



FEDERAL REGISTER

VOLUME 8

NUMBER 27

Washington, Tuesday, February 9, 1943

The President

EXECUTIVE ORDER 9300

ESTABLISHING THE INTERDEPARTMENTAL COMMITTEE TO CONSIDER CASES OF SUBVERSIVE ACTIVITY ON THE PART OF FEDERAL EMPLOYEES

By virtue of the authority vested in me by section 1753 of the Revised Statutes of the United States, Title I of the First War Powers Act, 1941 (Public Law 354—77th Congress), and as President of the United States, it is hereby ordered as follows:

1. There is hereby established, within the Department of Justice, an Interdepartmental Committee whose composition, powers, functions, and responsibilities are defined herein.

2. The Committee shall consist of five members appointed by the President from among the officers or employees of the departments, independent establishments and agencies of the Federal Government. The Committee shall choose its own officers.

3. The Committee shall serve as an advisory and coordinating agency in all matters pertaining to the investigation and disposition of complaints of subversive activity on the part of employees of the executive branch of the Federal Government excepting those who are on conditional appointment subject to the results of an investigation which is still pending, and shall initiate such measures as are best suited in its judgment to assure fair and prompt disposition of complaints and to protect the interests of the Government of the United States: *Provided, however,* that the Committee shall take no action concerning employees of the Department of the Navy or the Department of War except upon request from the Secretary of the Navy or the Secretary of War, respectively.

4. The departments, independent establishments and agencies of the Federal Government shall refer all complaints within the purview of paragraph 3 of this order, hereinafter referred to as complaints, together with all avail-

able information pertaining thereto, to the Federal Bureau of Investigation in the Department of Justice, for information or investigation.

5. The Committee shall consider general classes of complaints, or particular complaints, upon request of the Department of Justice, and shall recommend to the Department appropriate policies to govern the investigation of such complaints.

6. The Committee shall receive all completed investigative reports made by the Federal Bureau of Investigation, Department of Justice, on complaints and shall advise the departments, independent establishments and agencies concerning the procedures for determining action thereon.

7. The departments, independent establishments and agencies of the executive branch of the Government are directed to report to the Committee, within a reasonable period of time, the procedures followed and action taken on all cases referred by the Committee. The Committee in turn shall report forthwith to the Federal Bureau of Investigation the action taken by the employing department, independent establishment, or agency.

8. Upon request from an employing department, independent establishment, or agency, the Committee may review the record in any case within the purview of paragraph 3 of this order and return an advisory opinion concerning the disposition of the case.

9. Whenever the requirements of internal security appear to the Committee to have been insufficiently considered in connection with the disposition of an investigative report, the Committee may review the case upon its own motion and transmit its recommendation to the employing department, independent establishment, or agency.

10. In time of war or other national emergency, upon a finding that internal security will be endangered by recourse to the procedures authorized elsewhere in this order, the Committee may recommend to the President such special ac-

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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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Telephone information: DIstrict 0525.

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tion in exceptional cases as internal security may require.

11. Nothing contained in this order shall be construed to limit the authority of any department, independent establishment, or agency to suspend any employee as provided by law, to bar an immediate arrest and the transfer to court jurisdiction of any case in which the Department of Justice finds that such action is warranted, or to restrict the powers and responsibilities of the Civil Service Commission in connection with its review of disciplinary or administrative action against an employee.

12. The Department of Justice is hereby directed to furnish such clerical, stenographic, and other assistance and supplies as may be necessary to the operation of the Committee. Members of

the Committee shall serve without compensation in such capacity.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 5, 1943

[F. R. Doc. 43-1974; Filed, February 6, 1943;
10:27 a. m.]

Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 18—WAR SERVICE REGULATIONS

RECRUITMENT AND PLACEMENT, ETC.

Effective February 8, 1943, § 18.4 *Recruitment and Placement* issued, as amended, on September 26, 1942 (7 F.R. 7723) and on October 27, 1942 (7 F.R. 8841) is amended as follows:

§ 18.4 *Recruitment and placement—*(a) *Procedure in filling vacancies.* In conformity with the over-all labor supply policies of the Federal government which have been established in view of the comparatively small number of qualified persons now available for appointment to many positions, and in order to avoid competitive recruitment programs on the part of the agencies of the Federal government, the following procedures in the filling of vacancies must be observed:

(1) Each department and agency shall report to the Commission its estimated future needs for personnel, both in Washington and in the field, in such form and at such intervals as the Commission may prescribe.

(2) As soon as the need for filling positions becomes apparent, the department or agency concerned must place a requisition for personnel with the Commission.

(3) In filling requisitions for personnel, first priority will be given to qualified employees already in the Federal service. Especially will this apply to those who may, by order of the Director of the Bureau of the Budget, represent excess personnel where presently employed. Every effort will be made to utilize fully present employees of the Government before new employees are brought in from outside.

(4) The Commission shall, in consultation with the department or agency concerned, work out a program for developing sources of supply of qualified personnel. This program shall be of such a nature that full utilization will be made by the Commission of any resources available to the department or agency concerned.

No activities for developing sources of supply of qualified personnel shall be carried on except with the prior approval of the Commission and under its direction.

(5) Applications for employment in any positions in the Government service subject to these regulations, whether by original appointment or transfer, filed with any department or agency of the

executive branch of the Government, shall be promptly transmitted to the Commission or its representatives. Except as may be provided for under subparagraph (4) of this paragraph, persons calling at any department or agency located at Washington, D. C., in connection with obtaining employment, shall not be asked to complete an application by such department or agency, but shall be referred to the Commission.

(6) No department or agency of the Government shall give any publicity to its needs or prospective needs for personnel through the press, in periodicals, trade or professional journals, over the radio, or otherwise, without the express prior approval of the Commission or its authorized representatives, and, after such approval, only in accordance with the applicable directives and procedures of the Office of War Information. This subparagraph shall apply to all positions which are subject either to the War Service Regulations or to the Civil Service Act and Rules.

(7) Upon the receipt of a request for names of qualified persons, the Commission will supply an adequate number from the head of appropriate lists of eligibles, or from such other sources as, in the judgment of the Commission, may be appropriate. The eligibles supplied by the Commission will not include the names of persons suggested by the appointing officer unless, in the judgment of the Commission, such persons are among the best qualified and available persons known to the Commission.

The Commission will not normally certify the name of a person proposed by an agency unless and until it has had a minimum period of two weeks in which to certify qualified applicants in response to the requisition. Under emergency circumstances, the Commission may shorten the time period specified in the preceding sentence, and the Commission may require a longer time period in the event of doubt as to the qualifications of the proposed appointee and in the temporary absence of other better qualified candidates.

(8) Whenever a requisition for personnel from any department or agency specifies qualifications which are, in the judgment of the Commission, too exacting in the light of the requirements of the job and of present labor market conditions, the Commission will return the requisition. In returning such requisitions, the Commission will indicate its willingness to work out with the department or agency concerned some other solution of its need for personnel, such as the development of a suitable training program and the recruitment of necessary trainees for such a program.

(9) The Commission may, upon agreement with the department or agency concerned, recruit persons directly for the filling of specific vacancies.

(d) *Selection.* The nominating or appointing officer shall, with sole reference to merit and fitness, make selections for appointment from the names of eligibles furnished by the Commission unless better qualified persons for the position in question could be obtained by the

Commission by presenting for consideration other names on the list of eligibles or by going outside the list entirely. The names of persons suggested by an appointing officer will not be included among the eligibles furnished by the Commission unless, in the judgment of the Commission, such persons are among the best qualified and available persons known to the Commission. An appointing officer who passes over an eligible granted disability preference or military preference and selects a person not granted such preference shall file with the Commission a statement setting forth in detail his reasons for so doing, which reasons shall not be made available to the veteran or to anyone else except in the discretion of the appointing officer.

Effective February 8, 1943, §18.11 *Extent of regulations* issued, as amended, on September 26, 1942 (7 F.R. 7723), on September 28, 1942 (7 F.R. 8007) and on October 24, 1942 (7 F.R. 8679), is amended to read as follows:

§ 18.11. *Extent of regulations—*(a) *Regulations superseded.* The foregoing regulations shall supersede Civil Service Rules III, V, VI, VII, VIII, IX, X (5 CFR parts 3, 5, 6, 7, 8, 9, 10), and all provisions of joint regulations inconsistent with these regulations, for all positions except (unless otherwise specifically provided in these regulations): (1) positions in the field service of the postal establishment; (2) positions other than those filled by civilian employees of the forces in the Police and the Fire Department of the municipal government of the District of Columbia; (3) positions of policeman in the U. S. Park Police force of the Interior Department.

(b) *Regulations of Board of Legal Examiners.* Nothing in these regulations shall be construed to affect any existing or future regulations promulgated by the Board of Legal Examiners pursuant to Executive Order No. 8743 of April 23, 1942.

(c) *Applicability of War Manpower Commission directives.* All actions taken under or pursuant to these regulations shall be subject to the directives and orders of the War Manpower Commission.

(d) *Violations—Revocation of delegated authority.* Whenever the Commission shall find that any department or agency, or part thereof, has acted in violation of any provision of the Civil Service Rules or of these regulations, the Commission may revoke in whole or in part any authority to act delegated to such department or agency, or part thereof.

(E.O. No. 9063 dated February 16, 1942, 7 F.R. 1075; E.O. No. 9243 dated September 12, 1942, 7 F.R. 7213; Directive No. X, War Manpower Commission dated September 14, 1942, 7 F.R. 7298)

By the United States Civil Service Commission,

[SEAL]

H. B. MITCHELL,
President.

FEBRUARY 2, 1943.

[F. R. Doc. 43-2021; Filed, February 8, 1943;
9:32 a. m.]

TITLE 7—AGRICULTURE

Chapter XI—Food Distribution Administration

[Food Distribution Order 14]

PART 1461—OILSEEDS, FATS AND OILS
RESTRICTIONS ON PURCHASE AND SALE OF PEANUT OIL

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, and to assure adequate supplies of vegetable oils to meet essential war needs, *It is hereby ordered*, As follows:

§ 1461.18 *Restrictions on purchase and sale of peanut oil*—(a) *Sales permitted only to refiners under contract with Commodity Credit Corporation*. Notwithstanding existing contracts or commitments, no person shall, on or after February 5, 1943, sell or deliver, or contract for the sale of delivery of, crude peanut oil to any person who has not entered into the Refiner Contract with the Commodity Credit Corporation, and no person who has not entered into the Refiner Contract with the Commodity Credit Corporation shall purchase or accept delivery of, or contract for the purchase or delivery of, any crude peanut oil.

(b) *Peanut oil reserved for Commodity Credit Corporation*. Notwithstanding existing contracts or commitments, every person who has entered into the Refiner Contract with the Commodity Credit Corporation shall tender to the Commodity Credit Corporation for purchase pursuant to the terms of such Refiner Contract a quantity of crude peanut oil equal to at least twenty-five (25) per centum of the total quantity of crude peanut oil manufactured or received by him on or after February 5, 1943. Crude peanut oil purchased by the Commodity Credit Corporation up to and including a quantity equal to twenty-five (25) per centum of the total quantity of crude peanut oil manufactured or received by each such person on or after February 5, 1943, shall, unless otherwise determined by the Commodity Credit Corporation, not be repurchased by such person, but shall be refined and stored, and insured by him for the account of the Commodity Credit Corporation, as provided in such Refiner Contract.

(c) *Records and reports*. All persons affected by this order shall maintain such records for such periods of time, and shall execute and file such reports and submit such information as the Director may from time to time request or direct.

(d) *Audits and inspections*. Every person subject to this order shall permit inspection of his stocks of crude and refined vegetable oils, of his premises used for the refining, processing, or storing of such oils, and of his books, records and accounts by the Director.

(e) *Petition for relief from hardship*. Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing (in triplicate) for relief to the Director, setting forth in said petition all pertinent facts and the nature of the

relief sought. The Director may thereupon take such action as he deems appropriate and such action shall be final.

(f) *Violations*. Any person who willfully violates any provision of this order or who, by any act or omission, falsifies records to be kept or information to be furnished pursuant to this order, or willfully conceals a material fact concerning a matter within the jurisdiction of any Department or agency of the United States may be prohibited from receiving or making further deliveries of any material subject to allocation and such further action may be taken against him as the Director deems appropriate, including recommendations for prosecution under section 35a of the Criminal Code (18 U. S. C. § 80, 1940 ed.), under paragraph 5 of section 301 of Title III of the Second War Powers Act, and under any and all other applicable laws.

(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 14.

(h) *Definitions*. (1) "Refiner Contract," as used herein, means the contract entitled "Refiner Contract, 1942 Vegetable Oils Program" entered into between the Commodity Credit Corporation and refiners of vegetable oils.

(2) "Person," as used herein, means any individual, partnership, corporation, association, or other business unit, whether incorporated or not.

(3) "Director" means the Director of Food Distribution, United States Department of Agriculture, or any employee of the United States Department of Agriculture designated by such Director.

(i) *Effective date*. This order shall become effective as of 12:01 a. m., e. w. t., February 5, 1943.

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

Issued this 3d day of February 1943.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.[F. R. Doc. 43-1960; Filed, February 5, 1943;
12:25 p. m.]

[Food Distribution Order 15]

PART 1401—DAIRY PRODUCTS

SETTING ASIDE OF CHEDDAR CHEESE

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, and to assure an adequate supply and efficient distribution of dairy products to meet war and essential civilian needs, *It is hereby ordered*, As follows:

§ 1401.1 *Cheddar cheese, required to be set aside*—(a) *Definitions*. When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "Cheddar cheese", frequently called "American cheese" or "American Cheddar cheese", means Cheddar cheese (produced in the United States) as defined in the regulations, issued by the Food and Drug Administra-

tion, published in 6 F.R. p. 195, *et seq.*, 21 CFR § 19.500.

(2) The term "person" means any individual, partnership, corporation, association, or other business entity.

(3) The term "cheese assembler" means any person who has facilities which enable him to receive, paraffin, store, and ship Cheddar cheese in carload lots and who customarily ships Cheddar cheese in carload lots.

(4) The term "authorized cheese assembler" means any assembler of Cheddar cheese who holds a letter of authority, issued by the Director, to receive Cheddar cheese set aside pursuant to the provisions hereof.

(5) The term "Director" means the Director of Food Distribution, United States Department of Agriculture, or any employee of the United States Department of Agriculture designated by such Director.

(b) *Restrictions on manufacturers or assemblers of Cheddar cheese*. (1) Every person who has produced more than 8,000 pounds of Cheddar cheese in any calendar month during the period from January 1942 to January 1943, both months inclusive, shall set aside and hold for delivery to the Food Distribution Administration (including, but not being limited to, the Federal Surplus Commodities Corporation), Army, Navy, Marine Corps, Coast Guard, or any other agency designated by the Director, at least 50 percent of all Cheddar cheese produced by such person during the period from February 15 to February 28, 1943, both dates inclusive, and during each calendar month thereafter, regardless of the quantity produced by such person after January 1943; and every person who has not produced more than 8,000 pounds of Cheddar cheese in any calendar month during the period from January 1942 to January 1943, both months inclusive, but who produces more than 8,000 pounds of Cheddar cheese during February 1943 or any subsequent calendar month shall thereafter set aside, each calendar month, and hold for delivery to such agencies at least 50 percent of Cheddar cheese produced by such person, regardless of the quantity produced by such person after the month in which the production was more than 8,000 pounds of Cheddar cheese.

(2) Notwithstanding the restrictions of (b) (1) hereof, any person required by the provisions of said (b) (1) to set aside Cheddar cheese may, at his option, sell or deliver all or part of the Cheddar cheese, set aside pursuant to the provisions hereof, to any authorized cheese assembler who agrees to set aside, out of the Cheddar cheese in his possession or control, a quantity of Cheddar cheese equal to the quantity of such set aside Cheddar cheese received by him, and such authorized cheese assembler shall so set aside such quantity of Cheddar cheese. Each person delivering or shipping Cheddar cheese to an authorized cheese assembler shall deliver to such authorized cheese assembler a certificate, in duplicate, in substantially the following language (with the appropriate information inserted in the blank spaces), and the receipt of such Cheddar

cheese shall be acknowledged by the authorized cheese assembler in the appropriate manner provided in said certificate:

This is to certify that the _____ pounds of Cheddar cheese shipped or delivered on _____ pounds are Cheddar cheese set aside pursuant to the provisions of Food Distribution Order No. _____, issued by the Secretary of Agriculture of the United States on _____, 19____; and such amount of set aside Cheddar cheese is required to be set aside by you pursuant to the provisions of said order. The balance, _____ pounds, is Cheddar cheese free from the restrictions of said order.

(Signature of Manufacturer)

This will acknowledge receipt of the above-indicated quantity of Cheddar cheese set aside pursuant to said order.

(Signature of Authorized Cheese Assembler)

The authorized cheese assembler, after receiving Cheddar cheese as aforesaid, shall return one copy of the aforesaid certificate, after being duly acknowledged as aforesaid, to the person who delivered or shipped the aforesaid cheese; and such authorized cheese assembler shall retain the original of said certificate for at least one year after the date of receipt thereof.

(3) All Cheddar cheese set aside pursuant to the provisions hereof shall be stored under the same conditions of storage customarily observed to maintain the quality of Cheddar cheese. At least 80 percent of the Cheddar cheese thus set aside pursuant to the provisions hereof shall be No. 1 quality or better, as defined in the U. S. Standards for Cheese issued by the United States Department of Agriculture, Office of the Secretary, Circular 157, entitled "Hand Book for Use in the Inspection of Whole Milk American Cheese", January 1923, hereinafter referred to as the "U. S. Standards", and the remainder shall be not less than No. 2 quality, as defined in said U. S. Standards; *Provided*, That if all of the Cheddar cheese of No. 1 quality or better, owned or in the possession of any person required to set aside Cheddar cheese pursuant hereto, is less than 80 percent of the total quantity thus set aside by the respective person, the quantity thus set aside shall include all of the No. 1 quality or better manufactured or received by such person, and the remainder may be No. 2 quality.

(4) Any cheese assembler who desires to become an authorized cheese assembler shall file with the Director an application, upon a form approved by the Director, setting forth the information requested in said form of application. Thereupon, the Director shall consider such application and issue a letter of authority unless, in the opinion of the Director, the issuance of such letter of authority will not tend to effectuate the purposes hereof. Any letter of authority may be revoked at any time by the Director. No person shall represent himself to be an authorized cheese assembler unless he holds a letter of authority duly issued by the Director pursuant to the provisions hereof. No person other than an authorized cheese assembler shall receive or, after receipt,

deal in Cheddar cheese set aside pursuant to the provisions hereof.

(5) If no agency specified in or pursuant to the provisions in (b) (1) hereof has contracted for, or declared its intention or desire to contract for, any portion of set aside Cheddar cheese, within 30 days after the end of the month in which such set aside Cheddar cheese was required to be set aside by the manufacturer thereof, such portion of the Cheddar cheese thus set aside is released from the restrictions of the provisions in (b) (1) and (2) hereof. Quantities set aside pursuant to the provisions hereof may also be released upon notice to that effect from the Director.

(6) The restrictions hereof shall be observed without regard to the rights of creditors, existing contracts or payments made. This Order shall not, however, be construed as reducing the amount of Cheddar cheese which any person is required to offer or deliver, under existing contracts or contracts subsequently entered into, to any agency specified in or pursuant to the provisions in (b) (1) hereof.

(c) *Records and reports.* Each person subject to this order shall maintain such records, for such periods of time, and shall execute and file such reports and submit such information as the Director may from time to time request or direct, and within such time as may be prescribed by the Director.

(d) *Audit and inspection.* Every person subject to this order shall permit inspections of his stocks of cheese, including but not being limited to Cheddar cheese, and premises used for the manufacture, assembly, or storage of cheese, including but not being limited to Cheddar cheese, and of his books, records, and accounts by the Director or any person designated by him.

(e) *Territorial scope.* Any manufacturer of Cheddar cheese or authorized assembler doing business in one or more of the forty-eight States or the District of Columbia is subject to the provisions hereof, but the provisions hereof shall not apply to any person doing business exclusively in any Territory or Possession of the United States.

(f) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth, in said petition, all pertinent facts and the reasons for such petition being approved. The Director may thereupon take such action as he deems appropriate, and such decision by the Director shall be final.

(g) *Violations.* Any person who willfully violates any provision of this order, or who, by any act or omission, falsifies records to be kept or information to be furnished pursuant to this order, or willfully conceals a material fact concerning a matter, in connection with this order, within the jurisdiction of any department or agency of the United States may be prohibited from receiving or making further deliveries of any material subject to allocation; and such fur-

ther action may be taken against such person as the Director deems appropriate, including recommendations for prosecution under section 35a of the Criminal Code (18 U.S.C. 1940 ed. 80), under paragraph 5 of section 301 of Title III of the Second War Powers Act, and under any and all other applicable laws.

(h) *Communications to Department of Agriculture.* All reports required to be filed hereunder and all communications concerning this Order shall, unless otherwise directed, be addressed to: Director of Food Distribution; United States Department of Agriculture, Washington, D. C. Ref. FD-15.

(i) *Delegation of authority.* The Director is hereby designated to administer the provisions hereof.

(j) *Effective date.* This order shall be effective as of 12:01 A. M., E. W. T., February 15, 1943.

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

Issued this 6th day of February 1943.

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

[F. R. Doc. 43-2003; Filed, February 6, 1943;
3:01 p. m.]

[Food Distribution Order 18]

PART 1407—DRIED FRUIT

RESTRICTION ON PURCHASE, ACCEPTANCE AND DELIVERY

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, and to insure an adequate supply and efficient distribution of dried fruit to meet war and civilian needs, *It is hereby ordered*, As follows:

§ 1407.1 *Restrictions on the purchase, delivery and use of dried fruit*—(a) *Definitions.* When used in this order unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) "Dried fruit" means the whole or fleshy portions of apples, apricots, peaches, pears, prunes, or grapes (raisins) preserved by the removal therefrom of part of the natural moisture, and, unless otherwise indicated, shall include such fruit in natural or processed condition.

(2) "Packer" means any person engaged in the business of processing and packaging dried fruit.

(3) "Processing" means grading, sizing, stemming, seeding, or treating dried fruit by the use of hot water, steam, chemicals or compressed or hot air; or cutting fresh apples acquired for the production of dried apples.

(4) "Government agency" means the Army of the United States, the Food Distribution Administration, and any other officer, board, agency, commission, or government-owned or government-controlled corporation of the United States specifically designated by the Director.

(5) "Director" means the Director of Food Distribution, United States Department of Agriculture or any employee of the United States Department of Agriculture designated by such Director.

(6) "Person" means any individual, partnership, corporation, association or other business entity.

(b) *Restrictions on packers.* (1) Each packer shall, without regard to previously existing contracts, set aside to be delivered for the requirements of government agencies, any dried fruit, and any fresh fruit acquired for the production of dried fruit, which were in his possession, under his control or under contract on August 10, 1942, or were acquired by him within one year thereafter. All such fruit so set aside may be delivered to the Army of the United States or the Food Distribution Administration without specific allocation; to any other government agency if specifically allocated to such agency, and to any private purchaser if released. Such fruit shall not be processed and packed without instructions which may be given by the Director, or by the Army of the United States, if such fruit is to be purchased by either of such agencies; or, if such fruit is specifically allocated to any other agency, instructions may be given by the agency to which it is allocated. The Director may issue specifications at any time as to processing, packing, labeling, boxing and strapping.

(2) Each packer shall mail to or file with the Food Distribution Administration on the fifteenth and last day of each month reports on form PD-625 series.

(3) If he determines that any dried fruit set aside pursuant to this order is not required for government agencies, the Director may release such dried fruit at any time by notice directed to the packer. So far as consistent with the defense requirements of the United States, such releases shall be of such a character as to allow to all packers, for sale to purchasers other than government agencies, substantially equal proportions of their packs of each fruit: *Provided, however,* That the Director may, in determining any amounts to be so released to any packer, take into account any quantities of dried fruit produced from the 1942 crop and sold and actually shipped by him before August 10, 1942.

(4) Any quantities of dried fruit allocated or released shall, unless otherwise specified, be withdrawn by the packer from the earliest reported stocks of such dried fruit.

(c) *Records and reports.* Every person subject to this order shall maintain for not less than two years accurate and complete records concerning inventories, purchases, production and sales and shall maintain such other records for such periods of time and shall execute and file such reports upon such forms and submit such information, as the Director may from time to time request or direct, and within such times as he may prescribe.

(d) *Audits and inspections.* Every person subject to this order shall, upon request, permit inspections, at all reasonable times, of his stocks of dried fruit and premises used in his business and all of his books, records and accounts shall upon request be submitted to audit and inspection by the Director.

(e) *Petition for relief from hardship.* Any person affected by this order who

considers that compliance herewith would work an exceptional and unreasonable hardship on him may petition in writing (in triplicate) for relief to the Director, setting forth all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate and such action shall be final.

(f) *Violations.* Any person who willfully violates any provision of this order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order or willfully conceals a material fact concerning a matter within the jurisdiction of any Department or agency of the United States may be prohibited from receiving or making further deliveries of any material subject to allocation and such further action may be taken against him as the Director deems appropriate, including recommendations for prosecution under section 35a of the Criminal Code (18 U.S.C. 1940 ed. 80), under paragraph 5 of section 301 of Title III of the Second War Powers Act, and under any and all other applicable laws.

(g) *Communications to Department of Agriculture.* All reports required to be filed hereunder and all communications concerning this Order shall, unless otherwise directed, be addressed to: Director of Food Distribution, United States Department of Agriculture; Washington, D. C. Ref: FD-16.

(h) *Conservation Order M-205, superseded.* This order supersedes in all respects Conservation Order M-205,¹ as amended,² of the War Production Board except that as to violations of said order or rights accrued, liabilities incurred, or appeals taken under said order prior to the effective date hereof said Conservation Order M-205, as amended, shall be deemed in full force and effect for the purpose of sustaining any proper suit, action or other proceeding with respect to any such violation, right or liability. Any appeal pending under said Conservation Order M-205, as amended, shall be considered under paragraph (e) hereof.

(i) *Effective date.* This order shall be effective as of the date of its issuance.

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

Issued this 30th day of January 1943.

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

[F. R. Doc. 43-2004; Filed, February 6, 1943;
3:01 p. m.]

[Food Distribution Order 17]

PART 1407—DRIED FRUIT

RESTRICTION ON THE PURCHASE, ACCEPTANCE OF DELIVERY AND USE OF RAISIN VARIETY GRAPES

Pursuant to the authority vested in me by Executive Order No. 9280, issued December 5, 1942, and to insure an adequate supply and efficient distribution of raisin variety grapes and raisins to meet war

and civilian needs, *It is hereby ordered,* As follows:

§ 1407.2 *Restrictions on the purchase, delivery and use of raisin variety grapes—(a) Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) "Raisin variety grapes" means Thompson Seedless, Muscat and Sultana grapes grown in the State of California;

(2) "Grower" means any person who grows raisin variety grapes for commercial sale;

(3) "Receiver" means any person who purchases or accepts delivery of raisin variety grapes from a grower;

(4) "Director" means the Director of Food Distribution, United States Department of Agriculture, or any employee of the United States Department of Agriculture designated by such Director;

(5) "Person" means any individual, partnership, corporation, association, or other business entity.

(b) *Restrictions.* (1) No person shall purchase, accept delivery of, or use more than 100 pounds of raisin variety grapes harvested or picked after August 24, 1942, for any purpose other than for conversion into raisins, unless such grapes have been released, in accordance with paragraph (b) (2), because of unsuitability for such conversion or because of any other reason specified in paragraph (b) (2). No person shall sell or deliver raisin variety grapes with knowledge or reason to believe that they are to be used in violation of this order.

(2) Raisin variety grapes may, notwithstanding the provisions of paragraph (b) (1) of this order, be delivered, sold and used for purposes other than conversion into raisins if a grower or receiver having such raisin variety grapes in his possession or control shall have made application on Form PD-626 to a duly authorized representative of the Secretary of Agriculture in the county where such grapes are grown and such representative shall have determined and certified in writing on Form PD-627 that such raisin variety grapes:

(i) Cannot, because of quality or condition, be converted into raisins;

(ii) Are produced in areas where, or under growing conditions in which, the necessary drying facilities are not available;

(iii) Are produced on vines which have been girdled; or

(iv) Are to be used for packing or preserving in metal or glass containers.

(c) *Records and reports.* Every grower, receiver and any other person to whom this order applies shall maintain for not less than two years accurate and complete records concerning inventories, purchases, production and sales, and shall maintain such other records for such periods of time and shall execute and file such reports and submit such information, as the Director may from time to time request or direct, within such time as he may prescribe.

(d) *Audits and inspections.* Every grower, receiver or any other person subject to this order shall, upon request, permit inspections, at all reasonable

¹ 7 F.R. 6213.

² 7 F.R. 9306.

times, of his stocks of raisin variety grapes and premises used in his business, and all of his books, records and accounts shall upon request be submitted to audit and inspection by the Director.

(e) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may petition in writing (in triplicate) for relief to the Director, setting forth all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate and such action shall be final.

(f) *Violations.* Any person who willfully violates any provision of this order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order or willfully conceals a material fact concerning a matter within the jurisdiction of any Department or agency of the United States may be prohibited from receiving or making further deliveries of any material subject to allocation and such further action may be taken against him as the Director deems appropriate, including recommendations for prosecution under section 35a of the Criminal Code (18 U. S. C. 1940 ed. 80), under paragraph 5 of section 301 of Title III of the Second War Powers Act, and under any and all other applicable laws.

(g) *Conservation Order M-205a superseded.* This order supersedes in all respects Conservation Order M-205a¹ of the War Production Board except that as to violations of said order or rights accrued, liabilities incurred, or appeals taken under said order prior to the effective date hereof said Conservation Order shall be deemed in full force and effect for the purpose of sustaining any proper suit, action or other proceeding with respect to any such violation, right or liability. Any appeal pending under said conservation order shall be considered under paragraph (e) hereof.

(h) *Communications to Department of Agriculture.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Director of Food Distribution, United States Department of Agriculture, Washington, D. C. Ref: FD-17.

(i) *Effective date.* This order shall be effective as of the date of its issuance.

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

Issued this 30th day of January 1943.

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

[F. R. Doc. 43-2005; Filed, February 6, 1943; 3:01 p. m.]

[Food Distribution Order 10, Amendment 1]

PART 1432—RICE

SALE AND DISTRIBUTION

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

¹ 7 F.R. 6214.

Order No. 10, § 1432.1, 8 F.R. 1076, is amended by:

1. Striking out paragraph (a) (8) and inserting in lieu thereof the following:

(8) "First owner" means any person, including millers, but not including millers who do not have facilities for processing more than 50 barrels of rough rice per day, who had in his possession on the effective date of this order, brown, milled, or undermilled rice processed by a miller who has facilities for processing more than 50 barrels of rough rice per day with respect to which he was the original owner, or who becomes the original owner of any such rice; and,

2. Inserting at the end of paragraph (b) the following:

(3) No first owner shall sell, ship, consign or deliver brown rice, milled rice or undermilled rice to persons within any State or the District of Columbia in amounts which will result in his total sales, shipments, consignments or deliveries to such persons during the year August 1, 1942 to July 31, 1943 exceeding 85% of the quantity of such rice sold, shipped, consigned or delivered by him to persons in such State or the District during the year August 1, 1941 to July 31, 1942; *Provided*, That the Director may upon application of any first owner authorize the transfer of a first owner's quota or any part thereof, under this provision, with respect to any State or the District, to another first owner, upon submission of satisfactory proof that both first owners have agreed to such transfer and the first owner whose quota is transferred agrees to refrain from selling, shipping, consigning or delivering brown rice, milled rice or undermilled rice under such quota to the extent that it has been transferred.

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

Issued this 6th day of February 1943.

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

[F. R. Doc. 43-2002; Filed, February 6, 1943; 3:01 p. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property Custodian

[General Order 18]

PART 503—GENERAL ORDERS

REPORT OF ROYALTIES DUE AND PAYABLE TO THE ALIEN PROPERTY CUSTODIAN UNDER VESTED PATENT RIGHTS

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 hereby issues the following regulation:

§ 503.18 *General Order No. 18.* (a) In any case in which the Alien Property Custodian is entitled to receive royalties by virtue of the vesting of a patent or patent application or of an interest in an agreement with respect to a patent or

patent application, any person who is obligated to pay such royalties shall, upon demand by the Alien Property Custodian, within the period provided in such demand, execute and file with the Office of Alien Property Custodian, Chicago office, Chicago, Illinois, on Form APC-19, which is hereby adopted and made a part of this regulation, a report of all such royalties which are due.

(b) Unpaid royalties reported in Form APC-19¹ shall be paid to the Alien Property Custodian, Chicago office, Chicago, Illinois, not later than the next date following the filing of Form APC-19 upon which payment is due under the agreement. Such payment shall include all royalties due on such date.

(c) Subsequent royalties shall be paid to the Alien Property Custodian, Chicago office, Chicago, Illinois, as they become due under the agreement.

(d) All payments of royalties to the Alien Property Custodian shall be accompanied by a report executed and filed in duplicate on Form APC-20,¹ which is hereby adopted and made a part of this regulation.

(e) As used in this regulation, the terms:

(1) "Royalty" shall include serial payments under a license, assignment or other agreement; and

(2) "Agreement" shall include, without limitation, any contract of purchase or sale, any contract granting a right to obtain an assignment, any agreement to use or not to use, any license held or granted, any cross-license agreement, any royalty agreement, and any agreement as to quantity, price, territorial restrictions or field of use.

Executed at Washington, D. C., on January 9, 1943.

(40 Stat. 411; 50 U.S.C. App.; 55 Stat. 239, 50 U.S.C. App. (Supp. 1941); E.O. 9193, 7 F.R. 5205)

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-2631; Filed, February 8, 1943; 10:39 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Amendment 1 of § 238.4]

PART 238—CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

TERMS, CONDITIONS AND LIMITATIONS

Adopted by the Civil Aeronautics Board at its office in the City of Washington, D. C., on the 11th day of December 1942.

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 401 (f) thereof, and deeming its action necessary to carry out the provisions of said Act and to exercise its powers and perform its duties thereunder, hereby makes and promulgates the following regulation:

Amendment 1 of § 238.4 of the Economic Regulations; terms, conditions and limitations of certificates of public

¹ Filed as part of the original document.

convenience and necessity issued under section 401 of the Act authorizing foreign air transportation.

Effective ten days after the date of approval hereof by the President of the United States, § 238.4 of the Economic Regulations is hereby amended by adding at the end of part 1 of said section the following paragraph:

Subject to the provisions of section 405 (e) of the Act, non-stop service may be inaugurated between any two points at any time without the filing of the notice herein prescribed if, during the period from June 1, 1941, to May 31, 1942, inclusive, non-stop service was regularly scheduled by such holder between such points during a period of at least 10 days. This authorization shall remain in effect during the present war and thereafter until the Board shall by order declare the authorization terminated.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

THE WHITE HOUSE,

Approved: January 30, 1943.

FRANKLIN D ROOSEVELT

[F. R. Doc. 43-2049; Filed, February 8, 1943;
11:32 a. m.]

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Amendment 18]

PART 600—DESIGNATION OF CIVIL AIRWAYS
REDESIGNATION OF RED CIVIL AIRWAY NO. 14

JANUARY 26, 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:

By amending § 600.10213 *Red Civil Airway No. 14 (Lone Rock, Wis., to Louisville, Ky.)* to read as follows:

From the Lone Rock, Wis., radio range station, via the Rockford, Ill., radio range station to the intersection of the center lines of the southeast leg of the Rockford, Ill., radio range and the southwest leg of the Chicago, Ill., radio range. From the intersection of the center lines of the on course signals of the southeast leg of the Chicago, Ill., radio range and the west leg of the Goshen, Ind., radio range via the LaFayette, Ind., radio range station, the Indianapolis, Ind., radio range station; and the intersection of the center lines of the on course signals of the south leg of the Indianapolis, Ind., radio range and the west leg of the Louisville, Ky., radio range to the Louisville, Ky., radio range station.

This amendment shall become effective 0001 e. w. t. February 15, 1943.

C. I. STANTON,
Administrator.

[F. R. Doc. 43-2016; Filed, February 6, 1943;
4:06 p. m.]

[Amendment 19]

PART 600—DESIGNATION OF CIVIL AIRWAYS

AMBER CIVIL AIRWAY NO. 1, ET AL.

FEBRUARY 2, 1943.

Redesignation of civil airways: Amber Civil Airway No. 1, Blue Civil Airway No. 10, Red Civil Airway No. 25, Blue Civil Airway No. 7.

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 striking in § 600.10100 *Amber Civil Airway No. 1 (San Diego, Calif., to U. S.—Canadian Border)* the following:

and the Modesto, Calif., radio range station;

and substituting in lieu thereof the following:

and the intersection of the center lines of the on course signals of the northwest leg of the Fresno, Calif., radio range and the southeast leg of the Oakland, Calif., radio range,

2. By amending § 600.10309 *Blue Civil Airway No. 10 (Fresno, Calif., to Williams, Calif.)* to read as follows:

From the Fresno, Calif., radio range station, via the Sacramento, Calif., radio range station to the Williams, Calif., radio range station.

3. By amending § 600.10224 *Red Civil Airway No. 25 (Daytona Beach, Fla., to Miami, Fla.)* to read as follows:

From the Daytona Beach, Fla., radio range station, via the Orlando, Fla., radio range station; Tampa, Fla., radio range station; the Fort Myers, Fla., radio range station, and the intersection of the center lines of the on course signals of the southeast leg of the Fort Myers, Fla., radio range; and the west leg of the Miami, Fla., radio range; to the Miami, Fla., radio range station.

4. By adding a new § 600.10306 *Blue Civil Airway No. 7 (San Francisco, Calif., to Evergreen, Calif.)* to read as follows:

From the intersection of the center lines of the on course signals of the southeast leg of the San Francisco, Calif., radio range and the southeast leg of the Oakland, Calif., radio range to the San Francisco, Calif., radio range station.

This amendment shall become effective 0001 e. w. t. February 15, 1943.

J. E. SOMMERS,
Acting Administrator.

[F. R. Doc. 43-2017; Filed, February 6, 1943;
4:06 p. m.]

[Amendment 25]

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

REDESIGNATION OF RADIO FIX: RED CIVIL AIRWAY NO. 14

JANUARY 26, 1943.

Acting pursuant to the authority vested in me by section 308 of the Civil

Aeronautics Act of 1938, as amended, and Special Regulation No. 197 of the Civil Aeronautics Board, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

By amending § 601.40214 *Red Civil Airway No. 14 (Lone Rock, Wis., to Louisville, Ky.)* to read as follows:

Rockford, Ill., radio range station; LaFayette, Ind., radio range station; and the intersection of the center lines of the on course signals of the south leg of the Indianapolis, Ind., radio range and the west leg of the Louisville, Ky., radio range to the Louisville, Ky., radio range station.

This amendment shall become effective 0001 e. w. t. February 15, 1943.

C. I. STANTON,
Administrator.

[F. R. Doc. 43-2018; Filed, February 6, 1943;
4:06 p. m.]

[Amendment 26]

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

BLUE CIVIL AIRWAY NO. 7, ET AL.

FEBRUARY 2, 1943.

Redesignation airway traffic control area: Blue Civil Airway No. 7; redesignation radio fixes: Amber Civil Airway No. 1, Red Civil Airway No. 25, Blue Civil Airway No. 10, Blue Civil Airway No. 7.

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

1. By adding a new § 601.10307 *Blue Civil Airway No. 7 Airway Traffic Control Area (Evergreen, Calif., to San Francisco, Calif.)* to read as follows:

All of Blue Civil Airway No. 7.

2. By striking in § 601.4011 *Amber Civil Airway No. 1 (San Diego, Calif., to U. S.—Canadian Border)* the following:

Modesto, Calif., radio range station, and substituting in lieu thereof the following:

The intersection of the center lines of the on course signals of the northwest leg of the Fresno, Calif., radio range and the southeast leg of the Oakland, Calif., radio range station.

3. By amending § 601.40225 *Red Civil Airway No. 25 (Daytona Beach, Fla., to Miami, Fla.)* to read as follows:

Orlando, Fla., radio range station; Tampa, Fla., radio range station; Fort Myers, Fla., radio range station. The intersection of the center lines of the on course signals of the southeast leg of the Fort Myers, Fla., radio range and the west leg of the Miami, Fla., radio range.

4. By amending § 601.40310 *Blue Civil Airway No. 10 (Fresno, Calif., to Williams, Calif.)* to read as follows:

No radio fix designation.

5. By adding a new § 601.40307 *Blue Civil Airway No. 7 (San Francisco, Calif., to Evergreen, Calif.)* to read as follows:

No radio fix designation.

This amendment shall become effective 0001 e. w. t. February 15, 1943.

J. E. SOMMERS,
Acting Administrator.

[F. R. Doc. 43-2019; Filed, February 6, 1943; 4:06 p. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 250—RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935.

AMENDMENT TO RULE PROVIDING EXEMPTIONS

Acting pursuant to the Public Utility Holding Company Act of 1935, particularly sections 12 (f), 17 (c) and 20 (a) thereof, and finding that such action is in the public interest and necessary to carry out the provisions of the Act, the Securities and Exchange Commission hereby amends § 250.70 (a) (7) (6 F.R. 2025; 7 F.R. 1612) [Rule U-70 (a) (7)] so that the exemption provided by the same shall expire March 1, 1944, instead of March 1, 1943.

Effective February 9, 1943.

By the Commission.

[SEAL]

ORVAL DUBOIS,
Secretary.

[F. R. Doc. 43-2026; Filed, February 8, 1943; 9:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 166]

APPLICATION BY ALIEN FOR RELIEF FROM MILITARY SERVICE

ORDER PRESCRIBING FORM

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 301, entitled "Application by Alien for Relief from Military Service," effective immediately upon the filing hereof with the Division of the Federal Register.¹ The original supply of forms will be used until exhausted.

The foregoing revision shall become a part of the Selective Service Regulations

¹ Filed as part of the original document.

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

LEWIS B. HERSHEY,
Director.

JANUARY 2, 1943.

[F. R. Doc. 43-1961; Filed, February 5, 1943; 2:56 p. m.]

[No. 167]

TRANSMITTAL SHEET FOR SAMPLE OF FORMS 311

ORDER PRESCRIBING FORM

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 312A, entitled "Transmittal Sheet for Sample of Forms 311," effective immediately upon the filing hereof with the Division of the Federal Register.¹

The foregoing revision shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JANUARY 22, 1943.

[F. R. Doc. 43-2000; Filed, February 6, 1943; 1:05 p. m.]

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amendment 3]

PART 804—INDIVIDUAL LICENSES

APPLICATIONS TO EXPORT TO FRENCH WEST INDIES AND FRENCH GUIANA

Part 804, Individual Licenses, is hereby amended by adding the following new section:

§ 804.13 *Special provisions concerning applications to export to French West Indies and French Guiana.* Each application for an individual license to export any commodity listed in § 801.2 of this subchapter to the countries designated by numbers 68 or 69 as set forth in paragraph (a) of § 802.2 of this subchapter must bear the stamp of the Office of the Representative in the United States of the French West Indies and French Guiana in Financial and Economic Matters.

(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)

Dated: February 5, 1943.

PAUL CORNELL,
Chief of Office,
Office of Exports.

[F. R. Doc. 43-2043; Filed, February 8, 1943; 11:27 a. m.]

[Amendment 4]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exports* (8 F.R. 1494, 1616) is hereby amended in the following particulars:

In the column headed "Gen. Lic. Group" the group designations assigned to the commodities listed below (at every place where said commodities appear in said section) are amended to read as follows:

Commodity	Dept of Comm. No.	Gen. Lic. Group
Flavoring extracts, synthetic.....	8295.00	C
Rice flour, meal, and polish.....	1058.00	None
Rice, milled, including brown, broken, rice and rice screenings.....	1057.00	None
Soap, laundry.....	8713.00	None
Soap, medicated.....	8710.00	None
Soap, powdered or flaked.....	8716.00	None
Soap, toilet or fancy.....	8712.00	None
Soap, n. e. s.....	8729.00	None
Tea.....	1521.05	None

(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)

Dated: February 6, 1943.

PAUL CORNELL,
Chief of Office,
Office of Exports.

[F. R. Doc. 43-2044; Filed, February 8, 1943; 11:27 a. m.]

[Amendment 5]

PART 804—INDIVIDUAL LICENSES

APPLICATIONS FOR LICENSES

Section 804.2 *Applications for licenses* (8 F.R. 1563) is hereby amended in the following particulars:

1. Paragraph (c) is amended by revising the paragraph preceding the list of numbered commodity groups to read as follows:

(c) A separate and complete application must be submitted for each commodity to each consignee in each country of destination, except that a single application may be submitted under conditions prescribed in paragraph (g) of this section and except that a single application may be filed covering any number of commodities classifiable under the Department of Commerce Schedule B numbers listed in one of the following numbered groups where all such commodities included in a single application are destined for a single consignee in a single country of destination:

2. Paragraph (c) is further amended by revising certain descriptions of certain numbered commodity groups and their assigned Department of Commerce Schedule B numbers contained in the list of numbered commodity groups set forth in said paragraph to read as follows:

Commodity:	Schedule B No.
3. All canned meats.....	0036.15 thru 0039.09
5. Animal oils and fats, edible.....	0050.00 thru 0059.00
7. All fresh dried or cured fish or fish products.	0070.00 thru 0079.98 and 0090.03 thru 0090.98
8. All canned fish.....	0084.00 thru 0088.98 and 0090.98
10. Hides and skins, raw except furs.....	0201.01 thru 0250.98
61. All other cotton manufactures.....	3031.10 thru 3033.20, 3036.00 thru 3061.00, 3067.00 thru 3089.50, 3160.00 thru 3189.00 and 3199.00
98. Zinc.....	6571.01 thru 6572.09, 6596.00 thru 6599.98
129. Agricultural machinery and implements.	7800.00 thru 7870.00, 7879.00 thru 7899.98 (except 7889.01)
133. Automobile service equipment.....	7931.60 thru 7931.80
145. Explosives, fuses, etc., except commodities requiring white licenses.	8604.00 thru 8629.00
147. Cameras, projectors and other photographic equipment.	9000.50 thru 9112.00 and 9140.00
148. Exposed film.....	9121.20 thru 9124.01
150. Lenses, not fitted to instruments, binoculars, microscopes and accessories, and other optical goods.	9147.00 thru 9149.98
157. Firearms, ammunition and fireworks, except commodities requiring white licenses.	9470.04 thru 9497.98
160. Jewelry.....	9621.00 thru 9635.00
167. Commodities exported for relief or charity.	9998.10 thru 9998.90

3. The following new paragraph is added:

(g) Manufacturers of parts for: (a) farm equipment, (b) track-laying tractors or (c) allied equipment, may submit a single application covering any number of such parts included within one category where all such parts are destined for a single consignee in a single country of destination. The application must

- (1) State the quantity to be shipped;
- (2) State the total selling price;
- (3) State the unit value;
- (4) Describe the parts in sufficient detail to permit accurate identification;
- (5) Set forth the appropriate Department of Commerce Schedule B number for parts.

When an application is submitted covering a number of such parts, a license may be issued for only some of such parts and the application rejected as to the others. In such case, the disapproved parts will be blocked out before the license is issued.

(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)

Dated: February 6, 1943.

PAUL CORNELL,
Chief of Office,
Office of Exports.

[F. R. Doc. 43-2045; Filed, February 8, 1943; 11:27 a. m.]

[Amendment 6]

PART 808—PROCEDURE RELATING TO SHIPMENT OF LICENSED EXPORTS TO THE OTHER AMERICAN REPUBLICS

APPLICATION PROCEDURE

Subparagraph (5) of paragraph (e) of § 808.6 Application procedure (8 F.R. 1574) is hereby amended by deleting certain commodities listed therein so as to read as follows:

- (5) List of commodities;

Dept. of Comm. No.:	Commodity
1041.00----	Oats (bu. 32 lbs.)
1073.00----	Wheat flour, wholly of U. S. wheat (bbl. 196 lbs.)
1074.00----	Wheat flour, other (bbl. 196 lbs.)
5724.00----	Salt
8365.00----	Sodium carbonate, calcined (soda ash)
8373.00----	Sodium hydroxide (caustic soda)

(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)

Dated: February 6, 1943.

PAUL CORNELL,
Chief of Office,
Office of Exports.

[F. R. Doc. 43-2046; Filed, February 8, 1943; 11:27 a. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

AUTHORITY: Regulations in this subchapter issued under 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.

PART 1029—FARM MACHINERY AND EQUIPMENT AND ATTACHMENTS AND REPAIR PARTS THEREFOR

[Limitation Order L-170, as Amended Feb. 4, 1943¹]

The fulfillment of requirements for the defense of the United States has created a shortage of critical materials entering into the manufacture of farm machinery and equipment and attachments and repair parts therefor, for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

¹This document is a re-statement of Amendment 2 to Limitation Order L-170 as amended January 19, 1943 which appeared in the FEDERAL REGISTER of February 5, 1943, page 1619 and reflects the order in its completed form as of February 4, 1943.

§ 1029.10 Limitation Order L-170—

(a) *Applicability of priorities regulations.* (1) 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 to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(2) *Protection of production schedules.* Producers of any items of farm machinery and equipment and repair parts under the terms of this order may, notwithstanding the provisions of Priorities Regulation No. 1, as amended, schedule their production of such items as if the orders therefor bore a rating of AA-3.

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

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

(2) "Producer" means any person, other than a supplier, engaged in the manufacture of farm machinery and equipment or of repair parts for farm machinery and equipment; *Provided, That:*

(i) No person who did not manufacture any farm machinery and equipment or repair parts in 1940 or 1941 shall be deemed a "producer", nor shall any such person manufacture any such products of an aggregate value exceeding \$2,500 for the period November 1, 1942 to October 31, 1943, inclusive; and

(ii) No state prison institution shall engage in the manufacture of any such products until such time as it has received a specific quota from the Director General for Operations.

(3) "Class A producer" means any producer whose total net sales (including sales of all affiliates of such producer) of all products during the calendar year 1941 exceeded \$10,000,000 in value (including domestic sales and exports).

(4) "Class B producer" means any producer whose total net sales (including sales of all affiliates of such producer) of all products during the calendar year 1941 exceeded \$750,000 but did not exceed \$10,000,000 in value (including domestic sales and exports).

(5) "Class C producer" means any producer whose total net sales (including sales of all affiliates of such producer) of all products during the calendar year 1941 did not exceed \$750,000 in value (including domestic sales and exports).

(6) "Affiliate" of a producer means any subsidiary thereof, any subsidiary of such a subsidiary, any parent company, and any subsidiary or parent of such a parent company.

(7) "Supplier" means any person engaged in the manufacture (for sale to a producer) of materials, parts, assemblies or sub-assemblies to be physically incorporated into farm machinery and equipment or repair parts manufactured by such producer, or to be resold by such producer as repair parts.

(8) "Distributor" means any person not a producer whose business consists, in whole or in part, of the sale of farm machinery and equipment or attachments and repair parts from inventory,

and includes wholesalers, jobbers, retailers and other persons performing similar functions.

(9) "Farm machinery and equipment" means agricultural machinery, mechanical equipment and implements (including all attachments used in conjunction therewith) used for the production or care of crops, livestock, livestock products, or other produce on a farm (or elsewhere in the case of poultry) including irrigation and drainage equipment (excluding tile), horseshoes (including muleshoes), horseshoe nails, harness hardware and water well casing; but excluding repair parts, and also excluding all of the following: tracklaying type tractors, equipment ordered by the United States Department of Agriculture or other United States Government agencies, buildings and repairs thereto, fencing, poultry nettings and wire, wire fencing, bale ties or straps, oil well casing and water pipe, nails (other than horseshoe nails) and sundry hardware, grain bins and corn cribs (other than those made of iron or steel).

(10) "Attachment" for farm machinery and equipment means a supplementary appliance which may be added to an otherwise complete machine to extend the utility of such machine.

(11) "Repair parts" means all types of replacement parts considered separately or as assemblies which are manufactured for use and used in the repair and maintenance of farm machinery and equipment, and shall include plow shares and shapes, and water pump cylinders.

(12) "Base production" means the weight of a producer's total production of any item of farm machinery and equipment during either the calendar year 1940 or 1941, in whichever year such weight was the greater; except that, as to items which are bracketed together in Schedule A, the base production shall be the weight of the total production of each group of items so bracketed; and except that, as to silos (item 296 of Schedule A), the base production shall be the total weight of iron and steel entering into the production of such items.

(13) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind, which will be physically incorporated into any item of farm machinery and equipment or repair parts.

(14) "Weight" means the net shipping weight of any item of farm machinery and equipment which is completely manufactured, or completely fabricated and ready for shipment in knock-down form; except that, as to silos (Item 296 of Schedule A), weight means the total weight of iron and steel entering into the production of such items.

(15) "Schedule A" means the schedule of quota percentages attached hereto and made a part hereof, as amended from time to time. If any item of farm machinery and equipment or repair parts is not specifically listed or otherwise provided for in such schedule, the quota percentage therefor shall be deemed to be 0%.

(16) "Lend-lease order" means any order for farm machinery and equipment or repair parts placed by any agency of the United States Government in response to a requisition filed pursuant to

the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(c) General restrictions on production for domestic use (including "concentration of production"). (1) Except as provided in paragraph (g) hereof, and subject to the provisions of paragraphs (c) (2), (c) (3) and (e) hereof, during the period November 1, 1942, to October 31, 1943, inclusive, no producer shall:

(i) Manufacture, for sale in the continental United States, a total quantity by weight of any item of farm machinery and equipment listed in Schedule A in excess of that quantity obtained by multiplying the applicable quota percentage (designated in the appropriate column of said Schedule A for Class A producers, Class B producers and Class C producers respectively) for such item by his base production of such item for such sale; except that:

(a) Wherever, in said Schedule A, two or more items are bracketed together and only one quota percentage assigned thereto, such percentage shall be applied to such producer's total base production of all such bracketed items, and the total permissible weight thus determined may be distributed among all or any one or more of such bracketed items at his election;

(b) As to silos (Item 296 of Schedule A), the permitted production of a producer shall not exceed the number of units produced by him during either 1940 or 1941, whichever was the greater; and

(c) Any producer, instead of conforming to his quota percentages for the items of attachments as indicated respectively in Schedule A, may at his option manufacture not more than an aggregate of 20% of his total base production of such attachments, and the total permissible weight thus determined may be distributed among all or any one or more of such items of attachments at his election: *Provided*, That once such option is made, it shall apply to all attachments to be produced.

(ii) Manufacture for sale in the continental United States, a total quantity of repair parts of a value (manufacturer's current selling price at the factory) in excess of an aggregate of 160% of one-half the total value (manufacturer's selling price at the factory during 1940 and 1941) of his entire net sales of repair parts during the calendar years 1940 and 1941 combined;

(iii) Manufacture, for sale in the continental United States, any farm machinery and equipment requiring rubber tires;

(iv) Sell in the continental United States any quantity of farm machinery and equipment or repair parts which is in excess of the quantity thereof authorized to be manufactured for such sale by the provisions of this order.

(2) The Director General for Operations may, by specific directions issued to any one or more producers, increase or decrease any such producer's quotas as

to all or any one or more items authorized to be produced by him by this paragraph (c), and may transfer any portion of such quotas between any such producers (including the transfer thereof from producers located in critical areas as the same may be designated from time to time by the War Manpower Commission).

(3) As to any portion of any such producer's quota as so established which he may decide not to produce at any time after November 1, 1942, he shall immediately notify the War Production Board, so that appropriate action can be taken to transfer such portion of his quota.

(d) General restrictions on production for export. (1) Except as provided in paragraph (g) hereof, and subject to the provisions of paragraphs (d) (2), (d) (3) and (e) hereof, during the period November 1, 1942, to October 31, 1943, inclusive, no producer shall manufacture for shipment, or ship:

(i) To all foreign countries within any group of countries listed respectively on Schedules B-1, B-2, B-3, B-4, B-5, and B-6, attached hereto and made a part hereof, as amended from time to time, a quantity of farm machinery and equipment and repair parts in the aggregate in excess of a designated percentage (listed respectively on each such schedule) of one-half the net shipping weight of the total quantity thereof exported by said producer during the calendar years 1940 and 1941 in the aggregate to all such countries within the particular group;

(ii) To Canada a quantity of any item of farm machinery and equipment or attachments and repair parts (as listed in Schedule B-7, attached hereto and made a part hereof, as amended from time to time) in excess of that quantity obtained by multiplying the quota percentage designated in said Schedule B-7 for such item by the quantity thereof shipped by said producer to Canada during the calendar year 1940;

(iii) To any foreign country (including Canada and territories and possessions of the United States) any farm machinery and equipment requiring rubber tires.

(2) Except as to items destined for Canada (Schedule B-7) and for territories and possessions of the United States (Schedule B-6), no producer shall fabricate or process any material to be physically incorporated into any item of farm machinery and equipment which may be authorized to be manufactured for export by paragraph (d) (1) above, unless and until he has received from the Director General for Operations specific authorization for such fabrication or processing as to any or all such items, application for which may be by letter setting forth the pertinent facts: *Provided*, That nothing in this paragraph (d) (2) shall be deemed to prevent any such producer from earmarking for export, within his export quota, any items of farm machinery and equipment or repair parts from his inventory, whether or not such items were manufactured specifically for export.

As to any portion of any such producer's export quota, as established by paragraph (d) (1) above, which he may de-

cide not to produce at any time after November 1, 1942, he shall immediately notify the War Production Board, so that appropriate action can be taken to transfer such portion of his export quota.

(3) The Director General for Operations may, by specific directions issued to any one or more producers, increase or decrease any such producer's quotas as established by paragraph (d) (1) above, and may transfer any portion of such quotas between any such producers (including the transfer thereof from producers located in critical areas as the same may be designated from time to time by the War Manpower Commission).

(e) *Further restrictions on production*—(1) *Restrictions on production for specific periods.* The Director General for Operations may from time to time issue supplementary orders (or specific directions to any one or more producers) governing the production of all or any one or more items of farm machinery and equipment or repair parts for specified monthly, bi-monthly or quarterly periods. On and after the effective date of any such supplementary order or specific direction, no producer affected thereby shall, notwithstanding the provisions of this Order L-170, manufacture any such item during the period specified except in accordance with the terms of such supplementary order or specific direction.

(2) *Items containing iron and steel.* On and after November 1, 1942, no producer shall put into process any iron or steel (excluding screws, nails, rivets, bolts, or wire, strapping or small hardware for joining or other similar essential purpose) to make any of the following items of farm machinery and equipment:

Barnyard stock tanks.	Hog troughs.
Bee hives.	Laying nests.
Butter churns.	Livestock feeders.
Butter molds.	Marking poles.
Canopies for electric brooders.	Milk stools.
Cattle stalls.	Nick yokes.
Corn cribs.	Poultry feeders.
Doubletrees.	Singletrees.
Farm gates.	Stanchions.
Grain bins.	Stock pens.
Grit boxes.	Thills.
Guide handles.	Tongues.
Hobbies (all types).	Weaners.

(f) *Overproduction under Order L-26.* Any items of farm machinery and equipment or attachments and repair parts which have been manufactured and/or sold by any producer prior to November 1, 1942, and which are in excess of such producer's authorized quota under Limitation Order L-26 (including all amendments thereto and appeals granted thereunder), shall be deducted from such quotas as may be authorized for such producer by the provisions of this order or subsequent orders: *Provided*, That no such deduction shall constitute a condonation of any violation of any order or regulation of the War Production Board.

(g) *Exceptions*—(1) To the extent that the weight of any item or items of a producer's quota as established by paragraph (c) (1) hereof has been or will be increased by his substituting for more

critical materials entering into such item or items any one or more of the following materials:

Glass or other ceramic products.
Plain concrete.
Fibre board.
Wood fibre products.
Plywood (produced with binder or adhesive not restricted by Conservation Order M-25 or any other applicable M or L order).
Gum and other hardwood lumber.
Softwood lumber (subject to the restrictions of Conservation Order M-208 or any other applicable M or L order);

such increased weight shall not operate to reduce the number of units which he could have otherwise manufactured pursuant to paragraph (c) (1) above. In addition, if any such producer has made, or shows that he can make, in any item or items of his quota as established by paragraphs (c) and (d) hereof, a substitution of any of the materials listed above for more critical materials entering into such item or items, he may apply by letter to the Director General for Operations for reconsideration of his quota, based on such substitution.

(2) Any item of farm machinery and equipment or attachments and repair parts which was manufactured for sale within the continental United States by a producer within his authorized quota under Limitation Order L-26 (including all amendments thereto and appeals granted thereunder) and which is, prior to November 1, 1942, completely manufactured, or completely fabricated and ready for shipment in knock-down form, may be sold on and after such date without reference to the provisions of this order.

(3) Nothing in paragraph (d) of this order shall be deemed to prohibit or control the shipment of any item of farm machinery and equipment or attachments and repair parts which:

(i) Was manufactured for export by a producer within his authorized quota under paragraph (c) (1) (iii) of Limitation Order L-26 (including all amendments thereto and appeals granted thereunder), and

(ii) Is covered by either an export license issued by the Board of Economic Warfare or by a lend-lease order, dated prior to November 1, 1942, (except as to items destined for Canada and territories and possessions of the United States), and

(iii) Is, prior to such date, completely manufactured or completely fabricated and ready for shipment in knock-down form.

Any such items for export which, prior to November 1, 1942, are in production or on order but not completely manufactured or ready for shipment in knock-down form, shall be deducted from such export quotas as may be authorized for such producer by the provisions of this order or subsequent orders, and shall not be manufactured on and after such date except in accordance with the provisions of paragraph (d) above.

(h) *Restrictions on sales for domestic use.* Subject to such directions as may be issued from time to time as to rationing control, by, or pursuant to delega-

tions from the Director General for Operations.

(1) No person shall sell any item of new farm machinery and equipment (except horseshoes, muleshoes, horseshoe nails and harness hardware) which he knows or has reason to know will not be used in the hands of the ultimate consumer for the production or care of crops, livestock, livestock products or other produce on a farm (or elsewhere in the case of poultry), except to fill a contract or purchase order bearing a preference rating of A-9 or higher;

(2) On and after November 1, 1942, no distributor shall sell or deliver to a consumer any new repair part which he knows or has reason to know will not be incorporated reasonably promptly into farm machinery and equipment in the possession of such consumer.

(i) *Inventory provisions.* (1) No distributor shall keep in his inventory, in his possession or under his control, for a period of more than thirty days, any used, traded-in, imperfect or non-usable item of farm machinery and equipment or repair parts which cannot be reconditioned, but must dispose of the same through the customary disposal or scrap channels.

(2) Any producer may sell to any other producer any material in his inventory which is in excess of his requirements for the items of farm machinery and equipment and repair parts permitted to be manufactured under the provisions of this order. Such sales shall be expressly permitted within the terms of paragraph (c) (3) of Priorities Regulation No. 13 as amended.

(j) *Standardization, simplification, substitution, and conservation of critical materials.* (1) In the manufacture of any item of farm machinery and equipment or repair parts, no producer shall use any alloy steel, stainless steel, aluminum, magnesium, copper, brass, bronze, zinc, nickel, tin, cadmium or fabricated rubber products for any purpose where the use of other less critical materials will not impair the efficiency of operation of such item.

No materials shall be used which are prohibited by M Orders or other restrictions on use of critical materials as now or hereafter ordered by the Director General for Operations.

(2) The Director General for Operations may from time to time issue supplementary orders or schedules establishing required specifications with respect to the production of any item or items of farm machinery and equipment and repair parts. "Required specifications" may include requirements to standardize or simplify the types, sizes or models of, or the specifications for, any such item or items; to eliminate, reduce or conserve the use of critical materials in the production thereof; and to substitute less critical for more critical materials in the production thereof. On and after the effective date of any such supplementary order or schedule, no farm machinery and equipment and repair parts affected thereby shall be produced, fabricated, assembled, or delivered, if such production,

fabrication, assembly, or delivery is prohibited by the terms thereof.

(k) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(l) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(m) *Reports.* (1) All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(2) Each producer shall file not later than thirty days after October 19, 1942, a report of his production quotas on Form PD-629.

(3) Each producer shall file by the 10th day of each month a report on Form PD-630 of his production during the preceding month, the first report to be made on or before December 10, 1942.

(4) Each producer affected by paragraph (d) hereof shall file by the 10th day of each month a report on Form PD-387 (revised) of his shipments during the preceding month (starting with November, 1942) to all foreign countries (including all countries listed on Schedules B-1, B-2, B-3, B-4, B-5, B-6, and B-7).

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

(o) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him in comparison with others similarly situated, may appeal to the War Production Board, setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(p) *Communications.* All communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Farm Machinery and Equipment Division, Washington, D. C. Ref.: L-170.

(q) *Inconsistent orders.* This order supersedes as of November 1, 1942, Limitation Order L-26, and Supplementary Limitation Orders L-26-a and L-26-d, and all amendments thereto and appeals granted thereunder.

Issued this 4th day of February 1943.

CURTIS E. CALDER,
Director General for Operations.

SCHEDULE A

SCHEDULE OF QUOTAS COVERING THE DOMESTIC PRODUCTION OF FARM MACHINERY AND EQUIPMENT AND REPAIR PARTS THEREFOR FOR THE PERIOD NOVEMBER 1, 1942, TO OCTOBER 31, 1943

Quotas for repair parts are expressed as a percentage of the average dollar value of all repair parts sold during the years 1940 and 1941. Quotas for new machinery and equipment including attachments are expressed as a percentage of the weight of each item produced during 1940 or 1941, whichever was

higher. Producers of these items must use the percentages set forth in the respective columns, depending upon whether they are Class A, Class B, or Class C producers. Production of "bracketed items" may be distributed among all or any one or more items included in the particular bracket so long as the total weight of material used does not exceed that determined by the quota percentage assigned to the particular bracket.

Any item of farm machinery and equipment not provided for in this Schedule A shall not be manufactured, unless specifically exempted by Order L-170.

GROUP 1: PLANTING, SEEDING AND FERTILIZING MACHINERY

Item	Class of producer			
	"A"	"B"	"C"	
DIVISION 1: PLANTERS (HORSE AND TRACTOR DRAWN)				
1	One row, one horse corn planters.....	0	0	44
2	One row, one horse corn and cotton planters.....	0	0	25
3	One row, two horse corn and cotton planters.....	0	0	0
4	Two row, corn planters.....	3	75	75
5	Two row, corn and cotton planters.....	0	19	75
6	Three row and over, corn planters.....	11	75	75
7	Three row and over, corn and cotton planters.....	0	0	0
DIVISION 2: PLANTERS (TRACTOR MOUNTED)				
8	One row, corn planters.....	15	15	15
9	One row, corn and cotton planters.....			
10	Two row, corn planters.....			
11	Two row, corn and cotton planters.....			
12	Three row and over, corn planters.....			
13	Three row and over, corn and cotton planters.....			
DIVISION 3: POTATO PLANTERS				
14	Horse or tractor drawn.....	0	16	75
DIVISION 4: TRANSPLANTERS				
15	Horse or tractor drawn.....	0	0	34
16	Hand.....			
DIVISION 5: LISTERS WITH PLANTING ATTACHMENTS (HORSE OR TRACTOR DRAWN)				
17	One row.....	8	75	75
18	Two row.....			
19	Three row and over.....			
DIVISION 6: LISTERS WITH PLANTING ATTACHMENTS (TRACTOR MOUNTED)				
20	One row.....	12	12	12
21	Two row.....			
22	Three row and over.....			
DIVISION 7: BEET DRILLS				
23	Horse or tractor drawn.....	13	75	75
DIVISION 8: GRAIN DRILLS				
24	One horse, 3 or 5 disc drills.....	0	0	22
25	Fertilizer drills, horse or tractor drawn.....	3	75	75
26	Plain drills, horse or tractor drawn.....			
DIVISION 9: BROADCAST SEEDERS				
27	Wheeled, horse or tractor.....	0	0	0
28	Endgate.....	0	32	75
29	Hand, wheelbarrow and other.....	0	0	8
DIVISION 10: GARDEN PLANTERS				
30	Hand.....	0	0	14
31	Horse or tractor drawn.....	0	0	15
DIVISION 11: FERTILIZER DISTRIBUTORS				
32	Horse or tractor drawn.....	0	0	15
DIVISION 12: LIME SPREADERS (SOWERS)				
33	Wheeled type, horse or tractor drawn.....	0	0	17
34	Endgate type.....	0	0	8
35	Truck body type.....	0	0	8
DIVISION 13: MANURE SPREADERS				
36	Four wheeled, horse or tractor drawn.....	0	19	75
37	Two wheeled, tractor drawn.....			
DIVISION 14: OTHER PLANTING, SEEDING AND FERTILIZING MACHINERY				
Other planting, seeding and fertilizing machinery including, but not limited to, potato seed cutters, farm limestone pulverizers, manure loaders, vegetable planters. (List each item separately.)				
38	.....	0	0	9
39	.....	0	0	9
40	.....	0	0	9
DIVISION 15: ATTACHMENTS				
41	Attachments for all items in Group 1 expressed in terms of net shipping weight in pounds.....	(1)	(1)	(1)

¹ Percentage quota is the same as that listed in the proper column for the machine with which the attachment is used.

GROUP 2: PLOW AND LISTERS

Item		Class of producer		
		"A"	"B"	"C"
DIVISION 1: MOLDBOARD PLOWS (HORSE DRAWN)				
42	Walking, one horse, steel bottom.....	0	0	11
43	Walking, one horse, chilled bottom.....	0	0	12
44	Walking, two horse and larger.....	0	0	28
45	Sulky.....	0	0	0
46	Gang, two bottom and larger.....	0	0	0
DIVISION 2: MOLDBOARD PLOWS (TRACTOR DRAWN OR MOUNTED)				
47	One bottom, tractor drawn.....	9	75	75
48	Two bottom, tractor drawn.....			
49	Three bottom, tractor drawn.....			
50	Four bottom, tractor drawn.....			
51	Five bottom, and larger, tractor drawn.....	0	0	0
52	One bottom, tractor mounted.....	13	13	13
53	Two bottom, tractor mounted.....			
DIVISION 3: DISC PLOWS (HORSE DRAWN)				
54	Single disc and larger.....	0	0	0
DIVISION 4: DISC PLOWS (TRACTOR DRAWN OR MOUNTED)				
55	One disc, tractor drawn.....	0	0	17
56	Two disc, tractor drawn.....			
57	Three disc, tractor drawn.....			
58	One disc, tractor mounted.....			
59	Two disc, tractor mounted.....	8	8	8
60	Four disc, tractor drawn.....	0	0	0
61	Five disc, tractor drawn.....			
62	Six disc and larger, tractor drawn.....			
DIVISION 5: ONE WAY DISC PLOWS OR TILLERS				
63	One way plows.....	0	5	75
DIVISION 6: LISTERS (HORSE OR TRACTOR DRAWN) (Middlebusters without planting attach.)				
64	One row, horse or tractor drawn.....	0	0	19
65	Two row, horse or tractor drawn.....			
66	Three row and larger, horse or tractor drawn.....			
DIVISION 7: LISTERS (TRACTOR MOUNTED) (Middlebusters without planting attach.)				
67	One row, tractor mounted.....	18	18	18
68	Two row, tractor mounted.....			
69	Three row and larger tractor mounted.....			
DIVISION 8: SUBSOIL PLOWS				
70	Horse drawn.....	0	0	0
71	Tractor drawn.....	0	0	0
72	Tractor mounted.....	0	0	0
DIVISION 9: PLOW STOCKS				
73	Single or double stocks.....	0	0	12
DIVISION 10: OTHER PLOWS AND LISTERS (List each item separately)				
74	.....	0	0	34
75	.....	0	0	34
76	.....	0	0	34
DIVISION 11: ATTACHMENTS				
77	Attachments for all items in Group 2 expressed in terms of net shipping weight in pounds.....	(1)	(1)	(1)

GROUP 3: HARROWS, ROLLERS, PULVERIZERS AND STALK CUTTERS

DIVISION 1: HARROWS				
78	Spike tooth harrow sections, horse or tractor drawn.....	0	0	24
79	Spring tooth harrow sections, horse or tractor drawn.....	0	34	75
80	Disc harrows, horse or tractor drawn.....	2	75	75
81	Disc harrows, tractor mounted.....	22	22	22
DIVISION 2: SMOOTH LAND ROLLERS				
82	Smooth land rollers, not including lawn rollers.....	0	0	0
DIVISION 3: SOIL PULVERIZERS AND PACKERS				
83	Soil pulverizers and packers.....	0	0	19
DIVISION 4: STALK CUTTERS				
84	Stalk cutters.....	0	0	35
DIVISION 5: RIDGE BUSTERS				
85	Ridge busters, horse or tractor drawn.....	0	0	14
86	Ridge busters, tractor mounted.....			

¹ Percentage quota is the same as that listed in the proper column for the machine with which the attachment is used.

GROUP 3: HARROWS, ROLLERS, PULVERIZERS AND STALK CUTTERS—Continued

Item		Class of producer		
		"A"	"B"	"C"
DIVISION 6: OTHER HARROW AND ROLLERS				
(List each item separately)				
87	.....	Percent	Percent	Percent
88	.....	0	0	14
89	.....	0	0	14
DIVISION 7: ATTACHMENTS				
90	Attachments for all items in Group 3 expressed in terms of net shipping weight in pounds.....	(1)	(1)	(1)

GROUP 4: CULTIVATORS AND WEEDERS

DIVISION 1: CULTIVATORS (HORSE AND TRACTOR DRAWN)				
91	One horse, all types.....	0	0	15
92	One row, walking, two horse.....	0	0	65
93	One row, riding, two horse.....	2	75	75
94	Two row and over, riding.....	0	0	0
95	Beet cultivator.....	12	75	75
96	Field cultivator.....	0	0	62
96a	Field cultivator and tiller, tractor mounted.....	9	9	9
97	Hand cultivator, not including blade and tined hoes, rakes and similar equipment.....	0	0	15
DIVISION 2: CULTIVATORS (TRACTOR MOUNTED)				
98	One row.....	20	20	20
99	Two row.....			
100	Three and four row.....			
101	Five row and over.....			
DIVISION 3: ROTARY HOES				
102	Rotary hoes, horse or tractor drawn.....	0	0	32
DIVISION 4: WEEDERS				
103	Rod weeders, horse or tractor drawn.....	0	0	30
104	Tooth weeders, horse or tractor drawn.....	0	0	32
104a	Tooth weeders, tractor mounted.....	15	15	15
DIVISION 5: OTHER CULTIVATORS AND WEEDERS				
(List each item separately)				
105	.....	0	0	34
106	.....	0	0	34
DIVISION 6: ATTACHMENTS				
107	Attachments for all items in Group 4 expressed in terms of net shipping weight in pounds.....	(1)	(1)	(1)

GROUP 5: SPRAYERS DUSTERS AND ORCHARD HEATERS

DIVISION 1: POWER SPRAYERS				
108	Power sprayers.....	0	0	43
109	Traction sprayers.....	0	0	21
DIVISION 2: HAND SPRAYERS WITH TANK, BARREL, KNAPSACK, ETC., WITH COMPLETE EQUIPMENT (CAP. 1 QT., OR OVER BUT LESS THAN 6 GALS.)				
110	Compressed air.....	0	0	9
111	Knapsack self contained.....			
112	Trombone, pump type.....			
113	Bucket pump type, single cylinder.....			
114	Bucket pump type, double cylinder.....			
115	Atomizing, single action (1 qt. and larger cap.).....			
116	Atomizing, continuous (1 qt. and larger cap.).....			
DIVISION 3: SPRAYERS, WITH TANK, BARREL, KNAPSACK, ETC., WITH COMPLETE EQUIPMENT (CAP. 6 GALS. OR MORE)				
117	Barrel pump type with complete equipment.....	0	0	36
118	Wheelbarrow type with complete equipment.....			
DIVISION 4: SPRAY PUMPS (POWER)				
119	Spray pumps, power.....	0	0	23
DIVISION 5: WEED AND PEAR BURNERS				
120	Weed and pear burners.....	0	0	23
DIVISION 6: DUSTERS				
121	Power dusters.....	0	0	19
122	Traction dusters.....	0	0	23
123	Hand dusters (agricultural only).....	0	0	66
DIVISION 7: ORCHARD HEATERS				
124	Orchard heaters.....	0	0	11
DIVISION 8: ATTACHMENTS				
125	Attachments for all items in Group 5 expressed in terms of net shipping weight in pounds.....	(4)	(4)	(1)

¹ Percentage quota is the same as that listed in the proper column for the machine with which the attachment is used.

GROUP 6: HARVESTING MACHINERY

Item		Class of producer		
		"A"	"B"	"C"
DIVISION 1: COMBINES (HARVESTER THRESHERS)				
126	Width of cut, 6 feet and under.....	} 24	} 24	} 24
127	Width of cut, over 6 feet including 10 feet.....			
128	Width of cut, over 10 feet.....			
NOTE. Out of his total quota for combines, no Class "A" producer may manufacture Items 127 and 128 in excess of 10% of his 1940-1941 average annual production of these items.				
DIVISION 2: GRAIN AND RICE BINDERS				
129	Grain binders (ground drive).....	} 9	} 75	} 75
130	Grain binders (power take-off drive).....			
131	Rice binders.....			
DIVISION 3: CORN BINDERS				
132	Corn binders (row binder) horse or tractor drawn.....	13	75	75
DIVISION 4: CORN PICKERS				
133	One row, mounted type.....	} 33	} 33	} 33
134	Two row, mounted type.....			
135	One row, pull type.....			
136	Two row, pull type.....			
DIVISION 5: FIELD ENSILAGE HARVESTERS (ROW TYPE)				
137	Field ensilage harvesters, row type.....	14	75	75
DIVISION 6: POTATO DIGGERS				
138	Walking plow type.....	0	0	28
139	Horse or tractor.....	0	0	42
DIVISION 7: PEA AND BEAN HARVESTERS (ROW TYPE)				
140	Horse or tractor, row type.....	0	0	32
DIVISION 8: BEET LIFTERS				
141	Horse or tractor.....	16	75	75
DIVISION 9: OTHER HARVESTING MACHINERY				
Other harvesting machinery including, but not limited to, windrowers grain type, seed harvesters and strippers, potato pickers, cane harvesters, hop pickers, beet loaders, peanut diggers, cotton harvesters. (List each item separately.)				
142	.....	0	0	51
143	.....	0	0	51
144	.....	0	0	51
DIVISION 10: ATTACHMENTS				
145	Attachments for all items in Group 6 expressed in terms of net shipping weight in pounds.....	(1)	(1)	(1)

GROUP 7: HAYING MACHINERY

DIVISION 1: MOWERS (GROUND-DRIVE)				
146	Horse or tractor drawn (ground drive).....	8	75	75
DIVISION 2: MOWERS (POWER TAKE-OFF DRIVE)				
147	Tractor mtd. or semi-mtd. (power take-off drive).....	28	28	28
DIVISION 3: RAKES				
148	Sulky, dump.....	9	75	75
149	Side delivery incl. comb. side rakes and tedders.....	17	75	75
150	Sweep.....	0	0	47
DIVISION 4: HAY LOADERS				
151	Hay loaders.....	9	75	75
DIVISION 5: STACKERS				
152	Stackers (stationary type).....	0	0	19
152a	Combination stacker-loaders.....	0	0	75
DIVISION 6: PICK-UP BALERS				
153	Pick-up hay balers.....	0	45	75
DIVISION 7: OTHER HAYING MACHINERY				
Other haying machinery, including, but not limited to, field bale loaders, field hay choppers. (List each item separately):				
154	.....	0	0	41
155	.....	0	0	41
156	.....	0	0	41
DIVISION 8: ATTACHMENTS				
157	Attachments for all items in Group 7 expressed in terms of net shipping weight in pounds.....	(1)	(1)	(1)

¹ Percentage quota is the same as that listed in the proper column for the machine with which the attachment is used.

GROUP 8: MACHINES FOR PREPARING CROPS FOR MARKET OR USE

Item	Class of producer	Class of producer		
		"A"	"B"	"C"
DIVISION 1: STATIONARY THRESHERS (GRAIN, RICE AND ALFALFA)				
158	Threshers, width of cylinder under 28 inches.....	Percent	Percent	Percent
159	Threshers, width of cylinder 28 inches and over.....			
		0	0	48
DIVISION 2: STATIONARY PEA AND BEAN THRESHERS				
160	Stationary pea and bean threshers.....	0	0	25
DIVISION 3: PEANUT PICKERS				
161	Peanut pickers.....	0	0	75
DIVISION 4: ENSILAGE CUTTERS (SILO FILLERS)				
162	Ensilage cutters (silo fillers).....	0	0	65
DIVISION 5: FEED CUTTERS (HAND AND POWER)				
163	Feed cutters, hand and power.....	0	0	30
DIVISION 6: CORN SHELLERS				
164	Corn shellers, hand.....	0	0	19
165	Power corn shellers, spring (2, 4, 6 and 8 hole).....	0	0	0
166	Power corn shellers, cylinder (150 bu. & under).....	0	0	22
167	Power corn shellers, cylinder (over 150 bu.).....	0	75	75
DIVISION 7: CORN HUSKERS AND SHREDDERS				
168	Combination corn husker-shredders.....	0	0	23
169	Corn huskers.....	0	0	23
170	Corn shredders.....	0	0	23
DIVISION 8: STATIONARY HAY BALERS				
171	Horse.....	0	0	0
172	Engine or belt power.....	0	0	75
DIVISION 9: FEED GRINDERS AND CRUSHERS				
173	Hand.....	0	0	13
174	Power, burr type.....	0	0	51
175	Hammer and roughage mills.....	0	8	75
DIVISION 10: CLEANERS AND GRADERS (CORN AND GRAIN)				
176	Cleaners and graders (corn and grain).....	0	0	12
DIVISION 11: POTATO SORTERS AND GRADERS				
177	Potato sorters and graders.....	0	0	23
DIVISION 12: MAPLE SIRUP EVAPORATORS				
178	Complete sets of pans, not including furnace.....	0	0	53
179	Furnaces.....	0	0	20
DIVISION 13: CANE SIRUP EVAPORATORS				
180	Complete sets of pans, not including furnaces.....	0	0	53
181	Furnaces.....	0	0	20
DIVISION 14: CANE MILLS (FARM SIZE)				
182	Cane mills (farm size).....	0	0	32
DIVISION 15: CIDER MILLS AND FRUIT PRESSES				
183	Cider mills and fruit presses.....	0	0	12
DIVISION 16: OTHER MACHINES FOR PREPARING CROPS FOR MARKET OR USE				
Other machines for preparing crops for market or use, including but not limited to, broom corn shredders, feed mixers, fruit, nut and vegetable graders, sorters, washers and sackers. (List each item separately.)				
184	.....	0	0	13
185	.....	0	0	13
186	.....	0	0	13
DIVISION 17: ATTACHMENTS				
187	Attachments for all items in Group 8 expressed in terms of net shipping weight in pounds.....	(1)	(1)	(1)

GROUP 9: FARM ELEVATORS AND BLOWERS

DIVISION 1: ELEVATORS (PORTABLE)				
188	Elevators, portable.....	0	0	35
DIVISION 2: ELEVATORS (STATIONARY)				
189	Elevators, stationary.....	0	0	21
DIVISION 3: BLOWERS (GRAIN AND FORAGE)				
190	Blowers (grain and forage).....	0	0	35
DIVISION 4: ATTACHMENTS				
191	Attachments for all items in Group 9 expressed in terms of net shipping weight in pounds.....	(1)	(1)	(1)

¹ Percentage quota is the same as that listed in the proper column for the machine with which the attachment is used.

GROUP 10: TRACTORS

Item		Class of producer		
		"A"	"B"	"C"
DIVISION 1: TRACTORS, WHEEL TYPE				
192	Tractors, wheel, special purpose, under 30 h. p.-----	14	14	14
193	Tractors, wheel, special purpose, 30 & over h. p.-----			
194	Tractors, wheel, all purpose, under 30 h. p.-----			
195	Tractors, wheel, all purpose, 30 & over h. p.-----			
DIVISION 2: GARDEN TRACTORS (INCLUDING MOTOR TILLERS)				
196	Garden tractors (including motor tillers)-----	0	0	27
DIVISION 3: ATTACHMENTS				
197	Attachments for all items in Group 10 expressed in terms of net shipping weight in pounds.	(1)	(1)	(1)

GROUP 11: ENGINES

DIVISION 1: ENGINES (UNDER 1 H. P.)				
198	Air cooled-----	0	0	0
DIVISION 2: ENGINES (ONE OR MORE BUT UNDER 5 H. P.)				
199	Air cooled-----	0	2	75
200	Water cooled-----	4	75	75
DIVISION 3: ENGINES (FIVE OR MORE BUT UNDER 10 H. P.)				
201	Air cooled-----	0	24	75
202	Water cooled-----	0	24	75
DIVISION 4: ENGINES (TEN OR MORE BUT UNDER 20 H. P.)				
203	Water cooled-----	0	0	0
DIVISION 5: ATTACHMENTS				
204	Attachments for all items in Group 11 expressed in terms of net shipping weight in pounds.	(1)	(1)	(1)

GROUP 12: FARM WAGONS AND TRUCKS

DIVISION 1: WAGONS				
205	Wagons, farm without boxes-----	0	0	32
DIVISION 2: TRUCKS				
206	Trucks, farm (not motortrucks)-----	0	30	75
DIVISION 3: WAGON BODIES				
207	Wagon and truck boxes, farm-----	0	0	29
DIVISION 4: FARM SLEIGHS				
208	Sleighs and bod-sleds-----	0	0	25
DIVISION 5: TRAILERS (FARM)				
209	Trailers, farm-----	0	0	0
DIVISION 6: OTHER TRANSPORTING EQUIPMENT (Not motortrucks—list each item separately)				
210	-----	0	0	25
211	-----	0	0	25
DIVISION 7: ATTACHMENTS				
212	Attachments for all items in Group 12 expressed in terms of net shipping weight in pounds.	(1)	(1)	(1)

GROUP 13: DOMESTIC WATER SYSTEMS

DIVISION 1: DEEP WELL				
213	Deep well, reciprocal-----	0	0	48
214	Deep well jet pumps-----	0	0	36
DIVISION 2: SHALLOW WELL				
215	250-499 gals. per hour-----	0	0	53
216	500 gals. per hour and over-----	0	0	35
DIVISION 3: POWER PUMPS				
217	Horizontal type, up to and including 75 gals. per minute, 100 lb. pressure-----	0	6	75
DIVISION 4: WATER STORAGE TANKS				
218	Storage tanks, other than stock tanks, farm-----			
DIVISION 5: ATTACHMENTS				
219	Attachments for all items in Group 13, expressed in terms of net shipping weight in pounds.	(1)	(1)	(1)

¹ Percentage quota is the same as that listed in the proper column for the machine with which the attachment is used.

GROUP 14: FARM PUMPS AND WINDMILLS

Item	Class of producer			
	"A"	"B"	"C"	
DIVISION 1: PUMPS, WATER				
220	Pitcher pumps.....	0	18	75
221	Hand and windmill pumps.....	0	16	75
DIVISION 2: WINDMILLS				
222	Windmill heads.....	0	0	66
223	Windmill towers.....	0	0	59
DIVISION 3: PUMP JACKS				
224	Pump jacks.....	0	0	30
DIVISION 5: ATTACHMENTS				
226	Attachments for all items in Group 14 expressed in terms of net shipping weight in pounds.....	(1)	(1)	(1)

GROUP 15: IRRIGATION EQUIPMENT

DIVISION 1: IRRIGATION PUMPS				
227	Turbine pumps, 0 to 1,200 GPM.....	0	0	31
228	Turbine pumps 1,200 GPM and up, belt driven.....	0	0	13
229	Centrifugal pumps.....	0	0	26
230	Hydraulic rams.....	0	0	0
DIVISION 2: DISTRIBUTION EQUIPMENT				
231	Land leveling equipment, ditchers, corrugators and scrapers (excluding power ditchers, draglines and other self-powered machines).....	0	0	18
232	Portable pipe and extensions, sprinklers, valves and gates, expressed in terms of net shipping weight in pounds.....	0	0	18
DIVISION 3: OTHER FARM IRRIGATION EQUIPMENT (List each item separately)				
233	.....	0	0	18
234	.....	0	0	18
235	.....	0	0	18
DIVISION 4: ATTACHMENTS				
236	Attachments for all items in Group 15, expressed in terms of net shipping weight in pounds.....	(1)	(1)	(1)

GROUP 16: DAIRY FARM MACHINES AND EQUIPMENT

DIVISION 1: MILKING MACHINES				
237	Milking machines.....	0	32	75
DIVISION 2: FARM CREAM SEPARATORS				
238	Farm cream separators, capacity 250 lbs. per hr. or less.....	0	7	75
DIVISION 3: FARM CREAM SEPARATORS				
239	Farm cream separators, capacity 251 lbs. to 800 lbs. per hour.....	7	75	75
DIVISION 4: FARM CREAM SEPARATORS				
240	Farm cream separators, capacity 801 lbs. to 1,500 lbs. per hour.....	0	0	0
DIVISION 5: FARM MILK COOLERS				
241	Immersion type.....	0	0	48
242	Surface or tubular type.....			
DIVISION 6: FARM BUTTER MAKING EQUIPMENT				
243	Butter churns (See Paragraph (e) (2) of L-170).....	0	0	23
244	Butter molds (See Paragraph (e) (2) of L-170).....			
DIVISION 7: OTHER DAIRY FARM MACHINES AND EQUIPMENT Other dairy farm machines and equipment including but not limited to milk pails, milk strainers, sterilizing tanks, washing tanks and water heaters. (List each item separately).				
245	Milk pails.....	0	36	75
246	Milk strainers.....			
247	.....		
248	.....		
DIVISION 8: ATTACHMENTS				
249	Attachments for all items in Group 16 expressed in terms of net shipping weight in pounds.....	(1)	(1)	(1)

¹ Percentage quota is the same as that listed in the proper column for the machine with which the attachment is used.

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GROUP 17: BARN AND BARNYARD EQUIPMENT

Item		Class of producer		
		"A"	"B"	"C"
DIVISION 1: FEED CARRIERS, LITTER CARRIERS, AND FEED TRUCKS				
		<i>Percent</i>	<i>Percent</i>	<i>Percent</i>
250	Feed carriers.....	0	0	25
251	Litter carriers.....	0	0	25
252	Track for feed and litter carriers.....	0	0	71
253	Feed trucks.....	0	0	33
DIVISION 2: HAY UNLOADING EQUIPMENT				
254	Hay carriers.....	0	0	72
255	Track for hay carriers.....	0	0	71
256	Hay forks, harpoon and grapple.....	0	0	35
257	Pulleys and fittings.....	0	0	71
DIVISION 3: CATTLE STALLS AND PEN EQUIPMENT				
258	Cattle stalls and fittings (See Paragraph (e) (2) of L-170).....	0	8	75
259	Livestock pens (See Paragraph (e) (2) of L-170).....	0	27	75
DIVISION 4: CATTLE STANCHIONS				
260	Cattle stanchions and fittings (See Paragraph (e) (2) of L-170).....	0		59
DIVISION 5: LIVESTOCK DRINKING CUPS AND WATERING BOWLS				
261	Livestock drinking cups.....	0	0	49
262	Outside livestock watering bowls.....	0	0	16
DIVISION 6: BARNYARD STOCK TANKS AND HOG TROUGHS				
263	Barnyard stock tanks (See Paragraph (e) (2) of L-170).....	0	0	49
264	Hog troughs (See Paragraph (e) (2) of L-170).....	0	0	58
DIVISION 7: FEEDERS, FEED COOKERS, AND TANK HEATERS				
265	Livestock feeders (See Paragraph (e) (2) of L-170).....	0	0	45
266	Feed cookers.....	0	0	15
267	Tank heaters.....	0	0	37
DIVISION 8: BARN DOOR TRACK AND HANGERS				
268	Barn door track.....			
269	Barn door hangers.....	0	9	75
DIVISION 9: OTHER BARN AND BARNYARD EQUIPMENT				
Including but not limited to ventilating equipment, livestock dipping tanks, hog waterers, dairy scales, cattle and horse clippers, and bull staffs. (List each item separately.)				
270	.....		
271	.....	0	0	22
272	.....		
DIVISION 10: ATTACHMENTS				
273	Attachments for all items in group 17 expressed in terms of net shipping weight in pounds.....	(1)	(1)	(1)

GROUP 18: FARM POULTRY EQUIPMENT

DIVISION 1: INCUBATORS				
274	Incubators, 1,000-egg capacity and smaller.....	0	0	31
275	Incubators, over 1,000-egg capacity.....	0	0	36
DIVISION 2: FLOOR BROODERS				
276	Oil.....	0	8	75
277	Coal.....	0	21	75
278	Gas.....	0	0	40
279	Wood.....	0	21	75
280	Electric.....	0	0	72
DIVISION 3: BATTERY BROODERS (HEATED)				
281	Three deck and smaller (heated).....			
282	Four deck (heated).....			
283	Five deck (heated).....	0	0	26
DIVISION 4: GROWING AND LAYING BATTERIES				
284	Growing.....	0	0	21
285	Laying.....	0	0	0
DIVISION 5: POULTRY FEEDERS				
286	Poultry feeders (see par. (e) (2) of L-170).....	0	0	36
DIVISION 6: POULTRY WATERERS				
287	Poultry waterers.....	0	0	53
DIVISION 7: LAYING NESTS AND GRIT BOXES				
288	Laying nests (see par. (e) (2) of L-170).....			
289	Grit boxes (see par. (e) (2) of L-170).....	0	0	38

¹ Percentage quota is the same as that listed in the proper column for the machine with which the attachment is used.

GROUP 18: FARM POULTRY EQUIPMENT—Continued

Item	Class of producer		
	"A"	"B"	"C"
DIVISION 8: OTHER FARM POULTRY EQUIPMENT			
Including but not limited to, egg scales, egg baskets, egg graders, and leg bands. (List each item separately.)			
290	0	0	18
291			
292			
DIVISION 9: ATTACHMENTS			
293	(1)	(1)	(1)

GROUP 19: MISCELLANEOUS FARM EQUIPMENT

Item	Class of producer		
	"A"	"B"	"C"
DIVISION 1: BEEKEEPERS' SUPPLIES			
294	0	0	38
295	0	0	57
DIVISION 2: SILOS			
296	0	0	16
DIVISION 3: HORSE SHOES (INCLUDING MULE SHOES)			
297	0	45	75
DIVISION 4: HARNESS HARDWARE			
298	31	31	31
DIVISION 5: POWER SHEEP SHEARING MACHINES			
299	100	100	100
DIVISION 6: ELECTRIC FENCE CONTROLLERS			
300	0	0	46
301			
DIVISION 7: FARM HAND TOOLS, INCLUDING BUT NOT LIMITED TO HOES, RAKES, FORKS, SCYTHES, SHOVELS			
302	43	43	43
303			
304			
305			
306			
307			
308			
DIVISION 8: FARM WOOD-SAWING MACHINES			
309	0	0	16
DIVISION 9: FARM GATES			
310	0	0	40
DIVISION 10: FARM LIGHTING PLANTS			
311	0	0	0
DIVISION 11: ATTACHMENTS			
312	(1)	(1)	(1)

¹ Percentage quota is the same as that listed in the proper column for the machine with which the attachment is used.

EXPORT SCHEDULES

SCHEDULE OF EXPORT QUOTAS BY GROUPS OF COUNTRIES AND QUOTA PERCENTAGES COVERING THE SHIPMENT OF FARM MACHINERY AND EQUIPMENT AND REPAIR PARTS FOR THE PERIOD OF NOVEMBER 1, 1942, TO OCTOBER 31, 1943

(Quotas shown are expressed as a percentage of one-half the total weight of shipments made to all the countries in the particular group during the calendar years 1940 and 1941.)

Schedule B-1

Quota Percentage=111%

United Kingdom:

Great Britain Scotland
Northern Ireland Wales

Schedule B-2

Quota Percentage=118%

Australia	Belgian Congo
Union of South Africa	Madagascar
Egypt	French Cameroun
British India	Ethiopia
Palestine	Syria
Liberia	Gozo
Iran	Ceylon
Turkey	Other British So.
French Oceania	Africa
Free French Areas	Nigeria
Thereof	Iraq
British East Africa	China
Other British West Africa	Iceland
Africa	British Oceania
New Zealand	Other French Africa
No. & So. Rhodesia	Cyprus
Gold Coast	Malta
Arabia	Falkland Islands
Russia	

Schedule B-3

Quota Percentage=39%

Argentine	Haiti
Chile	Nicaragua
Dominican Republic	Peru
Guatemala	Venezuela
Mexico	Brazil
Paraguay	Costa Rica
Uruguay	Ecuador
Bolivia	Honduras
Colombia	Panama Republic
Cuba	Salvador

Schedule B-4

Quota Percentage=61%

Mozambique	Angola
Portugal	Labrador
Switzerland	French West Indies
Newfoundland	Sweden
Eire	Greenland
Spain	

Schedule B-5

Quota Percentage=34%

British Guiana	Jamaica
Bermuda	Curacao
Barbados	British Honduras
Trinidad	Bahamas
Surinam	Other British W. Indies

Schedule B-6

Quota Percentage=37%

Alaska	Hawaii
Virgin Islands	Puerto Rico

Schedule B-7

SCHEDULE OF QUOTAS BY ITEMS COVERING THE SHIPMENT TO CANADA OF FARM MACHINERY AND EQUIPMENT AND REPAIR PARTS THEREFOR AND THE PERIOD NOVEMBER 1, 1942, TO OCTOBER 31, 1943

(Quotas shown are expressed as a percentage of the number of units of each item shipped to Canada during the calendar year 1940. Items not listed are not to be manufactured for shipment to Canada.)

Group I—Seeding and Fertilizing Machinery:	Quota percentage
Grain Drill (Plain)	22
Grain Drill (Press)	0
Corn Planter and Drill	25
Potato Planter	20
Manure Spreader	30
Other Planting and Seeding (including Beet Drills and Transplanter)	20
Group II—Plows:	
Walking Plow—1 furrow	33
Tractor Plow	22
Disc Plow	0
Harrow Plow—One Way Disc—Tiller	32
All other Plows (including Integral)	31
Group III—Tillage and Cultivating Machinery:	
Scufflers and Horse Hoes	25
Corn Cultivators	25
Field Cultivators	30
All other Cultivators (including Beet, Tobacco, and Integral)	20
Drag Harrow Sections	7
Spring Tooth Harrows	23
Disc Harrows	25
Group IV—Haying Machinery:	
Mower	30
Hayloader	35
Side Rake and Tedder	25
Dump Rake	25
Pick-up Baler and Hay	100
All other Haying Machines (including Hay forks, knives, etc.)	25

	Quota percentage
Group V—Harvesting Machinery:	
Horse Drawn Grain Binder.....	0
Tractor Grain Binder.....	0
Corn Binder.....	25
Combine—Reaper, Thresher.....	33
Swather.....	20
Stationary Thresher.....	0
Potato Digger.....	25
Corn Sheller.....	25
Corn Picker (150 units Mfg. designated later).....	0
Other Harvesting Equipment, including Beet Lifters).....	25
Group VI—Sundry Machines for Preparing Crops for Market or Use:	
Grinder, Feed Cutter, Roller, Pulper, Ensilage Cutter.....	50
Hammer Mill.....	35
Grain Loader or Elevator.....	7
Group VII—Farm Power:	
Wheel Tractor.....	25
Stationary Engine.....	50
Group VIII—Wagons, Trucks, Sleighs:	
Wagon Gears.....	60
Farm Truck.....	60
Group IX—Dairy Equipment:	
Milking Machine Complete.....	100
Cream Separator.....	84
Churn.....	100
Group X—Sprayers and Dusters:	
Potato and Orchard Sprayer and Duster.....	50
Sprayer Pump.....	54
Group XI—Domestic Water System:	
Well or Cistern Pump.....	50
Pump Jack.....	50
Windmill Head.....	50
Domestic Water Pressure System.....	25
Group XII—Barn and Barnyard Equipment.....	0
Group XIII—Miscellaneous Equipment:	
Incubator.....	40
Brooder (Floor Type).....	40
Wheel Barrow (Wood Only).....	53
Sheep Shearers and Animal Clippers.....	239
Attachments and Repair Parts.....	150

[INTERPRETATION 1]

In order to clarify the classification of producers under paragraphs (b) (3), (4), (5) and (6) of § 1029.10 *Limitation Order L-170*, resulting from transfers of quotas pursuant to § 944.28 (Interpretation of Limitation and Conservation Orders with respect to the Assignability of Quotas), the following official interpretation is hereby issued with respect to said § 1029.10:

(1) Whenever a producer's total farm equipment business has been or may be sold as a going concern, continuing, in the hands of the purchaser, to make substantially the same product at the same plant and with substantially the same personnel (other than executive officers), the classification of the purchaser shall be based upon his total net sales (including those of affiliates) of all products during 1941, plus total sales of farm machinery and equipment and repair parts by the acquired company during 1941. However, if the purchaser uses the acquired company's 1940 base production under paragraph (b) (12) of Order L-170, then, for purposes of the purchaser's classification, sales of the acquired company during 1940, rather than 1941, must be used.

(2) Any other arrangement whereby a producer purports, or has purported, to assign to another person his quota (or a portion thereof) for the production of farm machinery and equipment or repair parts is invalid, unless specifically authorized for the period covered by Order L-170 by the Director General for Operations pursuant to an appeal, which should be made jointly. If such an appeal is granted, the classification of the assignee, unless otherwise directed,

will be based upon his total net sales (including those of affiliates) of all products during 1941, plus the 1941 sales of that portion of the assignor's farm machinery and equipment or repair parts business acquired by the assignee. If the assignee is authorized to use the assignor's 1940 base production of such portion, then, for purposes of the assignee's classification, sales of the assignor during 1940, rather than 1941, must be used.

(3) Assignments of quota specifically authorized by appeal under Limitation Order L-26 for the period ending October 31, 1942, are not recognized for the period covered by Order L-170. Accordingly, a new appeal should be made in each case where the assignee wishes to continue producing pursuant to an assignment of quota authorized under Order L-26. Appeals by any such assignee and his classification are governed by § 944.28 and paragraph (2) above. (Issued December 12, 1942.)

[F. R. Doc. 43-1999; Filed, February 6, 1943; 11:41 a. m.]

PART 1268—CAPRYL ALCOHOL

[Allocation Order M-167, as Amended Feb. 6, 1943]

The order title, General Preference Order M-167, is hereby amended to read *Allocation Order M-167*.

Section 1268.1 is hereby amended in its entirety to read as follows:

§ 1268.1 *Allocation Order M-167—(a) Definitions.* For the purposes of this order:

(1) "Capryl alcohol", known also as "Methyl hexyl carbinol" or "2 Octanol", means capryl alcohol in any form and from whatever source derived.

(2) "Producer" means any person who produces capryl alcohol, including any person who has capryl alcohol produced for him pursuant to toll agreement but does not include any person who produces capryl alcohol for another person pursuant to toll agreement.

(3) "Distributor" means any person who purchases capryl alcohol from a producer for purpose of resale without further processing or admixing.

(b) *Restrictions on use and delivery of capryl alcohol.* (1) No producer or distributor shall use or deliver capryl alcohol, and no person shall accept delivery of capryl alcohol from a producer or distributor, except as specifically authorized by the Director General for Operations upon application pursuant to paragraph (e), or except as provided in paragraph (c) or (d).

(2) Each person specifically authorized to accept delivery of capryl alcohol shall use such capryl alcohol for the purpose authorized, except as otherwise specifically directed by the Director General for Operations.

(3) The Director General for Operations in his discretion may at any time issue special directions to any person with respect to the use or delivery of capryl alcohol by such person, notwithstanding the provisions of paragraph (c) hereof, or special directions to any producer with respect to the kinds of capryl alcohol which he may or must manufacture.

(c) *Small order exemption.* (1) Any person may accept delivery of, and any

producer or distributor may use 10 gallons or less of capryl alcohol in the aggregate during any one calendar month without specific authorization: *Provided*, That such person (or producer or distributor) has not been specifically authorized to use or accept delivery of any quantity of capryl alcohol during such month.

(2) Any producer or distributor may deliver capryl alcohol without specific authorization to any person entitled to accept delivery pursuant to paragraph (c) (1) above: *Provided*, That:

(i) No producer shall deliver an aggregate amount of capryl alcohol in any one calendar month pursuant to this paragraph in excess of 2% of the amount of capryl alcohol which he is specifically authorized to deliver during such month; and

(ii) No producer or distributor shall make deliveries during any month pursuant to this paragraph if such deliveries will prevent completion of any deliveries which have been specifically authorized for such month; and

(iii) Any producer or distributor may make deliveries pursuant to this paragraph without regard to preference ratings.

(d) *Transactions outside of the continental United States.* Nothing in this order contained shall apply to transactions in capryl alcohol originating and completed outside of the forty-eight States and the District of Columbia.

(e) *Applications and reports.* (1) Each person seeking authorization to accept delivery of capryl alcohol, and each producer or distributor seeking authorization to use or accept delivery of capryl alcohol during any calendar month, shall file application on Form PD-600, in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form PD-600. Copies of Form PD-600 may be obtained at local field offices of the War Production Board.

Time. Applicants shall file Form PD-600 on or before the 20th day of the month preceding the month for which authorization for delivery (or use) is sought.

Number of copies. Five copies shall be prepared, of which one shall be forwarded to supplier and three certified copies to the War Production Board, Chemicals Division, Washington, D. C., Ref: M-167. A separate set shall be filed for each supplier from whom delivery is sought.

Heading. Under name of chemical, specify Capryl Alcohol; under War Production Board order number, specify M-167; under name of company, specify name and mailing address; specify delivery destination, supplier, and his shipping point; under unit of measure, specify pounds; and specify the month and year for which authorization for use or acceptance of delivery is sought.

Columns 1, 11 and 19. Specify grade as crude, pure or refined.

Columns 3, 20 and 22. Specify primary product in terms of the following:

Oil additive
Phthalate esters
Resins
Lacquer
Brake fluids
Anti-foaming agent
Miscellaneous (specify)
Research and institutional sales
Resale (as capryl alcohol)

Export (as capryl alcohol)
*Inventory

Distributors applying for delivery from producers shall add after resale the words "upon further specific authorization of the Director General for Operations on Form PD-601, or to fill paragraph (c) Small orders".

Column 4. Describe the end use of each specific primary product listed in column 3, such as food can linings, rain coats, tents, tank brakes, etc. Also, where possible, specify governing war contracts.

Opposite "export" in column 3, specify in column 4 the governing contract, the country to which the capryl alcohol is to be shipped, and whether the shipment is for Lend-Lease.

Other columns. Fill in all other columns as indicated in the headings, leaving columns 5, 6, 7, 8, 9 and 10 blank.

(2) Each producer or distributor seeking authorization to make delivery of capryl alcohol during any calendar month shall file application on Form PD-601, in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form PD-601. Copies of Form PD-601 may be obtained at local field offices of the War Production Board.

Time. Producers and distributors shall file Form PD-601 on or before the 25th day of the month preceding the month for which authorization to make delivery is sought.

Number of copies. Prepare four copies and forward three certified copies to the War Production Board, Chemicals Division, Washington, D. C., Ref.: M-167. If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand totals for all sheets on the last sheet, which is the only one that need be certified.

Intra-company deliveries. Producers (or distributors) who have filed application on Form PD-600, specifying themselves as their suppliers, shall list their own names as customers on Form PD-601, and shall list their request for allocation in the manner prescribed for other customers.

Heading. Under name of chemical, specify capryl alcohol; under War Production Board order number, specify M-167; under name of company, state name and mailing address; specify address of plant or warehouse and check whether producer or distributor; under unit of measure specify pounds; and state the month and year during which deliveries covered by application are to be made.

Columns 3 and 8. Specify crude, pure or refined (referring to customers' PD-600's in the case of column 3).

Column 5. May be left blank.

Small order deliveries. No statement need be made with respect to deliveries which may be made during the next month pursuant to paragraph (c) of this order.

Other columns. All other columns shall be filled in as indicated in the headings, leaving columns 6 and 7 blank.

(3) The Director General for Operations may require each person affected by this order to file such other reports as may be prescribed, and may issue special directions to any such person with respect to preparing and filing forms PD-600 and 601.

*Capryl alcohol allocated for inventory shall not be used except as specially directed by the Director General for Operations, or to fill orders authorized by the Director General for Operations pending arrival of the capryl alcohol allocated to fill such orders: *Provided*, That the allocated inventory is restored upon arrival of such capryl alcohol.

(f) **Notification of customers.** Each producer and distributor shall notify his regular customers as soon as possible of the requirements of this order as amended, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(g) **Miscellaneous provisions—(1) Applicability of priorities regulations.** This order and all transactions affected thereby are subject to all applicable provisions of War Production Board priorities regulations, as amended from time to time, except where such regulations, including Priorities Regulation No. 13, are inconsistent herewith, in which case this order shall govern.

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

(3) **Communications to War Production Board.** All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C. Ref.: M-167.

Issued this 6th day of February 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-1995; Filed, February 6, 1943;
11:41 a. m.]

PART 3030—PHTHALATE PLASTICIZERS
[Allocation Order M-203, as Amended Feb. 6, 1943]

The order title General Preference Order M-203 is hereby amended to read *Allocation Order M-203*.

Section 3030.1 is hereby amended in its entirety to read as follows:

§ 3030.1 *Allocation Order M-203—(a) Definitions.* For the purpose of this order:

(1) "Phthalate plasticizers" means the following esters of phthalic acid:

Dimethyl phthalate
Diethyl phthalate
Dibutyl phthalate
Diamyl phthalate
Dicapryl phthalate
Di 2-ethyl hexyl phthalate
Ethyl phthalyl ethyl glycolate
Butyl phthalyl butyl glycolate
Methyl phthalyl ethyl glycolate
Di-methoxy ethyl phthalate
Di-ethoxy ethyl phthalate
Di-butoxy ethyl phthalate
Tributyl glycerol triphthalate
Di-cyclohexyl phthalate
Di-methylcyclohexyl phthalate
Castor oil phthalate
Hydrogenated castor oil phthalate
Isobutyl castor oil phthalate

(2) "Producer" means, with respect to any particular phthalate plasticizer, any

person who produced such phthalate plasticizer, including any person who had such phthalate plasticizer produced for him pursuant to toll agreement, but does not include any person who produced such phthalate plasticizer for another person pursuant to toll agreement.

(3) "Distributor" means, with respect to any particular phthalate plasticizer, any purchaser of such phthalate plasticizer from a producer for purpose of resale without further processing.

(b) **Restrictions on use and delivery of phthalate plasticizers.** (1) No producer or distributor shall use or deliver phthalate plasticizers, and no person shall accept delivery of phthalate plasticizers from a producer or distributor, except as specifically authorized by the Director General for Operations upon application pursuant to paragraph (d), or except as provided in paragraph (c).

(2) Each person authorized to accept delivery of phthalate plasticizers shall use such phthalate plasticizers for the purpose authorized, except as otherwise specifically directed by the Director General for Operations.

(3) The Director General for Operations in his discretion may from time to time issue special directions to any person with respect to the use, transportation or delivery of phthalate plasticizers by such person, or of products made from phthalate plasticizers allocated to such person.

(c) **Exceptions.** Specific authorization pursuant to paragraph (b) shall not be required with respect to the use, delivery or acceptance of delivery of phthalate plasticizers (which may be made without regard to preference ratings) as follows:

(1) Any producer or distributor may deliver phthalate plasticizers to any person entitled to accept delivery pursuant to paragraphs (c) (2) and (3) hereof: *Provided*, That no producer or distributor shall deliver an amount of any one kind of phthalate plasticizer in any one calendar month pursuant to this paragraph (c) in excess of 2% of the amount of such phthalate plasticizer which he is specifically authorized to deliver during such month pursuant to paragraph (b) above.

(2) Any producer may use and any person may accept delivery of five (5) gallons or less of each kind of phthalate plasticizer during any one calendar month.

(3) In addition to quantities of phthalate plasticizers which may be used and accepted pursuant to paragraph (c) (2), any person may use and accept delivery of fifty-five (55) gallons or less of any one kind of phthalate plasticizer or of one hundred ten (110) gallons or less of different kinds of phthalate plasticizers during any one calendar month: *Provided*, That he has not been specifically authorized to accept delivery during the same month of any quantity of the same kinds of phthalate plasticizers pursuant to paragraph (b): *And provided*, That no delivery pursuant to this paragraph (c) (3) shall be made or accepted unless and until the person accepting delivery shall file with

the person making delivery a certificate as follows:

CERTIFICATE

Order M-203 Small Order

The undersigned purchaser hereby represents to the seller and to the War Production Board that this order is placed in compliance with the terms of paragraph (c) (3) of phthalate plasticizer Order M-203, with the terms of which the undersigned is familiar.

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

The above certificate shall be endorsed on or attached to the written contract or purchase order and shall be signed by an authorized official, either manually or as provided in Priorities Regulation No. 7. The producer or distributor receiving such certificate may rely on it unless he knows or has reason to believe that it is false.

(d) *Applications and reports.* (1) Each person seeking authorization to accept delivery of phthalate plasticizers, and each producer or distributor seeking authorization to use phthalate plasticizers during any calendar month, shall file application on Form PD-600 in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form PD-600. Copies of Form PD-600 may be obtained at local field offices of the War Production Board.

Time. Application on Form PD-600 shall be filed on or before the 15th day of the month preceding the month for which authorization for use or delivery is requested.

Number of copies. Five copies shall be prepared, of which one with columns 11 through 23 inclusive blank shall be forwarded to supplier, and three certified completely filled out copies shall be forwarded to the War Production Board, Chemicals Division, Washington, D. C., Ref: M-203. Only four copies need be prepared when supplier is "Own stocks".

Number of sets. A separate set of applications shall be made for each supplier from whom delivery is requested and separate sets shall also be made for each different phthalate plasticizer sought. It shall not be necessary, however, to make a separate application for use from own stock where application is also made for delivery from a supplier.

Heading. In the heading, under name of chemical, specify the phthalate plasticizer (one only); under War Production Board Order, specify M-203; under the name of company, specify name and mailing address; specify delivery destination, supplier and shipping point; and under unit of measure, specify pounds.

Table 1. Specify the month and year for which authorization for use or acceptance of delivery is sought.

Column 1. Leave blank.

Column 3. Specify primary product in terms of the following:

Adhesives
 Airplane dope
 Artificial leather
 Cellophane
 Cellulose acetate plastics
 Cellulose acetate-butylate plastics
 Chemical resistant coatings
 Denatured alcohol
 Electric wire or cable
 Electric insulation other than wire or cable
 Ethyl cellulose plastics

Inks
 Lacquers and enamels
 Laminated glass
 Linoleum
 Motor fuel additives
 Nitrocellulose plastics
 Oil additives
 Paper coatings
 Photographic films
 Rubber—natural
 Rubber—synthetic
 Synthetic yarns and textiles
 Textile coatings
 Vinyl acetate and acetal plastics
 Miscellaneous (identify)
 Resale (in original form)
 Export (in original form)
 *Inventory (in original form)

Column 4. In Column 4 describe the use or end product. For example, textile coatings should be further described as window shade cloth, Army raincoats, Army airplane paulins, etc., and lacquers should be further described as aircraft, furniture, etc. In addition, where the product listed in Column 3 is to be produced for direct war use as defined in the next paragraph, the applicant shall so specify, and shall also specify the particular Government department or agency if such department or agency is purchasing directly from the applicant.

Direct war use. "Direct war use", for the purpose of applications under this order, means any use where the phthalate plasticizers or products made therefrom are to be delivered to, or incorporated into material to be delivered to, the United States Army, Navy, Coast Guard, Maritime Commission, War Shipping Administration, Panama Canal, Coast and Geodetic Survey, Civil Aeronautics Authority, National Advisory Committee for Aeronautics, or Office of Scientific Research and Development, or the government of any country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), or the government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom, including its Dominions, Crown Colonies, and Protectorates, and Yugoslavia.

Columns 5, 6, 7, 8, 9, and 10. Leave blank, except for remarks, if any, in Column 10.

Tables II and III. Fill in as indicated, with reference to the one phthalate plasticizer specified in the heading of the form. Leave Columns 11 and 19 blank. In Table II report total inventory irrespective of whether or not received on allocation.

Table IV. Leave blank.

(2) Each producer and distributor seeking authorization to make delivery of phthalate plasticizers during any calendar month shall file application on Form PD-601 in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form PD-601. Copies of Form PD-601 may be obtained at local field offices of the War Production Board.

Time. Application on Form PD-601 shall be filed on or before the 22nd day of the month preceding the month for which authorization to make delivery is requested.

Number of copies. Prepare 4 copies and forward 3 certified copies to the War Production Board.

**Inventory.* Phthalate plasticizer allocated for inventory shall not be used for any purpose except as specially directed by the Director General for Operations, or except to fill orders for authorized uses, pending arrival of the phthalate plasticizers allocated to fill such orders. Upon such arrival, the allocated inventory shall be restored.

tion Board, Chemicals Division, Washington, D. C., Ref: M-203.

Number of sets. Separate sets of forms shall be filed for each phthalate plasticizer requested.

Suppliers who are customers. Suppliers who have filed applications on Form PD-600 specifying themselves as suppliers, shall list their own names as customers on Form PD-601 and shall list their request for allocation in the manner prescribed for other customers.

Heading. In the heading, under name of chemical, specify the phthalate plasticizer (one only); under WPB order number, specify M-203; under name of company, specify name and mailing address; give address of plant or warehouse; check whether producer or distributor; under unit of measure, specify pounds; and state the month and year during which deliveries covered by the application are to be made.

Columns 1, 2, 3 and 4. Fill in Columns 1, 2 and 4 as indicated and leave Column 3 blank.

Column 5. Specify proposed deliveries, delivery dates, and shipping container.

Columns 6 and 7. Column 6 must be left blank and Column 7 may be left blank.

Small orders. No statement need be made with respect to deliveries which may be made during the next month pursuant to paragraph (c) (1) of this order.

Table II. Fill in as indicated with reference to the one phthalate plasticizer specified in the heading of the form. Leave Column 8 blank.

Extra sheets. If it is necessary to use more than one set of sheets to list customers, number each set of sheets in order and show grand totals for all sheets on the last set of sheets, which should have Table II filled out and are the only ones that need be certified.

(3) Application for authorization under this order may be made in any manner by the United States Army, Navy, Maritime Commission, or War Shipping Administration.

(4) The Director General for Operations may require each person affected by this order to file such other reports as may be prescribed, and may issue special directions to any such person with respect to preparing and filing Forms PD-600 and PD-601.

(e) *Notification of customers.* Each producer and distributor shall notify his regular customers as soon as possible of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(f) *Miscellaneous provisions.*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of the War Production Board priorities regulations, as amended from time to time, except Priorities Regulation No. 13, which shall be subject to this order where inconsistent herewith.

(2) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of phthalate plasticizers shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(3) *Violations.* Any person who willfully violates any provision of this or-

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

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C., Ref: M-203.

Issued this 6th day of February 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-1996; Filed, February 6, 1943;
11:41 a. m.]

PART 3092—STEATITE TALC

[Conservation Order M-239 as Amended
Feb. 6, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of steatite talc for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3092.1 Conservation Order M-239—

(a) *Definitions.* For the purposes of this order:

(1) "Steatite talc" means naturally occurring magnesium silicate, both crude and beneficiated, suitable for use in the manufacture of electrical insulators and containing not to exceed one and one-half per cent (1½%) lime (CaO), not to exceed one and one-half per cent (1½%) ferric oxide (Fe₂O₃), and not to exceed four per cent (4%) alumina (Al₂O₃).

(2) "Permitted use" means a use in the manufacture of a product or in a process appearing upon List A hereto attached.

(3) "Producer" means a person who mines, mills, treats, or classifies steatite talc or otherwise prepares or beneficiates steatite talc for use by consumers.

(4) "Supplier" means a person who imports steatite talc into the United States or who offers steatite talc for sale to consumers. A producer may also be a supplier.

(5) "Consumer" means a person who uses steatite talc by incorporating it physically in a product he manufactures or who uses or consumes steatite talc in any other commercial or laboratory process.

(6) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control of, or under common control with, or available for the use of such person.

(7) "Minimum practicable working inventory" means a six months' supply.

(b) *Restrictions on use of steatite talc.*

(1) Between October 13, 1942, and November 15, 1942, no consumer shall use or consume steatite talc, except for permitted uses, in excess of 50 per cent of the average monthly weight of steatite talc used or consumed by him during the year 1941 for other than permitted uses; and, during such period, except for permitted uses, no consumer shall put into process any steatite talc in the manufacture of any product, or commence any process in which steatite talc is used or consumed, unless the product or the process will be completed by November 15, 1942.

(2) After November 15, 1942, no consumer shall use or consume any steatite talc except for permitted uses.

(c) *Restrictions on sales or deliveries of steatite talc.* No person after October 13, 1942, shall sell or deliver (including a delivery under toll agreement) steatite talc to any person if he knows or has reason to believe such material is to be received or used in violation of the terms of this order.

(d) *Limitations of inventories.* No person, other than a producer, shall accumulate an inventory of steatite talc in the form of raw materials, semi-processed materials, finished parts, or sub-assemblies in quantities in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the uses of steatite talc by this order. Any person, other than a producer, who has an inventory in excess of a minimum practicable working inventory is prohibited from receiving any additional steatite talc until his inventory thereof has been reduced below a minimum practicable working inventory.

(e) *Production of steatite talc.* Each producer shall conduct his operations so as to produce the largest possible amounts of steatite talc in relation to the amounts of other grades of talc produced by him. The mines, mills, and plants of all producers shall be open for inspection at all reasonable times by agents or representatives of the War Production Board.

(f) *Reports.* On or before the 10th day of each month, each producer shall file with the War Production Board, in duplicate, Form PD-678 and each supplier shall file with the War Production Board, in duplicate, Form PD-679. All persons affected by this order shall file such other reports as may be requested from time to time by the Director General for Operations.

(g) *Miscellaneous provisions—(1) Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of steatite talc conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board by letter or other written communication, in triplicate, setting forth the pertinent facts

and the reasons he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(2) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply to the use of steatite talc in all items hereafter manufactured irrespective of whether such items are manufactured pursuant to a contract made prior or subsequent to the effective date hereof. Insofar as any other order of the Director General for Operations may have the effect of limiting or curtailing to a greater extent than herein provided, the use of steatite talc in the production of any item, the limitations of such other order shall be observed.

(3) *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.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Miscellaneous Minerals Division, Washington, D. C. Ref.: M-239.

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

Issued this 6th day of February 1943.

CURTIS E. CALDER,
Director General for Operations.

LIST A—PERMITTED USES OF STEATITE TALC

1. Steatite insulators for use in communications, radio, radar, and underwater sound instruments.

2. Spark plugs being produced or purchased under specific contract, subcontract, or purchase order for delivery to or for the account of the Army, the Navy, or the Coast Guard of the United States, the United States Maritime Commission, the War Shipping Administration, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, or any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), or being produced in accordance with Limitation Order L-158.

3. Filtering of foods, flavoring extracts, and medicines.

4. Medicinal preparations and health supplies, not including talcum powder or cosmetic preparations.

5. Steatite porcelain products used for electrical and heat insulating purposes. This item shall not be deemed to include refractories.

6. Electric light bulbs.

7. Educational, testing, experimentation, and research uses by scientific laboratories.

[F. R. Doc. 43-1998; Filed, February 6, 1943;
11:41 a. m.]

PART 3175—REGULATIONS APPLICABLE TO
THE CONTROLLED MATERIALS PLAN

[CMP Reg. 4]

SALES OF CONTROLLED MATERIALS BY WARE-
HOUSES AND DISTRIBUTORS

§ 3175.4 *CMP Regulation 4*—(a) *Purpose and scope.* The purpose of this regulation is to specify the procedure to be followed by warehouses and distributors in marketing controlled materials under the Controlled Materials Plan after March 31, 1943. This regulation does not provide the means by which such persons obtain controlled materials, which will be governed by other regulations or orders.

Steel

(b) *Definitions with respect to steel.* The following definitions shall apply for the purpose of this regulation and for the purpose of any other CMP regulation unless otherwise indicated:

(1) "Steel" means steel—both carbon (including wrought iron) and alloy—in any of the forms and shapes constituting a controlled material as defined in CMP Regulation No. 1.

(2) "Distributor" means any person (including a warehouse, jobber, dealer or retailer) who is engaged in the business of receiving steel for sale or resale and who does not process the material so sold otherwise than by performing such operations as cutting to length, shearing to size, torch cutting or burning to shape, sorting and grading, or pipe threading; but a person who, in connection with any sale, forms, bends, punches or performs any fabricating operation designed to prepare steel for final use or assembly shall not be deemed a distributor with respect to such sale.

(c) *Deliveries of steel by distributors on authorized controlled material orders.*

(1) Subject to the provisions of paragraph (d) of this regulation, no distributor shall deliver any steel from stock after March 31, 1943, except to fill authorized controlled material orders.

(2) Each distributor shall, to the extent of his available stocks, fill authorized controlled material orders, after March 31, 1943, subject to the following:

(i) A distributor shall reject any authorized controlled material order calling for delivery at any one time, to any one person, at any one destination, of 40,000 pounds, or more, of steel unless such order includes 10 or more individual items—each item to be of a different specified analysis, length and cross-section, and no item of which shall weigh more than 8,000 pounds—or unless all items covered by the order consist of oil country tubing, oil country casing, or oil country drill pipe;

(ii) A distributor who is of the opinion that the filling of any authorized controlled material order calling for delivery of steel would deplete his stocks to a point where his function in the distribution of controlled materials would be seriously impaired, may apply to the War Production Board for authority to reject such order and may delay filling the same until such application is acted upon. The War Production Board may

authorize rejection of the order or direct that it be filled, in whole or in part, or take other appropriate action.

(d) *Deliveries of steel by distributors on other orders.* After March 31, 1943, a distributor may fill delivery orders for steel other than authorized controlled material orders, as follows:

(1) Orders in amounts of \$10 or less;

(2) Orders bearing preference ratings of AA-5 or higher on which delivery is made prior to July 1, 1943;

(3) Orders calling for delivery of carbon steel which are authorized under Food Production Order 3 of the United States Department of Agriculture;

(4) Orders calling for delivery of not more than the following amounts to the same customer, at the same destination, during any calendar quarter:

[Quantities in pounds per quarter]

	Carbon (including wrought iron)	Alloy (other than stainless)	Stainless
Structural shapes and piling.....	8,000		
Plates.....	8,000	2,000	300
Hot rolled bars, including concrete reinforcing bars.....	6,000	2,000	300
Cold finish bars.....	4,000	2,000	300
Tool steel, including drill rod.....	300	300	
High carbon spring steel.....	300		
Tool steel bits.....	5		
Mechanical tubing.....	11,000		300
Pressure tubing.....	12,000		
Sheets and strip, hot rolled.....	6,000		
Sheets and strip, cold reduced.....	6,000		300
Sheets and strip, galvanized.....	6,000		
Sheets and strip, all other, including black plate.....	6,000		
Pipe.....	4,000		
Wire and wire products.....	4,000		100
Tin and terneplate.....	2,000		

1 Feet.

Provided, however, That each order placed under this subparagraph (4) shall be accompanied by a certificate, signed manually, or as provided in Priorities Regulation No. 7, in substantially the following form:

The undersigned hereby certifies to the distributor with whom this order is placed and to the War Production Board, subject to the criminal penalties provided in section 35 (A) of the United States Criminal Code, that receipt of the steel covered by this order, together with all other steel received by, or on order for delivery to, the undersigned, from all sources, during the same quarter, will not exceed the limits specified in paragraph (d) (4) of CMP Regulation No. 4.

A distributor shall be entitled to rely on such certificate unless he knows or has reason to believe it to be false.

(5) No person who obtains any steel pursuant to subparagraph (4) of this paragraph (d) shall obtain steel from any sources in the same calendar quarter in amounts aggregating more than the amounts therein specified.

Copper

(e) *Definitions with respect to copper.* The following definitions shall apply for the purpose of this regulation and for the purpose of any other CMP regulation unless otherwise indicated:

(1) "Brass mill product" means sheet, wire, rod or tube made from copper or copper base alloy.

(2) "Wire mill product" means bare or insulated wire or cable for electrical conduction made from copper or copper base alloy.

(3) "Warehouse" means any industrial supplier, mill supplier, plumbing supply house, or other person engaged in the business of distributing brass mill products or wire mill products to industry or trade.

(f) *Delivery of brass mill or wire mill products from warehouse stocks.* (1) A warehouse may fill an authorized controlled material order, or an order bearing a preference rating of AA-5 or higher for brass mill or wire mill products, from his stocks, provided that,

(i) Such order does not require delivery of more than 500 pounds (copper or alloy weight) of any item to any one destination, at any one time; and

(ii) Such order is accompanied by a certificate, signed manually or as provided in Priorities Regulation No. 7, in substantially the following form:

The undersigned hereby certifies to the warehouse with whom this order is placed and to the War Production Board, subject to the criminal penalties provided in section 35 (A) of the United States Criminal Code, that the amount of each item of brass mill or wire mill products covered by this order, together with all other amounts of such item received by, or on order for delivery to the undersigned, at any one destination from warehouse stock, during the same month, does not exceed 2,000 pounds, and that such items will not be used by the undersigned for any purpose in violation of any order of the War Production Board.

A warehouse shall be entitled to rely on such certificate unless he knows or has reason to believe it to be false.

(2) No person who obtains any item of brass mill or wire mill products pursuant to this paragraph (f) shall accept deliveries of the same item at any one destination aggregating more than 2,000 pounds, during any one calendar month, from warehouse stocks.

(3) No warehouse shall deliver any brass mill or wire mill products from stock after February 15, 1943, except as provided in subparagraph (1) of this paragraph (f), nor shall any warehouse make any delivery if he has knowledge or reason to know that acceptance thereof would constitute a violation of subparagraph (2) of this paragraph (f).

Aluminum

(g) *Definitions with respect to aluminum.* The following definitions shall apply for the purpose of this regulation and for the purpose of any other CMP Regulation unless otherwise indicated:

(1) "Aluminum" means aluminum in any of the forms and shapes constituting controlled material as defined in CMP Regulation No. 1.

(2) "Distributor" means any person who is specifically authorized by the War Production Board to engage in the business of receiving aluminum for sale or resale.

(h) *Deliveries of aluminum by distributors on authorized controlled material orders.* (1) Each distributor shall, to the extent of his available stocks, fill authorized controlled material orders, except that a distributor shall reject any authorized controlled material order calling for delivery at any one time, to any one person, at any one destination, of more than 500 pounds of any gage, alloy and size of aluminum sheet, or more than 300 pounds of any alloy, shape and size of aluminum wire, rod or bar, or more than 200 pounds of any alloy, size and shape of aluminum tubing, extrusions or structural shapes: *Provided, however,* That any distributor shall be entitled to fill an authorized controlled material order calling for delivery at any one time, to any one person, at any one destination, of 2,000 pounds or less of any gage, alloy and size of aluminum sheet, 1,000 pounds or less of any gage, alloy and size of aluminum wire, rod or bar, or 500 pounds or less of any alloy, size and shape of aluminum tubing, extrusions or structural shapes, if such distributor shall first have requested the mill supplying him to fill such order and such mill shall have advised such distributor to fill the same from his stock. Such request and advice may be made verbally but shall be confirmed in writing.

(2) A distributor may fill orders other than authorized controlled material orders, calling for delivery of aluminum required for essential maintenance, repair or operating supplies, in the amount, and subject to the limitations, provided in paragraph (c) (2) of CMP Regulation No. 5.

General Provisions Applicable to Steel, Brass Mill Products, Wire Mill Products and Aluminum

(i) *Directions to distributors and warehouses.* Each distributor and warehouse shall comply with such directions as may be issued from time to time by the War Production Board with respect to making or withholding deliveries of steel, brass mill products, wire mill products or aluminum, and with respect to the earmarking of stocks of such material.

(j) *Placement of authorized controlled material orders.* A delivery order for steel, brass mill products, wire mill products or aluminum, shall be deemed an authorized controlled material order, if but only if,

(1) It is specifically designated as an authorized controlled material order by any regulation or order of the War Production Board; or

(2) It is endorsed with the appropriate allotment number and is accompanied by three copies of Form CMP-6 in the case of brass mill products or wire mill products, or two copies of such form in the case of aluminum. A delivery order for steel shall be endorsed with the appropriate allotment number but need not be accompanied by Form CMP-6

(k) *Verbal delivery orders.* Any delivery order requiring shipment within seven days may be placed verbally or by telephone by stating to the distributor or warehouse the substance of the information required by this regulation,

Provided, That the person placing the order furnishes to the distributor or warehouse, within seven days after placing the same, written confirmation of the order complying with the requirements of this regulation. In case of failure to receive written confirmation within seven days, the distributor or warehouse shall not accept any other order from, or deliver any additional material of any kind to, the purchaser until such written confirmation is furnished. On or before the 15th day of each month any distributor or warehouse who has received in the prior month a delivery order by telephone, shall notify the War Production Board, Compliance Division, of any case in which a purchaser has failed to furnish to him the written confirmation when due.

(l) *Special provisions with respect to AAA orders.* Notwithstanding the foregoing provisions of this regulation, an authorized controlled material order placed with a distributor or warehouse bearing a rating of AAA shall be filled in preference to any other authorized controlled material orders regardless of time of receipt.

(m) *Communications.* All communications concerning this regulation should be addressed to the War Production Board, Washington, D. C., Ref: CMP Regulation No. 4 (specify whether steel, copper or aluminum).

Issued this 6th day of February 1943.

CURTIS E. CALDER,

Director General for Operations.

[F. R. Doc. 43-1997; Filed, February 6, 1943; 11:41 a. m.]

PART 903—DELEGATION OF AUTHORITY

[Supplementary Directive 1-T]

§ 903.25 *Further delegation of authority to the Office of Price Administration with reference to the rationing of shoes.* (a) In order to permit the efficient rationing of shoes, the authority delegated to the Office of Price Administration in § 903.1, Directive No. 1, is hereby extended to include the exercise of rationing control over the sale, transfer, delivery, or other disposition of shoes by any person to any other person and over the acquisition, use or distribution of shoes by any person; *Provided,* That such authority shall not include the power to limit the quantities or use of shoes obtainable by the agencies specified in subparagraph (1) of paragraph (a) of said Directive No. 1 or by any agency of the United States for export to and use in a foreign country.

(b) The authority of the Office of Price Administration under this supplementary directive shall include the power to prohibit the sale, transfer, delivery, or other disposition of shoes to, or acquisition or use of shoes by, any person who has acted in violation of any rationing regulation or order prescribed by the Office of Price Administration.

(c) As used in this supplementary directive, the term "shoes" means all footwear made in whole or in part of leather or with rubber soles, except rubber foot-

wear as defined in § 903.16, Supplementary Directive 1-N.

(d) The War Production Board from time to time will advise the Office of Price Administration as to the quantities of shoes available for rationing and may specify the quantities of shoes which shall be released to consumers from time to time by the Office of Price Administration under this Supplementary Directive.

(e) This supplementary directive shall become effective February 7, 1943.

Issued this 8th day of February, 1943.

CURTIS E. CALDER,

Director General for Operations.

[F. R. Doc. 43-2038; Filed February 8, 1943; 11:11 a. m.]

PART 1085—MAINTENANCE AND OPERATION OF PLANTS CANNING OR PROCESSING FRUITS, VEGETABLES OR FISH

[Preference Rating Order P-115, as Amended Feb. 8, 1943]

Section 1085.1 *Preference Rating Order P-115* is hereby amended to read as follows:

§ 1085.1 *Preference Rating Order P-115—(a) Definitions.* For the purposes of this order:

(1) "Producer" means any person located in the United States, its territories and possessions, engaged in the business of canning or otherwise processing fruits, vegetables, or fish, or any person, located in the Dominion of Canada, to whom and in whose name a copy of this order is specifically issued.

(2) "Canning" means the preparation of fruits, vegetables, or fish for market by packing such fruits, vegetables, or fish (either alone or in combination with other commodities) in hermetically sealed containers and sterilizing by the use of heat and includes all operations required for or usually incidental to such preparation.

(3) "Processing" means the primary preparation of fruits, vegetables or fish for market by freezing, dehydration, and fresh packing in a processing plant.

(4) "Material" means any commodity, equipment, accessory, part, assembly, or product of any kind, used in the canning or processing of fruits, vegetables or fish, but does not include any planting or harvesting equipment, fishing vessels, or fishing equipment, or office or transportation equipment, or material for the replacement of the structural or exterior parts of any building.

(5) "Maintenance" means minimum upkeep necessary to enable the producer's existing plant and equipment to be used at its maximum rate of operation permissible under Conservation Order M-81 (To Conserve the Supply and Direct the Distribution of Tin Plate and Terne Plate) and other like orders.

(6) "Repair" means restoration of a producer's machinery, plant or equipment to sound working condition after physical depreciation, wear and tear, damage, destruction of parts or the like have impaired its fitness for service but not to an extent involving major reconstruction.

(7) "Material required for operation" means operating supplies including strapping and stitching wire when use thereof is permitted by Conservation Order M-261, but not including metal containers and closures, fuel, and office supplies.

(8) "Replacement" means substitution of new machinery or equipment for existing machinery or equipment, when not constituting repair.

(9) "Material required for more efficient operation" means material necessary for the most effective use of machinery in existing production lines, material necessary for the conversion of a producer's facilities so as to permit the use by him of containers fabricated of less critical materials, and material required to adapt such lines to the requirements of Order M-81, as amended from time to time, and other orders restricting permitted uses of containers and closures.

(10) "Supplier" means any person with whom a contract or purchase order has been placed for delivery of material to a producer or to another supplier.

(11) "Fish" includes shellfish.

(b) *Assignment of preference ratings.* Preference ratings are hereby assigned, subject to the restrictions and conditions of paragraphs (c) and (d) hereof:

(1) AA-1 to deliveries, to a producer, of material required for repair and maintenance.

(2) AA-2X to deliveries, to a producer, of material required for operation.

(3) AA-3 to deliveries, to a producer, of material required for replacement, or for more efficient operation, excluding, however, any deliveries:

(i) For the construction of new buildings, or the establishment of new plants.

(ii) For the establishment of new production lines.

(iii) For any other purpose that, in the opinion of the Director General for Operations at the time application is made, as provided in paragraph (d) (2) below, is not in the public interest, does not promote the national defense, or is in conflict with the policy of Conservation Order M-81 (To Conserve the Supply and Direct the Distribution of Tin Plate and Terne Plate) or other like orders.

(c) *Restrictions on application of ratings by producer.* (1) The producer shall not apply any preference rating assigned by (b) (1) and (b) (2) above, if, in view of the current rate of consumption of his inventory of stores for repair and maintenance or operation, the delivery of the material to be rated would increase his inventory or stores above the amount permitted or provided in paragraph (e) below.

(2) The producer shall not apply any preference rating hereunder unless the material to be delivered cannot be secured when required without such rating.

(3) The producer may apply the rating only to those quantities and kinds of materials necessary to enable him to maintain his canning or processing schedules up to the end of the calendar year 1943.

(4) The producer shall not apply a preference rating hereunder to any order

for material to which a lower rating is assigned by Conservation Order M-208 as amended.

(5) The producer shall not apply a preference rating hereunder to obtain material for use in construction, as the term is defined in Conservation Order L-41 as amended, unless he has obtained authority to begin construction in one of the ways prescribed by said order: *Provided*, That material obtained by applying a rating pursuant to this order is not material obtained "without making application for priorities assistance" within the meaning of paragraph (b) (7) of Order L-41.

(d) *Application of preference rating.* (1) A producer or any supplier, in order to apply or extend the preference ratings assigned hereunder shall comply with Priorities Regulation No. 3, as it may be amended from time to time.

(2) If the material is required for replacement or more efficient operation, the producer shall not apply preference rating AA-3, unless he shall have communicated with the Director of Food Distribution, describing the material needed and the nature of the proposed replacement or addition, and shall have received from the Director General for Operations a specific authorization to apply such rating, notwithstanding the fact that he may have previously been authorized to apply a rating of A-3, or A-1-c. Such application for authorization may be made by a written statement on Form PD-285, or, in any emergency, by telegram giving substantially the information called for by said Form PD-285.

(e) *Inventory provisions.* A producer shall not accept deliveries (whether rated hereunder or not) of material for repair and maintenance or operation which will increase the inventory or stores available to the producer for such purposes to an amount greater than the minimum necessary for repair and maintenance and to sustain the current level of operations of the producer, and the ratio of such inventory and stores to current operations shall in no event exceed the ratio of average inventory to average operation for the years 1938, 1939, and 1940.

(f) *Records.* In addition to records required to be kept under Priorities Regulation No. 1, a producer, and each supplier placing or receiving any purchase order or contract rated hereunder, shall each retain, for a period of two years, for inspection by representatives of the Director of Food Distribution, endorsed copies of all such purchase orders or contracts, whether accepted or rejected segregated from all other purchase orders or contracts or filed in such a manner that they can be readily segregated for such inspection.

(g) *Reports.* Each producer who applies a preference rating hereunder shall file such reports as may be required from time to time by the Director of Food Distribution; and until further notice any producer who applies a preference rating hereunder for repair, maintenance or operation shall file with the Director of Food Distribution on or before the 10th day of each month copies

of all purchase orders on which such ratings have been applied during the previous month.

(h) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: Director of Food Distribution, Department of Agriculture, Washington, D. C. Ref: P-115.

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

(j) *Revocation or amendment.* This order may be revoked or amended at any time as to any producer or any supplier. In the event of revocation, deliveries already rated pursuant to this order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications or extensions of the rating to any other deliveries shall thereafter be made by the producer or supplier affected by such revocation.

(k) *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.

Issued this 8th day of February 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-2041; Filed, February 8, 1943;
11: 11 a. m.]

PART 1108—MAINTENANCE AND OPERATION
OF PLANTS PROCESSING DAIRY PRODUCTS
OR EGGS

[Preference Rating Order P-118, as Amended
Feb. 8, 1943]

Section 1108.1, Preference Rating Order P-118, is hereby amended to read as follows:

§ 1108.1 *Preference Rating Order P-118—(a) Definitions.* For the purposes of this order:

(1) "Processor" means any person located in the United States, its territories and possessions, engaged in processing dairy products or eggs, or any person located in the Dominion of Canada, to whom and in whose name, a copy of this order is specifically issued.

(2) "Processing dairy products" means the processing operations in connection with any of the following businesses, excluding operations performed at retail outlets in connection with retail sale, or at restaurants or hotels:

(i) Pasteurizing milk,

(ii) Receiving milk from other persons for cooling preparatory to reshipment for further processing,

(iii) Producing dairy products, for sale, by processing milk or cream in a plant not located on the farm where the milk was produced or by processing ice cream mix produced in the same plant or in another plant under the same ownership as the processing plant.

(3) "Processing eggs" means the processing operations in connection with any of the following businesses, performed in plants approved by the Food Distribution Administration (or, in Canada, by the Special Products Board of Canada) for purposes of directly or indirectly supplying eggs or egg products to or for that agency or for the armed services:

(i) Candling and grading shell eggs,
(ii) Breaking, packaging, and freezing liquid eggs.

(iii) Dehydrating eggs.

(4) "Material" means any commodity, equipment, accessory, part, assembly, or product of any kind used for maintenance, repair, operation or replacement in plants processing dairy products or eggs, but shall not include any office or transportation supplies, machinery or equipment, or material for the replacement of the structural or exterior parts of any building.

(5) "Maintenance" means minimum upkeep necessary to enable the processor's existing plant, machinery and equipment to be used at its maximum rate of operation permissible under any applicable orders, but shall not include the acquisition of additional machines or equipment.

(6) "Repair" means restoration of a processor's plant, machinery or equipment to sound working condition within a reasonable time after physical depreciation, wear and tear, damage, destruction of parts or the like have impaired its fitness for service but not to an extent involving major reconstruction or the acquisition of capital assets or of motors of 1-horsepower or more.

(7) "Material required for operation" means operating supplies to be consumed in the course of a processor's operations but not to be physically incorporated in the finished products nor used as packaging, containers, fuel, or office supplies.

(8) "Replacement" means substitution of machinery or equipment for worn or damaged existing machinery or equipment which cannot be repaired without major reconstruction; *Provided*, That such substitution is made within a reasonable time after such condition develops; *And provided further*, That the replacement is not of greater productive capacity than the replaced machinery or equipment except to the minimum possible extent when a replacement of equivalent capacity is obsolete, unobtainable, or not obtainable within a reasonable time in relation to the processor's operating needs.

(9) "Supplier" means any person with whom a contract or purchase order has been placed for delivery of material to a processor or to another supplier.

(b) *Assignment of preference ratings.* Preference ratings are hereby assigned, subject to the restrictions and conditions of paragraphs (c) and (d) hereof:

(1) AA-1 to deliveries, to a processor of material required for repair and maintenance.

(2) AA-2X to deliveries, to a processor, of material required for operation.

(3) AA-3 to deliveries, to a processor, of material required for replacement.

(c) *Restrictions on application of ratings by processor.* (1) The processor shall not apply any preference rating assigned by (b)(1) and (b)(2) above if, in view of the current rate of consumption of his inventory or stores for repair and maintenance or operation, the delivery of the material to be rated would increase his inventory or stores above the amount permitted or provided in paragraph (e) below.

(2) The processor shall not apply any preference rating hereunder unless the material to be delivered cannot be secured when required without such rating.

(3) The processor may apply the rating only to those quantities and kinds of materials necessary to enable him to maintain his processing schedules up to the end of the calendar year 1943.

(4) The processor shall not apply any rating hereunder to any order for material to which a lower rating is assigned by Conservation Order M-208, as amended.

(5) The processor shall not apply a preference rating hereunder to obtain material for use in construction, as the term is defined in Conservation Order L-41 as amended, unless he has obtained authority to begin construction in one of the ways prescribed by said order, *Provided*, That material obtained by applying a rating pursuant to this order is not material obtained "without making application for priorities assistance" within the meaning of paragraph (b)(7) of Order L-41.

(d) *Application of preference rating.*

(1) A processor or any supplier, in order to apply or extend the preference ratings assigned hereunder shall comply with Priorities Regulation No. 3, as it may be amended from time to time.

(2) If the material is required for replacement, the processor shall not apply preference rating AA-3, unless he shall have communicated with the Director of Food Distribution, describing the material needed and the nature of the proposed replacement, and shall have received from the Director General for Operations a specific authorization to apply such rating, notwithstanding the fact that, prior to November 12, 1942, he may have been authorized to apply a lower rating under this order. Such application for authorization may be made by a written statement on Form PD-414 or, in any emergency, by telegram giving substantially the information called for by said Form PD-414.

(e) *Inventory provisions.* A processor shall not accept deliveries (whether rated hereunder or not) of material for repair and maintenance or operation which will increase the inventory or stores available to the processor for such purposes to an amount greater than the minimum necessary for repair and maintenance and to sustain the current

level of operations of the processor, and the ratio of such inventory and stores to current operations shall in no event exceed the ratio of average inventory to average operation for the years 1938, 1939, and 1940.

(f) *Records.* In addition to the records required to be kept under Priorities Regulation 1, a processor placing any purchase order or contract rated hereunder shall retain, for a period of two years, for inspection by representatives of the Director of Food Distribution, endorsed copies of all such purchase orders or contracts, whether accepted or rejected, segregated from all other purchase orders or contracts or filed in such a manner that they can be readily segregated for such inspection.

(g) *Reports.* Each processor who applies a preference rating hereunder shall file such reports as may be required from time to time by the Director of Food Distribution; and until further notice, any processor who applies a preference rating hereunder for repair, maintenance or operation under paragraph (b), shall file with the Director of Food Distribution within 10 days after the end of each quarter Form PD-413.

(h) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: Director of Food Distribution, Department of Agriculture, Washington, D. C. Ref.: P-118.

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

(j) *Revocation or amendment.* This order may be revoked or amended at any time as to any processor or any supplier. In the event of revocation, deliveries already rated pursuant to this order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications or extensions of the rating to any other deliveries shall thereafter be made by the processor or supplier affected by such revocation.

(k) *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.

Issued this 8th day of February 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-2042; Filed, February 8, 1943;
11:11 a. m.]

PART 3096—CONSERVATION OF PAPER AND PAPERBOARD

[General Conservation Order M-241-a]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply, for defense, for private account and for export, of various materials and facilities required in the manufacture and distribution of pulp, paper and paperboard; and the following order is deemed necessary in the public interest and to promote the national defense:

§ 3096.2 General Conservation Order M-241-a—(a) Definitions. For the purpose of this order:

(1) "Converter" means any person engaged in the business of manufacturing from pulp, paper and/or paperboard any of the commodities or articles referred to in paragraph (b).

(b) Restrictions on consumption of pulp, paper and/or paperboard in the manufacture of certain converted products. (1) No converter shall during the first calendar quarter of 1943, or any calendar quarter thereafter, consume in the manufacture of any article or class of articles on List A any quantity, in tons, of pulp, paper and/or paperboard greater than the quantity determined by applying the percentage figure on List A opposite the designation of such article or class of articles to either, at the option of the converter:

(i) The quantity, in tons, of pulp, paper and/or paperboard consumed by such converter in the manufacture of such article or class of articles during the corresponding quarter of 1942; or

(ii) One-fourth of the total quantity of pulp, paper and/or paperboard consumed by such converter in the manufacture of such article or class of articles during the entire calendar year of 1942.

(2) From and after February 15, 1943, no converter shall manufacture out of pulp, paper or paperboard any article or class of articles on List B, or, if on February 15, 1943, any such article is partially but not completely manufactured out of pulp, paper or paperboard, complete the manufacture thereof or cut, shape, alter or otherwise put the same into form for final use.

It shall be the duty of each converter to determine in the first instance which, if any, of his products are included among the articles and classes of articles on Lists A and B. In case of doubt he may apply to the Director General for Operations, in writing, describing the product in question, for a specific ruling, by telegram or letter, determining whether or not the same is so included. The Director General for Operations may of his own motion in any case, by telegram or letter, issue a specific ruling determining whether or not a particular product of a particular converter is so included.

(c) 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 to the

extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

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

(e) Records. All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(f) Audit and inspection. All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(g) Reports. All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

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

(i) Communications. All communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Pulp and Paper Division, Washington, D. C. Ref.: M-241-a.

Issued this 8th day of February 1943.

CURTIS E. CALDER,

Director General for Operations.

LIST A

NOTE: List A was amended in its entirety.

Articles or class of articles:	Percentages
Chair seat covers.....	75
Coasters and mats, such as beer mats, and coasters of the type commonly used for households, hotels, taverns, restaurants, etc.....	50
Dishes, plates and spoons.....	90
Dollies, mats (place, table and tray) and tray covers.....	50
Envelopes.....	90
Expansion pockets, unprinted.....	90
Facial tissue.....	90
File folders, unprinted.....	90
Fly paper.....	90
Household rolls (waxed).....	90
Index tabs, unprinted.....	90
Laundry specialties to wit—	
(a) Shirt bands (2" wide or less).....	90
(b) Collar Circles.....	90
(c) Collar supports.....	90
Napkins.....	90
Paper Stationery and papeteries.....	90
Photo Mounts.....	75
Ribbon, all types, including package ties and ribbon blocks and cores.....	90
Salt and pepper shakers.....	90
Slippers.....	75
Tablets, notebooks and pads.....	100
Toilet seat covers.....	100
Toilet tissue.....	110
Towels.....	90
Waxed papers, other than wrappers for breads, rolls, buns, cakes, pastry and doughnuts.....	90

Articles or class of articles—Con. Percentages

The following items as a group:

Friction glazed paper.....	} 50
Flint glazed paper.....	
Metallic coated paper.....	
Mica coated paper.....	
Plated papers.....	
Mat finish papers.....	

LIST B

Note: List B was amended in its entirety.

Articles and classes of articles in the manufacture of which pulp, paper or paperboard may not be used after February 15, 1943.

- Aprons.
- Ash trays.
- Bakers decorative specialties, such as:
 - (a) Pie collars and rings.
 - (b) Cake circles.
 - (c) Cake laces.
 - (d) Casserole collars.
- Bird cage specialties, such as:
 - (a) Bird cage bottoms.
 - (b) Bird cage covers and hoods.
 - (c) Bird cage food holders.
- Bouquet holders for displays, corsages, etc.
- Card table covers.
- Chop holders.
- Combs.
- Costumes.
- Dusters and dusting paper.
- Finger bowl liners.
- Hanger protectors.
- Novelties—holiday, party, advertising and decoration, such as:
 - (a) Garlands.
 - (b) Serpentine.
 - (c) Horns.
 - (d) Hats.
 - (e) Table decorations and place cards.
 - (f) Streamers, including those for window display and decoration.
 - (g) Flower pot covers.
 - (h) Costumes.
 - (i) Decalcomania transfers (for non-commercial use).
 - (j) Artificial flowers and flower specialties.
 - (k) Confetti.
 - (l) Festoons.
 - (m) Fireworks.
 - (n) Bouquets.
 - (o) Skewers.
- Poker chips.
- Punch boards, pullboards and similar articles.
- Shelf and drawer lining—Retail packages.
- Shirt protectors and envelopes.
- Shirt bands (wider than 2").
- Shirt boards.
- Shirt displays.
- Tablecloths.
- Venetian blinds.
- Window drapes.

[F. R. Doc. 43-2040; Filed, February 8, 1943; 11:11 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, as Amended Feb. 8, 1943]

§ 3175.1 CMP Regulation 1—(a) Purpose and scope. The purpose of this regulation is to define the rights and obligations under the Controlled Materials Plan of persons outside of the Claimant Agencies and the War Production Board. This regulation and other CMP regulations to be issued from time to time implement the "Controlled Materials Plan" which was published by the War Production Board, for informational purposes only, under date of November 2, 1942. In case of any inconsistency between such publication (or any other descriptive literature which may be published from time to time) and any CMP

regulation, the provisions of the CMP regulation shall govern. Other CMP regulations contain, or will contain, provisions regarding such matters as inventory restrictions, preference ratings, warehouses, dealers, maintenance, repair and operating supplies, construction and facilities, and reports.

(b) *Definitions.* The following definitions shall apply for the purposes of this regulation and for the purposes of any other CMP regulation unless otherwise indicated:

(1) "Controlled material" means steel—both carbon (including wrought iron) and alloy—copper (including copper base alloys) and aluminum, in each case only in the forms and shapes indicated in Schedule I attached.

(2) "Controlled Materials Division" means the Steel Division, the Copper Division or the Aluminum Division of the War Production Board.

(3) "Industry Division" means the Division, Bureau, or other unit of the War Production Board which is charged with supervision over the operations of a particular industry. The term also includes any other government agency which, by arrangement with the War Production Board, may perform similar functions with respect to a particular industry.

(4) "Claimant Agency" means the following government offices and such others as may be designated from time to time. (Identifying symbols are indicated in parentheses.)

NOTE: Following list amended by addition of last item, Feb. 8, 1943.

War Department (W)—except Ordnance which is identified by the symbol (O).

Navy Department (N).

Maritime Commission (M).

Aircraft Resources Control Office (agent for Army Air Forces and Bureau of Aeronautics of United States Navy) (C).

Office of Lend-Lease Administration (L).

Board of Economic Warfare (E).

Office of Civilian Supply (S).

Department of Agriculture (A).

Office of Defense Transportation (T).

Office of Rubber Director (R).

Facilities Bureau of the War Production Board (F).

Petroleum Administration for War (P).

National Housing Agency (H).

Office of War Utilities Director (U).

The symbol (D) will be used in lieu of Claimant Agency symbols to identify certain programs covering items destined for the Dominion of Canada.

(5) "Allotment" means (i), a determination by the Requirements Committee of the War Production Board of the amount of controlled materials which a Claimant Agency may receive during a specified period, or (ii) a further determination pursuant thereto by a Claimant Agency, Industry Division, prime consumer or secondary consumer, as to the portion of its allotment of controlled materials which may be received by one of its prime consumers or secondary consumers, as the case may be.

(6) "Prime consumer" means any person who receives an allotment of controlled material from a Claimant Agency or an Industry Division.

(7) "Secondary consumer" means any person who receives an allotment of

controlled material from a prime consumer or another secondary consumer.

(8) "Class A product" means any product which is not a Class B product (as defined in subparagraph (9) below), and which contains any steel, copper or aluminum, fabricated or assembled beyond the forms and shapes specified in Schedule I, other than such steel, copper or aluminum as may be contained in Class B products incorporated in it as parts or sub-assemblies.

(9) "Class B product" means any product listed in the "Official CMP Class B Product List" issued by the War Production Board, as the same may be modified from time to time, which contains any steel, copper or aluminum, fabricated or assembled beyond the forms and shapes specified in Schedule I, other than such as may be contained in other Class B products incorporated in it as parts or sub-assemblies.

(10) "Program" means a plan specifying the total amount of an item or class of items to be provided in a specified period of time.

(11) "Authorized program" means a program specifically authorized by the Requirements Committee or by a Claimant Agency or Industry Division within the limits of its allotment.

(12) "Production schedule" means a plan specifying the total amount of an item or class of items to be produced by an individual consumer in a specified period of time.

(13) "Authorized production schedule" means a production schedule specifically authorized within the limits of an authorized program by a Claimant Agency or by an Industry Division with respect to a prime consumer, or specifically authorized by a prime or secondary consumer with respect to a secondary consumer producing products for it as required to meet an authorized production schedule.

(14) "Delivery order" means any purchase order, contract, release or shipping instruction which constitutes a definite and complete instruction from a purchaser to a seller calling for delivery of any material or product. The term does not include any contract, purchase order, or other arrangement which, although specifying the total amount to be delivered, contemplates that further instructions are to be given.

(15) "Authorized controlled material order" means any delivery order for any controlled material as such (as distinct from a product containing controlled material) which is placed pursuant to an allotment as provided in paragraph(s) of this regulation or which is specifically designated to be such an order by any regulation or order of the War Production Board.

NOTE: Paragraphs (c) (1), (c) (2), and (c) (3) amended by deleting the words "each month of".

(c) *General allotment procedure*—(1) *Allotments by Requirements Committee to Claimant Agencies.* The Requirements Committee of the War Production Board will distribute the available supply of controlled materials by making allotments to the Claimant Agencies or Industry Divisions for each quarter,

designating the amount of each form of controlled material available, during the quarter, to each Claimant Agency or Industry Division for allotment to its prime and secondary consumers.

(2) *Allotments by Claimant Agencies to prime consumers producing Class A products.* Each Claimant Agency will distribute the allotments received by it by making further allotments to the prime consumers who produce Class A products for it. Such allotments will designate the amount of each form of controlled material available to each such prime consumer, during the quarter, for use by it or allotment to the secondary consumers producing Class A products as parts or sub-assemblies for it. A prime consumer producing Class A products for several Claimant Agencies shall obtain separate allotments from each. A Claimant Agency, may, in particular cases, make allotments through an Industry Division.

(3) *Allotments by Industry Divisions to producers of Class B products.* Unless otherwise specifically directed, allotments to producers of Class B products will be made only by Industry Divisions, both in the case of Class B products which are end-products and in the case of Class B products which are incorporated in other products whether Class A or Class B. Allotments made by the Requirements Committee may be made available to the Industry Divisions for this purpose by the Claimant Agencies. Each Industry Division will make allotments to the prime consumers producing Class B products under its jurisdiction. Such allotments will designate the amount of each form of controlled material available to each such prime consumer, during the quarter, for use by it or allotment to secondary consumers producing Class A products for it. A manufacturer of several Class B products coming under the jurisdiction of different Industry Divisions shall obtain separate allotments from each. A consumer producing Class B products is always a prime consumer with respect to such production.

(4) *Allotments by prime and secondary consumers.* Each prime consumer receiving an allotment may use that portion of the allotment which he requires to obtain controlled materials as such for his authorized production schedule, and shall allot the remainder to his secondary consumers producing Class A products for him, to cover their requirements for controlled materials. Allotments by secondary consumers to secondary consumers supplying them may be made in the same fashion. A secondary consumer producing Class A products for several other consumers shall obtain separate allotments from each.

(5) *Advance allotments.* Advance allotments by Claimant Agencies or Industry Divisions to prime consumers may be made within specified limits before receipt of allotments from the Requirements Committee in order to assure fulfillment of long term programs and schedules. Prime consumers receiving such advance allotments may, in turn, make allotments to their secondary consumers, and secondary consumers may

make further allotments, in the same manner as in the case of ordinary allotments, but no consumer shall make any allotment in advance of receiving his own allotment.

(6) Allotment numbers. (i) Allotments to prime consumers shall be identified by allotment numbers consisting of a Claimant Agency letter symbol and nine digits. The Claimant Agency symbol is indicated after the name of each Agency in paragraph (b) (4) of this regulation. The first four digits identify the authorized program of the Claimant Agency. The next three digits identify the authorized production schedule of the prime consumer. The last two digits indicate the quarter for which the allotment is valid, instead of indicating the month, as originally provided prior to amendment of this regulation. The numerical identification of months, as previously prescribed, is retained: months are numbered consecutively beginning with January 1942 (not 1943). Each quarter will be identified by the first month in the quarter. Thus, 16 will denote the second quarter of 1943, 19 will denote the third quarter, etc. However, if an allotment is made under the monthly system prescribed prior to amendment of this regulation, and bears the number of the second or third month in a quarter, it will nevertheless represent the entire quarter. Thus, 16, 17 or 18 will denote the second quarter of 1943, and 19, 20, or 21 will denote the third quarter of 1943. Orders placed by consumers with controlled materials producers (as distinct from allotments to consumers) are to be identified by month number instead of quarterly number, as provided in paragraph (s) (3).

(ii) Allotments to secondary consumers shall be identified by an abbreviated allotment number consisting only of a major program identification and the quarterly identification number. The major program identification shall consist of the Claimant Agency letter symbol followed by the first digit only of the program number (omitting the last three digits of the program number and the entire schedule number). For example, in the case of an allotment to a prime consumer, designated W-2345-687-16, the allotment to a secondary consumer will be simply W-2-16 denoting an allotment for major program number 2 of the War Department for delivery of controlled materials in the second quarter of 1943.

(d) Bills of materials, applications for allotments and other information serving as basis for allotments. (1) The basis for an allotment to a consumer shall be his actual requirements for controlled materials in connection

with the fulfillment of an authorized production schedule. The production schedule shall be authorized as provided in paragraph (n) of this regulation. Information as to requirements shall be in the form of a bill of materials, an application for allotment and/or other information as provided below in this paragraph (d).

(2) A bill of materials shows the amounts of controlled materials required by a consumer and his secondary consumers, irrespective of time of delivery and inventory, for production of one unit or a specified number of units of his product. Bills of materials shall be prepared in the manner specified in "General Instructions on Bills of Materials," on forms CMP-1, CMP-2 and CMP-3 or on such other forms as may be prescribed. No consumer shall be required to furnish a bill of materials on any form which is not officially prescribed (as indicated by a Bureau of Budget number), but in cases where another form is in use which gives the same information as the official form, the Claimant Agency, Industry Division or consumer to whom a bill of materials is to be furnished may accept it on such other form.

(3) An application for allotment shows the aggregate amount of each form of controlled material required (after taking inventories into account to the extent required by CMP Regulation No. 2) by a consumer and his secondary consumers during each month of a quarter for his entire production of a specified product or class of products for the same customer, in the case of Class A products, or for all customers (unless otherwise directed) in the case of Class B products. Applications are to be made by manufacturers of Class A products on Form CMP-4A as issued by the appropriate Claimant Agency, and by manufacturers of Class B products on Form CMP-4B as issued by the War Production Board, or on such other forms as may be prescribed. Although allotments are to be made by quarters instead of months, applications for allotments shall show monthly requirements where required by the application forms, so that information as to over-all requirements may be compiled on a monthly basis by the Claimant Agencies and the Controlled Materials Divisions.

(4) A bill of materials or application for allotment shall *not* include controlled materials required for manufacture of Class B products which will be incorporated in the product with respect to which the bill of material or application is submitted, although information as to the number or value of such Class B products is to be given in bills of materials to the extent required by the instructions.

(5) Requirements for maintenance, repair or operating supplies shall *not* be included in bills of materials or applications for allotment. Requirements for such purposes are to be obtained separately as provided in CMP Regulation No. 5.

(6) Bills of materials and applications for allotments shall be filed with the

Claimant Agency, Industry Division or other consumer by whom the allotment is to be made, as indicated in paragraph (c) of this regulation. Bills of materials shall be filed only when and as called for by such Claimant Agency, Industry Division or other consumer. Manufacturers of Class A products shall file applications for allotments only when and as called for by the Claimant Agency or other consumer for whom they make their products. Manufacturers of Class B products who will require controlled materials from controlled materials producers during the second quarter of 1943 (or whose secondary consumers will require the same) must file applications for allotments on Form CMP-4B not later than February 9, 1943, or by such other date as may be designated or approved by the appropriate Industry Division (or in special cases by a Claimant Agency). Those manufacturers of Class B products who will obtain their requirements of controlled materials for the second quarter of 1943 entirely from warehouses or retailers, and whose secondary consumers will do the same, need not file any applications for allotments. Procedures for obtaining controlled materials from warehouses or retailers, and limitations on the amount which may be obtained will be provided in CMP Regulation No. 4. Manufacturers of Class A products who sell them for use as maintenance, repair or operating supplies, or deliver them to distributors, shall obtain special allotments on Form CMP-4B as provided in paragraph (k-1) of this regulation.

(7) Each person making an allotment may require such other information in lieu of, or in addition to, a bill of materials or application for allotment as is required to enable him to make the allotment requested or to furnish any bill of materials, application for allotment or other information that may be required of him. If the consumer from whom such other information is requested is of the opinion that compliance with such request would be unreasonably burdensome he may appeal for relief as provided in paragraph (z) of this regulation.

(8) Any consumer making an allotment may waive the furnishing of a bill of materials or application for allotment, or both, if he has other information as to actual requirements of his secondary consumers (taking into account the inventory restrictions of CMP Regulation No. 2) which is sufficiently accurate and detailed to enable him to make the allotment and to furnish any bill of materials, application for allotment or other information that may be required of him.

(e) Responsibility for statements of requirements, including those of secondary consumers; duty to correct overstatements. (1) The furnishing of any bill of materials, application for allotment or other information as to requirements by a consumer, shall constitute a representation by him to the person to whom it is furnished, to the appropriate Claimant Agency and to the War Production Board, that the statements contained therein are complete and accu-

rate, to the best of his knowledge and belief, not only with respect to such consumer's own requirements but also with respect to those of his secondary consumers.

(2) Any person who ascertains that he has substantially overstated (whether by inadvertence or otherwise) his requirements, or those of his secondary consumers, for any form of controlled material, shall immediately report such error to the person to whom the statement of requirements was furnished. If he has already received an allotment based on such overstatement, he shall immediately cancel or reduce the same (or an equivalent amount of other allotments received for the same authorized production schedule) to the extent of such excess, and report such cancellation or reduction to the person from whom the allotment was received; or, if he is unable for any reason to make such cancellation, he shall immediately make a full report to the person from whom he received the allotment, and shall send a copy of such report to the appropriate Claimant Agency or Industry Division, if the allotment was received from another consumer.

(3) If any consumer receives any statement of requirements which he knows or has reason to believe to be substantially excessive (whether by inadvertence or otherwise), he shall withhold any allotment based thereon (either entirely or in an amount sufficient to correct the maximum excess) until satisfied that the statement is not excessive or that it has been appropriately modified. If unable to obtain sufficient information or an appropriate modification, he shall promptly report the matter to the appropriate Claimant Agency or Industry Division. Failure to withhold allotments or to make such report shall be deemed participation in the offense.

(4) If, after making any allotment, a consumer ascertains or has reason to believe that the allotment was substantially in excess of actual requirements, he shall either (i) correct the excess by cancelling or reducing the allotment or other allotments made by him to the same consumer, or (ii) report the matter promptly to the appropriate Claimant Agency or Industry Division. Failure to make such correction or report shall be deemed participation in the offense.

(5) An inadvertent overstatement of requirements shall be deemed substantially excessive for purposes of subparagraphs (2), (3), and (4) of this paragraph (e) if, but only if, it exceeds actual requirements by either (i) one-third or more of actual requirements or (ii) the minimum mill quantity specified in Schedule IV attached, whichever is less.

(f) *Forms in which controlled materials are allotted.* Each allotment, whether made by a Claimant Agency, an Industry Division or a prime or a secondary consumer, shall specify the form of the controlled material allotted. Allotments of steel shall be in terms of (1) carbon steel (including wrought iron) and (2) alloy steel, without further breakdown. Allotments of copper

and aluminum shall be broken down as indicated in Schedule I. A consumer may make allotments only in the same forms of controlled materials in which he has received his allotment.

(g) *Allotments by consumers.* (1) No consumer shall make any allotment in an amount which exceeds the related allotment received by him, after deducting all other allotments made by him and all orders for controlled materials placed by him pursuant to his related allotment.

(2) No consumer shall make any allotment in excess of the amount required, to the best of his knowledge and belief, to fulfill the related authorized production schedule of the secondary consumer to whom the allotment is made (including the schedules of any secondary consumers supplying the latter).

(3) No consumer shall make any allotment for the production of Class B products and no person shall accept any allotment from a consumer for the production of Class B products.

(4) No consumer who has received his allotment for an authorized production schedule shall place any delivery order (other than small orders placed pursuant to paragraph (l) of this regulation) for any Class A product required to fulfill said schedule, unless concurrently therewith or prior thereto, he makes an allotment to the person with whom the order is placed, in the amount required by such person to fill said order (taking such person's inventory into account to the extent required by CMP Regulation No. 2); *Provided, however,* That if he purchases a Class A product from a distributor under the conditions specified in paragraph (k-1) of this regulation, he need make no allotment but must charge his own allotment as provided in paragraph (v) of this regulation.

(h) *Methods of allotment.* (1) A consumer may make an allotment to his secondary consumer by either:

(i) Executing and returning one of the copies of the application (Form CMP-4A, or such other form as may be prescribed) furnished to the consumer by his secondary consumer or, in the event an application has been waived, by indicating on the prescribed application form the controlled materials allotted and executing and delivering such form to the secondary consumer;

(ii) Placing on or affixing to his delivery order for one or more Class A products the short form of allotment (Form CMP-5) set out in Schedule II attached hereto, subject to the accompanying instructions; or

(iii) Telegraphing the information required under subdivision (i) or (ii) above and confirming the same with the appropriate written form.

(2) Every consumer shall place on each allotment made by him the allotment number which is on the related allotment received by him, except that if the full allotment number described in subdivision (i) of paragraph (c) (6) of this regulation is on the allotment received by him, he need only place on

related allotments made by him the abbreviated allotment number described in subdivision (ii) of paragraph (c) (6). If a consumer places a delivery order for which he has made an allotment by separate instrument, he shall place the appropriate number on said order.

(i) *Method of cancelling or reducing allotments.* A person who has made an allotment may cancel or reduce the same by notice in writing to the person to whom it was made. A person who has received an allotment may cancel or reduce the same by making an appropriate notation thereon and notifying the person from whom he received it. In either case, if an allotment received by a person is cancelled he must cancel all allotments which he has made, and all authorized controlled material orders which he has placed, on the basis of the allotment; and, if an allotment received by a person is reduced, he must cancel or reduce allotments which he has made, or authorized controlled material orders which he has placed, to the extent that the same exceed his allotment as reduced. If such cancellation or reduction is not practicable, he may make equivalent cancellations or reductions with respect to other allotments received by him for the same production schedule. If he deems such course of action impracticable, he shall immediately report to the appropriate Claimant Agency or Industry Division for instructions.

(j) *Assignment of allotments.* No consumer shall transfer or assign any allotment in any way unless:

(1) Delivery orders placed with him, in connection with which the allotment was made to him, have been transferred or assigned to another consumer;

(2) The authorized production schedules of the respective consumers have been duly adjusted; and

NOTE: Subparagraph (3) revoked, and subparagraph (4) redesignated as (3) Feb. 8, 1943.

(3) The transfer or assignment is approved in writing by the person who made the allotment.

(k) *Grouping of allotment and authorized production schedules by major programs.* A consumer operating under several authorized production schedules may combine in a single allotment to a secondary consumer requirements for any number of different production schedules which are identified by the same major program number as provided in paragraph (c) (6) (ii), and he may authorize a single production schedule for the secondary consumer in connection with such allotment. If the secondary consumer has filed separate applications, and the consumer making the allotment acts on such applications separately, the secondary consumer may nevertheless treat such allotments and authorized production schedules bearing the same major program number as a single allotment and a single authorized production schedule.

(k-1) *Special provisions regarding Class A products sold to distributors or as maintenance, repair or operating supplies.* (1) A distributor of Class A products who receives physical delivery thereof may, unless otherwise specifically ordered, buy and sell the same without making or receiving allotments. A manufacturer of Class A products selling them directly or indirectly to such distributors may obtain an allotment for such manufacture from the appropriate Industry Division pursuant to application on Form CMP-4B in the same manner as if they were Class B products. If physical delivery is made directly by the manufacturer to a distributor's customer, the latter (unless he is also a distributor) shall make an allotment directly to the manufacturer in the same manner and subject to the same conditions as if the distributor had no part in the transaction.

(2) A manufacturer of Class A products who sells them for use as maintenance, repair or operating supplies (except items directly purchased and programmed by a Claimant Agency) shall, unless otherwise specifically ordered, obtain allotments for such manufacture in the same manner as provided in subparagraph (1) of this paragraph (k-1) for delivery to distributors. Applications pursuant to said subparagraph (1) and this subparagraph (2) may be combined in a single application on Form CMP-4B.

(3) A manufacturer who also sells purchased Class A products to round out his line, which do not represent more than 10% of his total sales, shall be deemed the manufacturer of such products and not a distributor for purposes of this paragraph (k-1).

(1) *Placing of orders for Class A products requiring small quantities of controlled material, without making allotments.* (1) A person requiring any Class A product in a quantity constituting a "small order," as defined in subparagraph (2) of this paragraph (1), and who is entitled to obtain such product by using an allotment number, may, in lieu of making an allotment, place on his order the applicable allotment number followed by the symbol SO; *Provided, however,* That no person shall subdivide his requirements for Class A products into small orders for the purpose of coming within this provision.

(2) As used in this paragraph (1), "small order" means a delivery order for a Class A product placed with the manufacturer thereof by a consumer, where the aggregate amounts of controlled material required to fill such order, together with all delivery orders for the same Class A product placed by the same consumer with the same manufacturer call-

ing for delivery during the same month, do not exceed the following:

Carbon steel (including wrought iron).....	1 ton
Alloy steel.....	400 lbs.
Copper and copper base alloys.....	100 lbs.
Aluminum.....	20 lbs.

(3) A manufacturer of Class A products who receives small orders may obtain his requirements of controlled materials to fill the same by placing authorized controlled material orders (as provided in paragraph (s) of this regulation and in CMP Regulation No. 5 regarding warehouses and distributors of controlled materials) in the same manner as if he had received an allotment therefor, except that, in lieu of an allotment number, he shall use the symbol SO. Use of such symbol shall constitute a representation, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that the controlled materials ordered are required for the production of Class A products which will be delivered on small orders, or to replace in inventory Class A products so delivered. If it is impracticable to keep exact accounts of the amounts of controlled material required for small orders, a reasonable estimate may be made.

(4) No manufacturer of Class A products receiving a small order for such products shall be required to furnish his customer with a bill of materials, application for allotment or equivalent information with respect thereto, other than a statement, if requested, that the controlled materials required come within the limits of a small order.

(m) *Relationship between allotments and authorized production schedules.* Every allotment made by a consumer must include or be accompanied by authorization of a production schedule with respect to the products to be supplied to him, and no consumer shall authorize a production schedule for a secondary consumer unless he concurrently allots the controlled materials required to fulfill the schedule; provided, however, that this paragraph shall not apply to any delivery order bearing a symbol (such as a small order bearing the symbol SO) which may be placed without making an allotment as expressly permitted by any regulation or order of the War Production Board.

(n) *Manner of authorizing production schedules.* (1) A production schedule for each prime consumer producing a Class A product shall be authorized by the appropriate Claimant Agency on Form CMP-4A, or such other form as may be prescribed. A Claimant Agency may, in particular cases, authorize a production schedule through an Industry Division.

(2) A production schedule for each secondary consumer producing a Class A

product shall be authorized by the consumer for whom such Class A product is to be produced, on the form on which the related allotment is made; provided, however, that the delivery date specified on a delivery order shall constitute an authorization of the minimum production schedule required to permit delivery on such date.

(3) A production schedule for each consumer producing a Class B product shall be authorized by the appropriate Industry Division (or in special cases by a Claimant Agency) on Form CMP-4B, or such other form as may be prescribed.

(4) A consumer receiving allotments from several persons shall obtain separate authorized production schedules from each.

(5) Prior to authorizing a production schedule, a Claimant Agency, Industry Division or consumer may furnish a tentative production schedule to be used as a basis in submitting requirements, but such action shall not constitute authorization of a schedule.

(o) *Compliance with authorized production schedules.* (1) Each consumer receiving an authorized production schedule shall fulfill the same unless prevented by circumstances beyond his control, except that a manufacturer of Class B products need not produce more than required to fill orders bearing preference ratings.

(2) No consumer who has received an authorized production schedule shall exceed such schedule in any month, except that (i) a deficiency in meeting an authorized production schedule during any month may be made up in any subsequent month or months, (ii) production authorized for any month may be completed at any time after the 15th of the preceding month and, (iii) where a delivery order calls for deliveries, in successive months, of Class A products in quantities which are less than the minimum practicable production quantity, and compliance with monthly production schedules would result in substantial interruption of production and consequent interference with production to fill other delivery orders, the consumer may produce (and his customer may order) in the first month the minimum practicable quantity which may be made without such interference. A person shall be deemed to exceed an authorized production schedule if his completion of finished products exceeds the limits authorized, or if his rate of fabricating, assembling, or otherwise processing, or acquiring raw materials or parts, exceeds the practicable working minimum required to meet the authorized production schedule.

(3) In case a Claimant Agency authorizes a production schedule permitting production of a Class A product in a quantity different from the quantity called for in the related contract between the Claimant Agency and the prime consumer, the lesser of the two quantities shall govern, but the appro-

appropriate officer of the Claimant Agency should be promptly notified.

(p) *Rejection of orders in excess of capacity.* No prime or secondary consumer shall accept a delivery order for a Class A or Class B product manufactured by him calling for delivery after March 31, 1943, if he does not expect to be able to fulfill the same by the requested delivery date, subject to unexpected contingencies and to any period of grace which may be specified in the delivery order. If the person whose order is rejected is unable to find another manufacturer who is in a position to accept it, he should report the facts to the appropriate Claimant Agency or Industry Division.

(q) *Reconciliation of conflicting schedules.* In any case where, for any reason, a manufacturer of Class A or Class B products is unable to fulfill conflicting authorized production schedules which he has accepted from different persons, he shall immediately report to the appropriate Industry Division for directions, except that such report shall be made to a Claimant Agency if all conflicting schedules bear its symbol or if all Claimant Agencies whose schedules conflict have stipulated a single Claimant Agency for such purposes.

(r) *Alternative procedure for simultaneous allotments.* A prime or secondary consumer who has several secondary consumers in different degrees of remoteness and finds it impracticable to determine the exact allotments to be made to each of his immediate secondary consumers, for their needs and those of their secondary consumers, may, at his option, make simultaneous direct allotments to each secondary consumer, of all degrees of remoteness, by adopting the following procedure:

(1) The consumer who is to make the allotment (hereafter in this paragraph (r) called the originating consumer) shall maintain a complete list of all secondary consumers making Class A products for incorporation in his product. He shall keep this list current at all times by requiring each of his immediate secondary consumers to report promptly to him any change with respect to the source of each secondary consumer's Class A purchased products.

(2) Immediately upon receiving an allotment, the originating consumer shall notify each secondary consumer on the list (either directly or through intervening secondary consumers) of the authorized schedule for which the allotment has been made to him. Such notice shall not include an allotment number. It shall identify the product to be delivered by the secondary consumer to whom the notice is sent and state the quantity to be delivered and the time when delivery is required.

(3) Promptly upon receipt of such preliminary notice, each secondary consumer shall report to the originating consumer directly (not through inter-

vening secondary consumers), the amount of each form of controlled material required by him each month in order to make the deliveries indicated. Each such secondary consumer shall include only his own requirements of controlled materials, not those of his secondary consumers. No form is prescribed for such statement.

(4) The originating consumer shall then determine the total requirements of all his secondary consumers under the schedule, checking the list to make certain that a preliminary statement of requirements has been received from each secondary consumer.

(5) If such summary shows that the aggregate requirements of the originating consumer and all his secondary consumers for each form of controlled material do not exceed the allotment made to him for the schedule he may then allot directly to each secondary consumer on the list the amount indicated in the preliminary statement of requirements. No form is prescribed for such allotment, and it may be made by telegram, but it must include the allotment number required by paragraph (c) (6)

(ii) of this regulation and a statement substantially as follows: "This allotment is made in accordance with the alternative procedure for simultaneous allotments provided in paragraph (r) of CMP Regulation No. 1." Such allotment shall constitute authorization of a production schedule for the secondary consumer in the amount specified in the notice sent to him pursuant to subparagraph (2) of this paragraph (r). If aggregate requirements do not exceed his allotment, the originating consumer shall be under no obligation to check the accuracy of the preliminary statements received from his secondary consumers before making allotments to them, but otherwise he and his secondary consumers shall remain subject to the provisions of paragraph (e) of this regulation regarding responsibility for statements of requirements.

(6) If the summary shows that the aggregate requirements of the originating consumer and all his secondary consumers exceed the allotment made to him with respect to any form of controlled material, the originating consumer shall not make any allotment or place any authorized controlled material order for the production schedule covered by his allotment until and unless:

(i) Requirements have been revised by himself or by one or more of his secondary consumers to the extent necessary to eliminate such excess, or

(ii) With the express permission of the appropriate Claimant Agency or Industry Division after he has reported the facts to it, he withholds an amount sufficient to cover all adjustments which must be made in the requirements of his secondary consumers in order to bring them within his allotment.

(s) *Placement of orders with controlled materials producers.* (1) A delivery order placed with a controlled materials producer for controlled material shall be deemed an authorized controlled material order if, but only if, it complies with the provisions of this paragraph (s) or is specifically designated as an authorized controlled material order by any regulation or order of the War Production Board.

(2) A consumer who has received an allotment may place an authorized controlled material order with any controlled materials producer, unless otherwise specifically directed. An allotment to a prime consumer may include a direction to place delivery orders for controlled materials with one or more designated controlled materials producers. In such event the consumer shall use the allotment only to obtain controlled materials from the designated controlled materials producer or producers or to make allotments to secondary consumers, designating therein only producers named in the allotment received by him. Except as required by the allotment which he has received, no consumer shall impose any such restriction in any allotment made by him.

(3) A delivery order for any controlled material, other than steel castings, placed with a controlled materials producer shall be accompanied by three copies of Form CMP-6. A consumer placing a delivery order for steel castings shall endorse the appropriate allotment number on such order, except that delivery orders for small amounts may be combined in the same manner as provided in paragraph (k) hereof with respect to grouping of allotments. Every authorized controlled material order and every copy of Form CMP-6 shall bear the abbreviated allotment number described in paragraph (c) (6) (ii) of this regulation, including, as the last two digits, the number of the month in which delivery is requested as distinct from the number identifying the quarter for which the allotment received is valid. For example, if a consumer receives an allotment bearing the number W-2-16 and places an authorized controlled material order for delivery in May 1943, the order and Form CMP-6 shall bear the number W-2-17.

(4) A delivery order for controlled material must be in sufficient detail to permit entry on mill schedules and must be received by the controlled materials producer at such time in advance as is specified in Schedule III attached, or at such later time as the controlled materials producer may find it practicable to accept the same, provided that no controlled materials producer shall discriminate between customers in rejecting or accepting late orders.

(5) Controlled materials required for fulfillment of a production schedule

which has not yet been authorized may be ordered for delivery before July 1, 1943, under applicable priorities regulations and orders (as the same may be modified from time to time), without placing an authorized controlled material order. Authorized controlled material orders shall, however, take precedence over other orders to the extent provided in CMP Regulation No. 3 regarding preference ratings.

(6) A delivery order placed by a consumer before he has received his allotment and authorized production schedule may be converted into an authorized controlled material order either by furnishing a copy of the order conforming to the requirements of this paragraph (s) or by furnishing in writing the requisite information clearly identifying the order, accompanied in either case by Form CMP-6, except that such form is not required for delivery orders for steel castings.

(s-1) General restriction on placement of authorized controlled material orders. In order to prevent congestion of orders calling for delivery of controlled materials in the early portions of each quarter, no consumer shall (unless previously authorized in writing by the appropriate Controlled Materials Division) place authorized controlled material orders (with controlled materials producers or other suppliers) requesting delivery of the same controlled material either (i) in the first month of any quarter in an amount exceeding one-third of the aggregate amount of such controlled material for which he has received allotments for the quarter as of the time of placing his order, or (ii) in the first two months of any quarter in an amount exceeding two-thirds of such aggregate; Provided, That, in the case of aluminum, during the second quarter of 1943, the limitations shall be 30% for the first month and 63% for the first two months. No consumer shall, however, be required by the provisions of this paragraph (s-1) to reduce a delivery order below the minimum mill quantity specified in Schedule IV attached. In no event shall a consumer request delivery in a greater amount or on an earlier date than required to fill his authorized production schedule, or in an amount so large or on a date so early that receipt of such amount on the requested date would result in his having an inventory of controlled materials in excess of the limitations prescribed by CMP Regulation No. 2 or by any other applicable regulation or order of the War Production Board.

(t) Controlled materials producers—

(1) Each controlled materials producer shall comply with such production di-

rectives as may be issued from time to time by the appropriate Controlled Materials Division.

(2) A controlled materials producer shall accept authorized controlled material orders in the order in which received by him except:

(i) He may reject orders for less than the minimum mill quantities specified in Schedule IV attached, but shall not discriminate between customers in rejecting or accepting such orders.

(ii) In any case where he is of the opinion that the filling of the order would substantially reduce his over-all production owing to the large or small size of the order, unusual specifications, or otherwise, he shall apply to the appropriate Controlled Materials Division which may direct that the order be placed with another supplier or take other appropriate action.

(iii) He shall refuse any order for shipment of any product in any month if such order, together with all his authorized controlled material orders already on hand for delivery during that month and any orders carried over from the preceding month, plus such amounts as he may be directed by the Controlled Materials Division to deliver or set aside for delivery to warehouses or nonintegrated mills or otherwise, total 110% of the production of such product specified in his production directive, or, if no production directive is currently in effect with respect to such product, total 105% of his expected production. As soon as such limits of 110% and 105% respectively have been reached, each controlled materials producer shall promptly notify the appropriate Controlled Materials Division in writing.

(iv) He shall reject orders to the extent required by specific direction of the Controlled Materials Division.

(3) No controlled materials producer shall, after March 31, 1943, make any delivery of controlled material except:

(i) A delivery made to fill an authorized controlled material order;

(ii) A delivery which is completed before July 1, 1943, and which is made in compliance with applicable priorities regulations and orders;

(iii) A delivery made pursuant to a specific direction of the Director of the Controlled Materials Division. A controlled materials producer's use of controlled material produced by him (except use in processing which does not convert the same into any form or shape other than one specified with respect to such controlled material on Schedule I) shall be deemed a delivery for the purposes of this paragraph (t).

(4) A controlled materials producer shall make delivery on each authorized controlled material order as close to the requested delivery date as is practicable in view of the need for maximum production and compliance with production schedules. If it is not practicable to

make delivery during the month requested, delivery may be made:

(i) After the 15th of the preceding month, provided such delivery does not interfere with delivery on authorized controlled material orders designating shipment in such preceding month or earlier months, and provided production to meet such delivery would not violate any production directive in effect; or

(ii) As early as practicable in the month following the month requested:

Provided that, In such case, the controlled materials producer shall promptly notify the customer of such delay. If such delay will interfere with the customer's authorized production schedule, the customer should immediately apply to the appropriate Controlled Materials Division for relief.

(5) If, after accepting an authorized controlled material order, the producer cannot make delivery before the end of the month following the month in which delivery is requested, he shall promptly notify the appropriate Controlled Materials Division in writing stating the allotment number, the name of the customer and the material covered by the order, but he shall not thereafter fill the order unless specifically directed to do so.

(6) All directions to controlled materials producers affecting production and distribution of controlled materials shall be issued by and through the Controlled Materials Divisions.

(7) If the controlled material delivered pursuant to an authorized controlled material order varies from the exact amount specified in the authorized controlled material order, the making and acceptance of such delivery shall not be deemed a violation of this regulation or any other CMP Regulation by the controlled materials producer or his customer, provided such variation does not exceed the commercially recognized shipping tolerance, or allowance for excess or shortage.

(8) An authorized controlled material order shall not constitute an allotment of controlled material to the controlled materials producer with whom it is placed. If such producer requires delivery after March 31, 1943 of controlled materials from other controlled materials producers, to be processed by him and sold to his customers in another form or shape constituting a controlled material, such delivery may be made or accepted only pursuant to a specific direction as provided in subparagraph (3) (iii) of this paragraph (t).

(u) Restrictions on use of allotments or materials or products obtained by allotments. (1) No consumer shall use an allotment, or any controlled material

or Class A product obtained pursuant to an allotment for any purpose except:

(i) To fulfill the authorized production schedule for which the allotment was received or to fulfill any other authorized production schedule of the same consumer, within the same plant or operating unit, which schedule is identified by the same Claimant Agency letter symbol.

(ii) For any purpose specifically authorized or directed by the Director General for Operations, or by the appropriate Claimant Agency where only such Agency's schedules are affected or where a single Claimant Agency has been stipulated for the purpose by all Claimant Agencies whose schedules are affected; or

(iii) To restore to a practicable working minimum his inventory of such material or product if the same has been depleted in fulfilling such production schedule or such purpose, subject, however, to the inventory limitations of CMP Regulation No. 2; or

(iv) As permitted or required by Priorities Regulation No. 13, pertaining to special sales, or any other applicable regulation of the War Production Board.

NOTE: The words "used for different authorized production schedules" deleted from (u) (2) Feb. 8, 1943.

(2) The provisions of subparagraph (1) of this paragraph (u) shall not require physical segregation of inventories provided the restrictions applicable to any specific lot of material or product are observed with respect to an equivalent amount of the same material or product. A consumer who is operating under several authorized production schedules need not maintain separate records of the production obtained from the allotment for each schedule provided that his records show that his use of material for his respective schedules is substantially proportionate to the amounts of material allotted for each, and that his aggregate production of any product does not exceed his aggregate authorized production schedules for that product.

(v) *Adjustments on account of controlled materials or Class A products obtained without use of allotments.* Each consumer shall promptly reduce, in the manner provided in paragraph (i) of this regulation, any allotment received by him, to the extent that, either before or after receiving the allotment, he fills a substantial portion of any of his requirements covered by the allotment through the acquisition of controlled

materials or Class A products in any other manner than by use of the allotment, including without limitation:

(1) Transactions covered by preference ratings (including preference ratings assigned on PRP Certificates or otherwise);

(2) Transactions not affected by preference ratings;

(3) Purchases from warehouses or retailers pursuant to CMP Regulation No. 4 or otherwise;

(4) Purchases pursuant to Priorities Regulation No. 13 or otherwise, from persons not regularly engaged in the business of selling the material or product;

(5) Purchases on small orders pursuant to paragraph (1) of this regulation;

(6) Purchases of second-hand materials or products.

For purposes of this paragraph (v), a "substantial portion" of requirements covered by an allotment shall mean an amount of controlled materials which is either in excess of 25% of the material allotted or is greater than the minimum mill quantity of such material specified in Schedule IV attached.

(w) *Adjustments for changes in requirements.* If a consumer's requirements for controlled materials or Class A products are increased after he receives his allotment, he should apply for an additional allotment from the person who made the same. If his requirements decrease, for any reason, he shall promptly cancel or reduce his allotment in the manner provided in paragraph (i) of this regulation.

(x) *Other War Production Board regulations and orders.* Nothing in this regulation (or any other CMP regulation) shall be construed to relieve any person from complying with any applicable priorities regulation or any order of the War Production Board (including orders in the "E," "L," "M" and "P" series). In case compliance by any person with the provisions of any such regulation or order would prevent fulfillment of an authorized production schedule, he should immediately report the matter to the appropriate Industry Division, and to the Claimant Agency whose schedule is affected. The Director General for Operations will thereupon take such action as is deemed appropriate, but unless and until otherwise expressly authorized or directed by the Director General for Operations, such person shall comply with the provisions of such regulation or order.

NOTE: The words "by allotment numbers" deleted from paragraph (y). Feb. 8, 1943.

(y) *Records and reports.* (1) Each consumer making or receiving any allotment of controlled materials shall maintain at his regular place of business accurate records of all allotments received, of procurement pursuant to all allotments, and of the subdivision of all allotments among his direct secondary consumers. Such records shall be kept separately by abbreviated allotment numbers, as provided in paragraph (c) (6) (ii) of this regulation, and shall include separate entries under each number for each customer, Claimant Agency or Industry Division from whom allotments are received under such number.

(2) Each controlled materials producer shall report to the appropriate Controlled Materials Division, on the forms and for the periods prescribed, such information on production, consumption and distribution of controlled materials as may be prescribed by the appropriate Controlled Materials Division.

(3) Each prime or secondary consumer and each controlled materials producer shall retain for two years at his regular place of business all documents on which he relies as entitling him to make or receive an allotment or to deliver or accept delivery of controlled materials or Class A products, segregated and available for inspection by representatives of the War Production Board, or Claimant Agencies, or filed in such manner that they can be readily segregated and made available for such inspection.

(z) *Appeals and applications for relief.* (1) Any person who is subject to any requirement of any regulation, direction, order or other action under the Controlled Materials Plan, may appeal for relief by filing a letter in triplicate with the appropriate authority specified below in this paragraph (z), setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief.

(2) Except as provided in subparagraphs (3) and (4) of this paragraph (z) or as otherwise specifically directed, an appeal by a producer of Class A products should be filed with the appropriate Claimant Agency, and an appeal by a producer of Class B products should be filed with the appropriate Industry Division, unless the matter affects only production schedules of a single Claimant Agency or where a single Claimant Agency has been stipulated for the purpose by all Claimant Agencies whose schedules are affected, in which case the appeal should be filed with such Claimant Agency.

(3) An appeal concerning the operations of a controlled materials producer (whether filed by such producer, by a

consumer, or by a Claimant Agency) shall be filed with the appropriate Controlled Materials Division.

(4) A producer of Class B products may apply for permission to be treated as a producer of Class A products. A producer of Class A products making a large variety of items which are sold to many customers and whose allotments originate from several Claimant Agencies, may make application to be treated as a producer of Class B products, but such permission will not be granted with reference to component parts or sub-assemblies, unless the necessary adjustments in bills of materials which include such component parts or sub-assemblies can be made without difficulty. Application for reclassification should be filed with the CMP Division, War Production Board, Washington, D. C., and may be filed either directly by the producer or by a Claimant Agency on his behalf.

(5) In case of any disagreement between any persons as to the interpretation of any provisions of this regulation or any other regulation, direction, or order under the Controlled Materials Plan, the matter should be referred to the Inquiry and Service Branch, CMP Division, War Production Board, Washington, D. C.

(aa) *Penalties.* Any person who willfully purports to make any allotment of controlled materials or to place authorized controlled material orders in excess of the amount allotted to him, or violates any other provision of this regulation, or any other regulation, direction or order under the Controlled Materials Plan, or who knowingly or willfully makes any false or fraudulent statement or representation with respect to requirements for controlled materials or in any other matter under the jurisdiction of any agency of the United States under the Controlled Materials Plan, is guilty of a crime and, upon conviction, may be punished by a fine up to \$10,000 or by imprisonment or both. In addition, any such person may be prohibited from making or obtaining further deliveries or allotments of controlled material or from making or obtaining any further deliveries of, or from processing or using, any material under priorities control, and may be deprived of priorities assistance.

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

Issued this 8th day of February 1943.

CURTIS E. CALDER,
Director General for Operations.

SCHEDULE I

STEEL

Carbon Steel

Forms and shapes.
Bars, cold finished.
Bars, hot rolled.

Carbon Steel—Continued

Forms and shapes—Continued.
Ingots, billets, blooms, slabs, tube rounds, skelp and sheet and tin bar.
Pipe.
Plates.
Rails and track accessories.
Sheets and strip.
Steel castings.
Structural shapes and piling.
Tin plate, terne plate, and tin mill black plate.
Tubing.
Wheels, tires and axles.
Wire rods, wire and wire products.

Alloy Steel

Forms and shapes.
Bars, cold finished.
Bars, hot rolled.
Ingots, billets, blooms, slabs, tube rounds, sheet bar.
Pipe.
Plates and structural shapes.
Sheets and strip.
Steel castings.
Tubing.
Wheels, tires and axles.
Wire rods, wire, and wire products.

NOTE: Steel in any of the above forms and shapes constitute controlled materials, but allotments of steel are made in terms of (1) carbon steel (including wrought iron) and (2) alloy steel, without further breakdown.

COPPER

Brass Mill Copper Base Alloy Products

Forms and shapes.
Ammunition cups, discs and slugs.
Sheet and strip (other than cups and discs).
Rods, bars, and wire (including extruded shapes not including slugs).
Tubing and pipe.

Brass Mill Copper Products

Forms and shapes.
Plate, sheets and strip.
Rods, bars and extruded shapes (excluding wire bars and ingot bars).
Tube and pipe.

Wire Mill Copper Products

Forms and shapes.
Wire and cable (including copper content of insulated wire and cable).

Foundry Copper and Copper Base Alloy Products

Forms and shapes.
Castings.

NOTE: Allotments of copper are made in the forms and shapes specified above.

ALUMINUM

Forms and shapes.
Rod, bar, wire and cable.
Rivets.
Forgings, pressings and impact extrusions.
Castings.
Shapes, rolled or extruded.
Sheet, strip, plate and foil.
Tubing.
Ingot and powder.

NOTE: Allotments of aluminum are made in the forms and shapes specified above.

Specific information with respect to coding and definitions may be found in "General Instructions on Bills of Materials."

SCHEDULE II.—SHORT FORM OF ALLOTMENT

Allotment number	Controlled Material Products allotted		

Above allotments are made for use in filling this delivery order in compliance with CMP Regulation No. 1.

INSTRUCTIONS FOR USE OF SHORT FORM OF ALLOTMENT—FORM CMP-5

The above short form of allotment may be used by any consumer for the purpose of making an allotment to a secondary consumer producing Class A products for him. The short form of allotment must be either placed on or physically attached to the delivery order calling for delivery of the Class A products. If it is attached the delivery order number or other identification must be indicated on the form.

The form must be followed by the signature of an authorized official of the consumer making the allotment, but need not be separately signed if it is placed on the delivery order in such a position that the signature of the delivery order by such an authorized official clearly applies to the allotment as well as to the order itself.

The size of the form may be varied, but all information called for by the form must be supplied and the general arrangement and wording of the form must be followed.

Under the heading "Controlled Material Products Allotted" the person making the allotment must designate the forms which are allotted. These must be shown in the breakdown prescribed in Schedule I of CMP Regulation No. 1, and must be within the allotments received by such consumer for the same forms. Additional columns may be added depending on the number of forms of controlled material allotted. A sample form follows:

Allotment number	Controlled Material Products allotted			
	Carbon steel	Copper base alloy tubing and pipe	Copper plate sheets and strip	Aluminum castings
N-1-16.....	Tons 100	Lbs. 10,000	Lbs. 8,000	Lbs. 100

Above allotments are made for use in filling this delivery order in compliance with CMP Regulation No. 1.

SCHEDULE III.—Time for Placing Authorized Controlled Material Orders

NOTE: Delivery orders may be placed in advance of receiving allotments, and converted into authorized controlled material orders on receipt of allotments, as provided in paragraph (s) (6) of CMP Regulation No. 1.

STEEL	
Product	Number of days in advance of first day of month in which shipment is required
Alloy steel (including stainless steel):	
Hot rolled bars and semi-finished	75
Bars—cold finished	105
Sheet and strip—hot and cold rolled	105
Plates—hot rolled	75
Tool steel:	
Hot rolled products	90
Cold finished products	120
Cold finished bars:	
Carbon bars—standard sizes, grades and sections	70
Carbon bars—furnace treated at hot mills or special section, odd sizes or special grades	100
Alloy bars	105
Plates and shapes:	
Carbon steel plates	30
Carbon steel structural shapes	45
Alloy steel plates and shapes	75
Pipe	30
Sheet and strip:	
Sheet—hot rolled—16-gauge and heavier	30
Sheet—hot rolled—17-gauge and lighter	45
Sheet—cold rolled—galvanized—long terne	45
Strip—hot rolled (low carbon)	30
Strip—cold rolled (low carbon)	45
High carbon cold rolled strip (over .25 carbon) and other long processed special carbon hot rolled and cold rolled sheets and hot and cold rolled strip (including electrical grade)	60
Hot rolled carbon bars and semi-finished:	
Except for carbon bars heat treated and annealed	30
Carbon bars heat treated and annealed	60
Tin mill products	30
Tubing:	
Carbon steel—hot finished	30
Carbon steel—cold drawn:	
1½" and larger	45
Under 1½"	75
Alloy steel—hot finished	90
Alloy steel—cold drawn:	
1½" and larger	110
Under 1½"	120
Steel castings:	
Providing patterns are available:	
Weight per casting:	
500 pounds and under	30
Over 500 pounds to 5000 pounds	45
Over 5000 pounds to 30,000 pounds	60
Over 30,000 pounds	75
Wire and wire products:	
Hot rolled wire rods	30
Merchant trade products	30
Manufacturing wires:	
Low carbon .0475" and heavier	45
Low carbon under .0475"	60
High carbon (0.40 carbon and higher) .0475" and heavier	45
Under .0475" to .021"	60
Under .021"	75
Wire rope and strand:	
⅝" dia. and over	75
⅞" dia. and under	105
Welded wire-reinforcing fabric	45
COPPER	
Brass mill copper and copper base alloy products:	
Copper and non-refractory alloys	45
Refractory alloys	60

SCHEDULE III.—Time for Placing Authorized Controlled Material Orders—Continued

COPPER—continued	
Product	Number of days in advance of first day of month in which shipment is required
Wire and cable products:	
Bare wire and cable	10
Weatherproof wire and cable	14
Magnet wire	25
Rubber insulated building wire	30
Paper and lead cable	40
Varnished cambric cable	30
Asbestos cable (type H-F)	60
Rubber insulated wire and cable (Mold or lead cured)	45
Foundry copper and copper base alloy products:	
Castings (rough castings, not machined—assuming patterns are available)	
Small simple castings to fit 12" by 16" flask	7
Large intricate and centrifugal castings	14
ALUMINUM	
All forms and shapes	45

Where no time is specified in Schedule III for placing orders for a particular form or shape of controlled material, the time for placing such orders shall be subject to agreement between the consumer and the controlled materials producer, provided that no producer shall discriminate between consumers in the acceptance of orders. In the event of any disagreement, the matter should be referred to the appropriate Controlled Materials Division.

SCHEDULE IV.—Minimum Mill Quantities

STEEL	
Product	Size and grade for shipment at one time, to one destination
Alloy steel:	
Standard grades and sections:	
Rounds, squares 3" and under	5 net tons.
Hexagon and flats—all sizes	5 net tons.
Tool steel	500 pounds.
Cold finished bars	3 net tons.
Hot rolled carbon bars and semi-finished:	
Round bars up to 3" incl., and squares, hexagons, half rounds, ovals, half ovals, etc., of approximate equivalent sectional area	5 net tons.
Round bars over 3" to 8" (including squares within this range)	15 net tons.
Flat bars, all sizes	5 net tons.
Hot rolled carbon bars and semifinished—Continued.	
Bar size shapes (angles, tees, channels and zees under 3")	5 net tons.
Forging billets, blooms and slabs	Product of one ingot.
Rerolling billets, slabs, sheet bars, skelp	25 gross tons.

SCHEDULE IV.—Minimum Mill Quantities—Continued

STEEL—continued	
Product	Size and grade for shipment at one time, to one destination
Plates and shapes:	
Plates:	
Continuous strip mill production	10 net tons.
Sheared mill, universal mill or bar mill production	3 net tons.
Structural shapes	5 net tons.
Pipes	(¹)
Sheet and strip:	
Sheets—hot and cold rolled	5 net tons.
Strip—hot and cold rolled	3 net tons.
Tin mill products (one gauge)	5,000 pounds.
Tubing:	
Carbon and alloy steel—cold drawn:	
O. D. (inches):	
Up to ¾" inclusive	1,000 feet.
Over ¾" to 1½" inclusive	800 feet.
Tubing:	
Carbon and alloy steel:	
Cold drawn or hot finished:	
Over 1½" to 3" inclusive	600 feet.
Over 3" to 6" inclusive	400 feet.
Over 6"	250 feet.
Wire and wire products:	
Hot rolled wire rods	5 net tons.
Merchant trade products (Assorted Merchant Products)	5 net tons.
Manufacturing wires (wires for further fabrication):	
Low carbon	1 net ton.
High carbon (0.40 carbon and higher) .0475" and heavier	1 net ton.
Under .0475" to .021"	1,000 pounds.
Under .021"	500 pounds.
Wire rope and strand	1,000 ft. lengths.
Welded wire reinforcing fabric.	(²)
Rails and track accessories:	
Guard rail clamps, clip bolts, nut locks, S-irons, rail braces	3 net tons.
Track spikes, track bolts, screw spikes, rail clips, gage rods	5 net tons.
Rail anchors	15 net tons.
COPPER	
Brass mill products	200 pounds.
Wire mill products	300 pounds.
ALUMINUM	
Sheet and strip	500 pounds.
Tubing	250 pounds.
Extrusions	200 pounds.
Wire, rod and bar	200 pounds.
Rivets	50 pounds.

¹Published carload minimum (mixed sizes and grades).
²Full rolls of manufacturer's standard stock sizes.

Chapter XI—Office of Price Administration

PART 1389—APPAREL

[MPR 287¹ Amendment 3]

Amendment No. 3 to Maximum Price Regulation 287—Manufacturers' Prices for Women's, Girls' and Children's Outerwear Garments.

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

A new paragraph (d) is added to § 1389.356a, in § 1389.373 (a), a new subparagraph (13) is added; in § 1389.374, in paragraph (a), two new paragraphs are added to subparagraph (2), a new § 1389.376 has been added, as set forth below:

§ 1389.356a *Special pricing rules.*

(d) *Additional selling price lines; Rule 12.* In addition to the selling price lines which a manufacturer has listed in his Pricing Chart, prepared pursuant to § 1389.353 (a), he may also at his option sell garments in any selling price line listed in Appendix G, (§ 1389.376): *Provided, however,* That in no event may a manufacturer use a selling price line listed in Appendix G, which is higher than the highest selling price line for that category number, listed in his Pricing Chart, or in his Supplemental Pricing Chart prepared pursuant to paragraph (c) of this section. He shall take as his maximum allowable margin, the maximum allowable margin listed in the Pricing Chart prepared pursuant to § 1389.353 (a), for the selling price line, in the same category number, which is next lower to the selling price line in which the garment is being sold.

Example: Assume that the manufacturer whose report illustrated in Appendix B (§ 1389.371) finds that he has designed a dress in Category No. 22 to sell in a \$4.75 selling price line, but that it does not have a minimum allowable cost of \$3.47. Under Rule 12, he may sell this dress in a \$4.25 selling price line, if the garment has a direct cost of \$3.32, or more. The minimum allowable cost of \$3.32 is calculated by taking a margin of 22% on a \$4.25 selling price line. This margin is the maximum allowable margin listed in the Pricing Chart for \$3.75, the next lower selling price line in Category No. 22.

§ 1389.373 *Appendix D: Cost records—(a) Instructions for preparing cost records* * * *

(13) *Tolerance.* If a manufacturer finds that his estimated calculations of the direct cost in a cutting are inaccurate, then for the purposes of this regulation, each garment in that cutting will be deemed to have the minimum allowable cost, if the direct cost is no less than 97% of the minimum allowable cost for that selling price line in that category number.

§ 1389.374 *Appendix E: Table of permissible selling price lines for new categories—(a) Instructions for use of table.* * * *

(2) * * *

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

¹ 7 F.R. 10460; 8 F.R. 323, 492, 859, 1365.

In addition, a manufacturer may also use any selling price line listed in Appendix G (§ 1389.375) which is lower than the selling price line listed in that group.

Example: The manufacturer mentioned in the example in this paragraph may also sell women's coats of Category No. 1 in any selling price line listed in Appendix G, which is lower than \$14.75. Thus, in addition to the \$14.75, \$12.75, \$10.75, \$8.75, \$7.75, \$6.75, \$5.75, and \$4.75 selling price lines listed in paragraph (b) of this section, he may also sell his women's coats in the following selling price lines, taken from Appendix G, which are lower than \$14.75, namely \$13.75, and \$11.75.

§ 1389.376 *Appendix G: Table of additional selling price lines.* (a) The following additional selling price lines¹ may be used by manufacturers pursuant to § 1389.356a (d).

(1) *Coats.*

Categories 1 and 2, women's and junior misses':

3.75	12.75	22.75	42.75
4.75	13.75	23.75	45.00
5.75	14.75	24.75	49.75
6.75	15.75	26.75	52.75
7.75	16.75	27.75	55.00
8.75	17.75	29.75	59.75
9.75	18.75	32.75	62.75
10.75	19.75	35.00	65.00
11.75	21.75	39.75	69.75

Categories 3 and 4, teen-age and girls':

3.75	8.75	13.75	17.75
4.75	9.75	14.75	18.75
5.75	10.75	15.75	19.75
6.75	11.75	16.75	22.75
7.75	12.75		

Category 5, children's:

2.75	5.75	9.75	13.75
3.25	6.75	10.75	14.75
3.75	7.75	11.75	15.75
4.75	8.75	12.75	

(2) *Suits.*

Categories 6 and 7, women's and junior misses':

1.87½	8.75	17.75	27.75
2.25	9.75	18.75	29.75
2.67½	10.75	19.75	32.75
3.37½	11.75	21.75	35.00
3.75	12.75	22.75	39.75
4.75	13.75	23.75	42.75
5.75	14.75	24.75	45.00
6.75	15.75	26.75	49.75
7.75	16.75		

Categories 8 and 9, teen-age and girls':

1.87½	3.00	7.75	12.75
2.00	3.75	8.75	13.75
2.25	4.75	9.75	14.75
2.50	5.75	10.75	15.75
2.75	6.75	11.75	16.75

Category 10, children's:

1.87½	2.75	4.75	7.75
2.00	3.00	5.75	8.75
2.25	3.50	6.75	
2.50	3.75		

(3) *Jackets.*

Categories 11 and 12, women's and junior misses':

1.87½	3.75	8.75	13.75
2.00	4.75	9.75	14.75
2.50	5.75	10.75	15.75
2.75	6.75	11.75	16.75
3.00	7.75	12.75	

Categories 13 and 14, teen-age and girls':

.87½	2.00	3.75	6.75
1.31¼	2.50	4.75	
1.87½	3.00	5.75	

Category 15, children's:

.87½	1.87½	2.50	3.75
1.31¼	2.00	3.00	4.75
1.50			

(4) *Skirts.*

Categories 16 and 17, women's and junior misses':

1.31¼	2.50	4.75	8.75
1.50	2.75	5.75	9.75
1.87½	3.00	6.75	10.75
2.00	3.75	7.75	

Categories 18 and 19, teen-age and girls':

.68¾	1.50	2.50	3.75
.87½	1.87½	2.75	4.75
1.31¼	2.00	3.00	

Category 20, children's:

.68¾	1.31¼	1.87½	2.50
.87½	1.50	2.00	3.00
1.00			

(5) *Dresses.*²

Categories 21 and 22, women's and junior misses':

Group I

1.87½	6.75	14.75	25.00
2.25	7.75	15.75	26.75
2.87½	8.75	16.75	29.75
3.37½	9.75	17.75	32.75
3.75	10.75	18.75	35.00
4.25	11.75	19.75	39.75
4.75	12.75	22.75	45.00
5.37½	13.75	23.75	49.75
5.75			

Group II

(Per dozen)

7.75	18.00	36.00	63.00
8.25	22.50	39.00	69.00
9.50	24.00	42.00	75.00
10.50	27.00	45.00	81.00
12.00	30.00	51.00	93.00
13.50	33.00	57.00	105.00
15.75			

Categories 23 and 24, teen-age and girls':

(Per dozen)

6.00	10.50	24.00	57.00
6.75	12.00	27.00	69.00
7.75	13.50	30.00	81.00
8.25	15.75	33.00	93.00
9.00	18.00	36.00	105.00
9.75	22.50	45.00	

Category 25, children's:

(Per dozen)

4.50	9.75	22.50	36.00
6.00	10.50	24.00	45.00
6.75	12.00	27.00	57.00
7.75	13.50	30.00	69.00
8.25	15.75	33.00	
9.00	18.00		

(6) *Blouses.*

Category 26:

(Per dozen)

4.50	10.50	24.00	45.00
5.75	12.00	30.00	54.00
6.75	15.75	33.00	57.00
8.25	18.00	36.00	69.00
9.50	22.50	42.00	81.00

(7) *Snow suits, legging sets, separate leggings and ski pants.*

Category 27, 1 piece snow suits:

2.00	3.50	5.75	8.75
2.50	3.75	6.75	9.75
2.75	4.75	7.75	10.75
3.00			

² A manufacturer shall use either Group I or Group II. A manufacturer shall use Group II, where during the base period, he invoiced his selling prices on a per dozen basis; otherwise he shall use Group I.

¹ Selling prices listed are prices per garment unless otherwise specified.

Category 28, 2 piece snow suits:			
2.50	4.75	7.75	10.75
3.00	5.75	8.75	11.75
3.50	6.75	9.75	12.75
3.75			

Category 29, legging sets:			
3.00	7.75	11.75	15.75
3.75	8.75	12.75	16.75
4.75	9.75	13.75	17.75
5.75	10.75	14.75	18.75
6.75			

Category 30, separate leggings:			
1.37½	2.00	3.75	5.75
1.50	2.50	4.75	6.75
1.87½	3.00		

Category 31, separate ski pants:			
1.37½	2.00	3.50	4.75
1.50	2.50	4.00	5.75
1.87½	3.00		

This amendment shall become effective February 5, 1943.

Issued this 5th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1968; Filed, February 5, 1943; 3:33 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Amendment 1 to Order 12 Under § 1499.29 of GMPR]

THE PENNSYLVANIA SALT MANUFACTURING CO.

For the reasons set forth in an opinion issued simultaneously herewith, paragraph (a) of § 1499.412 to Order No. 12 is amended by substituting "\$3.25" for "\$3.10," and a new paragraph (g) is added to § 1499.412 as set forth below:

§ 1499.412 * * *

(g) Amendment No. 1 (§ 1499.412 (a) and (g)) to Order No. 12 under § 1499.29 of the General Maximum Price Regulation shall become effective February 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1967; Filed, February 5, 1943; 3:33 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Temporary MPR 23, Amendment 1]

SHELLED PEANUTS, SALTED PEANUTS AND PEANUT BUTTER

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.*

Paragraph (c) is added to § 1351.1553 as set forth below.

§ 1351.1553 *Maximum prices.* * * *

(c) Sales of peanut butter in 2 pound glass jars, packed 12 to a case in special cases as designated by the Agricultural Marketing Administration may be made for delivery between February 12, 1943,

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

¹⁷ F.R. 10994.

and February 26, 1943, inclusive, to the Agricultural Marketing Administration at prices not in excess of 21 cents per pound f. o. b. producer's factory. Supplementary Order No. 34,¹ issued by the Office of Price Administration, shall not apply to sales made pursuant to this subparagraph.

This amendment shall become effective February 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 6th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1981; Filed, February 6, 1943; 10:41 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 280, Amendment 10]

MAXIMUM PRICES FOR SPECIFIC FOOD 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.* Paragraph (c) is revoked and subparagraphs (3) and (4) are added to paragraph (b) of § 1351.803 to read as set forth below.

§ 1351.803 *Maximum prices.* * * *

(b) * * *

(3) By taking as the maximum price the most recent price which he (or, if none, his most closely competitive seller of the same class) charged any class of purchasers at any time within one year previous to said base period and adjusting said price to reflect a reasonable differential to other classes of purchasers.

(4) In all other cases, by taking the maximum price for the most nearly similar listed food product that he (or, if none, his most closely competitive seller of the same class) has delivered or offered for delivery during such base period (or, if none, at the most recent time within one year prior thereto) and adjusting that price to reflect the differential between the two commodities normal or customary to his business or, if none, to reflect the reasonable differential between the two commodities based upon the variances in the cost of production of the two commodities.

§ 1351.821 *Effective date of amendments.* * * *

(j) Amendment No. 10 (§ 1351.803 (b) (3) (4) and (c)) to Maximum Price Regulation No. 280 shall become effective February 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 6th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1982; Filed, February 6, 1943; 10:41 a. m.]

¹⁷ F.R. 10779.

¹⁷ F.R. 10144, 10337, 10475, 10585, 10786, 10995; 8 F.R. 158, 876, 877, 1120.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Ration Order No. 12, Amendment 13]

COFFEE RATIONING REGULATIONS

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

The figure "20" in § 1407.952 (f) is deleted and the figure "19" is substituted in lieu thereof; the figure "19," is inserted between the figures "22," and "20" in § 1407.1077 (b), and paragraph (m) of § 1407.1090a is added as set forth below:

Effective Date

§ 1407.1090a *Effective dates of amendments.* * * *

(m) Amendment No. 13 (§§ 1407.952 (f); 1407.1077 (b); and 1407.1090a (m)) to Ration Order No. 12 shall become effective February 12, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, 421, and 729, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1-R, 7 F.R. 562, 9684, 10372)

Issued this 6th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1975; Filed, February 6, 1943; 10:39 a. m.]

PART 1438—NONMETALLIC MINERALS

[MPR 316]

COATED AND BONDED ABRASIVE PRODUCTS

In the judgment of the Price Administrator it is necessary and proper to establish maximum prices for coated and bonded abrasive products by a specific maximum price regulation.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.* In the judgment of the Price Administrator the maximum prices established by this Maximum Price Regulation No. 316 are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1,² issued by the Office of Price Administration, Maximum Price Regulation No. 316, is hereby issued.

Sec.

- 1438.51 Maximum prices for coated and bonded abrasive products.
- 1438.52 Less than maximum prices.
- 1458.53 Packaging and transportation charges and practices.
- 1438.54 Export sales.
- 1438.55 Idle or frozen materials.
- 1438.56 Adjustable pricing.
- 1438.57 Evasion.
- 1438.58 Records and reports.

¹⁷ F.R. 9710, 10380, 11071, 11072; 8 F.R. 28, 167, 566, 621.

²⁷ F.R. 8961.

Sec.	
1438.59	Enforcement.
1438.60	Petitions for amendment.
1438.61	Applicability of General Maximum Price Regulation.
1438.62	Effect upon Order No. 78 and Order No. 96 under § 1499.3 (b) of the General Maximum Price Regulation.
1438.63	Definitions.
1438.64	Effective date.

AUTHORITY: §§ 1438.57 to 1438.64 inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; and E.O. 9250, 7 F.R. 7871.

§ 1438.51 *Maximum prices for coated and bonded abrasive products.* On and after February 12, 1943, regardless of any contract, agreement, lease or other obligation, no person shall sell or deliver any coated or bonded abrasive product and no person shall buy or receive any coated or bonded abrasive product in the course of trade or business from any seller at a price in excess of the following maximum prices and no person shall agree, offer, solicit, or attempt to do so.

(a) *Sales or deliveries of such coated and bonded abrasive products as were sold or offered for sale by the seller during March, 1942—*(1) *Sales or deliveries to the United States or any agency thereof or to the government of any country whose defense the president deems vital to the defense of the United States under the terms of the Act of March 11, 1941, "An Act to Promote the defense of the United States," or any agency of any such government.* (i) The maximum price for any coated abrasive product shall be the net price which such seller charged most frequently on his deliveries of three units or more of the same commodity during March, 1942, to such a purchaser.

(ii) The maximum price for any bonded abrasive product shall be the net price which such seller charged most frequently on his deliveries of the same commodity during March, 1942, to such a purchaser.

(iii) If no such delivery of any coated or bonded abrasive product was made by the seller during March, 1942, the seller's maximum price shall be his highest net offering price for the same commodity in March, 1942, to a purchaser of the same class.

(2) *Sales or deliveries to all other persons.* (i) The maximum price shall be the highest net price charged by such seller for the same commodity on a delivery made during March, 1942, to a purchaser of the same class.

(ii) If no such delivery was made by the seller during March, 1942, the seller's maximum price shall be his highest net offering price for the same commodity in March, 1942, to a purchaser of the same class.

(b) *Sales or deliveries of coated and bonded abrasive products not sold or offered for sale by the seller during March, 1942.* Any seller of a coated or bonded abrasive product who is unable to determine his maximum price or prices under paragraph (a), shall file his selling price for that commodity with the Office of Price Administration, Washington, D. C., for approval. Such selling price shall be

determined, whenever feasible, by the use of the pricing formula or method of calculating prices used by the seller during March, 1942, to determine the price of similarly priced coated or bonded abrasive products, for which he had prices in effect at that time. The values given to the factors used in such formula or method shall be no higher than the highest values given to the same factors in the determination of his prices during March, 1942.

Pending approval by the Price Administrator of prices submitted for approval under this paragraph, any seller may sell, deliver, exchange, or offer to sell, deliver or exchange, and any person may buy, offer to buy or receive from the seller in the course of trade or business, such coated or bonded abrasive product at the price submitted for approval. If, however, the Price Administrator disapproves the price submitted, the selling price shall be revised downward to the maximum price which the Price Administrator shall approve, and any payment made in excess of the price so approved shall be refunded to the buyer within fifteen days after the date of the letter, order, or other written instrument informing the seller of such revision: *Provided, however,* That no such refund shall be required with respect to any delivery made at a price established prior to February 11, 1943, in accordance with the provisions of the General Maximum Price Regulation. In the absence of notice to the contrary from the Office of Price Administration within thirty days after a seller files such a selling price with the Office of Price Administration, the price filed shall stand approved and shall be the maximum price applicable.

When filing such a price with the Office of Price Administration, the seller shall set forth, in addition to the net price, his list price, and all discounts, allowances, and differentials for all classes of buyers, a description and identification of the commodity, a statement of facts differentiating such commodity from the other commodities sold by the seller, and a statement setting forth the method used in calculating the price therefor.

(c) *Sales of coated abrasive products by the Tennessee Sandpaper Corporation.* The Tennessee Sandpaper Corporation, Nashville, Tennessee, may sell and deliver, and any person may buy or receive in the course of trade or business, from the Tennessee Sandpaper Corporation, coated abrasive products sold or offered for sale by it during March, 1942, at prices no higher than the maximum prices established in Order No. 127, issued November 4, 1942, under § 1499.18 (c) of the General Maximum Price Regulation. For coated abrasive products not sold or offered for sale by the Tennessee Sandpaper Corporation during March, 1942, the other applicable provisions of this Maximum Price Regulation No. 316, shall control: *Provided, however,* That the maximum prices for such products not sold or offered for sale by the Tennessee Sandpaper Corporation during March, 1942, may be calculated to reflect a 10% increase over March prices so

that the maximum prices on such products will be in line with the seller's maximum prices on his other coated abrasive products.

§ 1438.52 *Less than maximum prices.* Lower prices than those set forth in § 1438.51 may be charged, demanded, paid or offered.

§ 1438.53 *Packaging and transportation charges and practices.* A seller may not change the packaging and transportation charges and practices which he had in effect during March, 1942, if such change would result in higher prices to his customers.

§ 1438.54 *Export sales.* Export sales of coated and bonded abrasive products shall be subject to the provisions of the Revised Maximum Export Price Regulation⁷ issued by the Office of Price Administration.

§ 1438.55 *Idle or frozen materials.* The maximum price at which any person may sell or deliver idle or frozen coated and bonded abrasive products shall be determined in accordance with the provisions of Maximum Price Regulation No. 204⁸ on Idle or Frozen Materials Sold Under Priorities Regulation No. 13.

§ 1438.56 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1438.57 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 316 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to coated and bonded abrasive products, 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.

§ 1438.58 *Records and reports.* (a) Every person making sales or deliveries of coated or bonded abrasive products, and every person making purchases or accepting delivery of coated or bonded abrasive products in the course of trade or business, shall keep for inspection by the Office of Price Administration for so long a period as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each such sale, purchase, or delivery showing the date thereof, the name of the purchaser or seller, the quantity and kind of coated or bonded abrasive products sold, purchased, or delivered, and the price received or paid therefor, and

⁷ 7 F.R. 3096, 3824, 4294, 4541, 5059, 7242, 8829, 9000, 10530.

⁸ 7 F.R. 6479, 7366, 8948.

each such seller shall keep a record of all discounts, differentials, and allowances which the seller had in effect during March, 1942, with a proper identification of each such discount, differential and allowance.

(b) On or before February 11, 1943, every producer shall file with the Office of Price Administration, Washington, D. C., a copy of his current price lists and discount schedules, or other statements setting forth his current selling prices for all classes of buyers, indicating in each instance, his maximum price, unless such producer has already filed such information with that Office. The reports required under this paragraph (b) refer only to domestic transactions. Reports with respect to export prices are governed by the provisions of the Revised Maximum Export Price Regulation issued by the Office of Price Administration.

(c) Such person shall submit such other reports to the Office of Price Administration, and keep such other records in addition to or in place of the records required in paragraph (a) of this section, as the Office of Price Administration may from time to time require.

§ 1438.59 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 316 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. 316, or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1438.60 *Petitions for amendment.* Any person seeking amendment of any provision of this Maximum Price Regulation No. 316 may file a petition for an amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1438.61 *Applicability of General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 316 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation.

§ 1438.62 *Effect upon Order No. 78 and Order No. 96 under § 1499.3 (b) of the General Maximum Price Regulation.* Order No. 78 and Order No. 96 under § 1499.3 (b) of the General Maximum Price Regulation are hereby revoked.

* 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5585, 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; 8 F.R. 371, 1204.

§ 1438.63 *Definitions.* (a) When used in this Maximum Price Regulation No. 316, the term:

(1) "Coated abrasive products" means and includes all abrasive coated papers, cloths, and combinations of paper and cloth.

(2) "Bonded abrasive products" means and includes all abrasive bonded grinding wheels, segments, sticks, bricks, sharpening stones, and other abrasive bonded products, including diamond bonded abrasive products.

(3) "Idle or frozen materials" means any commodity, accessory, part, assembly or product not in a form normally sold by the seller in the ordinary course of his business and sold or delivered pursuant to Priorities Regulation No. 13 issued by the Division of Industry Operations of the War Production Board on July 7, 1942. It does not include any raw or unprocessed agricultural commodity.

(4) "Net price" means the price actually charged by the seller; i. e., the list or quoted price less all discounts, allowances, and differentials.

(5) "Offering price" means the price quoted in the seller's price list, or, if he had no such price list, the price which he regularly quoted in any other manner. But "offering price" shall not include a price intended to withhold a commodity or service from the market, or a price offered as a bargaining price by a seller who usually sells at a price lower than his asking price. "Net offering price" means offering price less all discounts, allowances, and differentials.

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

(7) "Purchaser of the same class" refers to the practice adopted by the seller of setting different prices for commodities or services for sales to different purchasers or kinds of purchasers (for example, manufacturer, distributor, dealer, jobber, retailer, government agency, public institution, large consumer, medium consumer, small consumer) or for purchasers located in different areas or for different quantities or under different conditions of sale. Customary differentials in discounts on price list goods shall be among the criteria which establish differences among classes of purchasers.

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

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

§ 1438.64 *Effective date.* This Maximum Price Regulation No. 316 (§§ 1438.51 to 1438.64, inclusive) shall become effective February 12, 1943, for the District of Columbia and the forty-eight states of the United States, and shall become effective March 29, 1943, for the territories and possessions of the United States.

Issued this 6th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1980; Filed, February 6, 1943; 10:41 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 268 Under § 1499.3 (b) of GMPR]

E. I. DU PONT DE NEMOURS AND CO., INC.

For the reasons set forth in an opinion issued simultaneously herewith, *it is ordered:*

§ 1499.1704 *Approval of maximum prices for sales of 35% stannous fluoride solution manufactured by the E. I. Du Pont de Nemours & Co., Inc.* (a) The maximum prices for sales by the E. I. Du Pont de Nemours & Co., Inc., a corporation incorporated under the laws of the State of Delaware, of 35% stannous fluoride solution shall be the prices set forth below, f. o. b. production plant:

Maximum prices for the first 71,500 lbs. sold—\$53.63 per hundred lbs.

Maximum prices for subsequent sales—\$43.51 per hundred lbs.

(b) Within ten days after having made a sale of 35% stannous fluoride solution which, when added to previous sales, totals 71,500 pounds, the E. I. Du Pont de Nemours & Co., Inc. shall in writing report that fact to the Office of Price Administration in Washington, D. C.

(c) This Order No. 268 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 268 (§ 1499.1704) shall become effective February 8, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 6th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1978; Filed, February 6, 1943; 10:40 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 269 Under § 1499.3 (b) of the GMPR]

THE AXTON-FISHER TOBACCO CO.

Maximum prices for Axton's Vintage Special Cigarettes.

The Axton-Fisher Tobacco Co., a corporation, has made application under § 1499.3 (b) of the General Maximum Price Regulation for determination of maximum prices for Axton's Vintage Special Cigarettes. Due consideration has been given to the application and an opinion in support of this order is-

sued simultaneously herewith has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with § 1499.3 (b) of the General Maximum Price Regulation; *It is hereby ordered, That:*

§ 1499.1705 *Authorization of maximum prices for Axton's Vintage Special Cigarettes.* (a) On and after February 8, 1943. The Axton-Fisher Tobacco Co., may sell and deliver, and any purchaser may buy and receive from The Axton-Fisher Tobacco Co., Axton's Vintage Special Cigarettes at maximum prices not in excess of \$12.00 per thousand less 10% trade discount and 2% cash discount for payment within 10 days, plus the amount of any State or local tax applicable to the particular quantity of cigarettes sold and paid or payable by the manufacturer to the proper taxing authorities with respect to the particular quantity of cigarettes in question.

(b) Any wholesaler or jobber may sell and deliver, and any person may buy Axton's Vintage Special Cigarettes from such wholesaler or jobber at maximum prices not in excess of \$12.00 per thousand less discounts customarily allowed in March 1942 by such wholesaler or jobber on his sales of other cigarettes to purchasers of the same class, plus the amount of any State or local tax applicable to the particular quantity of cigarettes sold and paid or payable by the wholesaler or jobber to the proper taxing authorities or to any prior vendor with respect to the particular quantity of cigarettes in question.

(c) The maximum prices established for The Axton Fisher Tobacco Co., under (a) and for wholesalers and jobbers under (b) are based on quantities of 1000 cigarettes packed 20 to the individual container.

(d) Any retailer may sell and deliver, and any person may buy and receive Axton's Vintage Special Cigarettes from such retailer at a price no greater than 28¢ per package of 20 plus the amount of any State or local tax applicable to the particular quantity of cigarettes sold and paid or payable by the retailer to the proper taxing authorities or to any prior vendor with respect to the particular quantity of cigarettes in question.

(e) Depreciation of the quality and character of packing of Axton's Vintage Special Cigarettes as set forth in the application of the Axton Fisher Tobacco Co., except as the result of normal variation, is hereby prohibited.

(f) On or before the first delivery of any Axton's Vintage Special Cigarettes to any purchaser, the Axton Fisher Tobacco Co., and every wholesaler and jobber shall notify the purchaser of the exact amount of the maximum price thereof as set forth in this Order by delivering to such purchaser a written notice as follows:

On our new brand Axton's Vintage Special Cigarettes, the Office of Price Administration has authorized us to establish a maximum list price of \$12.00 per thousand based on sales of 1000 cigarettes packed 20 to the individual

container. Manufacturer's discounts may not be less than 10% plus 2% for payment within 10 days. Wholesalers' and jobbers' discounts may not be less than those customarily allowed in March 1942 on their sales of other cigarettes to the same class of purchaser. The amount of any State or local tax applicable to the particular quantity of cigarettes sold and paid or payable by the manufacturer to the proper taxing authorities may be added to the manufacturer's maximum list price. The amount of any State or local tax applicable to the quantity of cigarettes sold and paid or payable by a wholesaler or jobber to the proper taxing authorities or to any prior vendor may be added to the wholesalers' or jobbers' maximum list price.

The Office of Price Administration has also authorized us to establish a maximum retail price of 28¢ for a package of 20 of such brand of cigarettes. The amount of any State or local tax applicable to the particular quantity of cigarettes sold and paid or payable by the retailer to the proper taxing authority or to any prior vendor may be added to the maximum retail price.

Wholesalers and jobbers receiving this notice are required to give similar written notice to each person to whom they sell and deliver Axton's Vintage Special Cigarettes, at or before their first delivery of such cigarettes to the purchaser.

The Office of Price Administration requires you to keep this notice for examination.

(g) This Order No. 269 may be amended or revoked by the Administrator at any time.

(h) This Order No. 269 (§ 1499.1705) shall become effective February 8, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 6th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1977; Filed, February 6, 1943; 10:40 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 8 Under § 1499.18 (c) of GMPR]

SAWN MINE TIMBERS AND MINE LAGGING

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1508 *Adjustment of maximum prices for sawn mine timbers and mine lagging produced in Minnesota, and sold to iron mines in that state.* (a) Any person may sell and deliver, and any person may purchase, sawn mine timbers and mine lagging which is produced in Minnesota, and sold to iron mines in that state, at prices not higher than the following prices, delivered to the mines:

Maximum delivered prices	
Mine timbers:	per 1,000 ft. board measure
Mixed hardwood mine board 5/8" thick, random width	\$29.00
Mixed hardwood mine board 1 1/2" thick, random width	32.00
Mixed hardwood mine board 2" thick random width	32.00
Maximum delivered price	
Mine lagging:	per 192 cu. ft. cord
Cedar	\$12.75
Poplar and Jack pine	14.50

(b) This Order No. 8 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 8 (§ 1499.1508) 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. 8 (§ 1499.1508) shall become effective February 8, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 6th day of February, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1976; Filed, February 6, 1943; 10:39 a. m.]

PART 1300—PROCEDURE

[Procedural Regulation 4]

ISSUANCE OF RATIONING SUSPENSION ORDERS

The Title and §§ 1300.151 to 1300.160 inclusive are amended as set forth herein.

Pursuant to the authority conferred upon the Administrator by Executive Order 9125, Executive Order 9280, War Production Board Directive No. 1 as supplemented, and Food Directive 1 of the Secretary of Agriculture the following rules are prescribed for the issuance of suspension orders:

AUTHORITY: §§ 1300.151 to 1300.181, inclusive, issued under Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, as supplemented, E.O. 9280, 7 F.R. 10179, issued December 5, 1942, Food Directive 1 of the Secretary of Agriculture, 8 F.R. 827.

Purpose and Application of Procedural Regulation No. 4

§ 1300.151 *Purpose and application.* It is the purpose of this regulation to prescribe the procedure used by the Office of Price Administration in the issuance of rationing suspension orders. The regulation does not apply to suspension orders issued by War Price and Rationing Boards, but § 1300.169 of this regulation prescribes the procedure used on appeal from such orders.

Suspension order Proceedings

§ 1300.152 *Institution of proceedings.* Proceedings for the issuance of suspension orders shall be instituted by the service of a notice of hearing upon the respondent not less than three (3) days prior to such hearing.

§ 1300.153 *Notice of hearing.* A notice of any hearing to be held pursuant to this procedural regulation shall be issued by the Regional Attorney and shall set forth the time and place of hearing, a statement of the charges against the respondent, and a statement of the purpose for which the hearing is to be held.

(b) If the notice of hearing is served at least five (5) days before the date set for the hearing, the notice may provide that such hearing will be held only if respondent files with the Hearing Commissioner a request for such hearing and a statement of the general nature of his defense to each of the charges. Such notice shall fix the time for filing the re-

quest and statement, which shall be not less than three days after service of the notice.

(c) No hearing need be held if the respondent has failed to file the required request and statement within the time prescribed by a notice issued in accordance with paragraph (b) of this section.

§ 1300.154 *Hearing Commissioner; Presiding Officer; appointment and duties.* Any hearing held pursuant to this regulation shall be conducted by a Hearing Commissioner or such person as he may designate to conduct such hearing (hereinafter called "presiding officer"). The Hearing Commissioner or a presiding officer shall preside at the hearing, administer oaths and affirmations, and rule on the admission and exclusion of evidence.

§ 1300.155 *Continuance or adjournment of hearing.* The hearing shall be held at the time and place specified by the notice of hearing, but the Hearing Commissioner or presiding officer may continue or adjourn the hearing to a later date or to a different place. Notice of such adjournment or continuance may be made by announcement at the hearing.

§ 1300.156 *Conduct of hearing.* (a) The hearing shall be conducted by the Hearing Commissioner or presiding officer in such manner as will permit the presentation of evidence and argument to the fullest extent compatible with fair and expeditious determination of the issues raised in the hearing. To this end:

(1) The respondent shall have the right to be represented by counsel of his own choosing.

(2) The rules of evidence prevailing in the courts of law or equity shall not be controlling.

(3) The Hearing Commissioner or presiding officer shall afford reasonable opportunity for cross-examination of witnesses.

(b) All hearings held pursuant to this procedural regulation shall be public.

§ 1300.157 *Subpoenas.* (a) Applications for subpoenas shall be filed with the Hearing Commissioner, who may thereafter grant or deny the application or refer it to the presiding officer. The subpoena shall be issued if such application is approved by the presiding officer.

(b) The application for subpoena shall specify the name and address of the witness and the nature of the facts to be proved by him and, if calling for the production of documents, shall specify them with such particularity as will enable them to be identified for purposes of production.

(c) Service of a subpoena upon a person named therein shall be made by delivering a copy thereof to such person and by tendering to him the fees and mileage specified in section 2 (a) (4) of the Act. When the subpoena is issued at the instance of the Regional Attorney, fees and mileage need not be tendered.

§ 1300.158 *Witnesses.* Witnesses summoned before a Hearing Commissioner or presiding officer at any hearing held

pursuant to this regulation shall be paid the fees and mileage specified by section 2 (a) (4) of the Act. Witness fees and mileage shall be paid by the party at whose instance the witness appears.

§ 1300.159 *Contemptuous conduct.* Contemptuous conduct at any hearing shall be ground for exclusion from the hearing. The refusal of a witness to answer any question which has been ruled to be proper shall, in the discretion of the Hearing Commissioner, or presiding officer, be ground for the striking out of all testimony previously given by such witness on related matters.

§ 1300.160 *Transcript of hearing.* A stenographic report of all hearings shall be taken. The report need not be transcribed if such transcription is waived by the parties to the proceeding. If the report is transcribed, a copy shall be available for inspection during business hours at the Office of the Hearing Commissioner. Argument of counsel shall not be included in the report except at the direction of the Hearing Commissioner or presiding officer.

§ 1300.161 *Presiding officer's advisory report; service.* (a) A presiding officer who has conducted a hearing shall prepare an advisory report. Such report shall contain (1) findings of fact, (2) conclusions of law, and (3) recommendations with respect to the disposition of the matter.

(b) The advisory report shall be filed with the Hearing Commissioner, and copies thereof shall be served on the respondent and the Regional Attorney.

§ 1300.162 *Briefs on presiding officer's advisory report.* (a) Any party may submit to the Hearing Commissioner a brief or written argument in opposition to or in support of the report of the presiding officer.

(b) Such briefs shall be filed within five (5) days after the service of the presiding officer's report. Two (2) copies of the brief shall be filed with the Hearing Commissioner and a copy thereof served upon the opposing party at or before the time of filing.

(c) Briefs may be filed after the time prescribed by paragraph (b) of this section only with the permission of the Hearing Commissioner.

§ 1300.163 *Briefs after hearing before Commissioner.* The Hearing Commissioner may, upon the request of any party to a proceeding conducted by him, permit the filing of briefs or written argument. Such briefs or written argument shall be filed within such time as the Hearing Commissioner may prescribe.

§ 1300.164 *Waiver of hearing.* (a) If a respondent fails to appear at a hearing or fails to request a hearing when such request is required pursuant to § 1300.153 (b), he shall be deemed to have waived a hearing, and the charges set forth in the notice of hearing shall be deemed to be admitted for the purposes of the hearing. In such cases the Regional Attorney may present evidence relevant to the determination of the effective period

of any suspension order which might be issued against the respondent.

(b) At any time prior to the tenth day after the service of a suspension order issued after a default, the respondent may file with the Hearing Commissioner who issued the order, a petition for the reopening of the proceedings, setting forth the grounds on which he believes his default should be excused. A copy of such petition shall be served upon the Regional Attorney at or prior to the time it is filed with the Hearing Commissioner. If the Hearing Commissioner grants the petition he shall notify the Regional Attorney and the respondent of the time and place set for the hearing and may set aside or stay the suspension order.

§ 1300.165 *Order of the Hearing Commissioner.* (a) If the Hearing Commissioner determines that a respondent has violated a rationing regulation or order he may issue a suspension order.

(b) Any suspension order hereunder shall set forth the findings of fact and conclusions of law upon which it is based, and shall contain a statement of the reasons why a suspension order should be issued unless such statement is set forth in an opinion accompanying the order.

(c) If the Hearing Commissioner determines that no suspension order should be issued he shall issue an order dismissing the proceeding in which he shall set forth his findings of fact and conclusions of law. The order shall contain a statement of the reasons why a suspension order should not be issued unless such reasons are stated in an opinion accompanying the order.

§ 1300.166 *Consent order.* If the Hearing Commissioner approves an agreement entered into by the Regional Attorney and a respondent with respect to the terms of a suspension order, he shall issue the order agreed upon, and such order shall have the same force and effect as an order issued under § 1300.165.

§ 1300.167 *Hearing and order by Hearing Administrator.* (a) At any time after the service of a notice of hearing and before the service of the suspension order, the Hearing Administrator may direct that the proceedings be brought before him.

(b) Notice that the proceedings are to be brought before the Hearing Administrator shall be served upon the Regional Attorney, the respondent and the Hearing Commissioner.

(c) Proceedings brought before the Hearing Administrator shall be conducted in the same manner as if brought before a Hearing Commissioner.

§ 1300.168 *Incidental provisions in suspension orders.* A suspension order issued under this regulation may contain such provisions as may be deemed appropriate to make effective the regulation or prohibition prescribed in the order.

Suspension Orders on Appeal From Orders of War Price and Rationing Boards

§ 1300.169 *Appeals from orders of Boards.* (a) Whenever a right to appeal

to a Hearing Commissioner from an order of a War Price and Rationing Board is granted by a rationing order or regulation, such appeal may be taken within the time and in the manner prescribed in such rationing order or regulation.

(b) The appeal shall be heard by the Hearing Commissioner or a presiding officer, and determined by the Hearing Commissioner in the same manner as if it were a proceeding instituted by a notice of hearing issued under § 1300.152.

(c) The Hearing Commissioner may, for good cause shown upon application by the respondent, stay or suspend the operation of an order issued by a War Price and Rationing Board pending the hearing and determination of the appeal.

(d) Any order issued by the Hearing Commissioner upon the determination of the appeal shall supersede the order of the Board from which the appeal was taken.

Appeals to and Review by Hearing Administrator

§ 1300.170 *Appeals from orders of the Hearing Commissioner.* (a) The respondent or the Regional Attorney may appeal to the Hearing Administrator from any order of the Hearing Commissioner issued under this regulation within ten (10) days (or in the case of orders issued in the Territories and Possessions, within thirty (30) days) after service of such order.

§ 1300.171 *Notice of appeal.* (a) The appeal may be taken by serving a notice of appeal on the Hearing Commissioner and the other party to the proceeding and filing a copy of the notice of appeal with proof of such service at the Office of the Hearing Administrator.

(b) The notice of appeal shall contain (1) a reference to the findings of fact and conclusions of law, if any, to which exception is taken, (2) a brief statement of the grounds for such exceptions, (3) the modifications proposed with respect to the order appealed from, and (4) a brief statement of the reasons supporting such modifications.

§ 1300.172 *Stay pending appeal.* The Hearing Administrator may, for good cause shown upon application by the respondent, stay or suspend the operation of an order of a Hearing Commissioner pending the determination of the appeal.

§ 1300.173 *Record on appeal.* The Hearing Commissioner shall, within three (3) days after the receipt of the notice of appeal, send to the Hearing Administrator the complete record in the case which shall include:

(a) The Notice of Hearing and proof of service thereof;

(b) The transcript of testimony and all exhibits;

(c) The order of the Hearing Commissioner; and

(d) In a case instituted before a Board, the order of the Board.

§ 1300.174 *Briefs.* (a) Any party may submit to the Hearing Administrator a brief in support of or in opposition to the order of the Hearing Commissioner.

(b) All briefs shall be submitted within twenty (20) days (or in the case of orders issued in the Territories or Possessions within forty (40) days) after service of the order appealed from. Two (2) copies of the brief shall be filed with the Hearing Administrator and a copy thereof served upon the opposing party at or before the time of filing.

(c) Briefs may be filed after the time prescribed by paragraph (b) of this section only with the permission of the Hearing Administrator.

§ 1300.175 *Order on appeal.* (a) The Hearing Administrator may affirm, reverse or modify the order of a Hearing Commissioner or direct that a further hearing be held thereon.

(b) The Hearing Administrator shall issue his order on appeal within a reasonable time after the filing of the notice of appeal. The order may be accompanied by an opinion of the Hearing Administrator, setting forth the reasons for the action taken.

(c) Copies of the order on appeal shall be served on the respondent and the Regional Attorney.

§ 1300.176 *Review on initiative of Hearing Administrator.* (a) If neither the Regional Attorney nor the respondent appeals from the order within the time prescribed in § 1300.170, the Hearing Administrator may review the case on his own motion.

(b) The Hearing Administrator shall initiate a review under subsection (a) of this section by serving a notice of intention to review on the Regional Attorney and respondent.

(c) A review proceeding under this section shall be conducted in the same manner as an appeal under § 1300.170 except that briefs shall be filed within 15 days (or in the case of orders issued in the Territories and Possessions, within thirty-five (35) days) after the service of notice of intention to review.

§ 1300.177 *Petition for reconsideration of order of Hearing Administrator under § 1300.167.* (a) Any party may file with the Hearing Administrator a petition for reconsideration of an order issued by the Hearing Administrator under § 1300.167.

(b) The petition for reconsideration shall be served and filed in the same manner as a Notice of Appeal under § 1300.171, and such petition shall conform to the requirements for notices of appeal prescribed in § 1300.171 (b). Proceedings on such petition shall be the same as on an appeal under § 1300.170.

Miscellaneous

§ 1300.178 *Service of papers.* Notices, orders and other process and papers may be served personally or by leaving a copy thereof at the residence or the principal office or place of business of the person to be served; or by registered mail or by telegraph. When service is made personally or by leaving a copy at the residence or the principal office or place of business, the verified return of the person serving or leaving the copy shall be proof of service. When service is by registered mail or telegraph the return post office receipt or telegraph receipt shall be proof of service.

§ 1300.179 *Office hours of Office of Hearing Commissioners and Hearing Administrators.* The Offices of the Hearing Administrator and the Hearing Commissioners shall be open, on weekdays, from 9 a. m. until 5 p. m. and on Saturdays from 9 a. m. until 1 p. m. Any person desiring to file papers, at any time other than the regular hours stated, may file a written application with the appropriate Hearing Commissioner, or the Hearing Administrator if such papers are to be filed with him, requesting permission therefor.

§ 1300.180 *Definitions.* As used in this procedural regulation, unless the context otherwise requires, the term:

(a) "Act" means the Act of June 28, 1940 (54 Stat. 676) as amended by the Act of May 31, 1941 (55 Stat. 236), and by Title III of the Second War Powers Act (56 Stat. 176), 50 USCA (App.) section 633.

(b) "Hearing Administrator" means the Hearing Administrator of the Office of Price Administration.

(c) "Hearing Commissioner" means the Chief Hearing Commissioner of the Office of Price Administration for the Region in which the proceeding is instituted or such Hearing Commissioner as may be authorized to determine a proceeding held pursuant to this procedural regulation.

(d) "Rationing order or regulation" means any order or regulation of the Office of Price Administration issued pursuant to War Production Board Directive No. 1 as supplemented or Food Directive 1 of the Secretary of Agriculture or pursuant to any other delegation of authority conferred by section 2 (a) of the Act.

(e) "Regional Attorney" means the Regional Attorney for the region in which the violation involved in the proceeding occurred, or an attorney authorized to act for the Regional Attorney in any proceeding conducted pursuant to this regulation.

(f) "Suspension order" means an order which regulates or prohibits, for a period, the sale, transfer, delivery or other disposition or the acquisition or use of commodities or facilities, and which is issued against a person who has acted in violation of a rationing order or regulation.

§ 1300.181 *Effective date.* Procedural Regulation No. 4 (§§ 1300.151 to 1300.181, inclusive) shall become effective on 12:01 a. m. on February 15, 1943. It governs all proceedings in cases instituted on and after that date. Unless the Hearing Administrator otherwise directs, it shall also govern all further proceedings in cases then pending; *Provided, however,* That the procedure which was formerly applicable shall govern review of orders issued prior to February 15, 1943, and the provisions establishing such procedure are continued in effect for this purpose.

Issued this 6th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2066; Filed, February 6, 1943; 8:40 p. m.]

PART 1340—FUEL
[MPR 120, Amendment 37]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

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

Section 1340.225 (b) is amended to read as set forth below:

§ 1340.225 Appendix N: Maximum prices for bituminous coal produced in District No. 14.

(b) The following maximum prices are established in cents per ton of 2,000 pounds f. o. b. transportation facilities which delivery is made:

(1) Maximum prices in cents per net ton for shipment to all destinations for all uses and by all methods of transportation, except as otherwise specifically provided in this appendix.

Prices and size group Nos.

Price classifications	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
A.....	525	500	500	575	460	575	575	500	545	600	600	600	550	285	285	285	485	215	550	
B.....																				
C.....																				
D.....																				
E.....																				
F.....																				
G.....																				
H.....																				
I.....																				
J.....																				
K.....																				
L.....																				
M.....																				
N.....																				
O.....																				
P.....																				
Q.....																				

(2) Maximum prices in cents per net ton for shipment by truck or wagon to all destinations for all uses. The maximum prices for shipment by truck or wagon shall be the applicable effective minimum prices as of October 1, 1942, plus a sum not exceeding 55 cents per net ton.

(3) Maximum prices in cents per net ton for railroad fuel (exclusive of railroad fuel for other than locomotive fuel use). The maximum prices for such railroad fuel shall be the applicable effective minimum prices as of October 1, 1942, for all-rail on-line shipments (without adjustments on account of price exceptions, freight differentials, and substitutions), plus a sum not exceeding 5 cents per net ton.

(4) In the event any specific maximum price has been adjusted prior to

*Copies may be obtained from the Office of Price Administration.
17 F. R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5827, 5835, 6169, 6218, 6265, 6272, 6472, 6325, 6524, 6744, 6898, 7777, 7670, 7914, 7942, 8354, 8650, 8948.

PART 1340—FUEL
[MPR 120, Amendment 38]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

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

Section 1340.231 (b) is amended to read as set forth below:

Prices and size group Nos.

Sub-district No. 1	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
All mines.....															
Sub-district No. 2 and Sub-district No. 3.															

(2) Maximum prices in cents per net ton for shipment by truck or wagon to all destinations for all uses. The maximum prices for shipment by truck or wagon shall be the applicable effective minimum prices as of October 1, 1942, plus a sum not exceeding 55 cents for Size Groups 1, 2, 3, 4, 5, 6, 7, 8 and 9; and 65 cents for Size Groups 10, 11, 12, 13, 14 and 15.

This amendment shall be effective as of February 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 6th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2008; Filed, February 6, 1943; 3:40 p. m.]

PART 1351—FOOD PRODUCTS AT RETAIL

[MPR 268, Amendment 2]

SALES OF CERTAIN PERISHABLE FOOD COMMODITIES AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith

17 F. R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5827, 5835, 6169, 6218, 6265, 6273, 6472, 6339, 6574, 6744, 6898, 7777, 7670, 7914, 7943, 8354, 8550, 8949.
*7 F. R. 9194; 8 F. R. 322.

§ 1340.231 Appendix T: Maximum prices for bituminous coal produced in District No. 20.

(b) The following maximum prices are established in cents per ton of 2,000 pounds f. o. b. transportation facilities which delivery is made:

(1) Maximum prices in cents per net ton for shipment to all destinations for all uses and by all methods of transportation, except as otherwise specifically provided in this appendix.

Sub-district No. 1	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
All mines.....															
Sub-district No. 2 and Sub-district No. 3.															

and has been filed with the Division of the Federal Register.*

A new § 1351.1102a has been added to read as set forth below:

§ 1351.1102a. When a retailer authorized to determine uniform maximum prices for the food commodities listed in Appendix A. Anything in this regulation to the contrary notwithstanding a retailer who has been authorized by the Office of Price Administration to determine and use uniform maximum prices, may calculate maximum prices hereunder as of the close of business on Mondays based on purchases from the preceding Tuesday through Monday. Maximum prices so calculated shall become effective at the start of business on the Thursday following their calculation and remain effective through the following Wednesday.

§ 1351.1115a Effective dates of amendments.

(b) Amendment No. 2, § 1351.1102a, to Maximum Price Regulation No. 268 shall become effective February 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 6th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2008; Filed, February 6, 1943; 3:40 p. m.]

EARLY WHITE POTATOES—Continued

State	Producing area	Varieties	Maximum price	Period
WEST				
California	Counties of San Luis Obispo, Kern, San Bernardino, and all counties south thereof.	All	\$2.15	Feb. 8, 1943, through June 30, 1943.
Arizona	All	All	2.45	Feb. 8, 1943, through June 30, 1943.
New Mexico	All	All	2.40	Feb. 8, 1943, through June 30, 1943.

EARLY DRY ONIONS¹
[Maximum price per 50 pounds²]

State	Producing area	Varieties	Maximum price	Period
All	All	All except white	\$2.50	Feb. 8, 1943 through March 1943.
All	All	All except white	2.40	Apr. 1 to Apr. 30, 1943.
All	All	All except white	2.30	Apr. 1 to Apr. 30, 1943.
All	All	All except white	1.80	May 1 to May 31, 1943.
All	All	All except white	1.85	June 1 to June 30, 1943.

¹The maximum prices listed above are applicable only to "Early dry onions" harvested and sold during the periods set forth.

²These prices are subject to the following differentials:

- (a) For white early dry onions, the country shipper may add 15¢ per 50 lbs. to the maximum prices listed above.
- (b) For white boiler and white pickler early dry onions, the country shipper may add \$1.00 per 50 lbs. to the maximum prices listed above.
- (c) For early dry onions sold in bulk or in containers furnished by the purchaser, the country shipper shall subtract 15¢ per 50 lbs. from the maximum price for each variety.

This amendment shall become effective February 8, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 6th day of February 1943.

Approved:

CLAUDE R. WICKARD,

Secretary, Department of Agriculture.

[F. R. Doc. 43-2010; Filed, February 6, 1943; 3:40 p. m.]

PRENTISS M. BROWN,
Administrator.

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 27; Amendment 2]

DESIGNATION OF 24 DEFENSE-RENTAL AREAS AND RENT DECLARATION RETAILING TO SUCH AREAS

Item (21) listed in the table in § 1388.1301 of Designation and Rent Declaration No. 27 is amended to read as follows:

§ 1388.1301 Designation.

(21)	Name of defense-rental area ¹	In State or States of—	Defense-rental area consists of—
	Eagle Pass	Texas	County of Maverick.

¹The words "Defense-Rental Area" shall follow the name listed in the table in each case to constitute the full name of the defense-rental area, e. g., "Dover-Seaford Defense-Rental Area."

²7 F.R. 4232; 8 F.R. 1228.

month of sale in the area in which the early dry onions were harvested, listed in the table entitled "Early dry onions" in Appendix A hereof. The differentials listed in paragraph (b), subparagraph (5) of this section shall not be applicable to the maximum prices listed in the table in Appendix A entitled "Early dry onions." "Early dry onions" means dry onions harvested and sold during the months listed in the table entitled "Early dry onions."

(b) *Early dry onions.* (i) For white early dry onions, the country shipper may add 15¢ per 50 pounds to the maximum prices listed in Appendix A.

(ii) For early dry onions, of the white boiler or white pickler variety, the country shipper may add one dollar per 50 pounds to the maximum prices listed in Appendix A.

(iii) For early dry onions, sold in bulk or in containers furnished by the purchaser, the country shipper shall subtract 15¢ per 50 pounds from the maximum price for each variety sold.

§ 1351.1017 Appendix A: Maximum prices for perishable food, i. o. b. shipping point.

EARLY WHITE POTATOES¹

[Maximum price per 100 pounds²]

State	Producing area	Varieties	Maximum price	Period
S. ATLANTIC				
North Carolina	All	All	\$2.40	Feb. 8, 1943, through June 30, 1943.
South Carolina	All	All	2.50	Feb. 8, 1943, through June 30, 1943.
Georgia	All	All	2.50	Feb. 8, 1943, through June 30, 1943.
Florida	Counties of Charlotte, Glades, Martin, and all counties south thereof.	All	3.75	Feb. 8, 1943, through June 30, 1943.
	Northern	All	3.10	Feb. 8, 1943, through June 30, 1943.
	Western	All	2.50	Feb. 8, 1943, through June 30, 1943.
SOUTHERN CENTRAL				
Tennessee	All	All	2.40	Feb. 8, 1943, through June 30, 1943.
Alabama	All	All	2.50	Feb. 8, 1943, through June 30, 1943.
Mississippi	All	All	2.50	Feb. 8, 1943, through June 30, 1943.
Louisiana	All	All	2.50	Feb. 8, 1943, through June 30, 1943.
Arkansas	All	All	2.50	Feb. 8, 1943, through June 30, 1943.
Missouri	All	All	2.50	Feb. 8, 1943, through June 30, 1943.
Oklahoma	All	All	2.50	Feb. 8, 1943, through June 30, 1943.
Texas	Counties of Zapata, Jim Hogg, Brooks, Kenedy, and all counties south thereof.	All	3.75	Feb. 8, 1943, through June 30, 1943.
	Eagle Lake	All	2.50	Feb. 8, 1943, through June 30, 1943.
	Northeast	All	2.40	Feb. 8, 1943, through June 30, 1943.

¹The maximum prices listed above shall apply only to "Early white potatoes" harvested and sold during the 1943 crop year.

²These prices are subject to the following differentials:
(a) For early white potatoes sold either in bulk or in containers furnished by the purchaser, the country shipper shall subtract 15 cents per 100 pounds from the maximum price listed above.

PART 1351—FOOD AND FOOD PRODUCTS

[MPR. 271, Amendment 3]

CERTAIN PERISHABLE FOOD COMMODITIES,
SALES EXCEPT AT RETAIL

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

In § 1351.1002, a new subparagraph (4) is added to paragraph (a), and a new subparagraph (6) is added to paragraph (b). In § 1351.1017, the table entitled "Early white potatoes" is amended and a table for "Early dry onions" is added as set forth below.

§ 1351.1002 How a country shipper establishes his maximum price for a perishable food commodity, as set forth in Appendix A. (a)

(4) For each 50 pounds of early dry onions, in bags or any other containers, on board car or other common carrier, the maximum price shall be the amount set forth as the maximum price for the

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

This Amendment No. 2 (§ 1388.1301) to Designation and Rent Declaration No. 27 shall become effective February 6, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 6th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2012; Filed, February 6, 1943; 3:41 p. m.]

(d) Amendment No. 4 (§ 1388.181 (a)) to Maximum Rent Regulation No. 50A shall become effective February 6, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 6th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2013; Filed, February 6, 1943; 3:41 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 31,¹ Amendment 4]

DESIGNATION OF 46 DEFENSE-RENTAL AREAS AND RENT DECLARATION RELATING TO SUCH AREAS

The title and item (38) listed in the table in § 1388.1341 of Designation and Rent Declaration No. 31 are amended and item (47) is added to the table in the said section to read as follows: "Designation and Rent Declaration No. 31—Designation of 46 Defense-Rental Areas and Rent Declaration Relating to Such Areas."

§ 1388.1341 *Designation.* * * *

	Name of defense-rental area ¹	In State of—	Defense-rental area consists of—
(38)	Texas	Texas	That portion of the State of Texas not heretofore designated by the Price Administrator as part of any defense-rental area, except the County of Lampasas (which becomes a part of the Killean-Temple Defense-Rental Area, effective Jan. 1, 1943), the County of Brewster (which becomes a part of the Maria-Alpine Defense-Rental Area, effective Feb. 1, 1943) and the County of Webb (which constitutes the Laredo Defense-Rental Area).
(47)	Laredo	Texas	County of Webb.

¹ The words "Defense-Rental Area" shall follow the name listed in the table in each case to constitute the full name of a defense-rental area, e. g., "Alabama Defense-Rental Area," "Dukes-Nantucket Defense-Rental Area."

This Amendment No. 4 (§ 1388.1341) shall become effective February 6, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 6th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2011; Filed, February 6, 1943; 3:41 p. m.]

(d) Amendment No. 4 (§ 1388.131 (a)) to Maximum Rent Regulation No. 49 shall become effective February 6, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 6th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2014; Filed, February 6, 1943; 3:41 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 49,² Amendment 4]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

Subparagraph (44) of paragraph (a) of § 1388.131 of Maximum Rent Regulation No. 49 is amended and the said § 1388.131 (a) is amended by adding subparagraph (55) to the said section to read as follows:

§ 1388.131 *Scope of regulation.* (a) * * *

(44) The Eagle Pass Defense-Rental Area, consisting of the County of Maverick, in the State of Texas.

(55) The Laredo Defense-Rental Area, consisting of the County of Webb, in the State of Texas: *Provided, however,* That with respect to the Laredo Defense-Rental Area, the words "the effective date of this Maximum Rent Regulation," "October 20, 1942," and "December 1, 1942" in this Maximum Rent Regulation shall mean February 1, 1943.

§ 1388.144a *Effective dates of amendments.* * * *

¹ 7 F.R. 7942; 8 F.R. 122, 1228.
² 7 F.R. 7500, 7668, 8505, 8506, 9784, 9821, 9954, 10845, 11115; 8 F.R. 1229.

PART 1404—RATIONING OF FOOTWEAR

[Ration Order 17]

SHOES

Preamble: Reliable reports show that more shoes were made in the United States in 1941 than ever before. As a result, our shoe supply was somewhat larger than normal up to the middle of 1942. Since that time, however, shoe stocks have gradually been declining and the supply and demand factors are such that a serious shortage is expected unless the market is controlled.

Production and sales reports for the second half of 1942 show a sharp decline in production of civilian shoes and an increase in retail sales, with the result that retail stocks declined substantially during the year. The trend toward a shortage of shoes is thus shown.

The 1943 production of shoes for civilian use is expected to be smaller than in 1942 for several reasons. Shortages of leather (and other materials) and of skilled manpower are the principal causes of this decline. Furthermore, as our armed forces grow, a larger share of the shoes made must be set aside for them, so the civilian supply is further reduced. Because of these factors, the 1943 production of civilian shoes is expected to be at least 25% less than in 1942.

The Government, through restriction orders issued by the War Production Board, is attempting to make supplies of leather go as far as possible. For example, the number of styles a shoe manufacturer may make has been reduced so as to make it unnecessary for shoe stores to keep in stock many different styles of shoes. However, much of the leather in hides is thin or of poor quality and since it is impossible to stretch the quantity or to improve the quality of sole leather the total number of shoes that can be made is limited.

If consumer buying of shoes were not controlled, it is reasonable to expect that the number of pairs bought in 1943 would be at least as large as in 1942. In fact, many factors indicate that 1943 sales would be larger. Among these factors are the following: (1) People can afford to buy more shoes because they have more money to spend altogether and are unable to spend it for automobiles or other durable goods; (2) as the better grades of leather are used for shoes for the armed forces, many civilian shoes, being of poorer quality, will wear out sooner and require earlier replacement; (3) with gasoline rationing, together with greater employment, more people

PART 1388—DEFENSE-RENTAL AREAS HOTEL AND ROOMING HOUSE

Subparagraph (44) of paragraph (a) of § 1388.181 of Maximum Rent Regulation No. 50A is amended and the said § 1388.181 is amended by adding subparagraph (55) to the said section to read as follows:

§ 1388.181 *Scope of regulation.* (a) * * *

(44) The Eagle Pass Defense-Rental Area, consisting of the County of Maverick, in the State of Texas.

(55) The Laredo Defense-Rental Area, consisting of the County of Webb, in the State of Texas: *Provided, however,* That with respect to the Laredo Defense-Rental Area, the words "the effective date of this Maximum Rent Regulation," "October 19, 1942," and "December 1, 1942" in this Maximum Rent Regulation shall mean February 1, 1943.

§ 1388.194a *Effective dates of amendments.* * * *

¹ 7 F.R. 7505, 7668, 8479, 8507, 9783, 9820, 9955, 11115; 8 F.R. 434, 1230.

will be walking to work or on the job and will normally wear out their shoes faster; (4) as shoe stocks decline, consumers tend to stock up and to buy more shoes than they need, thereby increasing the shortage.

Even though 1943 sales should not increase above 1942, but should remain the same, the more conservative estimates indicate that sales would exceed production by over 100 million pairs. This excess would have to come out of current stocks, resulting in a decrease of stocks of approximately 50%.

As a shortage developed, it may be expected that shoes usable for work or street wear would sell faster than luxury shoes and would virtually disappear from stores. Furthermore, shoe store stocks would become unbalanced as to sizes so that many customers could not be fitted.

These factors make it essential that the market be controlled and that the control be exercised before a serious shortage develops. By doing so while stocks are relatively large, stores can be allowed a large enough inventory to serve their customers in a normal way and each person can be allowed enough shoes to take care of his needs.

Some shoes will not be rationed under this program. Soft-soled slippers, moccasins, and infants' shoes are eliminated because the supply of leather used in them is ample for all needs. Hard-soled house and boudoir slippers are excluded because their production is being curtailed and the existing supplies can be permitted to disappear without causing any hardship. Waterproof rubber footwear is excluded because the types of which the supply is most critical are already rationed under Ration Order No. 6.

Under the plan used to ration shoes, consumers will buy shoes in almost the same way as they now buy sugar and coffee. At the outset, Stamp No. 17 in War Ration Book One will be used for shoes until June 15, 1943. The Office of Price Administration will announce what stamps are good for later periods. Ordinarily, the customer must tear the stamp from his book and give it to the person making the sale or delivery when the shoes are ordered or delivered. However, in case of a "mail order" the stamp may be sent in by mail when the order is given. Members of a family may use each other's stamps, but in all other cases a stamp may be used to get shoes only for the person to whom the War Ration Book was issued.

The normal needs of everyone will be met by the use of the war ration stamps. To take care of unusual cases where a person needs extra shoes to wear on his job or to protect his health he is permitted to get a special shoe stamp for this purpose by applying to his board.

Employers who furnish special shoes to employees who need them on their job, and institutions which furnish shoes for residents (including athletic shoes for students) are permitted to get a supply for that purpose by applying to a district office of the Office of Price Administration.

To have an effective rationing program, all sales of shoes must be controlled and dealers' inventories must be limited to what they need under rationing. Therefore, everyone dealing in shoes is required to register and file an inventory. In most cases, registration will take place by opening a "shoe ration bank account" at a bank, since the ration banking program will be used by the trade. At the time of registration each distributor will be given a credit of ration currency which he may use, in addition to the ration currency received from customers, to buy shoes. Members of the trade who have ration bank accounts may replace their inventory to the extent of sales, by depositing the stamps and other ration currency received from customers and drawing ration checks to their suppliers. The dealers will not open ration bank accounts nor file inventories until the program has been in operation for a month or more. Until that time they will buy and sell shoes within the trade on "credit". Shoes acquired in this period must be "paid for" when the establishment has filed its inventory.

To give dealers time to prepare for the rationing program, no one is allowed to buy or sell shoes until the first Tuesday after the order becomes effective.

§ 1404.101 *Rationing of shoes.* Under the authority vested in the Office of Price Administration and the Price Administrator by Executive Order 9125 issued by the President on April 7, 1942, by Directive 1 and Supplementary Directive 1-T of the War Production Board, issued January 24, 1942, and February 7, 1943, respectively, this Ration Order 17 (shoes) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1404.101 issued under Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, and 421, 77th Cong.; W.P.B. Directive No. 1, 7 F.R. 562, Supplementary Directive No. 1-T, 8 F.R. 1727; E.O. 9125, 7 F.R. 2719.

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ARTICLE I—HOW CONSUMERS BUY SHOES

(This part tells all one must know to get shoes for use)

SECTION 1.1 *Buyer must give up evidence of his right to buy shoes.* A person who wants to buy or otherwise acquire shoes for use may do so if he first gives the seller or other person making the transfer valid shoe ration currency. The ration currency used by a consumer may be a "war ration shoe stamp," a "special shoe stamp," or a "certificate". Ration currency may be used only to get shoes for the person for whom it was issued, except that a war ration stamp issued to a member of a family may be used to get shoes for any member of his family. Ration currency may be used during the time and in the way this order permits but not otherwise. (Some words are used in this order with

a special meaning. Examples are "acquire", "transfer", "person", "family", and "stamp". These terms are fully explained in section 3.13.)

SEC. 1.2 How war ration stamp is used. Everyone who has a valid war ration book may use each shoe stamp in it to get one pair of shoes. Section 1.16 tells what war ration stamps are for shoes and when they may be used. The stamp must be torn out of the war ration book in the presence of the supplier or his employee or a person making the delivery for him either when the shoes are ordered or when they are delivered. If the war ration stamp is removed in any other manner or at any other time it is void. However, when shoes are ordered by mail the stamp may be torn out of the book and sent with the order but the supplier may not deliver the shoes until he has received the stamp.

SEC. 1.3 War ration book turned over to boarding house may be returned to get shoes. A person who has turned his war ration book over to a boarding house, hospital, or a similar institution when required by Rationing Order, No. 3¹ (sugar) or Ration Order No. 12² (coffee) may get it back to use it to get shoes if the institution does not furnish his shoes. However, he must return it promptly.

SEC. 1.4 War Ration Book One may be issued for person confined in institution. If a person who is confined in an institution that does not furnish his shoes does not have War Ration Book One, either because he has never issued one or because he has surrendered it to his board, he may obtain one to use to get shoes, by applying to the board serving the area in which he lives. Someone else may apply for him if he is unable to do so himself. If a book is issued to him, the board shall remove from it all stamps except Stamps No. 17 and 18. He may, however, get a war ration book in a way permitted by other applicable ration orders.

SEC. 1.5 How to get extra shoes for one's own use. (a) Any person who needs extra shoes and who does not have valid shoe ration currency and can not obtain a war ration shoe stamp from a member of his family may get a special shoe stamp (or temporary shoe purchase certificate) to permit him to get the extra shoes he needs. He should apply to the War Price and Rationing Board serving the area in which he lives, on OPA Form R-1703. If it is impracticable for him to apply at the proper board, any Board may, in its discretion, accept and act on his application. (If he makes an application before the application forms are available, he may do it by writing a letter to the board giving all the information necessary to show his eligibility and need for the shoes.) He may mail or bring his application to the Board or may have someone else do so for him. In most cases, the applicant must sign the application himself, but if he is a minor, is legally incompetent, or is physically unable to sign it himself someone else may sign it as his agent. The board may require the applicant to ap-

pear before it to give more information before acting on the application and may deny an application of a person who has acquired or transferred shoes in violation of this order.

(b) Except for some special reason, everyone will be given the right to buy all the shoes he needs for ordinary wear by using the stamps in his war ration book. Therefore, a person does not have "need" for extra shoes: (1) if the kind of shoes he wants are furnished him by his employer or by an institution; or (2) if he has two or more pairs of wearable (or repairable) shoes of the kind wanted or which he could use for the same purpose; or (3) if he wants them simply for sportswear or to maintain his personal appearance; or (4) if he already has valid shoe ration currency, or he can obtain a war ration stamp from a member of his family, which he could use to get the shoes he wants. The board may also find that "need" does not exist if it would not be a hardship for the applicant to wait until his next shoe stamp is valid to get the shoes he wants.

(c) If a special shoe stamp (or temporary shoe purchase certificate) is issued, the board will write on it the date of issue and the serial number of the applicant's war ration book then being used for shoes. Until the special shoe stamps are available, the board will issue a temporary shoe purchase certificate (OPA Form R-306) instead of a special shoe stamp.

SEC. 1.6 How special shoe stamp is used. A person who gets a special shoe stamp in a way permitted by this order may use it within 30 days from the date it was issued to get one pair of shoes. Before using this stamp, he must write on it the serial number of his war ration book then being used for shoes (unless that number is already written on the stamp) and must show the war ration book having the same serial number to the person to whom he gives the stamp. However, when an order for shoes is given by mail, the stamp may be sent with the order and if that is done the war ration book need not be shown.

SEC. 1.7 Employers and institutions may get shoes. (a) Any employer who furnishes his employees with special shoes necessary for the performance of their jobs; any educational institution that furnishes its students with shoes of a special type required for athletic activities (including physical training); or any correctional or charitable institution that furnishes shoes to its residents may get certificates to acquire the number of pairs of shoes it needs for that purpose. To get the certificates, the employer or institution should apply (on OPA Form R-1702) to the District Office for the area where the institution, or the employer's principal business office is located. In emergencies, however, any District Office may accept and act on the application. The applicant shall furnish all the information called for by the form prescribed or needed to establish the eligibility and need for the number of pairs applied for. (Until the regular forms are available, the District Office will issue temporary shoe purchase

certificates and the employer or institution may apply by writing a letter to the District Office giving all the information necessary to show his eligibility and need for the shoes.)

(b) An employer or educational institution may get certificates under this section for not more than the number of pairs of shoes needed to give it a total supply of wearable shoes of the kind desired (including any already owned, whether in use or not, that are wearable or that can be repaired) equal to one pair for each employee or student to be supplied, plus a reserve of 10 per cent.

(c) A charitable or correctional institution may get certificates under this section for not more than the number of pairs of shoes needed of the kind applied for or a kind that could be used for the same purpose to give it a total supply of wearable shoes (including any already owned, whether in use or not, that are wearable or that can be repaired) equal to two pairs of shoes for each resident to be supplied, plus a reserve of 10 per cent.

(d) An employer or institution that gets shoes under this section may let its employees, students, or residents, as the case may be, use the shoes but it must keep title to them. However, if a member or resident of a charitable or correctional institution leaves the institution it may give him a pair of shoes to take with him.

SEC. 1.8 How certificates may be used. A person who gets a certificate (including a temporary shoe purchase certificate) in a way permitted by this order may use it only within 30 days from the date it was issued to get the number of pairs of shoes of the type permitted by the certificate. It may be used only by or for the person to whom it was issued. If it is sent with a mail order, the shoes may be delivered only to the name and address written on the certificate.

SEC. 1.9 A consumer may acquire shoes shipped before effective date of order. Any consumer may acquire shoes that were shipped or mailed to him before the effective date of this order, or that were wrapped, marked or held for delivery to him before the effective date of this order, if they are delivered to him or to a carrier for delivery to him before February 12, 1943. He need not give up a stamp or other ration currency to get them if they are delivered in this way. (As to imports, this section is limited by section 3.4.)

SEC. 1.10 Consumer may exchange shoes. Any consumer may return new shoes to the establishment from which he got them and with the latter's consent may get another pair in exchange or may get back a special shoe stamp if the establishment accepts the shoes returned and also refunds the full purchase price. If he is given a special shoe stamp, the person giving it to him must write on it the date of its issue. (Until special shoe stamps are available, he will be given a loose War Ration Stamp No. 17 with a receipt for the returned shoes and he may use this Stamp to get one pair of shoes. If he takes this stamp to another store, he must give the receipt for the refund and the

¹ 7 F.R. 5710.

² 7 F.R. 2985.

stamp to his supplier. He may, however, send the stamp with an order by mail without enclosing the refund receipt.)

SEC. 1.11 District Office may issue certificate to welfare agency. To avoid hardship caused by flood, tornado, or other public disaster, a District Office or the National Office may issue shoe purchase certificates to the American Red Cross (or any of its branches) or other recognized welfare agency (on written application made on OPA Form R-1702) to permit it to acquire shoes for free distribution to persons who lose their shoes in the catastrophe. (Before the regular forms are available the District or National Office will issue temporary shoe purchase certificates and the welfare agency may apply by writing a letter to the District or National Office showing the need for the shoes.) Shoes acquired by the welfare agency with certificates so issued may be transferred to anyone having need for them as a result of a catastrophe, without getting ration currency for them.

SEC. 1.12 Anyone may acquire used shoes. Anyone may acquire used shoes without giving up ration currency. However, shoes returned for exchange under section 1.10, shoes acquired by employers and institutions under section 1.7, and shoes used for wear-testing or as samples may not be transferred or acquired as used shoes. (The term "used" is explained in section 3.13.)

SEC. 1.13 Anyone may acquire non-rationed shoes. Anyone may acquire, without giving up a stamp or other ration currency, shoes that have been marked non-rationed as allowed under section 2.11 of this order.

SEC. 1.14 Members of armed services may acquire shoes. (a) Any member of the armed services of the United States may acquire shoes furnished or sold him by his branch of the armed services, without surrendering ration currency.

(b) Any member of the armed services of the United States who wants shoes that he cannot get from his branch of the armed services and who does not have a war ration shoe stamp may get certificates for the shoes he needs. Certificates for this purpose may be issued by an authorized officer of his branch of the armed services.

SEC. 1.15 Erasures, changes, and mutilation invalidates stamps and certificates. Any omission, erasure, or change on a special shoe stamp or a shoe purchase certificate makes it void. A stamp that has been torn or mutilated is valid only if more than one half of it remains intact when presented, and, in the case of a special shoe stamp, only if it shows the date of issue and the serial number of the holder's war ration book. A certificate that is torn shall be valid only if the remaining portion can be read and shows the date, the number of pairs for which it is good, the name of the holder, and the signature of the issuing officer.

SEC. 1.16 What war ration stamps are for shoes. The following schedule shows what stamps are evidence of a right to acquire shoes and the time they are valid.

War ration book number	Stamp number	Valid period (For men's, women's, and children's shoes)
One-----	17	First Tuesday after effective date of order to June 15, 1943, inclusive

ARTICLE II—HOW THIS ORDER AFFECTS THE TRADE

(This part should be read by everyone who deals in shoes)

SECTION 2.1 Shoe sales are frozen for one day. No establishment may transfer new shoes to a consumer until the first Tuesday after the effective date of this order.

SEC. 2.2 Shoes on order may be acquired or transferred without ration currency in some cases. (a) An establishment may acquire shoes without giving up ration currency, if the shoes had been shipped or mailed to the establishment before this order became effective. (In the case of imports, this provision is limited by section 3.4.)

(b) At any time before the first Friday after this order becomes effective an establishment may deliver shoes to a consumer, or to a carrier for such purpose, without getting ration currency, if the shoes had been ordered by the consumer and they had been wrapped, marked, or held for delivery to him before this order was in effect.

SEC. 2.3 Establishments must file inventory. (a) Every establishment must file an inventory of its supply of shoes and ration currency (on OPA Form R-1701) before a date to be announced by the Office of Price Administration. After that date, no establishment may transfer or acquire new shoes until it has filed an inventory in the way required by this order. The inventory shall be taken as of the close of business on the last Saturday before the date set for filing inventories. All information required by the inventory form must be furnished. The inventory shall include: (1) All new shoes (by types) located in the establishment, other than those which are there only for repair; (2) all new shoes owned by the establishment which are stored in a public warehouse or are in the hands of another for repair; (3) the amount of ration currency on hand (by pairs of shoes); (4) the number of pairs of shoes transferred by it for which ration currency is owed to it; (5) the number of pairs of new shoes transferred by it to exempt persons or agencies; and (6) the number of pairs of shoes acquired by it for which it owes ration currency. A person who owns two or more establishments and has new shoes stored in a public warehouse must include all of them in the inventories of his establishments, but may allot the shoes in the public warehouse to such of his establishments as he wants.

(b) If the establishment opens a shoe ration bank account, the inventory shall be filed at the bank; otherwise, it must be filed at the District Office.

SEC. 2.4 Establishments must open ration bank accounts. Every establishment must open a shoe ration bank ac-

count before a date to be announced by the Office of Price Administration unless it does not have access to ration banking facilities. After that date, only ration checks drawn to the account of the establishment transferring the shoes may be used as ration currency for transfers of shoes between establishments. However, if an establishment has notified the District Office that it does not have access to a bank which handles ration bank accounts, it may send stamps or certificates to its supplier in the manner provided in section 2.8.

SEC. 2.5 How to open a shoe ration bank account. (a) A separate account must be opened for each establishment even though two or more are owned by the same person. There may be two or more establishments at the same location if separate records and inventories are kept.

(b) If an establishment already has a ration bank account for some other commodity it must open its shoe ration bank account at the same bank. Otherwise it may open its account at the bank where it has its regular checking account; or if it does not have a regular checking account, it may open its account at any convenient commercial bank. To open the account, the owner of the establishment must file with the bank its inventory (on OPA Form R-1701) and a signature card to show who may sign ration checks for the establishment. All distributors who are entitled to a shoe purchase allowance under section 2.6 may make out and present a deposit slip for the amount of the shoe purchase allowance, which will be credited to the account.

SEC. 2.6 Distributors entitled to initial allowance. When its inventory is filed, each distributing establishment will be given a shoe purchase allowance which it may use, in addition to the ration currency received from customers, to acquire shoes and to repay its suppliers for shoes received from them on "credit" under the next section. The amount of this shoe purchase allowance will be 50 per cent of the number of pairs of new shoes properly included in the establishment's inventory. If the inventory is filed at the District Office, the District Office will issue a certificate to the establishment for the amount of its shoe purchase allowance.

SEC. 2.7 Establishments may deal in shoes—(a) Transfer must be made for ration currency. An establishment may transfer shoes to a consumer or to another establishment if it first gets valid ration currency from him. However, until the establishment has filed its inventory, stamps, certificates, or other ration currency received from customers must be kept by the establishment that first received them; such ration currency may be transferred to another establishment only as permitted by section 2.8.

(b) *Credit may be given for ration currency for limited period.* Until the time set for filing the inventory, shoes may be transferred between establishments which were in business on the effective date of this order without the giving up of ration currency in advance. When

the establishment getting the shoes has filed its inventory it must within ten days give its supplier valid ration currency for the number of pairs of new shoes received. It may not give ration currency to suppliers for other shoes until it has sent ration currency to its supplier for all shoes received under this paragraph. (An establishment that was not in business on the effective date of this order may acquire shoes in this manner if it has notified the District Office of its opening and has received an acknowledgement of the filing of the notice.)

Sec. 2.8 Distributors having no access to ration banks use ration currency. Any distributor who has notified the District Office that he is unable to open a ration bank account because there are no ration banking facilities in the area he serves, shall use stamps and certificates which he has received (including ration currency received as an initial allowance) to repay his suppliers for shoes shipped on "credit" before the date set for the filing of inventories. After all ration "debts" have been repaid, he may replenish his stock by sending stamps and certificates to his supplier for the number of shoes ordered. Ration currency may be forwarded to a supplier only within the time it is valid for deposit as provided in the next section. An establishment forwarding a certificate to a supplier must endorse its name on the reverse side.

Sec. 2.9 How to deposit ration currency—(a) Time for depositing is limited. A war ration stamp received by an establishment may be deposited to its shoe ration bank account within 30 days after the end of its valid period. A special shoe stamp or certificate (including the temporary shoe purchase certificate) may be so deposited within 60 days after the date of its issue. Stamps or certificates not deposited within such time are void. (There is no limit on the time when shoe ration checks may be deposited.)

(b) **Endorsement.** Before depositing a ration check or certificate the establishment should endorse it.

(c) **Deposit slips are used.** When ration currency is deposited, the items should be listed on a deposit slip, in duplicate, as on the form provided by the bank for that purpose (for other rules on the use of shoe ration bank accounts, see General Ration Order No. 3A, which covers ration banking).

Sec. 2.10 Refunds to consumers made with Special Shoe Stamps. An establishment that is unable to fill a consumer's order for which it has received valid ration currency, and an establishment making a refund for returned shoes as permitted by section 1.10, must return to the consumer a special shoe stamp as a refund for the currency or shoes received. It must write the date of issue on each stamp so refunded. It may get special shoe stamps for this purpose from its Board, in exchange for a certified ration check drawn to the account of the Office of Price Administration or in exchange for war ration shoe stamps received from customers. (Until the establishment opens its bank account it may return to the consumer any War

Ration Stamp No. 17 it has received if it also returns a receipt for the shoes returned or the ration currency received.)

Sec. 2.11 Establishments may be allowed to mark shoes "non-rationed". Because there may be little demand under rationing for some kinds of shoes now in stock, provision will be made, if necessary, to allow establishments to mark certain shoes as "non-rationed" and to transfer them without getting ration currency. When full information of consumer buying trends under rationing is secured, the Office of Price Administration will announce the way to apply for the necessary approval.

Sec. 2.12 Shoes may be used for wear-testing or as samples. (a) A manufacturer may use shoes for wear-testing them and for this purpose may let its employees or others use them without getting ration currency.

(b) An establishment may use shoes as samples and for this purpose may furnish single shoes (not a pair) to salesmen or to other establishments, without getting ration currency.

(c) An establishment furnishing new shoes to another under this section must keep title to the shoes unless ration currency is received for them or they are permitted to be sold as "non-rationed" shoes under the above section. They may not be considered to be "used" shoes. Separate records must be kept of all shoes used or transferred under this section.

Sec. 2.13 Establishments must keep records. (a) Every establishment shall furnish an invoice to each person (other than an individual consumer) to whom it makes a transfer of shoes. The invoice must contain the date of transfer, the number of pairs transferred, the price per pair and in total, and the name and address of the person (or establishment) to whom the transfer is made.

(b) Each establishment shall keep the following records for at least two years:

(1) All invoices received for shoes acquired;

(2) Copies of all invoices furnished by it pursuant to the above paragraph;

(3) Records of any new shoes acquired for which invoices were not received containing the same information as is called for by the above paragraph;

(4) The number of pairs of new shoes transferred to consumers, to other establishments, and to any person from whom ration currency is not required;

(5) An inventory of its stock of shoes, by types as listed on OPA Form R-1701, taken at six-month intervals;

(6) The number of pairs of shoes manufactured, by types as listed on OPA Form R-1701; and

(7) Copies of any reports of shoe production or transfers made to the Office of Price Administration or any other Government agency.

(c) All records required to be kept shall be made available for inspection by an authorized representative of the Office of Price Administration.

Sec. 2.14 Manufacturers report shoes shipped. Each manufacturer shall make such reports concerning production and transfers of shoes as the Office of Price Administration may require. Copies of the form on which the report is to be made, together with instructions, will be

furnished by the Office of Price Administration.

Sec. 2.15 Replacement certificates may be issued to distributors. (a) Any registered distributing establishment whose ration currency has been destroyed, damaged, lost, or stolen, or whose shoes have been: (1) taken from him by judicial process, or the enforcement of a security interest, (2) exported, delivered as slop-chest supplies, or as supplies to Ships' Service Stores Afloat, or transferred to or for the account of an exempt person or agency without getting ration currency, or (3) damaged, destroyed, lost, or stolen, may get a certificate to replace the ration currency or shoes, as the case may be. Application for the replacement certificate should be made to the District Office (on OPA Form R-1704) and should show the facts necessary to establish the eligibility for the replacement certificate, including all information required by the form prescribed.

(b) If an establishment should recover shoes or ration currency for which a replacement certificate has been issued under this section it shall within five days deliver to the District Office ration currency of a kind prescribed by the Office of Price Administration for the number of pairs of shoes, or the amount of the ration currency, so recovered.

Sec. 2.16 New businesses may get inventory allowance. Any new establishment, opened in good faith after the time set for filing inventories, may get a shoe purchase allowance in the form of a certificate for the number of pairs of shoes it needs to service its expected customers. (Except for some unusual reason, the establishment will not be allowed an inventory of more than its expected sales for six months.) Application should be made (on OPA Form R-1704) to the District Office serving the area in which the establishment is or will be located and should contain all information required by the form or necessary to establish the number of pairs of shoes it needs. The District Office may issue a certificate to the applicant on such terms as it may prescribe and permit him to open an account. The establishment should open the account by filing an inventory (on OPA Form R-1701) and a signature card, and by depositing the certificate at the bank where it has its regular checking account (or at any convenient commercial bank if it does not have a checking account.) The District Office may require the applicant to make subsequent reports to it of his actual sales and may adjust his inventory accordingly by giving him a certificate for additional shoes or requiring him to surrender ration currency for any stock above his needs.

Sec. 2.17 Establishment may get increased inventory. An establishment which has not made an application within six months to get extra shoes may get certificates for the extra shoes it needs to service its normal share of the customers in its area, if (a) it is unable to service its customers because its stock of shoes was greatly below normal when

it opened its ration bank account; or (b) the volume of its normal sales (or other transfers) during the period since the effective date of this order has increased to the extent that it cannot service its normal share of the customer demand in its area. Application should be made (on OPA Form R-1704) to the District Office serving the area in which the establishment is located and should contain all facts necessary to establish its need for the extra shoes.

ARTICLE III—GENERAL PROVISIONS

(This part should be referred to when special problems arise)

Other Transfers Permitted

SECTION 3.1 Transfers to carriers, warehouses, and repair shops permitted. Shoes may be transferred to or from a carrier or a public warehouse in connection with their shipment or storage, and to or from a shoe repair shop in connection with their repair, without the giving up of ration currency. (This does not permit a transfer of title to the shoes in violation of other provisions of this order.)

SEC. 3.2 Transfer of damaged, lost, or stolen shoes permitted. (a) Shoes that have been substantially destroyed so as to be no longer usable as shoes may be transferred to anyone without getting ration currency.

(b) A person whose shoes have been lost or stolen may get them back without giving up ration currency. If a distributor has received replacement certificates for them, he must send ration currency (of a type to be prescribed by the Office of Price Administration) to the District Office for the number of pairs of shoes returned.

(c) Shoes that have been damaged but which are still usable as shoes and undamaged shoes mingled therewith, shoes that were stolen, and shoes in imminent danger of being damaged or stolen may be acquired without the surrender of ration currency, for the purpose of transfer only, by: (1) Persons lawfully engaging in the insurance business and common or contract carriers in connection with the right of subrogation or by virtue of the payment by them of a claim for damage to or loss of the shoes; and (2) persons performing public fire or safety functions, warehousemen, or persons engaged primarily in the business of adjusting losses and selling or reconditioning and selling damaged commodities, who take possession of or receive them on the occurrence or imminence of casualties.

(d) A transfer of the shoes by any person included in paragraph (c) of this section may be made without the surrender of ration currency to another person so included, or to the owner, or to the person from whose lawful custody the shoes were taken. All other transfers of the shoes (if new) must be made in exchange for ration currency. Any ration currency so received must be surrendered to a District Office within five days.

SEC. 3.3 Transfer by operation of law or for security purposes permitted. (a) Any person may acquire shoes or a lien

thereon, without giving up ration currency, for permissible transfer only, if the shoes are acquired or the lien is created through judicial process, operation of law, or through an order issued by a court of competent jurisdiction. (A State or the United States or any agency of a State or the United States may do so through the enforcement of statutory rights against the shoes.)

(b) A lien may be created on shoes for security purposes, without the surrender of ration currency, in favor of: (1) A State or the United States or any agency or political subdivision of a State or the United States; (2) any person licensed by a State or the United States to engage in the business of making loans upon collateral; and (3) any person if the lien is or is to be on all or substantially all of the shoes owned by an establishment or on all or substantially all of the business assets of an employer-consumer.

(c) Shoes or any interest in shoes acquired pursuant to this section may be returned to the person from whom acquired, or a lien on shoes may be released, without the surrender of ration currency. (If a distributor has received replacement certificates for them, he must send ration currency (of a type prescribed by the Office of Price Administration) to the District Office for the number of pairs of shoes returned.)

(d) Any person holding a lien on shoes or a security interest in shoes permitted by this section or created before this order became effective may enforce the security interest or lien in the manner provided by applicable laws.

(e) New shoes acquired by a person under this section (except when returned to a person who had owned them for use) may not be used by him and may be transferred only in exchange for ration currency. Any ration currency so received must be surrendered to a District Office within five days.

SEC. 3.4 Shoes may be imported. (a) New shoes may be brought into the continental United States (the forty-eight States and the District of Columbia) from an outside point if they are delivered to the Collector of Customs at the point of entry. They may be delivered to him without getting ration currency.

(b) The Collector may release the shoes without getting ration currency if the shoes (1) were imported by one of the exempt agencies referred to in section 3.6; (2) were imported as a part of the personal effects of a consumer who had not been in the continental United States during the previous 30 days; or (3) were shipped or mailed before the effective date of this order and released by the Collector within 30 days after such effective date.

(c) In all other cases the Collector may return or otherwise transfer the shoes if he first gets valid ration currency for the number of pairs of new shoes so transferred. A shoe distributor who desires to get new shoes from the Collector under this paragraph must give him a certificate or a certified ration check drawn to the account of the Office of Price Administration. (A cer-

tificate may be secured for this purpose from the District Office on such terms as it may provide as to the giving up of other ration currency.)

(d) Ration currency received by the Collector of Customs shall be delivered, at least once each calendar month, to the District Office for the area in which the ration currency is received.

SEC. 3.5 Shoes may be exported. Any person may export shoes to a foreign country under an export license issued by the Board of Economic Warfare, or may ship to a territory, possession, or dependency of the United States (other than the District of Columbia), or may transfer shoes to another as slop-chest supplies for use of crew members aboard any ocean-going vessel operating in foreign, coastwise, or intercoastal trade, or to Ships' Service Stores Afloat, without getting ration currency.

SEC. 3.6 Shoes may be transferred to exempt persons. (a) Any person may transfer shoes to any of the exempt agencies or persons or for the account of any of the government agencies listed in the next paragraph, without getting ration currency.

(b) The exempt agencies and persons to which this section applies are:

- (1) The Army and Navy of the United States;
- (2) U. S. Maritime Commission;
- (3) The Panama Canal;
- (4) The Coast and Geodetic Survey;
- (5) Civil Aeronautics Authority;
- (6) National Advisory Commission for Aeronautics;
- (7) The Office of Scientific Research and Development;
- (8) The Office of Lend Lease Administration;
- (9) The War Shipping Administration;
- (10) Any agency of the United States to the extent it acquires shoes for export to and use in a foreign country or a Territory, Possession, or Dependency of the United States (other than the District of Columbia); and
- (11) Any person acquiring shoes for export to and use in any foreign country under an export license issued by the Export Control Branch, Office of Exports, Board of Economic Warfare.

(c) A person who acquires shoes under this section "for the account of" one of the above exempt government agencies without giving up ration currency (for example, a contractor who has a war contract with an exempt government agency) must give his supplier a written signed statement that the shoes to be acquired will become the property of the exempt government agency and that it will keep title to them, and a copy of his war contract or other proof to support the statement.

SEC. 3.7 Transfer of business. Any person who buys (or otherwise acquires) substantially all of the assets of any business, institution, or establishment may acquire any shoes which are a part of the assets, without giving up ration currency. However, a person may get new shoes from a shoe distributor or manufacturer under this section only if he first gets the approval of the District Office and complies with terms it may set.

Prohibited Acts Relating to Shoes and Certificates

SEC. 3.8 *Transfer of shoes is prohibited.* No person shall transfer or acquire shoes (or offer to do so) except in accordance with this order.

SEC. 3.9 *Evidences generally not transferable.* No person shall use, possess without authority, or transfer a stamp, certificate, or ration check except as permitted in this order.

Appeals and Suspension Orders

SEC. 3.10 *Persons affected may appeal.* Any person directly affected by the action of a Board, State Director, District Manager, or Regional Administrator taken with respect to any matter before him under this Order may appeal from the action in the way permitted by Procedural Regulation No. 9.⁵ (Uniform Appeals Procedure)

SEC. 3.11 *Violators may lose right to rationed products.* Any person who violates this order may, by administrative suspension order, be prohibited from acquiring or transferring new shoes or other rationed products for such period as in the judgment of the Administrator is necessary or appropriate in the public interest and to promote national security.

Scope of Ration Order No. 17

SEC. 3.12 *Where this order applies.* Ration Order No. 17 shall apply within the 48 States of the United States and the District of Columbia.

DEFINITIONS

SEC. 3.13 *Terms explained.* (a) When used in this order the term:

- "Account" means the shoe ration bank account opened for an establishment at a bank pursuant to this order.
- "Acquire" means to accept a transfer.
- "Bank" means the bank at which the shoe ration bank account of an establishment is opened.
- "Board" means a war price and rationing board or the war price and rationing board having jurisdiction over a certain person or establishment, as the language indicates. The term also includes the war plant area boards authorized to act on applications under this order.
- "Certificate" means a shoe purchase certificate (OPA Form R-1705A or 1705B) or a temporary shoe purchase certificate, or both, as the language indicates.
- "Convert to use" means to use shoes held for some purpose other than use, whether or not there is a change of ownership or possession.
- "Consumer" means any individual acquiring or seeking to acquire shoes for personal use, or an employer or institution acquiring or seeking to acquire shoes for the use of its employees, students, residents, or members.
- "District Office" means a District Office of the Office of Price Administration, or the District Office of the Office of Price Administration having jurisdiction over a certain person or establishment, as the language indicates. If there is no District Office serving an area, the term means the State Office of the Office of Price Administration serving the area.
- "Distributing establishment" means a business, other than a manufacturing establishment or public warehouse, conducted

at a certain location from which shoes are sold or at which shoes are stored.

"Distributor" means any person operating a distributing establishment.

"Establishment" means a manufacturing or distributing establishment, or both, as the language indicates.

"Family" means a group of two or more persons living in the same household who are related by blood, marriage, or adoption.

"Manufacturing establishment" means a business manufacturing, processing, or assembling shoes. All factories, warehouses, storage places, salesrooms, and distributing agencies owned by one person may constitute one manufacturing establishment. However, if more than 50% of the dollar value of the shoes transferred by the warehouse, storage place, salesroom, or distributing agency is to consumers it may not be considered a part of a manufacturing establishment.

"Manufacturer" means any person operating a manufacturing establishment. However, if a manufacturer acquires or transfers shoes not manufactured by him, he is a distributor as to the shoes so acquired or transferred.

"New", as applied to shoes, means any shoes other than "used" shoes.

"Person" includes an individual, institution, corporation, partnership, association, business trust, or any organized group or enterprise, and includes the United States or any agency thereof and any government or any political subdivision or agency thereof.

"Ration currency" means the evidence of authority to acquire shoes and includes war ration stamps, special shoe stamps, shoe purchase certificates, temporary shoe purchase certificates, and shoe ration checks.

"Shoes" means any footwear made in whole or in part of leather or with rubber soles, except: hard-soled boudoir or house slippers; soft-soled slippers; soft-soled infant shoes; soft-soled moccasins; or waterproof or snow and water repellent rubber boots or rubber work shoes, stocking-foot waders, arctics, gaiters, overshoes, galoshes, work rubbers, lumberman's overs, dress rubbers, or footholds.

"Stamp" means a war ration stamp contained in a war ration book and designated for shoes or a special shoe stamp, or both, as the language indicates.

"Temporary shoe purchase certificate" means a certificate issued pursuant to this order in lieu of a shoe purchase certificate or special shoe stamp. It shall consist of OPA Form R-306 (sugar purchase certificate) with all reference to "sugar" crossed out and the word "shoes" written in instead.

"Transfer" means convert to use, sell, lease, lend, trade, exchange, give, ship, deliver,

physically transfer to another in any manner, or make any transaction involving a change in possession, right, title, or interest; when used as a noun the term means a conversion to use, sale, lease, loan, trade, gift, exchange, shipment, delivery, physical transfer to another in any manner, and any transaction involving a change in possession, right, title, or interest.

"Used", as applied to shoes, means any shoes that have been used as footwear to the extent that they cannot be sold as new. However, shoes which, after the effective date of this order, are used as samples or for wear-testing or which are returned to an establishment by a customer may not be considered as used shoes.

(b) Words of the masculine gender shall also denote the feminine and neuter genders; words of the singular shall also denote the plural; and vice versa.

(c) When any right or duty is conferred or imposed upon an establishment by this order, the right or duty must be deemed to be conferred or imposed upon the owner of the establishment.

Effective Dates

This Ration Order No. 17 shall become effective at 3:00 p. m. February 7, 1943. Issued this 7th day of February, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2050; Filed, February 8, 1943; 11:46 a. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 191 Under § 1499.18 (b) of GMPR]

THE MABEX COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1092 *Adjustment of maximum prices for sales of naphthalene, paradichlorobenzene and pine disinfectant products by The Mabex Company.* (a) The Mabex Company, of Philadelphia, Pennsylvania, may sell and deliver, and any purchaser may buy and receive, the naphthalene, paradichlorobenzene and pine disinfectant products manufactured by The Mabex Company (and described in its Catalog No. 100, attached to its amended petition for adjustment, Docket No. GF3-2152, filed with the Office of Price Administration), at the following maximum prices:

Manufacturer's description	Commodity	Size	Maximum price per dozen
No. 1 Moth Block	Naphthalene	Ounce 2.5	\$0.40
No. 3 Butterfly Moth Cake	Naphthalene	2.5	.68
No. 5 Pine Scented Moth Cakes	Naphthalene	6	.72
No. 7 Pararoma	Paradichlorobenzene	2	.40
No. 9 Toilet Bowl Deodorant	Naphthalene	2	.40
No. 11 Pararoma	Paradichlorobenzene	4.5	.68
No. 13 Rose Scented Moth Cakes	Naphthalene	2	.40
No. 18 Rose Scented Moth Cake	Naphthalene	5	.69
No. 23 Pararoma Discs	Paradichlorobenzene	3.5	.75
No. 24 Pararoma Discs	Paradichlorobenzene	8	1.37
No. 25 Toilet Bowl Deodorant	Paradichlorobenzene	2	.58
No. 27 Moth Ball Cake	Naphthalene	1.5	.20
No. 29 Pine Scented Moth Cakes	Naphthalene	6	.75
No. 30 Pararoma Moth Cake	Paradichlorobenzene	3	.70
No. 34 Pararoma Gems	Paradichlorobenzene	4	.70
Nos. 40 and 41 Moth Nuggets and Moth Crystals	Paradichlorobenzene	16	1.95
No. 44 Vaporizer	Paradichlorobenzene	2	.72
No. P4 Pine Disinfectant	Pine Disinfectant	4	.72

⁵ 7 F.R. 8796.

(b) The maximum prices listed in the preceding paragraph shall be subject to terms and conditions of sale no more onerous than those in effect during March, 1942.

(c) The Mabex Company shall cause the following notice to be sent in writing

to its purchasers at or before each initial sale after the effective date of this order:

The Office of Price Administration has permitted us to raise our maximum prices for sales to you of the following naphthalene, paradichlorobenzene and pine disinfectant products, to the prices set forth below:

Manufacturer's description	Commodity	Size	Maximum price per dozen
No. 1 Moth Block	Naphthalene	Ounce 2.5	\$0.40
No. 3 Butterfly Moth Cake	Naphthalene	2.5	.68
No. 5 Pine Scented Moth Cakes	Naphthalene	6	.72
No. 7 Pararoma	Paradichlorobenzene	2	.40
No. 9 Toilet Bowl Deodorant	Naphthalene	2	.40
No. 11 Pararoma	Paradichlorobenzene	4.5	.68
No. 13 Rose Scented Moth Cakes	Naphthalene	2	.40
No. 18 Rose Scented Moth Cake	Naphthalene	5	.69
No. 23 Pararoma Discs	Paradichlorobenzene	3.5	.75
No. 24 Pararoma Discs	Paradichlorobenzene	8	1.37
No. 25 Toilet Bowl Deodorant	Paradichlorobenzene	2	.58
No. 27 Moth Ball Cake	Naphthalene	1.5	.20
No. 29 Pine Scented Moth Cakes	Naphthalene	6	.75
No. 30 Pararoma Moth Cake	Paradichlorobenzene	3	.70
No. 34 Pararoma Gems	Paradichlorobenzene	4	.70
Nos. 40 and 41 Moth Nuggets and Moth Crystals	Paradichlorobenzene	16	1.95
No. 44 Vaporizer	Paradichlorobenzene	2	.72
No. P4 Pine Disinfectant	Pine Disinfectant	4	.72

This increase represents only that part of cost increases which we were unable to absorb, and it was granted with the understanding that retail prices would not be raised. The Office of Price Administration has not permitted you or any other seller to raise maximum prices for sales of these products.

(d) All prayers of the petitioner not granted herein are denied.

(e) This Order No. 191 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 191 (§ 1499.1092) shall become effective February 6, 1943.

(Pub. Laws 421 and 479, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1943; Filed, February 5, 1943; 11:52 a. m.]

Chapter XIII—Petroleum Administration For War

[Petroleum Administrative Order 7]

PART 1545—PETROLEUM SUPPLY

The fulfillment of requirements for the defense of the United States has created in certain areas a shortage in the supply of barges for the movement of petroleum, particularly 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 petroleum, particularly fuel oil, for military and other essential uses:

§ 1545.3 *Petroleum Administrative Order 7—(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) "Motor fuel" means liquid fuel, except Diesel fuel, used for the propulsion of motor vehicles or motor boats and shall include any liquid fuel to which Federal gasoline taxes apply except liquid fuel used for the propulsion of aircraft.

(3) "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.

(4) "District Two" means the States of Ohio, Kentucky, Tennessee, Michigan, Indiana, Wisconsin, Illinois, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas, and Oklahoma.

(5) "District Three" means the States of Alabama, Mississippi, Arkansas, Louisiana, Texas, and New Mexico.

(6) "Zone 6" means the States of West Virginia, New York, and Pennsylvania, except the entire eastern part of the State of New York up to and including the Counties of Cayuga, Tompkins, and Chemung and the entire eastern part of the State of Pennsylvania up to and including the Counties of Bradford, Sullivan, Columbia, Montour, Northumberland, Dauphin, and York.

(b) *Prohibited movement of motor fuel.* (1) No person may deliver or otherwise supply, directly or indirectly, motor fuel by barge from within District Three to any person in Zone 6 and no person within Zone 6 may accept a barge delivery of motor fuel from within District Three, except the delivery by barge of motor fuel from within District Three to Zone 6 for transshipment by pipe line from Zone 6 to any point in District One outside of Zone 6: *Provided*, That the provisions of this paragraph shall not apply to the delivery of any motor fuel which, on the issuance date of this order, was loaded in barges and consigned to Zone 6.

(2) No person may deliver or otherwise supply, directly or indirectly motor

fuel by barge from within District Two to any person in the State of West Virginia, and no person within the State of West Virginia may accept a barge delivery of motor fuel from within District Two: *Provided*, That the provisions of this paragraph shall not apply to the delivery of any motor fuel which, on the issuance date of this Order, was loaded in barges and consigned to any person in the State of West Virginia.

(c) *Directed deliveries.* The Petroleum Administrator for War may from time to time issue directions to any person with respect to the delivery of motor fuel from within District Two or District Three to District One.

(d) *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 Petroleum Administrator for War. Such appeal shall be filed in quadruplicate and shall be addressed to the Director of Transportation, South Interior Building, Washington, D. C., Ref: PAO 7.

(e) *Violations.* Any person who willfully 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 willfully 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.

(f) *Effective date.* This order shall expire on March 10, 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 5th day of February 1943.

R. K. DAVIES,
Acting Petroleum
Administrator for War.

[F. R. Doc. 43-1973; Filed, February 5, 1943; 4:46 p. m.]

Chapter XVII—Office of Civilian Defense

[Regulations 2, Amendment 1 to Supp. Order 2 (Revised)]

PART 1902—INSIGNIA

SPECIFICATIONS FOR EMERGENCY VEHICLE IDENTIFICATION HEADLAMP MASKS

By virtue of the authority vested in me as Director of Civilian Defense by Executive Order No. 8757, dated May 20, 1941, as amended by Executive Order No. 9134, dated April 15, 1942, and pursuant to § 1902.2 of this chapter (section 2 of Office of Civilian Defense Regulations No. 2), *It is hereby ordered*, That § 1902.51 of this chapter (section 1 of supplementary Order No. 2 (Revised), dated October 23, 1942, to Office of Civilian Defense Regulations No. 2) is hereby amended by adding thereto a new paragraph (p), as follows, and by amending § 1902.52 of this chapter accordingly:

§ 1902.51 * * *

(p) *Emergency vehicle identification headlamp masks.* The Civilian Defense basic insignie, 2½ to 3 inches in diameter, may be embodied on the lower half of a removable opaque headlamp mask. The letters "CD" and the three segments of the surrounding circular field shall be translucent green, the triangle on which the letters "CD" are superimposed shall be opaque. All opaque portions are to be black. This mask may be made of any suitable material which can be easily, quickly, and securely fastened to the right front headlight.

§ 1902.2 of Chapter XVII under E.O. 8757, 6 F.R. 2517; E.O. 9134, 7 F.R. 2887)

Dated: February 4, 1943.

[SEAL] JAMES M. LANDIS,
Director of Civilian Defense.

[F. R. Doc. 43-1972; Filed, February 5, 1943; 4:40 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—ADJUDICATION: DISALLOWANCE AND AWARDS

ADJUDICATION UNDER PRIOR LEGISLATION

§ 3.1343 *Appeals entered prior to March 20, 1933.* Where in original claims and claims for increase of pension, compensation, or emergency officers' retirement pay, rating or appellate action has been taken adversely to the veteran, but the claim has been continuously prosecuted, a proper appeal has been entered prior to March 20, 1933, the appeal will be considered by the board of veterans' appeals on the proofs and evidence received by the Veterans' Administration prior to March 20, 1933, and monetary benefits awarded and paid, if in order, in accordance with the provisions of such prior legislation and the Veterans' Administration issues applicable. (Pub. Law 78, 73d Cong.) (February 9, 1943) [48 Stat. 310; 38 U. S. C. 722]

FRANK T. HINES,
Administrator of
Veterans' Affairs.

[F. R. Doc. 43-2022; Filed, February 8, 1943; 9:36 a. m.]

TITLE 46—SHIPPING

Chapter I—Customs

Subchapter A—Documentation, Entrance and Clearance of Vessels, Etc.

[T. D. 50811]

TRANSPORTATION OF MERCHANDISE BETWEEN PUERTO RICO AND U. S. IN FOREIGN REGISTRY VESSELS

WAIVER OF COASTWISE LAWS

FEBRUARY 5, 1943.

Section 27 of the Merchant Marine Act, 1920, as amended, waived to permit vessels of foreign registry to transport merchandise between points in Puerto

Rico and points in the continental United States under certain conditions.

An order waiving compliance with the provisions of section 27 of the Merchant Marine Act, 1920, as amended.

Upon the written recommendation of the Administrator of the War Shipping Administration and by virtue of the authority vested in me by the provisions of section 501, of the Second War Powers Act, 1942 (Public Law 507, 77th Cong.), I hereby waive compliance with the provisions of section 27 of the Merchant Marine Act, 1920, as amended (46 U.S.C. 883), to the extent necessary to permit any foreign vessel of 50 gross tons or over to transport merchandise between points in Puerto Rico and points on the Atlantic or Gulf coasts of the United States on condition that:

(a) None of the merchandise so transported shall be transhipped while en route between Puerto Rico and the continental United States; and

(b) The collector of customs at the port of departure of the vessel has been notified by the representative of the War Shipping Administration whose district embraces that port that:

(1) The vessel is in possession of a United States ship's warrant;

(2) All cargo laden on board in the continental United States and destined for Puerto Rico has been approved by a representative of the War Shipping Administration and by the Department of the Interior, or that all cargo laden on board in Puerto Rico and destined for the continental United States has been approved by the representative of the War Shipping Administration at San Juan, Puerto Rico, as the case may be; and

(3) The requirements for filing rates pursuant to the applicable statute and regulations of the United States Maritime Commission have been complied with.

I deem that such action is necessary in the conduct of the war.

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 43-2020; Filed, February 6, 1943; 3:53 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations [Service Order 100]

PART 96—JOINT USE OF TERMINALS

PORTIONS OF TERMINALS AT BIRMINGHAM, ALA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 5th day of February, A. D. 1943.

It appearing that, due to the existing state of war, an emergency exists which, in the opinion of the Commission, requires immediate action to prevent delay in the movement of railroad equipment, troops, and war materials, prevent con-

gestion of traffic, and conserve the use of locomotives; and

It further appearing that the present operations of certain portions of railroad terminals in Birmingham, Ala., described in the succeeding paragraphs of this order, result in serious delay in the movement of locomotives, trains, and cars, and in congestion of traffic; *It is ordered, That:*

§ 96.2 *Portions of terminals at Birmingham, Ala.* (a) The Birmingham Terminal Company and the Southern Railway Company are hereby ordered and directed to make joint and common use of facilities and tracks adjoining the Birmingham Passenger Station and those of the Southern Railway adjacent thereto, known as 27th Street Yard; and the Birmingham Terminal Company and the carriers named in this paragraph are further directed to put in effect a method or system of switching of trains or cars over the above-described tracks and yards, for the Illinois Central Railroad Company, Southern Railway Company, Alabama Great Southern Railroad Company, St. Louis-San Francisco Railway Company, including Birmingham Belt Railroad (J. M. Kurn and John G. Lonsdale, Trustees), Seaboard Air Line Railway Company (L. R. Powell, Jr., and Henry W. Anderson, Receivers), and the Central of Georgia Railway Company (M. P. Callaway, Trustee), which will result in the best and most expeditious movement of trains, locomotives, or cars, and the least congestion of traffic; upon such terms between the carriers involved as they may agree upon, or in the event of their disagreement, as this Commission may after subsequent hearing find to be just and reasonable.

(b) The Illinois Central Railroad Company, Southern Railway Company, Alabama Great Southern Railroad Company, St. Louis-San Francisco Railway Company, including Birmingham Belt Railroad (J. M. Kurn and John G. Lonsdale, Trustees), Seaboard Air Line Railway Company (L. R. Powell, Jr., and Henry W. Anderson, Receivers), Central of Georgia Railway Company (M. P. Callaway, Trustee), Louisville and Nashville Railroad Company, and Birmingham Terminal Company, are hereby ordered and directed to make such joint or common use of railroad yards and tracks, and facilities owned or used by them at Birmingham, Ala., within the territory extending from Avenue F in a northerly direction to 15th Avenue and from 16th Street extending in an easterly direction to 42nd Street and that part of the Southern Railway Company known as the Woodlawn-Bessemer branch extending between Woodlawn Junction and Pinley Yard, a distance of approximately 3 miles, as will result in the best and most expeditious movement of trains, locomotives, and cars, and the least congestion of traffic; upon such terms between said carriers as they may agree upon, or in the event of their disagreement, as this Commission may after subsequent hearing find to be just and reasonable.

(c) This order shall take effect at 12:01 a. m., February 16, 1943, and remain

in force until further order of the Commission. (40 Stat. 101, 41 Stat. 476, 49 Stat. 543, 54 Stat. 901, 49 U.S.C. 1 (10)-(17))

It is further ordered, That copies of this order and direction be served upon the above-named carriers, the Association of American Railroads, Car Service Division, as agent of the carriers subscribing to the car service and per diem agreement under terms of that agreement, and that notice of this order be given to the general public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 43-2047; Filed, February 8, 1943;
11:29 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-353]

L. F. DUNN

NOTICE OF AND ORDER FOR HEARING

A. Under provisions of the Bituminous Coal Act of 1937 (the "Act"), district boards are authorized in appropriate cases to file complaints of violations of the Act, the Bituminous Coal Code (the "Code") and rules and regulations of the Bituminous Coal Division (the "Division").

B. The Division on August 4, 1942, referred to District Board No. 17 information in its possession bearing on whether violations of the Act, the Code, Orders, rules and regulations thereunder and particularly section 4 II (e) and (i) 2, 4 and 6 of the Act; Part II (e) and (i) 2, 4 and 6 of the Code; and Rules 2, 4 and 6 of section XIII of the Marketing Rules and Regulations, have been committed by L. F. Dunn, the code member above-named (hereinafter referred to as the "Code Member"), whose Code Membership became effective as of June 25, 1941, operator of the Dunn Mine, Mine Index No. 482, located in La Plata County, Colorado, Subdistrict 20 of District No. 17 in connection with the following:

1. Sales for truck shipment subsequent to June 24, 1941 of coal produced at the aforesaid mine, invoicing said coal at the effective minimum prices established therefor as provided in the Order Granting Temporary Relief and Conditionally Providing for Final Relief, dated August 4, 1941, entered in Docket No. A-939, and Supplement T, annexed thereto and made a part of said Order, supplementing the Schedule of Effective Minimum Prices for District No. 17 for All Shipments, and granting rebates and credits from said minimum prices to the purchasers thereof in the amount of 12% of the invoice prices, on the following transactions:

(a) Sales of approximately 73 tons of 3" lump coal and 3" x 1 1/4" nut coal to J. M. Fielding, Mancos, Colorado, during the period September 24, 1941 to November 6, 1941, inclusive, invoiced at \$3.25 per net ton f. o. b. said mine.

(b) Sales of approximately 7.9 tons of 1" slack coal to said J. M. Fielding during the period October 10 to October 15, 1941, inclusive, invoiced at \$1.60 per net ton f. o. b. said mine.

(c) Sales of approximately 16.9 tons of 3" lump coal and 3" x 1 1/4" nut coal to J. H. Rodman, Durango, Colorado, during the period September 24, to October 7, 1941, inclusive, invoiced at \$3.25 per net ton f. o. b. said mine.

(d) Sale of approximately 5.2 tons of 1 1/4" x 1/4" nut coal to said J. H. Rodman on or about September 24, 1941, invoiced at \$2.15 per net ton f. o. b. said mine.

C. By letter dated October 15, 1942, the Division notified said Board that unless it took action in the matter within fifteen (15) days from the date of said notification, the Division would take such action in lieu of the Board, if it deemed it to be appropriate.

D. District Board No. 17 has not taken any action in this matter.

E. Section 6 (a) of the Act provides in part that in the event a district board shall fail for any reason to take action authorized or required by this section, then the Division may take such action in lieu of the district board.

F. District Board No. 17 having failed to take action as authorized or required by the Act on the matters hereinbefore described, the Division finds it necessary in the proper administration of the Act to take action thereon in lieu of the Board, as in this Notice of and Order for Hearing provided, pursuant to section 6 (a) and other pertinent provisions of the Act for the purpose of determining:

1. Whether the Code Member has willfully violated section 4 II (e) and (i) 2, 4 and 6 of the Act; Part II (e) and (i) 2, 4 and 6 of the Code; and Rules 2, 4 and 6 of section XIII of the Marketing Rules and Regulations; and

2. Whether in the event the Code Member is found to have violated the Act and the Code and rules and regulations thereunder an order should be entered revoking the Code Membership of the Code Member or directing the Code Member to cease and desist from violating the Act, the Code and rules and regulations thereunder.

It is hereby ordered, That a hearing pursuant to section 4 II (j), 5 (b) and 6 (a), and other pertinent provisions of the Act, be held on April 9, 1943, at 10 a. m., at a hearing room of the Division at Civil Service Room, Post Office Building, Durango, Colorado, to determine whether the aforementioned Code Member has committed the violations in the respects heretofore described and whether the Code Membership of said Code Member should be revoked or an order should be entered directing the Code Member to cease and desist from violating the Act and the Code and rules and regulations of the Division thereunder.

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 officer so designated to preside at such hearing is 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 such places as he may direct by announcement at said hearing or any adjourned hearing, or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions, and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons or entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act may file a petition for intervention not later than five (5) days before the date set for hearing herein.

Notice is hereby given that answer setting forth the position of the Code Member with reference to the matters hereinbefore described must be filed with the Division at its Washington Office or with one of the statistical bureaus of the Division within twenty (20) days after the date of service of a copy hereof on the Code Member; and that any failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission by the Code Member of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

Notice is also hereby given that any application, pursuant to § 301.132 of said Rules of Practice and Procedure Before the Division for the disposition of this proceeding without formal hearing must be filed not later than fifteen (15) days after receipt by said Code Member of this Notice of and Order for Hearing.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the charges specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: February 5, 1943.

[SEAL]

DAN H. WHEELER,
Director.

[F. R. Doc. 43-1994; Filed, February 6, 1943;
11:25 a. m.]

[Docket No. B-355]

RED TOP COAL COMPANY, INC.

NOTICE OF AND ORDER FOR HEARING

A complaint dated December 23, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on December 26, 1942, by Bituminous Coal Producers Board for Dis-

trict No. 1, complainant with the Bituminous Coal Division (the "Division"), alleging wilful violation by Red Top Coal Company, Inc., Spangler, Pennsylvania, (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder:

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 9, 1943, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Community Room, City Hall, Altoona, Pennsylvania.

It is further ordered, That Edward J. Hayes, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code Member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or

otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging that Red Top Coal Company, Inc., a code member, Spangler, Pennsylvania, whose code membership became effective as of June 20, 1937, operator of the Red Top Mine, Mine Index No. 415, located in Cambria County Pennsylvania, in Subdistrict No. 17 of District No. 1, wilfully violated the Act, the Code, and rules and regulations thereunder as follows:

I. By selling, subsequent to September 30, 1940, to various purchasers, coal produced by said code member at its aforesaid mine at prices below the effective minima established therefor in the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck, including sales of said coal during the period January 2, 1941, to March 25, 1941, both dates inclusive, as follows:

(a) Approximately 44.35 net tons of 2" lump coal at \$2.35 per net ton f. o. b. said mine, whereas such coal was classified as Size Group No. 1 and priced at \$2.60 per net ton f. o. b. said mine in said schedule;

(b) 142.55 net tons of ¾" slack coal at \$2.10 per net ton f. o. b. said mine, whereas such coal was classified as Size Group No. 5 and priced at \$2.15 per net ton in said schedule;

(c) 48.50 net tons of 1¼" nut and slack coal at \$2.20 per net ton f. o. b. said mine, whereas such coal was classified as Size Group No. 4 and priced at \$2.25 per net ton f. o. b. said mine in said schedule;

(d) 142.35 net tons of ½" slack coal at \$2.10 per net ton f. o. b. said mine, whereas such coal was classified as Size Group No. 5 and priced at \$2.15 per net ton f. o. b. said mine in said schedule; and

(e) 41.90 net tons of modified mine run coal at \$2.30 per net ton f. o. b. said mine, whereas such coal was classified as Size Group No. 3, and priced at \$2.35 per net ton f. o. b. said mine in said Schedule, resulting in violations of section 4 II (e) of the Act and Part II (e) of the Code.

II. By intentionally misrepresenting the origin of the coal described in Paragraph I hereof, with the exception of 46.25 net tons shipped in Car No. PRR 161931 on March 25, 1941, in that said code member invoiced such coal as having been produced by McCombie Coal Mining Company at its Bakerton Mine No. 3, Mine Index No. 25, whereas such coal was produced by said code member at its Red Top Mine, Mine Index No. 415, resulting in violations of section 4 II (i) 8 of the Act, Part II (i) 8 of the Code, and Rule 8 of section XIII of the Marketing Rules and Regulations.

III. By paying, during the period October 3, 1940, to March 8, 1941, both dates inclusive, commissions of 25 cents per net ton on 319.55 net tons and 35 cents per net ton on 208.35 net tons of coal produced at its aforesaid mine, to F. J. Balch, Springfield, Massachusetts, allegedly acting as sales agent for said code member pursuant to a contract dated January 21, 1938, filed with the Division prior to June 23, 1939, although said code member had failed to give written notice to the Statistical Bureau for District No. 1 within twenty (20) business days after June 23, 1939, that such contract was still in force and effect without modification or change, as required by Order of the National Bituminous Coal Commission dated June 23, 1939, which was adopted, ratified, and continued in effect as a regulation of the Bituminous Coal Division by Order of the Secretary of the Interior dated July 1, 1939, and as amended now appears in part as Rule 4 (A), section II of the Marketing Rules and Regulations, resulting in violation of Rule 9 of section II of the Marketing Rules and Regulations.

IV. By granting discounts totalling \$53.34 from the effective minimum prices established therefor, during the period February 26, 1941, to March 3, 1941, both dates inclusive, on the sale of 503.55 net tons of mine run and ¾" slack coal produced by said code member at its aforesaid mine, to Guy Commons, Hastings, Pennsylvania, for resale to Endicott-Johnson Corporation, Endicott, New York, notwithstanding that said Guy Commons was not a registered distributor, and therefore not a person authorized by the Division to receive discounts, resulting in violations of section 4 II (e) of the Act, Part II (e) of the Code, and Rule 1 of section III of the Marketing Rules and Regulations.

Dated: February 4, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-1993; Filed, February 6, 1943; 11:25 a. m.]

[Docket No. B-356]

BLACK DIAMOND COAL MINING CO.

NOTICE OF AND ORDER FOR HEARING

In the matter of W. W. Bridges, receiver, Black Diamond Coal Mining Company, code member.

A complaint dated December 11, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on December 15, 1942, by Bituminous Coal Producers Board for District No. 9, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by W. W. Bridges, Receiver, Black Diamond Coal Mining Company (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder:

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 13, 1943, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Circuit Court Room, Madisonville, Kentucky.

It is further ordered, That Charles O. Fowler, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code Member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said com-

plaintant alleging that the Code Member, located at Drakesboro, Kentucky, whose Code Membership became effective as of June 21, 1937, operator of Black Diamond No. 2 Mine (Mine Index No. 6) and Black Diamond No. 3 Mine (Mine Index No. 7), both located in Muehlenburg County, Kentucky in District No. 9, has, subsequent to September 30, 1940, wilfully vio-

lated the Bituminous Coal Code or rules and regulations thereunder:

1. By selling and delivering coal produced at the aforesaid mines to the Boillin-Harrison Company, Clarksville, Tennessee, wholesale grocers, for resale and delivery to W. E. Beach Coal Company, Clarksville, Tennessee, a retail coal dealer, including:

Date	Amount in tons	Size	Size group	Minimum price	Invoice price
Oct. 29, 1940 to Apr. 20, 1942	3,173.10	3" lump	3	\$1.95	\$1.95
Mar. 30, 1942	53.10	6" lump	1	2.05	1.90
June 28, 1941 to Apr. 20, 1942	727.05	1 1/4" lump	6	1.70	1.70
Oct. 29, 1940 to Apr. 20, 1942	453.75	3" x 2" nut	5	1.75	1.75
Jan. 14, 1942 to Mar. 3, 1942	150.75	6" x 3" egg	3	1.95	1.95
Jan. 14, 1941 to Apr. 16, 1941	169.25	Mine run	7	1.70	1.70
June 28, 1941 to Aug. 13, 1941	92.15	1 1/2" x 3/4" stoker	10	1.40	1.40

and allowing to the said Boillin-Harrison Company in the aforesaid transactions rebates, credits, or unearned discounts from such invoiced prices in amounts ranging from 5 cents to 25 cents per net ton, which rebates, credits, or unearned discounts had the effect of reducing the sales prices thereof to the Boillin-Harrison Company below the effective minimum prices for said coals and resulted in violations of section 4 II (e) of the Act and Part II (e) of the Code; section 4 II (i) 6 of the Act and Part II (i) 6 of the Code; and Rule 6 of section XIII of the Marketing Rules and Regulations.

II. By failing to receive payments of the invoices for the coal referred to in Item I above in United States currency, or funds equivalent thereto, which payments were made by Boillin-Harrison Company to the code member in the form of groceries and other staple articles, and that each of said payments resulted in a violation of section 4 II (e) of the Act and Part II (e) of the Code; section 4 II (i) 6 of the Act and Part II (i) 6 of the Code; and Rule 1 (F) of section VII and Rule 6 of section XIII of the Marketing Rules and Regulations.

III. By granting allowances ranging from 20 cents to 35 cents per net ton from the invoiced prices for alleged standard preparation or quality on one car (51.10 net tons) of 3" lump coal sold on or about January 3, 1942, and 4 cars (203.65 net tons) of 1 1/4" lump coal sold on or about June 28, 1941, August 13, 1941, and January 3, 1942, of the coal referred to in Item I above, without filing information as specified by Rule 1 of section X of the Marketing Rules and Regulations, which had the effect of reducing the actual sale prices below the applicable minima for said coals, and that each of said allowances resulted in a violation of said rule, section 4 II (e) of the Act, and Part II (e) of the Code.

IV. By intentionally misrepresenting by way of invoicing the sizes of coal produced at the aforesaid mines, including approximately 18,842.35 tons of coal sold to various purchasers during the period October 25, 1940 through March 31, 1941, said code member failing to sell and invoice such coal under the sizes actually loaded and under the classifications designated therefor, as set forth

in the Schedule of Effective Minimum Prices for District No. 9 for All Shipments Except Truck, resulting in violations of section 4 II (i) 8 of the Act; Part II (i) 8 of the Code; and Rule 8 of section XIII and Rule 2 of section XII of the Marketing Rules and Regulations.

V. (a) By unlawfully substituting, without prior approval of the Director, upon an order for 3" lump coal from Forest Products Chemical Company, Memphis, Tennessee, and selling to said purchaser during the period commencing July 26, 1941, and ending July 28, 1941, at a price of \$1.95 per net ton f. o. b. the mine, approximately 162 net tons of 6" lump coal produced at its said Black Diamond No. 2 Mine, for which coal the effective minimum price was \$2.05 per net ton f. o. b. the mine as set forth in the Schedule of Effective Minimum Prices for District No. 9 for All Shipments Except Truck, resulting in violations of section 4 II (e) of the Act, Part II (e) of the Code; and Rule 1 (a) of section XI of the Marketing Rules and Regulations.

(b) By unlawfully substituting, without filing formal applications, upon forms provided by the Division, upon an order for 3" lump coal from said Forest Products Chemical Company, and selling to said purchaser, during the period commencing July 26, 1941 and ending July 30, 1941, at a price of \$1.95 per net ton f. o. b. the mine, approximately 268.7 net tons of 6" lump coal produced at its said Black Diamond No. 2 Mine, for which coal the effective minimum price was \$2.05 per net ton f. o. b. the mine, as set forth in the Schedule of Effective Minimum Prices for District No. 9, for All Shipments Except Truck, resulting in violations of section 4 II (e) of the Act; Part II (e) of the Code; and Rule 1 (e) of section XI of the Marketing Rules and Regulations.

VI. By paying to Southwestern Fuel Company, Memphis, Tennessee, unauthorized sales agency commissions, including commissions ranging from 5 cents to 18.31 cents per ton for sales by Southwestern Fuel Company on the code member's behalf of approximately 7,410.85 tons of coal produced at the aforesaid mines, or either of them, and sold during the period October 12, 1940

through June 23, 1941, whereas neither said code member nor said agent filed with the Division within twenty (20) business days following the effective date of the Marketing Rules and Regulations, a copy of the contract of agency executed on September 13, 1938, and filed with the Division in January 1942, resulting in violation of Rule 4 (A) and 9 (a) of section II of the Marketing Rules and Regulations.

Dated: February 5, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-1991; Filed, February 6, 1943;
11:25 a. m.]

[Docket No. B-360]

PROVIDENCE COAL MINING COMPANY
NOTICE OF AND ORDER FOR HEARING

A complaint dated October 8, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on October 12, 1942, by Bituminous Coal Producers Board for District No. 9, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Providence Coal Mining Company (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder:

It is ordered That a hearing in respect to the subject matter of such complaint be held on March 11, 1943, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Circuit Court Room, Madisonville, Kentucky.

It is further ordered, That Charles O. Fowler, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code Member; and that failure to file an answer

within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging that the Code Member, whose address is Providence, Kentucky, and whose Code Membership became effective as of June 21, 1937, operator of Providence No. 3 Mine, Mine Index No. 65, located in Webster County, Kentucky, District No. 9, Freight Origin Group No. 50, has wilfully violated the Bituminous Coal Act of 1937, the Code promulgated thereunder orders, rules and regulations of the Division, and particularly section 4 II (e) of the Act and Part II (e) of the Code as follows:

By selling for rail shipment coal produced at the aforesaid mine below the effective minimum prices established therefor in the Schedule of Effective Minimum Prices for District No. 9, for All Shipments Except Truck, including

(a) Sales during the period October 22, 1940 to April 9, 1941, inclusive, through the Kirkpatrick Coal Company, Memphis, Tennessee (Registered Distributor) Registration No. 5103, agent of the Kentucky Coal Agency, Madisonville, Kentucky and subagent of the Code Member, of 143.27 tons of various sizes of coal to Fed. Compress & Warehouse Co. (28.25 tons); City Coal & Wood Co. (14.20 tons); Deer Creek Compress Co. (17.75 tons); Johnston Coal Company (56.85 tons); and Penn. Railroad Co. (26.22 tons), at prices ranging from 5 cents to 15 cents per ton below the effective minimum prices therefor as set forth in said Schedule; and

(b) Sales during the period October 26, 1940 to April 2, 1941, inclusive, of approximately 771.97 tons of various sizes of coal to Jones Coal Co. (203 tons); Harlar MacMillan, a registered distribu-

tor (87.77 tons); Kevil Coal & Supply Co., a registered distributor (160.95 tons); Coll Coal & Mining Co., a registered distributor (160.15 tons); Meador & Young, a registered distributor (54.35 tons); and Meador, Young & Holt, a registered distributor (105.75 tons); at prices ranging from 10 to 25 cents per ton below the effective minimum prices therefor.

Dated: February 5, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-1992; Filed, February 6, 1943;
11:25 a. m.]

[Docket Nos. A-1815, A-1821]

DAY'S MUTUAL COAL CO., ET AL.

ORDER OF CONSOLIDATION

In the matter of the petitions of Day's Mutual Coal Company, Duncan and Nicolo and Bills and Kilgore, code members in District No. 20, for the establishment of minimum prices for coals sold to Standard Coal, Incorporated, for sizing, preparation and resale by it.

In the matter of the petition of Standard Coal, Incorporated, for an exception to Rule 3 of section V and Rule 1 of section VI of the marketing rules and regulations as to coal purchased by it for sizing, preparation and resale.

Order of consolidation, order granting temporary relief in part and notice of and order for hearing.

Original petitions in the above-entitled matters were filed with this Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

The petition in Docket No. A-1815 requests that the Schedule of Effective Minimum Prices of District No. 20 for All Shipments be modified so as to permit petitioners therein to sell and deliver coal in Size Groups Nos. 4, 10 and 13 produced at their respective mines to Standard Coal, Inc., Salt Lake City, Utah, at 50 cents per ton less than the prevailing rail prices for these coals, Standard Coal, Inc., to size, prepare and resell the coal as and with its own coal.

The petition in Docket No. A-1821, after setting forth substantially the facts alleged in Docket No. A-1815, requests that petitioner, Standard Coal, Inc., be granted an exception to Rule 3 of Section V and Rule 1 of section VI of the Marketing Rules and Regulations so as to permit it to show petitioner's Standard Mine, Mine Index No. 21, as the originating mine of coal purchased from Day's Mutual Coal Company, Bills and Kilgore, and Duncan and Nicolo. Requests for temporary relief have been made in both petitions.

It appears that Duncan and Nicolo, Day's Mutual Coal Company and Bills and Kilgore operate truck mines at the head of Spring Canyon, near Helper, Utah. None of these mines has rail-loading facilities, and all are suffering from a seriously impaired market for their truck coals as a result of present market conditions. Standard Coal, Inc. has adequate sizing, preparation and rail-loading facilities in Spring Canyon, and is agreeable to preparing and marketing this coal for rail shipment if the

relief requested in the present petitions can be granted.

It appears to the Director that the above-entitled matters raise similar and related issues and that a reasonable showing of necessity has been made for the granting of temporary relief. The original petitions, however, do not contain facts sufficient to warrant the granting of the permanent relief requested therein without a hearing. The Director is of the opinion that the relief hereinafter set forth will be adequate pending such hearing.

Now, therefore, It is ordered, That the above entitled matters be, and the same hereby are, consolidated.

It is further ordered, That, pending further order in this matter, temporary relief is granted as follows: Commencing forthwith, the minimum prices for coal in Size Groups 4, 10 and 13 produced at Day's Mine, Mine Index No. 32 of Day's Mutual Coal Company, the Duncan Mine, Mine Index No. 180 of I. W. Duncan and Tom Nicolo, and the Bills and Kilgore Mine, Mine Index No. 195, of Elvin Bills and Charles Kilgore, all in District 20, when sold to Standard Coal, Inc., for delivery at that company's tipple at Standardville, Utah, for sizing, preparation and resale by it for rail shipment or commingling with the coals of the Standard Mine for resale by it for rail shipment, shall be \$3.20, \$1.60 and \$2.45 per net ton, respectively: *Provided, however,* That the minimum prices applicable to the coals of the Standard Coal, Inc., for rail shipment shall apply to these coals when resold by Standard Coal, Inc.: *And provided further,* That the invoices of Standard Coal, Inc., covering the sale of these coals when sold either separately or commingled, shall indicate by mine index number the mines from which such coals originated.

It is further ordered, That a hearing in Dockets Nos. A-1815 and A-1821, under the applicable provisions of the Bituminous Coal Act of 1937 and the rules and regulations of the Division, be held on March 26, 1943 at 10 o'clock in the forenoon, in a hearing room of the Bituminous Coal Division in Salt Lake County Courthouse, Salt Lake City, Utah.

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 officer or 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 hearings from time to time, and to prepare and submit proposed findings of fact and proposed conclusions of law 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 these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to these proceedings may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to sec-

tion 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petitions 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 22, 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 petitions, other matters necessarily incidental and related thereto, which may be raised by amendment to the petitions, petitions of intervention or otherwise, which may be necessary corollaries to the relief, if any, granted on the basis of original petitions.

The matter concerned herewith is in regard to the petition of Day's Mutual Coal Company (Wayne Day), Duncan and Nicolo, and Bills and Kilgore, and the petition of Standard Coal, Inc., requesting, respectively, as follows:

(1) That the Schedule of Effective Minimum Prices for District No. 20 for All Shipments be modified to include minimum prices of \$3.00, \$1.40 and \$2.25 per net ton for coals in Size Groups 4, 10 and 13 produced at Day's Mine, Mine Index No. 32, of Day's Mutual Coal Company, the Duncan Mine, Mine Index No. 180, of I. W. Duncan and Tom Nicolo, and the Bills and Kilgore Mine, Mine Index No. 195, of Elvin Bills and Charles Kilgore, when sold to Standard Coal, Inc., for delivery at that company's tipple at Standardville, Utah, for sizing, preparation and resale by it for rail shipment or commingling with the coals of the Standard Mine, Mine Index No. 21 of Standard Coal, Inc. for resale.

(2) That an exception to Rule 3 of section V and Rule 1 of section VI be granted the Standard Coal, Incorporated, to permit it to show its Standard Mine, Mine Index No. 21, as the originating mine of coal purchased by it from Day's Mutual Coal Company, Bills and Kilgore, and Duncan and Nicolo, and sized, prepared and loaded over its facilities, or commingled with coal from the Standard Mine, for resale for rail shipment by Standard Coal, Inc.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matters, and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to 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 except as hereinbefore provided, the requests for temporary relief be, and the same hereby are, denied without prejudice to the renewal of such requests for temporary relief, upon further showing or upon the basis of the record to be made at the hearing to be held herein.

Dated: February 6, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-2036; Filed, February 8, 1943;
11:07 a. m.]

[Docket No. B-320]

KING COAL COMPANY

NOTICE OF AND ORDER FOR HEARING

In the matter of C. H. Cole and Fred J. Girard, individually and as copartners, doing business under the name and style of King Coal Company, Code Member.

A. Under provisions of the Bituminous Coal Act of 1937 (the "Act"), district boards are authorized in appropriate cases to file complaints of violations of the Act, the Bituminous Coal Code (the "Code") and rules and regulations of the Bituminous Coal Division (the "Division").

B. The Division on May 14, 1942, referred to District Board No. 17 information in its possession bearing on whether violations of the Act, the Code, Orders, rules and regulations thereunder have been committed by C. H. Cole and Fred J. Girard, individually and as copartners, doing business under the name and style of King Coal Company, the Code Member above named (hereinafter referred to as the "Code Member") whose Code Membership became effective as of February 1, 1939, operator of the Coal King #2 Mine, Mine Index No. 310, located in La Plata County, Colorado, Subdistrict No. 20 of District No. 17 in connection with the following transactions:

1. Section 4 II (e) and (i) 8 of the Act, Part II (e) and (i) 8 of the Code, Rule 2 of section XII and Rule 8 of section XIII of the Marketing Rules and Regulations. Sales of coal produced at the aforesaid mine for truck shipment, subsequent to September 30, 1940, below the effective minimum price therefor, including 13.8 tons of 1½" lump coal, Size Group No. 5, to various purchasers during the period October 3, 1940 to August 16, 1941, both dates inclusive, at \$2.15 per net ton f. o. b. the mine whereas the effective minimum f. o. b. mine price for said coal was \$3.25 per net ton as set forth in the Schedule of Effective Minimum Prices for District No. 17 for All Shipments, and the intentional misrepresentation of the size of said coal in that said size was falsely recorded on truck sales tickets as 1" x 1½" pea (Size Group No. 10); and

2. Section 4 II (e), (g) and (i) 8 of the Act, Part II (e), (g) and (i) 8 of the Code, Rule 2 of section XII and Rule 8 of section XIII of the Marketing Rules and Regulations. Sales and delivery by truck, subsequent to September 30, 1940, of coal produced at the aforesaid mine at prices below the effective minimum prices for said coal, plus the transportation, handling and incidental charges from the transportation facilities at the mine to the point from which all such charges were assumed and directly paid by the purchasers, as required by Price Instruction and Exception No. 14, as amended, and contained in Supplement No. 1 to the aforesaid Schedule, including the following transactions:

The sale and delivery during the period October 10, 1940 to October 26, 1941, both dates inclusive, of approximately 54.45 net tons of 1½" lump coal (Size Group No. 5) to various purchasers, located at points ranging from 15 to 36 miles distance from the mine, at delivered prices ranging from \$3.43 to \$3.80 per net ton, whereas the effective minimum f. o. b.

mine price for said coal was \$3.25 per net ton, as set forth in the aforesaid Schedule, plus the amount required to be added by said Price Instruction and Exception No. 14, and the intentional misrepresentation of the size of said coal in that said size was falsely recorded on truck sales tickets as 1" x 1½" pea (Size Group No. 10).

C. By letter dated August 25, 1942, the Division notified said board that unless it took action in this matter, the Division would take such action in lieu of the board, if it deemed it to be appropriate.

D. District Board No. 17 has not taken any action in this matter.

E. Section 6 (a) of the Act, provides in part that in the event a district board shall fail for any reason to take action authorized or required by this section, then the Division may take such action in lieu of the district board.

F. District Board No. 17 having failed to take action as authorized or required by the Act on the matters hereinbefore described, the Division finds it necessary in the proper administration of the Act to take action thereon in lieu of the Board, as in this Notice of and Order for Hearing provided, pursuant to section 6 (a) and other pertinent provisions of the Act for the purpose of determining:

(a) whether the Code Member has wilfully violated section 4 II (e), (g) and (i) 8 of the Act, Part II (e), (g) and (i) 8 of the Code, Rule 2 of section XII and Rule 8 of section XIII of the Marketing Rules and Regulations;

(b) whether in the event the Code Member is found to have violated the Act and the Code and rules and regulations thereunder an order should be entered revoking the Code Membership of the Code Member or directing the Code Member to cease and desist from violating the Act, the Code and rules and regulations thereunder.

It is hereby ordered, That a hearing, pursuant to section 4 II (j), 5 (b) and 6 (a), and other pertinent provisions of the Act, be held on April 10, 1943, at a hearing room of the Division at 10 a. m., Civil Service Room, Post Office Building, Durango, Colorado, to determine whether the aforementioned Code Member has committed the violations in the respects heretofore described and whether the Code Membership of said Code Member should be revoked or an order should be entered directing the Code Member to cease and desist from violating the Act, the Code and Rules and regulations of the Division thereunder.

It is further ordered, That D. C. McCurtain, or any other officer of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time and to such places as he may direct by announcement at said hearing or any adjourned hearing, or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recom-

mendation of an appropriate order in the premises and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons or entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act may file a petition for intervention not later than five (5) days before the date set for hearing herein.

Notice is hereby given that answer setting forth the position of the Code Member with reference to the matters hereinbefore described must be filed with the Division at its Washington Office or with one of the Statistical Bureaus of the Division within twenty (20) days after the date of service of a copy hereof on the Code Member; and that any failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission by the Code Member of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

Notice is also hereby given that any application, pursuant to § 301.132 of said Rules of Practice and Procedure Before the Division for the disposition of this proceeding without formal hearing must be filed not later than fifteen (15) days after receipt by said Code Member of this Notice of and Order for Hearing.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern in addition to the charges specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: February 6, 1943.

[SEAL]

DAN H. WHEELER,
Director.

[F. R. Doc. 43-2035; Filed, February, 8, 1943;
11:07 a. m.]

General Land Office.

[Stock Driveway Withdrawal 44, Wyo. 8]

WYOMING

ENLARGEMENT OF STOCK DRIVEWAY WITHDRAWAL

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:*

Subject to valid existing rights and to an existing petroleum reserve and a power withdrawal affecting portions of the lands, the following-described public lands, a part of which is within the known oil and gas structure of the South Oregon Basin field in Wyoming, are hereby classified as necessary and suit-

able for the purpose and, excepting any mineral deposits therein, withdrawn from all disposal under the public-land laws and reserved for the use of the general public as an addition to Stock Driveway Withdrawal No. 44, Wyoming No. 8: *Provided,* That the users of the driveway shall confine all animals in their charge to the designated limits of the driveway and shall prevent them from ranging on other lands within the defined limits of the South Oregon Basin oil and gas field: *And provided further,* That the owner or operator of any outstanding or future lease issued under the mineral leasing laws of the United States shall incur no liability by reason of any injury to stock resulting from the construction, operation, and maintenance of any proper and lawful works, housing, or improvements needed or used in the operation of his lease.

SIXTH PRINCIPAL MERIDIAN

T. 50 N., R. 100 W.

Sec. 5, lot 2, SW¼NE¼, and S½NW¼.

Sec. 6, lots 5, 6, 7, S½NE¼, and SE¼NW¼.

T. 51 N., R. 100 W.

Sec. 25, lot 1, N½SW¼, and Tract 68-0;

Sec. 26, lot 1, SW¼, and N½SE¼;

Sec. 27, S½;

Sec. 28, S½;

Sec. 29, SE¼;

Sec. 32, W½E½.

The areas described aggregate 1,785.25 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.

OSCAR L. CHAPMAN,

Assistant Secretary of the Interior.

JANUARY 20, 1943.

[F. R. Doc. 43-2023; Filed, February 8, 1943;
9:47 a. m.]

[Stock Driveway Withdrawal 209, Oreg. 26]

OREGON

REDUCTION OF STOCK DRIVEWAY WITHDRAWAL

The order of the Assistant Secretary of the Interior of September 22, 1932, withdrawing certain lands in Oregon as an addition to Stock Driveway Withdrawal No. 209, Oregon No. 26, under section 10 of the act of December 29, 1916, as amended by the act of January 29, 1929, 39 Stat. 865, 45 Stat. 1144, 43 U.S.C. 300, is hereby revoked so far as it affects the following-described lands:

WILLAMETTE MERIDIAN

T. 16 S., R. 26 E.,

Sec. 1, SE¼.

T. 15 S., R. 27 E.,

Sec. 31, lot 4, SE¼SW¼, and S½SE¼;

Sec. 32, SW¼SW¼.

T. 16 S., R. 27 E.,

Sec. 4, N½S½.

The areas described aggregate 510.09 acres.

OSCAR L. CHAPMAN,

Assistant Secretary of the Interior.

JANUARY 23, 1943.

[F. R. Doc. 43-2024; Filed, February 8, 1943;
9:47 a. m.]

[Public Land Order 84]

ALASKA

WITHDRAWING PUBLIC LANDS FOR PROTECTION OF THE RICHARDSON HIGHWAY

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146 of April 24, 1942, *It is ordered as follows:*

Subject to valid existing rights, the public lands in the following-described area are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, for protection of the Richardson Highway.

TANANA RIVER AREA, ALASKA

The area lying between the Delta and Tanana Rivers and the Richardson Highway within 20 miles of the town of Big Delta.

The area described, including both public and non-public lands, aggregates approximately 27,000 acres.

So far as the above-described area is affected, this order shall be subject to (1) the withdrawal for military purposes by Executive Order of May 24, 1905, (2) the withdrawal for military purposes by Executive Order No. 1557 of July 3, 1912, (3) the withdrawal for military purposes by Executive Order No. 2422 of July 14, 1916, (4) Air Navigation Site Withdrawal No. 105 of February 19, 1941, (5) Air Navigation Site Withdrawal No. 162 of June 25, 1941, and (6) the withdrawal for the Trans-Canadian Alaskan Railway by Public Land Order No. 32 of August 18, 1942.

ABE FORTAS,

Acting Secretary of the Interior.

JANUARY 28, 1943.

[F. R. Doc. 43-2025; Filed, February 8, 1943; 9:47 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 370, 720 and 775]

PAN AMERICAN AIRWAYS, INC.

NOTICE OF ORAL ARGUMENT

In the matter of the compensation of Pan American Airways, Inc., for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between the United States and Europe in transatlantic service, between the United States and Europe by way of South America and Africa, and between the United States and Bermuda.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said Act, in the above-entitled proceeding, that oral argument is assigned to be held on February 19, 1943, 10 a. m. (eastern war time) in Room 5042 Commerce Building, 14th Street and Constitution Avenue, N. W., Washington, D. C., before the Board.

By the Civil Aeronautics Board.
Dated February 6, 1943.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 43-2048; Filed, February 8, 1943; 11:32 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-115]

THE EAST OHIO GAS COMPANY

ORDER FIXING DATE OF HEARING

FEBRUARY 3, 1943.

It appearing to the Commission that:

(a) On October 26, 1938, the City of Cleveland filed with the Commission a petition praying for an investigation and a determination by the Commission of the cost of transportation in interstate commerce of natural gas by The East Ohio Gas Company from the Ohio River to the city gate of Cleveland, Ohio; by order of February 14, 1939, the Commission instituted an investigation to determine the cost of transportation of natural gas by The East Ohio Gas Company from the Ohio River to the city gate of Cleveland, Ohio; on March 16, 1939, the company petitioned for a rehearing and stay of the order of the Commission on February 14, 1939; on April 14, 1939, the Commission denied the application for rehearing and stay, and amended the order instituting investigation; on June 13, 1939, the company filed a petition for review of the Commission's orders of February 14, 1939, and April 14, 1939, with the United States Circuit Court of Appeals for the Sixth Circuit; and on November 8, 1940, said Circuit Court of Appeals dismissed the petition for want of jurisdiction holding on the authority of *Federal Power Commission v. Metropolitan Edison Co. et al.*, 304 U. S. 375, that the challenged order of February 14, 1939, is not reviewable under section 19 (b) of the Natural Gas Act which does not contemplate a review of orders of a procedural, interim, and preliminary character which are merely the means whereby the Commission has taken initial steps to the formulation of an ultimate determination; the company did not file in the Supreme Court of the United States a petition for certiorari with respect to said decision of said Circuit Court of Appeals, but since said date has failed and refused to comply with paragraph (B) of the Commission order of February 14, 1939, which required the company to furnish to this Commission, under oath, on or before April 17, 1939, certain enumerated data respecting inventories, facilities and expenses enumerated in said order;

(b) On June 25, 1942, the Cities of Euclid, Docket No. G-399, and Cleveland, Ohio, Docket No. G-400, filed with this Commission separate complaints against The East Ohio Gas Company in practically identical form, and the City of Lakewood, Ohio, Docket No. G-401, filed a similar complaint on June 29, 1942. Said cities complained that The East Ohio Gas Company has failed and refused to comply with various regulations and orders of this Commission, including the order of this Commission of February 14, 1939. Said cities allege that they have a substantial interest in the enforcement of the Commission's orders and in the determination of the company's original cost. Said cities pray this Commission to enforce its said orders and to determine said original cost; and

(c) On July 5, 1938, by its Order No. 51 and pursuant to the authority vested in it by sections 10 and 14 of the Natural Gas Act, the Commission instituted an investigation of natural-gas companies and directed the filing of reports by such companies. On August 15, 1938, The East Ohio Gas Company filed a response to the questionnaire authorized by said Order No. 51 and supplied the information called for thereby, including a map showing the location of its facilities and a description of the use and method of operation of such facilities, and the Commission has relied upon such facts which were supplied to it by said company. Said company transports to various points in the State of Ohio natural gas produced outside of Ohio and delivered into its transmission systems at the West Virginia-Ohio State line. In *East Ohio Gas Company v. Tax Commission*, 283 U. S. 465, the Supreme Court of the United States held that said company's transportation of natural gas in the State of Ohio is interstate commerce, using the following language:

The transportation of gas from wells outside Ohio by the lines of the producing companies to the state line and thence by means of applicant's high pressure transmission lines to their connection with its local systems is essentially national—not legal—in character and is interstate commerce within as well as without that State.

The Commission finds that:

It is advisable, necessary and proper, in the public interest, to hold a hearing at this time in the investigation into and concerning the cost of national gas service rendered by said company from the Ohio River to the city gate serving Cleveland, Euclid, and Lakewood, Ohio;

The Commission orders, That:

(A) A public hearing be held in Room 331, Old Post Office Building, Cleveland, Ohio, on March 3, 1943, at 10:00 a. m., for the purpose of determining:

(i) Whether The East Ohio Gas Company is a natural-gas company within the meaning of the Natural Gas Act; and

(ii) The cost of natural-gas service rendered by said company, including the cost of transportation of natural gas by said company from the Ohio River to the city gate serving Cleveland, Euclid and Lakewood, Ohio;

(B) Interested State Commissions may participate in the hearing as provided in § 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act

By the Commission.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43-2027; Filed, February 8, 1943; 9:47 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 525]

UNTERWESER SHIPPING AGENCY, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended,

and pursuant to law, the undersigned, after investigation:

1. Finding that Unterweser Reederei, A. G. is a corporation organized under the laws of Germany, and has a principal place of business at Bremen, Germany, and therefore is a national of a designated enemy country (Germany);

2. Finding that said national is the beneficial owner of all of the outstanding capital stock of Unterweser Shipping Agency, Inc., a New York corporation, New York, New York, which is a business enterprise within the United States, consisting of 5 shares of \$100 par value common stock registered as follows:

Names:	Number of shares
Julian B. Beaty.....	3
Andrew C. Knoeller.....	1
George W. Case.....	1
Total.....	5

3. Determining, therefore, that said business enterprise is a national of a designated enemy country (Germany);

4. Determining that to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the shares of stock described in paragraph 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, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

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

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on December 18, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-2032; Filed, February 8, 1943; 10:37 a. m.]

[Vesting Order 631]

ROYAL BAYREUTH-THARAUD CORP.

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

1. Finding that Porzellanfabrik Tettau, A. G. is located in Oberfranken, Tettau, Germany and is a national of a designated enemy country (Germany);

2. Finding that 25 shares of no par value capital stock of Royal Bayreuth-Tharaud Corporation, a New York corporation, New York, New York, are registered in the name of and owned by the aforesaid Porzellanfabrik Tettau, A. G.;

3. Finding that said Royal Bayreuth-Tharaud Corporation is a business enterprise within the United States and that said 25 shares of stock constitute all of the issued and outstanding capital stock of said business enterprise and represent ownership thereof;

4. Determining, therefore, that said business enterprise is a national of a designated enemy country (Germany);

5. Finding that the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of said Porzellanfabrik Tettau, A. G. in and to all obligations, contingent or otherwise and whether or not matured, owing to it by said Royal Bayreuth-Tharaud Corporation, including but not limited to all security rights in and to any and all collateral for any or all of such obligations and the right to sue for and collect such obligations,

is an interest in the aforesaid business enterprise held by a national of an enemy country, and also is property within the United States owned or controlled by a national of a designated enemy country (Germany);

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

7. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

8. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the shares of stock described in paragraph 2 hereof and the property described in subparagraph 5 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not

be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

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

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on January 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-2033; Filed, February 8, 1943; 10:37 a. m.]

[Vesting Order 632]

UNION TRUST CO.

Re: Certain property held in trust by Union Trust Company of the District of Columbia, Washington, D. C.

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 Friederike Strachwitz, Frances Strachwitz, Hubertus Strachwitz, Rosie Strachwitz, Christian Strachwitz and Count Alexander Strachwitz, whose last known addresses were represented to the undersigned as being Gross Reichenau, Sorau, Nieder/Lausitz, Germany, are citizens of Germany and are nationals of a designated enemy country (Germany);

2. Finding that the property described as follows:

a. All right, title, interest and estate, both legal and equitable, of each and all of the aforesaid persons and of each and all other nationals, whomsoever they may be, of any and all designated enemy countries, in and to that certain property held in trust by Union Trust Company of the District of Columbia, Washington, D. C., as trustee under a trust indenture dated February 22, 1927 executed by Friederike von Bredow, Count Alexander Strachwitz and Waldemar Leopold von Bredow and by said trust company, and under a written agreement, dated May 12, 1930, executed by Friederike Strachwitz, Count Alexander Strachwitz and said trust company for the benefit of Friederike von Bredow, now Friederike Strachwitz;

b. All right, title, interest and estate, both legal and equitable, of each and all of the aforesaid persons and of each and all other nationals, whomsoever they may be, of any and all designated enemy countries, in and to that certain property held in trust by Union

Trust Company of the District of Columbia, as trustee under the will of Edith McAllister, Newlands of December 29, 1933, and the codicil thereto of December 24, 1936, for the benefit of Friederike Strachwitz and her children;

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

3. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany) or countries;

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 paragraph 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 an appropriate special account or accounts, 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 January 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-2034; Filed, February 8, 1943; 10:39 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 3, Revised-2, Corr.]

R-B FREIGHT LINES, INC.—G. & P. TRANSPORTATION CO., INC.

MOTOR VEHICLE TRANSPORTATION SERVICE COORDINATION

In Supplementary Order ODT 3, Revised-2, the words "St. Paul, Minnesota," appearing in the preamble, should read "Aberdeen, South Dakota," and the name "G & P Transportation Company,"

17 F.R. 8444.

wherever it appears, should read "G. & P. Transportation Co., Inc." Supplementary Order ODT 3, Revised-2 is corrected accordingly.

Issued at Washington, D. C. this 5th day of February 1943.

JOSEPH B. EASTMAN,
Director.

[F. R. Doc. 43-2001; Filed, February 6, 1943; 1:49 p. m.]

[Special Order ODT B-37]

BAMBERGER TRANSPORTATION COMPANY
SUSPENSION OF MOTOR VEHICLE PASSENGER OPERATIONS BETWEEN SALT LAKE CITY-OGDEN, UTAH

Pursuant to Executive Orders Nos. 8989 and 9156, and to effectuate provisions of § 501.46 of General Order ODT 11, and in order to conserve and providently utilize vital transportation equipment, material and supplies, including rubber, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. Bamberger Transportation Company, Salt Lake City, Utah, as a common carrier of passengers by motor vehicle, shall:

(a) Suspend forthwith all operation of its passenger service by motor vehicle between Salt Lake City and Ogden, Utah, and all intermediate points;

(b) File forthwith with the Interstate Commerce Commission in respect of transportation in interstate or foreign commerce, and with the Public Service Commission of Utah in respect of transportation in intrastate commerce, and publish in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in its fares, charges, operations, rules, regulations and practices which may be necessary to accord with the provisions of this order;

(c) Apply forthwith to each of said Commissions for special permission for such tariffs or supplements to become effective on one day's notice;

(d) File with each of said Commissions a copy of this order and a notice describing the operations to be suspended in compliance herewith.

2. Communications concerning this order should refer to "Special Order ODT B-37", and should be addressed to the Division of Local Transport, Office of Defense Transportation, Washington, D. C.

3. This Special Order ODT B-37 shall become effective February 22, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C. this 8th day of February 1943.

JOSEPH B. EASTMAN,
Director.

[F. R. Doc. 43-2037; Filed, February 8, 1943; 11:15 a. m.]

17 F.R. 4389.

OFFICE OF PRICE ADMINISTRATION.

[Order 3 Under MPR 39]

CANNON MILLS, INC.

ORDER GRANTING ADJUSTMENT

Order No. 3 Under Maximum Price Regulation No. 39—Woven Decorative Fabrics—Docket No. 3039-19.

For the reasons set forth in the 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 9250 and in accordance with § 1400.160 (b) of Maximum Price Regulation No. 39, *It is hereby ordered*:

Adjustment of maximum prices for the sale of certain constructions of woven decorative fabrics by Cannon Mills, Inc. (a) On and after February 6, 1943, Cannon Mills, Inc., may sell and deliver and any person may purchase and receive from it the following constructions of woven decorative fabrics manufactured and sold by Cannon Mills, Inc. as "Padre cloth" at prices not in excess of those set forth below:

Style No.	Specifications	Card basis	Maximum price per yard
575	50", 16 ounces, 4 x 4	40	\$.40
576	36", 11½ ounces, 4 x 4	40	.30
575x	50", 14 ounces, 2 x 2	40	.375
576x	36", 10 ounces, 2 x 2	40	.275
575xx	50", 14 ounces, 4 x 4	40	.375
576xx	36", 10 ounces, 4 x 4	40	.275
577x	50", 12 ounces, 2 x 2	40	.325
577xx	36", 8½ ounces, 2 x 2	40	.245

(b) The maximum prices set forth above are established on the basis of net 10 days, f. o. b. China Grove, North Carolina.

(c) Cannon Mills, Inc. shall mail or cause to be mailed to all purchasers who purchase from it a notice reading as follows:

The Office of Price Administration has permitted us to raise our maximum prices for sales to you as follows:

Style No.	Specifications	Card basis	Maximum price per yard
575	50", 16 ounces, 4 x 4	40	\$.40
576	36", 11½ ounces, 4 x 4	40	.30
575x	50", 14 ounces, 2 x 2	40	.375
576x	36", 10 ounces, 2 x 2	40	.275
575xx	50", 14 ounces, 4 x 4	40	.375
576xx	36", 10 ounces, 4 x 4	40	.275
577x	50", 12 ounces, 2 x 2	40	.325
577xx	36", 8½ ounces, 2 x 2	40	.245

These increases allowed us represent only those parts of cost increases which we are unable to absorb and they were granted with the understanding that retail prices would not be raised. The Office of Price Administration has not permitted you or any other seller to raise maximum prices for sales of these woven decorative fabrics.

(d) All prayers of the petitioner not granted herein are denied.

(e) This Order No. 3 may be revoked or amended at any time by the Office of Price Administration.

(f) This Order No. 3 shall become effective February 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1950; Filed, February 5, 1943;
11:51 a. m.]

[Order 152 Under MPR 188]

DORA MILES CO.

APPROVAL OF MAXIMUM PRICES

Order No. 152 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel. Approval of maximum prices for sale by the Dora Miles Company of a line of surgical garments.

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, That:*

(a) The maximum prices at which the following surgical garments manufactured by the Dora Miles Company, New Haven, Connecticut, may be sold or delivered are those set forth below:

(1) For sales at retail:

Type No.:	Retail
132B.....	\$11.75
143B.....	12.50
243B.....	13.00
244B.....	13.25
246B.....	14.00
343B.....	13.75
344B.....	14.25
346B.....	15.25
354B.....	15.25
433B.....	12.50

These retail prices shall include charges for all services in connection with the fitting and sale thereof.

(2) For sales other than at retail, the maximum price shall be:

(i) 50 percent of the retail prices as set forth in subparagraph (1) hereof.

(3) For sales in odd sizes of those type numbers set forth in subparagraphs (1) and (2) hereof, the maximum prices shall be the same as those for the same type of garment in the standard sizes.

(b) Before delivery of a garment to any purchaser for resale, the manufacturer shall attach a tag or label bearing the following statement:

The Office of Price Administration has established a retail ceiling price of \$..... for this garment, which shall cover charges for all services in connection with fitting the garment to the patient. Lower prices may be charged. This tag may not be removed until after delivery to the consumer.

The tag or label shall not be detached until the garment has been delivered to the consumer.

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

(d) This Order No. 152 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 152 shall become effective on the 6th day of February 1943. Issued this 5th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1955; Filed, February 5, 1943;
11:49 a. m.]

[Order 8 under RPS 41]

U. S. FOUNDRIES, INC.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 8 under Revised Price Schedule No. 41—Steel Castings—Docket No. 3041-13.

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Procedural Regulation No. 6 issued by the Office of Price Administration, *It is hereby ordered:*

Adjustment of maximum prices of the U. S. Foundries, Inc., on sales of steel castings for power shovels to Quick Way Truck Shovel Co., Inc. (a) Notwithstanding anything to the contrary contained in Revised Price Schedule No. 41, U. S. Foundries, Inc., Denver, Colorado, may sell and deliver steel castings for power shovels to Quick Way Truck Shovel Company, Inc., Denver, Colorado for use in the performance of said Quick Way Truck Shovel Company's contract No. W1122-Eng-1292 with the War Department at prices not in excess of the applicable prices contained in Schedule X-51 of the "Comprehensive Report of Price Lists of Miscellaneous Castings" published by the Steel Founders' Society of America for the third quarter of the year 1941, and said Quick Way Truck Shovel Company may buy and receive said steel castings for power shovels from U. S. Foundries, Inc. as above. Said Schedule X-51 prices are delivered prices and delivery to Quick Way Truck Shovel Company, Inc. shall be at the expense of U. S. Foundries, Inc.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 8 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 8 shall become effective February 6, 1943 and shall be retroactively effective to December 30, 1942, the date on which U. S. Foundries, Inc. filed its application for adjustment. Issued this 5th day of February, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1951; Filed, February 5, 1943;
11:50 a. m.]

[Order 12 Under RPS 53]

TEXAS VEGETABLE OIL CO.

ESTABLISHING MAXIMUM PRICES

Order No. 12 under Revised Price Schedule No. 53—Fats and Oils. Estab-

lishing maximum prices for Texas Vegetable Oil Company, San Antonio, Texas on its "Texas Maid" brand of standard shortening—Docket Number 3053-10.

On October 21, 1942, the Texas Vegetable Oil Company, of San Antonio, Texas, filed an application for adjustment of its maximum price for its "Texas Maid" brand of "standard shortening", pursuant to § 1351.151 (b) (12) (vii) of Revised Price Schedule No. 53.

Due consideration has been given to the application, and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order 9250, and in accordance with § 1351.151 (b) (12) (vii) of Revised Price Schedule No. 53, *It is hereby ordered:*

(a) The maximum delivered prices of Texas Vegetable Oil Co.'s "Texas Maid" brand of "standard shortening" shall be the following prices:

	Carlots	Less than carlots
Drums.....	16.00 cents per lb.	16.25 cents per lb.
4 lb. cartons (12).....	\$7.85 per case.....	\$8.00 per case.....
1 lb. cartons (48).....	\$8.00 per case.....	\$8.15 per case.....

(b) The provisions of § 1351.151 (b) (12) (v) and (viii) of Revised Price Schedule No. 53 shall apply to the maximum prices established by this order for Texas Vegetable Oil Co.'s "Texas Maid" brand of "standard shortening".

(c) All prayers of the petition not herein granted are denied.

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

This Order No. 12 shall become effective February 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1953; Filed, February 5, 1943;
11:51 a. m.]

[Order 10 Under RPS 88]

SUNSET OIL CO.

ORDER GRANTING ADJUSTMENT

Order No. 10 under § 1340.156 (c) of Revised Price Schedule No. 88—Petroleum and Petroleum Products—Docket No. 3088-88.

On June 30, 1942, Sunset Oil Company, 975 Pacific Electric Building, Los Angeles, California, filed a petition for an amendment of Revised Price Schedule No. 88 and for an adjustment in price under the amendment requested. At the time this petition was filed the schedule contained no provision pursuant to which an individual adjustment in maximum prices could be effected. Such a provision was subsequently incorporated therein as § 1340.156 (c). The facts set

forth in this petition justify its treatment as an application for adjustment filed pursuant to that section and it is, therefore, being so treated.

For the reasons set forth in the opinion issued simultaneously herewith, *It is ordered:*

Adjustment of maximum prices of motor oils sold to wholesale distributors by Sunset Oil Company and of maximum prices which such distributors may charge to retail dealers. (a) Sunset Oil Company, Los Angeles, California, may sell and deliver to wholesale distributors and wholesale distributors may buy and receive from Sunset Oil Company the following motor lubricating oils at prices not higher than those set forth below:

(1) *In bulk f. o. b. all Sunset Oil Company's bulk plants in California, exclusive of taxes.*

	Per gallon
Sunset Motor Oil (Pennsylvania grade).....	\$.47
Ritelube Motor Oil (Mid-Continent Oil).....	.325
Sunlube Motor Oil (Eastern Oil).....	.37
Caline Motor Oil (Western Oil).....	.175

(2) Maximum prices for the sale in bulk of the motor oils mentioned in subparagraph (1) above, f. o. b. Sunset Oil Company's plants in the States of Washington and Oregon, west of the Cascade Mountains, exclusive of taxes, shall be 3½ cents per gallon in excess of the maximum prices specified in subparagraph (1).

(3) Maximum prices for the sale in bulk of the motor oils mentioned in subparagraph (1) above, f. o. b. Sunset Oil Company's plants in Yakima, Washington, exclusive of taxes, shall be 5½ cents per gallon in excess of the maximum prices specified in subparagraph (1).

(4) Sales of the motor oils mentioned in subparagraph (1), in containers may be made at Sunset Oil Company's customary differentials over the maximum prices for bulk sales established by subparagraphs (1), (2) and (3) respectively.

(b) Wholesale distributors of motor oils purchased from Sunset Oil Company may sell and deliver to retail dealers and retail dealers may buy and receive from such distributors the following motor lubricating oils at prices not higher than those set forth below:

(1) (i) Either the maximum price of Sunset Motor oil (Pennsylvania grade) Ritelube Motor oil (Mid-Continent oil), Sunlube motor oil (Eastern oil) or Caline Motor Oil (Western oil), respectively, established for the particular distributor under Revised Price Schedule No. 88, issued by the Office of Price Administration, or

(ii) The following prices exclusive of taxes delivered to such retail dealers:

	Per gallon
In bulk in California:	
Sunset Motor Oil (Pennsylvania grade).....	\$.57
Ritelube Motor Oil (Mid-Continent oil).....	.415
Sunlube Motor Oil (Eastern oil).....	.46
Caline Motor Oil (Western oil).....	.23

In bulk in Oregon and Washington, west of the Cascade Mountains. The bulk prices for California increased by 3½ cents per gallon.

In bulk in the territory customarily served from Yakima, Washington. The bulk prices for California increased by 5½ cents per gallon.

In containers. Each distributor's customary differentials over his maximum prices in bulk may be added to the bulk prices above specified, when sales are made in containers.

(c) The adjustment granted to Sunset Oil Company in paragraph (a) is subject to the following condition:

(1) Sunset Oil Company shall give written notice to wholesale distributors of its motor lubricating oils of the adjustments permitted by this order by advising them as follows:

The Office of Price Administration has permitted us to increase prices at our California plants of our Motor lubricating oils exclusive of taxes as follows:

Sunset Motor Oil—from \$.395 per gal. to \$.47 per gallon.
Ritelube Motor Oil—from \$.265 per gal. to \$.325 per gallon.
Sunlube Motor Oil—from \$.31 per gal. to \$.37 per gallon.
Caline Motor Oil—from \$.15 per gal. to \$.175 per gallon.

That Office has also permitted us to charge 3½ cents per gallon above the California prices at our plants in Oregon and Washington, west of the Cascade Mountains, and 5½ cents per gallon above the California prices at our plants in Yakima, Washington and has authorized us to add to our prices in bulk our customary differentials where sales are made in containers. That Office has authorized you in any case where your maximum price under Revised Price Schedule No. 88 for a brand of motor oil, purchased from us is lower than the amount stated below to increase your prices for that brand to the following respective amounts, exclusive of taxes, delivered to retail dealers:

	Per gallon
In bulk in California:	
Sunset motor oil.....	\$.0.57
Ritelube motor oil.....	.415
Sunlube motor oil.....	.46
Caline motor oil.....	.23

In bulk in Oregon and Washington, west of the Cascade Mountains. The bulk prices for California increased by 3½ cents per gallon.

In bulk in the territory customarily served from Yakima, Washington. The bulk prices for California increased by 5½ cents per gallon.

In containers in all areas above mentioned. Your customary differentials over your bulk prices may be added to the bulk prices above specified when sales are made by you in containers.

(d) This Order No. 10 may be revoked or amended at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.157 of Revised Price Schedule No. 88 shall apply to the terms used herein.

(f) This Order No. 10 shall become effective February 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1952; Filed, February 5, 1943; 11:52 a. m.]

[Order 4 Under Restriction Order 2]

PUERTO RICO

RICE QUOTAS

Pursuant to the authority vested in the Director of the Office of Price Ad-

ministration for Puerto Rico by Directive No. 1 of the War Production Board issued January 24, 1942, by Supplementary Directive 1-J, as amended, issued October 29, 1942 and by Restriction Order No. 2 issued by the Office of Price Administration on December 10, 1942, *It is hereby ordered:*

(a) *Quotas.* (1) Quota Period No. 4 shall commence on January 25, 1943 and shall end on February 7, 1943.

(2) The amount of rice to be distributed during Quota Period No. 4 is approximately 8,000,000 pounds.

(3) Each retailer shall be entitled to receive from the War Price and Rationing Board having jurisdiction purchase certificates (OPA Form PRF-3) authorizing him to accept transfers of rice in amounts totalling not more than 25% in pounds of the amount of rice sales reported by such retailer for the month of November, 1941 on OPA Form PRF-1 (the number of 100 pound sacks equals the dollar volume of sales of rice reported divided by \$5.00) or such lesser percentage of such sales as may be required by the limitations of the quota of the Board.

(4) The Director shall assign to each Board a quantity of rice for Quota Period No. 4 equal in pounds to the population of the area of its jurisdiction as reported by the latest United States Census for Puerto Rico multiplied by four subject to necessary adjustments among Boards because of variations in requirements due to proven trade practices.

(5) Each institutional and industrial user shall be entitled to receive from the Board having jurisdiction purchase certificates (OPA Form PRF-3) authorizing it to accept transfers of rice in amounts totalling not more than 25% in pounds of the amount of rice purchases reported by it for the month of November, 1941 on OPA Form PRF-1.

(6) Each Board shall have the right to require a person to furnish it with such proof as shall be necessary to substantiate the amount which such person may claim to be entitled to receive out of the total quota allotted to such Board.

(7) On application to the Board having jurisdiction, the Board shall examine all of the facts pertinent to the establishment of the new business, assign a temporary quota after having taken into consideration all of the circumstances and shall render a full and complete report to the Director within three days thereafter. The Director may, based on the facts presented, direct the Board to amend the assigned quota. The applicant may pursuant to § 1407.3007, apply for an adjustment to the Director at any time after the assignment of the temporary quota.

(8) The quota of each person, other than a consumer, entitled to rice hereunder shall be reduced by an amount equal to the quantity of rice in his possession on January 25, 1943 and acceptance by any person of purchase certificates in the full amount of his quota shall constitute a representation that he had no rice in his possession on such date.

(b) *Allotments.* (1) A consumer may not accept a transfer of, and no person shall knowingly transfer to a consumer,

more than two pounds of rice during any one calendar week for each consumer on whose behalf the transfer is made.

(c) Any person, partnership, corporation, association, government agency, or any other organized group or enterprise which willfully performs any act prohibited or willfully fails to perform any act required by any provisions of Order No. 4 under Restriction Order No. 2, shall be guilty of a misdemeanor and upon conviction be fined not more than \$10,000 or imprisoned for not more than one year, or both, and shall be subject to such other penalties as may be specified by all applicable statutes.

This order shall be effective as of January 25, 1943 at 8:00 a. m.

Issued this 22d day of January 1943.

WILLIAM B. MEAD,
Director of the Office of Price
Administration for Puerto Rico.

[F. R. Doc. 43-1969; Filed, February 5, 1943;
3:33 p. m.]

[Suspension Order 208]

**BABER'S SERVICE STATIONS AND RIVERVIEW
SERVICE STATION**

ORDER RESTRICTING TRANSACTIONS

Samuel J. Baber, doing business as Baber's Service Stations, and Riverview Service Station, 601 N Street SW., Washington, D. C., hereinafter called respondent, was duly served with a notice of charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice, a hearing upon the charges was held in Washington, D. C., on November 27, 1942. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been duly considered by the Deputy Administrator in Charge of Rationing.

It is hereby determined:

(a) Respondent is a dealer in gasoline and operates a gasoline filling station located at 601 N Street SW., Washington, D. C.

(b) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, (§ 1394.1502), in that on various occasions between July 22 and November 16, 1942, respondent transferred gasoline to consumers without receiving in exchange therefor any gasoline ration coupons or other evidences.

Because of the great scarcity and critical importance of gasoline in Washington, D. C., respondent's violations of Ration Order No. 5A, Gasoline Rationing Regulations, have resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator in Charge of Rationing that further violations by respondent are likely unless appropriate administrative action is taken.

It is therefore ordered:

(c) During the period in which this Suspension Order No. 208 shall be in effect,

(1) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source any gasoline for resale at his filling station at 601 N Street SW., Washington, D. C.

(2) Respondent shall not transfer or deliver or otherwise trade or deal in gasoline at his filling station at 601 N Street SW., Washington, D. C.

(3) No person shall in any manner, directly or indirectly transfer or deliver any gasoline to respondent for resale at his filling station at 601 N Street SW., Washington, D. C.

(d) Any terms used in this Suspension Order No. 208 that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

This Suspension Order No. 208 shall become effective 12:01 a. m. February 16, 1943, and unless sooner terminated shall expire 12:01 a. m. March 18, 1943.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89 and 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); W.P.B. Directive No. 1 (7 F.R. 562); Supplementary Directive No. 1H (7 F.R. 3478, 3877, 5216); Supplementary Directive 1Q (7 F.R. 9121))

Issued this 6th day of February 1943.

PAUL M. O'LEARY,
Deputy Administrator
in Charge of Rationing.

[F. R. Doc. 43-1925; Filed, February 6, 1943;
10:41 a. m.]

[Rev. General Order 32]

REGIONAL ADMINISTRATORS

**DELEGATION OF AUTHORITY TO ACT FOR THE
PRICE ADMINISTRATOR**

General Order No. 32 is amended to read as set forth below:

Pursuant to the authority conferred upon the Price Administrator by the Emergency Price Control Act of 1942, the following order is prescribed:

(a) Each Regional Administrator is hereby authorized to exercise within his region the functions, duties, powers, and authority conferred upon the Price Administrator, for the purpose of acting upon such applications for adjustment, issuing such orders adjusting maximum prices and making such determinations of or affecting maximum prices as set forth herein, except where such action affects selling units located in more than one region.

(1) Applications for adjustment of maximum prices pursuant to § 1499.18 (a) of the General Maximum Price Regulation, or any identical provision of any maximum price regulation, or § 1499.18 (d) of the General Maximum Price Regulation, or §§ 1393.8 (a) or 1398.8 (b) of Maximum Price Regulation No. 154, as amended (Ice), or §§ 1499.114 or 1499.115a of Maximum Price Regulation No. 165, as amended (Services), or with respect to sales at retail under § 1389.118 (c) of Maximum Price Regulation No. 177, as amended (Men's and Boys' Tailored Clothing),

(2) Orders of adjustment of the maximum prices reported by sellers pursuant to § 1499.3 (a) of the General Maximum Price Regulation, or any identical provision of any maximum price regulation, or § 1499.4b of the General Maximum Price Regulation, or §§ 1499.102 (c) or 1499.102 (d) or 1499.103 (d) of Maximum Price Regulation No. 165, as amended (Services) or §§ 1389.103 (a) (3) or 1389.103 (a) (4) or 1389.103 (b) (3) of Maximum Price Regulation No. 177, as amended (Men's and Boys' Tailored Clothing), or §§ 1389.154 (b) or 1389.154 (c) of Maximum Price Regulation No. 178, as amended (Women's Fur Garments).

(3) Determinations of maximum prices pursuant to § 1499.3 (c) of the General Maximum Price Regulation or § 1499.4a of the General Maximum Price Regulation and § 1305.17 of Supplementary Order No. 13, or § 1389.154 (a) of Maximum Price Regulation No. 178, as amended (Women's Fur Garments), or § 1351.756 of Maximum Price Regulation No. 249 (Sales of Certain Seasonal Food Products at Wholesale), or § 1351.857 of Maximum Price Regulation No. 250 (Sales of Certain Seasonal Food Products at Retail).

(4) Approving or disapproving reports filed by sellers pursuant to §§ 1360.51 (2) (3) and 1360.52 (e) (3) of Revised Price Schedule No. 65 (New Passenger Automobiles), and § 1499.73 (a) (19) (i) (f) of Supplementary Regulation No. 14 to the General Maximum Price Regulation (New Commercial Motor Vehicles).

(5) *Particular applications.* (i) Applications for adjustment of maximum prices established by the General Maximum Price Regulation filed by Clearing Industrial District, Incorporated, Chicago, Illinois.

(b) Each Regional Administrator may, by issuing an "Order of Delegation under Revised General Order No. 32", delegate in whole or in part to a State Director or District Manager within his region the functions, duties, powers, and authority conferred upon the Regional Administrator for the purpose of acting upon such applications for adjustment, issuing such orders adjusting maximum prices and making such determinations of or affecting maximum prices as are set forth herein. Within ten days after the issuance of such an order of delegation, a copy thereof shall be sent by the Regional Administrator to the Executive Officer for Price, Washington, D. C.

(1) Applications for adjustment of maximum prices pursuant to § 1499.18 (a) of the General Maximum Price Regulation, or any identical provision of any maximum price regulation, or pursuant to § 1499.18 (d) of the General Maximum Price Regulation, §§ 1393.8 (a) or 1393.8 (b) of Maximum Price Regulation No. 154, as amended (Ice), or §§ 1499.114 or 1499.115a of Maximum Price Regulation No. 165, as amended (Services) or with respect to sales at retail under § 1389.118 (c) of Maximum Price Regulation No. 177, as amended (Men's and Boys' Tailored Clothing).

(2) Orders of adjustment of the maximum prices reported by sellers pursuant to § 1499.3 (a) of the General Max-

imum Price Regulation, or any identical provision of any maximum price regulation, or § 1499.4b of the General Maximum Price Regulation, §§ 1499.102 (c) or 1499.102 (d) or 1499.103 (d) of Maximum Price Regulation No. 165, as amended (Services) or §§ 1389.103 (a) (3) or 1389.103 (a) (4) or 1389.103 (b) (3) of Maximum Price Regulation No. 177, as amended (Men's and Boys' Tailored Clothing) or §§ 1389.154 (b) or 1389.154 (c) of Maximum Price Regulation No. 178, as amended (Women's Fur Garments).

(3) Determinations of maximum prices pursuant to § 1499.3 (c) of the General Maximum Price Regulation or § 1499.4a of the General Maximum Price Regulation and § 1305.17 of Supplementary Order No. 13, or § 1389.154 (a) of Maximum Price Regulation No. 178, as amended (Women's Fur Garments), or § 1351.756 of Maximum Price Regulation No. 249 (Sales of Certain Seasonal Food Products at Wholesale), or § 1351.857 of Maximum Price Regulation No. 250 (Sales of Certain Seasonal Food Products at Retail).

(4) Approving or disapproving reports filed by sellers pursuant to §§ 1360.51 (c) (3) and 1360.52 (e) (3) of Revised Price Schedule No. 85 (New Passenger Automobiles) and § 1499.73 (a) (19) (i) (f) of Supplementary Regulation No. 14 to the General Maximum Price Regulation (New Commercial Motor Vehicles).

(c) Any order issued or other action taken by any duly authorized officer pursuant to this delegation of authority shall have the same force and effect as if issued or taken by the Price Administrator.

Issued and effective this 6th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1986; Filed, February 6, 1943; 10:40 a. m.]

[Order 155 Under MPR 188]

MORGAN MANUFACTURING CO.
ORDER GRANTING ADJUSTMENT

Order No. 155 under § 1499.161 (a) (1) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Granting an adjustment of maximum prices for sales of parts for bedroom furniture to Sears Roebuck and Company by Morgan Manufacturing Company, Inc.

For the reasons set forth in the opinion issued simultaneously herewith and filed with the Division of the Federal Register, and by virtue of the authority vested in the Administrator under the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Morgan Manufacturing Company, Black Mountain, North Carolina, may sell and deliver to Sears Roebuck and Company, Chicago, Illinois, the wood parts for bedroom furniture listed herein, known as the C S1 Bedroom Grouping, prices no higher than those set forth below:

Items:	Maximum prices
54" poster bed.....	\$8.13
39" poster bed.....	7.35
54" panel bed.....	6.27
48" panel bed.....	5.91
39" panel bed.....	5.54
52½" Hollywood bed.....	3.07
37½" Hollywood bed.....	2.63
54" low poster.....	8.06
28" chest.....	8.26
Chest on chest.....	10.33
Desk chest.....	10.94
Dresser and mirror.....	8.66
Vanity and mirror.....	11.18
Dressing table and mirror.....	4.53
Bunk bed.....	15.18
Chestrobe (large).....	14.65
Chestrobe (small).....	13.90
Bench.....	1.67
Night stand.....	2.88
Colonial mirror.....	1.63
Secretary.....	11.32
Guard rail.....	1.04
44" dresser and mirror.....	10.23

These prices shall be subject to the Morgan Manufacturing Company's discounts, allowances, and other differentials in effect during March 1942.

(b) All prayers of this application not granted herein are denied.

(c) This Order No. 155 may be revoked or amended by the Administrator at any time.

(d) This Order No. 155 shall become effective February 8, 1943.

Issued this 6th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1989; Filed, February 6, 1943; 10:39 a. m.]

[Order 154 Under MPR 188]

LOUISVILLE CEMENT CO.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 154 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 filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and by Executive Order No. 9250, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is hereby ordered That:*

(a) Specific authority is hereby granted to the Louisville Cement Company, Louisville, Kentucky, to sell to any person f. o. b. its plant located at Speed, Indiana, the following products at the maximum prices set forth below:

Name of product:	Maximum price ¹ Per net ton
Quick lime in bulk.....	\$6.75
Quick lime in 100-lb. multi-wall paper bags.....	11.00
Pulverized quick lime in 50-lb. multi-wall paper bags.....	11.00

(b) The Louisville Cement Company shall submit such reports to the Office of Price Administration, Washington,

¹ Less \$0.25 per ton cash discount, 10 days from invoice.

D. C., as it may from time to time require.

(c) This Order No. 154 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 154 shall become effective February 8, 1943.

Issued this 6th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1987; Filed, February 6, 1943; 10:40 a. m.]

[Order 7 Under MPR 225]

ATLAS PRINTING & ENGRAVING COMPANY
ORDER GRANTING ADJUSTMENT

Order No. 7 under Maximum Price Regulation No. 225—Printing and Printed Paper Commodities.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order 9250, and in accordance with § 1347.469 (b) of Maximum Price Regulation No. 225, *It is hereby ordered:*

(a) The Atlas Printing & Engraving Company, 2165 Broadway, Denver, Colorado, may sell, deliver and supply and any person may buy and receive from that company its services in printing upon pop corn boxes the name and address of the seller of the pop corn and the serial number of the box at a price no higher than that set forth below:

\$1.25 for 1,000 boxes.

(b) This Order No. 7 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 7 shall become effective February 8, 1943.

Issued this 6th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1984; Filed, February 6, 1943; 10:42 a. m.]

[Order 34 Under RPS 6]

LACLEDE STEEL COMPANY
ORDER GRANTING EXCEPTION

Order No. 34 under Revised Price Schedule No. 6—Iron and Steel Products—Docket No. 3006-36.

On January 18, 1943, the Laclede Steel Company of St. Louis, Missouri, filed a petition for exception to Revised Price Schedule No. 6, pursuant to § 1306.7 (c) thereof. Due consideration has been given to the petition, and an opinion in support of this Order No. 34 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order 9250, and in accordance with Revised Procedural Regulation No. 1, issued by the Office

of Price Administration, *It is hereby ordered:*

(a) Laclede Steel Company may sell and deliver to La Salle Steel Company and La Salle Steel Company may buy and receive from Laclede Steel Company, steel bars produced at its Madison plant and shipped to Hammond, Indiana, pursuant to directives or allocations of the War Production Board, at the applicable Chicago basing point base prices, f. o. b. Madison, Illinois.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 34 may be revoked or amended by the Price Administrator at any time.

(d) The definitions set forth in § 1306.8 of Revised Price Schedule No. 6 shall apply to the terms used herein.

(e) This Order No. 34 shall be effective as of February 8, 1943.

Issued this 6th day of February, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1979; Filed, February 6, 1943;
10:40 a. m.]

[Order 3 Under RPS 67]

H. B. UNDERWOOD CORP.

ORDER GRANTING PETITION IN PART AND DENYING IT IN PART

Order No. 3 under Revised Price Schedule No. 67—New Machine Tools.

In the matter of H. B. Underwood Corporation—Docket No. 3067-28.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and Procedural Regulation No. 6, *It is hereby ordered:*

(a) Any person is hereby authorized and permitted to sell to the Department of the Navy any of the forty (40) Portable Boring Bar Equipments, Fig. No. 102, and one Facing Arm and one Reverse Motion or Universal Drive for each equipment manufactured by H. B. Underwood Corporation, of Philadelphia, Pennsylvania, at a price not in excess of \$1,400.00 per unit.

(b) Within fifteen days after this order is issued, H. B. Underwood Corporation shall (1) certify to the Office of Price Administration, Washington, D. C., that no sum in excess of \$1,400.00 was paid by any purchaser for any such machine delivered on or after July 30, 1942, or (2) shall refund the excess over \$1,400.00 to each purchaser who has paid such excess for any such machine delivered on or after July 30, 1942, and shall within fifteen days after making such refunds submit proof to the Office of Price Administration, Washington, D. C., that such refunds have been made.

(c) This Order No. 3 may be revoked or amended by the Office of Price Administration at any time.

(d) This Order No. 3 shall become effective February 8, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250; 7 F.R. 7871)

Issued this 6th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1988; Filed, February 6, 1943;
10:39 a. m.]

GENERAL CHEMICAL COMPANY
ORDER REQUIRING INFORMATION

In order that the Administrator may obtain certain information with regard to sulphuric acid and oleum to assist him in prescribing regulations for such commodities under the Emergency Price Control Act of 1942, as amended, and pursuant to the authority vested in him by said Act and Executive Order No. 9250, and in accordance therewith and with section 202 (b) of said Act, *It is hereby ordered, That:*

(a) General Chemical Company of 40 Rector Street, New York City (hereinafter referred to as the "company") shall file with the Office of Price Administration at its principal office in Washington, D. C., on or before February 25, 1943, the following information:

(1) Net cost (total and per gross ton of sulphur) of sulphur delivered during the months of October 1940, October 1941 and October 1942 at each plant of the company producing sulphuric acid or oleum and using sulphur (separately state transportation and other costs and specify types of transportation used).

(2) Profit and loss statements of the company as a whole for the calendar years 1936 to 1942, inclusive, or if the company prepares its profit and loss statements on a fiscal year basis, for the fiscal years 1936 to 1942 inclusive.

(3) Net sales in dollars and in short tons for the calendar three-month period ending March 31, 1941, and for each succeeding calendar three-month period to and including the period ending December 31, 1942, for sulphuric acid and for oleum, for the company as a whole and separately for each of the company's plants producing sulphuric acid or oleum. (If such information is not available for any or all of such plants, give the same information for each selling point, specifying plants served thereby.)

(4) Total costs including selling, administration, and overhead costs (in the same detail as heretofore furnished with respect to sulphuric acid) for oleum produced by the company at its plant located at Hegewisch, Illinois for the calendar three-month period ending March 31, 1941 and for each succeeding calendar three-month period to and including the period ending December 31, 1942.

(5) The information requested in Table D-7 on page 7 of a questionnaire of the Office of Price Administration entitled "Sulphuric Acid Questionnaire" (Budget Bureau No. :08-ST098-42) for the plants of the company located at Hegewisch, Illinois; Edgewater, New Jersey; and Port Chicago, California. Such information shall be supplied in

accordance with the instructions on page 6 of said questionnaire for completing Table D-7, except that such information need only be furnished for the months October 1941 and October 1942. Pages 6 and 7 of said questionnaire are hereby made a part hereof as though fully set forth herein. Such pages have been filed with the Division of the Federal Register¹ herewith and copies thereof have been simultaneously sent to the company by the Office of Price Administration.

(b) This order shall become effective February 5, 1943.

Issued this 5th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1983; Filed, February 6, 1943;
10:42 a. m.]

[General Order 46]

HEARING ADMINISTRATOR AND HEARING COMMISSIONERS

DELEGATION OF AUTHORITY

Pursuant to the authority conferred upon the Administrator by Executive Order 9125, Executive Order 9280, War Production Board Directive No. 1 as supplemented and Food Directive 1 of the Secretary of Agriculture the following order is prescribed:

(a) The Hearing Administrator and the several Hearing Commissioners are authorized:

(1) To determine whether any person has violated any regulation or order heretofore or hereafter issued by the Office of Price Administration or the Administrator pursuant to WPB Directive No. 1 as heretofore or hereafter supplemented, or pursuant to any directive heretofore or hereafter issued to the Office of Price Administration or the Administrator by the Secretary of Agriculture under Executive Order 9280, and to issue such suspension orders and take such other action as may be appropriate in the premises;

(2) To administer oaths and affirmations, to hold and preside over suspension order hearings and to exercise any discretion necessary or appropriate to the conduct of such hearings;

(3) To sign and issue subpoenas requiring any person to appear and testify, or to appear and produce books or records or any other documentary or physical evidence, or both, at any suspension order hearing;

(4) To exercise any power, authority or discretion conferred by subparagraph (a) (2) of this General Order No. 46 through such officer or employee of the Office of Price Administration as the Hearing Administrator or any Hearing Commissioner may designate for such purpose.

(b) The Hearing Administrator is authorized to consider and determine all petitions for reconsiderations of or appeals from suspension orders heretofore

¹ Filed as part of the original document.

or hereafter issued, to issue such orders and take such action thereon as may be appropriate in the premises.

(c) Any decision made, order issued or action taken by the Hearing Administrator or by any Hearing Commissioner pursuant to this General Order No. 46, shall have the same force and effect as if made, issued or taken by the Administrator.

(d) This General Order No. 46 shall take effect on the 15th day of February 1943.

Issued this 6th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2015; Filed February 6, 1943;
3:41 p. m.]

[Order 65 under RPS 64]

CALORIC GAS STOVE WORKS

APPROVAL OF MAXIMUM PRICES

Order No. 65 under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On December 5, 1942, the Caloric Gas Stove Works, Trenton and Tioga Streets, Philadelphia, Pennsylvania, filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of maximum prices for a coal heating stove made in four finishes, designated in the application as Models 20CE, 20E, 20C and 20 Caloric Conservator.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) (1) Caloric Gas Stove Works may sell, offer to sell, transfer or deliver the following models of heating stoves to dealers at prices no higher than the amount set forth below opposite each model number, if the terms of sale are f. o. b. the factory and the quantity sold is less than carload:

Model 20 CE (with casing, enamel finish).....	\$32.77
Model 20 E (without casing, enamel finish).....	29.67
Model 20 C (with casing, japan finish).....	28.73
Model 20 (without casing, japan finish).....	26.81

(2) If the stoves are sold to the dealer on terms which include delivery to him from a warehouse where the stoves have been stored, then the Caloric Gas Stove Works may sell, offer to sell, transfer or deliver to dealers at prices no higher than the following:

Model 20 CE.....	\$37.04
Model 20 E.....	34.09
Model 20 C.....	33.20
Model 20.....	31.37

(b) These maximum prices are subject to such additional allowances and terms as prevailed on January 5, 1942, with

respect to the Model 40-17-1 Gas Range, sold by the Caloric Gas Stove Works.

(c) Before delivering any of the heating stoves specified above, the Caloric Gas Stove Works shall attach securely to the stove so that it is clearly visible, a durable tag or label containing in easily readable lettering the following statement, with the blanks appropriately filled in.

Retail Ceiling Price for this Model.....
Caloric Conservator heating stove \$.....
This tag may not be removed until after delivery to the purchaser.

(d) This Order No. 65 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(f) This Order No. 65 shall become effective on the 9th day of February 1943.

Issued this 8th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2051; Filed, February 8, 1943;
11:46 a. m.]

[Order 67 Under RPS 64]

U. S. GAS RANGE CORPORATION

APPROVAL OF MAXIMUM PRICES

Order No. 67 under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On December 23, 1942, the U. S. Gas Range Corporation, New York City, filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of a maximum price for a new model gas range designated in the application as model 30.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order 9250, *It is hereby ordered:*

(a) The U. S. Gas Range Corporation may sell, offer to sell, transfer or deliver its model 30 gas range at prices no higher than the following:

\$26.41 f. o. b. factory to distributors.
\$30.81 f. o. b. factory to dealers.
\$34.01 f. o. b. factory to bulders.

subject to discounts, allowances and terms no less favorable than those in effect with respect to the comparable model 4130-BM as established under Revised Price Schedule No. 64.

(b) This Order No. 67 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 67 shall become effective on the 9th day of February 1943.

Issued this 8th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2052; Filed, February 8, 1943;
11:46 a. m.]

[Order 68 Under RPS 64]

OAKLAND FOUNDRY COMPANY

APPROVAL OF MAXIMUM PRICES

Order No. 68 under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On January 2, 1943, the Oakland Foundry Company, Belleville, Ill., completed an application filed pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of a maximum price for a new model gas range designated in the application as model 1130.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Oakland Foundry Company may sell, offer to sell, deliver or transfer its model 1130 gas range at a price no higher than \$31.25 f. o. b. factory to dealers, subject to discounts, allowances and terms no less favorable than those in effect with respect to the comparable model 1186, as established under Revised Price Schedule No. 64.

(b) This Order No. 68 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definition set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 68 shall become effective on the 9th day of February 1943.

Issued this 8th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2053; Filed, February 8, 1943;
11:46 a. m.]

[Order 69 Under RPS 64]

BOSTON STOVE FOUNDRY

APPROVAL OF MAXIMUM PRICE

Order No. 69 Under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On December 29, 1942, the Boston Stove Foundry, Reading, Massachusetts, filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of a maximum price for a new model coal range designated in the application as Model V-22.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emer-

agency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Boston Stove Foundry may sell, offer to sell, transfer or deliver its Model V-22 coal range at a price no higher than \$63.04 to dealers, subject to discounts, allowances and terms no less favorable than those in effect with respect to its B-922 model as established under Revised Price Schedule No. 64.

(b) The maximum price set forth above includes free transportation on all shipments to all points within New England, and on all shipments outside New England, the maximum price includes an allowance of 30¢ per cwt.

(c) This Order No. 69 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(e) This Order No. 69 shall become effective on the 9th day of February, 1943.

Issued this 8th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2054; Filed, February 8, 1943;
11:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 52-17]

NORTHWEST CITIES GAS CO.

ORDER PERMITTING POST-EFFECTIVE AMENDMENT TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 4th day of February 1943.

In the matter of John H. Rauscher, W. D. Courtright, Earl W. Huntley, Paul C. Harper, and Frederick T. Sutton, as Bondholders' Advisory Committee for Northwest Cities Gas Company.

The Commission having permitted to become effective a declaration, as amended, pursuant to Rule U-26 promulgated under the Public Utility Holding Company Act of 1935, with respect to the solicitation by John H. Rauscher, W. D. Courtright, Earl W. Huntley, Paul C. Harper, and Frederick T. Sutton, as Bondholders' Advisory Committee for Northwest Cities Gas Company, of acceptances to the plan of reorganization of Northwest Cities Gas Company;

Said Bondholders' Advisory Committee having filed a post-effective amendment to such declaration on February 3, 1943, and having requested an acceleration of the effective date of such amendment;

The Commission having considered such post-effective amendment and finding that the requirements of Rule U-62 are complied with and deeming it appropriate to grant the request that the effective date of such post-effective amendment be accelerated;

It is ordered, That the post-effective amendment be permitted to become effective forthwith in the manner and on the terms as set forth therein.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-1965; Filed, February 5, 1943;
2:59 p. m.]

[File Nos. 70-326 and 59-22]

NORTH AMERICAN GAS AND ELECTRIC COMPANY, ET AL.

ORDER DIRECTING LIQUIDATION AND DISSOLUTION AND DENYING APPLICATION FOR AN ORDER

In the matter of North American Gas and Electric Company, Washington Gas and Electric Company, Southern Utah Power Company, applicants—File No. 70-326. North American Gas and Electric Company, Washington Gas and Electric Company, Nathan A. Smyth and Leo Loeb, Trustees of the Estate of Washington Gas and Electric Company, Southern Utah Power Company, Dominion Electric Power, Limited, Oregon Gas and Electric Company, Columbia Electric Development Company, Dominion Electric Power Company, Colonial Ice Company, Loeb & Eames, Inc., Pleasant Hill Gas Company, respondents—File No. 59-22.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 3d day of February 1943.

North American Gas and Electric Company (North American), a registered holding company, having filed an application and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 requesting, among other things, that this Commission (1) find that the investment of North American in the common stock of Washington Gas and Electric Company is worthless, (2) require by order that North American surrender such common stock to the Trustees in Bankruptcy of Washington Gas and Electric Company, and (3) find that North American has ceased to be a holding company pursuant to the provisions of section 5 (d) of the Public Utility Holding Company Act of 1935; and

The Commission having previously instituted these proceedings pursuant to section 11 (b) (2) of the Act; notice having been duly given to all interested persons and all such persons having been given an opportunity to be heard with respect to what action should be required to be taken by said respondents to comply with the requirements of section 11 (b) (2) and with respect to the appropriateness of the action proposed by North American in its application as amended; and

It appearing that a plan of corporate reorganization and simplification originally filed May 27, 1941 has been abandoned; and

The Commission having filed its Findings and Opinion herein in which the

Commission finds, among other things, that the action hereinafter directed to be taken is necessary for the purpose of bringing about compliance with section 11 (b) (2);

It is hereby ordered, Pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935, that North American shall be liquidated and dissolved.

It is further ordered, That North American shall proceed with due diligence to comply with the above order, and for this purpose it shall make application to the Commission for the entry of such further orders as may be necessary or appropriate, and it may propose a plan for effecting its liquidation and dissolution; jurisdiction being hereby expressly reserved to enter such further orders in this proceeding as may be necessary or appropriate for the purpose of carrying out the action required by this order;

It is further ordered, Pursuant to Rule U-100 promulgated under the Public Utility Holding Company Act of 1935, that the exemptions hitherto available to North American pursuant to paragraphs (b) (4), (5) and (6) of Rule U-42, whereby the company has had the right to reacquire its own securities without specific approval, be, and the same hereby are, withdrawn;

It is further ordered, That the application, as amended, of North American for an order directing that company to surrender its investment in the common stock of Washington Gas and Electric Company to the Trustees of the latter company, and for an order pursuant to section 5 (d) of the Act declaring that North American has ceased to be a holding company be, and the same hereby is, denied.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-1963; Filed, February 5, 1943;
2:59 p. m.]

[File No. 70-666]

GENERAL WATER GAS & ELECTRIC COMPANY AND WALNUT ELECTRIC & GAS CORPORATION

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 4th day of February, A. D. 1943.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by General Water Gas & Electric Company ("General"), a registered holding company, and Walnut Electric & Gas Corporation, ("Walnut"), its wholly-owned subsidiary. All interested persons are referred to said documents, which are on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Walnut after paying all of its known indebtedness to non-affiliates will deliver

to General in satisfaction of the remaining amount of promissory note indebtedness (with accrued interest thereon) due to General and against cancellation in liquidation of its outstanding shares of stock, its remaining cash and other assets; these other assets being all the outstanding securities of Oklahoma Electric & Water Company, furniture and fixtures and a small amount of miscellaneous investments. General will also assume a contingent liability of Walnut to International Utilities Corporation, parent holding company of General and Walnut, in the sum of \$37,984.27, with interest from May 18, 1940.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said declaration or application (or both), and that said declaration or application (or both), shall not become effective or be granted except pursuant to further order of the Commission.

It is ordered, That a hearing on said declaration or application (or both) under the applicable provisions of the Act and the rules of the Commission thereunder be held on February 23, 1943 at 10:00 a. m., E. W. T., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing-room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of the issues presented by said declaration or application (or both), particular attention will be directed to the following matters:

1. Whether the proposed transactions will be detrimental to the carrying out of the provisions of section 11 of the Public Utility Holding Company Act of 1935.
2. Whether the acquisition by General of the securities of Oklahoma Electric & Water Company, a wholly-owned subsidiary of Walnut, will tend towards interlocking relations or the concentration of control of public-utility companies, of a kind or to an extent detrimental to the public interest or the interest of investors or consumers.
3. Whether the acquisition by General of the securities of Oklahoma Electric & Water Company, a wholly-owned subsidiary of Walnut, will tend towards the economical and efficient development of an integrated public-utility system.
4. Whether the accounting entries proposed to be made by General to reflect the transaction are proper.
5. Whether assumption by General of the contingent liability of Walnut to International Utilities Corporation in the sum of \$37,984.27, with interest from May 18, 1940, is in accordance with the stand-

ards of the Public Utility Holding Company Act of 1935 and rules and regulations promulgated thereunder.

6. Whether the action proposed to be taken will be detrimental to the public interest or the interest of investors.

7. What terms and conditions, if any, are necessary to be imposed to insure compliance with the requirements of the Public Utility Holding Company Act of 1935 or any rules, regulations or orders promulgated thereunder.

It is further ordered, That any other person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of the Commission, on or before February 15, 1943, his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order to General Water Gas & Electric Company and Walnut Electric & Gas Corporation by registered mail; and that notice of said hearing be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-1964; Filed, February 5, 1943;
2:59 p. m.]

[File No. 70-667]

NEW ENGLAND INDUSTRIES, INC.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 4th day of February 1943.

New England Industries, Inc., ("Industries") having filed a declaration pursuant to section 12 (b) of the Public Utility Holding Company Act of 1935 and Rule U-45 promulgated thereunder, regarding the following transactions:

Industries proposes, by an agreement between it and The First National Bank of Boston, to subordinate indebtedness in the sum of \$1,922,075.28 due it from its subsidiary, Bates Manufacturing Company, to indebtedness of Bates Manufacturing Company owing to The First National Bank of Boston in the sum of \$600,000, now represented by an overdue note which is to be renewed.

Industries also seeks present approval to subordinate the indebtedness owed to it by its subsidiaries, Androscoggin Mills, Bates Manufacturing Company, The Edwards Manufacturing Company, Hill Manufacturing Company and York Manufacturing Company, or any of them, in the event that any of such subsidiary companies shall issue promissory notes to any bank or trust company under the authority of an order of this Commission dated November 4, 1942 (File No. 70-599, Holding Company Act Release No. 3884), such subordination to be effected in any case by agreement between Industries and the lending bank or trust

company, or by pledge of the note or notes from such issuer payable to Industries, with any lending bank or trust company.

Said declaration having been filed on January 18, 1943, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The declarant having requested that said declaration should become effective at the earliest possible date; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective, and being satisfied that the effective date of such declaration should be advanced:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration be, and the same is, permitted to become effective forthwith: *Provided, however,* That nothing herein contained shall be construed to impair the Commission's prior reservation of jurisdiction (Release No. 3884) to consider, in any appropriate proceeding, the status of the indebtedness being subordinated, or any part thereof.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-1962; Filed, February 5, 1943;
2:59 p. m.]

[File No. 70-671]

BADGER AUTO SERVICE COMPANY AND THE MILWAUKEE ELECTRIC RAILWAY & TRANSPORT COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 4th day of February 1943.

Notice is hereby given that a joint declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Badger Auto Service Company and by The Milwaukee Electric Railway & Transport Company. Badger Auto Service Company is a wholly owned subsidiary of The Milwaukee Electric Railway & Transport Company, which in turn is a wholly owned subsidiary of Wisconsin Electric Power Company, a subsidiary of The North American Company, a registered holding company.

Notice is further given that any interested person may, not later than February 18, 1943, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, said joint declaration, as filed or as amended, may be granted,

as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th & Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said joint declaration or application, which is on file in the office of the said Commission, for a statement of the transactions therein proposed, which are summarized below:

(1) Badger Auto Service Company proposes:

(a) To purchase 200 shares of its capital stock having a par value of \$50 per share for cash at par from The Milwaukee Electric Railway & Transport Company;

(b) To retire and cancel the shares to be purchased; and

(2) The Milwaukee Electric Railway & Transport Company proposes to sell to the Badger Auto Service Company said 200 shares of the capital stock of the latter company for cash at the par value thereof.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-1966; Filed, February 5, 1943;
3:00 p. m.]

[File No. 70-613]

ASSOCIATED ELECTRIC COMPANY AND STATEN ISLAND EDISON CORPORATION

NOTICE OF AMENDED FILING, ORDER FOR REOPENING, AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of February 1943.

Associated Electric Company, a registered holding company, and a subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company; and Staten Island Edison Corporation, a subsidiary of New York State Electric & Gas Corporation and an indirect subsidiary of NY PA NJ Utilities Company, a registered holding company, also a subsidiary of said Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, having filed a joint declaration pursuant to sections 12 (b), 12 (c), and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-42, U-43 and U-45 promulgated thereunder wherein Associated Electric Company proposed the acquisition of \$2,222,000 principal amount of its own 4½% Bonds due January 1, 1953, from Staten Island Edison Corporation for a cash consideration of \$955,460, plus accrued interest to date of closing; and Staten Island Edison Corporation proposed the advance of funds to its subsidiary, Richmond Light and Railroad Company, to enable such company to have sufficient cash available to redeem, at the call price of 105, the entire outstanding

issue of \$1,000,000 principal amount of its first and collateral trust 4% 50-year Gold Bonds due July 1, 1952; and

The Commission having held hearings on the said joint declaration, and the record therein having been closed; and

An amendment to the aforesaid joint declaration having been filed on February 6, 1943, wherein it is proposed that the purchase price of the \$2,222,000 principal amount of Associated Electric Company 4½% Bonds, due January 1, 1953, to be purchased by Associated Electric Company from Staten Island Edison Corporation be increased to \$1,130,442.50, plus accrued interest to date of closing (the consideration being determined upon the basis of 50% of principal amount); and

It appearing that it is appropriate and in the public interest and in the interest of investors and consumers that a hearing be held with respect to the said amendment to the joint declaration, and that said amendment to the joint declaration shall not become effective except pursuant to further order of the Commission, and that the record herein should be reopened;

It is ordered, That the record be, and hereby is, reopened.

It is further ordered, That a hearing on the said amendment to the joint declaration be held on February 19, 1943, at 10 a. m., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the generality of the foregoing and without limiting the scope of the proceedings as specified herein, particular attention will be directed at said hearing to the following matters and questions:

1. Whether the proposed amended purchase price is fair and reasonable, and whether the proposed transaction is in the public interest and in the interest of investors and consumers;

2. Whether terms and conditions are necessary to be imposed in the public interest and in the interest of the investors and consumers to insure compliance with the requirements of the Public Utility Holding Company Act of 1935, or any rules, regulations, or orders promulgated thereunder;

3. Generally, whether all actions proposed to be taken comply with the requirements of such Act and rules and regulations or orders promulgated thereunder.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-2030; Filed, February 8, 1943;
9:48 a. m.]

[File No. 812-310]

INTERNATIONAL MINING CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of February, A. D. 1943.

International Mining Corporation having filed an application pursuant to the provisions of section 6 (c) of the Investment Company Act of 1940 for an order exempting it from the provisions of section 30 (d) of the Investment Company Act of 1940 and Rule N-30D-1 promulgated thereunder so as to permit the mailing of each report to stockholders within 90 days after the date as of which such report is made, instead of within 60 days as provided by said rule;

It is ordered, Pursuant to section 40 (a) of said Act, that a hearing on the matter of the aforesaid application be held on February 17, 1943 at 10:00 o'clock in the forenoon of that day in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pa.

It is further ordered, That Charles S. Lobingier, Esquire, shall preside at the hearing on such application. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-2028; Filed, February 8, 1943;
9:47 a. m.]

[File No. 70-463]

NY PA NJ UTILITIES COMPANY

ORDER PERMITTING WITHDRAWAL OF APPLICATION-DECLARATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 5th day of February, A. D. 1943.

NY PA NJ Utilities Company, a registered holding company, and a subsidiary of the Trustees of Associated Gas and Electric Corporation, a registered holding company, on December 15, 1941, filed an application-declaration pursuant to sections 6 (a), 7, 9 (a), 10, 12 (b), 12 (c), and 12 (f) of the Public Utility Holding Company Act of 1935, and the Rules and Regulations promulgated thereunder, in which it was proposed that:

1. NY PA NJ Utilities Company acquire from Shinn & Co., a subsidiary of the Trustees of Associated Gas and Electric Corporation, all the outstanding common stock of The General Finance Corporation;

2. NY PA NJ Utilities Company liquidate The General Finance Corporation, acquiring the assets thereof, subject to its liabilities;

3. Upon the acquisition of such assets, which included all the common stock of Metropolitan Investing Company, NY PA NJ Utilities Company liquidate Metropolitan Investing Company and acquire all of its assets, subject to its liabilities;

4. NY PA NJ Utilities Company acquire, from its subsidiary, Northern Pennsylvania Power Company, certain bonds and debentures of The Mohawk Valley Company;

5. NY PA NJ Utilities Company acquire, by cancellation or otherwise, from said Trustees of Associated Gas and Electric Corporation, certain bonds and debentures of its subsidiaries owned by Associated Utilities Corporation, a subsidiary of said Trustees;

6. NY PA NJ Utilities Company acquire, from Canadea Power Corporation, its subsidiary, certain bonds of the Metropolitan Edison Corporation, also one of its subsidiaries, and owned by Canadea Power Corporation;

7. NY PA NJ Utilities Company acquire, from Staten Island Edison Corporation, a subsidiary of New York State Electric & Gas Corporation, which in turn is a subsidiary of NY PA NJ Utilities Company, certain bonds of Associated Electric Company, a direct subsidiary of said Trustees of Associated Gas and Electric Corporation;

8. NY PA NJ Utilities Company acquire, from New York State Electric & Gas Corporation, the 2,725 shares of preferred stock of Staten Island Edison Corporation;

9. NY PA NJ Utilities Company acquire, from Staten Island Edison Corporation, certain bonds of Associated Electric Company and of The Mohawk Valley Company, held by Staten Island Edison Corporation;

10. NY PA NJ Utilities Company acquire, from Metropolitan Edison Company, certain bonds of Associated Electric Company, including bonds which Metropolitan Edison Company proposed to acquire from Staten Island Edison Corporation;

11. NY PA NJ Utilities Company acquire, from Associated Electric Company and Central U. S. Utilities Company, at that time a registered holding company and a subsidiary of Associated Electric Company, certain bonds and debentures of its subsidiaries and of itself held by such companies.

Such transactions were stated to constitute a program under which NY PA NJ Utilities Company would acquire a large amount of its own outstanding bonds and debentures and certain securities of some of its subsidiaries held by other companies in the holding company system of the said Trustees of Associated Gas and Electric Corporation.

Transactions 1, 2, 3, 4, and 7, have been consummated and transactions 5, 6, 8, 9, 10, and 11, have not been consummated; and

The applicant-declarant having requested permission to withdraw the said application-declaration insofar as it covers those transactions which have not been consummated; and

It appearing to the Commission that the withdrawal of such portion of the application-declaration is consistent with the public interest;

It is ordered, That the request of the applicant-declarant be and hereby is granted, and said application-declaration insofar as it concerns transactions which have not as yet been consummated is hereby deemed withdrawn.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-2029; Filed, February 8, 1943;
9:48 a. m.]

WAR PRODUCTION BOARD.

REVOCATION OF PREFERENCE RATING

Builder: U. S. War Department, Corps of Engineers, Washington, D. C., Flood Control Project, Dale Hollow Reservoir, Tennessee.

The revocation of preference rating issued on January 23, 1943, with respect to the above named project is hereby amended by striking paragraph (3) thereof and by substituting the following:

(3) The builder shall neither perform nor permit the performance of any construction or installation on the project except that construction may be continued solely for purposes of safety or health or to avoid undue damage to or deterioration of materials already incorporated; and such construction may be continued as is necessary to the completion of the dam for flood control operation. No further work may be performed on the power house, power units and accessories other than that required to permit the removal of the existing cofferdam.

Issued February 5, 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-1971; Filed, February 5, 1943;
4:38 p. m.]

REVOCATION OF PREFERENCE RATING

Builder: U. S. War Department, Corps of Engineers, Washington, D. C. Flood

Control Project, Center Hill Reservoir, Tennessee.

The revocation of preference rating issued on January 23, 1943, with respect to the above named project is hereby amended by striking paragraph (3) thereof and by substituting the following:

(3) The builder shall neither perform nor permit the performance of any further construction or installation on the project except that construction may be continued solely for purposes of safety or health or to avoid undue damage to or deterioration of materials already incorporated; and such construction may be continued as is necessary to place concrete in monoliths to elevation 580, except where provision is made for diversion and power intake purposes, backfill certain monoliths and core trench, place portion of embankment on embankment section, and fill at the saddle dams placed so as to provide for proper drainage, provided no critical materials not in the possession of the builder may be used therefor.

Issued February 5, 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-1970; Filed, February 5, 1943;
4:38 p. m.]

WAR SHIPPING ADMINISTRATION.

REQUISITIONED ESTONIAN VESSEL "HARJURAND"

NOTICE OF DEPOSIT OF JUST COMPENSATION

Notice is hereby given that, pursuant to section 1, of the Act of June 6, 1941 (Public Law 101-77th Congress) and Executive Order 9054 of February 7, 1942, as amended by Executive Order 9244 of September 16, 1942, the War Shipping Administrator, on January 11, 1943, deposited \$36,375.00 as seventy-five percent of determined just compensation (\$48,500.00) for the former Estonian Vessel "Harjurand," which was requisitioned by the War Shipping Administrator on June 1, 1942.

The attention of interested parties is invited to the provisions of said section 1 concerning claims against the vessel which existed at the time of the requisition.

By order of the War Shipping Administrator.

[SEAL] W. C. PEET, JR.,
Secretary,

FEBRUARY 6, 1943.

[F. R. Doc. 43-1990; Filed, February 6, 1943;
11:10 a. m.]