (1) of this paragraph.

(5) *Maximum prices for sales of fish meal sold in bags other than burlap bags.* To determine the maximum price per ton for fish meal sold in bags other than burlap bags, add the cost of the bags at replacement value to the prices specified in subparagraph (4) of this paragraph.

* * * * *

(h) *Maximum prices for sales by commercial distributors.* (1) The maximum price of a commercial distributor purchasing fish meal or fish scrap for resale from a producer shall not exceed the maximum price which said producer may charge hereunder plus a mark-up not exceeding the mark-up (or weighted average of mark-ups) which said commercial distributor used in January 1942 on sales of like fish meal or fish scrap.

(2) The maximum price of a commercial distributor purchasing fish meal or fish scrap for resale from another commercial distributor (who in turn purchased directly from a producer) shall not exceed the maximum price which said last mentioned commercial distributor may charge hereunder plus a mark-up not exceeding the mark-up (or weighted average of mark-up) which said first mentioned commercial distributor used in January 1942 on sales of like fish meal or fish scrap.

(3) Any commercial distributor not in business in January 1942, shall adopt and use the mark-up of that commercial distributor who is his closest competitor.

(4) If a commercial distributor buys from a commercial distributor who did not purchase directly from a producer he cannot resell for more than the maximum price of the commercial distributor from whom he purchased.

§ 1363.14 *Duty to describe classification and grade.* (a) No person shall sell or offer to sell and no person in the course of trade or business shall buy or receive any fish meal or fish scrap which has not been described as hereinafter required.

(b) The description of fish meal and fish scrap sold in bags or other containers (except fish meal or fish scrap produced outside the several states of the United States from its time of entry into any state of the United States to delivery at first distributing point) shall be by means of a label or tag describing the classification and grade printed on or attached to the bags or other containers.

(c) The description in the case of sales in bulk and of all fish meal or fish scrap produced outside the several states of the United States from its time of entry into any state of the United States to delivery at the first distributing point, shall be by means of tag or certificate accompanying the shipment and describing the classification and grade. A duplicate thereof shall be attached to the invoice, bill of lading, or other document accompanying the shipment.

§ 1363.16 *Inclusion of 3 per cent freight tax in transportation charges.* (a) Whenever provision is made in this regulation for the addition of transportation or freight charges in determining maximum prices hereunder and whenever any other reference is herein made to such charges, the tax imposed by section 620 of the Revenue Act of 1942 (Pub. Law 753—77th Cong., approved October 21, 1942) shall be deemed to be a part of and shall be included in said charges with like effect as if it were a like increase in the rate or amount charged by the carrier for the transportation in question.

(b) The provisions of Supplementary Regulation No. 31 issued by the office of Price Administration on November 26, 1942 (Docket Number 7623) shall have no application to this Revised Maximum Price Regulation No. 73, as amended.

§ 1363.11 *Effective dates of amendments.* * * *

(c) Amendment No. 2 to Revised Maximum Price Regulation No. 73, as amended (§§ 1363.9 (a) (4), 1363.12 (a) and (h), 1363.14 and 1363.16) shall become effective January 16, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9350, 7 F.R. 7871)

Issued this 16th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-856; Filed, January 16, 1943; 5:11 p. m.]

PART 1429—POULTRY AND EGGS

[Rev. MPR 269,[1] Amendment 4]

POULTRY

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

The reference to January 15, 1943 in § 1429.27 of Revised Maximum Price Regulation No. 269 is amended to read February 15, 1943.

§ 1429.25 *Effective date of amendment.* * * *

(d) Amendment No. 4 (§ 1429.27) to Revised Maximum Price Regulation No. 269 shall be effective as of January 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871).

Issued this 15th day of January 1943.

LEON HENDERSON,
Administrator.

Approved:

GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 43-857; Filed, January 16, 1943; 5:10 p. m.]

[1] 7 F.R. 10708, 10864, 11118, 8 F.R. 567.

PART 1499—COMMODITIES AND SERVICES

[Amendment 95 to Supp. Reg. 14 [1] to GMPR [2]]

MEMPHIS AREA PRICES FOR FLUID MILK AND CREAM

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 inferior subdivision (*p*) is added to subdivision (i) of § 1499.73 (a) (1); a new inferior subdivision (*p*) is added to subdivision (ii) of § 1499.73 (a) (1); and a new inferior subdivision (*r*) is added to subdivision (vii) of § 1499.73 (a) (1), as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services, and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services, and transactions listed below are modified as hereinafter provided:

(1) *Fluid milk and cream* [3]—(i) *Maximum prices for fluid milk sold at retail in specified localities.* The maximum price of fluid milk sold and delivered at retail, in the localities set forth below, shall be the seller's maximum price as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, or the applicable adjusted maximum price specified in the schedule set forth below, whichever is higher: [4] *Provided,* That where the adjusted maximum price is expressed as "plus" a specified amount, the amount specified is to be added to the seller's maximum price as determined under said § 1499.2.

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*Copies may be obtained from Office of Price Administration.

[1] 7 F.R. 5486, 5709, 5911, 6008, 6271, 6369, 6473, 6477, 6774, 6775, 6776, 6793, 6887, 6892, 6939, 6965, 7011, 7012, 7203, 7250, 7289, 7365, 7400, 7401, 7453, 7510, 7511, 7535, 7536, 7538, 7604, 7739, 7671, 7812, 7914, 7946, 8024, 8199, 8237, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 8950, 8954, 8955, 8953, 9043, 9082, 9131, 9196, 9391, 9397, 9495, 9496, 9639, 9786, 9900, 9901, 10096, 10111, 10022, 10151, 10231, 10294, 10346, 10381, 10480, 10537, 10557, 10583, 10705, 10865, 11005; 8 F.R. 276, 439, 535, 494.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 8942, 9004, 9435, 9615, 9616, 9732, 10155, 10454; 8 F.R. 371.

[3] *Fractions of a cent. In the case of single unit sales at retail,* any maximum price resulting in a fraction of a cent must be reduced to the lowest even cent if the fraction is less than ½¢ and may be increased to the nearest higher even cent if the fraction is ½¢ or more. Home-deliveries shall be considered multiple unit sales unless separate collections are made for single units delivered.

[4] This pricing formula is not applicable to certain retail sales in the New York Metropolitan area and the Memphis, Tennessee area under inferior subdivisions (*a*) and (*p*) below. Specific maximum prices listed supersede entirely the seller's ceiling prices as determined under § 1499.2, General Provisions, of General Maximum Price Regulation.

OUT-OF-STORE SALES AND HOME-DELIVERIES

Locality	Special type	Grade	Type of delivery	Container size	Type of container	Adjusted maximum price (cents)
(p) Memphis, Tennessee area.		Approved	Out of store	Quart	Glass of paper	13
		Approved	To the home	Quart	Glass or paper	13½
		Approved	Out of store or to the home.	Pint	Glass or paper	8
		Approved	Out of store	½ pint	Glass or paper	5
	Premium (5% butterfat content).	Approved	Out of store	Quart	Glass or paper	15
		Approved	To the home	Quart	Glass or paper	15½
		Approved	Out of store or to the home.	Pint	Glass or paper	9
		Approved	Out of store	½ pint	Glass or paper	6
	Chocolate drink	Approved	Out of store	Quart	Glass or paper	15
		Approved	To the home	Quart	Glass or paper	15½
		Approved	Out of store or to the home.	Pint	Glass or paper	9
		Approved	Out of store	½ pint	Glass or paper	5
	Skim buttermilk	Approved	Out of store or to the home.	Quart	Glass or paper	9
		Approved	Out of store or to the home.	½ pint	Glass or paper	5
	Skimmed milk	Approved	Out of store or to the home.	Quart	Glass or paper	11

Maximum prices for retail sales to other classes of purchasers. Maximum prices for retail sales to classes of purchasers not included in out-of-store sales and deliveries to the home shall be calculated as follows: add 1½¢ per quart, or a proportionate amount for a part of a quart, to the seller's established maximum price for sales to such classes of purchasers, as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation: *Provided, however,* That the adjusted maximum prices shall in no event be higher than the specific maximum prices listed in the table above.

* * * * *

(ii) *Maximum prices for fluid milk sold at wholesale in specified localities.* The maximum prices of fluid milk sold and delivered at wholesale, in the localities set forth below, shall be the seller's maximum price as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, or the applicable adjusted maximum price specified in th schedule set forth below, whichever is higher[*]: *Provided,* That where the adjusted maximum price is expressed as "plus" a specified amount, the amount specified is to be added to the seller's maximum price as determined under said § 1499.2.

[*] This pricing formula is not applicable to certain sales at wholesale in the New York Metropolitan area and the Memphis, Tennessee area under inferior subdivisions (*h*) and (*p*) below. Specified maximum prices listed supersede entirely the seller's ceiling prices as determined under § 1499.2, General Provisions, of General Maximum Price Regulation.

SALES TO STORES, HOTELS, RESTAURANTS, AND INSTITUTIONS

Locality	Special type	Grade	Container size	Type of container	Adjusted maximum price (cents)
(p) Memphis, Tennessee area		Approved	Quart	Glass or paper	11½
		Approved	Pint	Glass or paper	7
		Approved	½ pint	Glass or paper	4
	Premium (5% butterfat content).	Approved	Quart	Glass or paper	13½
		Approved	Pint	Glass or paper	8
		Approved	½ pint	Glass or paper	4½
	Chocolate drink	Approved	Quart	Glass or paper	13½
		Approved	Pint	Glass or paper	8
		Approved	½ pint	Glass or paper	4
	Skim buttermilk	Approved	Quart	Glass or paper	7½
		Approved	Pint	Glass or paper	4
	Skimmed milk	Approved	Quart	Glass or paper	9

Maximum prices for sales at wholesale to other classes of purchasers. Maximum prices for sales at wholesale to classes of purchasers not included in sales to stores, hotels, restaurants or institutions shall be calculated as follows: add 1½¢ per quart, or a proportionate amount for a part of a quart, to the seller's established maximum price for sales to such classes of purchasers, as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation: *Provided, however,* That the adjusted maximum prices shall in no event be higher than the specific maximum prices listed in the table above.

Maximum prices for bulk sales at wholesale to stores, hotels, restaurants, and institutions. Maximum prices for sales at wholesale, other than in glass or paper containers, to stores, hotels, restaurants, and institutions shall be as follows:

(*i*) Sales of less than 5 gallons: 43¢ per gallon.

(*ii*) Sales totaling between 5 and 10 gallons: 42¢ per gallon.

(*iii*) Sales totaling between 10 and 30 gallons: 41¢ per gallon.

(*iv*) Sales over 30 gallons: 40¢ per gallon.

The applicable listed maximum prices apply to bulk sales according to the total volume involved, regardless of the units or container sizes in which delivery is made, whether one gallon or multiples of one gallon.

* * * * *

(vii) *Definitions.* For purposes of this subparagraph (1):

* * * * *

(*r*) "Memphis, Tennessee area" means the territory included in the marketing area geographically defined in Federal Milk Marketing Order O–64, effective October 4, 1942, issued by the Secretary of Agriculture.

(b) *Effective dates.* * * *

(96) Amendment No. 95 (§ 1499.73 (a) (1)) to Supplementary Regulation No. 14 shall become effective January 16, 1943.

(Pub. Laws 421 and 729; 77th Cong.; E.O. 9250; 7 F.R. 7871)

Issued this 16th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43–859; Filed, January 16, 1943; 5:11 p. m.]

Chapter XIII—Petroleum Administration for War

PART 1526—MARKETING FUEL OIL

[Petroleum Administrative Order 3]

The fulfillment of the requirements for the defense of the United States has created in certain areas a shortage in the supply of fuel oil for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest, to promote the national defense, and to provide adequate supplies of fuel oil for military and other essential uses:

§ 1526.1 *Petroleum Administrative Order 3*—(a) *Definitions.* (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) "Petroleum" means petroleum, petroleum products, and associated hydrocarbons.

(3) "Fuel oil" means any liquid petroleum product commonly known as fuel oil, including Grades Nos. 1, 2, 3, 4, 5, and 6, Bunker "C", Diesel oil, kerosene, range oil, gas oil, or any other liquid petroleum product used for the same purposes as any such product.

(4) "Commercial, industrial or governmental consumer" means any person as to whom the Office of Price Administration has determined, pursuant to § 1394.5402 of Ration Order No. 11, as amended, an "allowable ration" for any current period of more than 9,000 gallons of fuel oil for purposes other than space heating or hot water, but shall include such person only to the extent that he receives fuel oil for such purposes.

[NOTE: § 1394.5402 appears at 7 F.R. 8897]

(5) "Refiner" means any person engaged in the refining or compounding of finished or unfinished petroleum.

(6) "Asphalt" means asphalt of petroleum origin and all asphalt products of petroleum origin, including but not limited to paving asphalts, roofing asphalts, industrial asphalts, asphalt fluxes, and road oils.

(7) "District One" means the States of Maine, New Hampshire, Vermont,

Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, and Florida, and the District of Columbia.

(b) *Restrictions on delivery of fuel oil.* (1) Fifteen days after the effective date of this order no person may deliver or otherwise supply fuel oil to any commercial, industrial or governmental consumer for purposes other than furnishing space heating or hot water and no such consumer may accept delivery of fuel oil for such purposes unless:

(i) In the case of a commercial, industrial or governmental consumer whose use of fuel oil is exclusively in any operation or operations listed in Schedule A, he shall first have filed Form PAW 1, in accordance with paragraph (d) of this order and so certifies as set forth in paragraph (c) (1) of this order;

(ii) In the case of any commercial, industrial or governmental consumer whose use of fuel oil is not exclusively in any operation or operations listed in Schedule A, he shall first have surrendered the fuel oil ration issued to him by the Office of Price Administration for redetermination pursuant to § 1394.5402 of Ration Order No. 11, as amended, of the Office of Price Administration and so certifies as set forth in paragraph (c) (2) of this order.

(2) The Petroleum Administrator for War may from time to time certify to the Office of Price Administration for appropriate action any modification of the fuel oil ration of any commercial, industrial or governmental consumer, whether or not such consumer's operations are listed in Schedule A, which the Petroleum Administrator for War may determine to be necessary or appropriate. The Petroleum Administrator for War shall send a copy of such certification to the consumer affected thereby and to the appropriate Regional Office of the Office of Price Administration. The consumer shall immediately present his copy of such certification to his war price and ration board or to such State, District or Regional Office of the Office of Price Administration as may be designated by its Regional Administrator for the region in which the consumer's board is located, and such board or office will thereupon take appropriate action for the cancellation or withdrawal of all or any part of his ration or for the increase of his ration, in accordance with the certification of the Petroleum Administrator for War.

(c) *Certification required for delivery of fuel oil.* Paragraph (b) requires that a certification in substantially the following form be delivered to the delivering supplier before the first delivery of fuel oil to the consumer subsequent to fifteen days after the issuance date of this order, signed by a duly authorized official:

(1) *Where the commercial, industrial or governmental consumer's use of fuel oil is exclusively in any operation or operations listed in Schedule A.*

(Date)

To the PETROLEUM ADMINISTRATOR FOR WAR:

The undersigned consumer certifies that his use of fuel oil is exclusively in operations listed in Schedule A of Petroleum Administrative Order No. 3, that he has filed Form PAW 1 for confirmation of his Schedule A operations, and that this delivery is in accordance with Petroleum Administrative Order No. 3 and Ration Order No. 11, as amended, of the Office of Price Administration, with the terms of which he is familiar.

(Name of Commercial, Industrial or Governmental Consumer)

By ---
(Signature of Duly Authorized Official)

(Address of Such Consumer)

(2) *Where the commercial, industrial or governmental consumer's use of fuel oil is not exclusively in operations listed in Schedule A.*

(Date)

To the PETROLEUM ADMINISTRATOR FOR WAR:

The undersigned consumer certifies that he has surrendered his fuel oil ration issued by the Office of Price Administration for redetermination pursuant to § 1394.5402 of Ration Order No. 11, as amended, and that this delivery is in accordance with Petroleum Administrative Order No. 3 and Ration Order No. 11, as amended, of the Office of Price Administration, with the terms of which he is familiar.

(Name of Commercial, Industrial or Governmental Consumer)

By ---
(Signature of Duly Authorized Official)

(Address of Such Consumer)

No person may deliver or otherwise supply fuel oil to any commercial, industrial or governmental consumer where he knows or has reason to believe such consumer's certification to be false.

(d) *Confirmation of Schedule A operations.* Within fifteen days after the effective date of this order each commercial, industrial or governmental consumer whose use of fuel oil is exclusively for any operation or operations listed in Schedule A shall file Form PAW 1 for confirmation of his Schedule A operations. Such form shall be filed in quintuplicate: 4 copies to the District Director in Charge, Petroleum Administration for War, 122 East 42nd Street, New York, New York, Ref: PAO 3, and 1 copy to the Regional Office of the Office of Price Administration for the region in which the consumer's war price and ration board is located.

(e) *Inventory restrictions.* No person may deliver or otherwise supply fuel oil to any commercial, industrial or governmental consumer, and no such consumer may accept delivery of fuel oil where such consumer has more than 10 days' rationed requirements of fuel oil for his operations: *Provided,* That any single delivery of fuel oil by means of a transportation facility generally used in such delivery, which brings the amount of fuel oil in the commercial, industrial or governmental consumer's possession to more than 10 days' requirements for such operations, may be completed.

(f) *Restrictions on production and movement of asphalt.* (1) No person may deliver or otherwise supply asphalt from outside District One to any person within District One, and no person within District One may accept delivery of asphalt from outside District One, except where the delivery of such asphalt does not involve the use of a tanker, barge, tank car, tank truck or tank truck trailer: *Provided,* That the delivery of any asphalt loaded on an interstate common carrier on the effective date of this order may be completed.

(2) No refiner within District One may produce asphalt, and no person may accept delivery of asphalt from any refiner within District One where he knows or has reason to believe such asphalt was produced after the effective date of this order.

(g) *Reports.* All persons affected by this order shall execute and file with the Petroleum Administration for War such reports and questionnaires as the Petroleum Administrator for War may from time to time request.

(h) *Appeals.* 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 Petroleum Administrator for War, who, after clearance with the War Production Board, shall take such action as may appear necessary or appropriate and shall notify the appropriate Regional Office of the Office of Price Administration of any such action. Such appeal shall be filed in quadruplicate on Form PAW 2 and shall be addressed to the District Director in Charge, Petroleum Administration for War, 122 East 42d Street, New York, New York.

(i) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to the District Director in Charge, Petroleum Administration for War, 122 East 42d Street, New York, New York, Ref: PAO 3.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, by any act or omission, falsifies records kept or information furnished in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment. Any person who wilfully violates any provision of this order may be prohibited from delivering or receiving any material under priority control, or such other action may be taken as is deemed appropriate.

(k) *Area of applicability.* Paragraphs (b), (c), (d), and (e) shall apply only to any person, or to the delivery of fuel oil, in District One.

(l) *Effective date.* This order shall take effect on the date of issuance and shall continue in effect until April 1, 1943, unless sooner revoked.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th

Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 18th day of January 1943.

HAROLD L. ICKES,
Petroleum Administrator for War.

SCHEDULE A

1.00 Hospitals.
2.00 Food—Facilities for agricultural, commercial, and industrial food production, food processing, and food preservation except restaurants, hotels, and retail stores.
3.00 Transportation services:
- 3.01 Urban, suburban, and interurban common or contract carriers of passengers or freight, including terminals.
- 3.02 Railways, including terminals.
- 3.03 Waterborne shipping, including locks and terminals.
- 3.04 Airports and airfields.
- 3.05 Oil pipe lines and pumping stations.
- 3.06 Maintenance and repair yards or shops used exclusively for the maintenance or repair of the above transportation services.

4.00 Public utility services, including the production, generation, transmission, or distribution of the following for general use by the public:
- 4.01 Electric energy.
- 4.02 Natural gas.
- 4.03 Manufactured gas.
- 4.04 Water.

5.00 Public communications services:
- 5.01 Newspapers.
- 5.02 Radio communication and broadcasting.
- 5.03 Telephone and telegraph systems.

6.00 Sanitation services, including sewer systems and collection and disposal of refuse.
7.00 Metal production:
- 7.01 Metal ore mining.
- 7.02 Metal and metal ore refining.
- 7.03 Metal mills.

8.00 Producers and refiners of petroleum and petroleum products.
9.00 Natural and synthetic rubber plants.
10.00 Industrial plants to the extent of their minimum necessary requirements for the production or processing of the following:
- 10.01 Aircraft, aircraft engines, aircraft parts.
- 10.02 Airplane landing mats.
- 10.03 Arms and armament.
- 10.04 Artillery.
- 10.05 Ammunition and ammunition boxes.
- 10.06 Ships and ship parts.
- 10.07 Combat tanks and parts.
- 10.08 Combat vehicles and parts.
- 10.09 Military radio and radar equipment.
- 10.10 Track-laying tractors.
- 10.11 Steam engines.
- 10.12 Turbines.
- 10.13 Explosives and pyrotechnics.
- 10.14 Navigation instruments.
- 10.15 Searchlights.
- 10.16 Power boilers above 100 lbs. pressure.
- 10.17 Metal tanks.
- 10.18 Steam condensers.
- 10.19 Carbon, graphite products.
- 10.20 Electric motors and generators.
- 10.21 Switch gear.
- 10.22 Reciprocating compressors and vacuum pumps and power-driven pumps (except farm).
- 10.23 Blowers, fans (except ventilators).
- 10.24 Mechanical power transmission equipment.
- 10.25 Fabricated pipe.
- 10.26 Welding rods.
- 10.27 Abrasives.
- 10.28 Heat exchangers.
- 10.29 Industrial stokers.
- 10.30 Machine tools and attachments.
- 10.31 Transformers, capacitors, and switchboard apparatus.
- 10.32 Pressure vessels.
- 10.33 Diesel and gas engines.
- 10.34 Water purification equipment.
- 10.35 Locomotives and railroad cars.
- 10.36 Surgical, medical, and dental equipment and supplies.
- 10.37 Optical instruments and lenses.
- 10.38 Construction machinery and equipment.
- 10.39 Liquid oxygen.
- 11.00 Scientific testing and research laboratories, to the extent that they are engaged in any operation relating to the production or processing of any munition equipment or material listed in paragraph 10.00.

[F. R. Doc. 43-890; Filed, January 18, 1943; 12:01 p. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

HANDLING, LOADING, AND UNLOADING OF EXPLOSIVES IN CANAL ZONE PORTS

Sections 4.115a to 4.115o, inclusive, governing the handling, loading, and unloading of explosives in Canal Zone ports, are added as follows, supplementing §§ 4.106 to 4.115:

Sec.
- 4.115a Application.
- 4.115b Classification of explosives.
- 4.115c Inspection for and report of fires.
- 4.115d Authorization to load or unload explosives.
- 4.115e Loading or unloading explosives at same time as other cargo.
- 4.115f Preparations before handling, loading or unloading explosives.
- 4.115g Manner of handling, loading or unloading explosives.
- 4.115h Chute used in loading or unloading explosives.
- 4.115i Equipment for loading or unloading explosives.
- 4.115j Lights, firearms, matches, cigarette lighters, bale hooks, oily rags, metallic tools, footwear.
- 4.115k Fires on docks, lighters, or vessels.
- 4.115l Smoking prohibited.
- 4.115m Persons under influence of liquor or drugs.
- 4.115n Damaged or leaking containers of explosives.
- 4.114o Damaged or leaking containers of explosives not to be accepted for transportation.

AUTHORITY: §§ 4.115a to 4.115o, inclusive, issued under Rule 9, E.O. 4314, Sept. 25, 1925. (§ 4.11)

SOURCE: Governor's Regs., Sept. 18, 1942, as amended Dec. 29, 1942.

§ 4.115a *Application.* Sections 4.115a to 4.155o apply to all vessels, domestic and foreign, regardless of character, tonnage, size, service, and whether self-propelled or not, and whether arriving or departing, or under way, moored, anchored, or aground, except tankers: *Provided, however,* That said sections shall not be construed to apply to the transportation of military or naval forces with their accompanying munitions of war or stores. [Reg. 88.A-11]

§ 4.115b *Classification of explosives.* Explosives are classified for purposes of §§ 4.115a to 4.115o as follows:

CLASS A—DANGEROUS EXPLOSIVES

Ammunition for cannon with explosive projectiles.
Ammunition for cannon with explosive gas projectiles.
Ammunition for cannon with explosive smoke projectiles.
Ammunition for cannon with explosive incendiary projectiles.
Ammunition for small arms with explosive bullets.
Black powder.
Blasting powder.
Blasting caps—more than 1,000.
Blasting caps with safety fuse—more than 1,000.
Blasting caps, electric—more than 1,000.
Boosters (explosive). Detonating fuses.
Explosive bombs.
Explosive mines.
Explosive rifle grenades.
Explosive projectiles.
Explosive torpedoes.
Explosive hand grenades.
High explosives.
Low explosives.
Initiating explosives.
Wet fulminate of mercury.
Wet diazodinitrophenol.
Wet pentaorythrite tetranitrate.
Wet lead azide.

CLASS B—LESS DANGEROUS EXPLOSIVES

Ammunition for cannon with empty projectiles.
Ammunition for cannon with sand loaded projectiles.
Ammunition for cannon with solid projectiles.
Ammunition for cannon without projectiles.
Deteriorated smokeless powder for cannon.
Smokeless powder for cannon.
Smokeless powder for cannon or small arms in water.
Smokeless powder for small arms.
Fireworks.

CLASS C—RELATIVELY SAFE EXPLOSIVES

Ammunition for small arms. Small arms primers.
Blasting caps—1,000 or less caps.
Blasting caps with safety fuse—1,000 or less caps.
Cartridge bags, empty, with black powder igniters.
Cartridge, cases, empty, primed.
Combination fuses. Combination primers. Cordeau detonant.
Delay electric igniters. Electric blasting caps—1,000 or less.
Electric squibs. Safety squibs.
Empty cartridge bags. Black powder igniters.
Empty cartridge cases primed.
Fuse igniters. Fuse lighters. Fuse, safety. Igniters.
Fuses, combination, percussion, time or tracer. Instantaneous fuse. Grenades, empty, primed.
Percussion caps. Percussion fuses. Primers. Toy caps. [Reg. 88. A-12]

§ 4.115c *Inspection for and report of fires.* The master of any vessel having on board explosives or other dangerous articles or substances as cargo and about to enter a port of the Canal Zone shall make or cause to be made an inspection prior to entering such port. If the inspection discloses the presence of fire or any other hazardous condition, such condition shall immediately be reported to the Captain of the Port and the master or person in charge of such vessel shall com-

ply with the instructions given by the Captain of the Port as to procedure to be followed in entering port. [Reg. 88. A–13]

§ 4.115d *Authorization to load or unload explosives.* Shipments of Class A explosives in amount exceeding 500 pounds shall not be loaded on or unloaded from any vessel in Canal Zone ports until authorization for such loading or unloading has been obtained from the Port Captain concerned. [Reg. 88. A–14]

§ 4.115e *Loading or unloading explosives at same time as other cargo.* Explosives shall not be loaded or unloaded at the same time that other cargo is being loaded or unloaded unless approval is obtained from the Port Captain concerned: *Provided,* That in no case shall drums or other containers of inflammable liquids classed as Grade "A," "B," or "C" by § 4.116 be loaded or unloaded at the same time that explosives are being loaded or unloaded. [Reg. 88. A–15]

§ 4.115f *Preparations before handling, loading or unloading explosives.* All decks, gangways and hatches over or through which explosives must be passed or handled in loading or unloading, shall be freed of all loose material and shall be swept broom clean both before and after loading or unloading. The hatches and cargo ports opening into a compartment in which explosives are stowed shall be kept closed at all times, except during loading or unloading of the compartment. When closed the hatches shall be covered with tarpaulins securely battened. [Reg. 88.A–16]

§ 4.115g *Manner of handling, loading or unloading explosives.* All explosives must be handled carefully. Packages of explosives must not be thrown, dropped, rolled, dragged or slid over each other or over the decks. In transferring explosives to or from a pier or another vessel the packages must be handled by hand or by using a regulation chute and mattress. If the difference in elevation between the vessels or a vessel and the dock, or conditions of weather render it difficult to safely load or unload by hand or chute, mechanical hoist, crates, rope-net slings or basket may be used. The maximum load handled in crates, rope-net slings or baskets per draft shall not exceed 2,400 pounds. No containers of explosives shall be loaded above the side of any crate or basket nor shall rope-net slings be so loaded as to prevent the sling from encompassing the entire load on its top side. Explosives shall not be handled roughly. They must be hoisted and lowered carefully and only deposited or lowered onto a mattress. Blasting caps, detonating fuses, fulminate of mercury and other initiating or priming explosives as defined in these regulations shall be considered as constituting a distinct class of dangerous explosives and because of the hazard involved they shall be handled with extreme care. "Can" hooks shall not be used for raising or lowering barrel, drum, or other container of explosives. Metal bale hooks shall not be used in handling packages of explosives. Transfer trucks equipped with "electric motor" means of propulsion shall not be used in handling any high explosive, low explosive, black powder or smokeless powder. [Reg. 88.A–17]

§ 4.115h *Chute used in loading or unloading explosives.* The incline of the chute to be used in loading or unloading explosives shall be such that the velocity of the packages sliding will not be great enough to cause violent shock when coming in contact with the other packages, on the chute or when reaching the bottom of chute. If otherwise, men shall be stationed alongside the chute to retard and control the velocity of the packages. Chutes shall be carefully wiped down with waste moistened with machine oil when packages of explosives are being used. [Reg. 88.A–18]

§ 4.115i *Equipment for loading or unloading explosives.* Before explosives are loaded or unloaded from a vessel the master or other person in charge of the vessel shall be required to ascertain by examination the condition and working of all slings, crates, baskets, boxes, chutes, mattresses, tackle and other equipment to be used in the transfer operation. Any and all equipment which in the judgment of the master or other person in charge of the vessel is not in safe working condition shall be rejected and the master or such other person shall prohibit its use and take such precautions as he may deem necessary to be certain such rejected equipment is not used for the purpose of loading or unloading explosives. The master or other person in charge of the vessel shall keep watch of all equipment used during the transfer of explosives and if any part of the equipment shows any defect or is damaged in use, work shall be stopped and the damage or defective equipment repaired or replaced before permitting the loading or unloading to continue. This inspection of cargo working equipment shall apply to the vessel's equipment and to stevedore or other contractor's equipment. [Reg. 88.A–19]

§ 4.115j *Lights, firearms, matches, cigarette lighters, bale hooks, oily rags, metallic tools, footwear.* No artificial light except electric lights or electric lamps or flood lights shall be used while loading or unloading explosives. Flash lights of a non-spark type shall be provided by the vessel owner or operator for persons required to enter holds in which explosives are stowed. Members of the crew of the vessel and other persons permitted on board the vessel to aid and assist in loading or unloading explosives shall not be permitted to have or carry on their persons firearms, matches, cigarette lighters, bale hooks, oily rags, or metallic tools. No person engaged in loading or unloading Class A dangerous or Class B less dangerous explosives (except fireworks) shall wear boots or shoes shod or strengthened with iron nails or metal, unless such boots or shoes are covered with rubber, leather, felt or some such nonsparking material. [Reg. 88.A–20]

§ 4.115k *Fires on docks, lighters, or vessels.* No unnecessary fire shall be permitted on docks, lighters or vessels, while loading or unloading explosives. Fires deemed necessary must be properly safeguarded and left in constant charge of some competent person assigned for that purpose by the master for the entire period of cargo transfer. A line of fire hose of sufficient length to cover the area of loading or unloading operations and connected with an adequate water supply shall be laid ready for use. [Reg. 88.A–21]

§ 4.115*l* *Smoking prohibited.* Smoking is prohibited on or near any vessel loading or unloading explosives. "No Smoking" warning signs shall be posted during operations of loading or unloading such cargo. "No Smoking" signs shall be located on the pier at a safe distance from the vessel when such loading or unloading is taking place at a pier. [Reg. 88.A–22]

§ 4.115m *Persons under influence of liquor or drugs.* No person who, in the judgment of the master or other person in charge of the vessel, may be considered as being under the influence of liquor or drugs, shall be permitted on board a vessel while loading or unloading or transporting explosives. [Reg. 88.A–23]

§ 4.115n *Damaged or leaking containers of explosives.* If upon arrival of a vessel in port it is found that a container of explosives has been damaged or is leaking the master of the vessel shall consult the port authorities and request instructions as to disposition of the insecure container. Any container of explosives showing evidence of damage or leakage of a liquid ingredient shall not be handled with other explosives being loaded or unloaded but shall be segregated and held for inspection and disposition. [Reg. 88.A–24]

§ 4.115o *Damaged or leaking containers of explosives not to be accepted for transportation.* Any container of an explosive when offered for transportation or storage in the Canal Zone showing excessive dampness or escaping nitrous fumes, or which is moldy or shows outward signs of any oil stain or other indication that the absorption of the liquid part of the explosive is not perfect, or that the amount of the liquid part of the explosive is greater than the absorbent can carry, shall not be accepted for transportation. The master or person in charge must substantiate any claim that a stain is due to accidental contact with grease, oil, or similar substance. In case of doubt the container shall be refused. [Reg. 88.A–25]

GLEN E. EDGERTON,
Governor.

[F. R. Doc. 43–816; Filed, January 16, 1943; 10:16 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 2—ADJUDICATION: VETERANS' CLAIMS

JURISDICTION

Revision of § 2.1007.

§ 2.1007 *Information on all decisions to be furnished to veterans.* The claimant will, in all cases in which he appears personally before a rating board, be informed by the board of the decision reached and the reason therefor. The claimant will also be advised upon com-

pletion of adjudicative action based upon the decision, of the provisions thereof, and his entitlement or non-entitlement thereunder and of his right of appeal, and of the time within which appeal must be taken. While failure to receive written notice of right to, and time for, appeal will not extend the time for filing appeal, it will not preclude an administrative review in a meritorious case upon a proper authorization. (January 18, 1943) (48 Stat. 9; 38 U.S.C. 707)

[SEAL] FRANK T. HINES,
Administrator.

[F. R. Doc. 43-763; Filed, January 15, 1943; 11:37 a. m.]

PART 30—BOARD OF VETERANS' APPEALS

JURISDICTION OF THE BOARD OF VETERANS' APPEALS

Revision of § 30.9803.

§ 30.9803 *Appeals filed under the laws repealed by Public No. 2, 73d Congress.* (a) The board of veterans' appeals shall have jurisdiction to consider appeals from decisions rendered under the laws in force on March 19, 1933, relating to claims for pension, compensation, or emergency officers' retirement pay, in all cases reviewed pursuant to the provisions of paragraph 2 of section 20, Public No. 78, 73d Congress, including claims for increase of such benefits. The board of veterans' appeals shall also have jurisdiction to consider appeals either by the claimant or his authorized representative or by an authorized employee of the Veterans Administration properly filed prior to March 20, 1933, in accordance with the then existing procedure, in claims for pension, compensation, or emergency officers' retirement pay, including claims for increase of such benefits, where the claim has been continuously prosecuted. (January 18, 1943) (48 Stat. 10; 38 U.S.C. 709)

No change in (b) and (c).

[SEAL] FRANK T. HINES,
Administrator.

[F. R. Doc. 43-764; Filed, January 15, 1943; 11:37 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Reclamation

[No. 3]

PART 402—ANNUAL WATER CHARGES[1]

YAKIMA PROJECT, WASH.; ROZA DIVISION

JANUARY 1, 1943.

Whereas, I have determined that it is factually impossible, in view of provision for construction of distribution works by the United States under the contract with the Roza Irrigation District dated December 13, 1935, to make water available for diversion by said District for irrigation use as contemplated in article 16 of the contract of July 8, 1921, as amended by the contract with the said District dated April 15, 1935; and

[1] Affects tabulation in § 402.2e.

2. Whereas it is factually impossible to promulgate during the year 1943, any of the public notices of construction charges contemplated in article 12 of said contract dated December 13, 1935, because construction work contemplated by said contract is not sufficiently advanced; therefore

3. Announcement is hereby made, pursuant to article 31 of the contract dated December 13, 1935, that water may be furnished, if and when available, during the irrigation season of 1943 (from April 1 to October 31, inclusive) for the irrigation of Roza Irrigation District lands, hereinafter described, upon a water rental basis, at rates and upon terms following:

(a) For privately owned lands under the Yakima Ridge Canal in the following sections:

Sections 17, 20, 29, and 32, township 14 north, range 19 east, W. M.;
Sections 16, 22, 23, 25, 26, and 36, township 13 north, range 19 east, W. M.;
Sections 30, 31, and 32, township 13 north, range 20 east, W. M.;
Sections 4, 5, 6, 7, 8, 9, 17, 18, 28, 29, 30, 31, 32, 33, and 34, township 12 north, range 20 east, W. M.;
Sections 1 11, 12, 13, and 14, township 12 north, range 19 east, W. M.;
Sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 24, and 25, township 11 north, range 20 east, W. M.;
Sections 7, 17, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, township 11 north, range 21 east, W. M.;
Sections 1, 2, 3, and 4, township 10 north, range 21 east, W. M.;
Sections 29, 30, 31, 32, and 33, township 11 north, range 22 east, W. M.;
Sections 4, 5, and 6, township 10 north, range 22 east, W. M.

(b) A minimum charge of one dollar ($1.00) per irrigable acre for each irrigable acre of the legal subdivision for which such service is requested for two (2) acre-feet per acre per annum, and payable by the District to the United States in advance of delivery of water. Additional water will be furnished at the following rates payable by the District in advance:

	Per acre-foot
Third acre-foot per acre	$0.75
Fourth acre-foot per acre	1.00
Fifth acre-foot per acre	1.25

4. Water will be delivered and measured at the tap or weir nearest to the individual farms.

5. The District will request water delivery for, and certify to the United States as entitled to receive water, only such lands as are owned or are held under contract of purchase by persons duly qualified to receive water under the terms of said Reclamation Act of June 17, 1902 (32 Stat., 388), and acts of Congress supplementary thereto or amendatory thereof, and who have duly complied with the requirements of the contract of December 13, 1935, between the United States and the Roza Irrigation District, including:

(a) The execution and delivery of the recordable contract,

(b) The execution and delivery of an application for water service, as provided for in article 28 of said contract; and

(c) The execution and delivery of a valid recordable contract, in the case of ownership of excess land, as provided for in article 29 of said contract.

6. Applications for water on the basis of this announcement will be received at the office of the Secretary of the Roza Irrigation District at Zillah, Washington, and payments will be made to that office.

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

ABE FORTAS,
Under Secretary.

[F. R. Doc. 43-813; Filed, January 16, 1943; 10:16 a. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

[General Order 8, (Rev.), Supp. 9]

PART 302—CONTRACTS WITH VESSEL OWNERS AND RATES OF COMPENSATION RELATING THERETO

PAYMENT ON ACCOUNT; RIGHTS THEREUNDER

Whereas, the War Shipping Administrator authorized the payment on account in the amount of only seventy-five per cent of the amount of hire stipulated in time charters and fifty per cent of the amount of hire stipulated in bareboat charters covering requisitioned vessels, and directed the withholding of the balance of such hire as set forth in the communication addressed by the Secretary, War Shipping Administration, "To the Owners of All Vessels Purchased, Chartered, or Requisitioned for Use or Title by the War Shipping Administration" dated December 17, 1942, and

Whereas, for administrative convenience and to avoid unnecessary duplication of legal and administrative documents and to facilitate operations, it is desirable to make provision for blanket reservations of all legal rights.

It is ordered, That General Order 8 (Revised), be amended by adding the following:

§ 302.88 *Payment on account; rights thereunder.* In cases where the War Shipping Administrator has authorized or hereafter shall authorize payment on account in the amount of only seventy-five (75) per cent of the amount of hire stipulated in time charters and fifty (50) per cent of the amount of hire stipulated in bareboat charters covering requisitioned vessels, and has directed or hereafter shall direct the withholding of the balance of such hire, payment of the said seventy-five (75) per cent or fifty (50) per cent of the hire, as the case may be, or any modifications thereof, by the War Shipping Administration shall be without prejudice of any of the rights, claims or defenses of the United States of whatsoever kind or nature and acceptance of said seventy-five (75) per cent or fifty (50) per cent of hire, as the case may be, or any modifications thereof, by the owner, or any other person entitled to receive the hire, of any chartered vessel shall be deemed to have been made under protest and shall not constitute an accord and satisfaction of hire due, or

waiver of the right, if any, to claim and sue for the full hire due, with interest, and shall be without prejudice to the rights, if any, of the parties under the charter agreements and the Constitution and Laws of the United States. (E.O. 9054, 7 F.R. 837)

[SEAL] E. S. LAND,
Administrator.

JANUARY 15, 1943.

[F. R. Doc. 43-814; Filed, January 16, 1943; 10:56 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Amendment 1 to Service Order 102 [1]]

PART 97—ROUTING OF TRAFFIC

COAL TO TOLEDO, OHIO, AND MICHIGAN

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of January, A. D. 1943.

Good cause appearing therefor and upon further representations from the Office of Defense Transportation: *It is ordered*, That

Section 97.5 (a) [8 F.R. 449] be, and it is hereby, amended to read as follows:

§ 97.5 *Coal to Toledo, Ohio, and Michigan.* (a) All cars loaded with coal originating on the Chesapeake and Ohio Railway in the states of Kentucky, Virginia, West Virginia and Ohio, or delivered to the Chesapeake and Ohio Railway by other railroads in those states, with destinations at Toledo, Ohio, or points in the state of Michigan, or moving through those points destined to points beyond, shall be transported by the Chesapeake and Ohio Railway to Toledo, Ohio, for delivery or further movement, notwithstanding shippers' routing instructions to the contrary, except cars routed via the Detroit, Toledo and Ironton Railroad. Cars loaded with coal originating on the Norfolk and Western Railway in the states of Virginia and West Virginia, or delivered to the Norfolk and Western Railway by other railroads in those states, with destinations at Toledo, Ohio, or points in the state of Michigan, or moving through those points destined to points beyond, not to exceed 100 cars per day, shall be diverted to the Detroit, Toledo and Ironton Railroad at Glen Jean, Ohio, notwithstanding shippers' routing instructions to the contrary.

It is further ordered, That the effective date of this order shall be postponed to February 1, 1943; that copies of this amendment be served upon the carriers named in the original order and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-778; Filed, January 15, 1943; 3:30 p. m.]

[1] 8 F.R. 449.

[Service Order 102-A]

PART 97—ROUTING OF TRAFFIC

REVOCATION OF CAR SERVICE AGREEMENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 15th day of January, A. D. 1943.

Good cause appearing therefor and upon further representations from the Office of Defense Transportation: *It is ordered*, That:

Service Order No. 102, dated January 8, 1943, as amended January 14, 1943, § 97.5 of Part 97, be, and the same is hereby, vacated and set aside.

It is further ordered, That copies of this order be served upon the carriers named in Service Order No. 102 and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-887; Filed, January 18, 1943; 11:42 a. m.]

[Amendment 2 to Posting Order 308]

PART 148—POSTING TARIFFS AT STATIONS

MODIFICATION OF POSTING REQUIREMENTS

In the matter of modification of the provisions of section 6 of the Act with regard to posting freight or passenger tariffs at stations.

The modification of the posting requirements made by Posting Order No. 308 of April 30, 1942, as amended November 2, 1942, being under further consideration, and good cause appearing therefor:

It is ordered, That the list of localities specifically named in the eighth paragraph (§ 148.8) of the Commission's order of October 12, 1915, as amended by Posting Order No. 308 of April 30, 1942 and Amendment No. 1 thereto dated November 2, 1942,[1] be, and it is hereby further amended by adding to said list of localities at which complete public files of tariffs shall be provided and maintained, the following item:

Fordyce and Princeton R. R. Co., Little Rock, Ark.

[1] 7 F.R. 9054.

And it is further ordered, That this order shall continue in force until further order of the Commission.

Dated at Washington, D. C., this 14th day of January, 1943.

By the Commission, Commissioner Aitchison.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-886; Filed, January 18, 1943; 11:42 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-78]

TECUMSEH COAL CORP.

MEMORANDUM OPINION, ETC.

In the matter of the petition of Tecumseh Coal Corporation for revision of the effective minimum prices for the coals of Mine Index No. 105, District No. 11, in size groups 17 to 25, inclusive, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Memorandum opinion and order granting motion of District Board No. 11 and notice of and order for hearing.

This proceeding was instituted upon an original petition filed pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 by Tecumseh Coal Corporation, requesting a revision of the effective minimum prices for the coals of its Tecumseh Mine, Mine Index No. 105, District 11, in Size Groups 17–25, inclusive. Pursuant to appropriate order and after due notice, a hearing was held before H. A. Gray, the then Director of the Division. Thereafter, on November 2, 1942, the undersigned issued an opinion stating that he was not inclined to establish a special minimum price for petitioner's coals for shipment to a single consumer, and an order affording petitioner leave to amend its petition in accordance with the opinion.

On November 16, 1942, petitioner filed its amended petition requesting that the relief requested be made applicable for shipments of coal into Market Areas 21–28, inclusive, and 30–34, inclusive.

On November 27, 1942, District Board No. 11, an intervenor, filed a motion to postpone the reopened hearing for a sufficient length of time to enable the district board to make further investigation of the coals produced by the Tecumseh Mine and by other fifth vein mines in District 11, suggesting that such investigation would require from 60 to 90 days.

Good cause therefor having been shown, the motion of District Board 11 should be granted.

The hearing should be reopened, but at a date approximately sixty (60) days hence.

It is, therefore, ordered, That the hearing in this proceeding be reopened and held, under the applicable provisions of the Act and the rules of the Division, on March 9, 1943, at 10 o'clock in the fore-

noon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, to examine witnesses, to take evidence, to continue said hearing from time to time, to consider as part of the record in this matter the transcript of the hearing heretofore held before H. A. Gray, as above mentioned, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person who has not heretofore filed a petition of intervention in this matter and who desires to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the amended petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before March 1, 1943.

The matter concerned herewith is in regard to the propriety of a revision of the effective minimum prices, as established in Docket 15–A, for coals in Size Groups 17–25, inclusive, produced by Tecumseh Coal Corporation at its Tecumseh Mine, Mine Index No. 105, in District 11, particularly, but not necessarily exclusively, for shipment to Market Areas 21–28, inclusive, and 30–34, inclusive.

Dated: January 14, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43–766; Filed, January 15, 1943; 12:17 p. m.]

[Docket No. A–1757]

DISTRICT BOARD 1

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 1 for changes in price classification and minimum prices and in subdistrict designations for the coals of certain mines in District No. 1.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 28, 1943, at 10 o'clock in the forenoon of that day, Washington, D. C. On such day the Chief of the Records Section will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before the 23d day of January, 1943.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 1 for changes in price classifications and minimum prices and in subdistrict designations for the coals of certain mines in District No. 1, as shown in Exhibit A attached hereto and made a part hereof.[1]

It is further ordered, That the request for temporary relief be, and the same hereby is, denied without prejudice to the renewal of such request for temporary relief, upon further showing or upon the basis of the record to be made at the hearing to be held herein.

Dated: January 15, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43–811; Filed, January 16, 1943; 10:37 a. m.]

[1] Filed as part of the original document.

[Docket No. A–1694 Part II]

DISTRICT BOARD 9

ORDER GRANTING MOTION TO WITHDRAW PETITION, AND CANCELLING HEARING

In the matter of the Petition of District Board No. 9 requesting reclassification of the coals of the Ashmore & Poe Brothers' Mine, Mine Index No. 860, in District No. 9.

An original petition was filed with the Division by District Board 9 in Docket No. A–1694, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment of temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 9 and also requesting the reclassification of the coals of Ashmore & Poe Brothers' Mine (Mine Index No. 860) for rail and truck shipments.

By an order dated December 2, 1942 the portion of Docket No. A–1694 relating to the reclassification of the coals of Mine Index No. 860 was severed from the remainder of Docket No. A–1694 and designated as Docket No. A–1694, Part II; the request for temporary relief in Docket No. A–1694, Part II was denied, and a hearing in the matter was scheduled to be held on January 26, 1943.

On December 31, 1942, District Board 9 filed a motion to withdraw the part of the petition in the above entitled matter which pertains to Ashmore & Poe Brothers' Mine (Mine Index No. 860) on the ground that operation has ceased at Mine Index No. 860, and requested that the hearing in this matter be cancelled.

Now, therefore, It is ordered, That the motion of District Board 9 to withdraw that part of its petition in the above entitled matter which pertains to Ashmore & Poe Brothers Mine (Mine Index No. 860) be, and it hereby is, granted.

It is further ordered, That the hearing in Docket No. A–1694, Part II, heretofore scheduled to be held on January 26, 1943 be, and it hereby is, cancelled.

Dated: January 15, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43–810; Filed, January 16, 1943; 10:37 a. m.]

[Docket No. B–285]

P. S. NICHOL LUMBER COMPANY

ORDER ADOPTING PROPOSED FINDINGS OF FACT, ETC.

In the matter of P. S. Nichol, doing business under the name and style of P. S. Nichol Lumber Company, registered distributor, Registration No. 6859.

Order approving and adopting the proposed findings of fact, proposed conclusions of law and recommendation of the examiner, and revoking certificate of registered distributor.

This proceeding was instituted upon a Notice of and Order for Hearing dated July 2, 1942, issued by the Bituminous Coal Division pursuant to section 4 II (h) of the Bituminous Coal Act of 1937

and § 304.14 of the Rules and Regulations for the Registration of Distributors, to investigate and determine whether P. S. Nichol, an individual doing business under the name and style of P. S. Nichol Lumber Company, a registered distributor, Registration No. 6859, of St. Charles, Illinois, has violated any provision of the Act, the Code, the rules and regulations of the Division, including the Marketing Rules and the Distributors' Rules, or the Agreement executed by said P. S. Nichol as a registered distributor, and whether, if such violation occurred, the registration of respondent should be revoked or suspended or other appropriate orders should be issued.

Pursuant to Notice of and Order for Hearing, and after due notice to all interested persons, a hearing in this matter was held on August 5, 1942, before Charles O. Fowler, a duly designated Examiner of the Division, at a hearing room thereof at Chicago, Illinois. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. P. S. Nichol, respondent, appeared.

The Examiner made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendation in this matter, dated October 9, 1942, in which he found that P. S. Nichol, an individual doing business under the name and style of P. S. Nichol Lumber Company, a registered distributor, Registration No. 6859, had wilfully violated the Act, the Code, the Rules and Regulations, and the Orders of the Division, as alleged in the Notice of and Order for Hearing, during the period from November 19, 1940, to February 9, 1942, in that he accepted and retained discounts from the West Kentucky Coal Company, a code member, in the sum of $81.25, and from the Old Ben Coal Company, a code member, in the sum of $4.72, to which discounts he was not entitled.

The Examiner recommended that an order be entered cancelling and revoking the registration of said P. S. Nichol as a registered distributor and providing that no petition by said Nichol seeking reinstatement as a registered distributor be entertained within a period of 60 days from the effective date of said revocation, and that any petition for reinstatement presented by P. S. Nichol be supported by his affidavit affirming that during the period in which his registration as a registered distributor was cancelled and revoked he neither directly nor indirectly transacted any business as a registered distributor, nor received, nor was promised any discounts to which distributors are entitled by virtue of their registration, and further affirming that he has returned to the aforementioned code members the discounts unlawfully retained by him, specifying the amounts thereof and the dates when such discounts were returned.

An opportunity was afforded to all parties to file exceptions to the Examiner's report and to file supporting briefs, and no such exceptions or supporting briefs have been filed.

The undersigned has considered the record in this matter and has determined that the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendation of the Examiner should be approved and adopted as his Findings of Fact and Conclusions of Law.

Now, therefore, It is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That effective fifteen (15) days from the date hereof the registration of P. S. Nichol, an individual doing business under the name and style of P. S. Nichol Lumber Company, a registered distributor, Registration No. 6859, be, and it hereby is, cancelled and revoked.

It is further ordered, That no petition of said P. S. Nichol seeking reinstatement as a registered distributor shall be entertained before a period of 60 days from the effective date of the revocation of his certificate as a registered distributor shall have expired.

It is further ordered, That any petition of said P. S. Nichol for reinstatement as a registered distributor shall be supported by his affidavit which shall affirm that during the period in which his registration was cancelled and revoked he has neither directly nor indirectly transacted any business as a registered distributor, nor received nor was promised any discounts which distributors are entitled to receive by virtue of their registration, and which shall further affirm that he has returned to the code members named all discounts unlawfully retained by him, specifying the amounts so returned and the dates when such discounts were returned.

Dated: January 14, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-812; Filed, January 16, 1943; 10:37 a. m.]

[Docket No. C-24]

B. F. GOODRICH CO.

ORDER POSTPONING HEARING

In the matter of the application of the B. F. Goodrich Company for exemption pursuant to section 4-A of the Bituminous Coal Act of 1937.

The applicant in the above-entitled matter having moved that the hearing in said matter, heretofore scheduled for January 28, 1943, be postponed until February 20, 1943, or thereafter, and good cause having been shown why said motion should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from January 28, 1943, until 10 o'clock in the forenoon of February 23, 1943, at the place and before the officers heretofore designated.

Dated: January 16, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-868; Filed, January 18, 1943; 10:42 a. m.]

General Land Office.

[Stock Driveways 209, Oreg. 26 and 238, Oreg. 36]

OREGON

MODIFICATION AND REDUCTION OF STOCK DRIVEWAY WITHDRAWALS

By virtue of the authority contained in section 7 of the act of June 28, 1934, 48 Stat. 1272, as amended by the act of June 26, 1936, 49 Stat. 1976 (U.S.C., title 43, sec. 315f), and in section 10 of the act of December 29, 1916, 39 Stat. 865, as amended by the act of January 29, 1929, 45 Stat. 1144 (U.S.C., title 43, sec. 300): *It is ordered,* As follows:

The following-described public lands in Oregon are hereby classified as necessary and suitable for the purpose and, excepting any mineral deposits therein, are withdrawn from all disposal under the public-land laws and reserved, subject to valid existing rights, for the use of the general public as an addition to Stock Driveway Withdrawal No. 209, Oregon No. 26:

WILLAMETTE MERIDIAN

T. 12 S., R. 26 E.,
sec. 13, W½W½;
sec. 25, W½W½;
sec. 35, W½SW¼.
T. 13 S., R. 26 E.,
sec. 3, lot 1, SE¼NE¼, and E½SE¼;
sec. 10, NE¼NE¼.
The areas described aggregate 599.95 acres.

Any mineral deposits in the lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

The orders of the Assistant Secretary of the Interior of February 25, 1930, May 11, 1931, August 9, 1933, and January 19, 1937, establishing and modifying Stock Driveway Withdrawals Nos. 209 and 238, Oregon Nos. 26 and 36, are hereby revoked so far as they affect the following-described lands:

WILLAMETTE MERIDIAN

T. 11 S., R. 26 E.,
sec. 35, NE¼SE¼ and S½S½.
T. 12 S., R. 26 E.,
sec. 14, E½E½;
sec. 26, E½E½;
sec. 30, E½E½;
sec. 32, W½W½;
sec. 34, E½SW¼.
T. 13 S., R. 26 E.,
sec. 4, E½;
sec. 6, lots 2, 3, 4, 5, 6, and 7;
sec. 7, lots 1, 2, and E½NW¼;
sec. 10, NW¼NW¼, S½NW¼, NE¼SW¼, and W½SE¼;
sec. 14, SW¼NW¼, SW¼, and W½SE¼;
sec. 24, NE¼NW¼.
The areas described aggregate 2,197.78 acres.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

JANUARY 8, 1943.

[F. R. Doc. 43-806; Filed, January 16, 1943; 10:16 a. m.]

Office of Indian Affairs.

OROVILLE—TONASKET IRRIGATION DISTRICT, WASHINGTON

CANCELLATION OF ACCRUED CHARGES

Whereas, The Act of Congress approved June 22, 1936 (49 Stat. 1803),

authorized and directed the Secretary of the Interior to cause an investigation to be made to determine whether the owners of non-Indian lands within Indian irrigation projects and under projects where the United States has purchased water rights for Indians are unable to pay irrigation charges, and

Whereas, the said Act provides in part as follows:

> Where the Secretary finds that said landowners are unable to make payment due to the existence of such causes, he may adjust, defer, or cancel such charges, in whole or in part, as the facts and conditions warrant. In adjusting or deferring any such charges the Secretary may enter into contracts with said landowners for the payment of past due charges, but such contracts shall not extend the payment of such charges over a period in excess of ten years,

and

Whereas, such investigation and report covering the Oroville-Tonasket Irrigation District, Washington, have been completed, showing it to be economically infeasible for many of the owners now in possession of lands formerly in Indian ownership to pay the accrued construction, operation, and maintenance charges against them and that the collection of such charges should be adjusted, canceled in part, and payment of the balance to be made either in cash by the District or in installments by the individual landowners spread over periods of years, and

Whereas, it appears that the United States of America has paid $65,324.59 for the water right and for operation and maintenance for 908.47 acres of land formerly in Indian ownership but now owned by non-Indians, and

Whereas, it appears that $11,963.76 of said amount should be canceled on account of 168.74 acres of land, which it is no longer economically feasible to irrigate, and that further adjustments should be made in the balance of $53,360.83 then remaining chargeable against the balance of the acreage totaling 739.73 acres; and

Whereas, it appears that the sum of $25,315.52 should be spread over 739.73 acres (908.47 acres less 168.74 acres), and that a net credit of $6,778.15 ($8,278.95 gross receipts minus an economic credit of $1,500.80), representing repayments heretofore made by certain landowners should be given for such lands and the balance of $18,537.37 should be collected on account of said lands,

Now, therefore, I, Harold L. Ickes, Secretary of the Interior, pursuant to authority vested in me by the Act of June 22, 1936, and subject to confirmation by Congress as provided in section 6 of said Act hereby

(1) Cancel $40,009.07 of unpaid charges and adjust and restate the account between the United States of America and individual landowners within the Oroville-Tonasket Irrigation District, as follows:

Paid by the United States of America for water right on 908.47 acres		$61,603.35
Paid by the United States of America for operation and maintenance costs		3,721.24
Total amount paid by the United States		$65,324.59
Cancel on account of 168.74 acres of non-irrigable land	$11,963.76	
Cancel for enonomic reasons on condition $18,537.37 is paid	28,045.31	
Total cancellations		40,009.07
Balance recommended for collection		25,315.52
Receipts	$8,278.95	
Less: Amounts not recommended for refund	1,500.80	
Net repayments		6,778.15
Balance due the United States from individual landowners		18,537.37

Provided, That cancellation of $28,045.31 shall become effective upon the repayment, or upon the execution of contracts with individual landowners providing for the repayment in full, of the adjusted balance of $18,537.37, as specified on pages 69, 70, and 71 of the said report: *Provided, however*, That the District may pay the amount due in one payment, in which event the Government's lien shall be assigned to the District;

(2) Find that liens existing against each allotment of former Indian land affected by this order should be continued in full force and effect until the balance due against lands within such allotment shall have been so paid to the United States;

(3) Find that no landowner should be reimbursed for payments heretofore made by himself or his predecessors to the United States even though such payments exceed the adjusted amounts charged against his land before credit for repayments has been given.

Done at Washington, D. C., this 19th day of May 1942.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 43-866; Filed, January 18, 1943; 10:07 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration.

HANDLING OF MILK IN FALL RIVER, MASS., AREA

Notice of report and opportunity to file written exceptions with respect to a proposed marketing agreement, as amended, and Amendment 2 to Order 47, as amended, regulating the handling of milk in the Fall River, Massachusetts, Marketing Area.

Pursuant to § 900.12 (a), General Regulations, as Amended, Agricultural Marketing Administration, United States Department of Agriculture, notice is hereby given of the filing with the hearing clerk of this report of the Administrator of the Agricultural Marketing Administration with respect to an amended marketing agreement and to Amendment 2 to the order regulating the handling of milk in the Fall River, Massachusetts, marketing area. Interested parties may file exceptions to this report with the Hearing Clerk, Room 1329, Department of Agriculture, Washington, D. C., not later than the close of business on the 10th day after publication of this notice in the FEDERAL REGISTER.

The proceeding was initiated by the Agricultural Marketing Administration as the result of written petitions filed by the Fall River Milk Producers' Association, Inc., and the New England Milk Producers' Association, Inc., for a public hearing to receive evidence on several amendments they proposed. Other amendments were proposed by handlers after all interested parties had been notified by letter of the pending petition. It was concluded from consideration of the various proposed amendments that the hearing should be held and a notice of hearing was accordingly issued on April 18, 1942. The hearing was convened October 1, 1942, at Westport, Massachusetts. The hearing included, in addition to the industry proposals, consideration of proposals for amendments made by the Dairy and Poultry Branch, Agricultural Marketing Administration. The major issues developed at the hearing were concerned with (1) the classification of milk actually lost in handling operations (commonly known as shrinkage) and the classification of buttermilk, (2) the level of prices for Class I milk both inside and outside the marketing area, (3) the Class II skim milk price level, and (4) classification of interhandler transactions, particularly as between Fall River and Boston handlers.

With respect to these issues it is concluded from the record:

(1) The Class I price level should be increased 23 cents per hundredweight.

(2) Actual plant shrinkage should be reclassified from the present arrangement, which requires shrinkage associated with the handling of each class of milk to be in the respective class, to an arrangement whereby all actual shrinkage up to 2 percent of the quantity of milk received by handlers from producers shall be Class II milk.

(3) The Class II skim value should be revised to provide a value for skim milk based on prices published by the United States Department of Agriculture for roller process skim milk powder for both human consumption and animal feed, the yield factor and manufacturing cost factor to be as now provided in milk marketing Order 27 (New York metropolitan marketing area).

(4) The present paragraph in § 947.3 labeled, "Disposition of milk to other markets," should be revised to eliminate a present inconsistency between that provision and part (2) of the next succeeding provision labeled, "Disposition of milk to other markets," with respect to milk sold by a Fall River handler in the Boston marketing area. This revision will allow deletion of § 947.3 (e) (2).

(5) Administrative amendments should be made to revise the definition of the term "Secretary" to include any person who may be authorized to exercise the powers and to perform the duties of the Secretary, to amplify the powers of the market administrator to disseminate

statistics and information concerning the administration of the order, to amplify the provision relating to the responsibility of handlers in establishing the classification of milk, to clarify the powers of the administrator with respect to access to books and records necessary to verify reports of handlers, to reduce the size of the market administrator's cash balance in his producer-settlement fund, which now appears to be larger than necessary, to allow handlers 2 days longer to pay their equalization and administration assessments, and to add a new section entitled "Agents" which will allow the Secretary to designate in writing any officer or employee of the United States or any division of the United States Department of Agriculture to act as his agent in connection with this regulation.

From the evidence in the record it is concluded that other proposals for amendment heard at the hearing should not be adopted. These include reclassification of buttermilk from Class I to Class II and provision for pricing Class I milk sold outside the market area at prevailing prices in such outside markets if they differ from the Fall River prices.

The following proposed amendment prepared by the Administrator pursuant to § 900.12 (a) of the General Regulations, as amended, Agricultural Marketing Administration, is recommended as the detailed means by which these conclusions may be carried out. The proposed amended marketing agreement is not included in this report because the provisions thereof will be the same as the provisions of the proposed amendment to the order.

PROPOSED AMENDMENT 2 TO THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE FALL RIVER, MASSACHUSETTS, MARKETING AREA

It is found upon the evidence introduced at the public hearing held at Westport, Massachusetts, October 1, 1942:

Findings

1. That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8c (50 Stat. 246; 7 U.S.C. 1940 ed. 602, 608c), are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk and that the minimum prices set forth in this amendment to said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

2. That the order, as amended by this amendment, regulates the handling of milk in the same manner as and is applicable only to handlers defined in a marketing agreement, as amended, upon which a hearing has been held; and

3. That the issuance of this amendment to the order, as amended, and all of the terms and conditions of the order, as so amended, tend to effectuate the declared policy of the act.

Provisions

1. Delete § 947.1 (a) (2) and substitute therefor the following:

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

2. Add a new subparagraph to § 947.2 (b) as follows:

(4) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation of this order as do not reveal confidential information.

3. Delete § 947.3 (a) (2) (ii) and substitute therefor the following:

(ii) All milk accounted for as actual plant shrinkage not in excess of 2 percent of milk received from producers including milk of the handler's own production.

4. From § 947.4 (a) delete the words "for delivery periods prior to April 1, 1943, and thereafter $3.42 per hundredweight," and delete the present table of prices and substitute therefor the following:

92-score butter, wholesale, at New York average of quotations of the United States Department of Agriculture for 30 days immediately preceding the 25th day of each month (cents per pound).	Class I price for the delivery period following the 25th day of each month
	Dollars per hundredweight
Under 40	3.88
40 or over but under 45	4.11
45 or over	4.34

5. Delete the proviso in § 947.4 (b) and substitute therefor the following:

Provided, That for all delivery periods, except April, May, and June, any plus amount for skim value shall be added which results from the following computation: compute the average for all the dry skim milk powder quotations for carlots for "human food products (roller process) in barrels" and for "animal food products (hot roller) in bags," (using midpoint of any range as one quotation), published during such delivery period by the United States Department of Agriculture for New York City, subtract 4.0 cents, and multiply by 7.5; and that for the delivery periods of April, May, and June, compute any plus amount for skim value which results from the average of the skim value computed above and a value obtained as follows: compute the average of all quotations (using midpoint of any range as one quotation), published during the delivery period in the "Oil, Paint, and Drug Reporter" for domestic 20–30 mesh casein in bags in carlots at New York, subtract 6.6 cents and multiply by 2.2: *Provided further*, That if either computation results in a minus amount, the other shall be used in lieu of the average.

6. Add a new paragraph to § 947.3 as follows:

(a) *Responsibility of handlers in establishing the classification of milk.* In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives milk from producers to account for the milk and to prove that such milk should not be classified as Class I milk.

7. Delete § 947.3 (b) and substitute therefor the following:

(b) *Sales of milk from handlers to other handlers or nonhandlers.* Milk disposed of from one handler to another handler, to persons who distribute milk or manufacture milk products, or milk disposed of in other ways outside of the marketing area shall be classified, subject to verification by the market administrator, as follows:

(1) Disposition from a handler to a producer-handler shall be Class I.

(2) Disposition from a handler to another handler or to a plant subject to another order of the Secretary, except as provided in (1) of this paragraph, shall be Class I: *Provided*, That if such milk or skim milk is reported as having been utilized as Class II by the person who received it or by the disposing handler, it shall be classified accordingly.

(3) Disposition from a handler to persons not handlers or producer-handlers who distribute milk or manufacture milk products, and exclusive of milk disposed of to a plant subject to another order of the Secretary, shall be Class I, not to exceed the total quantity of Class I milk, or skim milk, at such plant.

8. Delete § 947.3 (c) (2).

9. Delete § 947.5 (c) and substitute therefor the following:

(c) *Verification of reports.* For the purpose of ascertaining the correctness of any report made to the market administrator as required by this order or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business to (i) examine such books, papers, records, copies of income tax reports, accounts, correspondence, contracts, documents, and memoranda as the market administrator deems relevant and which are within the control of any such handler from whom such report was requested; or of any person having, either directly or indirectly, actual or legal control of or over such handler; or of any subsidiary of any such handler; (ii) weigh, sample, and test milk; and (iii) make such examination of operations, equipment, and facilities as the market administrator deems necessary.

10. Delete § 947.7 (b) (4) and substitute therefor the following:

(4) Add the cash balance, if any, in his hands from payments made by han-

dlers, during the delivery period next preceding, to meet the obligations arising out of § 947.9 (d).

11. In § 947.9 (c) and § 947.11 (a) delete the words "13th day" and substitute therefor the following: "15th day."

12. In § 947.9 (d) delete the words "15th day" and substitute therefor the following: "16th day."

13. In § 947.10 (a) preface the present language with the words, "On or before the 15th day after the end of each delivery period," and delete the words "On or before the end of such delivery period."

14. In § 947.10 (b) preface the present language with the words, "On or before the 17th day after the end of each delivery period," and delete the words "On or before the end of each delivery period."

15. Add a new section as follows:

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

This report filed at Washington, D. C., the 16th day of January 1943.

[SEAL] C. W. KITCHEN,
Acting Administrator.

[F. R. Doc. 43-819; Filed, January 16, 1943; 11:40 a. m.]

DEPARTMENT OF COMMERCE.

Office of the Administrator of Civil Aeronautics.

[Order 7]

SPORTSMAN AIRPORT, EAST MOLINE, ILL.

CANCELLATION OF LANDING AREA DESIGNATION

JANUARY 15, 1943.

It appearing that:

1. The Sportsman Airport, East Moline, Illinois, has been designated as a "Designated Landing Area", into and out of which civil aircraft may operate pursuant to the provisions of the Civil Air Regulations; and

2. Said airport has failed to maintain the minimum standards upon which the designation as a "Designated Landing Area" was granted, and has failed to conduct its operations in accordance with "Instructions to Designated Landing Area Registrar and Clearance Officers", issued by the Civil Aeronautics Administration January 15, 1942; and

3. Official requests by authorized inspectors of the Civil Aeronautics Administration to remedy such condition have been disregarded;

Now, therefore, acting pursuant to the authority vested in me by § 60.953 (c) of the Civil Air Regulations, and finding that this action is necessary to the public safety and in the interest of national defense:

It is ordered, That the designation as a "Designated Landing Area", issued to the Sportsman Airport, East Moline, Illinois, dated May 11, 1942, is cancelled. No application for designation as a "Designated Landing Area" shall be accepted from the owners and operators of said airport for a period of 6 months from the date hereof.

C. I. STANTON,
Administrator.

[F. R. Doc. 43-864; Filed, January 18, 1943; 10:07 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO ARTEX RUG MANUFACTURING CO.

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 18, 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 and 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

Artex Rug Manufacturing Company, East Hagert & Emerald Streets, Philadelphia, Pennsylvania; Mohair and Jacquard rugs; Sewing machine operators; 2 learners; (T) 30 cents per hour; March 15, 1943.

Signed at New York, N. Y. this 16th day of January 1943.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-860; Filed, January 18, 1943; 9:24 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective January 18, 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

Kramer Tie Co., 26 E. 14th St., Bayonne, New Jersey; Men's neckwear; 5 learners (T); January 18, 1944.

Stevens Hat Company, 30 South 7th Street, St. Joseph, Missouri; Men's caps; 4 learners (T); January 18, 1944.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-lined Garments Divisions of the Apparel Industry

Barrow Manufacturing Company, Candler Street, Winder, Georgia; Single pants, Gov't cotton khaki pants; 10 percent (T); January 18, 1944.

Berry Garment Mfg. Company, 422 N. Kansas St., Columbus, Kansas; H. T. suits, denim jacket & overalls; 10 learners (T); January 18, 1944.

Co-Ed Frocks Incorporated, White Hall, Illinois; Women's wear and service apparel; 110 learners (E); April 19, 1943.

Empire Garment Company, 92 S. Empire St., Wilkes-Barre, Pennsylvania; Ladies' dresses; 40 learners (E); July 18, 1943.

Israel Feather, 88 Kingston St., Boston, Massachusetts; Cotton dresses; 10 learners (T); January 18, 1944.

Morris Freezer & Company, Inc., Wytheville, Virginia; Army shirts; 10 percent (T); January 18, 1944.

Hospital Clothing Company, 1107 Walnut St., Philadelphia, Pennsylvania; Nurses' uniforms; 5 learners (T); January 18, 1944.

Jacobs, Grossman & Rosenberg, Inc., 1027 Arch Street, Philadelphia, Pennsylvania; Children's cotton dresses; 30 learners (E); July 18, 1943.

Louis Lewin Company, 1108 So. Fourth Street, Clinton, Indiana; Work clothing; 25 learners (E); July 18, 1943.

Night Comfort, Inc., Cressona, Pennsylvania; Pajamas and shirts; 10 percent (T); January 18, 1944.

Shelbaker Mfg. Co., York Springs, Adams County, Pennsylvania; Work shirts; 10 learners (T); January 18, 1944.

Sidran Sportswear, Wharton, Texas; Ladies' slacks and blouses; 75 learners (E); July 18, 1943.

Southeastern Shirt Company, Lafollette, Tennessee; Dress shirts & military shirts; 10 percent (T); January 18, 1944.

The Star Union Company, Lumberton, North Carolina; Pajamas; 10 learners (T); January 18, 1944.

Wolens Trouser Company, 4th & Water Streets, Kankakee, Illinois; Single trousers; 10 learners (T); January 18, 1944.

Glove Industry

Neubert Clausen, Mt. Road, Delaware Water Gap, Pennsylvania; Leather dress and knit fabric gloves; 2 learners (T); January 18, 1944.

John E. Fuchs Corporation, 443 4th Avenue, New York, New York; Leather dress gloves; 5 learners (T); January 18, 1944.

Hosiery Industry

Glen Raven Knitting Mills, Altamahaw, North Carolina; Full fashioned; 5 percent (T); January 18, 1944.

S & F Hosiery Mills, Incorporated; Dayton, Tennessee; Full-fashioned hosiery; 5 learners (T); January 18, 1944.

Knitted Wear Industry

Kingsboro Silk Mills, Inc., Sparta Street, McMinnville, Tennessee; Underwear, commercial knitting; 26 learners (E); July 18, 1943.

Independent Telephone

The Harrison Telephone Company, 114 South Walnut Street, Harrison, Ohio; To employ learners as commercial switchboard operators at its Harrison exchange, located at Harrison, Ohio, until January 18, 1944.

Jasper County Telephone Company, 116 North Cullen Street, Rensselaer, Indiana; To employ learners as commercial switchboard operators at its Rensselaer exchange, located at 116 North Cullen Street, Rensselaer, Indiana, until January 18, 1944.

North Side Telephone Company, 3rd Main Street, Parkville, Missouri; To employ learners as commercial switchboard operators at its Parkville exchange, located at 3rd Main Street, Parkville, Missouri; until January 18, 1944.

Textile Industry

Galax Weaving Company, Oldtown Street, Galax, Virginia; Cotton and rayon; 3 percent (T); January 18, 1944.

The Springs Cotton Mills, Kershaw, South Carolina; Combed cotton cloth; 3 percent (T); January 18, 1944.

Trio Braid Company, 1238 Callowhill Street, Philadelphia, Pennsylvania; Textile & braid; 3 learners (T); January 18, 1944.

Signed at New York, N. Y., this 16th day of January 1943.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-861; Filed, January 18, 1943; 9:24 a. m.]

FEDERAL SECURITY ADMINISTRATION.

Food and Drug Administration.

[Docket No. 29 (a)]

DEFINITIONS AND STANDARDS OF INDENTITY FOR CREAM CHEESE, NEUFCHATEL CHEESE, COTTAGE CHEESE, AND CREAMED COTTAGE CHEESE

NOTICE OF HEARING

Notice is hereby given that the Administrator, by virtue of provisions of the Federal Food, Drug, and Cosmetic Act (secs. 407 and 701, 52 Stat. 1046, 1055; 21 U.S.C. secs. 341 and 371), will hold a public hearing upon a proposal to amend the definitions and standards of identity for cream cheese, neufchatel cheese, cottage cheese, and creamed cottage cheese prescribed by regulations promulgated by order dated December 22, 1942 (7 F.R. 10755, 10835), to include as optional ingredients sodium propionate and calcium propionate.

The hearing herein announced will be held on Tuesday, March 2, 1943, beginning at 10 o'clock in the forenoon of that day in Room 3046, South Building, U. S. Department of Agriculture, Independence Avenue at 14th Street SW., Washington, D. C.

Testimony at the hearing will be stricted to that which is relevant and material to the questions inherent in the proposal. The record on which the order of December 22, 1942, is based will be considered as a part of the record of the hearing herein announced.

Affidavits submitted in lieu of oral testimony as provided in the Rules of Praetice applicable to this hearing (21 CFR, § 2.701 et seq.) shall be submitted by delivering them to the presiding officer in care of the hearing clerk at Room 2242, South Building, Independence Avenue at 14th Street SW., Washington, D. C., at or before the commencement of the hearing. All affidavits submitted are required to be submitted in quintuplicate.

It is not to be inferred from the fact of the issuance of the proposal that it represents the views of the Federal Security Agency.

Joseph L. Maguire is hereby designated as presiding officer to conduct the hearing in place and stead of the Administrator, with full authority to administer oaths and affirmations and to do all other things appropriate to the conduct of the hearing.

[SEAL] WATSON B. MILLER,
Acting Administrator.

JANUARY 16, 1943.

[F. R. Doc. 43-888; Filed, January 18, 1943; 11:57 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 589]

SAFE DEPOSIT BOX LEASED BY ALBERT E. DOMAN

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

1. Finding that Albert E. Doman, whose last known address was represented to the undersigned as being Feldening, Germany, is a citizen of Germany and is a national of a designated enemy country (Germany);

2. Finding that all right, title and interest (including the right of access to the safe deposit box hereinafter mentioned) of said Albert E. Doman in and to his contract with the Corn Exchange Safe Deposit Company, New York, New York, pursuant to which said Albert E. Doman leased a safe deposit box numbered 396 located in the Corn Exchange Safe Deposit Company, West 231st Street Branch, 5581 Broadway, New York, New York, is property within the United States owned or controlled by a national of a designated enemy country (Germany);

3. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid enemy designated country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together

with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on December 29, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–754; Filed, January 15, 1943; 11:14 a. m.]

[Vesting Order 642]

ESTATE OF PAULINE M. DICKEL

In re: Estate of Pauline M. Dickel, deceased—File F–28–15205; E. T. Sec. 1432.

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 Bank & Trust Company of Los Angeles, Trustee, acting under the judicial supervision of the Superior Court in and for the County of Los Angeles, State of California;

(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*
Living lineal descendants, names unknown, of Kutcher Steus, of Steus Gasse, Stuttgart, Germany, resident of Germany at time of death of Louise Mezger (10–29–41).	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 Living Lineal descendants, names unknown, of Kutcher Steus, of Steus Gasse, Stuttgart, Germany, resident of Germany at time of death of Louise Mezger (10–29–41) in and to the Trust Estate created under the Will of Pauline M. Dickel, 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: January 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–747; Filed, January 15, 1943; 11:13 a. m.]

[Vesting Order 644]

ESTATE OF KATE FRAASS

In re: Estate of Kate Fraass, deceased—D–28–1577; E. T. Sec. 324.

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 American National Bank of Denver as Executor acting under the judicial supervision of the County Court of the City and County of Denver, Colorado;

(2) Such property and interests are payable or deliverable to, or claimed by, designated nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Mrs. Caroline Wells	Merchingen, Amt. Adelsheim, Baden, Germany.
Mrs. Sophia Wagner	Niedenaustrasse 10 Frankfort on the Main, Germany.
Anton Beckenbach	Reinhauerstrasse 66, Mannheim, Baden, 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 Mrs. Caroline Wells, Mrs. Sophia Wagner and Anton Beckenbach and each of them in and to the Estate of Kate Fraass, 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: January 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–752; Filed, January 15, 1943; 11:14 a. m.]

[Vesting Order 646]

ESTATE OF J. F. HASSELL

In re: Estate of J. F. Hassell, deceased—File D–28–1440; E. T. Sec. 104.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests described in subparagraph (a) are property which is in the process of administration by W. C. Mantey, Executor, acting under the judicial supervision of the Probate Court of Barber County, Kansas;

(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*
Wilhelm Stenzel	Germany.
Gustave Stenzel	Germany.
Wilhelm Hassel	Germany.
Karl Hassel	Germany.
Fritz Hassel	Germany.
August Hassel	Germany.
Auguste Schmidt Schwering	Germany.
Marie Schmidt Rieso	Germany.
Marie Hassel Wiegmann	Germany.
Auguste Hassel	Germany.
Gustave Hassel	Germany.
Leni Hassel Meier	Germany.
Carl Hassel, Jr.	Germany.
Helmut Hassel	Germany.

(3) The property and interests described in subparagraph (b) are property within the United States owned or controlled by the aforesaid nationals of a designated enemy country, Germany; and

Determining that—

(4) If such nationals are persons not within any designated enemy country, the national

interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

(a) All right, title, interest, and claim of any kind or character whatsoever of Wilhelm Stenzel, Gustave Stenzel, Wilhelm Hassel, Karl Hassel, Fritz Hassel, August Hassel, Auguste Schmidt Schwering, Marie Schmidt Rieso, Marie Hassel Wiegmann, Auguste Hassel, Gustave Hassel, Leni Hassel Meier, Carl Hassel, Jr. and Helmut Hassel and each of them in and to the Estate of J. F. Hassell, deceased; and

(b) All right, title, interest, and estate, both legal and equitable of Wilhelm Stenzel, Gustave Stenzel, Wilhelm Hassel, Karl Hassel, Fritz Hassel, August Hassel, Auguste Schmidt Schwering, Marie Schmidt Rieso, Marie Hassel Wiegmann, Auguste Hassel, Gustave Hassel, Leni Hassel Meier, Carl Hassel, Jr. and Helmut Hassel and each of them in and to the real property situated in Barber County, Kansas, and described as follows:

Northwest Quarter (NW¼) of Section 9; East half of Southwest Quarter (E½SW¼) and West half of Southeast Quarter (W½SE¼) of Section 4, all in Township 31, Range 10, Barber County, Kansas. Together with all improvements and appurtenances thereunto belonging,

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: January 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–751; Filed, January 15, 1943; 11:13 a. m.]

[Vesting Order 647]

ESTATE OF JOHN KLINTWORT

In re: Estate of John Klintwort, deceased—File D–28–1809; E. T. Sec. 1083.

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 Louvenia Madeline Klintwort, Executrix, acting under the judicial supervision of the County Court of El Paso County, Colorado.

(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*
Lene Pahl	Germany
Anna Pahl	Germany
Heinrich Pahl	Germany
Johannes Rehder	Germany
Friedrich Rehder	Germany
Claus Rehder	Germany
Luisa Brandt	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 Lene Pahl, Anna Pahl, Heinrich Pahl, Johannes Rehder, Friedrich Rehder, Claus Rehder, and Luisa Brandt, and each of them, in and to the estate of John Klintwort, 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: January 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–750; Filed, January 15, 1943; 11:13 a. m.]

[Vesting Order 648]

ESTATE OF CHARLES B. MAYER

In re: Estate of Charles B. Mayer, deceased—File D–28–1436; E. T. Sec. 105.

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 Elizabeth E. Mayer and John C. Hoenninger, Trustees acting under the judicial supervision of the Surrogate's Court, Queens County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Josephine Mayer or her surviving issue.	Germany.
Marie Kaune	Germany.
Josephine Rief	Germany.
Hans Kurry	Germany.
Anna Kurry	Germany.
Josephine Kurry	Germany.
Ida Kurry	Germany.
Otto Andelfinger	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 Josephine Mayer or her surviving issue, Marie Kaune, Josephine Rief, Hans Kurry, Anna Kurry, Josephine Kurry, Ida Kurry and Otto Andelfinger and each of them in and to the Trust Fund created under the will of Charles B. Mayer, 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 January 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-749; Filed, January 15, 1943; 11:13 a. m.]

[Vesting Order 651]

ESTATE OF CHRISTINA LOUISE PETERSEN

In re: Estate of Christina Louise Petersen, deceased—File D-28-1561; E. T. Sec. 40.

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 Carlton O. Gorder, A. H. Shostrom and B. K. Bettelheim as Trustees acting under the judicial supervision of the County Court of Lawrence County, South Dakota;

(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*
Carsten Friis	Kiel, Germany.
Marie Rossow	Flensburg, Germany.
Ella Timm	Berlin, Germany.
Inge Johannisson	Flensburg, Germany.
Christine Belzersen	Hamburg, Germany.
Jenni Petersen	Sylt, Germany.
Sofie Wreds	Kiel, Germany.
Helma Schmidt	Lensahn, i/H, 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 Carsten Friis, Marie Rossow, Ella Timm, Inge Johannisson, Christine Balzersen, Jenni Petersen, Sofie Wreds and Helma Schmidt and each of them in and under a trust created by the will of Christina Louise Petersen, 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 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 which 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.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-748; Filed, January 15, 1943; 11:13 a. m.]

[Vesting Order 652]

ESTATE OF MARY RIESTER

In re: Estate of Mary Riester, deceased—File D-28-1650; E.T. Sec. 488.

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 Charles J. Schuck, Executor, acting under the judicial supervision of the County Court for Ohio County, West Virginia;

(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*
Heirs and assigns, names unknown, of Louisa Beiter, who died in Germany.	Germany.
Katherine Volk	Germany.
Antonia Weeh	Germany.
Bertha Findling	Germany.
Theresa Vollmer	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 and assigns, names unknown, of Louisa Beiter, who died in Germany, Katherine Volk, Antonia Weeh, Bertha Findling and Theresa Vollmer and each of them in and to the Estate of Mary Riester, 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: January 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-753; Filed, January 15, 1943; 11:14 a. m.]

[Vesting Order 641]

ESTATE OF WILLIAM BERNHARD

In re: Estate of William Bernhard, deceased—File D-28-1777; E. T. Sec. 960.

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 H. A. Gebhardt, Trustee, acting under the judicial supervision of the Superior Court of the State of California in and for the County of Los Angeles;

(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*
Kinderheim Kerzenheim	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 Kinderheim Kerzenheim in and to the Trust Fund created under the Will of William Bernhard, 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: January 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–878; Filed, January 18, 1943; 11:29 a. m.]

[Vesting Order 643]

ESTATE OF GUSTAV EPHRAIM

In re: Estate of Gustav Ephraim, deceased—File D–28–1580; E. T. Sec. 388.

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 the property which is in the process of administration by The American National Bank of Denver, Trustee, acting under the judicial supervision of the County Court of Arapahoe County, Colorado;

(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*
Fanny Neumark, also known as Fanny Newmark.	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 Fanny Neumark, also known as Fanny Newmark, in and to the Trust Estate created under the Will of Gustav Ephraim, 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: January 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–879; Filed, January 18, 1943; 11:29 a. m.]

[VESTING ORDER 645]

ESTATE OF JOSEF FRENKEL

In re: Estate of Joseph Frenkel, deceased—File D–34–63; E. T. Sec. 802.

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 designated enemy countries, Rumania and Hungary, namely,

Nationals:	*Last known address*
Jewish Congregation of Baia Mare.	Rumania
Bertha Frenkel Dessone	Hungary
Sandor Frenkel	Hungary
Layos Frenkel	Rumania
Mikolos Frenkel	Hungary
Esther Frenkel	Hungary
Sari Frenkel	Hungary
Piroska Frenkel	Hungary
Edi Frenkel	Rumania
Layos Frenkel	Hungary

And determining that—

(3) If such nationals are persons not within any designated enemy country, the national interest of the United States requires that such persons be treated as nationals of designated enemy countries, Rumania and Hungary, 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 Jewish Congregation of Baia Mare, Bertha Frenkel Dessone, Sandor Frenkel, Layos Frenkel, Rumania, Mikolos Frenkel, Esther Frenkel, Sari Frenkel, Piroska Frenkel, Edi Frenkel and Layos Frenkel, Hungary, in and to the Estate of Josef Frenkel, 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: January 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–880; Filed, January 18, 1943; 11:28 a. m.]

[Vesting Order 649]

ESTATE OF ERA E. MCMURTRIE

In re: Estate of Era E. McMurtrie, deceased—File D–38–459; E. T. Sec. 706.

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 International Trust Company, Administrator, c. t. a., d. b. n., and Trustee, acting under the judicial supervision of the County Court of the City and County of Denver, Colorado.

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

National:	*Last known address*
Era McMurtrie Licari	Italy.
Giovanna Licari	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 Or-

der 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 Era McMurtrie Licari and Giovanni Licari, and each of them, in and to a trust created under the will of Era E. McMurtrie, deceased, and all right, title, interest, and claim of any kind or character whatsoever of Giovanni Licari in and to the estate of Era E. McMurtrie, 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: January 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–881; Filed, January 18, 1943; 11:28 a. m.]

[Vesting Order 650]

TRUST UNDER WILL OF LOUISE PAULSEN

In re: Trust under will of Louise Paulsen, deceased—File D–28–3320; E. T. Sec. 671.

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 First National Bank of Danville, Virginia, Trustee, acting under the judicial supervision of the Corporation Court of Danville, Virginia; and

(2) Such property and interests are payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely, Margaret Sadebeck, whose last known address is Berlin, 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 Margaret Sadebeck, in and to the Trust Estate created under the Last Will and Testament of Louise Paulsen, 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, and 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: January 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–882; Filed, January 18, 1943; 11:28 a. m.]

[Vesting Order 653]

ESTATE OF CHRISTIANA WEBER

In re: Estate of Christiana Weber, deceased—File F–28–14585; E. T. Sec. 1263.

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 Land Title Bank and Trust Company, Administrator, D. B. N. C. T. A., of 100 South Broad Street, Philadelphia, Pennsylvania, acting under the judicial supervision of Orphans' Court of the State of Pennsylvania, in and for the County of Philadelphia;

(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*
Christina G. Loehr	Germany.
Margaret G. Lehleicher	Germany.
Mary G. Gesswein	Germany.
Christop Gesswein	Germany.
Katie G. Herman	Germany.
John Gesswein	Germany.
Henry Gesswein	Germany.
George Gesswein	Germany.
Gunda Gesswein	Germany.
Katie Grauel	Germany.
John Gesswein	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 Christina G. Loehr, Margaret G. Lehleicher, Mary G. Gesswein, Christop Gesswein, Katie G. Herman, John Gesswein, Henry Gesswein, George Gesswein, Gunda Gesswein, Katie Grauel, and John Gesswein, and each of them, in and to the Estate of Christiana Weber, 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: January 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–883; Filed January 18, 1943; 11.28 a. m.]

[Vesting Order 659]

INTEGRITY TRUST CO.—KARL ROTH

In re: Mortgage Participation Fund of Integrity Trust Company—File F–28–9965; E. T. Sec. 1268.)

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 Land Title Bank and Trust Company, Substituted Trustee of the Mortgage Participation Fund of the Integrity Trust Company, Philadelphia, Pennsylvania, acting under the judicial supervision of Court of Common Pleas of the State of Pennsylvania, in and for the County of Philadelphia;

(2) Such property and interests are payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely, Karl Roth, 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 interests:

All right, title, interest, and claim of any kind or character whatsoever of Karl Roth in and to the Mortgage Participation Fund of the Integrity Trust Company,

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: January 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–884; Filed, January 18, 1943; 11:29 a. m.]

[Vesting Order 660]

INTEGRITY TRUST CO.—ELSIE SCHNITZ

In re: Mortgage Participation Fund of Integrity Trust Company—File F–28–14168; E. T. Sec. 1266.

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 Land Title Bank and Trust Company, Substituted Trustee of the Mortgage Participation Fund of the Integrity Trust Company, Philadelphia, Pennsylvania, acting under the judicial supervision of Court of Common Pleas of the State of Pennsylvania, in and for the County of Philadelphia;

(2) Such property and interests are payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely, Elsie Schnitz, 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 interests:

All right, title, interest, and claim of any kind or character whatsoever of Elsie Schnitz in and to the Mortgage Participation Fund of the Integrity Trust Company,

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: January 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–885; Filed, January 18, 1943; 11:28 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 14 Under MPR 152]

PAULUS BROTHERS PACKING COMPANY

APPROVAL OF MAXIMUM PRICES

Order No. 14 under Maximum Price Regulation No. 152—Canned Vegetables.

Approval of maximum prices for Paulus Brothers Packing Company, Salem, Oregon.

The Paulus Brothers Packing Company has filed an application for specific authorization to charge maximum prices pursuant to § 1341.22 (d) of Maximum Price Regulation No. 152.

Due consideration has been given to the information submitted by applicant with respect to the packing of Blue Lake Beans meeting the following specifications as to size of container, grade, and style of pack:

Size of container:	*Grade and style of pack*
No. 303 size can	Choice, No. 4 Sieve Cut.
No. 303 size can	Standard No. 5 Sieve Cut.
No. 303 size can	Short Cut, No. 2, 3, 4 Sieve.
No. 2 size can	Fancy, No. 3 Sieve Whole.
No. 2 size can	Choice, No. 4 Sieve Whole.
No. 10 size can	Fancy, No. 1 Sieve Whole.
No. 10 size can	Fancy, No. 2 Sieve French Sliced.
No. 211 size can	Short Cut.

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) Paulus Brothers Packing Company may sell, offer to sell, or deliver and any person may buy, offer to buy or receive Blue Lake Beans packed according to the following specifications at the maximum prices indicated:

Size of container	Commodity	Authorized maximum price per dozen, f.o.b. factory
No. 303 can	Choice, No. 4 Sieve Cut	$1.28
No. 303 can	Standard, No. 5 Sieve Cut	1.18
No. 303 can	Short Cut, No. 2, 3 & 4 Sieve	1.18
No. 2 can	Fancy, No. 3 Sieve Whole	1.50
No. 2 can	Choice, No. 4 Sieve Whole	1.41
No. 10 can	Fancy, No. 1 Sieve Whole	7.92
No. 10 can	Fancy No. 2 Sieve French Sliced	7.42
No. 211 can	Short Cut	.84

(b) This Order No. 14 may be revoked as amended by the Price Administrator at any time.

(c) The applicant, Paulus Brothers Packing Company, shall not change its customary allowances, discounts or price differentials unless such change results in a lower price.

(d) Unless the context otherwise requires the definitions set forth in § 1341.30 of Maximum Price Regulation No. 152 and section 302 of the Emer-

gency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(e) This Order No. 14 shall become effective on January 16, 1943.

Issued this 15th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-734; Filed, January 15, 1943; 10:33 a. m.]

[Order 125 Under MPR 188]

CERTAIN READY MIXED EXTERIOR LINSEED OIL PAINTS

APPROVAL OF MAXIMUM PRICES

Order No. 125 under § 1499.158 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 pursuant to the authority vested in the Price Administrator under the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250 and § 1499.158: *It is ordered:*

(a) Changes in the formulae of ready mixed exterior linseed oil paints may be made by manufacturers thereof, without a reduction in the maximum prices therefor: *Provided*, That brushing properties and durability are not impaired: *And provided further*, That the formula of such paints, as changed, shall meet at least the following specifications:

(1) The vehicle shall contain not less than 65 per cent by weight of non-volatile matter;

(2) Not more than 50 per cent of non-volatile shall be bodied linseed oil;

(3) If less than 50 per cent of Z–4 bodied linseed oil is used the non-volatile matter shall be no less than the minimum percentage obtained in accordance with the following calculation:

(i) $65+\left(\frac{50-\%\text{ of Z–4 bodied oil in non-volatile}}{2}\right)=$ minimum per cent of non-volatile matter in the vehicle.

For example: If 40% bodied oil is used, $65+\left(\frac{50-40}{2}\right)=70$ per cent = minimum non-volatile.

(ii) If bodied linseed oil other than Z–4 is used (lighter than Z–1 not being permissible) the ratio of non-volatile matter to the vehicle shall be adjusted accordingly, so that equivalent viscosity is maintained.

(4) The kauri reduction of the non-volatile matter in the vehicle shall be not less than 280 per cent; and

(5 The amount and composition of the pigment shall remain the same, except that the percentage of opaque pigment shall be increased, if necessary, to maintain the hiding units and may be increased, if desired, to increase the hiding units.

(6) Each manufacturer changing the formula for any paint under the provisions of the preceding paragraph shall submit a report of the changes in composition and unit costs to the Office of Price Administration in Washington, D. C. An example of such report is set out below:

	Formula before change	Formula after change	Before change	After change	Before change	After change	Before change	After change
PIGMENT	*Pounds*	*Pounds*	*Yield in gallons*	*Yield in gallons*	*Unit cost*	*Unit cost*	*Total cost*	*Total cost*
Basic carbonate white lead	500		9.0		$.0825 lb.		$41.25	
Zinc oxide	400		8.5		.0725		29.00	
Asbestine	100		4.2		.009		.90	
Vehicle								
Raw linseed oil	551		71.0		.93 gal.		66.03	
Bodied linseed oil (indicate viscosity ----)								
Driers	28.4		4.0		.60 gal.		2.40	
V. M. P. naphtha	30.9		5.0		.12 gal.		.60	
Calculated yield	1,610.3		101.7				140.18	
Manufacturing loss 2½ percent			2.5					
Actual yield			99.2					
Material cost per gallon							1.41	

Fifteen days after the mailing of such report, in the absence of a notification to the contrary from the Office of Price Administration, the change in formula without a change in maximum price shall stand approved. Such approval shall be subject to revocation at any time.

(c) This Order No. 125 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 125 under § 1499.158 of Maximum Price Regulation No. 188, as amended, shall become effective January 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 15th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-779; Filed, January 15, 1943; 3:42 p. m.]

[Order 144 Under MPR 120]

FRANKLIN GEM COAL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 144 under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-280.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with §1340.207 (b) of Maximum Price Regulation No. 120, *It is ordered*:

(a) Coals produced by Franklin Gem Coal Company, Black Diamond, Washington, at its Franklin Gem Mine, Mine Index No. 162, in District No. 23, may be sold and purchased for shipment by rail and truck at prices not to exceed the following respective prices per net ton, f. o. b. the mine:

Size groups:	*4*	*23*
Rail	$5.75	$4.20
Truck	6.10	4.50

(b) Within thirty (30) days from the effective date of this order, the said Franklin Gem Coal Company shall notify all persons purchasing its coals, of the adjustments granted in paragraph (a) of this order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted in the order do not authorize any increase in the purchaser's resale prices except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122.

(c) This Order No. 144 may be revoked or amended by the Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in §1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(e) This Order No. 144 shall become effective January 18, 1943.

Issued this 16th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-820; Filed, January 16, 1943; 12:38 p. m.]

[Order 130 Under MPR 188]

NATIONAL TILE CO., INC., ET AL.

ORDER SETTING TEMPORARY MAXIMUM PRICES

Order No. 130 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods—Other Than Apparel.

Temporary maximum prices for certain new fireplace grates manufactured from substitute materials.

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) This Order No. 130 sets temporary maximum prices for sales of certain new fireplace grates manufactured from substitute materials. It applies only to the

grates which have been described in applications submitted by the manufacturers to the Office of Price Administration. The order is temporary. No sales or deliveries may be made under its authority after the 1st day of April 1943.

Listed below are the maximum prices for sales by the manufacturers, wholesalers, and retailers. The prices listed below may be charged only if the manufacturer attaches to the grate the written warranty described in paragraph (b). If the manufacturer does not make the warranty, the maximum prices for sales by the manufacturer, wholesalers, and retailers shall be computed by deducting 15% from the prices listed in the table.

Name of manufacturer	Factory to jobber price	Factory to retailer price	Wholesale price	Retail price
The National Tile Co., Inc., Anderson, Ind.	$5.50	$6.05	$7.33	$11.00
Parry Brick Co., 8 Newbury St., Boston, Mass.	4.38	4.81	5.83	8.75
Presbrey Refractories Corp., Taunton, Mass.	5.50	6.05	7.33	11.00
A. N. Veiner, doing business as Kim-Koal Fire Grates, 34 Abbottsford Road, Brookline, Mass.	6.75	7.50	9.00	13.50

(1) The price listed under "factory to jobber" in the above table is the maximum price for sales by the named manufacturer to wholesalers or jobbers. The price is f. o. b. factory.

(2) The price listed under "factory to retailer" in the above table is the maximum price for sales by the manufacturer to retailers. The price is f. o. b. factory.

(3) The price listed under "wholesale price" in the above table is the maximum price for sales at wholesale by a person other than the manufacturer. The price is f. o. b. the seller's city.

(4) The price listed under "retail price" in the above table is the maximum price for sales at retail.

(b) The maximum prices set forth in the table contained in paragraph (a) can be charged only if the manufacturer sells the grate with a written warranty in the following form:

_____, the manufacturer
(Insert name of manufacturer)
of this grate, warrants to the retailer and to any person buying from him that it is fit for burning coal or wood in a fireplace.

If the manufacturer desires to do so, he may add:

This warranty, however, does not protect against rough handling by the consumer.

The warranty shall be attached to the grate by the manufacturer and shall not be detached until after the grate has been delivered to the consumer.

(c) Before delivery of a fireplace grate to any purchaser for resale, the manufacturer shall attach a tag or label which plainly states the retail ceiling price of the grate. For example, a statement in the following form on a grate sold by The National Tile Company, Incorporated, would be sufficient: "Retail Ceiling Price $11.00." The tag or label shall not be detached until the grate has been delivered to the consumer.

(d) At or before the time of first delivery after the effective date of this order, the manufacturer shall notify in writing every person who buys from him of the maximum price set by this Order No. 130 for resales by the purchaser. This written notice may be given in any convenient manner; for example, it may be shown on or attached to the invoice, or packed with the merchandise.

(e) Within fifteen days after March 1, 1943, each manufacturer shall prepare and mail to the Office of Price Administration, Washington, D. C., a report covering his operations during the sixty day period which ends February 28, 1943. The report shall contain the following information:

The number of units manufactured during the period, the number of units sold, total gross sales, total returns and allowances, and costs per unit for materials, direct labor, and factory overhead. The method of computation of costs should be explained and supporting details should be furnished.

(f) This Order No. 130 may be revoked or amended by the Price Administrator at any time.

(g) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to terms used herein.

(h) This Order No. 130 shall become effective on the 16th day of January, 1943, and shall terminate on the 1st day of April, 1943.

Issued this 16th day of January, 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-847; Filed, January 16, 1943; 4:31 p. m.]

[Order 147 Under MPR 120]

BUCKLIN COAL MINING CO.

ORDER GRANTING ADJUSTMENT

Order No. 147 under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket No. 3120-65.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Coals produced by Bucklin Coal Mining Company, Kansas City, Missouri, at its Bucklin Mine (Mine Index No. 24) in District No. 15, may be sold and purchased for shipment by truck or wagon or by rail at prices not to exceed the following respective prices per net ton, f. o. b. the mine:

Size groups	1	2	3	6	12	15
Max. prices	$3.50	$3.50	$3.50	$3.25	$3.25	$1.75

and for shipments by rail only at prices not to exceed the following per net ton, f. o. b. the mine:

Size group	14
Max. price	$1.75

(b) Within thirty (30) days from the effective date of this order, Bucklin Coal Mining Company shall notify all persons purchasing its coals of the adjustment granted in paragraph (a) of this order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted in this order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the provisions of Maximum Price Regulation No. 122.

(c) This Order No. 147 may be revoked or amended by the Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(e) This Order No. 147 shall become effective January 16, 1943.

Issued this 16th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-848; Filed, January 16, 1943; 4:31 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 59-56]

NEW ENGLAND GAS AND ELECTRIC ASSOCIATION

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 13th day of January 1943.

The Commission having issued on September 26, 1942, a Notice of and Order for Hearing pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, with respect to New England Gas and Electric Association; and said order having designated November 30, 1942, as the date for public hearing in the matter embraced by said order; and the Commission having postponed said hearing to January 18, 1943; and

New England Gas and Electric Association having requested that the hearing in this matter be further postponed because of hearings being presently held in certain suits involving New England Gas and Electric Association which were instituted prior to the Commission's order of September 26, 1942, and that witnesses and counsel for the Association necessary in the pending section 11 (b) (1) proceedings are presently engaged in the suits and will not be available for said proceedings scheduled for January 18, 1943; and

The Commission having considered said request, and it appearing that under the circumstances of this particular mat-

ter, the hearing in this matter should be postponed to February 24, 1943;

It is ordered, That the hearing in this matter previously scheduled for January 18, 1943, be and hereby is postponed to February 24, 1943, at the same time and place, and before the same trial examiner as heretofore designated.

By the Commission.

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

[F. R. Doc. 43-758; Filed, January 15, 1943; 11:29 a. m.]

[File No. 70-579]

TRI-CITY UTILITIES COMPANY AND ASSOCIATED ELECTRIC COMPANY

ORDER MODIFYING CONDITIONS AND GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of January 1943.

Declarations having been filed with this Commission pursuant to section 12 of the Public Utility Holding Company Act of 1935 and Rules U-42 and U-43 of the General Rules and Regulations promulgated thereunder, by Associated Electric Company, a registered holding company, and Tri-City Utilities Company, a wholly-owned subsidiary thereof, with respect to the reduction by Tri-City Utilities Company of its capital stock from time to time through the purchase and retirement of its common stock, at its par value, in amounts equal to the cash available for such purposes; and

The Commission having by order dated November 16, 1942, permitted the declarations to become effective subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition that Tri-City Utilities Company purchase at this time the common stock held by Associated Electric Company only to the extent of the cash Tri-City Utilities Company holds as proceeds from sales of its water systems located in Mayfield and Murray, Kentucky, such cash totaling $482,000; and

Associated Electric Company and Tri-City Utilities Company having requested that the said conditions be modified to the extent necessary to extend the time within which the transactions, as set forth in the declarations, may be made to January 31, 1943; and the Commission deeming it appropriate that such requests be granted;

It is ordered, That the conditions contained in the order of November 16, 1942 be and hereby are modified to the extent necessary to extend the time within which such transactions may be made to January 31, 1943.

By the Commission.

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

[F. R. Doc. 43-759; Filed, January 15, 1943; 11:29 a. m.]

[File No. 1-1729]

BUCKEYE UNION OIL CO.

ORDER FOR HEARING AND DESIGNATING OFFICER TO TAKE TESTIMONY

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 14th day of January, A. D. 1943.

In the matter of proceeding under section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, to determine whether the registration of Buckeye Union Oil Company Common and Preferred Stock, $1.00 Par Value should be suspended or withdrawn.

I. It appearing to the Commission, That the Buckeye Union Oil Company, a corporation organized under the laws of the State of California, is the issuer of preferred and common stock, $1.00 par value; and

That the Buckeye Union Oil Company registered such securities on the Los Angeles Stock Exchange, a national securities exchange, by filing with the Exchange and with the Commission on or about June 3, 1935, an application on Form 10 pursuant to section 12 (b) and (c) of the Securities Exchange Act of 1934, as amended, and Rule X-12B-1, as amended, promulgated by the Commission thereunder, registration pursuant to such application having become effective on July 3, 1935, and remaining in effect to and including the date hereof; and

It further appearing to the Commission, That Rule X-13A-1, promulgated pursuant to section 13 of said Securities Exchange Act of 1934, as amended, did and does require that an annual report for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That Rule X-13A-2, promulgated pursuant to section 13 of the Securities Exchange Act of 1934, as amended, did and does prescribe Form 10-K as the annual report form to be used for the annual reports of all corporations except those for which another form is specified, and that no other form was or is specified for use by the said Buckeye Union Oil Company; and

That said Rule X-13A-1 requires that said annual report be filed not more than 120 days after the close of each fiscal year or such other period as may be prescribed in the instruction book applicable to the particular form; that the Instruction Book for Form 10-K does not prescribe any period other than such 120 days; and that pursuant to said Rule X-13A-1 the annual report must be filed within such period unless the registrant files with the Commission a request for an extension of time to a specified date within six months after the close of the fiscal year; and

That said Buckeye Union Oil Company has a fiscal year ended December 31; that the annual report for its fiscal year ended December 31, 1941 was due to be filed not later than April 30, 1942; that registrant made no request for extension of time within which to file said report; that the time for filing was not extended by the Commission; that the annual report for the fiscal year ended December 31, 1941 was not filed within the time prescribed for filing said report or at any later date;

II. The Commission having reasonable cause to believe that, The said Buckeye Union Oil Company has failed to comply with the provisions of section 13 of the Securities Exchange Act of 1934, as amended, and Rules X-13A-1 and X-13A-2 promulgated thereunder, in that (1) it has failed to file its annual report for the year ending December 31, 1941 within the date prescribed for filing said report and (2) it has failed to file such annual report at any later date; and

III. It being the opinion of the Commission that the hearing herein ordered to be held is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended;

It is ordered, Pursuant to section 19 (a) (2) of said Act, That a public hearing be held to determine whether Buckeye Union Oil Company has failed to comply with section 13 of the Securities Exchange Act of 1934, as amended, and the Rules, Regulations and Forms promulgated by the Commission thereunder, in the respects set forth above; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the common and preferred stock, $1.00 par value, of said Buckeye Union Oil Company on said Los Angeles Stock Exchange;

It is further ordered, pursuant to the provisions of section 21 (b) of the Securities Exchange Act of 1934, as amended, That for the purpose of such hearing, John G. Clarkson, an officer of the Commission, is hereby designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law;

It is further ordered, That the taking of testimony in this hearing begin on the 26th day of January, 1943, at 10:00 A. M. Pacific War Time at the Subregional Office of the Securities and Exchange Commission, 312 North Spring Street, Los Angeles, California, and continue thereafter at such time and place as the officer hereinbefore designated may determine.

By the Commission.

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

[F. R. Doc. 43-839; Filed, January 16, 1943; 3:12 p. m.]

[File No. 1-2090]

ROLAND W. SCHOETTLER ET AL.

ORDER FOR HEARING AND DESIGNATING OFFICER TO TAKE TESTIMONY

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 14th day of January, A. D. 1943.

In the matter of proceeding under section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, to determine whether the registration of Voting Trust Certificates of Roland W. Schoettler et al., Voting Trustees for Preferred and Common Stocks of Buckeye Union Oil Company, $1.00 par value should be suspended or withdrawn.

I. It appearing to the Commission, that said Roland W. Schoettler, E. Foster Brigham and Frank J. Brick, voting trustees, are the issuer of voting trust certificates for preferred and common stocks of Buckeye Union Oil Company, $1.00 par value; and

That said Roland W. Schoettler et al., voting trustees, registered such voting trust certificates on the Los Angeles Stock Exchange by filing with the Exchange and with the Commission on or about August 20, 1935, an application on Form 16, pursuant to section 12 (b) and (c) of the Securities Exchange Act of 1934, as amended, and Rule X-12B-1, as amended, promulgated by the Commission thereunder, registration pursuant to such application having become effective September 17, 1935, and remaining in effect to and including the date hereof; and

It further appearing to the Commission, that Rule X-13A-1, promulgated pursuant to section 13 of said Securities Exchange Act of 1934, as amended, did and does require that an annual report for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That Rule X-13A-2, promulgated pursuant to section 13 of the Securities Exchange Act of 1934, as amended, did and does prescribe Form 16-K as the annual report form to be used for annual reports relating to voting trust certificates and underlying securities, and that no other form was or is specified for use by Roland W. Schoettler et al., voting trustees for the preferred and common stocks of Buckeye Union Oil Company; and

That said Rule X-13A-1 requires that said annual report be filed not more than 120 days after the close of each fiscal year or such other period as may be prescribed in the instruction book applicable to the particular form; that the Instruction Book for Form 16-K does not prescribe any period other than such 120 days; and that pursuant to said Rule X-13A-1 the annual report must be filed within such period unless the registrant files with the Commission a request for an extension of time to a specified date within six months after the close of the fiscal year; and

That said Roland W. Schoettler et al., voting trustees for the preferred and common stocks of Buckeye Union Oil Company, have a fiscal year ended December 31, 1941; that the annual report for their fiscal year ended December 31, 1941 was due to be filed not later than April 30, 1942; that the registrants made no request for extension of time within which to file such report; that the time for filing was not extended by the Commission; that the annual report for the fiscal year ended December 31, 1941 was not filed within the time prescribed for filing said report or at any later date;

II. The Commission having reasonable cause to believe that Roland W. Schoettler et al., voting trustees for the preferred and common stocks of Buckeye Union Oil Company have failed to comply with the provisions of section 13 of the Securities Exchange Act of 1934, as amended, and Rules X-13A-1 and X-13A-2 promulgated thereunder, in that (1) they have failed to file their annual report for the year ended December 31, 1941, within the date prescribed for filing said report and (2) they have failed to file such annual report at any later date; and

III. It being the opinion of the Commission that the hearing herein ordered to be held is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended;

It is ordered, pursuant to section 19 (a) (2) of said Act, That a public hearing be held to determine whether Roland W. Schoettler et al., voting trustees for the preferred and common stocks of Buckeye Union Oil Company, have failed to comply with section 13 of the Securities Exchange Act of 1934, as amended, and the Rules, Regulations and Forms promulgated by the Commission thereunder, in the respects set forth above; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the voting trust certificates of Roland W. Schoettler et al., voting trustees for the preferred and common stocks of Buckeye Union Oil Company, on said Los Angeles Stock Exchange;

It is further ordered, pursuant to the provisions of section 21 (b) of the Securities Exchange Act of 1934, as amended, That for the purpose of such hearing, John G. Clarkson, an officer of the Commission, is hereby designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law;

It is further ordered, That the taking of testimony in this hearing begin on the 26th day of January, 1943, at 10:00 A. M. Pacific War Time at the Subregional Office of the Securities and Exchange Commission, 312 North Spring Street, Los Angeles, California, and continue thereafter at such time and place as the officer hereinbefore designated may determine.

By the Commission.

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

[F. R. Doc. 43-841; Filed January 16, 1943; 3:12 p. m.]

[File No. 70-656]

THE NORTH AMERICAN COMPANY

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its offices in the City of Philadelphia, Pa., on the 15th day of January 1943.

The North American Company, a registered holding company, having filed an application pursuant to section 10 of the Public Utility Holding Company Act of 1935 with respect to the acquisition of approximately 12,500 shares of the capital stock of The Detroit Edison Company, an electric utility company, by purchases on the New York Stock Exchange or otherwise which shares are required to make possible the payment of the next quarterly dividend on the common stock of The North American Company, payable in stock of The Detroit Edison Company, on the same basis as the last seven quarterly distributions (if the Board of Directors determines so to do); and

A public hearing having been held after appropriate notice, and the Commission having considered the record and having made and filed its Findings and Opinion herein; and

The Commission deeming it appropriate in the public interest and for the interest of investors and consumers to grant the application pursuant to the applicable sections of the Act; and the Commission having found that the statutory requirements have been satisfied;

It is ordered, That said application be and it is hereby granted forthwith subject to the following terms and conditions:

(1) That purchases by The North American Company of shares of capital stock of The Detroit Edison Company otherwise than on the New York Stock Exchange shall be at prices not higher than the last sales price on the New York Stock Exchange and that no shares shall knowingly be purchased from any officer or director of The North American Company, or from any officer or director of any of its subsidiaries or affiliates;

(2) That no purchases of shares of the capital stock of The Detroit Edison Company shall be made after February 20, 1943: *Provided, however*, That The North American Company may prior to said date request additional time;

(3) That The North American Company shall furnish to this Commission promptly after the end of each week before such purchases have terminated, a schedule showing for each day covered by such schedule, the number of shares purchased, the price at which purchased, and in respect of purchases effected otherwise than on the New York Stock Exchange, the name of the person from whom purchased; and that The North American Company shall give appropriate notice to this Commission at the time when the purchases have been completed;

(4) The terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction be and is hereby reserved to enter any further order in connection herewith which the Commission may deem neces-

sary or appropriate in the public interest or for the protection of investors or consumers.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-840; Filed, January 16, 1943; 3:12 p. m.]

WAR PRODUCTION BOARD.

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS PARTIALLY REVOKING AND STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The Director General for Operations of the War Production Board has issued certain Revocation Orders listed in Schedule A below, partially revoking Preference Rating Orders issued in connection with, and partially stopping the construction of the projects affected. For the effect of each such Order upon Preference Ratings, construction of the project, and delivery of materials therefore, the Builder and Suppliers affected shall refer to the Specific Order issued to the Builder.

(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 16, 1943.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

Preference rating order	Serial No.	Name and address of builder	Project affected	Date of issuance of revocation order
P-19-a	3276-A	Missouri Power & Light Co., Jefferson City, Mo.	5,000 kw. turbo-generator and 70,000 lb. per hr. steam generator at Mexico, Mo., steam electric generating station.	1/13/43
PD-1	12325	General Electric Co., Schenectady, N. Y.	4,000 kw. general electric steam turbine for the Marshfield Power Plant, Marshfield, Wis.	1/11/43
PD-2	108634			
P-19-a	2534-A	Gulf Power Co., Pensacola, Fla.	Crestview, Fla.	1/9/43
P-19-e	None	Missouri State Hwy. Comm., Jefferson City, Mo.	Mo. FAGM-133A (3), FAGH-133A (4), FAP-133A (5).	1/16/43
P-19-e	557-E	Wisconsin St. Hwy, Comm., Madison, Wis.	Wis. FAS 622-A (2); FAS 622-C (1); FAS 209-A (1); FAS 212-A (1); FAS 212-B (1).	1/12/43

[F. R. Doc. 43-846; Filed, January 16, 1943; 4:12 p. m.]

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS REVOKING AND STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The Director General for Operations of the War Production Board has issued certain Revocation Orders listed in Schedule A below, revoking Preference Rating Orders issued in connection with, and stopping the construction of the projects affected. For the effect of each such Order upon Preference ratings, construction of the project and delivery of materials therefor, the Builder and Suppliers affected shall refer to the specific Order issued to the Builder.

(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 16, 1943.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

Preference rating order	Serial No.	Name and address of builder	Project affected	Date of issuance of revocation order
P-19-e	23730	Illinois Dept. of Pub. Wks. & Bldgs., Div. of Hwys. Springfield, Ill.	Illinois SN-FAP 113 B (1)	1/15/43
P-19-e	20883	Illinois Dept. of Pub. Wks. & Bldgs., Div. of Hwys., Springfield, Ill.	Illinois SN-FA 113 D (1)	1/15/43
P-19-e	32675	Illinois Dept. of Pub. Wks. & Bldgs., Div. of Hwys., Springfield, Ill.	Illinois SN-FA 25 A (1) Bridge	1/15/43
P-19-e	758-E	Texas State Hwy. Dept., Austin, Tex.	Perryton, Texas FAS 662-A (2)	1/15/43
P-19-e	266-E	Arkansas State Hwy. Dept., Little Rock, Ark.	Portia, Ark. FAP 455-A (3)	1/15/43
P-19-e	341-E	New Jersey State Hwy. Dept., Trenton, N. J.	Middlesex Co., N. J. FAGM 28-A (1) (OFF), FAGM 32 (1) (OFF).	1/15/43
P-19-e	153-E	Michigan State Hwy. Dept., Lansing, Mich.	Manistee, Mich. SN-FAP 129-H (1)	1/15/43
P-19-e	174-E	Virginia Dept. of Hwys., Richmond, Va.	Dewitt, Va. SN-FAP 323-E (5)	1/15/43
P-19-e	37528	Illinois Dept. of Pub. Wks. & Bldgs., Div. of Hwys., Springfield, Ill.	Litchfield, Ill. SN-FA 166-D (4) SN-A 166-D (4), SN-FA 166-D (2), SN-FA 166-D (5).	1/12/43
P-19-e	32786	Illinois Dept. of Pub. Wks. & Bldgs., Div. of Hwys., Springfield, Ill.	Ill. SN-FAP 25-B (1)	1/12/43
P-19-e	32798-E	South Carolina St. Hwy. Dept., Columbia, S. C.	S. C. SN-FA 2501-B (2)	1/12/43
P-19-e	35266-E	New York Dept. of Pub. Wks., Div. of Hwys., Albany, N. Y.	N. Y. SN-FAP 1058-A (1)	1/12/43
P-19-e	32908	Illinois Dept. of Pub. Wks. & Bldgs., Div. of Hwys., Springfield, Ill.	Ill. SN-FA-166 D (3) Roadway	1/12/43
P-19-e	32789	Illinois Dept. of Pub. Wks. & Bldgs., Div. of Hwys., Springfield, Ill.	Ill. SN-FA-166-D (3) Bridges	1/12/43
P-19-e	13992-E	Virginia Dept. of Hwys., Richmond, Va.	West of Smyth Co. Line SN-FAP 197 (2), SN-FAP 420-B (2).	1/12/43
P-19-e	12340	Illinois Dept. of Pub. Wks. & Bldgs., Div. of Hwys., Springfield, Ill.	Ill. SN-FA 9-Y (3) F. A. Route 12, Sec. Y-2A, Ill. SN-FA 9-P (2) F. A. Route 12, Sec. P-2A, Ill. SN-FA 9-0 (2) F. A. Route 12, Sec. 0-2A, Ill. SN-FA 9-0 (2) F. A. Route 12, Section 0-2-VA.	1/12/43
P-19-e	346-E	Colorado St. Hwy. Dept., Denver, Colo.	Montrose, Colo. FAP 125 (4)	1/16/43
P-19-e	347-E	Colorado St. Hwy. Dept., Denver, Colo.	Durange, Colo. FAP 300-G (1)	1/16/43
P-19-e	496-E	South Dakota St. Hwy. Comm., Pierre, S. Dak.	Mayes, S. D. FAP 457-B (1)	1/16/43
P-19-e	430-E	New Mexico St. Hwy. Comm., Santa Fe, N. Mex.	Ft. Sumner, N. Mex. FACH 96 (3)	1/16/43
P-19-e	526-E	Massachusetts Dept. of Pub. Wks., Boston, Mass.	Worcester, Mass. SN-FAP 256-D (2)	1/16/43
P-19-e	522-E	Maine State Hwy. Comm., Augusta, Maine.	Maine SN-FAGH 150-B (2) (ON); SN-FAGM150-F (2) (ON); SN-FAP 121-A (2); SN-FAP 377-A (2).	1/16/43
P-19-a	576-A	Wabash Portland Cement Co., Osborne, Ohio.	Osborne, Ohio	1/13/43

[F. R. Doc. 43-844; Filed, January 16, 1943; 4:12 p. m.]

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS REVOKING AND STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The Director General for Operations of the War Production Board has issued certain orders stopping construction and revoking applicable Preference Ratings stopping construction of the project affected and revoking the ratings applicable thereto, which orders are listed in Schedule A below. For the effect of each such Order upon the construction of the project and delivery of materials therefor, the Builder and Suppliers affected shall refer to the specific Order isued to the Builder.

(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 16, 1943.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

Name and address of builder	Project affected	Date of issuance of revocation order
U. S. Department of Commerce, Civil Aeronautics Authority, Washington, D. C.	Airport Development Project, Twin Falls, Idaho.	1/15/43
U. S. Department of Commerce, Civil Aeronautics Authority, Washington, D. C.	Airport Development Project, Alva, Okla.	1/15/43
U. S. Department of Commerce, Civil Aeronautics Authority, Washington D. C.	Airport Development Project, Uvalde, Tex.	1/15/43
U. S. Department of Commerce, Civil Aeronautics Authority, Washington, D. C.	Airport Development Project, Peoria, Ill.	1/15/43
U. S. Department of Commerce, Civil Aeronautics Authority, Washington, D. C.	Airport Development Project, Hattiesburg, Miss.	1/15/43
U. S. Department of Commerce, Civil Aeronautics Authority, Washington, D. C.	Airport Development Project, Longview, Tex.	1/15/43
U. S. Department of Commerce, Civil Aeronautics Authority, Washington, D. C.	Airport Development Project, Parksley, Va.	1/15/43
U. S. Department of Commerce, Civil Aeronautics Authority, Washington, D. C.	Airport Development Project, Tarpon Springs, Fla.	1/15/43
U. S. Department of Commerce, Civil Aeronautics Authority, Washington, D. C.	Airport Development Project, East Hampton, N. Y.	1/15/43
U. S. Department of Commerce, Civil Aeronautics Authority, Washington, D. C.	Airport Development Project, Hightstown, N. J.	1/15/43
U. S. Department of Commerce, Civil Aeronautics Authority, Washington, D. C.	Airport Development Project, Bendix, N. J.	1/15/43
U. S. Department of Commerce, Civil Aeronautics Authority, Washington, D. C.	Airport Development Project, Whitefield, N. H.	1/15/43
U. S. Department of Commerce, Civil Aeronautics Authority, Washington, D. C.	Airport Development Project, Princeton, Maine.	1/15/43
U. S. Department of Commerce, Civil Aeronautics Authority, Washington, D. C.	Airport Development Project, Willimantic, Conn.	1/15/43

[F. R. Doc. 43-843; Filed, January 16, 1943; 4:12 p. m.]

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS PARTIALLY REVOKING AND PARTIALLY STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The Director General for Operations of the War Production Board has issued certain orders partially stopping construction and partially revoking applicable Preference Ratings stopping the construction of the project affected and partially revoking the ratings applicable thereto which orders are listed in Schedule A below. For the effect of each such order upon the construction of the project and delivery of materials therefor, the Builder and Suppliers affected shall refer to the specific Order issued to the Builder.

(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 January 16, 1943.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

Name and address of builder	Project affected	Date of issuance of revocation order
U. S. Department of Commerce, Civil Aeronautics Authority, Washington, D. C.	Airport Development Project, Easton, Md.	1/15/43
U. S. Department of Commerce, Civil Aeronautics Authority, Washington, D. C.	Airport Development Project, Hyannis, Mass.	1/15/43
U. S. Department of Commerce, Civil Aeronautics Authority, Washington, D. C.	Airport Development Project, Athol-Orange, Mass.	1/15/43
U. S. Department of Commerce, Civil Aeronautics Authority, Washington, D. C.	Airport Development Project, Allentown-Bethlehem, Pa.	1/15/43
U. S. Department of Commerce, Civil Aeronautics Authority, Washington, D. C.	Airport Development Project, Bradford-Kane, Pa.	1/15/43
U. S. Dept. of Agriculture, Washington, D. C.	Soil Conservation Service, Carbondale, Illinois Lake Project, Little Grassy Dam.	1/12/43
U. S. Dept. of Agriculture, Washington, D. C.	Buffalo Rapids Farms, Mont.	1/12/43
U. S. Dept. of Agriculture, Washington, D. C.	Buford-Trenton, N. Dak.	1/12/43
U. S. Dept. of Agriculture, Washington, D. C.	Soil Conservation Service, Carbondale, Ill., Lake Project—Devil's Kitchen Dam.	1/12/43
U. S. Dept. of Agriculture, Washington, D. C.	Dyess Farms, Dyess, Miss. Co., Ark.	1/12/43
U. S. Dept. of Agriculture, Washington, D. C.	Eden Valley Farms, Eden Valley, Wyo.	1/12/43
U. S. Dept. of Agriculture, Washington, D. C.	Glades Farms, Port Myaca, Fla.	1/12/43
U. S. Dept. of Agriculture, Washington, D. C.	Water Facilities & Soil Conservation Program, Mirage Flats, Nebr.	1/12/43

[F. R. Doc. 43-845; Filed, January 16, 1943; 4:12 p. m.]

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF STOP CONSTRUCTION ORDERS STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The Director General for Operations of the War Production Board has issued certain Stop Construction Orders listed in Schedule A below, stopping the construction of the projects affected. For the effect of each such order upon construction of the project and delivery of materials therefor, the Builder and Suppliers affected shall refer to the specific Order issued to the Builder.

(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 16, 1943.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

Name and address of builder	Project affected	Date of Issuance of stop construction order
Georgia State Hwy. Board, Atlanta, Ga.	Effingham County, Ga., SAP 1637-A (4)	1/15/43
Georgia State Hwy. Board, Atlanta, Ga.	Barrow & Jackson Counties SAP 1899-B & 1899-C.	1/15/43
Georgia State Hwy. Board, Atlanta, Ga.	Rockdale County, Ga., SAP 1922-B (1)	1/15/43
Georgia State Hwy. Board, Atlanta, Ga.	Wheeler County, Ga., SAP 1652 (3)	1/15/43
Georgia State Hwy. Board, Atlanta, Ga.	Telfair County, Ga., SAP 1596 (1)	1/15/43
Michigan State Hwy. Dept., Lansing, Mich.	Michigan FAS 160-A (1)	1/15/43
California Dept. of Pub. Wks., Dept. of Hwys., Sacramento, Calif.	Calif. SN-FAP 174-E (1)	1/12/43

[F. R. Doc. 43-842; Filed, January 16, 1943; 4:12 p. m.]