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Regulations

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Food Distribution Administration¹

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

ORDER AMENDING ORDER OF DESIGNATION²

Pursuant to the authority vested in the Secretary of Agriculture by the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 1940 ed. 181 et seq.), *It is ordered*, That:

(a) The provisions of the order of the Secretary heretofore entered on October 8, 1935, be amended to include as a market and place in or near the designated City of New York, New York:

(1) The New York City Live Poultry Terminal Market, located at 53rd Avenue and 11th Street, Long Island City, New York, New York,

which hereby is designated as a market and place where live poultry is received, sold, and handled in sufficient quantities to constitute an important influence on the supply and prices of live poultry and live poultry products, and as coming under the provisions of Title V of the Act;

(b) Notice of such designation shall be published in the New York Times, a newspaper published at New York, New York, and in the Producers' Price Current, a trade paper published at New York, New York, by the Urner Barry Company; and

(c) The Food Distribution Administration may give such other notice hereof as it may deem appropriate.

It is further ordered, That the provisions of the aforesaid order designating the following markets: (1) An unloading terminal of the New York Central Railroad situated at approximately the foot of West 60th Street and West End Avenue, New York, New York; (2) Independent Poultry Receiving Station of the M.

¹ Formerly Chapter II—Agricultural Marketing Administration.

² Modifies list of designated markets, 9 CFR 204.2.

Rosen Live Poultry Co., Inc., situated on Tracks 9 and 10, E., near 12th Avenue, approximately four blocks north of the 60th Street Terminal of the New York Central Railroad; (3) West Washington Market, situated at or about 10th Avenue and Bloomfield Streets, New York, New York; (4) Brooklyn Poultry Commission Co., Inc., situated at the Delaware, Lackawanna and Western Railroad Company Terminal, at approximately 26th Street and Third Avenue, Brooklyn, New York; and (7) the Live Poultry Terminal of the Delaware, Lackawanna and Western Railroad, situated at approximately 134th Street and Park Avenue (Harlem Transfer), New York, New York, are hereby vacated and the markets listed in said order as (5) and (6) are renumbered as (2) and (3), respectively.

It is further ordered, That this order, except as to the provision relating to publication, shall be effective on and after March 26, 1943.

Done at Washington, D. C., this 26th day of February 1943. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 43-3095; Filed, February 26, 1943;
11:21 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regulations, Serial No. 257]

PART 285—RULES OF PRACTICE

Adopted by the Civil Aeronautics Board at its office at Washington, D. C., on the 17th day of February 1943.

The Civil Aeronautics Board, acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 1001 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:

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Effective March 19, 1943, Part 285 of the Economic Regulations is hereby revised to read as follows:	
Sec.	
285.1	Proceedings.
285.2	General requirements as to papers in proceedings.
285.3	Form and filing of documents.
285.4	Appearances by third persons and formal interventions.
285.5	Hearings, argument, examiner's report and proceedings subsequent thereto.
285.6	Exhibits.
285.7	Hearings before the Board and before boards of examiners.
285.8	Petition for rehearing, reargument, or reconsideration.
285.9	Memoranda in opposition or support.
285.10	Conference procedure.

Sec. 285.11 Procedure in mail rate proceedings.
285.12 Objection to public disclosure of information.

AUTHORITY: §§ 285.1 to 285.12, inclusive, issued under sec. 1002 (d) to (i), 52 Stat. 1018; 49 U.S.C. 642.

§ 285.1 *Proceedings.* There shall be one form of formal proceeding (to be known as a "proceeding") under Title IV and section 1002 (d)-(i) of the Act.

A proceeding may be instituted (1) by order to show cause or other process of the Board, (2) by the filing with the Board of a formal application, complaint or petition.

§ 285.2 *General requirements as to papers in proceedings—(a) Informal complaints.* Complaints may be made to the Board informally by letter or other writing and matters so presented may, if their nature warrants, be taken up by correspondence or conference with the person or persons complained of. Any matter not disposed of informally may be made the subject of a formal proceeding.

(b) *Conformity to rules.* Any person wishing to institute a proceeding should consult the rules, regulations and orders of the Board under the various sections of the Act.

(c) *Requirements in absence of rules.* In case there is no rule, regulation or order of the Board which prescribes the contents of the formal application, complaint or petition in a given case, the application, complaint or petition should contain a concise but complete statement of the facts relied upon as the basis for the relief sought. The names and addresses of the persons, if any, against whom relief is sought, should also be set forth in full.

(d) *Insufficient allegations.* In any case where the Board is of the opinion that a formal application, complaint or petition does not sufficiently set forth the material required to be set forth by any applicable rule, regulation or order of the Board, or is otherwise insufficient, the Board may advise the party filing the same of the deficiency and require that any additional information be supplied by amendment.

(e) *Answers.* Answers to formal complaints, petitions and orders to show cause will not usually be required. In case the Board deems an answer to be desirable, the parties will be notified.

(f) *Retention of papers by the Board.* When any formal application, complaint or petition is denied, dismissed or permitted to be withdrawn, in whole or in part, said application, complaint or petition, and all documents filed with the Board pertaining thereto shall be retained in the files of the Board. When any proceeding instituted by the Board is dismissed, terminated or rescinded, all documents filed with the Board pertaining thereto shall be retained in the files of the Board: *Provided*, That this paragraph shall not apply to documents filed with the Board in any proceeding on the basis of a stipulation that such documents will be returned to the parties so filing when the purpose for which the documents are filed has been served.

§ 285.3 *Form and filing of documents*—(a) *Execution, number of copies, and service.* Unless otherwise required by applicable rule or regulation, every application, petition and formal complaint relating to any of the provisions of Title IV or of section 1002 (d)-(i) of the Act, and every answer or other formal document in any such proceeding, shall be signed by, or on behalf of, the person filing the same, and shall be verified by the person signing the same, in the manner required by paragraph (b) of this section. Briefs and exceptions to reports of examiners shall be signed but need not be verified. Any general partner may sign on behalf of a partnership. Documents filed by a corporation, business trust or other similar organization must be signed by an officer who is duly authorized to take such action. An executed original copy of each such document, and nineteen true copies thereof, which need not be signed or verified, but which should have typed or facsimile signatures, shall be filed with the Board. Each person filing any such document shall furnish such additional copies and shall make such service of the document on other persons as the Board may at any time require. Such documents shall be delivered in person, through the mails, or otherwise, to the Civil Aeronautics Board in Washington, D. C., and shall be deemed to have been filed on the date on which they are actually received by the Board.

(b) *Verification.* Every verification shall set forth that the person verifying the document has read and is familiar with the contents thereof and the attached exhibits, if any; that he intends and desires that in granting or denying the relief requested, the Board shall place full and complete reliance upon the accuracy of each and every statement therein contained; that he is familiar with the facts therein set forth; that to the best of his information and belief, every statement contained in the instrument is true and no such statement is misleading.

(c) *Formal specifications of papers.* All papers filed in proceedings should be on strong, durable paper not larger than 8½" by 13" in size except that tables, charts and other documents may be larger, folded to approximately that size. The left margin should be at least 1½" wide and, if the document is bound, it should be bound on the left side.

Papers may be reproduced by printing or by any other process, provided the copies are clear and legible. Appropriate notes or other indications should be used, so that the existence of deficits and any other matters normally shown in color will be accurately indicated on photostatic copies.

(d) *Waiver of strict compliance with rule.* The Board may, in its discretion, waive strict compliance with any requirement of this section.

§ 285.4 *Appearances by third persons and formal intervention*—(a) *Appearances.* Any person, including any state, political subdivision thereof, state aviation commission, or other public body,

may appear at any hearing and present any evidence which is relevant to the issues. Such persons may also suggest questions or interrogatories to be propounded by counsel for the Board to witnesses called by other persons. With the consent of the examiner, or of the Board, if the hearing is held before the Board such persons may also cross-examine witnesses directly.

(b) *Formal interventions.* Any person having a substantial interest in the subject matter of any proceeding may ask leave to intervene in such proceeding and become a party thereto upon compliance with the provisions of this paragraph. In general, such motions will not be granted unless the Board, or, in appropriate cases, the examiner, shall find,

(1) That such person has a statutory right to be made a party to such proceeding, or,

(2) That such person will or may be bound by the order to be entered in the proceeding, or,

(3) That such person has a property or financial interest which may not be adequately represented by existing parties, if such intervention would not unduly broaden the issues or delay the proceeding.

However, the denial of such a motion for leave to intervene shall not prevent the moving person from participating in the proceeding in the manner described in paragraphs (a) or (b) of this section.

Every motion for leave to intervene shall be filed with the Board within 15 days after the proceeding has been instituted. Copies of the motion papers shall be mailed or delivered to each party to the proceeding prior to the filing of the motion. The Board, however, may pass upon any such motion without receiving testimony or argument either from the moving person or from other parties to the proceeding. The motion papers shall clearly set forth the interest of the moving party, and shall otherwise comply with the requirements of § 285.3.

No motion for leave to intervene, not filed within the time limited by the preceding paragraph of this subsection, will be entertained by the Board or the examiner unless the moving person shall clearly show good cause for his failure to file the motion within the time so limited. In the event that such motion is heard by an examiner, his determination shall be governed by the standards hereinabove set forth, but no decision by an examiner on such a motion shall be binding on the Board. Interventions herein provided are for administrative purposes, and no decision to grant leave to intervene shall be deemed to constitute a finding or determination that the intervening party has such a substantial interest in the order that is to be entered in that proceeding as will entitle it to demand review of such order by the circuit courts of appeals of the United States or the United States Court of Appeals for the District of Columbia.

§ 285.5 *Hearings, argument, examiner's report, and proceedings subsequent thereto*—(a) *Oral argument before examiner, proposed findings, briefs.* Upon request of any party, an examiner may

permit oral argument at the close of the hearing. Oral argument shall be transcribed, but shall not constitute part of the record.

If a case presents unusually difficult questions of fact or law, the examiner may permit or require the submission of proposed findings of fact or conclusions of law, or of written briefs, to aid him in the preparation of his report.

(b) *Examiner's report.* In each case heard before an examiner, an appropriate announcement will be made by the examiner prior to the close of the hearing as to whether or not an examiner's report will be made in the proceeding. Such report will ordinarily be made, except in cases where the examiner, with the consent of Public Counsel, and without objection by any other party, announces at the hearing that he will recommend the granting of the application or other relief under consideration in the proceeding. If an examiner's report is to be made in the proceeding, the examiner will also announce, or state in his report:

(1) The names of the persons who are to receive copies of the same;

(2) The time within which exceptions are to be filed and exchanged; and

(3) The time thereafter within which briefs relating to such exceptions are to be filed and exchanged,

and may give other instructions relating to procedure after the hearing.

After a date has been set for the submission of proposed findings of fact or conclusions of law, or written briefs to the examiner, or the filing of exceptions to examiner's report or briefs thereon, such date may be postponed upon proper cause shown, but any such postponement shall not be granted by the examiner less than three days prior to the date originally set for the filing thereof except in cases involving unusual circumstances imposing substantial hardship upon the requesting party or parties.

(c) *Exceptions and briefs; service thereof.* Any party to the proceeding may take exceptions either to the examiner's recommended findings of fact or conclusions of law. Exceptions to findings of fact shall designate, by exact and specific reference, the portions of the record which will be relied upon in support of such exceptions. Exceptions to conclusions of law shall briefly cite the statutory provisions or the principal authorities that will be relied upon in support of the exceptions to the conclusions of law.

After the filing and exchange of exceptions, each party should prepare a single brief supporting its own exceptions and covering any points which it wishes to raise in connection with exceptions filed by others. Except by special permission of the Board, briefs shall not exceed 50 pages in length. Reply briefs will not be received except by special permission of the Board. Exceptions and briefs shall be filed with the Board and not with the examiner.

Each set of exceptions and brief shall, when filed, be accompanied by a proof of service thereof by mail upon all parties to the proceedings and upon such other persons designated by the examiner to

receive copies of the report. The number of copies to be filed is governed by paragraph (a) of § 285.3.

(d) *Oral argument before the Board.* If any person desires to argue a case orally before the Board he must request leave of the Board to make such argument. Such request should be filed with the briefs for the Board in the proceeding. The Board will advise the persons making such request as to its decision and if such argument is to be allowed all persons who have filed briefs in the proceedings will be advised of the date and hour set for such argument and the amount of time allowed to each such person.

§ 285.6 *Exhibits.* Wherever practicable, one copy of each exhibit (in addition to the original offered in evidence at the hearing) should be furnished for the use of each examiner and two copies should be furnished to Public Counsel. One of such copies will be made available for inspection by all persons present at the hearing. One copy should also be furnished to each party and the examiner may, in his discretion, direct that any other person deemed by him to have a sufficient interest shall receive copies of designated exhibits.

Excerpts from lengthy documents or portions of the record in other proceedings before the Board should be offered in the form of exhibits and copies furnished as above provided. Such exhibits may be received in evidence, subject to objection and rebuttal by Public Counsel or other counsel, after opportunity to examine the exhibit in question and the source from which the same was taken.

§ 285.7 *Hearings before the Board and before boards of examiners.* Provisions of this part governing the conduct of hearings before single examiners shall also govern, with necessary changes, in cases where such hearings are held before the Board, a member thereof, or a board of more than one examiner.

§ 285.8 *Petition for rehearing, reargument, or reconsideration.* Any party may petition for rehearing, reargument, or reconsideration of any final order by the Board in a proceeding, or for further hearing before decision by the Board.

The matters of record claimed to have been erroneously decided must be specified, and the alleged errors, and the grounds relied upon must be briefly and specifically stated in the petition.

If a final order of the Board is sought to be vacated or modified by reason of matters which have arisen since the hearing, or of a consequence which would result from a compliance therewith, or both, which are relied upon by the petitioner must each be set forth in the petition. Where the petition is based wholly or in part upon new matter, the petition must contain a statement that the petitioner, with due diligence, could not have known or discovered the new matter prior to the time of the hearing.

The petition must set forth a brief statement of the relief sought by the petitioner.

Such petition for rehearing, reargument, or reconsideration, must be filed

within thirty days after service of the order sought to be vacated or modified. After the expiration of said thirty days, such a petition may be filed only by leave of the Board granted pursuant to formal application upon a showing of reasonable grounds for failure to file the petition within the prescribed thirty-day period. Any such petition or application shall be served by the petitioner or applicant upon all parties to the proceeding or their attorneys of record.

No petition for rehearing, reargument, or reconsideration filed in accordance with this section, or the granting thereof, shall operate as a stay of the effective date of the final order sought to be modified or vacated by such petition, unless specifically so ordered by the Board.

Petitions under this section must conform to the requirements of § 285.3.

§ 285.9 *Memoranda in opposition or support.* Each protest or memorandum to or in support of the issuance, alteration, amendment, modification, suspension, revocation or abandonment of a certificate of public convenience and necessity or of a foreign air carrier permit which is desired to be filed with the Board pursuant to the provisions of section 401 or 402 of the Act, shall conform to the requirements of § 285.3 with respect to size, style and number of copies, shall be signed by the person filing it, and shall be acknowledged before a person authorized to administer oaths. Each such protest or memorandum shall clearly state on its face the particular proceeding in which it is desired to be filed and shall contain a concise but clear statement of the grounds of opposition or support. At the time of filing any such protest or memorandum with the Board, the person filing it shall serve a copy thereof upon each party to the particular proceeding and upon such other persons as the Board may require. No such protest or memorandum will be received as, or be considered to constitute, evidence in the particular proceeding of any fact mentioned or discussed therein. However, evidence in support of any such protest or memorandum may be presented by or on behalf of the person filing it in the manner provided in paragraph (a) of § 285.4.

§ 285.10 *Conference procedure.* In any proceeding, the examiner designated to conduct the hearing, or any other person designated by the Chief Examiner or by the Board for the purpose of this rule, may direct counsel for the parties to such proceeding to appear before him for a conference to consider the following:

(a) The formulation of the issues to be considered at the hearing by:

(1) Agreement of the parties,
(2) Amendment of the application, complaint or petition,

(3) Any other appropriate means;
(b) The simplification of proof by:

(1) Stipulations concerning matters of which the Board can take notice, the admission of evidence of particular facts or documents, or any other appropriate matter,
(2) Limitation of the number of witnesses,

(3) The preparation of exhibits, and the use thereof in lieu of oral testimony whenever possible,

(4) Any other appropriate means;

(c) The exchange prior to the date of the hearing of exhibits proposed to be introduced therein and any other material which will expedite the conduct of the same;

(d) Such other matters as may, in the opinion of the person conducting the conference, aid in the conduct and disposition of the proceeding.

Notice of the time and place of the conference shall be given by letter or otherwise to all parties to the proceeding.

The person conducting the conference may require the exchange of particular exhibits in advance of the date set for the hearing, and if any exhibits are not exchanged in advance as required, or as agreed upon by counsel at the conference, the hearing shall be subject to postponement until such exchange is completed.

The person conducting the conference shall prepare a report of the same, which shall be served upon counsel for all of the parties and made of record. Counsel may object to the description of anything which occurred at the conference within five days after the receipt of the report, and such report may, in the discretion of the person preparing the same, be revised in accordance therewith. If revised, the report shall again be served upon counsel and made of record in the same manner as the original report. Exceptions may be taken on the basis of any written objection submitted within the time prescribed which has not been met by a revision of the report. Such report shall constitute the official account of all that transpired at the conference, and shall control the subsequent course of the proceeding, but it may be reconsidered and modified at any time to prevent injustice.

§ 285.11 *Procedure in mail rate proceedings.* (a) Proceedings for the determination of rates of compensation for the transportation of mail may be commenced by the filing of a petition by an air carrier or the Postmaster General, or upon the issuance of an order by the Board.

(b) *Order setting tentative rate.* (1) Proceedings commenced by the Board will normally be instituted by the issuance of an order directing the parties to show cause why a specified rate or rates set out in such order should not be fixed and determined by the Board.

(2) In proceedings instituted upon petition of a carrier or the Postmaster General, the Board before proceeding further with the disposition of the petition, will normally issue an order in the proceeding directing the parties to show cause why a specified rate or rates set out in such order should not be fixed and determined by the Board.

(3) The rate or rates specified in any order provided for in paragraphs (b) (1) and (b) (2) of this section will represent a tentative rate or rates which appear to the Board to be fair and reasonable on the basis of the monthly and annual reports made by the carrier

to the Board, and other information available to the Board. Such order will be accompanied by an exhibit or exhibits setting forth the basis upon which the tentative rate or rates have been formulated and such exhibits shall be a part of such order.

(4) Orders issued hereunder will be served upon the carrier concerned, and any other parties to the proceeding, and public notice thereof will be given. Copies of such orders will be transmitted to the Postmaster General.

(c) *Objection and answer to order setting tentative rate.* (1) After the issuance of an order of the Board pursuant to paragraph (b) of this section, any party having objections to the tentative rate or rates specified in such order or to the admissibility in evidence of the exhibits accompanying such order and information specified therein shall file with the Board, within such periods of time as may be prescribed in such order:

(i) Notice of the fact that such objections exist; and

(ii) After the notice provided for in clause (i) of this paragraph has been filed, a written answer setting out the objections of the party to the tentative rate or rates.

(2) The objections stated in the answer shall be specific, and the answer shall be accompanied by exhibits in support of the objections and by a statement of the effect of such objections upon the tentative rate or rates.

(d) *Procedure when no answer is filed to order setting tentative rate.* (1) If no notice, or if after notice no answer is filed as provided in paragraph (c) of this section within the periods of time prescribed in the order, the proceeding will be assigned for public hearing. The statutory public hearing thus assigned will be expected to require nothing more than the introduction in evidence of the exhibits provided for in paragraph (b) (3) of this section and the information specified therein.

(2) The Board, upon the close of such hearing, will make the tentative rate or rates specified in its order pursuant to paragraph (b) of this section final by the issuance of its further order.

(e) *Procedure when answer is filed to order setting tentative rate.* (1) If an answer is filed as provided in paragraph (c) of this section a conference will be held. The conference will be attended by representatives of the Board assigned to the particular case and representatives of the parties, and will be presided over by an examiner of the Board.

(2) If a party desires to introduce evidence in the proceeding, he shall file written notice with the examiner at the time of such conference; if a party desires an opportunity to file briefs with, or present oral argument to, the Board, he shall file a written request therefor with the examiner not later than the close of the hearing hereinafter provided for.

(3) The examiner, at the close of the conference, will prepare and serve upon the parties a report stating the issues raised by the objections of the parties with respect to the tentative rate or rates. Any party may file exceptions to such report.

(4) After service of the report provided for in paragraph (e) (3) of this section, the proceeding will be assigned for public hearing before an examiner of the Board.

(5) The exhibits provided for in paragraph (b) (3) of this section and the information specified therein, and any exhibits filed by any party in support of any objections filed pursuant to paragraph (c) of this section shall constitute evidence of record in the proceeding, subject to the right of any party to object to the admissibility of such exhibits and information. Additional evidence may be presented by the parties at such hearing only if the notice provided for in paragraph (e) (2) has been filed, and such evidence shall be limited to evidence relating to the issues as defined in the conference report issued by the examiner and exceptions filed thereto pursuant to paragraph (e) (3). A member (or members) of the Board's staff will be available at the hearing for examination by the parties on the evidence with respect to such issues.

(6) The proceeding will be deemed submitted to the Board for final decision, without the issuance of an examiner's report, upon the close of the hearing, the filing of briefs, or the presentation of oral argument, as may be in order pursuant to requests made in accordance with the provisions of paragraph (e) (2) of this section.

§ 285.12 *Objection to public disclosure of information—(a) Information contained in paper to be filed.* Any person who objects to the public disclosure of any information contained in any paper filed in any proceeding, or in any application, report, or other document filed pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, or any rule, regulation, or order of the Board thereunder, shall segregate, or request the segregation of, such information into a separate paper and shall file it, or request that it be filed, with the examiner or the person conducting the hearing or proceeding, as the case may be, or with the person with whom said application, report, or document is required to be filed, separately in a sealed envelope, bearing the caption of the enclosed paper and the notation "Confidential Information". At the time of filing such paper, or, when the objection is made by a person not himself filing the paper, application, report, or other document, within five days after the filing of such paper, the objecting party shall file a motion to withhold the information from public disclosure, in accordance with the procedure outlined in paragraph (d) of this section, except as hereinafter provided in paragraph (c). Notwithstanding any other provision of this section, copies of the filed paper and of the motion need not be served upon any other party unless so ordered by the Board.

(b) *Information contained in oral testimony.* Any person who objects to the public disclosure of any information sought to be elicited from a witness or deponent on oral examination shall, before such information is disclosed, make

his objection known. Upon such objection duly made, the witness or deponent shall be compelled to disclose such information only in the presence of the examiner or the person before whom the deposition is being taken, as the case may be, the official stenographer and such attorneys for and lay representatives of each party as the examiner or person before whom the deposition is being taken as the case may be, shall designate, and after all present have been sworn to secrecy. The transcript of testimony containing such information shall be segregated and filed in a sealed envelope, bearing the title and docket number of the proceeding, and the notation "Confidential Testimony Given By (name of witness or deponent)." Within five days after such testimony is given, the objecting person shall file a motion, except as hereinafter provided in paragraph (c), in accordance with the procedure outlined in paragraph (d) of this section, to withhold the information from public disclosure. Notwithstanding any other provision of this section, copies of the segregated portion of the transcript and of the motion need not be served upon any other party unless so ordered by the Board.

(c) *Objection by Governmental departments or representatives thereof.* In the case of objection to the public disclosure of any information filed by or elicited from any governmental department, or representative thereof, under paragraphs (a) or (b) of this section, the department, or person representing said department, making such objection shall be exempted from the provisions of paragraphs (a), (b), and (d) hereof in so far as said subsections require the filing of a written objection to such disclosure. However, any department, or person representing said department, if it so desires, may file a memorandum setting forth the reasons on the basis of which it is claimed that a public disclosure of the information should not be made. If such a memorandum is submitted, it shall be filed and handled as is provided by this section in the case of a motion to withhold information from public disclosure.

(d) *Form of motion to withhold information from public disclosure.* Subject to the exception of paragraph (c), no information covered by paragraphs (a) and (b) of this section need be withheld from public disclosure unless written objection to such disclosure is filed with the Board in accordance with the following procedure:

(1) The motion shall be headed with the title and docket number of the proceeding and shall be signed and verified by the objecting person, any duly authorized officer or agent thereof, or by counsel representing such person in the proceeding.

(2) The motion shall include (i) a description of the information sought to be withheld, sufficient for identification of the same, and (ii) a full statement of the reasons on the basis of which it is claimed that a public disclosure of the information would adversely affect the interests of the objecting person and is not required in the interest of the public,

or that the information is of a secret nature affecting the national defense.

(3) Such motion shall be filed with the examiner or the person conducting the hearing or proceeding, as the case may be, or with the person with whom said application, report, or document is required to be filed.

(e) *Motion referred to the Board.* The order of the Board containing its ruling upon each such motion will specify the extent to which, and the conditions upon which, the information may be disclosed to the parties and to the public, unless, within five days after the date of the entry of the Board's order with respect thereto, a petition is filed by the objecting person requesting reconsideration by the Board or a written and verified statement is filed indicating that the objecting person in good faith intends to seek judicial review of the Board's order.

(f) *Objection in proceeding before the Board.* Notwithstanding any of the provisions of this section, whenever the objection to disclosure of information shall have been made, in the first instance, before the Board itself, the written motion of objection contemplated by paragraphs (a), (b), and (d) of this section shall not be necessary, but may be submitted if the parties so desire or if the Board, in a particular case, shall so direct. (Secs. 205 (a), 1001, 52 Stat. 984, 1017; 49 U.S.C., 425 (a), 641)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 43-3057; Filed, February 25, 1943;
11: 54 a. m.]

[Regulations, Serial No. 258]

PART 287—PROCEDURE, EVIDENCE AND
DEFINITIONS

DEFINITION OF TERMS

Amendment No. 2 of § 287.1.

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 17th day of February 1943.

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

Effective March 19, 1943, paragraph (b) of § 287.1 of the Economic Regulations is hereby amended to read as follows:

§ 287.1 *Definitions of terms used in rules, regulations, and orders of the board.* * * *

(b) The regulations of the Board may be cited by section numbers. For example, this regulation may be cited as "§ 287.1 of the Economic Regulations". The sections contained in Part 285 of the Economic Regulations, constituting the Rules of Practice under Title IV and sections 1002 (d) to (i) of the Act, may also be cited by appropriate rule numbers. For example, § 285.10 may be cited

as "Rule 10 of the Rules of Practice", or as "§ 285.10 of the Economic Regulations".

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 43-3058; Filed, February 25, 1943;
11: 54 a. m.]

[Regulations, Serial No. 262]

COMMERCIAL PILOT CERTIFICATES FOR
FRIENDLY ALIENS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 22d day of February 1943.

Effective February 22, 1943, Regulation designated Serial Number 244, relating to the issuance of commercial pilot certificates and appropriate ratings to citizens of friendly foreign governments, adopted by the Civil Aeronautics Board on October 28, 1942, is hereby repealed.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 43-3093; Filed, February 26, 1943;
11:04 a. m.]

[Amendment 20-2, Civil Air Regulations]

PART 20—PILOT CERTIFICATES

COMMERCIAL PILOT CERTIFICATES; CITIZENSHIP REQUIREMENTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 22d day of February, 1943.

Effective February 22, 1943, § 20.142 of the Civil Air Regulations is amended as follows:

1. By substituting a comma for the period at the end of paragraph (b) and inserting thereafter the word "or".

2. By adding a new paragraph (c) to read as follows:

§ 20.142 *Citizenship.* * * *

(c) A person who is in sympathy with the objectives of the United States and who is a trustworthy citizen of a friendly foreign government not under the domination of, or associated with any government with which the United States is at war. The effectiveness of the certificate issued to such person shall in any event terminate six months after the war and may be terminated by the Administrator at any time without notice. Upon application to the Administrator the war limitation clause may be removed whenever the government of the country of which he is a citizen grants the reciprocity required in paragraph (b) of this section.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 43-3092; Filed, February 26, 1943;
11:04 a. m.]

TITLE 32—NATIONAL DEFENSE

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 1010—SUSPENSION ORDERS

[Suspension Order S-240]

ROCKY MOUNTAIN BEVERAGE, INC.

Rocky Mountain Beverage, Inc., Denver, Colorado, is engaged in the production and selling of non-alcoholic beverages. During each of the months from June through September, 1942, the Company used closures in bottling such beverages in excess of its proper quota under Conservation Order M-104, the total excess usage for the four months being 3,014 gross. During this time the Company was familiar with the terms of Conservation Order M-104 and its violations thereof were wilful.

These violations of Conservation Order M-104 have hampered and impeded the war effort of the United States by diverting scarce materials to uses unauthorized by the War Production Board. In view of the foregoing, *It is hereby ordered, That:*

§ 1010.240 *Suspension Order S-240.* (a) Rocky Mountain Beverage, Inc., its successors and assigns, shall not use more closures made of tinplate, terneplate, or blackplate (as defined in Conservation Order M-104) in the bottling of non-alcoholic beverages, in each of the months specified below than the following amounts:

Month:	Amount
March 1943.....	331 gross
April 1943.....	350 gross
May 1943.....	600 gross
June 1943.....	624 gross
July 1943.....	846 gross
August 1943.....	1,320 gross

Nothing contained in this order shall be deemed to relieve Rocky Mountain Beverage, Inc., its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on March 1, 1943, and shall expire on August 31, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 25th day of February 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-3079; Filed, February 25, 1943;
5:09 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-241]

KAY ELECTRIC SUPPLY CO.

Abe Kaplan, doing business as Kay Electric Supply Co. of Atlantic City, New

Jersey, is a wholesale dealer in electric appliances and copper or copper base alloy wire mill products. During the period from September 1, 1942 to October 23, 1942, Mr. Kaplan made numerous wholesale deliveries of copper or copper wire mill products aggregating 8,129 feet on orders which did not bear a preference rating. At the time these deliveries were made, Mr. Kaplan was aware of the provisions of General Preference Order M-9-a and these acts constituted wilful violations of said order.

These violations of General Preference Order M-9-a have hampered and impeded the war effort by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing, *It is hereby ordered* That:

§ 1010.241 *Suspension Order S-241.*

(a) Abe Kaplan, doing business as Kay Electric Supply Co. or otherwise, his successors and assigns, is hereby prohibited from making deliveries of copper or copper base alloy wire mill products on orders which do not bear a preference rating of AA-3 or higher, except as specifically authorized by the Director General for Operations.

(b) Nothing contained in this order shall be deemed to relieve Abe Kaplan, doing business as Kay Electric Supply Co. or otherwise, from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on February 28, 1943, and shall expire on May 28, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 25th day of February 1943.

CURTIS E. CALDER,

Director General for Operations.

[F. R. Doc. 43-3080; Filed, February 25, 1943; 5:09 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-246]

W. M. DARY COMPANY

William M. Dary, Jr., is an individual residing in San Bernardino, California. He does business as W. M. Dary Company and operates two retail stores where plumbing supplies are sold, one at San Bernardino, California, and one at Long Beach, California.

Between May 27, 1942, and October 17, 1942, the Company made numerous sales and deliveries of new metal plumbing equipment and new metal heating equipment to ultimate consumers on orders which did not bear any preference ratings and did not contain the certification required by Limitation Order L-79. The total number of sales so made amounted to approximately \$10,000.00. These sales and deliveries constituted wilful violations of Limitation Order L-79.

Subsequent to April 9, 1942, W. M. Dary began construction of three residential buildings in San Bernardino, California, the estimate cost of each of which was in excess of \$500, the aggregate estimated cost being \$20,000. This construction was begun without authorization from the War Production Board and constituted wilful violations of Conservation Order L-41.

The foregoing violations of Limitation Order L-79 and Conservation Order L-41 have hampered and impeded the war effort of the United States by diverting scarce materials to uses unauthorized by the War Production Board. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.246 *Suspension order S-246.*

(a) William M. Dary, Jr., individually or doing business as W. M. Dary Company or otherwise, is hereby prohibited from accepting deliveries of, receiving, delivering, selling, transferring, trading or dealing in any new metal plumbing equipment or new metal heating equipment, as defined in Limitation Order L-79, except as specifically authorized by the Director General for Operations.

(b) Nothing contained in this order shall be deemed to relieve William M. Dary, Jr., individually or doing business as W. M. Dary Company or otherwise, from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on March 2, 1943, and shall expire on September 2, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 25th day of February 1943.

CURTIS E. CALDER,

Director General for Operations.

[F. R. Doc. 43-3081; Filed, February 25, 1943; 5:09 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-247]

FEDERAL OIL COMPANY

S. A. Himelfarb and Harry Himelfarb, doing business as the Federal Oil Company, 6415 Blair Road, N. W., Washington, D. C., are engaged in the business of marketing motor fuel. During the months of April, May, June, and from July 1 to July 21, 1942, the Federal Oil Company made deliveries of motor fuel in its own tank trucks from the storage facilities of its two suppliers to eleven service stations owned and operated by it in excess of the amounts permitted to be delivered in accordance with the provisions of Limitation Order L-70. The total over-deliveries of motor fuel to these eleven stations during the month of April, 1942 were 40,515 gallons, during May, 1942 were 118,615 gallons, during June, 1942 were 209,400 gallons, and from July 1 to July 21, 1942 were 181,765 gallons. The total over-deliveries during this period were 550,295 gallons. Com-

puted by percentages, the Federal Oil Company delivered to the eleven service stations during the month of April, 1942 twenty-six per cent in excess of the L-70 quota, during May, 1942 seventy per cent in excess of the quota, during June, 1942 one hundred and twenty-two per cent in excess of the quota, and from July 1 to July 21, 1942 one hundred and seventy-five per cent in excess of the quota.

While the above mentioned over-deliveries of motor fuel were being made, the Federal Oil Company was fully aware that Limitation Order L-70 governed the amount of motor fuel which could be delivered each month to its service stations. It nevertheless made no attempt to ascertain the quotas for each of its service stations so as to restrict its deliveries of motor fuel to conform with the terms of Order L-70.

These over-deliveries of motor fuel were made in such reckless disregard of the provisions of Limitation Order L-70 as to constitute wilful violations thereof. These violations have hampered the war effort of the United States by diverting motor fuel to uses unauthorized by the War Production Board. In view of the foregoing facts, *It is hereby ordered*, That:

§ 1010.247. *Suspension order S-247.*

(a) S. A. Himelfarb and Harry Himelfarb, doing business as the Federal Oil Company or under any other name, jointly or separately, their successors and assigns, shall not accept from any sources the delivery of any motor fuel, as defined in Limitation Order L-70, at the Federal Oil Company Service Stations listed below, or at any storage facility or other service station now or hereafter owned, operated or leased by them.

900 9th St. NW., Washington, D. C.
1127 19th St. NW., Washington, D. C.
6312 Georgia Ave. NW., Washington, D. C.
1560 Eckington NE., Washington, D. C.
2201 Bladensburg Rd. NE., Washington, D. C.
2900 Nichols Ave. SE., Washington, D. C.
1300 L St. NW., Washington, D. C.
6300 Georgia Ave. NW., Washington, D. C.
4300 Connecticut Ave. NW., Washington, D. C.
1231 New York Ave. NE., Washington, D. C.
2210 Benning Rd. NE., Washington, D. C.
701 Maine Ave. SW., Washington, D. C.

No person shall deliver any motor fuel, as defined in Limitation Order L-70, to the service stations listed in paragraph (a), or to any storage facility or any other service station now or hereafter owned, operated or leased by S. A. Himelfarb and Harry Himelfarb, doing business as the Federal Oil Company or under any other name, jointly or separately.

(c) Nothing contained in this order shall be deemed to relieve S. A. Himelfarb and Harry Himelfarb, doing business as the Federal Oil Company or under any other name, jointly or separately, from any restriction, prohibition or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations except in so far as the

same may be inconsistent with the provisions hereof.

(d) This order shall take effect on February 27, 1943, and shall expire on August 27, 1943.

Issued this 25th day of February 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-3082; Filed, February 25, 1943; 5:09 p. m.]

PART 3208—CRITICAL COMMON COMPONENTS

[General Scheduling Order M-293]

The fulfillment of requirements for the defense of the United States has created a shortage in the production of certain critical common components 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:

§ 3208.1 General Scheduling Order M-293—(a) Definitions. For the purpose of this order:

(1) "Critical common components" means any new equipment or apparatus of the types, descriptions and classifications set forth on the schedule hereto annexed. Class X and Class Y critical common components are those components which are so designated on such schedule.

(2) "Manufacturer" means any person who constructs or manufactures a critical common component to the extent that he is engaged in such construction or manufacture and shall include sales and distribution outlets and agencies controlled by such manufacturer.

(b) Operation reports. Each manufacturer of a critical common component shall file the applicable form designated in Column 1 of the annexed schedule on the dates prescribed by such form. Such form as filed shall where called for show production capacity and orders unfilled, received, shipped, cancelled and scheduled for the period specified in the form.

(c) Deliveries of Class X critical common components. (1) Each manufacturer of Class X critical common components shall file the applicable form as specified in Column 2 of the annexed schedule on the dates prescribed by such form. Such form as filed shall show the manufacturer's delivery schedule for Class X critical common components for the period therein specified.

(2) On and after April 1, 1943 (or such later date as may be specified in the applicable form), notwithstanding any preference rating which other orders may bear or any directive, rule or regulation of the War Production Board, each manufacturer shall deliver Class X critical common components only in accordance with the schedule filed pursuant to paragraph (c) (1), as the same may be changed by the Director General for Operations.

(d) Placing and acceptance of orders for Class Y critical common components. (1) Except as otherwise provided in the annexed schedule, on and after April 1,

1943 no person shall place an order with a manufacturer, and no manufacturer shall accept an order, for any Class Y critical common component unless accompanied by a specific authorization of the Director General for Operations. Such authorization may specify the manufacturer with whom the order may be placed. Applications for such authorization may be made to the War Production Board by the person seeking to place an order on the applicable form designated in Column 3 of the annexed schedule.

(2) Any order so authorized shall be accepted by the manufacturer with whom it is placed, provided it meets his regularly established prices and terms. Delivery shall be made in accordance with the terms of such order as authorized, notwithstanding any preference rating which other orders may bear or any directive, rule or regulation of the War Production Board.

(e) Other allocation and scheduling action. With respect to any critical common component, the Director General for Operations may, notwithstanding any other order, preference rating, directive, rule or regulation of the War Production Board:

(1) Direct the return or cancellation of any order on the books of a manufacturer

(2) Direct changes in the delivery or production schedule of a manufacturer

(3) Allocate orders placed with one manufacturer to another manufacturer

(4) Revoke any authorization to place an order granted by him pursuant to this order, or

(5) Take such other action, as he deems necessary, with respect to the placing of orders for, or the production or delivery of critical common components.

(f) Application of other orders and regulations. The listing of any product as a critical common component under this order does not relieve any person from complying with the provisions of any other order, directive, rule or regulation of the War Production Board, except as specifically provided in this order.

(g) Violations. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtain-

ing further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 26th day of February 1943.

CURTIS E. CALDER,
Director General for Operations.

SCHEDULE ANNEXED TO GENERAL SCHEDULING ORDER M-293

1. Designations. Only those critical common components designated as Class X or Class Y are subject to the provisions of paragraphs (c) and (d) of this order. A critical common component may be both a Class X and Class Y component and thus be subject to all the provisions of the order.

2. Applicable forms. If no form is listed in any of the columns opposite a specific item, no form is to be filed as to that item. If a form is listed opposite a general class of product, but not opposite a sub-classification, the form shall be filed only for the class as a whole (or for such part of a class as the manufacturer produces). If a form is listed opposite a general class of product and also opposite a specific sub-classification, the form is to be filed both for the class as a whole (or for such part of a class as the manufacturer produces) and the specified subclassification, but if the manufacturer produces only a specified subclassification the form need be filed only for that item.

Subject to the provisions of the foregoing paragraph:

The applicable form shown in Column 1 is to be used in making the report required of manufacturers of all critical common components by paragraph (b) of this order.

The applicable form shown in Column 2 is to be used in making the report required of manufacturers of Class X critical common components pursuant to paragraph (c) of this order.

The applicable form shown in Column 3 is that on which a purchaser of the Class Y critical common component may apply to the War Production Board for authorization to place an order with a manufacturer pursuant to paragraph (d) of this order.

Where the same form number is specified in more than one column, the form should only be filed once. Where the form specified is filed pursuant to any other "E", "L", "M" or "P" order, the form should only be filed once.

3. Reports and communications. The list of critical common components is arranged so that the name of the Industry Division appears in parenthesis above the type of critical common components for which it is primarily responsible.

All reports and forms required by the order and all communications with respect to any critical common component should be addressed to the War Production Board, Washington, D. C., attention of the appropriate Industry Division as so listed.

Type of critical common components	Designations	Applicable forms columns		
		1	2	3
(AIRCRAFT PRODUCTION BOARD RESOURCES CONTROL OFFICE)				
1. Parker type fittings		PD-900		
Tube, hose and pipe fittings specially designed for use in aircraft plumbing by virtue of their inherent low weight, compact dimensions and other design characteristics:				
Adapters.	Manifolds.			
Bushings.	Nipples.			
Caps.	Nuts (Special).			
Cells.	Parker Flanges.			
Collars.	Reducers.			
Connectors.	Rings.			
Couplings.	Sleeves.			
Crosses.	Snubbers.			
Elbows.	Supports.			
Hose Assembly.	Tees.			
Inserts.	Unions.			
Liners.				

Type of critical common components	Designations	Applicable forms columns		
		1	2	3
(AIRCRAFT PRODUCTION BOARD, ETC.)—continued 2. Gears, aircraft engine. Those gears directly incorporated in the assembly of aircraft engines. a. Timing..... Bevel, Spur. b. Accessory..... Bevel, Spur, Helical, Spur (Helical), Zero. c. Propeller reduction..... Spur, Herringbone. d. Supercharger..... Spur. 3. Engine accessories (aircraft): Those accessories used as a component part of an aircraft engine as listed below: a. Pumps: Fuel pumps, engine driven. Hand fuel pumps. Hydraulic pumps, engine driven. b. Spark plugs. Ceramic: Long reach shielded type. Short reach unshielded type. Mica: Long reach shielded type. Short reach shielded type. Short reach unshielded type. c. Starters..... Electric inertia type. Hand inertia. Direct crank type. Cartridge type. d. Carburetors Pressure injection type. Large float type (over 1,000 h. p.). Small float type (up to 1,000 h. p.). e. Magneto: 4 Cylinder—SF. 6 Cylinder—SF, V and SB. 7 Cylinder—SF, V and SB. 9 Cylinder—SF, V and SB. 12 Cylinder—SF, V and SB and DF, MJT. 14 Cylinder—DF, V and SF. 18 Cylinder—DF and V and SF. 24 Cylinder—DF and V and SF. f. Generators "E" type—12 volt, 50 amp. "L" type—24 volt, 25 amp. "M" type—24 volt, 50 amp. "O" type—24 volt, 100 amp. "P" type—24 volt, 200 amp. "R" type—30 volt, 300 amp. 4. Hydraulic parts—Actuating cylinders. A cylindrical chamber in which a piston is impelled by the pressure of a working fluid to provide the motive force required for the operation or control of some contiguous device.				
(AUTOMOTIVE DIVISION) 1. Crankshafts (finished): a. Drop forged..... b. Cast..... 2. Diesel engines (non-marine only): a. Over 750 r. p. m. 3. Gasoline engines (except aircraft): a. Air-cooled..... b. Liquid-cooled..... 4. Engine mounted accessories: a. Magnetos (other than aircraft types). b. Fuel injection pumps. One cylinder pumps. Multi-cylinder pumps. Nozzles and holders.	X X X X X X X X			
(BUILDING MATERIALS DIVISION) 1. Hand tools: a. Heavy forged tools..... 1. Picks 2. Mattocks 3. Hammers, Measles and Sledges (4 lbs. and over) 4. Blacksmith Anvil Tools b. Bars c. Tongs d. Woodworking tools: 1. Machetes..... 2. Axes, Hatchets & Hammers. (GENERAL INDUSTRIAL EQUIPMENT DIVISION) 1. Fans, blowers and exhausters as defined under Limitation Order L-280. 2. Compressors and dry vacuum pumps, reciprocating air and gas as defined in L-100 (excluding compressors for air conditioning, ice making, food and beverage cooling, processing and preservation and cold storage systems). All others having piston displacement of over 1 cubic foot per minute (excluding compressors for air conditioning, ice making, food and beverage cooling, processing and preservation and cold storage systems). 3. Conveying machinery and mechanical power transmission equipment as defined in Limitation Order L-193. a. Speed changers: 1. Enclosed units (excluding ship propulsion) Worm gear speed reducers. Helical and/or herringbone speed reducers. 2. Industrial gears (unmounted) Worm and worm wheels. 4. Flexible couplings. 5. Heat exchangers as defined in General Limitation Order L-172. 6. Pumps, industrial (except measuring and dispensing, and reciprocating compressors and dry vacuum pumps): a. Pumps, reciprocating (except compressors and dry vacuum pumps) b. Pumps, centrifugal c. Pumps, rotary (including vane, screw, lobe and gear) d. Power pumps and turbochargers for pressure differential of 144 or above: 1. Centrifugal type—20 H. P. and above. 2. Single Stage. Multi-Stage. Axial. Blast furnace. b. Rotary—20 H. P. and above. Sliding Vane. Liquid Piston. Lobe. c. Rotary and centrifugal—below 20 H. P.	Y X XY XY	PD-900 PD-900	PD-900 PD-900	PD-900 PD-900
(ALUMINUM AND MAGNESIUM DIVISION) 1. Forgings (Aluminum) a. Propellers. b. Crank cases. c. Small Hammer Forgings (less than 10,000 lbs.). d. Large Hammer Forgings (10,000 lbs. and over). e. Press Forgings. f. Pistons.	X			WFB-63 CMP-12 WFB-2251

1 As required under L-280.
2 As required under L-100.
3 As required under L-172.
4 As required under L-193.

Type of critical common components	Designations	Applicable forms columns		
		1	2	3
(TOOLS DIVISION)				
1. Bearings, ball and roller		WPB 1314 WPB 2389		
2. Hand tools:				
a. Mechanics' hand service tools		WPB 2057		
Adjustable wrenches (crescent type)				
Socket wrenches, midget size				
Monkey wrenches				
Pliers, side cutting				
b. Metal cutting tools		WPB 39		
Machine broaches, flat and spline				
Threading chasers, die:				
Heads and collapsible taps				
High speed taper shank				
Drill, 1" diameter and larger				
Ground gear hobs, 48 pitch and finer				
Ground multiple thread milling cutters of hobs				
c. Precision measuring tools		WPB 2009		
Micrometers				
Internal micrometers				
Callipers, pocket slide				
Planer gages				
Thickness gages				
Telescope gages				
Precision levels				
Parallels				
Protractors				
Solid squares				
Steel rules				
Vernier, callipers				
Vernier, gear tooth				
V blocks				
3. Machine tools		(*)	(*)	(*)
a. Hammers and presses.				
b. Forging machines.				
c. Surface broaching machines (5 to 15 tons).				
d. Planers, double housing 48" and up.				
e. Thread milling machines.				
f. Thread grinding machines (8" and up).				
g. Cylindrical grinding machines (4" to 10" capacity).				
h. Cylindrical grinding machines (20" diameter and over).				
i. Precision boring machines.				
j. Special and way drilling machines.				
k. Spur & helical gear shaping machines.				
l. Special machines (various types).				

* As required under order E1B.

[F. R. Doc. 43-3094; Filed, February 26, 1943; 11:16 a. m.]

PART 933—COPPER

[Amendment 1 to Conservation Order M-9-c, as Amended Jan. 20, 1943]

Section 933.4 Conservation Order M-9-c is hereby amended:

(1) By amending the first two paragraphs of Paragraph (h) (8) to be and read as follows:

(8) *Copper products or copper base alloy products not controlled by order.* On and after the original issuance dates of the orders listed in this subparagraph, the provisions of this order shall not apply to the manufacture of the following items or articles and parts (including repair parts) therefore, even though they contain copper products or copper base alloy products, since these items or articles are specifically governed by the following orders:

Shoe findings and footwear of all kinds governed by Supplementary Conservation Order M-9-c-1.

Fire protective equipment governed by General Limitation Order L-39.

Motorized fire apparatus governed by General Limitation Order L-43.

Bronze paste, bronze ink and bronze leaf and products made with bronze paste, bronze ink, bronze leaf and bronze powder (other than decalcomanias and ship bottom paint), governed by Supplementary Conservation Order M-9-c-3.

Jewelry governed by Supplementary Conservation Order M-9-c-2.

Musical instruments governed by Supplementary Limitation Order L-37-a.

Water meters governed by Schedule I of Limitation Order L-154.

Self-contained drinking water coolers governed by Schedule I of Limitation Order L-126.

The provisions of this order do not apply to attaching finished slide fasteners, hooks and eyes, brassiere hooks, sew-on, machine attached or riveted snap fasteners, buckles, buttons, corset clasps, eyelets (other than eyelets usable as shoe eyelets), garter trimmings, hose supporters, insignia, jewelry, loops, mattress buttons, pin fasteners, pins, staples, slides, and trouser trimmings. The order does apply to manufacturing, processing, assembling and finishing of the closures and associated items listed above where the provisions of this order are more restrictive than other orders of the War Production Board.

(2) By deleting the line in the combined list which reads as follows:

Lighting rods and lightning rod systems including cables and accessories (except as permitted by Order L-39).

(3) By amending the line in the combined list which now reads:

Insignia (except rank, branch and "U. S." Insignia for the Armed Forces).

to be and read as follows:

Insignia (See "Insignia" on List A-2 and on the Military Exemption List).

(4) By amending the line in the combined list which now reads:

Buckles.

to be and read as follows:

Buckles (See "Slide fasteners * * * buckles * * *" on List A-2 and the Military Exemption List).

(5) By amending the line in the combined list which now reads:

Buttons.

to be and read as follows:

Buttons. (See "Slide fasteners * * * buttons * * *" and "Mattress buttons" on List A-2.)

(6) By amending the lines in the combined list which now reads:

Health supplies (except those to which a preference rating is granted under Order P-29).

to be and read as follows:

Health supplies, except the following:

- Acoustic aids.
- Anaesthesia apparatus and supplies.
- Atomizers (medical use only).
- Diagnostic equipment and supplies.
- Hypodermic syringes and needles.
- Infant incubators.
- Instruments.
- Laboratory equipment and supplies.
- Medicinal chemicals (limited to medical use only).
- Operating room supplies and equipment.
- Ophthalmic products and instruments.
- Physical therapy equipment (limited to medical use only).
- Respirators, resuscitators and iron lungs.
- Rubber hospital sundries.
- Splints and fracture equipment.
- Sterilizers, blanket and solution warmers.
- Surgical and orthopaedic appliances (including artificial limbs and arms but not including arch supports which are listed on List A-2).
- Sutures and suture needles, and
- X-Ray equipment and supplies.

(7) By amending the lines in the combined list which now reads:

Locks (except pin tumbler cylinder assemblies; essential interior working parts of Type 88, Type 97 and Type 114 locks; discs and springs for disc tumbler locks; levers for secure lever locks; interior working parts of railway car door locks and railway switch padlocks; and keys for pin tumbler and disc tumbler locks).

to be and read as follows:

Locks (except pin tumbler and disc tumbler cylinder assemblies; essential interior working parts of Type 88, Type 97 and Type 114 locks; levers, tubes and centers for secure lever locks; interior working parts of railway car door locks and railway switch padlocks; keys for pin tumbler and disc tumbler locks; and postal locks when manufactured by the Mail and Equipment Section of the United States Post Office).

(8) By amending the line in the combined list which now reads:

Medals.

to be and read as follows:

Medals, including decorations.

(9) By amending the lines in the combined list which now read:

Pipe, tube, tubing, and fittings for piping systems (except when the only copper products or copper base alloy products used are permitted by Schedule VII of Order L-42).

to be and read as follows:

Pipe, tube, tubing, and fittings for piping systems.

(10) By changing on List A-2 clause (ii) of the item "Air conditioning equipment and refrigeration equipment" which reads:

(ii) except for essential food storage, food transportation and industrial processing and then only when the only copper products or copper base alloy products used are for capillary tubing, bulbs, small moving parts, bellows, bearings which use not over 2 pounds of copper each, tube connections and fittings below $\frac{3}{8}$ " and integral fin tubing used in refrigeration condensers;

to be and read as follows:

(ii) except for essential food storage, food transportation, food processing, and industrial processing and then only when the copper products or copper base alloy products used are for capillary tubing, bulbs, screens, gaskets, small moving parts, bellows, bearings which use not over 2 pounds of copper each, tube connections and fittings $\frac{3}{8}$ " or less (outside diameter), and finned tubing used in water cooled refrigeration condensers;

(11) By amending the lines of List A-2 which now read:

Pipe, tube, tubing and fittings for water supply and distribution systems and installations (except corporation stops and couplings therefor, curb stops and couplings therefor, adapters, unions and solder nipples and except for all such pipe, tube, tubing and fittings for use on board ship and in chlorine gas equipment). This takes the place of Interpretation No. 4 of Order M-9-c.—Dec. 26, 1942.

to be and read as follows:

Pipe, tube, tubing and fittings for water supply and distribution systems and installations (except corporation stops and couplings therefor, curb stops and couplings therefor, adapters, unions, solder nipples and ferrules and except for all such pipe, tube, tubing and fittings for use on board ship and in chlorine gas equipment). This takes the place of Interpretation No. 4 of Order M-9-c.—Dec. 26, 1942.

(12) By adding to List A-2 the following items in their alphabetical position:

	<i>Governing date</i>
Arch supports.....	Feb. 26, 1943
Blow torches, kerosene (except when the only copper products or copper base alloy products used are for the pump barrel, pump check valve assembly, pump cylinder cap, brazing material, pack nut, valve stem, valve body and jet block).....	Feb. 28, 1943
Change making, coin counting and sorting machines.....	Feb. 28, 1943
Daubers for shoe polish.....	Feb. 26, 1943
Expansion bolts and caulking anchors.....	Feb. 28, 1943
Gas heater and stove installation connections.....	Feb. 28, 1943
Insignia.....	Feb. 26, 1943
Linoleum stripping.....	Feb. 26, 1943
Mattress buttons and furniture glides.....	Feb. 26, 1943

	<i>Governing date</i>
Putty and scraping knives.....	Feb. 26, 1943
Sash balances.....	Feb. 26, 1943
Seismograph loading pole couplings.....	Feb. 28, 1943
Slide fasteners, hooks and eyes, brassiere hooks, sew-on, machine attached or riveted snap fasteners, buckles, buttons, corset clasps, eyelets, garter trimmings, hose supporters, loops, personal hardware, pin fasteners, staples, slides, trouser trimmings, rivets, burrs and tacks for use on wearing apparel.....	Feb. 26, 1943
Tying devices for laundry.....	Feb. 26, 1943
Tokens.....	Feb. 26, 1943

(13) By amending the line of the military exemption list which now reads:

Bells (for use on board ship).

to be and read as follows:

Bells (for use on board ship until February 28th, 1943).

(14) By amending the line of the military exemption list which now reads:

Insect screens and screening.

to be and read as follows:

Insect screens but only when made with screening manufactured prior to February 28, 1943.

(15) By amending the line of the military exemption list which now reads:

Blow torches, gasoline and alcohol (parts other than tanks, only).

to be and read as follows:

Blow torches, gasoline, kerosene and alcohol (parts other than tanks, only).

(16) By adding to the military exemption list in their alphabetical position the following items:

Decorations as defined in Army and Navy Regulations when produced to fill purchase orders rated AA-3 or higher only.

Insignia (but only rank, branch and "U. S." Insignia for the Armed Forces when produced to fill purchase orders rated AA-3 or higher) until June 1, 1943.

Slide fasteners for use on jungle clothing and equipment; and sew-on, machine attached or riveted snap fasteners, buckles, eyelets, staples, rivets and burrs for use on jungle clothing and equipment, and for use on leather, canvas, webbing and duck for field clothing and equipment being produced on a rating of AA-3 or higher.

Issued this 26th day of February 1943.

CURTIS E. CALDER,

Director General for Operations.

[F. R. Doc. 43-3098; Filed, February 26, 1943; 11:38 a. m.]

PART 3133—PRINTING AND PUBLISHING

[Limitation Order L-241, as Amended Feb. 26, 1943]

COMMERCIAL PRINTING

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of copper, zinc and paper, required for the production of printed matter 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:

§ 3133.9 *Limitation Order L-241—(a) Definitions.* For the purpose of this order.

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

(2) "Printed matter" means any paper (or paperlike substance) with ink applied to it by the relief, planographic, intaglio, silk screen or other stencil processes or any combination or modification thereof, except:

(i) "A newspaper" as defined in General Limitation Order L-240.

(ii) "Wall paper" as defined in General Limitation Order L-177.

(iii) "A box" as defined in General Limitation Order L-239.

(iv) Any converted paper product as contained in List A and List B of General Conservation Order M-241-a.

(v) "A magazine" as defined in General Limitation Order L-244.

(vi) "A book" as defined in General Limitation Order L-245.

(vii) Printed matter produced by or for the account of any department or agency of the United States, its territories or possessions, or any State, county or municipality in the United States; and such printed matter as shall be either: required by the contract between a supplier or contractor of any department or agency of the United States and such department or agency; or necessary for the production of, the delivery to, or the use of products by any such department or agency.

(viii) Printed matter produced by or for the account of any public utility necessary for the functional operation of such utility including but not limited to railroads, bus companies, motor transport companies, air transport companies, communication companies, gas, water and electric power companies.

(ix) Printed matter required by law in connection with any Federal, State, county or municipal tax laws or regulations.

(3) "Printer" means a person who produces printed matter.

(4) "Put into process" means the first application of ink to paper (or paperlike substance) in the production of printed matter.

(5) "Base period" means the calendar year 1941.

(b) *Restrictions on the weight of paper which a printer may put into process.* (1) During the first calendar quarter of 1943 or any calendar quarter thereafter a printer shall put paper (or paperlike substance) into process in the production of printed matter only according to one of the following schedules:

(i) Not in excess of 22½% of the gross weight of paper (or paperlike substance) put into process by him in the production of printed matter during the base period;

(ii) Not in excess of 90% of the gross weight of paper (or paperlike substance) put into process by him in the production of printed matter during the corresponding calendar quarter of the base period.

(2) Notwithstanding the provisions of (b) (1) above, no printer during the calendar year 1943 or any calendar year thereafter shall put paper (or paper like substance) into process in the production of printed matter in excess by weight of 90% of the gross weight of paper (or paperlike substance) put into process by him in the production of printed matter during the base period.

(c) *Miscellaneous provisions*—(1) *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.

(2) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as the Director shall from time to time require.

(3) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning their inventory, use and sales of printed matter, subject to the inspection of the duly authorized representative of the War Production Board.

(4) *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, stating fully the grounds of the appeal.

(5) *Communications to the War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Printing & Publishing Division, Washington, D. C. Ref.: L-241.

(d) *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 26th day of February 1943.

CURTIS E. CALDER,

Director General for Operations.

[F. R. Doc. 43-3099; Filed, February 26, 1943; 11:38 a. m.]

§ 3154.2 *Schedule I to Limitation Order L-236*—(a) *Definitions.* For the purposes of this schedule:

(1) "Producer" means any person who manufactures, fabricates, assembles, melts, casts, extrudes, rolls, turns, spins, or otherwise processes builders' finishing hardware, cabinet locks and padlocks.

(2) "Builders' finishing hardware" means a device for supporting, guarding, operating, controlling, or securing various parts of any building or structure. Such part of a building or structure shall include, but is not limited to, doors, windows, transoms, scuttles, gates, partitions, and closets.

(3) "Cabinet locks and padlocks" means a lock operated by key or combination (exclusive of communicating door locks) which is designed and constructed for the purpose of

(i) Guarding, controlling, securing or preventing the entrance to a building or structure or any part of a building or structure; or

(ii) Guarding, controlling, securing or preventing the opening or moving of any article, item or container used for the purpose of storage, transportation or safekeeping. Such article, item or container shall include, but is not limited to, furniture, luggage, baggage, chests, bags, lockers, cabinets or boxes.

(4) "Lend Lease government" means the government of any foreign country whose defense the President deems vital to the defense of the United States, as provided in the act of March 11, 1941 entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(b) *Exclusions from provisions of Schedule I to Limitation Order L-236.*

(1) Any builders' finishing hardware, cabinet lock or padlock, for any use

(i) On or in any ship or vessel, or

(ii) In the operations of a railroad or street railway, other than the construction of a building, or

(iii) Other than construction, repair or maintenance of a building, when purchased by or for the account of the Army, Navy, Maritime Commission or War Shipping Administration, or

(iv) As a protection to electric power equipment; or

(2) Any prison lock, time lock, safe deposit lock or automotive lock; or

(3) Any parts manufactured for repair and maintenance of any builders' finishing hardware, cabinet locks, or padlocks shall not be subject to the limitations of this Schedule.

(c) *Simplified practices.* Pursuant to Limitation Order L-236, the sizes, types, grades, finishes and weights set forth in tables 1 through 15 of this Schedule I as amended are established for the man-

ufacture of builders' finishing hardware, cabinet locks and padlocks except that a producer may manufacture such hardware, cabinet locks or padlocks which shall not be subject to the limitations established by this Schedule I as amended and tables attached thereto, for export under a license issued by the Board of Economic Warfare, or to fill an order of a Lend-Lease Government for builders' finishing hardware, cabinet locks or padlocks differing in size or design from those manufactured for domestic use in accordance with Table 1 through Table 15 of this Schedule I as amended, when the sizes or designs as manufactured for domestic use will not fulfill the requirements of foreign use.

(d) *Effective date of simplified practices.* On and after the first day of April 1943 no producer shall manufacture, put in process, assemble or otherwise complete any builders' finishing hardware, cabinet lock, or padlock which does not conform to the catalog number, size, grade, and type established by paragraph (c) of this Schedule as amended and as set forth in the tables attached hereto, except upon approval by the Director General for Operations.

(e) *List of builders' finishing hardware, cabinet locks and padlocks to be manufactured subsequent to the first day of April 1943.* On or before the 20th day of March 1943 every producer shall file Form PD-754 with the Building Materials Division of the War Production Board, Washington, D. C., Ref. L-236, listing product, catalog number, size, grade, and type of builders' finishing hardware, cabinet locks and padlocks currently produced by such producer and which such producer proposes to continue in production in accordance with the limitations of this Schedule to Limitation Order L-236. On and after the 1st day of April 1943 no producer shall deviate from the catalog numbers, sizes, grades, and types as listed by him, and no producer shall enter into the production of any catalog number, size, grade, and type of builders' finishing hardware, cabinet locks and padlocks not listed by him on such form unless the Director General for Operations shall otherwise direct.

(f) *Records covering materials, work in progress, etc.* Each producer of builders' finishing hardware, cabinet locks and padlocks shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

Issued this 26th day of February 1943.

CURTIS E. CALDER,

Director General for Operations.

PART 3154—**HARDWARE SIMPLIFICATIONS**
[Limitation Order L-236, Schedule I, as Amended Feb. 26, 1943]

BUILDERS' FINISHING HARDWARE, CABINET LOCKS, AND PADLOCKS

Section 3154.2 *Schedule I to Limitation Order L-236* is hereby amended to read as follows:

TABLE 1. BUTTS, HINGES, AND RELATED ITEMS

Numbers shown refer to designs of items only, materials and finishes permitted are as follows:

All items shall be steel, cast iron or antimonial lead except that brass may be used where permitted under the terms of Copper Order M-9-c Amended.

Where the use of brass is permitted, such brass may be finished US3 or US4, all other items shall be finished US1b, US18A, US18A unsanded, USP, US2G, US2H, lead and unfinished.

Where tips are indicated by numbers shown, such tips shall be button tips only.

Butts made to template, of designs and sizes listed, may be manufactured.

A tolerance of 1/32 of an inch greater or less than sizes set forth is permitted.

The following type numbers have been taken from Federal Specification FF-H-116b:

Type numbers permitted:	Sizes permitted
2212 Steel pin	8", 10", 12".
2209 Steel pin	6", 8", 10", 12".
2203 Steel pin	4", 6", 8", 10", 12".
2140 Hardened washer bearings only permitted.	12", 18", 24", 36".
2138 Hardened washer bearings only permitted.	12", 18", 24", 36".
B2080 1/2	3", 3 1/2", 4", 4 1/2".
2040 Except no non-rising pin	3" x 4", 4" x 5", 4" x 6", 5" x 8", 4 1/2" x 6", 4" x 7", 5" x 7".
2031	2" x 2", 2 1/2" x 2 1/2", 3" x 3", 3 1/2" x 3 1/2", 4" x 4", 4 1/2" x 4 1/2".
2029	2" x 2", 2 1/2" x 2 1/2", 3" x 3", 3 1/2" x 3 1/2", 4" x 4".
2018 1/2	3" x 3", 2 1/2" x 2", 2 1/2" x 2 1/2".
2014 1/2 Plain steel bushing permitted when produced in brass.	2 1/2" x 2 1/2", 3" x 3", 3 1/2" x 3 1/2", 4" x 4", 4 1/2" x 4 1/2", 5" x 5".

The following type numbers have been taken from catalog #28 of P & F Corbin, for use as a guide; similar products of any other manufacturer will be permitted.

Type numbers permitted:	Sizes permitted
169	4 1/2", 5".
162	2 1/2" x 2 1/2", 3" x 3", 3 1/2" x 3 1/2".
161 1/2 BT	2 1/2" x 2 1/2", 3" x 3", 3 1/2" x 3 1/2", 4" x 4", 4 1/2" x 4 1/2", 5" x 5".
160 BT	2 1/2" x 2 1/2", 3" x 3", 3 1/2" x 3 1/2", 4" x 4", 4 1/2" x 4 1/2", 5" x 5".
152	3 1/2" x 3 1/2", 4" x 4", 4 1/2" x 4 1/2", 5" x 5".

The following type numbers have been taken from catalog #61 of Stanley Works, for use as a guide; similar products of any other manufacturer will be permitted.

Type numbers permitted:	Sizes permitted
1775	With 10" hinges.
1665	1/2" x 4", 5/8" x 5", 3/4" x 6", 7/8" x 7".
1664	1/2" x 6", 5/8" x 8", 3/4" x 10", 7/8" x 10".
1260	Each manufacturer limited to 3 sizes.
999	1 1/2" x 3/8", 2" x 3/8", 2 1/2" x 3/8", 2 1/2" x 1/2", 3" x 1/2", 3" x 5/8", 3 1/2" x 1/2", 3 1/2" x 3/8", 3 1/2" x 3/4", 4" x 5/8", 4" x 3/4", 4" x 7/8", 5" x 7/8", 5" x 1", 6" x 7/8", 6" x 1", 8" x 1 1/2".
998	1/2" x 3/4", 1/2" x 1", 1/2" x 1 1/2", 1/2" x 2", 1/2" x 2 1/2", 3/4" x 1", 3/4" x 1 1/2", 3/4" x 2", 3/4" x 2 1/2", 3/4" x 3".
997	1" x 1/2", 1 1/2" x 1/2", 2" x 5/8", 2 1/2" x 5/8", 3" x 3/4", 3 1/2" x 3/4", 4" x 7/8", 5" x 1", 6" x 1 1/8", 8" x 1 1/8".
996	3/4" x 4 1/2", 7/8" x 4 1/2", 1" x 4 1/2", 1 1/4" x 4 1/2", 1 1/2" x 4 1/2".
995 1/2	2 1/2" x 2 1/2", 3" x 3", 4" x 4", 5" x 5", 6" x 6".
995	2" x 5/8", 2 1/2" x 5/8", 3" x 3/4", 3 1/2" x 3/4", 4" x 7/8", 5" x 1", 6" x 1 1/8", 8" x 1 1/4", 10" x 1 1/4", 12" x 1 1/4".
976	1", 1 1/4", 1 1/2", 4", 5", 2", 2 1/2", 3", 3 1/2".
975	4", 5", 6".
972	4", 5", 6".
952	6", 8", 10", 12", 14", 16", 18", 20", 22", 24", 30", 36".
951	6", 8", 10", 12", 14", 16", 18", 20", 22", 24", 30", 36".
941	7 1/2" through 8" (one size only).
925	3", 4".
915	2 1/2", 3 1/2", 4 1/2", 6".
912	3", 4 1/2", 6", 8".
913	3", 4 1/2", 6", 8".
904	2", 3", 4", 6", 8".
900	2", 3", 4", 6", 8".
840 Tight pin permitted.	1" x 1", 1 1/2" x 1 3/8", 2" x 1 9/16", 2 1/2" x 1 11/16", 3" x 2".
BB852	5" x 6" x 3/8".

TABLE 2. CHECKING FLOOR HINGES

Type numbers shown refer to designs of items only, materials and finishes permitted are as follows:

Materials permitted for checking floor hinges are ferrous metal and antimonial lead.

Checking floor hinges may be manufactured only for the following uses:

1. Where self-closing function is required by applicable fire regulations.
2. For exterior entrance and exit doors of public and industrial buildings.
3. Where essential in hospitals, except for patients' rooms, wards, etc.

Finishes permitted are USP, US18A, and lead finishes.

The following type numbers have been taken from Federal Specifications FF-H-121a:

Type numbers permitted:	Sizes permitted
US Type 3500	Size III.
US Type 3510	Size I.
US Type 3520 and A	Size II.
US Type 3520 and A	Size III.

One Type similar to "Unicheck" as manufactured by the Oscar C. Rixson Co., Catalog No. 5.

TABLE 3. CABINET HARDWARE INCLUDING CABINET HINGES

Materials permitted are ferrous metal, antimonial lead, glass, wood or plastic for all items except drawer pulls and knobs.

Drawer pulls and knobs may be non-metallic only.

Finishes permitted are USP, US18a, US2G, enamel, and lead.

A tolerance of 5/32 of an inch greater or less than sizes set forth is permitted.

Cabinet Hinges

Full surface type—(applied on outside of cabinet door) to be made only for flush and 3/8" offset doors—Each manufacturer limited to three (3) designs.

Semisurface type—semi-concealed hinges to be made only for flush doors and doors with 3/8" offset—Each manufacturer limited to three (3) designs.

Half surface type—for flush doors only—Each manufacturer limited to three (3) designs.

Knobs and Pulls

Knobs—Each manufacturer limited to three (3) designs with sizes permitted from 7/8" to 1 1/4" inclusive.

Pulls—Each manufacturer limited to three (3) designs with sizes permitted from 2 1/2" to 4 1/2" inclusive.

NOTE: Knobs and pulls shall be applied by steel screw or bolt. (No metal bushing or shoulder ferrule permissible.)

Cabinet Catches

Friction catches—Each manufacturer limited to three (3) types.

Elbow catches—Each manufacturer limited to two (2) designs.

Each manufacturer shall be limited to one design of any one size of all items listed in this table 3.

TABLE 4. HYDRAULIC DOOR CLOSERS

Materials permitted for hydraulic door closers are ferrous metals and antimonial lead.

Finishes permitted are USP, or any lacquer finish.

Hydraulic door closers may be manufactured only for the following uses:

1. Where self-closing function is required by applicable fire regulations.
2. For exterior entrance and exit doors of public and industrial buildings.
3. Where essential in hospitals, except for patients' rooms, wards, etc.

Types permitted:	Sizes permitted
Standard surface type	C, D.
Underwriters Laboratories approved type with fusible link (one type only)	D.
Brackets; soffit, corner and extension	----- To fit C, D.

TABLE 5. HANGERS, TRACK AND RELATED ITEMS

Materials permitted are ferrous metals, except that zinc base die castings may be used where permitted by the Zinc Order M-11-b.

Finishes permitted are US1E, US2G, US2H, and lead.

This table shall not affect the manufacture of elevator door hardware.

Each manufacturer will be limited to the designs and quantities shown under the following sub-headings.

Reference to Richards-Wilcox means item numbers in Richards-Wilcox Catalog No. 90.

A tolerance of 5/32 of an inch greater or less than sizes set forth is permitted.

Sliding door bumper—Each manufacturer limited to one design.

Garage door holder—Each manufacturer limited to one design.

Overhead door hardware except rolling steel shutters—Sliding folding door sets using flat steel track for combinations from 2 to 6 doors. Sliding-folding door sets using formed steel track for combinations from 2 to 10 doors.

Overhead Door Hardware

One type of weight counterbalanced hardware, for each standard size of door, for one piece overhead door.

One type of spring counterbalanced hardware for each standard size of door for one piece overhead door.

One type of hardware in two sizes for sectional type overhead doors.

One or Two Section Vertical Lift Doors

Limited to one type of weight counterbalanced hardware for each size of door.

Jackknife Doors

Limited to one type of weight counterbalanced hardware for each size of door.

Folding Partition Door Hardware

One type using hangers at top placed in center of door and no guide track at bottom similar to Richards-Wilcox No. 135.

One type using door supporting rollers at bottom or top and guide track at top or bottom.

One type with hangers at top placed in center of doors with special operating device, either manually or electrically controlled, similar to Richards-Wilcox No. 405.

Door Hangers Other Than Above

One type of flat steel track hinged hangers in three sizes.

One type of flat steel track rigid hangers in three sizes.

Flat steel track in three sizes as follows: 1" x 3/16", 1 1/4" x 3/16", 3 1/2" x 3/8".

Trolley or formed track, rectangular or round, with removable brackets, and hangers in six (6) sizes, suitable for the following door weights:

	100 lbs.
	to 300 lbs.
	to 600 lbs.
	to 800 lbs.
	to 1,200 lbs.
	to 2,000 lbs.

Track for doors over 2,000 lbs.—each manufacturer limited to one design.

A storm-proof track—each manufacturer limited to one design.

Sliding Door Stay Rollers

Lag screw types, straight and bent.

One type for light doors for side attachment, similar to Richards-Wilcox No. 53.

One type for light doors for floor attachment, similar to Richards-Wilcox No. 54.

One type for heavy doors for side attachment, similar to Richards-Wilcox No. 68.

One type for heavy doors for floor attachment, similar to Richards-Wilcox No. 59, 154.

Sliding Door Guides

Single type guide for light doors, similar to Richards-Wilcox No. 372.

Double and triple type guides for parallel doors similar to Richards-Wilcox No. 172, and 173.

One type for light center parting doors similar to Richards-Wilcox No. 271.

One type for heavy center parting doors similar to Richards-Wilcox No. 171.

One type used as end stop similar to Richards-Wilcox No. 572.

One type for sliding-folding doors similar to Richards-Wilcox No. 771.

Sliding Door Pulls

Extra heavy casts pulls similar to Richards-Wilcox No. 470.

Cast iron or steel pulls in two sizes, similar to Richards-Wilcox No. 70-1, 70-2.

Surface type pulls in two sizes.

Bumper Shoes

One type, similar to Richards-Wilcox 435 x 72.

Door Latches

Gravity type, reversible in two sizes with two types of keepers.

Bar type, in two sizes with two types of keepers similar to Richards-Wilcox No. 152.

Draw type latch for parallel doors similar to Allith Prouty type 396, Catalog No. 101.

Reversible flush type similar to Richards-Wilcox No. 520.

Swinging door latch similar to Lawrence Bros. type 122, Catalog No. 19.

Reversible type for light doors similar to Richards-Wilcox No. 325.

Fire Door Hardware

Single sliding door sets using Underwriters' standard hardware with flat or round track for tin clad or steel door, incline or level track.

Center parting sliding door sets using Underwriters' standard hardware with flat or round track for tin clad or steel doors incline or level track.

Verticle sliding door sets, with Underwriters' standard hardware, using flat track for tin clad or steel doors.

Single swing door sets, using Underwriters' standard hardware, for tin clad or steel doors.

Double swing door sets, using Underwriters' standard hardware, for tin clad or steel doors.

Single swing shutter sets using Underwriters' standard hardware for tin clad or steel shutters.

Double swing shutter sets, using Underwriters' standard hardware, for tin clad or steel shutter.

Trap doorsets for light trap doors, using hardware for tin clad or steel doors.

Trap door sets for heavy trap doors using hardware for tin clad or steel doors.

Heavy Industrial Hinges

Ten types similar to Richards-Wilcox 434-WA, B, C, CC, D, E, J, K, 1035, 1036. To have either disc or ball bearings.

TABLE 6. LOCKS AND DOOR TRIM

Materials permitted are ferrous metals, antimonial lead, plastic, wood, pottery or glass. Zinc base die castings and brass may be used where permitted by the Copper Order M-9-c and the Zinc Order M-11-b.

Locks furnished keyed alike shall have not more than one key per lock. Other locks shall have not more than two keys per lock. Only three master keys may be furnished with each group of locks when such locks are required to be furnished master-keyed.

Finishes permitted are US1B, US18A, US2G, and lead finishes. Where the use of brass is permitted, such brass may be finishes US3.

A tolerance of 3/32 of an inch greater or less than sizes set forth is permitted.

Each manufacturer shall be limited to the number of designs shown under each sub-heading.

Federal numbers shown here have been taken from Federal Specifications FF-H-106.

Cylindrical and tubular locks and latches, with comparative functions, may be substituted for mortise locks and latches described hereinafter.

Tubular and cylindrical type locksets—Each manufacturer shall be limited to sets of three roses and three designs of knobs.

Pin tumbler tubular mortise latches and dead locks—Each manufacturer shall be limited to three types; one mortise latch, one dead bolt and one mortise dead latch with auxiliary bolts.

Mortise locksets with pendant or rectangular trim—Each manufacturer shall be limited to three designs of wrought trim, except that cast trim is permitted where specified in the War Housing Manual.

Door knobs general—May be ferrous metal, glass, wood, plastic or pottery. Glass knobs shall be limited to using wrought steel shanks.

Roses general—All roses shall be of plain design approximate sizes 1 3/4", 2" and 2 1/8".

Key plates general—Key plates shall be limited to one type, similar to Government specifications FF-H-106, type 351.

Rim knob locks and latches commercial jobbing types—Each manufacturer shall be limited to three catalogue numbers in japanned finish.

Locks general—Locks and latches shall be limited to the following descriptive numbers:

Mortise Knob Latches

- Mortise latch. Case—Lacquered wrought steel or japanned iron, approximately 1 3/16" x 3 1/4" x 1/2". Front—Wrought steel or cast iron, approximately 2 7/8" x 3/4". Steel strike. Latch bolt—Wrought steel or cast iron, approximate throw 5/16". Backset—Approximately 2 1/2".

- Mortise latch. Case—Japanned iron, approximately 1 5/8" x 3 1/4" x 5/16". Front—Approximately 3 3/8" x 7/8". Strike ferrous metal. Bolt—Approximate throw 1 3/32". Backset—Approximately 2 1/2".

Mortise Bit Key Knob Locks

- Mortise locks similar to FF-H-106 Type 4 modified. Case—Japanned iron, approximately 3 5/8" x 3 1/8" x 1/2". Bolts—Approximate throw Latch 3/8" bolt 7/16". Tumbler—1. Backset—Approximately 2 1/2". Front—5 1/4" x 3/8". Steel strike.

- Mortise locks, similar to FF-H-106, type 4a. Case—Japanned iron, approximately 3 1/4" x 3 1/4" x 5/8". Front—5 1/2" x 3/8", strike ferrous metal. Bolts—Minimum throw latch 7/16" bolt 7/16". Tumbler—3. Backset—Approximately 2 1/4". Construction—Double compression easy spring.

- Mortise lock, similar to FF-H-106, type 7. Case—Japanned iron, approximately 4 1/4" x 3 3/8" x 5/8". Front—Approximately 6" x 1", strike ferrous metal. Bolts—Minimum throw latch 3/8" bolt 7/16". Tumblers—3. Backset—Approximately 2 3/4". Construction—Double compression easy spring.

Mortise Vestibule Locks

- Cylinder key type, similar to FF-H-106 type 91. Case—Japanned iron approximately 4 3/4" x 3 3/8" x 3/4". Front—Approximately 7" x 1 1/16". Strike ferrous metal. Bolt—Approximate throw latch 1/2" bolt 1/2". Backset—Approximately 2 1/2". Construction—Double compression easy spring. Operation—Outside by key. Both sides by knobs. Outside knob is set by stops in face. One cylinder.

Office Door Locks

- Cylinder type, similar to FF-H-106 Type 97. Case—Japanned iron approximately 5" x 3 3/8" x 3/4". Front—Approximately 7 1/2" x 1 1/16". Strike ferrous metal. Bolts—Approximate throw 1/2". Backset—Approximately 2 3/4". Construction—Double compression easy spring. 1 cylinder, auxiliary latch bolt. Operation—Outside by key—both sides by knobs. Outside knob is set by stops in face.

Mortise Dead Locks

1. Bit key type, similar to FF-H-106 type 38A. Case—Japanned iron approximately 2 1/2" x 3 1/4" x 9/16". Front—Approximately 3 3/8" x 1". Strike ferrous metal. Bolt—Approximate throw 1/2". Backset—Approximately 2 3/4". Tumblers—3. Operation—Bit key both sides.
2. Cylinder type, similar to FF-H-106 type 114 x No turn. Case—Japanned iron approximately 2 1/2" x 3 1/2" x 1 1/16". Front—Approximately 4 1/4" x 1 1/16". Strike ferrous metal. Bolt—Approximate throw 1/2". Backset—Approximately 2 3/4". Operation—Cylinder 1 side only. No turn knob.
3. Cylinder type, similar to FF-H-106 type 114. Case—Japanned iron approximately 2 1/2" x 3 1/2" x 1 1/16". Front—Approximately 4 1/4" x 1 1/16". Strike ferrous metal. Bolt—Approximate throw 1/2". Backset—Approximately 2 3/4". Operation—Cylinder 1 side, turn knob 1 side.
4. Cylinder type, similar to FF-H-106 type 115. Case—Japanned iron, approximately 2 1/2" x 3 1/2" x 1 1/16". Front—Approximately 4 1/4" x 1 1/16". Strike ferrous metal. Bolt—Approximate throw 1/2". Backset—Approximately 2 3/4". Operation—Cylinders both sides.

Mortise Bath Room Locks

1. Bath room lock. 17A modified. Case—Japanned iron approximately 3 1/2" x 3 1/2" x 9/16". Front—Steel, approximately 5 1/4" x 7/8". Strike steel. Bolts—Iron; approximate throw latch 5/16", bolt 1/2". Backset—Approximately 2 3/8". Construction—Free action latch bolt. Operation—Latch bolt by knobs either side. Dead bolt by turn knob from inside only. Emergency key.

Mortise Asylum Locks

1. The limited number of asylum locks may be retained as shown in manufacturers' catalogues with only those restrictions or limitations imposed by other orders.

Mortise Bit Key Front Door Locks

1. Bit key front door locks. Case—Japanned iron, approximately 4 5/8" x 3 3/8" x 1 1/16". Front—Wrought steel, approximately 7" x 1". Strike steel. Bolts—Cast iron, approximate throw, latch 1 1/2", bolt 1/16". Backset—Approximately 2 1/2". Tumbler—1. Construction—Easy spring on latch, firm on knob. Operation—Latch bolt by key outside all times, by knob from either side, except when outside knob is set by stops in face.

Mortise Locks Fire Door Bearing Underwriters Labels

1. The limited number of locks normally required for fire doors bearing Underwriters labels may be retained in manufacturers' catalogues with only those restrictions or limitations imposed by other orders.

Mortise Cylinder Front Door Locks

1. Cylinder front door locks, similar to FF-H-106 type 88. Case—Japanned iron, approximately 5 1/2" x 3 3/8" x 3/4". Front—Approximately 7 1/2" x 1". Strike ferrous metal.

Bolt—Approximate throw latch 1/16", bolt 1/2". Backset—Approximately 2 1/2". Construction—Double compression easy spring. Operation—Latch bolt by key from outside at all times, and by knobs either side, except when outside knob is set by stops in face. Dead bolts by key from outside and turn knob inside.

Mortise Cylinder Front Door Lock—Type 93, Same as Type 88

Operation—Latch bolt by knob either side; dead bolt by key from outside and turn knob from inside.

Mortise School House Locks

1. Bit key type. Case—Japanned iron, approximately 5 3/8" x 3 7/8" x 3/4". Front—Approximately 7 1/2" x 1 1/16", Strike ferrous metal. Bolt—Approximate throw 1/2". Backset—Approximately 2 3/4". Tumbler—3. Construction—Easy spring compression type on latch, auxiliary latch to lock to latch bolt to prevent its being forced back when door is closed. Operation—Latch bolt by knobs from either side, outside knob is locked or released by key from either side, inside knob operative at all times.
2. Cylinder type school house lock. Case—Japanned iron, approximately 5" x 3 3/8" x 3/4". Front—Approximately 7 1/2" x 1 1/16", Strike ferrous metal.

NOTE: Federal numbers shown have been taken from Federal Specification FF-H-111.

Item-description	Similar to—		Sizes
	Fed. No.	Mfr.'s No.	
DOUBLE HUNG WINDOW HARDWARE			
Window spring bolt.....	A1060		3/4"
Friction sliding springs similar in operation to "Jiffy", "Noiseless", etc.			
Sash fasteners, cast, or wrgt.	1139A		2 1/2", 2 3/4"
Hook sash lifts, cast, or wrgt.	1201A		1 x 8"
Stop sec. & washers FH sec.	1344		3"
Sash pole hook, cast.	1294A		6"
Sash pole, wood.		Ives 1800S	(Catalog #17)
Sash socket.			
Sashcord saddle—non-metallic.			
Sash weights—(only from burnt cast, iron, such as stove plate, grate bars, annealing pots,terne plate, slag iron, city dump scrap except tin can scrap, tin can scrap if permission is granted by the Administrators of M-72A.)			
TRANSOM HARDWARE			
Transom catch, cast or wrgt.	1097A		1 1/4 x 2"
Transom chains, steel chain minimum tensil strength 300 lbs.	1120A		12"-15"
Rabbeted transom sash centers.		Sargent 1 1/2, J-71, 1 3/4, 2 1/4" (Catalog #42)	
Sash centers, cast.		Corbin 1303, 1304 (Catalog #18)	
DOOR PULLS			
Push plates—non-metallic.	463		14 x 3 1/2 or smaller.
Hospital arm pull.		Sargent 1526 (Catalog #42)	
Door pulls, cast or wrgt.	1269		
Door pulls, cast or wrgt.	1274		
Door pulls, wrgt.	1276A		
BOLTS			
Barrel bolts—cast or wrgt.	1019B		2, 2 1/4"-3-4-5"
Chain bolts round or square cast or wrgt.	1022B		3-6-8-10"
Foot bolts, round or square cast or wrgt.	1049A & B		3-6-8-10"
Extension bolts, wrought or cast.	B1044B		
Cane bolts, cast or wrgt.	1051A		12", 18", 24"
Mortise bolt.	1053A	Champion 1 1/4"	3710 Backset (Catalog #18).
Square bolt cast or wrgt.	1059		6", 8"
Surface bolts cast or wrgt.	1060A		3 1/2 x 3", 4"-6"
Cane bolts.			3/4" x 20", 1" x 30"
Bolts cremone (not permitted for residential or private garage use).	A1028		
MISCELLANEOUS			
Hooks and eyes.	1601C		1 1/2-2-2 1/2-3-4"
Door buttons, cast or wrgt.	1069		1 1/4"
Door fasteners with chain, cast or wrgt.	1118A		4"
Thumb latch.	1189A		
House numbers, non-metallic.			3"
Shutter fasteners.		Lawrence 5"	138, (Catalog #19)
Padlock eyes.	1430		1 and 2.
Cellar window catch.	B-1137A		
Handrail bracket.	1064A		
Door stops, non-metallic.			

Rim Knob Latches

1. Rim knob latch, cast iron case, box strike, similar to FF-H-106, Type 80. Case—Japanned iron, approximately 2 3/4" x 3 3/4" x 5/8". Backset—Approximately 2 3/4". Bolt—Cast iron approximate throw 3/8". Operation—By knobs both sides.
2. Rim knob latch with slide bolt. Case—Japanned iron, approximately 2 3/4" x 3 1/2" x 5/8". Backset—Approximately 2 3/4". Bolt—Cast iron approximate throw latch 3/8" bolt 3/8". Operation—By knob both sides.

TABLE 7. MISC. SASH, SCREEN, AND SHELF HARDWARE

Materials permitted are ferrous metals or antimonial lead only except that zinc base die castings may be used where permitted by the Zinc Order M-11-b. A tolerance of 5/32 of an inch greater or less than sizes set forth is permitted. Finishes permitted are US1B, US18A, US2G, US18a unsanded, and lead.

Spring Hinges

Type numbers permitted		Description
Federal Type No.	Bommer numbers Catalog #63	
2330-A	479 to 488	Double acting spring hinges, hanging strip required, sizes 3" 4" 6" 8" 10"
2331-A	3029 to 3045	Double acting spring hinges, no hanging strip required, sizes 3" 4" 6" 8" 10"
	451-459, 463-467	Single acting spring hinges, hanging strip required, sizes 4" 6" 8" 10"
	3051-3059, 3063-3067	Single acting spring hinges, no hanging strip required, sizes 4" 6" 8" 10"
	10042 to 10048	With one clamp flange, hanging strip required, double action furnished in 8" 10" & 12"
2334	15 (not permitted for residential use)	Floor surface spring hinge horizontal type, furnished in steel only for doors 1 1/2" to 2 1/2" thick as required.
	24 (not permitted for residential use)	Vertical spring pivot floor hinge—release type.

TABLE 10. LAVATORY DOOR HARDWARE
 Where the use of brass is permitted, such brass may be finished US3 or US4, all other items shall be finished US1B, US18A unsanded, USP, US2G, and lead.
 The following type numbers have been taken from catalog #63 of Bommer Spring Hinge Company for use as a guide, similar products of any other manufacturer will be permitted.

Numbers shown refer to designs of items only, materials and finishes permitted are as follows:
 All items shall be ferrous metal or antimonial lead except that the use of brass will be permitted in the manufacture of those items permitted under the terms of Copper Order M-9-c Amended.

Type numbers permitted		Description
Federal Type No.	Bommer numbers	
4200	1334	Gravity pivot, diameter of housing not less than 1 1/4"
	1330	Lavatory gravity pivots, diameter of housing not less than 1 1/4" suitable attachments will be supplied as specified, depending on construction of partition.
	0-1063-1055-1057, 1059-1073	Strikes.
	5000	Throw latch, bar not less than 1/2" with strike and keeper for hanging stile.
4903	5009	Rim bolt latch.

Lavatory Sash Fastenings

1130	1147-1 1/2" only	1139	1155
1131	1150	1142	1156
1132	1151	1143	1172
1137	1152	1116	
1138	1153		

TABLE 11. PANIC BOLTS
 Materials permitted are ferrous metals or antimonial lead except that the use of brass or zinc base die casting will be permitted for any uses permitted by Copper Order M-9-c or Zinc Order M-11-b.
 Locks furnished keyed alike shall have not more than one key per lock. Other locks shall have not more than two keys per lock. Only three master keys may be furnished with each group of locks when such locks are required to be furnished master-keyed. Finishes permitted are US1B, US18A and lead.
 Each manufacturer shall be limited to three designs in trim.

TABLE 12. SASH BALANCES
 Sash balances shall be of single coiled spring (clock spring) type with suspension

Item-description	Similar to—		Sizes
	Fed. No.	Mfr.'s No.	
SCREEN DOOR HARDWARE			
Screen latch, cast or wrought. Limited to one type in one size for each manufacturer.			
Perfection spring, Nos. 2 to 6 inclusive, with double wire loop ends.			
Screen door hinges (full or half surface). Each manufacturer limited to one size of each design permitted.			Bommer 2100, 960 (Catalog #63).
Coil springs			Stanley 1751 (Catalog #61). Bommer 2400 (Catalog #63) 9", 11", (For hospital use only).
Pneumatic door checks	3015		
SCREEN WINDOW AND STORM SASH HARDWARE			
Hangers in pairs with screws, wrought.	1825		
Hangers in pairs with screws, wrought.	1826B		
Hangers in pairs with screws, wrought, set.	1830		
Screen lift.			
Storm and screen adjuster and fastener.			
Storm sash fastener, set consisting of one pair of fasteners and one pull.			
CASEMENT WINDOW HARDWARE			
Adjuster, rod & thumb nut, cast or wrought.	1002A		10-12"
Friction stay, cast or wrought.			Payson 39 (Catalog #39).
Casement fastener, cast or wrought.			Yale 1007 (Catalog #28).
Casement operator.			Ives 06000 (Catalog #17).
Pivot which consists of sill plate, sash plate, and sliding shoe.			Ives 17136 (Catalog #17).
Hardware for industrial type wood sash.			Not to exceed 2 1/2 lbs. per vent.

TABLE 8. NIGHT LATCHES AND DEADLOCKS
 Materials permitted are ferrous metal or antimonial lead except that brass may be used where permitted under the Copper Order M-9-c as Amended, and zinc where permitted under Zinc Order M-11-B.
 All flat strikes shall be eliminated except when ordered separately.
 Locks furnished keyed alike shall have not more than one key per lock. Other locks shall have not more than two keys per lock. Only three master keys may be furnished with each group of locks when such locks are required to be furnished master-keyed.
 All metallic finishes shall be eliminated.
 The manufacture of the following types shall be permitted.
 A tolerance of 1/32 of an inch greater or less than sizes set forth will be permitted.
 One catalog number narrow backset, disc tumbler, separate cylinder, rim night latch, in black finish, with rim strike only.
 One catalog number narrow backset, pin tumbler cylinder, rim night latch, square and bevel bolt in black finish, similar to Government Type 134, with rim strike only.
 Two catalog numbers standard 2 1/2" backset, pin tumbler cylinder, rim night latch, with iron bolt, in black finish, with rim strike only.
 One catalog number standard 2 1/2" backset, square bolt type pin tumbler, cylinder rim deadlock, approximate size 2 1/2", 1 1/2", 3 1/2", in black finish, with rim strike only.
 One catalog number jimmy-resisting deadlock without chain attachment, with rim strike only.
 One catalog number jimmy-resisting deadlocks with double cylinders, with rim strike only.

TABLE 9. SPRING HINGERS
 Numbers shown refer to designs of items only, materials and finishes permitted are as follows:
 All items shall be ferrous metal or antimonial lead except that the use of brass will be permitted in the manufacture of those hinges permitted under the terms of Copper Order M-9-c Amended.
 Where the use of brass is permitted, such brass may be finished US3 or US4, all other items shall be finished US1B, US18A unsanded, USP, US2G, and lead.
 A tolerance of 1/32 of an inch greater or less than sizes set forth is permitted.
 The following type numbers have been taken from Catalog #63 of Bommer Spring Hinge Company for use as a guide, similar products of any other manufacturer will be permitted.
 Single and double acting hinges may be manufactured only for the following uses:
 1. Army, Navy and Maritime Commission.
 2. Industrial and commercial.
 3. Multi-family dwellings, where required by local fire regulations.

tape, or twin coiled spring "flat" type with suspension cables, or single helical-spring "vertical" type with or without tubular housing. Springs may be high-carbon steel uniformly tempered. The single coiled-spring type must have pressed steel or cast iron case and front for mounting in mortise in the window frame. The twin coiled-spring type must have pressed steel case for mounting flatwise in the cutout in the window frame.

Materials permitted are ferrous metals only, except that zinc may be used where permitted by Zinc Order M-11-B. Finishes permitted are US2G, US2H, USP lead and lacquer.

Coiled spring type balances may be made in two types:

- (a) Using suspension tape.
- (b) Using wire cable.

They may be made in adjustable or non-adjustable types.

Coiled spring and vertical type sash balances may be made as stock items in the following weight capacities:

4 to 26 lbs.
25 to 58 lbs.
58 to 80 lbs.
80 to 110 lbs.

TABLE 13. CABINET LOCKS

Materials permitted for cabinet locks are ferrous metal or antimonial lead only, except that zinc base die casting or brass may be used for cylinder assemblies of pin tumbler and disc tumbler locks and for the tubes, centers and levers of secure lever locks. Keys for pin and disc tumbler locks may be of brass.

Locks furnished keyed alike shall have not more than one key per lock. Other locks shall have not more than two keys per lock. Only three master keys may be furnished with each group of locks when such locks are required to be furnished master-keyed.

Finishes permitted are US1B, US18A, US2G and lead. Where the use of brass is permitted, such brass may be finished US3.

Flat keyed, secure lever chest locks—Each manufacturer limited to two (2) designs, approximate sizes $1\frac{1}{2}'' \times 2''$ for $\frac{3}{4}''$ wood; $1\frac{3}{4}'' \times 2\frac{1}{2}''$ for $\frac{1}{2}''$ wood.

Double link, warded, barrel key, chest locks—Each manufacturer limited to one (1) design, approximate size $2\frac{1}{2}'' \times 1\frac{1}{16}''$.

Pin tumbler, small cylinder, half mortise drawers and/or cupboard locks—Each manufacturer limited to one design with deadbolt approximately $2'' \times 1\frac{1}{16}''$.

Disc tumbler, dead bolt, surface type drawer and/or cupboard locks—Each manufacturer limited to one design only.

Disc tumbler, dead bolt, half mortise drawer and/or cupboard locks—Each manufacturer limited to one design only.

Flat key, secure lever, half mortise, dead bolt drawer locks—Each manufacturer limited to one (1) design, approximate size $1\frac{3}{4}'' \times 1\frac{1}{16}''$.

Flat key, secure lever, surface type drawer locks—Each manufacturer limited to two (2) designs, approximate sizes $1\frac{3}{4}'' \times 1\frac{1}{8}''$; $1\frac{3}{4}'' \times 1\frac{1}{4}''$.

Half mortise, warded, barrel key drawer locks—Each manufacturer limited to one (1) design, approximate size $2\frac{1}{2}'' \times 1\frac{1}{8}''$.

Pin tumbler, surface type, locker and wardrobe locks—Each manufacturer limited to one design, approximate size $1\frac{3}{8}'' \times 1\frac{1}{4}''$ with a $\frac{1}{8}''$ or $1\frac{1}{8}''$ cylinder.

Flat key, secure lever, surface type, locker and wardrobe locks—Each manufacturer limited to four (4) designs, approximate sizes $1\frac{1}{2}'' \times \frac{3}{8}''$; $2'' \times 1\frac{1}{4}''$; $2\frac{3}{4}'' \times 1\frac{1}{4}''$; $2\frac{5}{8}'' \times 1\frac{1}{4}''$.

Barrel key, warded, surface type, locker and wardrobe locks—Each manufacturer limited to two (2) designs, approximate sizes $2\frac{1}{2}'' \times 1\frac{1}{4}''$; $3'' \times 1\frac{1}{4}''$.

The manufacturer shall make only one design of a size.

TABLE 14. PADLOCKS

Materials permitted are steel, cast iron, antimonial lead malleable iron, brass, or zinc. The use of brass will be permitted only for cylinder assemblies and keys (not including cases) and levers for lever tumbler and disc tumbler locks. The use of zinc will be permitted for cylinder assemblies and keys (including cases) and levers for lever tumbler and disc tumbler locks.

Locks for use by the Army, Navy and Maritime Commission may have zinc base die cast cases whether case is part of cylinder assembly or not.

Locks furnished keyed alike shall have not more than one key per lock. Other locks shall have not more than two keys per lock. Only three master keys may be furnished with each group of locks when such locks are required to be furnished master-keyed.

A tolerance of $\frac{1}{32}$ of an inch greater or less than sizes set forth shall be permitted.

Each manufacturer shall make only one design of a size.

Finishes permitted are US18A, US2G, and lacquer finish.

Pin tumbler padlocks—Four sizes, $1\frac{1}{8}''$ to $2''$.

Warded or ward lever padlocks—Three sizes, $1''$ to $1\frac{3}{4}''$.

Spring or bolt spring padlocks—Four sizes, $\frac{5}{8}''$ to $2''$.

Disc tumbler padlocks—Three sizes, $1''$ to $1\frac{3}{4}''$.

Ratchet shackle padlock—Limited to one size for each manufacturer.

Combination padlocks—Limited to one size for each manufacturer.

Secure lever padlocks—Limited to one size for each manufacturer.

Special shackles may be furnished on order. Chains may be supplied on order.

TABLE 15. DOOR HOLDING DEVICES

Materials permitted are ferrous metals and antimonial lead only except that zinc base die castings and brass may be used where permitted by the Copper Order M-9-c and the Zinc Order M-11-b.

Finishes permitted are USP, US18A, US1D and lead.

The following type numbers have been taken from the catalog of Glynn-Johnson Co., for use as a guide; similar products of any other manufacturer will be permitted.

G-J 320 Friction door holder—not exceeding $1\frac{1}{4}$ lbs. average weight (in sizes required for various size doors in hospitals only).

The following items may be manufactured only for uses in schools, hospitals and industrial buildings.

G-J 70 Door holder—not exceeding $2\frac{1}{4}$ lbs. average wgt.

G-J 40 Door holder—not exceeding 22 oz. in weight (with strikes suitable for floor or head installation).

[F. R. Doc. 43-3097; Filed, February 26, 1943; 11:38 a. m.]

Subchapter C—Director, Office of War Utilities

PART 4500—ELECTRIC, GAS, WATER, AND STEAM UTILITIES—MATERIALS

[Supplementary Utilities Order U-1-b as Amended Feb. 25, 1943]

Supplementary Utilities Order U-1-b, is hereby amended to read as follows:

§ 4500.3 *Supplementary Utilities Order U-1-b.* Notwithstanding the provisions of paragraph (h) of Utilities Order U-1, gas and electric service connections

may be made by producers to permit the operation of a gas or electric range in the dwelling of a domestic consumer, provided that the conditions stated in either paragraph (a) or paragraph (b) hereof, and the conditions stated in paragraph (c) hereof, are satisfied:

(a) In the case of an application for an extension to serve a gas or electric range which the applicant has used in a dwelling which he previously occupied, the dwelling proposed for connection is not equipped with a range of any kind; or

(b) In case of an application for an extension to serve a gas or electric range which the applicant has not used in a dwelling which he previously occupied.

(1) The dwelling proposed for connection is not equipped with a range of any kind, and

(2) Complete facilities to range location are not installed for serving either a gas range or an electric range; and

(c) Connections (including any additional service drop, primary, secondary, and ground conductor, but excluding service entrance conductor and interior wiring) can be made with an expenditure by the producer of not more than the following amounts of material:

(1) In the case of an electric range, 15 pounds of copper in conductor, or

(2) In the case of a gas range, 75 feet of one and one-quarter inch steel pipe, or any length of steel pipe weighing in the aggregate not more than 170 pounds.

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

Issued this 25th day of February 1943.

J. A. KRUG,
Director,
Office of War Utilities.

[F. R. Doc. 43-3083; Filed, February 25, 1943; 5:10 p. m.]

Chapter XI—Office of Price Administration

PART 1306—IRON AND STEEL

[RPS 10, Amendment 5]

PIG IRON

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Immediately following the sub-heading "Manganese differentials" in § 1306.56 is inserted a new sub-heading entitled "Nickel differentials" as set forth below:

§ 1306.56 *Appendix A: Basing point base prices for pig iron (per gross ton—2,240 lbs.); switching charges; certain differentials.* * * *

Nickel differentials. Basing point base prices are to be subject to an addi-

*Copies may be obtained from the Office of Price Administration.

¹7 F.R. 1236.

tional charge for nickel content as follows:

Nickel content:	Additional charge	No extra
Under 0.50%		\$2.00
0.50% to 0.74% incl.		3.00
0.75% to 0.99% incl.		4.00
1.00% to 1.24% incl.		5.00
1.25% to 1.49% incl.		6.00
1.50% to 1.74% incl.		7.00
1.75% to 1.99% incl.		
and in the same progression above 1.99%.		

This amendment shall become effective March 3, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 25th day of February 1943.
PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3066; Filed, February 25, 1943; 3:11 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS
[MPR 268, Amendment 3]

SALE OF CERTAIN PERISHABLE FOOD COMMODITIES AT RETAIL

A statement of the considerations involved in the issuance of Amendment No. 3 to Maximum Price Regulation No. 268 has been issued and filed with the Division of the Federal Register.*

Subparagraph (5) of paragraph (c) of § 1351.1116 is amended to read as set forth below:

§ 1351.1116 *Appendix A: Figures to be used by retailers in determining maximum prices under § 1351.1103 of this regulation.* * * *

(c) *Definitions.* * * *

(5) "Cheese" means all varieties and kinds of natural and processed cheese, bulk or packaged, including cottage cheese and cheese products the ingredients of which are composed of more than 50% cheese by weight.

Excluded is Cheddar cheese bought by a retailer for the purpose of aging or curing, and which remains in his possession under controlled temperature for at least 6 months and is sold by him 6 months or more after it is received by him for the purpose of aging or curing. Maximum price for this cheese shall be determined under the provisions of Maximum Price Regulation No. 280 until June 1, 1943. After that date sales of this cheese shall be priced under this Maximum Price Regulation No. 268.

This amendment shall become effective on March 3, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 25th day of February 1943.
PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3067; Filed, February 25, 1943; 3:11 p. m.]

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 9184; ⁸ F.R. 322, 1747.

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[Revocation of Rationing Order 2]

NEW PASSENGER AUTOMOBILES

Rationing Order No. 2 (§§ 1360.101 to 1360.110, inclusive) is hereby revoked, except that any violations which occurred or rights or liabilities which arose before the effective date of this order of revocation shall be governed by the order in effect at the time the violations occurred or the rights or liabilities arose.

This order of revocation shall become effective March 6, 1943.

(Pub. Law 421, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1A, 7 F.R. 562, 698, 1493)

Issued this 25th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3064; Filed, February 25, 1943; 3:10 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[Ration Order 2B]

PASSENGER AUTOMOBILES

When the building of passenger cars was discontinued in February, 1942, to enable manufacturers to convert their plants to war production, about 520,000 new passenger cars were reported as held for resale by manufacturers, distributors and dealers. At the peacetime rate of sales this stock would have been marketed in less than two months.

For a nation in whose economic life the automobile plays such an important part, the situation was serious. To provide automobiles for military, government and essential civilian driving needs and to aid in the control of new car prices, it became necessary not only to ration these 520,000 new cars, but also to restrict the sale of used 1942 cars in the same manner. Aside from the new cars, these automobiles were generally the best we had. The transfer of these cars to essential users is helping to utilize the Nation's automobiles still further in the war effort.

Under Rationing Orders No. 2 and 2A about 280,000 new 1942 automobiles were released to eligible buyers by December 31, 1942, leaving approximately 240,000 on hand in dealers' stocks for military and civilian needs in 1943 and thereafter.

When automobile rationing was instituted there were no effective controls on the use of cars. Since that time the mileage rationing program has introduced controls through the rationing of gasoline and tires. As a result, the necessity for reserving a large stock-pile of cars in dealers' hands no longer exists and it is now possible to permit the distribution of the remaining cars on a more liberal basis. Although these cars are placed in use, they necessarily will be used sparingly and will continue to remain our best automotive equipment.

Coordination with the recent nationwide mileage rationing program makes it desirable to revise the automobile rationing regulations at this time. In the process of revision, the rationing rules, procedures and forms have been simplified for the convenience of the public, the Boards and the trade.

The principal changes in the automobile rationing program which are introduced in this order are:

In general, a person who drives to any extent for any of the purposes listed in the preferred mileage list of the gasoline regulations may acquire a 1942 car if he needs a car in his activities and does not have the use of a serviceable car. By using the C book eligibility list as a basis for distributing new cars, the new program operates to distribute the best cars for use in the most essential occupations, and by so doing, it operates to complement the mileage rationing program.

1942 cars having a list price of more than \$1,500 and all convertible models, regardless of price, may be acquired by a person who needs a car in carrying on either a gainful occupation or work related to the war effort or public welfare, and who does not have the use of a serviceable car. This relaxation is made possible because rationing experience has shown that these cars are not needed by the most essential users.

For the same reason, a person is now permitted to obtain a 1941 car driven less than 1,000 miles if he will use it in carrying on a gainful occupation or work related to the war effort or public welfare. These 1941 cars are rationed under a plan which does not require a buyer to acquire a certificate from his board. Instead, it will be the responsibility of the dealer to secure the required information and to forward it to the Office of Price Administration.

The underlying purpose for the reserve pool of 1942 cars (sometimes referred to by the trade as "B pool", "Government pool" and "deep-freeze" cars) was to reserve these cars for distribution to essential users in 1943 and thereafter. Having served its purposes, the pool is now discontinued and these cars are now available for distribution under the rationing program.

Ration Order No. 2B becomes effective on March 6, 1943 and supersedes Rationing Orders No. 2,¹ 2A,² and the New Passenger Automobile Rationing Regulations,³ however Rationing Order 2A continues to apply to the territories and possessions of the United States.

§ 1360.651 *Rationing of 1941 automobiles driven less than 1,000 miles and all 1942 automobiles.* Under the authority given to the Price Administrator by the War Production Board in Directive No. 1, issued January 24, 1942, in Supplementary Directive No. 1A, issued

¹ 7 F.R. 667, 936, 1009, 1131.

² 7 F.R. 1542, 1647, 1756, 2108, 2242, 2305, 2903, 3097, 3482, 4343, 5484, 6049, 6082, 6424, 6601, 6775, 6964, 7149, 8808, 8895, 9316, 10228; 8 F.R. 28, 363, 1138, 1365.

³ 7 F.R. 668, 1009.

on February 2, 1942, and in Supplementary Directive No. 1Q, issued on November 6, 1942, Ration Order No. 2B (relating to the rationing of 1941 automobiles driven less than 1,000 miles and all 1942 automobiles) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1360.651 issued under Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, 421, 77th Cong.; W. P. B. Directive No. 1, 7 F.R. 562; Supplementary Directive No. 1A 698, 1493, 2229, 2729; Supplementary Directive No. 1Q, 7 F.R. 9121; E. O. 9125, 7 F.R. 2719.

RATION ORDER 2B—PASSENGER AUTOMOBILES

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ARTICLE I—GENERAL RULES FOR OBTAINING A RATIONED CAR—POWERS AND DUTIES OF THE BOARDS UNDER THIS ORDER

SECTION 1.1 *This order applies to 1941 passenger cars driven less than 1,000 miles and to all 1942 passenger cars.*

(a) This Ration Order No. 2B applies to all 1941 passenger cars which have been driven less than 1,000 miles and all 1942 passenger cars regardless of mileage. It includes the chassis of such cars and also includes taxicabs, but not ambulances, hearses, station wagons or cars with a seating capacity of more than ten persons.

(b) This Ration Order No. 2B is in force in the forty-eight states and the District of Columbia.

SEC. 1.2 *The rationing of 1941 cars driven less than 1,000 miles.* This section applies only to 1941 passenger cars which have been driven less than 1,000 miles. The only other reference in this order which apply to 1941 cars are found in Article IV of this Ration Order No. 2B. These 1941 cars are rationed as follows:

(a) No person shall transfer or acquire (or offer to transfer or acquire) for purposes of use a 1941 passenger car which has been driven less than 1,000 miles, except as permitted by this section.

(b) Such a 1941 passenger car may be transferred to a person for use in carrying on a gainful occupation or in carrying on work related to the war effort or public welfare. Before the car may be transferred, the transferee and transferor shall sign the following statements, indicating the purposes for which the car will be used:

(Statement to be Signed by Buyer)

I, _____, hereby certify
(Print name of buyer)
to the Office of Price Administration that I am acquiring the following described 1941 car for the following purposes _____

(Describe the
gainful occupation or work related to the war effort or public welfare for which you will use this car)

Description of Car

Make _____ Serial No. _____
Model _____ Engine No. _____
(Sign your name)
(Print your address)

Date _____
(Statement to be signed by Seller)

I, _____, hereby certify
(Print name of seller)
to the Office of Price Administration that I am transferring the above described 1941 car to _____, and that to the
(Print name of buyer)

best of my knowledge his statement is true and correct in every respect.

(Sign your name)

(Print your address)

(c) The signed statements of the transferee and transferor shall be attached and shall be forwarded by the transferor to the Office of Price Administration, Inventory Unit, New York City within five days from the date of transfer.

(d) There is no requirement that a person who transfers or acquires a 1941 passenger car under this section shall secure a certificate or other authorization from his Board.

Sec. 1.3 *Who may get a ration certificate for a 1942 car.* Although all 1942 cars are under rationing control, those 1942 cars which have a list price of over \$1500 and all 1942 convertible soft-top cars are rationed on a less restricted basis than other 1942 cars.

(a) *Persons eligible for any 1942 car.* The following persons may acquire a 1942 car for use:

(1) *Persons listed in gasoline C book list.* A person who needs a car for his own use for any of the preferred mileage purposes listed in Ration Order 5C, the Mileage Rationing: Gasoline Regulations, and who does not have the use of a serviceable car for the specified purposes. This applies even though the mileage driven for such purposes is not sufficient to permit the issuance of a C ration; or

(2) *Taxicab operators.* A person who has secured the permission of the Office of Defense Transportation to add an additional taxicab to his fleet or who desires to replace an unserviceable taxicab which he owns and operates under the authority of the Office of Defense Transportation.

(b) *Persons eligible for 1942 cars with list price of over \$1500 or for convertibles.* Any person who does not have the use of a serviceable car and who needs a car in carrying on either a gainful occupation or work contributing to the war effort or to the public welfare may acquire a 1942 car which has a list price of over \$1500, according to OPA Revised Price Schedule No. 85⁴ including any amendments to it, or any convertible soft-top car, regardless of price.

(c) *Guides for determining serviceability.* In deciding under this section whether the car which an applicant uses is serviceable, the board should consider the purpose for which he uses the car and any facts which bear upon its condition. Unless the facts show otherwise, the board may decide that a 1939 or older car is not serviceable for the driving needs of the applicant. The board may also decide that any car driven over 40,000 miles, irrespective of its age, is not serviceable.

(d) *Guides for determining need.* In deciding whether an applicant needs a

⁴ 7 F.R. 9135, 9787, 10147, 10016, 10338, 10706, 10787; 8 F.R. 179; 7 F.R. 11009, 11070; 8 F.R. 274, 369, 372, 607, 565, 1028, 1202, 1203, 1365, 1282, 1813, 1318, 1588, 1895, 2093, 1366.

⁵ 7 F.R. 1364, 1675, 2134, 2132, 6048, 6897, 7100, 7436, 7942, 8948, 9899; 8 F.R. 1450, 2040.

car the board shall consider the distance which he must travel in his eligible activity, the adequacy of public transportation, the amount of time he could save by using a car, and any other facts which bear on his need for a car. If at any time after January 1, 1942 he has transferred a car, he must show that the car was un-serviceable or that he had no need for it at the time, or that other circumstances justified its transfer.

SEC. 1.4 Where and how to apply for a ration certificate for a 1942 car. Application for a ration certificate for a 1942 car shall be made either in person or by mail to the War Price and Rationing Board serving the area in which the person applying will ordinarily keep his car, or to the Plant Area Board serving the plant in which he works. Application for one or more 1942 cars shall be made on Form R-213. The application shall be signed by the applicant personally, unless he is physically unable to do so. The person applying shall supply all the information required by the form and any other information requested by the board.

SEC. 1.5 When and how a certificate is issued and used. (a) If the board decides that the applicant is entitled to a 1942 car under this order, it shall issue a ration certificate to him on Form R-214. If an application for more than one car is granted, a separate certificate shall be issued for each car.

(b) The number of ration certificates which may be issued by a board in any month may be limited by quotas set by the Office of Price Administration. In no case shall a board issue more certificates than its quota. If the quota is used up, the board may apply to the State Director for an additional quota.

(c) Notice of the board's action shall be given, either at the board's office or by mailing, to the applicant or his agent.

(d) The person to whom a ration certificate has been issued shall use it within fifteen days from the date on the certificate, but not thereafter, unless additional time is allowed by the board. The allowance of any additional time shall be noted on the face of the certificate. The parts of the certificate shall be signed by the certificate holder and shall be disposed of according to the instructions on the certificate.

SEC. 1.6 Persons who may obtain an authorization to sell their 1942 cars to anyone. (a) Any person included in this section who owns a 1942 car for his use may transfer it without a certificate upon receiving a clearance statement from his board:

(1) A member of the armed forces who is on active duty with any branch of the United States Army, Navy, Coast Guard, or Marine Corps, (including the Women's Auxiliary Army and Navy Organizations, such as the WAACS, WAVES or SPARS,) or anyone who has taken his oath of service and will begin active duty within fourteen days from the date of application.

(2) An officer or seaman holding a certificate in the United States Merchant Marine, or any other person under the

Division of Training of the War Shipping Administration who has taken his oath of enrollment.

(3) An officer, agent, representative or employee of the United States or of any government recognized by the United States who has been directed in the course of duty to leave the United States for a period of not less than six months.

(4) A person who acquired a 1942 car by will or inheritance.

(b) Before a person may dispose of his car under this section to any person for use, he must first clear the transaction with his board. He shall apply for clearance on Form R-211, submitting written proof to his board that he is included in this section. He may apply only after he has arranged to transfer the car to a particular person. If he meets these requirements, the board shall issue a clearance statement on Form R-202.

SEC. 1.7 A 1942 car used by a business may be sold with the business. (a) A 1942 car owned and used by a business or an institution may be sold along with the entire business or institution to a person who will continue to use it in the operation of the business or institution.

(b) Before a person may dispose of a car under this section, he must first clear the transaction with his board. He shall apply for clearance on Form R-211, and shall submit with his application a statement signed by the purchaser stating that the car will be used in the operation of the business or institution. If he meets the requirements of this section, the board shall issue a clearance statement on Form R-202.

SEC. 1.8 How 1942 cars are registered. A person who has registered a 1942 car may re-register it in any state if there is no change in the designation of the registered owner. As a condition to the registration of other 1942 cars, the person shall present to the registrar of automobiles a ration certificate or a clearance statement issued for the car sought to be registered.

SEC. 1.9 Persons who may obtain a clearance statement to register a 1942 car. A Board shall issue a clearance statement permitting the registration of a 1942 car in the following cases:

(a) *Change in name of car owner.* A registered owner of a 1942 car who has changed his name may obtain a clearance statement.

(b) *Cars acquired by will or inheritance.* A person who has acquired a 1942 car by will or inheritance from a person who was entitled to the use of the car may obtain a clearance statement to permit him to register the car in his name.

(c) *Cars used by or on behalf of any branch of the armed forces of the United States.* A person who has agreed to furnish a 1942 car for use by or on behalf of any of the branches of the armed forces of the United States may obtain a clearance statement and transfer the car on condition that when the automobile is no longer used in this manner, it shall be returned to the transferor. If immediately before its transfer, the car was held for the purpose of resale, he shall hold it for the same purpose when

it is returned to him. A clearance statement shall be issued in this case only if the applicant submits a written contract signed or endorsed by an authorized representative of the particular branch of the armed forces, which provides:

(1) That the applicant will furnish a 1942 car for use by or on behalf of the armed forces;

(2) That he will furnish the car for a minimum period of three months; and

(3) That he will not use the car for any other purposes during the period of the contract.

(d) *Procedure for obtaining a clearance statement.* Application for a clearance statement shall be made to the applicant's board on Form R-211. If the applicant meets the requirements of this section, the board shall issue a clearance statement on Form R-212.

SEC. 1.10 Operation of 1942 cars for use. A 1942 car registered for use may be operated by any person entitled to its use.

SEC. 1.11 Any applicant may appeal from an adverse decision. An applicant may appeal from an adverse decision in accordance with the procedure set forth in Procedural Regulation No. 9, issued by the Office of Price Administration.

ARTICLE II—DUTIES AND RESPONSIBILITIES OF THE TRADE IN THE TRANSFER, USE OR ALTERATION OF 1942 CARS

The Reserve Pool

SECTION 2.1 Reserve pool cars are released for rationing under this order. The Government reserve pool has been discontinued. Persons who have cars bearing pool stickers may now remove the stickers. All 1942 cars which were in the pool, are now available for distribution under this Ration Order No. 2B.

Transfers Permitted Without Certificates

SEC. 2.5 Transfers which must be reported on Form R-203 (Revised) but do not require certificates or clearance statements—(a) Transfers for resale. Any of the following persons may acquire a 1942 car or an interest in it without a certificate but may not use or register the car (unless it is registered with a clearance statement for official use by or on behalf of the armed forces of the United States):

(1) A dealer, distributor or manufacturer of automobiles;

(2) The Reconstruction Finance Corporation or the Defense Supplies Corporation;

(3) The United States, any state, or any political subdivision or agency of either, in the exercise of governmental rights or powers against the 1942 car;

(4) A person authorized by any order or process of any court to acquire a 1942 car;

(5) A person who is engaged in the business of salvaging damaged goods or adjusting losses may acquire a 1942 car which has been damaged, which is in danger of being damaged, or which is part of a damaged stock;

(6) A common or contract carrier, a public warehouse or an insurance com-

* 7 F.R. 8796; 8 F.R. 856, 1838, 2030.

pany, as a result of the payment of a claim;

(7) Any person who creates, acquires, transfers or satisfies a security interest in a 1942 car, or who acquires a car in satisfaction of a security interest.

(b) *Transfer for scrap or salvage.* A dealer, junk company or salvage company may acquire without a certificate a 1942 car for purposes of scrap or salvage only if it is in such condition that its repair is not practicable.

(c) *Procedure for reporting transfer.* Whenever any person acquires a car under this section, he shall complete Form R-203 (Revised) in triplicate and mail the original to the Office of Price Administration, Inventory Unit, New York City, within five days of the transaction. A copy shall be retained by the transferor and transferee.

SEC. 2.6 *Transfers which do not require certificates, clearance statements or reports.* (a) A person may lease, loan or borrow a 1942 car for a period of a week or less, if the car is operated and registered for use. The purpose of this section is to permit the occasional use of a car for a short time, and does not, therefore, permit the regular use of a car through a chain of transactions.

(b) A person regularly engaged in the taxicab rental business may lease a 1942 car for use as a taxicab to a taxi driver, if the car may be lawfully operated as a taxicab.

(c) A person may acquire a 1942 car by will or inheritance from one who was entitled to the use of the car, and may use it.

(d) A member of the owner's household may use his car.

(e) A person may reacquire a 1942 car which has been taken or withheld from his possession.

(f) A 1942 car may be transferred to or from a common or contract carrier in the course of its shipment; it may be transferred to a public warehouse for storage; and it may be returned to the person from whom it was received. This paragraph does not permit a transfer between the shipper and the person to whom the car is shipped.

(g) A 1942 car may be transferred to a repair shop or a garage for repair or storage and it may be returned to the person from whom it was received.

SEC. 2.7 *Cars held by dealers may be driven only for restricted purposes.* A person engaged in the business of selling automobiles (or his employee) may use a 1942 car only under the following circumstances:

(a) He may use a car which is registered for his use, or for which he has obtained a clearance statement. He may not use:

(1) A car registered for use by or on behalf of any of the branches of the armed forces while it is not being used for that purpose; or

(2) A car registered for use by a private individual which is now held for the purpose of sale or other transfer.

(b) He may use a car for the purpose of demonstrating it to prospective customers if the car was set aside and used for that purpose before January 2, 1942.

(c) He may use a car for the purpose of demonstrating it to a certificate holder who is interested in purchasing the car.

(d) He may deliver a car to any person permitted to acquire it under this Ration Order No. 2B.

Alteration of 1942 Cars

SEC. 2.10 *Conditions under which 1942 cars may be altered.* The term "alteration" means any structural change in an automobile and includes the removal of its parts and accessories. 1942 cars may be altered only in the following cases:

(a) *1942 cars held for resale.* A 1942 car held for resale may be altered in the following cases:

(1) Four-door and two-door hard-top sedans may be altered into any other model or type of conveyance only upon specific authorization granted by the Office of Price Administration in Washington, D. C. Application for authorization shall be made to that office by letter, stating the make, body type, serial number and engine number of the car, the details of the proposed alteration and the purpose for which the altered vehicle is to be used. Authorization will be granted if the Office of Price Administration is satisfied that the proposed alteration will result in a greater usefulness of the car in the war effort or the public welfare. An alteration of this kind shall be reported on Form R-203 (Revised) to the Office of Price Administration, Inventory Unit, New York City, within five days after its completion.

(2) All other 1942 cars held for resale may be altered into any other model or type of conveyance without authorization. However, an alteration of this kind shall be reported on Form R-203 (Revised) to the Office of Price Administration, Inventory Unit, New York City, within five days after its completion.

(3) A part or accessory not essential to the operation of the altered vehicle may be removed without authorization. Any part or accessory may also be removed from any car for the purpose of repair or upon authorization of the War Production Board or the Office of Price Administration.

(4) If any 1942 car held for resale is in such condition that its repair is not practicable, it may be junked or dismantled for the purpose of scrap or salvage. Any person who junks a 1942 car held for resale shall report within five days on Form R-203 (Revised) to the Office of Price Administration, Inventory Unit, New York City, giving the make, body type, serial number and engine number of the junked car. It is not necessary to report the junking of any 1942 car which was held for use and not for resale.

(b) *Other 1942 cars.* Any 1942 car which is held for use may be altered in any manner.

Records

SEC. 2.15 *Records to be kept.* A person engaged in the business of selling cars shall keep an accurate and complete record of any transfer, acquisition, registration, alteration or use of a 1942 car while it is in his possession. In addition to any other records, he shall keep

a file containing the original or duplicate of the following:

(a) Any permit or part of a certificate which has been presented to him by a person to whom he transferred a 1942 car.

(b) Any clearance statement or authorization issued to him for any 1942 car in his possession.

(c) Any Office of Price Administration or War Production Board form which has been completed for purposes of reporting a transfer of a 1942 car.

(d) Any other inventory report required to be made to the Office of Price Administration.

ARTICLE III—APPLICATIONS FOR 1942 CARS WHICH MUST BE FILED IN WASHINGTON, D. C.

SECTION 3.1 *Persons who file applications with the Office of Price Administration, Washington, D. C.* (a) The following persons shall file applications for certificates directly with the Office of Price Administration, Washington, D. C.

(1) The American National Red Cross and agencies of the Federal government shall apply on Form R-216 or on any other form approved by the Office of Price Administration for this purpose. However, if the Federal agency has authorized the Procurement Division of the Treasury Department to buy the new cars for it, the application must be filed with the Procurement Division for transmittal to the Office of Price Administration. Applicants under this subparagraph are subject to the tests which apply to applicants generally. A certificate on Form R-217 will be issued by the Office of Price Administration, Washington, D. C., if the applicant satisfies these tests.

(2) A person requiring a car for experimental purposes, or a body builder who proposes to alter the car obtained, shall apply by letter. A certificate on Form R-217 will be issued by the Office of Price Administration, Washington, D. C., if the experiment or alteration will further the war effort or the public welfare.

(b) The person to whom a ration certificate has been issued under this section may use it within sixty days from the date on the certificate, but not thereafter unless additional time is allowed by the Office of Price Administration. The parts of the certificate shall be signed by the certificate holder and shall be disposed of according to the instructions on the parts of the certificate.

SEC. 3.2 *Exporters and certain government agencies must obtain War Production Board Exemption permits.* (a) Any of the following persons may acquire a 1942 car in exchange for a Government Exemption Permit issued to him by the War Production Board:

(1) Army and Navy of the United States.

(2) United States Maritime Commission.

(3) Panama Canal.

(4) Coast and Geodetic Survey.

(5) Coast Guard.

(6) Civil Aeronautics Authority.

(7) National Advisory Committee for Aeronautics.

(8) Office of Scientific Research and Development.

(9) Office of Lend-Lease Administration.

(10) War Shipping Administration.

(11) A person who acquires a 1942 car for export to and use in any foreign country.

(b) Cars acquired under this section may be registered, used or altered in any manner.

(c) A person who transfers a 1942 car under this section is not required to file Form R-203 (Revised).

ARTICLE IV—PROHIBITIONS AND PENALTIES:
DEFINITIONS; OTHER PROHIBITED ACTS

SECTION 4.1. *This order governs the transfer, registration, alteration and use of all 1942 cars.* No person shall transfer or acquire (or offer to transfer or acquire) a 1942 car, or shall alter, register, or use or permit the alteration, registration or use of a 1942 car except as permitted by the provisions of this order. These provisions apply regardless of any conflicting private agreement or obligation.

SEC. 4.2 *Prohibited acts relating to certificates, authorizations and clearance statements.* No person shall acquire, possess, transfer, use, alter, damage or destroy a certificate, authorization or clearance statement unless permitted by this order. It shall be unlawful for any person to forge or counterfeit any writing required by this order or to have or to use any such forged or counterfeit writing.

SEC. 4.3 *Additional prohibited acts relating to 1942 cars.* (a) No person shall possess, use, or permit the use of any 1941 or 1942 car which he obtained in violation of this order.

(b) No 1941 or 1942 car shall be used in violation of any order of the Office of Price Administration or of any order, rule or regulation of the Office of Defense Transportation.

(c) No person shall solicit, offer, attempt or agree to do any act in violation of this Ration Order No. 2B, either directly or indirectly.

(d) No person shall make any false statement of fact as to any matter relating to this order and no person shall fail to state a fact which should be stated to prevent a statement made from being misleading.

SEC. 4.4 *Penalties for violations.* Any person who violates this order may be prohibited from receiving any 1941 or 1942 car, gasoline or tires, or from selling or otherwise disposing of them. The prohibition will be in the form of an administrative suspension order issued in accordance with Procedural Regulation No. 4. A violator of this order is also subject to the penalties provided for in the Second War Powers Act.

Definitions

SEC. 4.10 *Meaning of words used.* When used in Ration Order 2B:

"Acquire" means to accept a transfer.

"Agency of the Federal government" includes any corporation wholly controlled by the Federal government.

"Board" means a War Price and Rationing Board or a Plant Area Board established by the Office of Price Administration.

"Dealer" means any person regularly engaged in selling passenger automobiles to the public.

"Person" means any individual, partnership, corporation, association, government unit, subdivision, or any other organized group or enterprise.

"Register" means the original recording of title to a 1942 car with a government agency which handles the registration of automobiles. "Register" is also used to mean:

- (1) A change in the designation of the registered owner of a 1942 car; or
- (2) The obtaining of license plates (not including dealers' plates) for a 1942 car held for purposes of sale or other transfer.

"Transfer" means sale, lease, loan, trade, exchange, gift, delivery, shipment or any change in possession, control, right, title or interest.

"Use", when the term is used in connection with a car, means the lawful operation of the car.

"1941 car" means any 1941 passenger automobile which has been driven less than 1,000 miles.

SEC. 4.15 *Rationing Orders No. 2 and 2A revoked.* Ration Order 2B supersedes Rationing Order No. 2 as amended, Rationing Order No. 2A as amended and the New Passenger Automobile Rationing Regulations as amended, except that:

(a) Any violations which occurred, or rights or liabilities which arose before the effective date of this Ration Order 2B shall be governed by the Orders and their Amendments in effect at the time the violations occurred or the rights or liabilities arose; and

(b) Rationing Order No. 2A shall remain in effect in the territories and possessions of the United States.

Effective Date

This Ration Order No. 2B shall become effective March 6, 1943.

Issued this 25th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3065; Filed, February 25, 1943;
3:11 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR
VEHICLE EQUIPMENT

[New Passenger Automobile Rationing
Regulations]

ORDER OF REVOCATION

New Passenger Automobile Rationing Regulations (§§ 1360.111 to 1360.121, inclusive) is hereby revoked.

This order of revocation shall become effective March 6, 1943.

(Pub. Law 421, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1A, 7 F.R. 562, 698, 1493)

Issued this 25th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3063; Filed, February 25, 1943;
8:10 p. m.]

PART 1404—RATIONING OF FOOTWEAR

[Ration Order 17—Amendment 2]

SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 17 is amended in the following respects:

1. Sec. 2.11 is amended to read as follows:

SEC. 2.11 *Establishments may be allowed to mark shoes "non-rationed."*

(a) Any person may mark and transfer as "non-rationed," shoes of the following types:

(1) Imported huaraches released by the Collector of Customs before June 1, 1943;

(2) Shoes completed, packaged, and shipped from the factory before April 16, 1943, of the following kinds:

(i) Ski and skate shoes;

(ii) Locker sandals and bathing slippers;

(iii) Shoes with a fabric upper and a rubber sole;

(iv) Shoes with a platform and with a heel height of 1½ inches or less and whose upper is made wholly of fabric, imitation leather, sheepskin, cape, or a combination of these materials;

(v) Shoes with a platform and an open back, and with a heel height of 1½ inches or less, whose upper is made of kipskin or kipsides, wholly or in combination with fabric, imitation leather, sheepskin, or cape;

(vi) Shoes with a wedge heel of 1½ inches or less in height whose upper is made wholly of patent leather, and which have a platform and an open back;

(vii) Shoes with a heel height of 1½ inches or less whose upper is made wholly of imitation leather; and

(viii) Shoes (sandals) with a heel height of 1½ inches or less, with an open back, whose upper is made wholly of fabric, imitation leather, sheepskin, cape, or a combination of these materials.

(b) No one may demand or receive ration currency for shoes permitted to be marked "non-rationed" under this section or accept their return in exchange for a pair of rationed shoes or a stamp pursuant to section 1.10.

2. Sec. 2.18 is added to read as follows:

SEC. 2.18 *Establishments must mark certain shoes.* (a) Manufacturers shall mark on each shoe of the types specified in section 2.11 (a) (2) which is completed, packaged, or shipped from the factory after April 15, 1943, the month and year in which the shoe is packaged. The mark shall be embossed or indented in the shank of the outer-sole or written or marked by indelible contrasting colors on the inside quarter, before the shoe is packaged.

(b) Any establishment importing huaraches released by the Collector of Customs after May 31, 1943 shall, before transfer and within ten days of their receipt by the establishment, plainly

*Copies may be obtained from the Office of Price Administration.
*8 F.R. 1749, 2040.

mark on each shoe by indelible contrasting color, the month and year in which it was released by the Collector of Customs.

(c) Shoes marked in the manner required by this Section shall be deemed to be rationed shoes, regardless of the date on which they were imported, packaged, or shipped.

3. In section 3.4 (b) (3) the period is changed to a semi-colon and the word "or" is added, following the semi-colon.

4. Section 3.4 (b) (4) is added to read as follows:

(4) Were imported huaraches, if released by the Collector before June 1, 1943.

5. The definition of "shoes" in section 3.13 is amended to read as follows:

"Shoes" means any footwear made in whole or in part of leather or with rubber soles, except: footwear which does not have a rubber sole and in which leather is used only as hinges, tabs, heel inserts, or other non-skid or sound-proofing features covering not more than 25 percent of the area of the bottom of the sole; burial slippers; hard-soled boudoir or house slippers; soft-soled slippers; soft-soled moccasins; infant shoes of size 4 or smaller; overshoes; and waterproof or snow and water repellent rubber footwear.

This amendment shall become effective February 25, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. 1, 7 F.R. 562, Supp. Dir. 1-T, 8 F.R. 1727; E.O. 9125, 7 F.R. 2719)

Issued this 25th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3060; Filed, February 25, 1943;
3:10 p. m.]

PART 1429—POULTRY AND EGGS

[MPR 333]

EGGS AND EGG PRODUCTS

In the judgment of the Price Administrator, it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 issued by the President on October 3, 1942, that maximum prices be established for the sale of the egg items named in this regulation.

The maximum prices established by this regulation are, in the judgment of the Price Administrator, generally fair and equitable and will effectuate the purposes of such amended Act and Executive Order. So far as practicable, the Price Administrator has advised and consulted with representative members of the industries affected by this regulation. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.* The following regulation supersedes Maximum Price Regulation No. 280, as

*Copies may be obtained from the Office of Price Administration.

amended,¹ with respect to the egg items for which maximum prices are specifically established by this regulation. Maximum Price Regulation No. 280, as amended, continues in full force and effect as to egg items for which maximum prices are not established by this regulation, except such egg items as are specifically exempted from price control by § 1429.52. Amendment No. 4 to Maximum Price Regulation No. 280² issued by the Price Administrator on December 24, 1942 and granting authority to Regional Administrators and other duly authorized representatives of the Office of Price Administration to adjust the prices of shell eggs where there exists or threatens a shortage of the supply of shell eggs in a particular locality is revoked insofar as amended § 1351.807 authorizes the adjustment of maximum prices for shell eggs, and all maximum prices adjusted by such Regional Administrators or other authorized representatives are superseded by this maximum price regulation.

The maximum prices established herein for egg items are not below prices which will reflect to growers and producers of such egg items prices for their products equal to the highest of the prices required by the provisions of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. The Price Administrator has consulted with the Secretary of Agriculture and has obtained his approval with respect to the maximum prices herein established.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Revised Procedural Regulation No. 1³ issued by the Office of Price Administration, this Maximum Price Regulation is hereby issued.

Sec.

- 1429.51 Prohibitions.
- 1429.52 Exemptions.
- 1429.53 Less than maximum prices.
- 1429.54 Records and reports.
- 1429.55 Evasion.
- 1429.56 Enforcement.
- 1429.57 Sales for export.
- 1429.58 Applicability of certain provisions of the General Maximum Price Regulation, as amended.
- 1429.59 Applicability.
- 1429.60 Geographical applicability.
- 1429.61 Petitions for amendment.
- 1429.62 Adjustable pricing.
- 1429.63 Adjustment of maximum prices for eggs and egg products.
- 1429.64 Federal and state taxes.
- 1429.65 Definitions.
- 1429.66 Effective date.
- 1429.67 Maximum prices for the sale of shell eggs to retailers and commercial, industrial, institutional and nonfederal governmental users.
- 1429.68 Maximum prices for shell eggs sold by farmers and wholesale distributors and all sellers other than retailers to ultimate consumers.

¹ 7 F. R. 10144, 10337, 10475, 10585, 10786, 10995; 8 F. R. 158, 876, 877, 1120, 1468, 1741, 1885, 2024, 2038.

² 7 F. R. 10995.

³ 7 F. R. 8961.

Sec.

- 1429.69 Maximum prices for shell eggs sold to the United States or any agency thereof.
- 1429.70 Maximum prices for the sale of frozen whole eggs, frozen whites, frozen 45% yolks, frozen sugared or salted yolks, and frozen reconstituted eggs to any purchaser in carload quantities.
- 1429.71 Permitted increases in maximum prices of frozen egg products for sales of less than carload quantities.
- 1429.72 Maximum prices for the sale of whole eggs, whites, 45% yolks, sugared or salted yolks, and reconstituted eggs in liquid form.
- 1429.73 Maximum prices for mixtures and emulsions of liquid and frozen egg products.
- 1429.74 Maximum prices for dried whole eggs, dried egg yolks, and dried albumen.
- 1429.75 Maximum prices for mixtures and blends of dried egg products.
- 1429.76 Charge for containers or packages.
- 1429.77 Decimals and final calculations of maximum prices.

AUTHORITY: §§ 1429.51 to 1429.77, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1429.51 *Prohibitions.* On and after March 6, 1943, regardless of any contract, agreement, or other obligation, no person shall sell or deliver the egg items specified in this regulation, and no person in the course of trade or business shall buy or receive such egg items at a price higher than the maximum prices permitted by this regulation; and no person shall agree, offer, solicit, or attempt to do any of the foregoing. This prohibition shall not be applicable to sales or deliveries of egg items to a purchaser, if prior to March 6, 1943, such egg items have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

§ 1429.52 *Exemptions.* The following sales are exempt from the provisions of this regulation, in addition to those exempted by the application of certain provisions of the General Maximum Price Regulation, as amended,⁴ as incorporated in this regulation.

(a) *Assorted eggs candled and regraded by retailers.* Sales to retailers of "assorted eggs" which are candled and regraded by them into retail grades are exempted from price control.⁵ "Assorted eggs" which are not candled and regraded into retail grades are not exempt.

(b) *Hatching eggs.* All sales of shell eggs purchased for the sole purpose of

⁴ 7 F. R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 5732, 10155, 10454; 8 F. R. 371, 1204, 1317, 2029, 2110.

⁵ Retailers in determining their maximum selling prices at retail for consumer grades of eggs under Maximum Price Regulation 268 may not take as their "net cost" a figure any higher than permitted in that regulation, namely, the maximum prices for consumer grades as determined under this regulation for Monday of the week in which the maximum price at retail is being calculated.

hatching by persons now or hereafter engaged in the production of baby chicks are exempt from price control. They shall not be resold or used for any other purpose: *Provided, however,* That such eggs found to be infertile after incubation are exempted and may be sold for industrial use under the provisions of Maximum Price Regulation No. 280,⁶ as amended.

(c) *Eggs of other poultry.* All sales of shell eggs of any poultry other than the fowl known as the domestic or barnyard hen are exempted from price control.

(d) *Sales at retail.* The sales at retail which are covered by Maximum Price Regulation No. 268, as amended,⁷ are exempt.

§ 1429.53. *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid, or offered.

§ 1429.54. *Records and reports—(a) Records and reports required.* Every seller and purchaser subject to this regulation making sales or deliveries or purchases of egg items to the value of \$200 or more in any one month, after March 6, 1943, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, the complete and accurate record of each sale or delivery of egg items showing:

(1) As to the sale of shell eggs, the date of purchase or sale, the names and addresses of the buyer and seller, the quantities, grades, weight classes, the containers in which sold, and the price paid or received;

(2) As to egg products, the date of purchase or sale, the names and addresses of the buyer and seller, the name of each egg product sold, the quantities, varieties, the type of sale made (delivered or non-delivered), the containers in which sold, and the price paid or received.

(b) *Records and reports on transfer of business.* If the business, assets, or stock in trade of any seller are sold or otherwise transferred on or after the effective date of this regulation and the transferee carries on the business, the transferor shall either preserve and make available, or turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions contained in this regulation.

(c) *Other reports may be required.* Such persons shall keep such other records in addition to or in place of the records required in paragraph (a) of this section and shall submit such reports to the Office of Price Administration as that Office may from time to time require or permit.

§ 1429.55 *Evasion—(a) Price limitations shall not be evaded.* Price limitations set forth in this regulation shall not be evaded whether by direct or in-

direct methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to, the commodities, prices of which are herein regulated, alone or in conjunction with other commodity, or by way of commission, service, transportation, or other charge, or discount, premium, or other privilege or other trade understanding or otherwise.

(b) *Evasion by barter.* Egg items shall not be exchanged, traded or bartered for anything having a value or maximum price greater than the maximum prices established herein for such egg items.

(c) *Evasion by selling f. o. b. seller's shipping point.* Except as provided in paragraph (b) of § 1429.71 and paragraph (e) of § 1429.74 hereof, the maximum prices established by this regulation are maximum prices per dozen eggs or per pound of egg products delivered to the buyer as herein provided and the provisions of this regulation shall not be evaded by selling such eggs or egg products at a price f. o. b. the seller's shipping point.

§ 1429.56 *Enforcement—(a) Penalties and civil enforcement actions.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) *Reports of violations requested.* Persons who have any evidence of any violations of this regulation 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 district, state, field, or regional office of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1429.57 *Sales for export.* The maximum prices at which a person may export any egg item covered by this regulation shall be determined in accordance with the provisions of the Revised Maximum Export Regulation⁸ issued by the Office of Price Administration.

§ 1429.58 *Applicability of certain provisions of the General Maximum Price Regulation, as amended.* The following sections of General Maximum Price Regulation,⁹ and amendments thereto, and Revised Supplementary Regulation No. 4¹⁰ thereof, shall be applicable to every person making sales and deliveries covered by this regulation.

(a) § 1499.14 (Sales slips and receipts.)

(b) § 1499.15 (Registration.)

(c) § 1499.16 (Licensing.)

(d) § 1499.29 (a) (5) (Developmental contracts.)

(e) § 1499.29 (a) (6) (Secret contracts.)

(f) § 1499.29 (a) (7) (Emergency purchases.)

⁶ 7 F.R. 5059, 7242, 8829, 9000, 10530.

⁷ See note ⁴ supra.

⁸ 7 F.R. 5056, 5089, 5566, 6082, 6084, 6426, 6793, 6744, 7175, 7538, 8021, 9827, 10022, 10110, 10631; 8 F.R. 130, 137, 372, 1685, 1681, 1893.

(g) § 1499.29 (a) (15) (Sales or deliveries of the War Department or the Department of the Navy through such Departments' sales stores.)

§ 1429.59 *Applicability.* The provisions of this regulation supersede Maximum Price Regulation No. 280,¹¹ as amended, with respect to the egg items for which maximum prices are specifically established by this regulation. Maximum Price Regulation No. 280, as amended, shall continue in full force and effect as to egg items for which maximum prices are not established by this regulation, except such items as are specifically exempted from price control by § 1429.52 of this regulation. Amendment No. 4 to Maximum Price Regulation No. 280 issued by the Price Administrator on December 24, 1942, granting authority to Regional Administrators and other duly authorized representatives of the Office of Price Administration to adjust prices of shell eggs where there exists or threatens a shortage of the supply of shell eggs in a particular locality is revoked insofar as amended § 1351.807 of Maximum Price Regulation No. 280¹² authorizes the adjustment of maximum prices for shell eggs, and all maximum prices adjusted by such Regional Administrators or other authorized representatives are superseded by this regulation.

§ 1429.60 *Geographical applicability.* The provisions of this regulation shall be applicable only to the 48 states of the United States and to the District of Columbia.

§ 1429.61 *Petitions for amendment.* Persons seeking an amendment of this regulation may file a petition therefor in accordance with the provisions of Revised Procedural Regulation No. 1,¹³ issued by the Office of Price Administration.

§ 1429.62 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to and at prices not in excess of the maximum prices in effect at the time of delivery. In appropriate situations, where a petition for amendment requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1429.63 *Adjustment of maximum prices for eggs and egg products.* (a) The Office of Price Administration, or any duly authorized representative thereof, may adjust any maximum price established under this regulation for egg items in the case of any seller or group of sellers where it appears:

(1) That there exists or threatens to exist in a particular locality a shortage in the supply of such egg items; and

(2) That such local shortage will be substantially reduced or eliminated by adjusting the maximum prices of such

¹¹ See note ¹ supra.

¹² See note ² supra.

¹³ See note ³ supra.

⁹ See note ¹ supra.

¹⁰ 7 F.R. 9184; 8 F.R. 322, 1747.

seller and of like sellers for such egg items; and

(3) That such adjustment will not create or tend to create a shortage, or a need for increase in prices, in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

(b) Applications for adjustment under this section shall be filed in accordance with Revised Procedural Regulation No. 1.⁴

(c) Each Regional Administrator is authorized to make adjustments or act upon applications for adjustment under this section.

§ 1429.64 *Federal and state taxes.* Any tax upon, or incident to, the sale or delivery of egg items imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such commodity and in preparing the records of such seller with respect thereto:

(a) *As to a tax in effect prior to the effective date of this regulation for any egg item.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price prior to the effective date for such item the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such a case shall include such amount in determining the maximum price under this regulation.

(2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this regulation.

(b) *As to a tax or an increase in a tax which becomes effective after the effective date of this regulation for any egg item.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

§ 1429.65 *Definitions.* (a) "Egg items" means the shell eggs and egg products defined herein.

(b) "Eggs" or "shell eggs" means the eggs of the fowl known as the domestic or barnyard hen in their natural state or treated with a mineral oil for purposes of preservation.

(c) "Egg products" means frozen whole eggs, frozen whites, frozen yolks, frozen sugared or salted yolks, frozen reconstituted eggs, all of the foregoing in liquid form, any mixtures or emulsions thereof, whether in frozen or liquid form, and dried whole eggs, dried egg yolks and dried albumen.

(d) "Frozen whole eggs" means the frozen whole eggs defined and identified in orders promulgated by the United States Department of Agriculture and published in Title 21, Volume 4, Number 138 of the FEDERAL REGISTER of July 20, 1939, pages 3374 to 3378, inclusive.

(e) "Frozen whites" means the whites of shell eggs after breaking of the eggs, the separation of the whites from the yolks of the eggs and freezing of the whites at a temperature of zero degrees Fahrenheit or below.

(f) "Frozen 45% yolks" means the frozen egg yolks defined and identified in orders promulgated by the United States Department of Agriculture and published in Title 21, Volume 4, Number 138 of the FEDERAL REGISTER of July 20, 1939, pages 3374 and 3375 except that such egg yolks contain not less than 45% of total egg solids as determined by the method prescribed in such orders.

(g) "Frozen sugared or salted yolks" means the frozen egg yolks (containing not less than 43% of total egg solids) defined and identified by the United States Department of Agriculture in orders promulgated and published in Title 21, Volume 4, Number 138 of the FEDERAL REGISTER of July 20, 1939, pages 3374 and 3375, to which has been added one pound of sugar or salt for each nine pounds of such egg yolks.

(h) "Frozen reconstituted eggs" means a frozen mixture of egg yolks, egg whites, and whole eggs which contains not less than 26% of total egg solids according to the method prescribed by the United States Department of Agriculture in orders promulgated and published in Title 21, Volume 4, Number 138 of the FEDERAL REGISTER of July 20, 1939, pages 3374 to 3378, inclusive.

(i) "Whole eggs," "whites," "45% yolks," "sugared and salted yolks," and "reconstituted eggs" in liquid form are the same products as the corresponding frozen products herein defined but without freezing.

(j) "Mixtures of egg products" means the mixtures of two or more of the individual liquid egg products named in this section by stirring, churning, or other means whether in liquid or frozen form or a mixture or blend of the dried egg products named in Section 1429.75 of this regulation.

(k) "Emulsion of egg products" means a mixture of egg products to which has been added an emulsifying agent or solvent such as glycerin whether in liquid or frozen form.

(1) "Dried whole eggs" means the dried whole eggs defined and identified by the United States Department of Agriculture in orders promulgated and published in Title 21, Volume 4, Number 138 of the FEDERAL REGISTER of July 20, 1939, pages 3376 and 3377.

(m) "Dried egg yolks" means the dried egg yolks defined and identified by the United States Department of Agriculture in orders promulgated and published in Title 21, Volume 4, Number 138 of the FEDERAL REGISTER of July 20, 1939, page 3375.

(n) "Dried albumen" means liquid whites that have been dried and is sold generally in flaked or powdered form.

(o) "Place" means the individual store of the retailer in any city, town, village, or hamlet in the United States or the place at which eggs are used by the commercial, industrial, institutional, or governmental user.

(p) "Sale" means the transfer or exchange of money, other valuable consideration, or any thing of value for eggs or egg products.

(q) "Retailer" means a person, firm, or corporation which sells egg items generally to ultimate consumers other than a commercial, industrial, institutional, or governmental user.

(r) "Basing point city" means one of the cities for which maximum prices are specifically stated for egg items in the tables of this regulation except that Chicago, Illinois is not a basing point city.

(s) The specifications and standards of identity of shell eggs promulgated by the United States Department of Agriculture in the publication entitled "Specifications for Official U. S. Standards for Quality of Individual Shell Eggs" shall be the specifications and standards of identity used for all grades of shell eggs for which maximum prices are fixed by this regulation. "Assorted" eggs shall be those defined in subparagraph (3) of this paragraph.

(1) The grades, sizes, weight classes, and standards promulgated by the United States Department of Agriculture in the publication entitled "Tentative U. S. Standards and Weight Classes for Consumer Grades for Shell Eggs" shall be the grades, sizes, weight classes, and standards for all shell eggs sold to retailers and commercial, industrial, institutional or non-federal governmental users and for which maximum prices are established by this regulation. The sizes and weight classes promulgated in such publication are as follows:

Size of weight class	Minimum net weight per dozen (ounces)	Minimum net weight per 30 dozen (pounds)	Minimum weight for individual eggs at rate per dozen (ounces)
Jumbo.....	28	52	27
Extra large.....	26	48.5	25
Large.....	24	45	23
Medium.....	21	40	20
Small.....	18	34	15

The grades and standards promulgated by the United States Department of Agriculture in the publication entitled

⁴ See note ³ *supra*.

"Tentative U. S. Procurement Grades" or the grades and standards promulgated by the Department of Agriculture in the publication entitled "Tentative U. S. Standards and Weight Classes for Consumer Grades for Shell Eggs" shall be used as the standards and grades of all shell eggs sold to the United States or any agency thereof. However, the standards and grades set forth in the publication entitled "Tentative U. S. Procurement Grades" shall not be used as the grades and standards for shell eggs purchased by retailers or by commercial, industrial, institutional, or non-federal governmental users.

(2) The definitions and standards of identity for egg products promulgated by the United States Department of Agriculture and published in Title 21, Volume 4, Number 138 of the FEDERAL REGISTER of July 20, 1939, pages 3374 to 3378, inclusive, shall be used as the definitions and standards of identity for all egg products covered by this regulation to the extent that all such egg products are defined and identified in the orders so promulgated and issued.

(3) "Assorted eggs" means edible eggs which have not been graded, have a net weight of not less than 43 pounds per case or equivalent, and contain a total of not more than 20 percent of "dirties" and "checks" as defined and identified by the Department of Agriculture in the publication entitled "Specifications for Official U. S. Standards for Quality of Individual Shell Eggs."

(4) If the United States Department of Agriculture shall amend or revise any of said publications listed or referred to in this section at any time, such amendment or revision shall become a part of this regulation upon the effective date of the order promulgating such amendment or revision.

(b) (1) "Area 1" means the States of Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

(2) "Area 2" means all of the remaining states of the United States except those included in Area 1 above described.

(u) Retail grades of shell eggs means all grades other than "procurement grades" for which prices are established herein, including U. S. Department of Agriculture consumer grades as defined in paragraph (s) (1) of this section and "assorted," "checks," and "dirties," as defined in paragraph (s) (3) of this section.

(v) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and the General Maximum Price Regulation,²⁵ shall apply to other terms used herein.

§ 1429.66 *Effective date.* This regulation (§§ 1429.51 to 1429.77 inclusive) shall become effective on March 6, 1943.

²⁵ See note 4 *supra*.

§ 1429.67 *Maximum prices for the sale of shell eggs to retailers and commercial, industrial, institutional and non-federal governmental users—*(a) *Maximum prices in Basing Point Cities and Chicago, Illinois.* The maximum prices of shell eggs sold and delivered to a retailer, or to a commercial, industrial, institutional or non-federal governmental user at any place in a basing point city or in the City of Chicago, Illinois, shall be the price per dozen for eggs of the particular consumer grade, size, and other identification set forth for the particular basing point city in Table A and for Chicago as set forth in Table B of this section and for the week in which delivered.

(b) *Maximum prices in "Area 1"*²⁶ *except for New York City.* In all places other than New York City and Chicago, Illinois, within "Area 1", the maximum prices for shell eggs sold and delivered to retailers or to commercial, industrial, institutional or non-federal governmental users for the week in which delivered shall be the maximum price per dozen for eggs of the particular grade, size, and other identification set forth in Table B of this section for Chicago, Illinois, plus the "transportation factor."

(1) "Transportation factor" when applied to shell eggs means the actual carlot freight rate per pound to or from a basing point city or as herein provided, from Chicago, Illinois, to the place where shell eggs are delivered, multiplied by the appropriate "multiplier" for the particular grade of eggs sold, and for the period in which such eggs are delivered to the retailer or commercial, industrial, institutional or non-federal governmental user. If there is no actual carlot freight rate between such places, then the lowest transportation charge by other means shall be used.

(2) The "multiplier" to be used in calculating the "transportation factor" for each consumer grade of shell eggs is as follows:

Grades of shell eggs	"Multiplier"	
	December through May	June through November
Consumer grades:		
AA and A.....	1.9	4.0
B.....	1.9	3.0
C and assorted.....	1.9	1.9

Example: A seller in Cleveland, Ohio wishes to determine his maximum price per dozen for Grade A eggs at that place for the week beginning July 5, 1943.

The actual carlot freight rate per cwt. for shell eggs from Chicago, Illinois to Cleveland, Ohio is 49 cents. The "multiplier" for Grade A eggs for the period of delivery, provided by this section, is 4. This "multiplier" (4) multiplied by the freight rate (49 cents per cwt. or 49 cent per pound) gives a "transportation factor" of 1.96 cents. The transportation factor (1.96 cents) added to the maximum price for Grade A eggs for the period of delivery, taken from Table B in this sec-

²⁶ See definition § 1429.65 Paragraph (t) (1).

tion (43.72 cents per dozen) gives 45.68 cents per dozen as the maximum price of Grade A eggs per dozen delivered to a retailer in Cleveland, Ohio during the week of July 5, 1943.

(c) *Maximum prices in "Area 2"*²⁷ *except basing point cities and certain areas in the State of Washington.* In "Area 2," except basing point cities and certain areas in the State of Washington defined in paragraph (j) of this section, the maximum prices for shell eggs sold and delivered to a retailer, or to a commercial, industrial, institutional, or non-federal governmental user at any place shall be determined as follows:

(1) It must be determined which basing point city (New York City, Seattle, San Diego, Los Angeles, San Francisco, Tucson, Phoenix, or Miami, Florida) reflects the highest price at the place of delivery for shell eggs of the grade to be sold for the week in which such eggs are delivered. A basing point city reflects the highest price at any place when the maximum price in the basing point city minus the "transportation factor" for the grade of eggs sold from such place to that basing point city is higher than the price reflected by the same calculation with respect to any other basing point city.

(2) From the maximum price in the basing point city reflecting such highest price of shell eggs of the grade sold for the week in which they are to be delivered, the "transportation factor" for such grade of shell eggs shall be subtracted. The amount arrived at by such subtraction shall be the maximum price of such eggs at the time and place of delivery.

Example: A seller in Omaha, Nebraska, wishes to determine the maximum price for Grade B eggs at that place for the week beginning June 7, 1943. Obviously, he must choose between New York City and Miami, Florida as his basing point city.

His actual freight rate on shell eggs from Omaha to New York is \$1.21 per hundred pounds. The proper "multiplier" as set forth in paragraph (b), sub-paragraph (2) of this section is 3 for Grade B eggs for the week of delivery. This "multiplier" times 1.21 cents, the actual freight rate per pound to New York, equals 3.63 cents per dozen, the "transportation factor" to be used. The New York maximum price for the week beginning June 7 is 42 cents per dozen for Grade B eggs (Table A of this section). 42 cents minus 3.63 cents equals 38.37 cents which is the maximum price which can be paid by retailers or commercial, industrial, institutional or nonfederal governmental users for Grade B eggs in that place at such time of delivery.

His freight rate on shell eggs from Omaha, Nebraska to Miami, Florida is \$1.83 per hundred pounds or 1.83 cents per pound. 3 × 1.83 = 5.49 cents. The Miami maximum price for the week beginning June 7 is 43.5 cents per dozen for Grade B eggs (paragraph 6 of this section) 43.5 - 5.49 = 38.01 cents per dozen.

Since New York reflects the highest maximum price to the seller, he will use New York as his basing point city.

²⁷ See *Definitions*, § 1429.65, paragraph (t) (1).

(d) Table A.—Maximum prices in cents per dozen for large retail grades A, B, C, and "Assorted" shell eggs in the Cities of New York, Seattle, Los Angeles, San Diego, Phoenix, and Tucson. Weekly prices Monday through Sunday.

Week beginning	January 1944				February 1943			March					April				May					June				
	1	2	3	4	5	6	7	1	8	15	22	29	5	12	19	26	3	10	17	24	31	7	14	21	28	
Consecutive weeks.....	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26
Grade A.....	51	50	50	49	48	47	46	44	43	43	43	43	43	43	43	43	43	43	43	43	43	43	43	43	43	43
Grade B.....	48	47	47	46	45	44	43	42	41	41	41	41	41	41	41	41	41	41	41	41	41	41	41	41	41	41
Grade C and assorted eggs.....	44	43	42	42	41	41	40	39	38	38	38	38	38	38	38	38	38	38	38	38	38	38	38	38	38	38

1943—Week beginning.....	July				August					September				October				November					December			
	5	12	19	26	2	9	16	23	30	6	13	20	27	4	11	18	25	1	8	15	22	29	6	13	20	27
Consecutive weeks.....	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52
Grade A.....	47	48	49	50	51	52	53	53	54	55	56	57	58	59	59	60	60	60	59	58	57	56	54	54	53	52
Grade B.....	43	44	45	45	46	47	47	47	48	48	48	48	48	49	50	50	50	51	51	51	51	51	49	49	49	49
Grade C and assorted eggs.....	38	39	40	40	41	42	42	42	43	43	43	43	44	44	44	44	44	45	45	45	45	45	44	44	44	44

(e) Table B.—Prices in cents per dozen for large retail grade shell eggs in the City of Chicago and for use in pricing in "Area 1." (But not to be used as a "basing point city" for calculating prices in "Area 2.")

Grade	January-1944				Feb.-1944				March					April			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Grade A.....	49.4	48.4	48.4	47.4	46.4	45.4	44.4	42.4	41.4	41.4	41.4	41.4	41.4	41.4	41.4	41.4	41.4
Grade B.....	46.4	45.4	45.4	44.4	43.4	42.4	41.4	40.4	39.4	39.4	39.4	39.4	39.4	39.4	39.4	39.4	39.4
Grade C and assorted eggs.....	42.4	41.4	40.4	40.4	39.4	39.4	38.4	37.4	36.4	36.4	36.4	36.4	36.4	36.4	36.4	36.4	36.4

Grade	May				June				July				August					
	3	10	17	24	31	7	14	21	28	5	12	19	26	2	9	16	23	30
Grade A.....	41.4	41.4	41.4	41.4	41.4	41.7	41.7	41.7	42.7	43.7	44.7	45.7	46.7	47.7	48.7	49.7	49.7	50.7
Grade B.....	39.4	39.4	39.4	39.4	39.4	39.5	39.5	39.5	40.5	40.5	41.5	42.5	42.5	43.5	44.5	44.5	44.5	45.5
Grade C and assorted eggs.....	36.4	36.4	36.4	36.4	36.4	36.4	36.4	36.4	36.4	36.4	37.4	38.4	38.4	39.4	40.4	40.4	40.4	41.4

Grade	September				October				November					December			
	6	13	20	27	4	11	18	25	1	8	15	22	29	6	13	20	27
Grade A.....	51.7	52.7	53.7	54.7	55.7	56.7	56.7	56.7	55.7	54.7	53.7	52.7	52.4	52.4	51.4	51.4	50.4
Grade B.....	45.5	45.5	45.5	46.5	47.5	47.5	47.5	47.5	48.5	48.5	48.5	47.5	47.4	47.4	47.4	47.4	47.4
Grade C and assorted eggs.....	41.4	41.4	41.4	42.4	42.4	42.4	42.4	42.4	43.4	43.4	43.4	43.4	42.4	42.4	42.4	42.4	42.4

than those of large eggs of the same grades.

(9) The maximum price of shell eggs answering to the description of "dirty" and "checked" shall be 2 cents less per dozen than the maximum price of the corresponding weight of C grade eggs.

(10) The maximum prices for each consecutive week in the years following 1943 shall be as indicated in the above Tables A and B the first week beginning on the first Monday in each year.

(h) Eggs to be sold to retailers and commercial, industrial, institutional and non-federal governmental users according to retail grades. Such grades of shell eggs shall be the retail grades of shell eggs as defined in paragraph (u) of Section 1429.65. Retailers and commercial, industrial, institutional and non-federal governmental users shall not purchase shell eggs according to U. S. Procurement Grades.

(i) Marking containers and packages. The containers and packages of shell eggs sold to a retailer, or commercial, industrial, institutional or non-federal governmental user shall be plainly marked with the grade, or if ungraded, the words "assorted eggs", and by size and weight class. All invoices used in the sale of shell eggs shall contain like information.

(j) Maximum prices in certain areas in the State of Washington. The maximum prices for shell eggs sold and delivered in all places in the State of Washington west of the eastern boundaries of the Counties of Whatcom, Skagit, Snohomish, King, Pierce, Lewis, and Skamania shall be the same as those listed in Table A of this section for Seattle.

(k) Local delivery. The maximum prices established by this section are for shell eggs delivered to the individual store of the retailer or to the place of use of the commercial, industrial, institutional or non-federal governmental user. No F. O. B. shipping point sale shall be made. If eggs are transported to any city, town, village, or hamlet in which the individual store of the retailer purchasing them is located; or in which there is located the place of use of the commercial, industrial, institutional or non-federal governmental user purchasing them, but the purchaser accepts

(f) Maximum prices for San Francisco and Miami, Florida. (1) Maximum prices in the basing point city, San Francisco, are 1/2 cent less than those in the above Table A.

(2) Maximum prices in the basing point city, Miami, Florida, are 1 1/2 cents more than those in the above Table A.

(g) Maximum prices for other egg sizes and grades. (1) Extra large eggs of Grade AA quality when certified as such by the United States Department of Agriculture may sell 4 cents above the price for large Grade A eggs.

(2) Large eggs of Grade AA quality when certified as such by the United States Department of Agriculture may sell 2 cents above the price for large Grade A eggs.

(3) Jumbo eggs of Grade A or higher quality may sell 5 cents above the price for large Grade A eggs.

(4) Extra large eggs of Grade A quality may sell 2 cents above the price for large Grade A eggs.

(5) The maximum price for medium size eggs of A, B, and C Grades and "assorted eggs" shall be 4 cents per dozen less than large eggs of the same grade.

(6) The maximum price for small eggs of Grade A, B, and C, and "assorted eggs" shall be 8 cents per dozen less than large eggs of the same grade.

(7) Medium and small eggs of AA grade shall not sell at prices higher than the prices for similar sizes of Grade A.

(8) Jumbo or extra large eggs of B or C grade shall sell for prices no higher

such eggs at a point in such city, town, village, or hamlet other than the individual store of the retailer or place of use there shall be deducted from the maximum price at such city, town, village, or hamlet the sum of ten cents per case or equivalent quantity of eggs, and the reduced amount shall be the maximum price of such eggs at the place of acceptance.

§ 1429.68 *Maximum prices of shell eggs sold by farmers and wholesale distributors and all sellers other than retailers to ultimate consumers.* The maximum prices for shell eggs sold and delivered by farmers or wholesale distributors or sellers other than retailers to ultimate consumers other than commercial, industrial, or institutional or non-federal governmental users shall be calculated by multiplying by 1.17 the maximum price for the retail grade of eggs to be sold at the time and place of delivery, determined as provided in § 1429.67 immediately above for sales to retailers.

§ 1429.69 *Maximum prices of shell eggs sold to the United States or any agency thereof—(a) Maximum prices for "procurement grades" in Chicago and the basing point cities.* The maximum prices for shell eggs sold and delivered to the United States or any agency thereof, according to "procurement grades" as defined in paragraph (s) (1) of § 1429.65, at any place in a basing point city for each week shall be the price per dozen for eggs of the particular procurement grade, size, weight class, and other identification set forth for the particular basing point city in Table C of this section for the week in which delivered. Such maximum prices in Chicago, Illinois, shall be the maximum prices per dozen for eggs of the particular procurement grade, size, weight class, and other identification and for the week of delivery set forth in Table D of this section.

(b) *Maximum prices for "procurement grades" in "Area 1" except New York City.* In all places in "Area 1" except New York City the maximum prices of shell eggs of procurement grades sold and delivered to the United States or any agency thereof for the week in which delivered shall be the maximum prices per dozen for eggs of the particular grade, size, and other identification set forth in Table D of this section, plus the "transportation factor."

(1) "Transportation factor" when applied to shell eggs sold to the United States or any agency thereof means the actual carlot freight rate per pound to or from a basing point city or as herein provided, from Chicago, Illinois to the place where the eggs are delivered, multiplied by the appropriate "multiplier" for the particular grade of eggs sold and for the period in which such eggs are delivered. If there is no actual carlot freight rate between such places, then the lowest transportation charge by other means shall be used.

(2) The "multiplier" to be used in calculating the "transportation factor" for each procurement grade of shell eggs is as follows:

Grades of shell eggs	Multiplier	
	December through May	June through November
Procurement grades: I and II.....	1.9	4.0
III and IV.....	1.9	3.0

(c) *Maximum prices for procurement grades in "Area 2" except basing point cities.* In "Area 2," except basing point cities, the maximum prices of shell eggs

of procurement grades sold and delivered to the United States or any agency thereof at any place shall be determined as follows:

(1) From the maximum price in the basing point city reflecting the highest price of shell eggs of the procurement grade sold for the week in which they are to be delivered, the "transportation factor" for such grade of eggs from the basing point city to the point of shipment shall be subtracted. The resulting figure is the maximum price of such eggs delivered at their destination.

(d) *Maximum prices in cents per dozen by weeks for U. S. Procurement Grades of shell eggs for the United States or any agency thereof in the basing point cities of New York, Seattle, Los Angeles, San Diego, Phoenix, and Tucson.*

TABLE C

Grade	January 1944				February 1944-1943				March				
							15	22	1	8	15	22	29
I.....	48.2	47.2	47.2	46.2	45.2	44.2	43.2	41.2	40.2	40.2	40.2	40.2	40.2
II.....	47.5	46.5	46.5	45.5	44.5	43.5	42.5	40.7	39.7	39.7	39.7	39.7	39.7
III.....	46.7	45.7	45.7	44.7	43.7	42.7	41.7	40.2	39.2	39.2	39.2	39.2	39.2
IV.....	46.	45.	45.	44.	43.	42.	41.	39.7	38.7	38.7	38.7	38.7	38.7

Grade	April				May				June				
	7	14	21	28	3	10	17	24	31	7	14	21	28
I.....	40.2	40.2	40.2	40.2	40.2	40.2	40.2	40.2	40.2	42.2	42.2	42.2	43.2
II.....	39.7	39.7	39.7	39.7	39.7	39.7	39.7	39.7	39.7	41.5	41.5	41.5	42.5
III.....	39.2	39.2	39.2	39.2	39.2	39.2	39.2	39.2	39.2	40.7	40.7	40.7	41.7
IV.....	38.7	38.7	38.7	38.7	38.7	38.7	38.7	38.7	38.7	40.	40.	40.	41.

Grade	July				August				September				
	5	12	19	26	2	9	16	23	30	6	13	20	27
I.....	44.2	45.2	46.2	47.2	48.2	49.2	50.2	50.2	51.2	52.2	53.2	54.2	55.2
II.....	43.2	44.2	45.2	46.	47.	48.	48.7	48.7	49.7	50.5	51.2	52.	53.
III.....	42.2	43.2	44.2	44.7	45.7	46.7	47.2	47.2	48.2	48.7	49.2	49.7	50.7
IV.....	41.2	42.2	43.2	43.5	44.5	45.5	45.7	45.7	46.7	47.	47.2	47.5	48.5

Grade	October				November				December				
	4	11	18	25	1	8	15	22	29	6	13	20	27
I.....	56.2	56.2	57.2	57.2	57.2	56.2	55.2	54.2	53.2	51.2	51.2	50.2	49.2
II.....	54.	54.	54.7	54.7	55.	54.2	53.5	52.7	51.7	50.	50.	49.2	48.5
III.....	51.7	51.7	52.2	51.7	52.7	52.2	51.7	51.2	50.2	48.7	48.7	48.2	47.7
IV.....	49.5	49.5	49.7	49.7	50.5	50.2	50.	49.7	48.7	47.5	47.5	47.2	47.

(1) Prices in the basing point city, San Francisco, are 1/4 cent lower than those in the above table.
 (2) Prices in the basing point city, Miami, are 1 1/2 cents higher than those in the above table.

(3) The maximum prices of procurement grades of shell eggs for each consecutive week in the years following 1943 shall be as indicated in the above Table C the first week beginning on the first Monday in each year.

(e) *Maximum prices in cents per dozen for U. S. procurement grades of shell eggs for the United States or any agency thereof in the City of Chicago and for use in pricing in "Area 1."* (But not to be used as a "basing point city" for calculating prices in "Area 2".)

TABLE D

Grade	January-1944				February-1944-1943				March					April			
							15	22	1	8	15	22	29	5	12	19	26
I.....	46.7	45.7	45.7	44.7	43.7	42.7	41.7	39.7	38.7	38.7	38.7	38.7	38.7	38.7	38.7	38.7	38.7
II.....	46.	45.	45.	44.	43.	42.	41.	39.2	38.2	38.2	38.2	38.2	38.2	38.2	38.2	38.2	38.2
III.....	45.2	44.2	44.2	43.2	42.2	41.2	40.2	38.7	37.7	37.7	37.7	37.7	37.7	37.7	37.7	37.7	37.7
IV.....	44.5	43.5	43.5	42.5	41.5	40.5	39.5	38.2	37.2	37.2	37.2	37.2	37.2	37.2	37.2	37.2	37.2

(2) From the maximum price in the basing point city reflecting such highest price of such egg products for the month in which they are to be delivered to the purchaser's refrigerated warehouse, the "transportation factor" for such egg products shall be subtracted. The amount arrived at by such subtraction shall be the maximum price of such egg products in not less than carload quantities at the time and place of delivery.

(e) Maximum base prices in cents per pound for frozen whole eggs, frozen whites, frozen 45% yolks, frozen sugared or salted yolks, and frozen reconstituted eggs in the Cities of New York, Seattle, Los Angeles, San Francisco, San Diego, Phoenix and Tucson.

TABLE E

Month	Jan. 1944	Feb. 1943	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Whole frozen eggs and reconstituted eggs.....	35.3	34.0	33.0	33.0	33.0	33.0	33.7	34.0	34.3	34.3	34.3	35.0
Frozen whites.....	27.3	26.0	25.0	25.0	25.0	25.3	25.7	26.0	26.3	26.3	26.7	27.0
45% yolks.....	47.3	46.0	45.0	45.0	45.0	45.3	45.7	46.0	46.3	46.3	46.7	47.0
Sugared and salted yolks (10% sugar or salt).....	42.3	41.0	40.0	40.0	40.0	40.3	40.7	41.0	41.3	41.3	41.7	42.0

(1) The maximum prices for each consecutive month in the years following 1943 shall be as indicated in the above Table E, the first month beginning on the first day of January in each year.

(f) Maximum prices for Miami, Florida. Maximum base prices in the basing point city, Miami, Florida, are 1/2 cent more than those in Table E above.

(g) Maximum base prices in cents per pound for frozen whole eggs, frozen whites, frozen 45% yolks, frozen sugared or salted yolks, and frozen reconstituted eggs in Chicago and for use in pricing in "Area 1" (but not to be used as a "basing point city" for calculating prices in "Area 2.")

TABLE F

Month	Jan. 1944	Feb. 1943	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Whole frozen eggs and reconstituted eggs.....	34.4	33.0	32.0	32.0	32.0	32.0	32.4	32.8	33.0	33.4	33.8	34.0
Frozen whites.....	26.4	25.0	24.0	24.0	24.0	24.0	24.4	24.8	25.0	25.4	25.8	26.0
45% yolks.....	46.4	45.0	44.0	44.0	44.0	44.0	44.4	44.8	45.0	45.4	45.8	46.0
Sugared and salted yolks (10% sugar or salt).....	41.4	40.0	39.0	39.0	39.0	39.0	39.4	39.8	40.0	40.4	40.8	41.0

(1) The maximum prices for each consecutive month in the years following 1943 shall be as indicated in the above Table F the first month beginning on the first day of January in each year.

(h) Maximum prices for variations of percentage of solids in yolks. For every 1% deviation in solids in yolks, either above or below 45%, the seller shall add or subtract respectively .85 cent per pound to the prices in Table E of this section above.

(i) Maximum prices in certain areas in the State of Washington. Maximum prices for frozen egg products sold and delivered in all places in the State of Washington are as follows:

TABLE D—Continued

Grade	May					June					July					August				
	3	10	17	24	31	7	14	21	28	5	12	19	26	2	9	16	23	30		
I.....	38.7	38.7	38.7	38.7	38.7	39.0	39.0	39.0	39.0	40.0	40.0	40.0	40.0	41.0	41.0	41.0	41.0	41.0		
II.....	38.2	38.2	38.2	38.2	38.2	38.4	38.4	38.4	38.4	39.4	39.4	39.4	39.4	40.4	40.4	40.4	40.4	40.4		
III.....	37.7	37.7	37.7	37.7	37.7	37.9	37.9	37.9	37.9	38.9	38.9	38.9	38.9	39.9	39.9	39.9	39.9	39.9		
IV.....	37.2	37.2	37.2	37.2	37.2	37.3	37.3	37.3	37.3	38.3	38.3	38.3	38.3	39.3	39.3	39.3	39.3	39.3		

(1) The maximum prices of procurement grades of shell eggs for each consecutive week in the years following 1943 shall be as indicated in the above Table D the first week beginning on the first Monday in each year.

(f) Maximum prices of retail grades of shell eggs in quantities of 1500 dozen or less sold to the United States or any agency thereof. Where procurement grades of shell eggs are unobtainable or unsuitable for a particular need, retail grades of shell eggs may be purchased by the United States or any agency thereof in quantities of 1500 dozen eggs or less. The maximum prices of such retail grades of shell eggs sold and delivered to the United States or any agency thereof shall not exceed the maximum prices of such grades of eggs when sold and delivered to retailers or commercial, industrial, or institutional users.

\$ 1429.70 Maximum prices for the sale of frozen whole eggs, frozen whites, frozen 45% yolks, frozen sugared or salted yolks and frozen reconstituted eggs to any purchaser in carload quantities—(a) Maximum prices in basing point cities and City of Chicago. The maximum prices of frozen whole eggs, frozen whites, frozen 45% yolks, frozen sugared or salted yolks and frozen reconstituted eggs sold and delivered in carload quantities to a purchaser at his refrigerated warehouse in a basing point city or in the City of Chicago, Illinois shall be the price per pound for the particular basing point city in Table E and for Chicago in Table F of this section for the month in which delivered.

(b) Maximum prices in "Area 1", except New York City. In all places other than New York City within "Area 1", the maximum prices of frozen whole eggs, frozen whites, frozen 45% yolks, frozen sugared or salted yolks and frozen reconstituted eggs sold and delivered in carload quantities to a purchaser at his refrigerated warehouse in a basing point city or in the City of Chicago, Illinois shall be the price per pound for the particular basing point city in Table E and for Chicago in Table F of this section for the month in which delivered.

(c) "Transportation factor." "Transportation factor" when applied to sales and deliveries of the frozen egg products named in the heading of this section means the actual carlot freight rate per pound from Chicago, Illinois to the place of delivery of the egg products in "Area 1" multiplied by 1.16, and in "Area 2" means the actual freight rate from the place of delivery of such frozen egg products to the basing point city as provided in this section, multiplied by 1.16. If there is no actual carlot freight rate between such places, then the lowest transportation charge by other means shall be used.

(d) Maximum prices in "Area 2", except for basing point cities and certain areas in the State of Washington as provided in this section. In "Area 2," except basing point cities and certain areas in the State of Washington as provided in paragraph (i) in this section, the maximum prices for such egg products sold and delivered in carload quantities to a purchaser at his refrigerated warehouse shall be determined as follows:

facturer. Where any of the frozen egg products named in Section 1429.70 immediately above are sold and delivered from the refrigerated warehouse or from the premises of a manufacturer in less than carload quantities there may be added to the maximum price for such product in carload quantities provided by § 1429.70 hereof the amount per pound set forth in Table G below.

In calculating such maximum price in carload quantities (to be used as the base for less than carload quantities in the paragraph immediately above) the price from Table E or Table F in § 1429.70 for the month in which the delivery of the less than carload quantity is made, shall be used.

(b) *Maximum permitted increases for sales of liquid and frozen egg products in less than carlot quantities.*

TABLE G

Quantity sales	Maximum increase in cents per lb. above base price at warehousing point	
	F. O. B. warehouse	Delivered within 25 miles
Users whose weekly purchases average—	Cents	Cents
3,000 to 20,000.....	1/2	3/4
1,500 to 3,000.....	1	1 1/4
501 to 1,500.....	2	2 1/4
500 or less.....	3	3 3/4

(c) *Minimum charge for delivery of less than 200 pounds.* A minimum delivery charge of 50 cents shall be allowed for each delivery of less than 200 pounds of such frozen egg products.

(d) *Delivered beyond 25 miles.* Where less than carload quantities of such frozen egg products are sold and delivered beyond a distance of 25 miles from the refrigerated warehouse there may be added to the maximum price f. o. b. the warehouse the lowest applicable L. C. L. refrigerated rail or truck rate.

(e) *Example:* A seller at a refrigerated warehouse in Chicago contracts in February 1943 for the delivery of 1000 pounds of frozen whole eggs on Monday of each week for the remainder of 1943 to a bakery located at Evanston, Illinois. In calculating the maximum prices for such deliveries he would determine his price for the deliveries in each month separately. For deliveries in March, for example, he selects from Table F in Section 1429.70, which covers frozen whole eggs, the price for March which is 32 cents. He then turns to Table G immediately above and adds to such price 2 1/4 cents per pound which is the permitted increase for delivery within 25 miles since Evanston is within 25 miles from his warehouse in Chicago. Thus, his maximum price for 1000 pounds of frozen whole eggs delivered during the month of March is $1000 \times 32¢ = \$320.00$ plus $1000 \times 2 1/4¢ = \$22.50$, with a total maximum price of \$342.50 for such 1000 pounds of frozen whole eggs sold delivered.

If the seller at the Chicago warehouse made a single sale and delivery of 1,000 pounds of frozen whole eggs to such bakery during any week in March he would calculate his maximum price in exactly the same manner.

§ 1429.72 *Maximum prices for the sale of whole eggs, whites, 45% yolks, sugared or salted yolks, and reconstituted eggs in liquid form.* The maximum prices of the liquid egg products named immediately

above, sold and delivered during the months of February, March, April, May, and June of each year shall be one-half cent per pound less than the maximum prices for the corresponding form of frozen egg products and month of delivery. Such maximum prices for such products sold and delivered during the months of January, July, August, September, October, November, and December of each year shall be the same as the maximum prices per pound of the corresponding frozen egg products and delivery months.

§ 1429.73 *Maximum prices for mixtures and emulsions of liquid and frozen egg products.* The maximum prices of mixtures and emulsions of the frozen and liquid egg products named in Section 1429.70 and 1429.72 of this regulation shall be the aggregate of the maximum prices of the separate egg products composing the particular mixture or emulsion plus the actual cost of other ingredients.

§ 1429.74 *Maximum prices for dried whole eggs, dried egg yolks and dried albumen—(a) Maximum prices in the Cities of New York, Seattle.* The maximum prices of dried whole eggs, dried egg yolks, and dried albumen sold and delivered to any buyer at his customary receiving point shall be the prices per pound for each dried egg product set forth for the particular city in Table H of this section and for the month in which delivered.

(d) *Maximum prices per pound for dried whole eggs, dried egg yolks, and dried albumen in the Cities of New York and Seattle.*

TABLE H

	Jan. 1944	Feb. 1943	Mar.	Apr.	May	June		July	Aug.	Sept.	Oct.	Nov.	Dec.
						1-15	16-30						
Dried yolks.....	1.14	1.07	1.00	1.00	1.00	1.00	1.00	1.02	1.04	1.06	1.08	1.10	1.12
Dried albumen.....	1.94	1.87	1.80	1.80	1.80	1.80	1.82	1.84	1.86	1.88	1.88	1.90	1.92
Dried whole eggs.....	1.36	1.165	1.13	1.13	1.13	1.13	1.15	1.18	1.21	1.24	1.27	1.30	1.33

(1) The maximum prices for each consecutive month in the years following 1943 shall be as indicated in the above Table H the first month beginning on the first day of January in each year.

(2) The prices listed in Table H above are for dried whole eggs of Grade A quality as described in F. S. C. 1275 dated February 13, 1943, issued by the Food Distribution Administration of the United States Department of Agriculture.

(e) *Maximum prices for dried whole eggs sold F. O. B. to the United States Government or any agency thereof.* The maximum prices for dried whole eggs sold F. O. B. the seller's shipping point to the United States government or any agency thereof shall be the maximum prices for any place in which the seller's shipping point is located as determined above, paragraphs (a) through (d), in this section.

§ 1429.75 *Maximum prices for mixtures and blends of dried egg products.* The maximum prices of mixtures and blends of the dried egg products named in § 1429.74 of this regulation shall be the aggregate of the maximum prices of the separate egg products composing the particular mixture or blend plus the actual cost of other ingredients.

§ 1429.76 *Charges for containers or packages.* No extra charge shall be made by any person on account of any con-

(b) *Maximum prices in all other places.* Maximum prices at all other places in the United States other than the above named cities, without regard to the location of such place in "Area 1" or in "Area 2", the maximum prices of such dried egg products sold and delivered to any buyer at his customary receiving point for each month shall be determined as follows:

(1) The seller shall compare the "transportation factor" from the place at which such dried egg products are to be sold and delivered to each of the cities named in Table H of this section. From the price in the city having the lowest "transportation factor" determined by such comparison and for the month in which such dried egg products are to be delivered such "transportation factor" shall be subtracted. The resulting figure is the maximum price per pound of such dried egg products sold and delivered at the buyer's customary receiving point.

(c) *"Transportation factor".* "Transportation factor" when applied to sales and deliveries of the dried egg products named in the heading of this section means the actual carlot freight rate per pound from the place at which such dried egg products are to be delivered to the city named in Table H of this section determined as provided herein multiplied by 1.14. If there is no actual carlot freight rate between such places, then the lowest transportation charge by other means shall be used.

tainer or package in which egg items are contained except that:

(1) When shell eggs of consumer grades are packed in retail cartons for one dozen eggs each or for a half dozen each and the cartons so packed are furnished in the sale of such shell eggs, a charge of two cents for each packed carton of one dozen eggs and one cent for each packed carton of a half dozen eggs may be made.

(2) When the dried egg products priced in Section 1429.74 are packed in containers other than barrels, the additional labor and material costs (no other costs) incurred in packing in such other containers may be added.

§ 1429.77 *Decimals and final calculations of maximum prices.* In calculating maximum prices for sales and deliveries of egg items as provided by this regulation, all calculations shall be carried to the second decimal place of a

cent, and any final calculation of a maximum price resulting in a fraction of a cent per dozen eggs or per pound of egg products shall be adjusted to the nearest one-tenth of a cent.

Issued this 25th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3069; Filed, February 25, 1943;
3:12 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL
COMMODITIES

[Temporary MPR 27]

BROOM CORN

In accordance with the direction of the President to take action which will stabilize prices affecting the cost of living, and under the authority therewith delegated by the President pursuant to the Act of Congress approved October 2, 1942, entitled "An Act to Aid in Stabilizing the Cost of Living" (H. R. 7565), 77th Congress, 2nd Session, and under the authority of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, the Price Administrator, after consultation with the Secretary of Agriculture, hereby issues this Temporary Maximum Price Regulation No. 27 establishing as the maximum prices for broom corn the prices prevailing with respect thereto within five days prior to the issuance of this regulation.

§ 1439.151 *Prohibition against buying and selling above maximum prices.* From February 25, 1943, to April 26, 1943, inclusive, regardless of any contract, agreement or other obligation, no person shall sell or deliver broom corn, and no person in the course of trade or business shall buy or receive broom corn at prices higher than the maximum prices established by this Regulation; and no person shall agree, offer, solicit or attempt to do any of the foregoing. Lower prices may be charged, demanded, paid or offered.

§ 1439.152 *Maximum prices.* (a) The seller's maximum price for broom corn shall be the highest price charged by the seller to a purchaser of the same class during the period of February 20, 1943 to February 24, 1943, inclusive, for broom corn of the same type, grade and quality.

(b) Where a seller during the period February 20, 1943 to February 24, 1943, inclusive, did not deal in broom corn of the same type, grade and quality, his maximum price for such broom corn shall be the highest price charged therefor during the period February 20, 1943 to February 24, 1943, inclusive, by his most closely competitive seller to a purchaser of the same class.

"Highest price charged during the period February 20, 1943 to February 24, 1943, inclusive" means the highest price which the seller charged for broom corn delivered by him during the period from February 20, 1943 to February 24, 1943, inclusive, to a purchaser of the same class, or, if the seller made no such delivery during such period, his highest offering price for delivery during that period

to a purchaser of the same class. No seller shall change his customary allowances, discounts or other price differentials unless such change results in a lower price. No seller shall require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of the transportation costs incurred in the delivery of broom corn than the seller required a purchaser of the same class to pay during the period February 20, 1943 to February 24, 1943, inclusive, on deliveries of broom corn.

"Purchaser of the same class" refers to the practice followed by the seller during the 90 day period preceding February 25, 1943, of setting different prices for sales to different purchasers or kinds of purchasers or for purchasers located in different areas or for different quantities or under different conditions of sale.

§ 1439.153 *Evasion.* The price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to broom corn alone or in conjunction with any other commodity, or by way of any commission, service, transportation or other charge, discount, premium or other privilege or by tying-agreement or other trade understanding.

§ 1439.154 *Conditional agreements.* No seller of broom corn shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by this regulation in the event that this regulation is amended or is determined by a court to be invalid or upon any other contingency: *Provided*, That if a petition for amendment has been duly filed, and such petition requires extensive consideration, the Price Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment. Requests for such an exception may be included in the aforesaid petition for amendment.

§ 1439.155 *Sales for export.* The maximum price at which a person may export broom corn shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation¹ issued by the Office of Price Administration.

§ 1439.156 *Records and reports.* (a) Every person selling broom corn shall preserve for examination by the Office of Price Administration all his existing records relating to the prices which he charged for broom corn during the period February 20, 1943 to February 24, 1943, inclusive, and his offering prices for delivery or supply of broom corn during such period; and shall prepare, on or before February 27, 1943, on the basis of all available information and records, and thereafter keep for examination by any person during ordinary business hours, a statement showing (1) the highest prices charged for broom corn, together with an appropriate identification

of the type, grade and quality thereof, and (2) all his customary allowances, discounts, and other price differentials.

(b) Every person selling broom corn shall keep and make available for examination by the Office of Price Administration records of the same kind as he has customarily kept relating to the prices which he charged for broom corn during the period from February 25, 1943 to April 26, 1943, inclusive.

(c) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraphs (a) and (b) of this section as the Office of Price Administration may from time to time require.

§ 1439.157 *Enforcement.* (a) Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses, provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this regulation 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 district, state, field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1439.158 *Petitions for amendment.* Persons seeking modification of any provisions of this regulation or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,² issued by the Office of Price Administration.

§ 1439.159 *Definitions.* (a) When used in this regulation, the term:

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

(2) "Broom corn" means the plant of the sorghum family used in the manufacture of brooms and brushes.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in the General Maximum Price Regulation, issued by the Office of Price Administration, shall apply to other terms used herein.

§ 1439.160 *Revocation or replacement of regulation.* This regulation may be revoked or replaced by a permanent maximum price regulation or order issued by the Office of Price Administration.

§ 1439.161 *Geographical applicability.* This regulation shall be applicable to the continental United States, and to the District of Columbia, but not to the ter-

¹ 7 F.R. 5059, 7242, 8829, 9000, 10530.

² 7 F.R. 8961.

ritories and possessions of the United States.

§ 1439.162 *Effective period.* This regulation (§§ 1439.151 to 1439.162, inclusive) shall become effective on February 25, 1943, and shall, unless earlier revoked or replaced, expire at 12 o'clock midnight, April 26, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 25th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3068; Filed, February 25, 1943; 3:11 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 300 Under § 1499.3 (b) of GMPR]

ROBERTS-DAVIS COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1736 *Approval of maximum prices for sales of "Limeproof Blue No. 4002" by the Roberts-Davis Company.*—

(a) The maximum price for sales by the Roberts-Davis Company, Los Angeles, California, of "Limeproof Blue No. 4002" is established at 37.11 cents per pound, f. o. b. Los Angeles, California.

(b) The Roberts-Davis Company shall apply to the maximum price set forth in paragraph (a) for its sales of "Limeproof Blue No. 4002" all quantity differentials, discounts for purchasers of different classes, trade practices, credit terms, practices relating to the payment of transportation costs, and any other customary discounts or allowances which were in effect in March 1942 on its sales of "Rodaco Blue No. 470."

(c) This Order No. 300 may be revoked or amended by the Price Administrator at any time.

This Order No. 300 (§ 1499.1736) shall become effective on February 26, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 25th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3070; Filed, February 25, 1943; 3:12 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 1 to Order 226, Under § 1449.3 (b) of GMPR]

WILLSON PRODUCTS, INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,* *It is ordered:*

Paragraph (a) of § 1499.1462 is amended as set forth below:

§ 1499.1462 *Approval of Maximum Prices for Sales by Willson Products, Inc., of a new industrial gas mask and*

*Copies may be obtained from the Office of Price Administration.

No. 41—5

canister. (a) Willson Products, Inc., Reading, Pennsylvania and its distributors may sell and deliver its Universal "Firefighter" (Type N) industrial gas mask unit and canister at prices, no higher than those set forth below subject to discounts, allowances and terms no less favorable than those customarily granted by the seller.

No. WUG-N2 Gas Mask unit, including head harness, facepiece, breathing tube, inhalation meter, two canisters, canister harness, and carrying case \$37.50
No. G730 Canister for above gas mask unit 5.39

This Amendment No. 1 to Order No. 226 (§ 1499.1462 (a)) shall be effective February 26, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 25th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3073; Filed, February 25, 1943; 3:12 p. m.]

(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.*

From all mines—	Prices and size group Nos.																		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	19	
Subdistrict No.:																			
1.....	515	510	495	475	455	435	430	390	360	315	315	235	-----	190	145	355	355		
2.....	530	525	520	495	470	450	445	405	360	335	325	245	-----	235	205	355	320		
3.....	465	455	455	455	430	435	430	380	340	315	305	245	-----	235	205	355	320		
4.....	520	515	510	495	470	435	420	395	335	310	300	235	-----	205	175	355	320		
5.....	465	465	450	460	435	405	395	365	340	315	315	215	-----	205	200	355	320		
6.....	460	450	440	440	410	410	390	370	345	-----	-----	245	230	225	205	355	320		
7.....	450	440	440	440	370	370	360	365	345	-----	-----	265	230	225	185	355	320		
8.....	400	390	390	390	345	345	335	395	355	-----	-----	270	250	245	205	355	320		
9.....	440	430	430	430	420	420	340	380	380	355	305	-----	265	245	240	250	355	325	
*Exception for Sugarite Mine.....	490	480	480	480	470	445	465	390	380	-----	-----	265	245	240	270	355	325		
10.....	490	480	480	480	470	445	465	390	380	-----	-----	265	245	240	270	355	325		
11.....	475	465	440	440	395	385	385	365	350	-----	-----	240	225	215	175	355	315		
12.....	425	425	415	385	360	370	355	350	315	-----	-----	235	230	220	180	355	290		
15.....	425	415	395	395	370	335	320	370	330	240	-----	235	230	220	180	355	290		
16.....	390	380	360	360	335	300	285	335	320	-----	-----	240	225	215	175	345	280		
18.....	450	440	420	420	395	360	355	405	370	-----	-----	240	235	225	185	355	290		
19 and 20.....	495	485	465	465	440	405	390	415	330	-----	-----	265	255	245	210	370	305		

(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 (without adjustments on account of price exceptions), plus a sum not exceeding 35 cents in all size groups.

(3) *Maximum prices in cents per net ton for railroad locomotive fuel except as otherwise specifically provided herein.* The maximum prices for railroad locomotive 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 55 cents per net ton; *Provided*, That where a mine is on-line to more than one railroad, the highest minimum price shall be applicable in determining the applicable maximum price; *Provided, further*, That when railroads purchase coals for

PART 1340—FUEL
[MPR 120, Amendment 43]
BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

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.*

Sections 1340.228 (b) and 1340.230 (b) are amended to read as set forth below:

§ 1340.228 *Appendix Q: Maximum prices for bituminous coal produced in District No. 17.* * * *

(b) The following maximum prices are established in cents per ton of 2,000 pounds f. o. b. transportation facilities at the mine or preparation plant from which delivery is made:

*Copies may be obtained from the Office of Price Administration.

†F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5827, 5835, 6159, 6218, 6265, 6272, 6472, 6325, 6524, 6744, 6898, 7777, 7870, 7914, 7942, 8354, 8650, 8943, 9783, 10470, 10581, 10780, 10993, 11008, 11013; 8 F.R. 926, 1388, 1629, 1679, 1747, 1971, 2023, 2030.

(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.*

railroad locomotive fuel use in sizes which are not included in size groups specifically priced in the effective minimum price schedule for railroad locomotive fuel, or purchase coal for any use other than railroad locomotive use, the maximum price for such railroad fuel shall be the all-rail maximum price for the grade and size shipped, as specified in (1) above.

(4) *Maximum prices in cents per net ton for smelting coal.* The maximum prices from all mines in all size groups for smelting coal shall not exceed 605 cents per net ton.

§ 1340.230 *Appendix S: Maximum prices for bituminous coal produced in District No. 19.* * * *

(b) The following maximum prices are established in cents per ton of 2,000 pounds f. o. b. transportation facilities at the mine or preparation plant from 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.

From all mines—	Prices and size group Nos.																
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Subdistrict No.:																	
1	445	445	430	415	430	395	355	330	315	290	290	350	---	---	235	235	200
2	415	415	390	390	390	390	340	320	315	300	320	315	285	---	270	270	170
3	325	325	325	325	300	300	300	300	290	225	---	250	250	---	205	205	130
4	---	400	400	325	---	---	---	---	---	---	---	250	---	235	---	---	---
5	505	505	505	495	495	495	470	415	340	285	275	310	225	---	210	210	210
6	310	310	---	---	340	340	340	260	240	240	---	285	245	190	190	190	---
7	285	285	---	---	255	255	255	265	245	245	---	260	225	225	210	230	---
8	225	225	---	200	---	---	---	200	195	---	---	180	---	140	140	140	---
9	---	290	---	290	290	290	270	270	175	175	---	200	---	175	175	150	100

(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 75 cents in all size groups.

(3) Maximum prices in cents per net ton for railroad fuel. The maximum prices for all 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 30 cents per net ton: *Provided*, That where a mine is on-line to more than one railroad, the highest minimum price shall be applicable in determining the maximum price; *Provided, further*, That where a producer, or a sub-district, does not have an established minimum price for railroad fuel, the maximum price for such coal shall be the all-rail maximum price for the grade and size shipped, as specified in (1) above.

(4) In the event any specific maximum price has been adjusted prior to February 15, 1943, the effective maximum price in such case shall not be determined by reference to subparagraphs 1, 2 or 3 above, but must be computed by adding to such adjusted price the following sum:

- (i) For the methods of shipment and uses indicated in (1) above; Thirty (30) cents in all size groups.
 - (ii) For the methods of shipment and uses indicated in (2) above; Thirty (30) cents in all size groups.
 - (iii) For use indicated in (3) above; Fifteen (15) cents.
- This amendment shall be effective as of February 25, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 25th day of February 1943.
PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3091; Filed, February 25, 1943; 4:20 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Restriction Order 1, Amendment 14]

MEAT RESTRICTION

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (a) of § 1407.919a is amended to read as set forth below:

§ 1407.919a *Allocation orders.* (a) The district manager of the Office of Price Administration or, where there is none, the State Director, having jurisdiction over any meat allocation area, may issue allocation orders requiring any person who is engaged in the business of selling or delivering controlled meat in or from within that area, to deliver any controlled meat, which he has in or brings into the area, to such persons within the area, at such times and in such quantities as the district manager or the State Director may direct. Such allocation order may be issued only if the district manager (or State Director) finds it to be in the public interest to do so by reason of the fact that the person to whom the order requires deliveries to be made has been unable to secure a reasonable quantity of controlled meat for delivery, or for service to consumers, and that, as a result, consumers are unable to acquire a reasonable amount of controlled meat. However, no such order shall require delivery of controlled meat to individual consumers.

This amendment shall become effective February 25, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; W.P.B. Directive 1, Supp. Dir. 1-M, 7 F.R. 562, 7234)

Issued this 25th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3076; Filed, February 25, 1943; 4:19 p. m.]

*Copies may be obtained from the Office of Price Administration.

1 7 F.R. 7829, 8217, 8524, 9247, 9250, 9639, 10258, 10621, 10704; 8 F.R. 375, 1279, 2274.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Restriction Order 2, Amendment 1]

RICE RESTRICTION

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraphs (m), (n) and (o) are added to § 1407.3001; paragraph (a) of § 1407.3006 is amended; paragraph (d) is added to § 1407.3007 and a new § 1407.3015 is added.

§ 1407.3001 *Definitions.* * * *

(m) "Industrial user" means an establishment which receives rice for use in the production, manufacture, cooking, or processing of any food for resale.

(n) "Institutional user" means an establishment which receives rice for feeding persons housed within a non-profit institution such as a hospital, school, convent or prison.

(o) "Establishment" means the business or operation subject to Restriction Order 2, conducted at or from a particular location.

§ 1407.3006 *Quotas and allotments established.* (a) The quotas for such industrial or institutional users as the Director shall determine to be eligible and for retailers to acquire rice during a quota period and the duration of each quota period shall be determined by the Director in accordance with the available supplies of rice.

§ 1407.3007 *Application for adjustment.* * * *

(d) An establishment, not heretofore subject to Restriction Order 2, or a retailer who did not sell, or an industrial or institutional user which did not purchase rice in November 1941 may apply to the board having jurisdiction for assignment of a quota or allotment. The board shall examine all pertinent facts, shall assign a temporary quota or allotment within any then established quota or allotment and shall, within three days thereafter, render a complete report to the Director. The Director may, based on the facts presented, direct the board to amend the assigned quota or allotment. The establishment may apply for an adjustment at any time after the assignment of a temporary quota in accordance with paragraphs (a), (b) and (c) of this section.

§ 1407.3015 *Effective dates of amendments.* (a) Amendment No. 1 to Restriction Order 2 (§§ 1407.3001 (m), (n), (o), 1407.3006 (a), 1407.3007 (d) and 1407.3015 (a)) shall become effective on February 6, 1943.

1 7 F.R. 10536.

(W.P.B. Dir. 1 issued January 24, 1943 and Supp. Dir. 1-J as amended issued October 29, 1942)

Issued this 6th day of February 1943.

WILLIAM B. MEAD,
Director,
Office of Price Administration
For Puerto Rico.

[F. R. Doc. 43-3077; Filed, February 25, 1943;
4:19 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Restriction Order 3, 1st Amendment 1]

CANNED MEAT AND CANNED FISH

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In Restriction Order 3, section 9 is amended and a definition of "fish" is added to section 12, to be inserted in alphabetical order, and the definition of "transfer" in section 12 is amended to read as set forth below:

Sec. 9. *Canned meat and canned fish held for sale must not be opened except for inspection.* No person shall, except for necessary and customary inspection, puncture or open a hermetically sealed container in which canned meat or canned fish is packed if such container or the contents thereof are held for sale or transfer.

Sec. 12. *Definitions.* * * *

"Fish" means any edible part of fish, including fish roe and caviar. It includes all products containing fish in which the fish constitutes more than 10 percent of the total net weight.

"Transfer" means to sell, give, exchange, lend, deliver or consign. It includes any transfer of possession or title, however accomplished, as well as service in meals or delivery in any other manner of the contents of containers in which canned meat or canned fish is packed if such service or delivery is made for a consideration.

This amendment shall become effective February 25, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive No. 1, 7 F.R. 562, and Supplementary Directive No. 1-M, 7 F.R. 7234; and Food Directive No. 1, 8 F.R. 827)

Issued this 25th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3090; Filed, February 25, 1943;
4:19 p. m.]

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 2214.

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[Temporary MPR 28,¹ Amendment 1]

CERTAIN PERISHABLE FRUITS AND VEGETABLES

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.*

Temporary Maximum Price Regulation No. 28 is amended in the following respect:

A new § 1439.253a is added to read as follows:

§ 1439.253a *Applications for local adjustment of maximum prices.* (a) If any seller finds that by reason of distress sales or other unusual conditions, his maximum price for any of the listed commodities is abnormally low in relation to the maximum prices for merchantable quality of the listed commodities established for other sellers of the same class, he may file an application for adjustment of his maximum price.

(b) Such application shall be filed with the State or district office of the Office of Price Administration for the area in which the applicant is located. Such applicant shall submit a statement setting forth:

- (1) His name and address.
- (2) The type of business establishment operated by him (for example, but not limited to, commission merchant, wholesaler, country shipper, terminal seller, etc.)
- (3) The listed commodity for which he seeks an adjustment.
- (4) His present maximum price.
- (5) A full description of the sale which established his present maximum price, including
 - (i) The date of the sale,
 - (ii) The name and address of the purchaser,
 - (iii) The type of business establishment operated by the purchaser,
 - (iv) The quantity sold,
 - (v) A full description of the condition of the merchandise when sold,
 - (vi) The maximum price and
 - (vii) The terms of the sale.
- (6) The reasons why the applicant's present maximum price is abnormally low.

This amendment shall become effective February 25, 1943.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 25th day of February 1943.

PRENTISS M. BROWN,
Administrator.

Approved:
GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 43-3089; Filed, February 25, 1943;
4:19 p. m.]

¹ 8 F.R. 2396.

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[Temporary MPR 29]

CERTAIN PERISHABLE VEGETABLES (SPINACH AND LETTUCE)

In the judgment of the Price Administrator, it is necessary and proper in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, to issue a temporary maximum price regulation establishing as the maximum prices for certain perishable vegetables the prices prevailing with respect thereto within the five days prior to the date of issuance of this regulation.

The maximum prices herein established are not below prices which will reflect to the producers of these perishable vegetables prices equal to the highest of the prices required by the provisions of section 3 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 aforesaid Act and Executive order, and in accordance with Revised Procedural Regulation No. 1¹, Temporary Maximum Price Regulation No. 29 is hereby issued.

- Sec.
- | | |
|----------|--|
| 1439.301 | Purposes of this regulation. |
| 1439.302 | Prohibition against buying and selling above maximum prices. |
| 1439.303 | Maximum prices for certain perishable vegetables. |
| 1439.304 | Application for local adjustment of maximum prices. |
| 1439.305 | Exempt sales. |
| 1439.306 | Evasion. |
| 1439.307 | Sales for export. |
| 1439.308 | Records and reports. |
| 1439.309 | Enforcement. |
| 1439.310 | Petitions for amendment. |
| 1439.311 | Relationship to the General Maximum Price Regulation. |
| 1439.312 | Geographical Applicability. |
| 1439.313 | Definitions. |
| 1439.314 | Revocation or replacement of regulation. |
| 1439.315 | Effective period. |

AUTHORITY: §§ 1439.301 to 1439.315, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250; 7 F.R. 7691.

§ 1439.301 *Purposes of this regulation.* The purposes of this regulation are to establish maximum prices for sales and deliveries of each kind, variety and type of the following fresh vegetables, whether imported or domestic:

- (a) Lettuce.
- (b) Spinach.

The perishable vegetables listed above are referred to in this regulation as the "listed commodities".

§ 1439.302 *Prohibition against buying and selling above maximum prices.* From February 25, 1943 to April 26, 1943, inclusive, regardless of any contract, agreement, or any other obligation no person shall sell or deliver a listed com-

¹ 7 F.R. 8961.

modity and no person in the course of trade or business shall buy or receive a listed commodity at a price higher than the maximum price permitted by this Temporary Maximum Price Regulation No. 29, and no person shall agree, offer, solicit or attempt to do any of the foregoing. Lower prices than the maximum prices may be charged, demanded, paid or offered.

§ 1439.303 *Maximum prices for certain perishable vegetables.* (a) The seller's maximum price for any listed commodity shall be the highest price charged by the seller to a purchaser of the same class during the period February 20, 1943 to February 24, 1943, inclusive, for the same listed commodity.

(b) If a seller during the period of February 20, 1943 to February 24, 1943, inclusive, did not sell, deliver or otherwise deal in a listed commodity, such seller's maximum price for such listed commodity shall be the highest price charged during the period February 20, 1943 to February 24, 1943, inclusive, by his most closely competitive seller to a purchaser of the same class for such listed commodity.

§ 1439.304 *Application for local adjustment of maximum prices.* (a) If any seller finds that by reason of distress sales or other unusual conditions, his maximum price for any of the listed commodities is abnormally low in relation to the maximum prices for merchantable quality of the listed commodities established for other sellers of the same class, he may file an application for adjustment of his maximum price.

(b) Such application shall be filed with the State or district office of the Office of Price Administration for the area in which the applicant is located. Such applicant shall submit a statement setting forth:

- (1) His name and address.
- (2) The type of business establishment operated by him (for example, but not limited to, commission merchant, wholesaler, country shipper, terminal seller, etc.)
- (3) The listed commodity for which he seeks an adjustment.
- (4) His present maximum price.
- (5) A full description of the sale which established his present maximum price, including
 - (i) The date of the sale,
 - (ii) The name and address of the purchaser,
 - (iii) The type of business establishment operated by the purchaser.
 - (iv) The quantity sold.
 - (v) A full description of the condition of the merchandise when sold.
 - (vi) The maximum price and
 - (vii) The terms of the sale.
- (6) The reasons why the applicant's present maximum price is abnormally low.

§ 1439.305 *Exempt sales.* This Temporary Maximum Price Regulation No. 29 shall not apply to the following:

(a) Deliveries to the United States, or any agency thereof, under contracts entered into prior to February 25, 1942.

(b) Sales or deliveries made directly by a farmer of any listed commodity grown on his farm. However, this Temporary Maximum Price Regulation No. 29 shall apply to a sale or delivery by a farmers' cooperative or to a sale or delivery made directly by a farmer of any listed commodity to an ultimate consumer if during the preceding month the farmer's sales to ultimate consumers of all food and food products produced on his farm exceeded \$75.00.

§ 1439.306 *Evasion.* The prime limitations set forth in this Temporary Maximum Price Regulation No. 29 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 a listed commodity, alone or in conjunction with any other commodity, or by way of any commission, service transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by changing a business practice relating to the price lines, grading, labeling, packaging or branding of a listed commodity.

§ 1439.307 *Sales for export.* The maximum prices at which a person may export a listed commodity shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation,¹ issued by the Office of Price Administration.

§ 1439.308 *Records and reports.* (a) As to all sales not specifically exempted by other sections of this Temporary Maximum Price Regulation No. 29 every person selling a listed commodity shall preserve for examination by the Office of Price Administration all his existing records relating to prices which he charged for such listed commodity, delivered or supplied during the period February 20, 1943 to February 24, 1943, inclusive, and his offering prices for delivery or supply of a listed commodity during such period; and shall prepare, on or before March 15, 1943, on the basis of all available information and records, and thereafter keep for examination by any person during ordinary business hours, a statement showing (1) the highest prices charged for such listed commodity during such period, together with an appropriate identification of such commodity, and (2) all his customary allowances, discounts, and other price differentials.

(b) As to all sales not specifically exempted by other sections of this Temporary Maximum Price Regulation No. 29 every person selling a listed commodity shall keep and make available for examination by the Office of Price Administration records of the same kind as he has customarily kept relating to the prices which he charged for such listed commodity during the period from February 25, 1943, to April 26, 1943, inclusive, and in addition, records showing, as precisely as possible, the basis upon which he determined maximum prices.

¹ 7 F.R. 5059, 7242, 8529, 9000, 10530.

(c) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraphs (a) and (b) of this section as the Office of Price Administration may from time to time require.

§ 1439.309 *Enforcement.* (a) Persons violating any provisions of this Temporary Maximum Price Regulation No. 29 are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses, provided by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this Temporary Maximum Price Regulation No. 29 or of 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 district, State, or regional office of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1439.310 *Petitions for amendment.* Any person seeking an amendment of any provision of this Temporary Maximum Price Regulation No. 29 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, and amendments, issued by the Office of Price Administration.

§ 1439.311 *Relationship to the General Maximum Price Regulation.*¹ The following sections of the General Maximum Price Regulation, and amendments to them, shall be applicable to every person selling a listed commodity:

(a) *Determination of maximum prices by sellers at retail operating more than one retail establishment* (§ 1499.4a). In applying § 1499.4 (a) of the General Maximum Price Regulation, the base period of February 20, 1943 to February 24, 1943, inclusive, shall be substituted for the period of March 1942 used therein.

(b) *Adjustment of maximum prices in cases of special deals* (§ 1499.4).

(c) *Transfers of business or stock in trade* (§ 1499.5).

(d) *Federal and state taxes* (§ 1499.7). In applying § 1499.7 of the General Maximum Price Regulation, the base period of February 20, 1943 to February 24, 1943, inclusive, shall be substituted for the period of March 1942 used therein, and the date February 25, 1943, shall be substituted for the date March 31, 1942.

§ 1439.312 *Geographical applicability.* The provisions of this Temporary Maximum Price Regulation No. 29 shall be applicable to the United States, its territories and possessions, the District of Columbia.

§ 1439.313 *Definitions.* (a) When used in this Temporary Maximum Price Regulation No. 29, the term:

¹ 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 5794, 6939, 7093, 7322, 7454, 7913, 8431, 8381, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454; 8 F.R. 371, 1204, 1317, 2029, 2110.

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

(2) "Highest price charged during the period February 20, 1943, to February 24, 1943, inclusive, means the highest price which the seller charged for a listed commodity delivered by him during the period from February 20, 1943 to February 24, 1943, inclusive, to a purchaser of the same class, or, if the seller made no such delivery during such period, his highest offering price for delivery during that period to a purchaser of the same class. No seller shall change his customary allowances, discounts or other price differentials unless such change results in a lower price. No seller shall require any purchase, and no purchaser shall be permitted, to pay a larger proportion of transportation costs incurred in the delivery or supply of any listed commodity than the seller required purchasers of the same class to pay during the period February 20, 1943 to February 24, 1943, inclusive, on deliveries of a listed commodity.

(3) "Purchaser of the same class" refers to the practice followed by the seller in the ninety-day period preceding February 25, 1943, in setting different prices for sales to different purchasers or kinds of purchasers (for example, but not limited to, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer, or any ordinarily recognized subgroup or combination of the foregoing) or for purchasers located in different areas or for different quantities or under different conditions of sale.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in the General Maximum Price Regulation, issued by the Office of Price Administration, shall apply to other terms used herein.

§ 1439.314 *Revocation or replacement of regulation.* This Temporary Maximum Price Regulation No. 29 may be revoked or replaced by a permanent maximum price regulation or order issued by the Office of Price Administration.

§ 1439.315 *Effective period.* This Temporary Maximum Price Regulation No. 29 (§§ 1439.301 to 1439.315, inclusive) shall become effective on February 25, 1943 and shall unless earlier revoked or replaced expire at twelve o'clock midnight, April 26, 1943.

Issued this 25th day of February 1943.

PRENTISS M. BROWN,
Administrator.

Approved:

GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 43-3075; Filed, February 25, 1943; 4:20 p. m.]

PART 1340—FUEL

[M.P.R. 120,¹ Amendment 42]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1340.207 (b) is amended to read as set forth below:

§ 1340.207 *Petitions for amendment and applications for adjustment.* * * *

(b) The Administrator may by order grant an adjustment of or exception from the maximum prices to any producer who shows to the satisfaction of the Administrator that the sale of its mine's entire production at the maximum prices would return a realization less than the mine's representative costs of production.

This amendment No. 42 shall be effective March 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3118; Filed, February 26, 1943; 11:35 a. m.]

PART 1340—FUEL

[MPR 137,² Amendment 24]

PETROLEUM PRODUCTS SOLD AT RETAIL

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1340.93a (t) is amended to read as set forth below:

§ 1340.93a *Effective dates of amendments.* * * *

(t) Amendment No. 19 (§§ 1340.86 (e), 1340.90 (a) (12), 1340.91 (1)) to Maximum Price Regulation No. 137 shall become effective February 1, 1943.

This amendment shall become effective March 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F. R. 7871)

Issued this 26th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3116; Filed, February 26, 1943; 11:36 a. m.]

*Copies may be obtained from the Office of Price Administration.

¹ 7 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, 9783, 10470, 10581, 10780, 10993, 11008, 11012; 8 F.R. 926, 1388, 1629.

² 7 F.R. 3165, 3749, 4273, 4653, 4780, 4853, 5363, 5868, 5941, 6057, 6896, 7902, 8353, 8938, 8948, 9335, 10684, 11008, 1112, 11075; 8 F.R. 231, 232, 1226, 1586, 1799, 2152, 2120.

PART 1340—FUEL

[RPS 88,³ Amendment 77]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1340.158a (hhh) is amended to read as set forth below:

§ 1340.158a *Effective dates of amendments.* * * *

(hhh) Amendment No. 60 (§§ 1340.157 (b); 1340.159 (c) (3) (xiii)) to Revised Price Schedule No. 88 shall become effective February 1, 1943.

This amendment shall become effective March 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3117; Filed, February 26, 1943; 11:35 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 305,⁴ Amendment 1]

CORN MEAL, FLOUR, GRITS, ETC.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.* Paragraph (a) of § 1351.1755 is amended to read as set forth below.

§ 1351.1755 *Transportation and freight tax.* (a) Transportation means the railroad charge figured at the carload proportional rate or, if none, the carload flat rate (including the 3 per cent transportation tax applicable under section 620 of the Revenue Act of 1942) from the basing point at Kansas City, Missouri, to the railroad siding nearest the point designated by the buyer as his receiving point. No transportation or local hauling charge beyond such receiving point shall be added to the maximum price except as permitted in § 1351.1757 below.

This amendment shall become effective March 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3120; Filed, February 26, 1943; 11:35 a. m.]

³ F.R. 1107, 1371, 1798, 1799, 2132, 2304, 2352, 2634, 2945, 3463, 3482, 3524, 3576, 3895, 3963, 4483, 4654, 4854, 4857, 5481, 5867, 5868, 5988, 5983, 6057, 6067, 6471, 6680, 7242, 7838, 8433, 8478, 9134, 9335, 9425, 9460, 9620, 9621, 9817, 1820, 10684, 11069, 11112, 11075; 8 F.R. 157, 232, 233, 857, 1227, 1200, 1457, 1312, 1318, 1642, 1799, 2023, 2105, 2119, 2152, 3552, 8586, 8701, 8741, 8829, 8938, 8948, 9130.

⁴ 8 F.R. 1063.

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 335]

PEANUTS AND PEANUT BUTTER

This regulation is issued in order to establish maximum prices for peanuts and peanut butter at levels which are generally fair and equitable and which will aid in stabilizing the cost of living. A statement of the considerations involved in the issuance of this regulation has been issued and filed with the Division of the Federal Register.* Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 335 is hereby issued.

- Sec.
- 1351.2001 Purpose of this regulation.
 - 1351.2002 List of maximum prices which farmers may charge for farmers' stock peanuts.
 - 1351.2003 List of maximum prices which shellers and primary jobbers may charge for unshelled and shelled peanuts.
 - 1351.2004 Maximum prices which processors may charge for salted, blanched, sliced, chopped, granulated, or roasted peanuts, and for peanut butter.
 - 1351.2005 Maximum prices which wholesalers and retailers may charge for salted peanuts.
 - 1351.2006 General provisions.

AUTHORITY: §§ 1351.2001 to 1351.2006, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1351.2001 *Purpose of this regulation.* It is the purpose of this regulation to establish maximum prices for the following peanut products:

(a) Farmers' stock peanuts, in sales by growers.

(b) Unshelled and shelled peanuts, in sales by shellers and primary jobbers.

(c) Salted, blanched, sliced, chopped, granulated, or roasted peanuts, and peanut butter, in sales by processors.

(d) Salted peanuts, in sales by wholesalers and retailers.

Prices are in effect from February 27, 1943. Maximum prices for the wholesalers and retailers of peanut butter will be governed by Maximum Price Regulations Nos. 237¹ and 268.²

§ 1351.2002 *List of maximum prices which growers may charge for farmers' stock peanuts.* (a) The maximum prices per ton, f. o. b. local shipping point, which growers may charge for farmers' stock peanuts shall be:

	Dollars per ton
Virginia type:	
Grade U. S. Nos. 1 and 2 (Classes A and below).....	\$176
Grade U. S. No. 3 (Classes A and below) and unclassified.....	168
White Spanish type:	
All grades.....	169
Runner type:	
All grades.....	154

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 8205, 8427, 8808, 9183, 9973, 10013, 10715; 8 F.R. 373, 569, 1200, 2106.

² 7 F.R. 8209, 8808, 9184, 10013, 10227, 10714; 8 F.R. 120, 374, 532, 1116, 2106.

(b) The grades and classes referred to in this section are the United States grades and classes for farmers' stock peanuts issued by the United States Department of Agriculture.

§ 1351.2003 *List of maximum prices which shellers and primary jobbers may charge for unshelled and shelled peanuts—*(a) *Shellers' prices for unshelled peanuts.* The maximum prices per pound, f. o. b. mill, which shellers may charge for unshelled peanuts shall be:

Virginia type:	Cents per lb.
Grade U. S. Jumbo and Fancy.....	15¼

(b) *Shellers' prices for shelled peanuts.* The maximum prices per pound, f. o. b. mill, which shellers may charge for shelled peanuts shall be:

Virginia type:	Cents per lb.
Grades above U. S. No. 1.....	16¼
Grade U. S. No. 1 and below (including splits).....	14½
White Spanish type:	
All grades:	
Shellers east of Mississippi River.....	14¼¢
Shellers west of Mississippi River.....	14½¢
Runner type:	
All grades.....	14¢

(c) *Primary jobbers' prices for unshelled and shelled peanuts.* The maximum price per pound or other unit, f. o. b. warehouse, which a primary jobber may charge for any type and grade of unshelled or shelled peanuts shall be his net delivered cost (on a carload basis) plus a markup of one cent per pound. However, this markup may be added only where the jobber's supplier was a sheller. The primary jobber shall originally figure his maximum price on the basis of his most recent carload purchase, and he shall refigure it after receiving each new carload of that type and grade. The maximum price so figured is the primary jobber's maximum price for his entire inventory of that type and grade, and it is effective until his first sale after he receives the next carload.

A "primary jobber" is one who purchases the type and grade being priced and who customarily receives shipment of the item into a warehouse or other receiving station for resale in less than carloads. His "net delivered cost" means the amount he pays for peanuts delivered at his customary receiving point less all discounts allowed him, except the discount for prompt payment. However, no expense of local trucking or unloading shall be included.

A primary jobber who leases roasting or salting equipment to any retailer he also supplies with raw shelled peanuts, and whose compensation for the use and servicing of this equipment is included in the price he charges the retailer for the peanuts, shall figure his net maximum price for peanuts and equipment (per pound or other unit of peanuts), as follows: He shall take the weighted average net price which he charged for the same peanuts and equipment in November and December 1941 and add the following amount per pound of raw shelled peanuts (use appropriate figure):

	Cal., Ore. & Wash.	Other states
Virginia type:		
All grades.....	9.1¢	8.5¢
White Spanish type:		
All grades.....	8¢	7.4¢
Runner type:		
All grades.....	8¢	7.4¢

(d) *Meaning of "unshelled peanuts" and "shelled peanuts".* "Unshelled peanuts" are peanuts which have been cleaned and graded. "Shelled peanuts" are peanuts which have been cleaned, graded and shelled.

(e) *Grades.* The grades referred to in this section are the United States grades for unshelled and shelled peanuts issued by the Department of Agriculture.

§ 1351.2004 *Maximum prices which processors may charge for salted, blanched, sliced, chopped, granulated, or roasted peanuts, and for peanut butter—*(a) *Pricing method for salted peanuts.* The processor shall figure his maximum price per dozen or other unit, f. o. b. plant, for each brand, variety, container type and size of salted peanuts by adding:

(1) The weighted average price, figured f. o. b. plant, which he charged for that item during November and December 1941; plus

(2) The difference, if any, between (i) the direct cost, at the processor's plant, of container, cap, label, and proportionate part of the outgoing shipping carton which was included in the prices charged during November and December 1941 and (ii) the direct cost, at the processor's plant, of the same container, cap, label, and proportionate part of the outgoing shipping carton figured at the maximum prices which his respective suppliers, if any, were entitled to charge him on February 27, 1943; plus

(3) The following amount for each pound of the finished item (use appropriate figure):

	Cal., Ore. & Wash.	Other states
Virginia type:		
Unblanched peanuts.....	9.1¢	8.5¢
Blanched peanuts.....	9.6¢	9¢
White Spanish and Runner types:		
Unblanched peanuts.....	8.1¢	7.5¢

If the item being priced is a mixture of different types of salted peanuts, the processor shall determine its maximum price by combining the maximum prices for the separate types in the same proportion as these types appear in the mixture. A separate price, therefore, shall be figured for each mixture.

Example: A mixture of half Virginia and half Spanish is figured by adding one half of the maximum price for Virginia to one half of the maximum price for Spanish.

If salted peanuts are mixed with other varieties of nuts, the resulting mixture shall be priced as if the other varieties were not present, unless those other varieties represent more than ten percent of the mixture.

(b) *Pricing method for blanched, sliced, chopped, granulated, or roasted peanuts (Virginia type).* The processor shall figure his maximum price per pound or other unit, f. o. b. plant, for each brand, variety, container type and

size of blanched, sliced, chopped, granulated, or roasted peanuts by adding:

(1) The weighted average price, figured f. o. b. plant, which he charged for that item during November and December 1941; plus

(2) The difference, if any, between (i) the direct cost, at the processor's plant, of container, cap, label, and proportionate part of the outgoing shipping carton which was included in the prices charged during November and December 1941 and (ii) the direct cost, at the processor's plant, of the same container, cap, label, and proportionate part of the outgoing shipping carton figured at the maximum prices which his respective suppliers, if any, were entitled to charge him on February 27, 1943; plus

(3) The following amount for each pound of the finished item (use appropriate figure):

	Cal., Ore. & Wash.	Other states
Virginia type:		
Blanched (unsalted), sliced, chopped, gran- ulated, or roasted in the shell.....	9.6¢	9¢

(c) *Pricing method for peanut butter.* The processor shall figure his maximum price per dozen or other unit, f. o. b. plant, for each brand, container type and size of peanut butter by adding:

(1) The weighted average price, figured f. o. b. plant, which he charged for that item during November and December 1941; plus

(2) The difference, if any, between (i) the direct cost, at the processor's plant, of container, cap, label, and proportionate part of the outgoing shipping carton which was included in the prices charged during November and December 1941 and (ii) the direct cost, at the processor's plant, of the same container, cap, label, and proportionate part of the outgoing shipping carton figured at the maximum prices which his respective suppliers, if any, were entitled to charge him on February 27, 1943; plus

(3) The following amounts for each pound of the finished item (use appropriate figure):

	Cents per pound
California, Oregon and Washington.....	9.0
Other states.....	8.3

"Peanut butter" also includes peanut butter containing pieces of unground peanuts, even though the product is not sold as "peanut butter".

(d) *Meaning of "processor".* The "processor" in each case is the person who, by processing, transforms the peanut product being priced into the form in which it is being priced.

Example: If salted peanuts are being priced, the processor is the person who salted them.

(e) *Meaning of "container type".* "Container type" refers to the composition or style of the container used (a separate price must be figured for each container type).

Examples: Tin, glass and paper containers are all different container types. Likewise, a glass jar of one design is a different container type from a glass jar of another design.

(f) *Meaning of "weighted average price".* The processor's "weighted aver-

age price" shall be the total gross sales dollars charged, f. o. b. plant, for the item being priced divided by the number of units of that item sold. All sales contracts made in the regular course of business during the months of November and December 1941 shall be included, regardless of date of delivery, except sales contracts made with the United States. Sales contracts made before this period shall not be included, even though delivery was made during the period.

(g) *Weights.* Where label weights are used, the weights referred to in this section mean the weights named on the label.

(h) *Processors owning more than one factory.* The maximum price for each item for a processor who owns more than one factory shall be figured separately for each factory, but if any two or more factories had the same f. o. b. factory prices in 1942, a maximum price may be determined uniformly for that group by using the combined sales of that group in the computations required by paragraphs (a), (b) and (c) of this section. In applying for specific authority under paragraph (e) of § 1351.2006, application may be made for a uniform maximum price applicable to the whole group.

(i) *Separate maximum prices in sales to wholesalers and retailers.* Any person who has an established practice of selling an item to wholesalers and retailers at substantially different prices may calculate separate maximum prices to these classes of purchasers. For this purpose, the processor shall accordingly segregate his 1941 prices for the item when figuring weighted average prices charged during November and December 1941.

(j) *Delivered prices.* Any processor who regularly sold a purchaser an item covered by this section on a delivered price basis during the calendar year 1942 shall increase the maximum price for the item, figured f. o. b. plant under this section, by the amount of the transportation charge for that item which he added to his f. o. b. plant price during March 1942. The resulting price shall be the processor's maximum delivered price for that purchaser.

However, any processor whose March 1942 transportation charge was based on the use of his own trucks, and who is now compelled to use a common or contract carrier, may add, instead, transportation charges figured by the new means of transportation, to the same destination and under the same freight tariff classification, but at the rate in effect during March 1942.

(k) *New container types and sizes.* The maximum price per dozen or other unit for an item covered by this section packed in any container type or size which the processor did not sell during November and December 1941 shall be figured as follows. He shall:

(1) *Determine the base container.* If the processor sold the same peanut product (that is, the same variety or kind, and same brand, if any) during November and December 1941, but only in other container types or sizes, he shall first determine the most similar container type in which he is able to calculate a maximum price for that peanut product under

this regulation (even though he no longer sells that container type). From that container type he shall choose the nearest size, which is 50% or less larger, or if there is no such size, 50% or less smaller (even though he no longer sells those sizes). This will be the "base container". If there is no such smaller size, he shall go to the next most similar container type and proceed in the same manner to find the base container.

NOTE: In most cases "the most similar container type" will be merely the container type which the processor is adding to or replacing, like the tin which he may be replacing with glass. Where there has been only a size change, "the most similar container type" will, of course, be the same container type. This is also true in the reverse situation; where there has been a change only in container type, the "nearest size" will be the same size.

(ii) *Find the base price.* The processor shall take as the "base price" his maximum price for the peanut product when packed in the base container. However, if this maximum price is a price delivered to the purchaser or to any point other than the processor's plant, the processor shall first convert it to a base price f. o. b. processor's plant by deducting whatever transportation charges were included in it.

(iii) *Deduct the container cost.* Taking his base price f. o. b. plant, the processor shall then subtract the direct cost of the base container. "Direct cost of the container" means the net cost, at the processor's plant, of the container, cap, label and proportionate part of the outgoing shipping carton but it does not include costs of filling, closing, labeling or packing.

(iv) *Adjust for any difference in contents.* The figure obtained by this deduction shall then be adjusted, in the case of a size change, by dividing it by the number of ounces or other units in the base container and multiplying the result by the number of the same units in the new container.

(v) *Add the new container cost to get the price f. o. b. plant.* Next, the processor shall add to the adjusted figure the "direct cost of the container" in the new type and size. If his maximum price for the commodity in the base container is an f. o. b. plant price, the resulting figure is the processor's maximum price, f. o. b. plant.

(vi) *Convert to a maximum delivered price, if the maximum price for the base container is on a delivered basis.* If the processor's maximum price for the peanut product in the base container is a delivered price, he shall figure transportation charges to be added, as follows: The processor shall take the transportation charges which he first deducted to get his base price and adjust them in exact proportion to the difference in shipping weight. If for any reason the peanut product in the new container will move under a different freight tariff classification, the processor shall figure his transportation charges (by the same means of transportation and to the same destination) on the basis of the new shipping weight, but at the rate in effect for that freight tariff classification during

March 1942. Increases in tariff rates or transportation taxes made since March 31, 1942, shall not be taken into account. (Similar principles shall apply where shipping volume is the measure of the transportation charge.) The processor shall then add these transportation charges to his f. o. b. plant price for the commodity in the new container. The resulting figure is the processor's maximum delivered price.

§ 1351.2005 *Maximum prices which wholesalers and retailers may charge for salted peanuts*—(a) *Pricing method.*

(1) The wholesaler's or retailer's maximum price for any brand, variety, container type and size of salted peanuts to any class of purchaser shall be the highest price he charged for that item to a purchaser of the same class during the period December 19, 1942, to December 23, 1942, inclusive.

(2) Where a wholesaler or retailer did not deliver or offer to deliver the item during that period to a purchaser of the same class, his maximum price for the item shall be the highest price charged for the same item during that period by the most closely competitive seller to a purchaser of the same class.

(3) If the wholesaler or retailer is unable to calculate a maximum price for any item covered by this section under subparagraphs (1) and (2), he shall (i) select from the same general classification and price range as the item being priced the most closely comparable item for which a maximum price is established under any food regulation; (ii) divide his current selling price for that item by its actual cost, delivered to him; and (iii) multiply the figure so obtained by the current cost, delivered to him, of the item being priced. The resulting figure is his maximum price for the item.

(b) *Explanation.* In substance, this section continues the maximum prices for salted peanuts at wholesale and retail which were established under Temporary Maximum Price Regulation No. 23.⁷ The pricing method of this section is therefore based on the plan of that regulation. "Highest price charged" means the highest price which the seller charged for the item in any delivery made by him during the period from December 19, 1942, to December 23, 1942, inclusive, to a purchaser of the same class. If the seller made no such delivery, "highest price charged" means his highest offering price for delivery of the item during that period to a purchaser of the same class.

§ 1351.2006 *General provisions*—(a) *Relationship between this regulation and Temporary Maximum Price Regulation No. 23 and the General Maximum Price Regulation.*⁸ (1) This regulation supersedes Temporary Maximum Price Regulation No. 23.

⁷ 7 F.R. 10994; 8 F.R. 1741.

⁸ 7 F.R. 8153, 3330, 3666, 3990, 3991, 4339, 4497, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454; 8 F.R. 371, 1204, 1317, 2029, 2110.

(2) The following sections of the General Maximum Price Regulation, as well as amendments to them, apply to sales covered by this regulation:

- (i) *Special deals* (§ 1499.4b).
- (ii) *Transfers of business or stock in trade* (§ 1499.5).
- (iii) *Federal and state taxes* (§ 1499.7).
- (iv) *Base-period records* (§ 1499.11).
- (v) *Sales slips and receipts* (§ 1499.14).
- (vi) *Registration* (§ 1499.15).
- (vii) *Licensing* (§ 1499.16).
- (viii) *Definitions* (§ 1499.20).

(b) *Geographical applicability.* This regulation applies only to the forty-eight states of the United States and to the District of Columbia.

(c) *Export sales.* The maximum prices at which a person may export any product covered by this regulation shall be determined in accordance with the Revised Maximum Export Price Regulation,⁹ and amendments, issued by the Office of Price Administration.

(d) *Exempt sales.* This regulation does not apply to these transactions:

(1) Deliveries to the United States or any of its agencies under contracts made before December 29, 1942.

(2) Sales and deliveries of peanuts for seed purposes.

(e) *Inability to fix maximum prices.* If the processor's or primary jobber's maximum price for any item covered by §§ 1351.2003 (c) or 1351.2004 cannot be determined under those sections, he shall apply to the Office of Price Administration, Washington, D. C., for a maximum price. His application shall set forth (1) a detailed description of the item, and (2) a statement of the facts which make it different from the most similar item for which he has determined a maximum price, identifying the similar item and stating its maximum price.

Until a maximum price is established, the applicant may not sell or deliver the item except under an agreement in each case to adjust the selling price to a figure no higher than the maximum price which is later established under this paragraph.

(f) *Reports which processors and certain primary jobbers must file.*¹⁰ Every processor, and every jobber who leases equipment as set forth in § 1351.2003 (c), shall file with the nearest district or state office of the Office of Price Administration, on or before April 1, 1943, a statement showing:

(1) The brand, variety, container type and size of every item covered by §§ 1351.2003 (c) and 1351.2004 which he sold during November and December 1941 and has priced under this regulation.

(2) The weighted average price per dozen or other unit, figured f. o. b. plant, which he received for each such item sold during November and December 1941.

(3) The maximum prices which he figured for those items under this regulation. Where any maximum price is figured on a delivered basis, he shall also show his price figured on an f. o. b. plant basis.

⁹ 7 F.R. 5059, 7242, 8829, 9000, 10530.

¹⁰ These reporting and record keeping provisions have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(4) A list of all his customary allowances, discounts, and other price differentials.

(g) *Records which persons covered by this regulation must keep.* (1) Every processor, and every primary jobber who leases equipment as set forth in § 1351.2003 (c), shall keep a copy of the report which he must file under paragraph (f) in order that it may be examined by any person during ordinary business hours. Any processor or primary jobber who claims that he would be substantially injured by showing this statement to another person may file it with the nearest district or state office of the Office of Price Administration. The information will not be shown to anyone unless withholding it would be contrary to the purposes of this regulation.

(2) Every person selling any peanut product covered by this regulation shall keep for examination by the Office of Price Administration, as long as the Emergency Price Control Act of 1942, as amended, remains in effect, records of the same kind as he has customarily kept, relating to the prices which he charges after February 26, 1943.

(h) *Federal and state grade labeling of peanuts.* Every sheller selling any of the "Extra Large" and "Medium" grades of Virginia type shelled peanuts shall clearly indicate on the outside of each bag or other container the kind of peanuts enclosed and the United States grade. He may also show the appropriate state grade and class. However, no other grades may be included.

(i) *Adjustable pricing.* Any person may offer or agree to adjust any selling price to a price not higher than the maximum price in effect at the time of delivery. Where a petition for amendment requires extended consideration, the Price Administrator may, upon application in an appropriate situation, grant permission to agree to adjust prices upon deliveries made while the petition is pending in accordance with the disposition of the petition.

(j) *Customary discounts and allowances.* No person shall change any customary allowance, discount or other price differential to a purchaser or class of purchasers if the change results in a higher net price to that purchaser or class.

(k) *When a maximum price figured under §§ 1351.2003 (c) or 1351.2004 is established.* On and after February 27, 1943, a price figured for any item under §§ 1351.2003 (c) or 1351.2004 becomes "established" (that is, "fixed") as the seller's maximum price as soon as he has either filed the price or disclosed it to any prospective customer, whether by sale, delivery, offer, or notice of any kind, provided that the figured price is not higher than the applicable pricing method allows. Except for the refiguring by primary jobbers which is authorized by § 1351.2003 (c), a maximum price for an item may be established only once, and having been established it may not be changed by the seller except with the written permission of the nearest District or State Office of the Office of Price Administration in cases where the seller has figured his maximum price lower

than the applicable pricing method provides. However, if the seller is disclosing a price lower than the one he figured under §§ 1351.2003 (c) and 1351.2004, he may establish the higher figured price as his maximum price at the time of disclosure only by recording it and naming it as such, in ink on his books, before he discloses the lower price. A seller who has not figured a price for an item, or has figured a price higher than the applicable pricing method allows, may not sell the item until he has established a maximum price for the item in accordance with the rules of this paragraph.

(1) *Compliance with the regulation—*
(1) *No selling and buying above maximum prices.* Regardless of any contract or obligation, no person shall sell, buy, deliver, or receive any peanut product, on and after February 27, 1943, at a price higher than the maximum prices established for it by this regulation.

(2) *Evasion.* Nor shall any person evade any of these maximum prices, directly or indirectly, whether by commission, service, transportation, or other charge or discount, premium or other privilege; by tying-agreement or other trade understanding; by any change of formula for salted peanuts or peanut butter; by a business practice relating to the grading, labeling or packaging of any peanuts or peanut product; or in any other way. However, prices lower than maximum prices may be charged and paid.

(3) *Enforcement.* Any person violating a provision of this regulation is subject to the criminal penalties, civil enforcement actions, license suspension provisions, and suits for treble damages provided by the Emergency Price Control Act of 1942, and amendments.

(m) *General amendments.* Any person seeking a general modification of this regulation may file a petition for amendment in accordance with Revised Procedural Regulation No. 1,¹ and amendments, issued by the Office of Price Administration.

This regulation shall become effective February 27, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of February 1943.

PRENTISS M. BROWN,
Administrator.

Prices for raw unprocessed peanuts approved:

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 43-3121; Filed, February 26, 1943; 11:34 a. m.]

PART 1364—FRESH, CURED AND CANNED
MEAT AND FISH PRODUCTS
[MPR 334]
RABBITS

In the judgment of the Price Administrator, it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as

amended, and Executive Order No. 9250 issued by the President on October 3, 1942, that maximum prices be established for the sale of live and dressed rabbits. The Price Administrator has ascertained and given due consideration to the prices of live and dressed rabbits prevailing between January 1, and September 15, 1942, and has made adjustments for such relevant factors as he determined and deemed to be of general applicability. So far as practicable the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the opinion of the Price Administrator, the maximum prices established herein are generally fair and equitable and will effectuate the purposes of said Act, as amended, and said Executive Order. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.* This regulation supersedes the provisions of the General Maximum Price Regulation, as amended, with respect to dressed rabbits and establishes maximum selling prices for live rabbits.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Revised Procedural Regulation No. 1¹ issued by the Office of Price Administration, this Maximum Price Regulation No. 334 is hereby issued.

Sec.	
1364.1051	Prohibition against selling at prices above the maximum.
1364.1052	Maximum prices for live and dressed rabbits.
1364.1053	Less than maximum prices.
1364.1054	Exempt sales.
1364.1055	Sales for export.
1364.1056	Applicability.
1364.1057	Licensing.
1364.1058	Petitions for amendment.
1364.1059	Evasion.
1364.1060	Enforcement.
1364.1061	Records and reports.
1364.1062	Definitions.

AUTHORITY: §§ 1364.1051 to 1364.1062, inclusive, issued under Pub. Laws 421 and 729, 77th Congress, Executive Order No. 9250, 7 F.R. 7871.

§ 1364.1051 *Prohibition against selling at prices above the maximum.* On and after March 1, 1943, regardless of any contract or agreement or other obligation, no person shall sell or deliver live or dressed rabbits or sell any slaughtering service, and no person in the course of trade or business shall buy or receive any live or dressed rabbits at a price higher than the applicable price established by § 1364.1052 of this Maximum Price Regulation No. 334, and no person shall agree, offer, solicit, or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of live or dressed rabbits, if, prior to February 25, 1943, such products had been delivered to a carrier, other than a carrier owned or controlled

*Copies may be obtained from the Office of Price Administration.
¹ 7 F.R. 8961.

by the seller, for shipment to the purchaser.

§ 1364.1052 *Maximum prices for live and dressed rabbits.* (a) The maximum prices for rabbits, alive or dressed, and for custom slaughter service, shall be the applicable price determined in accordance with the provisions of this paragraph (a) minus the required deductions, if any, specified in paragraph (b), plus the permitted additions, if any, specified in paragraph (c).

(1) The maximum price for live white rabbits shall be 24 cents per pound at the rabbifry.

(2) Except as provided in paragraph (d) of this § 1364.1052, the maximum delivered price for dressed rabbits sold at wholesale shall be:

- (i) 44 cents per pound for dressed rabbits.
- (ii) 30 cents per pound for hog dressed rabbits.

(3) Except as provided in paragraph (d) of this § 1364.1052, the maximum delivered price for dressed rabbits sold to purveyors of meals by persons other than retailers shall be 47 cents per pound.

(4) The maximum price for sales at retail shall be:

- (i) 55 cents per pound for dressed rabbits.
- (ii) 35 cents per pound for hog dressed rabbits.
- (iii) 40 cents per head for wild rabbits.

(5) The maximum price that any processor may charge for custom slaughter service shall be:

- (i) 20 cents per rabbit, or
- (ii) the skin and by-products from the dressed rabbit.

(b) *Deductions.* The following amounts must be deducted from the prices specified in paragraph (a) of this § 1364.1052.

(1) On sales of live "colored" rabbits the seller shall deduct 2 cents per pound from the price specified in paragraph (a) (1).

(2) On sales of live "woolies" the seller shall deduct 6 cents per pound from the prices specified in paragraph (a) (1).

(3) On sales by a processor to a purchaser who is located within a radius of 25 miles from the processing plant, the seller shall deduct 1 cent per pound from the prices specified in paragraphs (a) (2) and (a) (3) if he does not make delivery to the purchaser's place of business.

(c) *Additions.* The following amounts may be added to the prices specified in paragraph (a) of this § 1364.1052.

(1) Where a producer delivers live rabbits to a processor and the expense of such delivery is borne by the producer, he may add ¼ cent per pound to the price specified in paragraph (a) (1) if the delivery is made within a radius of 25 miles of the rabbifry or he may add ½ cent per pound if the delivery is made beyond a radius of 25 miles from the rabbifry.

(2) On sales of live rabbits, a pick-up man may add one cent per pound to the price specified in paragraph (a) (1).

(3) On sales of dressed rabbits, a jobber may add one cent per pound to the prices specified in paragraph (a) (2).

(4) On sales of quick frozen rabbit carcasses, processors, jobbers, and retailers may add one cent per pound to the prices specified in paragraphs (a) (2), (a) (3), and (a) (4).

(5) On sales of quick frozen eviscerated rabbits, processors, jobbers and retailers may add four cents per pound to the prices specified in paragraphs (a) (2), (a) (3), and (a) (4).

(d) *Transportation.* (1) For shipment of live rabbits from the rabbitry to a processing plant, the producer may pay the transportation charges and add the amount specified in paragraph (c) (1) of this § 1364.1052, or the producer may sell f. o. b. the rabbitry to a buyer who pays the shipping charges directly to the carrier.

(2) For shipment of dressed rabbits by a processor or jobber, the prices specified in paragraphs (a) (2) and (a) (3) of this § 1364.1052 constitute the delivered prices: *Provided*, That where the point of delivery is located more than 25 miles from the point of shipment, the seller may sell f. o. b. the point of shipment to a buyer who pays the transportation and/or delivery charges directly to the carrier.

§ 1364.1053 *Less than maximum prices.* Prices lower than those specified in § 1364.1052 of this Maximum Price Regulation No. 334 may be charged, demanded, paid or offered for live or dressed rabbits, or for custom slaughter service.

§ 1364.1054 *Exempt sales.* The provisions of this Maximum Price Regulation No. 334 shall not apply:

(a) To sales of rabbit breeding stock when sold for breeding purposes.

(b) To sales of live rabbits when sold for scientific or other experimental purposes.

(c) To sales of live rabbits when sold as pets or for exhibition or show purposes.

(d) To sales by hotels, restaurants or other similar establishments where the meat is sold for consumption on the premises.

(e) To sales outside of the 48 states of the United States and the District of Columbia.

(f) To sales to any political subdivision or agency of any state or of the United States under contracts entered into prior to February 25, 1943: *Provided*, That this exemption shall not be construed to permit the upward adjustment of any prices fixed in such contracts.

§ 1364.1055 *Sales for export.* The maximum price at which a person may export live or dressed rabbits subject to this Maximum Price Regulation No. 334 shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation⁷ issued by the Office of Price Administration.

§ 1364.1056 *Applicability.* The provisions of this Maximum Price Regulation No. 334 shall supersede the provisions of the General Maximum Price

Regulation⁸ with respect to sales and deliveries for which maximum prices are established by this regulation.

§ 1364.1057 *Licensing.* The provisions of Supplementary Order No. 14 (§ 1305.18 *Licensing sellers of meat and meat products*)⁹ are applicable to every seller subject to this Maximum Price Regulation No. 334 now or hereafter selling dressed rabbits for which maximum prices are established by this Maximum Price Regulation No. 334. For the purpose of this § 1364.1057 the term "seller" shall have the meaning given it by Supplementary Order No. 14.

§ 1364.1058 *Petitions for amendment.* Persons seeking a modification of this Maximum Price Regulation No. 334 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1364.1059 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 334 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, live or dressed rabbits, separately or in conjunction with any other commodity or services, or by way of commission, service, transportation, wrapping, packing or other charge, or discount, premium, or other privilege, or by tying agreement or other trade understanding, or by any other means.

§ 1364.1060 *Enforcement.* (a) Persons violating any of the provisions of this Maximum Price Regulation No. 334 are subject to the criminal penalties, civil enforcement actions, proceedings for suspension of licenses and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 334 are urged to communicate with the nearest district, State, field, or regional offices of the Office of Price Administration, or its principal office at Washington, D. C.

§ 1364.1061 *Records and reports.*¹⁰ (a) Every person, other than a retailer, making sales of live or dressed rabbits subject to this regulation, on or after March 1, 1943, shall make and preserve for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, is in effect, a complete and accurate record of each such sale, showing the date thereof, the name and address of the buyer and seller, the quantity, weight and unit price for each type of live or dressed rabbit subject to this regulation, and the price charged or received therefor.

⁷ 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 8942, 9004, 9435, 9615, 9616, 9732, 10155, 10454; 8 F.R. 371, 1204, 1317, 2029, 2110.

⁸ 7 F.R. 7033, 11107.

⁹ These record-keeping provisions have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(b) Every person making sales of dressed rabbits at retail, subject to this regulation, on or after March 1, 1943, who has customarily given a purchaser a sales slip receipt shall continue to do so. Upon request from a purchaser, any retailer, regardless of previous custom shall give the purchaser a receipt showing the date, name and address of the retailer, weight, and unit price of the dressed rabbit sold, and the total price received from the purchaser.

§ 1364.1062 *Definitions.* (a) *When used in this Maximum Price Regulation No. 334 the following terms shall have the following meanings:*

(1) "Person" means an individual corporation, partnership, association, or other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any or its political subdivisions, or any agency of any of the foregoing: *Provided*, That no punishment provided by this Maximum Price Regulation No. 334 shall apply to the United States or to any such government, political subdivision or agency of the foregoing.

(2) "Seller" means any person who sells, supplies, disposes, barter, exchanges, transfers or delivers or contracts or offers to do any of the foregoing.

(3) "Producer" means a person who breeds and/or raises domestic rabbits for human consumption.

(4) "Processor" means a person who converts live rabbits into dressed rabbits and/or who owns or controls in whole or substantial part an interest in a processing plant.

(5) "Pick-up man" means a person other than a producer, processor, or jobber who does not own, control, or have an interest in a rabbitry or a processing plant, and who is not owned or controlled by any person who owns or controls a rabbitry or processing plant and who buys live rabbits from producers and sells them to processors.

(6) "Jobber" means a person other than a producer, processor, or retailer who does not own or control a processing plant or retail store and who is not owned or controlled by any person who owns or controls a processing plant or retail store and who buys from processors for resale to retailers and to purveyors of meals.

(7) "Retailer" means a person regularly and generally engaged in making sales at retail.

(8) "Dressed rabbit" means a rabbit which has been killed, bled and skinned and from which the head, feet, entrails and viscera have been removed, and which has been subjected to a cleansing process which makes it ready to cook without further cleaning or trimming.

(9) "Quick-frozen rabbit carcass" means a dressed rabbit which has been individually wrapped or packaged in carcass form and frozen at quick freezing temperatures.

(10) "Quick-frozen eviscerated rabbit" means a dressed rabbit which has been split and dismembered into several

¹⁰ 7 F.R. 5059, 7242, 8629, 9000, 10530.

pieces, packed in an individual box, and frozen at quick freezing temperatures.

(11) "Hog-dressed rabbit" means a rabbit which is sold with the skin on, or one which cannot qualify as a dressed rabbit because of failure to remove the head, feet, entrails or viscera.

(12) "Sales at retail" means sales of dressed rabbits to the ultimate consumer by a person who is regularly engaged in the sale to ultimate consumers of other meats, poultry and food products at the same establishment, except that a sale to a purveyor of meals by one regularly and generally engaged in selling at retail shall be regarded as a sale at retail.

(13) "Sales at wholesale" means sales of dressed rabbits other than at retail and sales to purveyors of meals.

(14) "Purveyor of meals" means a person who will not resell the dressed rabbits as such, but will cook or prepare the rabbits for consumption on the premises.

(15) "Processing plant" means any place where lice rabbits are killed and/or dressed.

(16) "Colored rabbit" means a rabbit whose commercial skin is not entirely white.

(17) "Woolies" means rabbits whose skins have no commercial value.

(18) "Custom slaughter service" means the service involved in killing a live rabbit for the owner of such rabbit and converting it into a dressed rabbit.

This regulation shall become effective March 1, 1943.

Issued this 26th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3119; Filed, February 26, 1943;
11:34 a. m.]

PART 1415—PROTECTIVE COATINGS

[MPR 264, Amendment 1]

INDUSTRIAL WAXES

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new subparagraph (8) is added to § 1415.63 (a) and §§ 1415.52 and 1415.65 (a), (b) (2), (b) (4), (c), (d), and (h) are amended as follows:

§ 1415.52 *Applicability of the General Maximum Price Regulation.* The provisions of this regulation supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries of industrial waxes for which maximum prices are established by this regulation except sales and deliveries of less than 2 pounds.

§ 1415.63 *Definitions.* (a) * * *

(8) "Entering the continental United States" shall mean the date upon which entry is made through the United States Customs.

*Copies may be obtained from the Office of Price Administration.
17 F. R. 9193.

§ 1415.65 *Appendix A: Maximum prices for industrial waxes.* * * *

(a) Crude Candelilla Wax in quantities of one ton or more when sold by the Banco Nacional de Comercio Exterior, S. A.:

	<i>Per pound</i>
(1) F. O. B. Laredo, Texas.....	34.3¢
(2) F. O. B. New York City.....	36.05¢

(b) * * *
(2) *Ouricury wax.*

Grade	Lump or flake in cents per pound	20 mesh	Powdered in cents per pound	
			80 mesh	100/120 mesh
Franklin Brand #1 and other wax of equal quality.....	51.75	56.75	57.25	57.75
Franklin Brand #2.....	49.50	54.50	55.00	55.50
Gabrielle & Bloise and other wax not equal in quality to Franklin Brand #1.....	48.50	53.50	54.00	54.50
Ouricury Refined.....	62.00	67.00	67.50	68.00

(4) *Crude imported beeswax.*

Grade	<i>Cents per pound</i>
Imported sun-bleachable other than African.....	44.75
Imported non-sun-bleachable other than African.....	41.50
African (either sun-bleachable or non-sun-bleachable).....	37.50

(c) For single sales in quantities of less than one ton, additions to the maximum prices established by paragraphs (a) and (b) of this Appendix A may be made as follows:

	<i>Cents per pound</i>
1. Sales of 200 lbs. to 1 ton.....	1
2. Sales of more than 100 lbs. but less than 200 lbs.....	3
3. Sales of 50 lbs. to 100 lbs.....	5
4. Sales of 2 to 49 lbs.....	10

(d) The maximum prices established in paragraph (b), with the exception of those calculated for Candelilla Wax, are calculated upon freight of \$2.00 per 100 pounds to New York, marine insurance at 0.5 percent, war risk insurance at 1½ percent for Central and South America, and 3 percent for Africa. Any actual charges in excess of the amounts based on the above rates, if such excess amounts to more than 25 cents per 100 pounds, may be added to the maximum prices established herein and separately charged to the buyers' account. In the event actual charges are less than the amounts based on the above rates by 25 cents or more per 100 pounds, the maximum prices established herein shall be reduced accordingly and the reductions credited to the buyers' account. As used in this paragraph (d) "War risk insurance" means the war risk insurance rates as posted by the War Shipping Administration. No costs of importation other than those named in this paragraph (d) may be added to the maximum prices established in this Appendix A.

(h) Maximum prices f. o. b. refining plant for refined domestic beeswax, and

for bleached domestic beeswax respectively shall be prices equal to the respective f. o. b. New York prices established for refined imported beeswax and for bleached imported beeswax by paragraphs (b), (c), and (d) of this Appendix A.

This amendment shall become effective March 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3122; Filed, February 26, 1943;
11:34 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 120 to Supp. Reg. 14 to GMPR¹]

NATURAL OIL OF PEPPERMINT, SPEARMINT;
U. S. P. REDISTILLED OIL OF PEPPERMINT

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new subparagraph (75) is added to paragraph (a) of § 1499.73 as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of the General Maximum Price Regulation for certain commodities, services, and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services, and transactions listed below are modified as hereinafter provided:

(75) *Sales of natural oil of peppermint, natural oil of spearmint, and U. S. P. redistilled oil of peppermint.*

(i) Dealers in natural oil of peppermint, natural oil of spearmint, and U. S. P. redistilled oil of peppermint may at their option establish as their maximum prices those prices hereinafter specified in place of the maximum prices therefor established pursuant to other provisions of the General Maximum Price Regulation or other regulations.

¹ 7 F. R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7265, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 9082, 8950, 9131, 8953, 8954, 8955, 8959, 9043, 9196, 9397, 9391, 9395, 9495, 9496, 9639, 9786, 9900, 9901, 1069, 1011, 1022, 10151, 10231, 11005, 10294, 10346, 10381, 10480, 10537, 10557, 10583; 8 F. R. 276, 439, 535, 494, 589, 863, 1139, 1590, 980, 1030, 876, 1121, 878, 1142, 1279, 1383, 1589, 1455, 1460, 1633, 1467, 1813, 1894, 1978, 2041, 1895, 2035, 2157.

² 7 F. R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 5027, 4659, 4738, 5276, 5192, 5365, 5445, 5775, 5784, 5783, 6058, 6081, 5484, 5565, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454; 8 F. R. 371, 1204, 1317, 2029, 2110.

The maximum prices are established as follows:

	<i>Per pound</i>
Natural oil of peppermint.....	\$5.50
U. S. P. Redistilled oil of peppermint.....	5.75
Natural oil of spearmint.....	3.50

(ii) All discounts, allowances and trade practices in effect with respect to the above listed commodities during March 1942 by seller shall remain in effect under this provision.

(iii) As used in this subparagraph the term "dealer" means any person selling oil of peppermint or oil of spearmint other than a person selling such commodities distilled by him from plants grown by him.

This amendment shall become effective March 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3109; Filed, February 26, 1943; 11:34 a. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 28 Under Supp. Reg. 15 of GMPR]

ESTATE OF LOREN DONALD WARD

Order No. 28 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 of the General Maximum Price Regulation, Docket No. GF3-840.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1328 *Adjustment of maximum prices for contract carrier services sold by the estate of Loren Donald Ward.* (a) Clarence A. Kelley, as Guardian of The Estate of Loren Donald Ward, may sell and deliver, on behalf of said Estate, contract carrier services in connection with the transportation of products of the Fuller Brush Company, of Hartford, Connecticut, at prices not in excess of those rates published in its Minimum Schedule of Rates, MF-ICC No. 3, which was filed with the Interstate Commerce Commission on May 25, 1942, and attached as Exhibit No. 2 to the application for adjustment filed with this Office on July 23, 1942.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 28 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 28 (§ 1499.1328) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 28 (§ 1499.1328) shall become effective February 27, 1943.

(Pub. Laws No. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3110; Filed, February 26, 1943; 11:34 a. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 29 Under Supp. Reg. 15 of GMPR]

Order No. 29 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 of the General Maximum Price Regulation—Docket No. GF3-2435.

CHRISPENS TRUCK LINE, INC.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1329 *Adjustment of maximum prices for contract carrier services sold by Chrispens Truck Line, Inc.* (a) Chrispens Truck Line, Inc., 7501 South Racine Avenue, Chicago, Illinois, may sell and furnish contract carrier services from, to and between points in Illinois, Indiana and Ohio at prices not exceeding the rates requested and hereinafter set forth:

TRUCKLOAD RATES

	Without protective service		With protective service
FROM CHICAGO, ILLINOIS			
To:			
Cincinnati, Ohio.....	30	34.	
Cleveland, Ohio.....	32	33	Pack. hse. prod.
			37 Fresh, frozen canned meats and fish.
Dayton, Ohio.....	28	32.	
Lima, Ohio.....	28	32.	
Toledo, Ohio.....	29	32.	
TO CHICAGO, ILLINOIS			
From:			
Middletown, Frank- lin, Ohio.....	23	33	Pk. hse. prod. and supplies.
Cleveland, Ohio.....	28	32.	
Cincinnati, Ohio.....	29	37.	Fr. or frozen meats and/or fish.

L. T. L. Shipments With Protection

FROM: CHICAGO, ILLINOIS	Under 7,000		7,000 to 18,000
Cincinnati, Ohio.....	51	41	
Cleveland, Ohio.....	56	41	
Dayton, Ohio.....	48	41	
Defiance, Ohio.....	51	43	
Delphos, Ohio.....	48	41	
Findlay, Ohio.....	51	43	
Fostoria, Ohio.....	51	43	
Fremont, Ohio.....	43	43	
Greenville, Ohio.....	46	46	
Hamilton, Ohio.....	41	41	
Lima, Ohio.....	48	41	
Lorain, Ohio.....	51	44	
Napoleon, Ohio.....	51	43	
Piqua, Ohio.....	48	41	
Sandusky, Ohio.....	56	41	
St. Mary's, Ohio.....	48	41	
Sidney, Ohio.....	48	41	
Springfield, Ohio.....	48	41	
Tiffin, Ohio.....	51	43	
Toledo, Ohio.....	44	37	
Urbans, Ohio.....	48	41	
Van Wert, Ohio.....	48	41	
Wapakoneta, Ohio.....	51	43	
Store Door Delivery.....	64	43	

(b) All requests of the application not granted herein are denied.

(c) This Order No. 29 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 29 (§ 1499.1329) is hereby incorporated as a section of Sup-

plementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 29 (§ 1499.1329) shall become effective February 27, 1943.

(Pub. Law Nos. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3111; Filed, February 26, 1943; 11:31 a. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 302 Under § 1499.3 (b) of GMPR]

RADIO AND TELEVISION, INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is ordered:*

§ 1499.1738 *Approval of maximum prices for sales to retailers by Radio and Television, Inc. of three new model radios.* (a) Radio and Television, Inc., 244 Madison Avenue, New York, New York, may sell and deliver its three new model radios, numbers 400, 500 and 600, f. o. b. seller's point of shipment, exclusive of Federal Excise Tax, subject to discounts, allowances and terms no less favorable than those customarily granted by it, to retailers at prices no higher than those set forth below:

Model No. 400.....	\$125.08
Model No. 500.....	127.56
Model No. 600.....	130.42

(b) This Order No. 302 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 302 (§ 1499.1738) shall become effective on the 27th day of February, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of February, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3113; Filed, February 26, 1943; 11:32 a. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 303 Under § 1499.3 (b) of GMPR]

SCOVILL MANUFACTURING COMPANY

Approval of maximum price for certain steel battery cap assemblies.

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order 9250, and § 1499.3 (b) of the General Maximum Price Regulation, *It is hereby ordered:*

§ 1499.1739 *Authorization to Scovill Manufacturing Company for sale of certain steel battery cap assemblies.* (a) On and after the effective date of this Order No. 303 Scovill Manufacturing

Company of Waterbury, Connecticut, is authorized to sell and deliver and offer to sell and deliver steel cap and screw assemblies for dry cell batteries at a price not to exceed \$4.85 per thousand, f. o. b. Scovill plant. Any person may buy and receive and offer to buy and receive such battery cap assemblies at such price from Scovill Manufacturing Company.

(b) This Order No. 303 may be revoked or amended at any time by the Office of Price Administration.

(c) This order shall become effective February 27, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3114; Filed, February 26, 1943; 11:32 a. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 304 Under § 1499.3 (b) of GMPR]

CONNORS STEEL COMPANY

Approval of maximum price for shell package partition rings.

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order 9250, and § 1499.3 (b) of the General Maximum Price Regulation, *It is hereby ordered:*

§ 1499.1740 *Authorization to Connors Steel Company for sale of shell package partition rings.* (a) On and after the effective date of this Order No. 304 specific authorization is hereby given to Connors Steel Company, of Birmingham, Alabama, to sell and deliver shell package partition rings to Reynolds Research Corporation, Container Division, Louisville, Kentucky, at a price not to exceed \$39.90 per thousand, delivered.

(b) This Order No. 304 may be revoked or amended at any time by the Office of Price Administration.

(c) This order shall become effective February 27, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3115; Filed, February 26, 1943; 11:32 a. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 204 Under § 1499.18 (b) of GMPR]

ADVANCE PATTERN CO. INC.

Advance Pattern Co. Inc., 331 East 38th Street, New York, New York—Docket No. GF3-1991.

For the reasons set forth in an opinion issued simultaneously herewith: *It is ordered:*

§ 1499.1804 *Denial of petition for adjustment of maximum prices of "Advance*

Patterns" sold by Advance Pattern Co. Inc. (a) The petition of Advance Pattern Co. Inc. of 331 East 38th Street, New York, New York, filed September 15, 1942, and assigned Docket No. GF3-1991, requesting permission to increase the maximum prices of "Advance Patterns" is denied.

(b) This Order No. 204 (§ 1499.1804) shall become effective February 26, 1943. (Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3123; Filed, February 26, 1943; 11:31 a. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 205 Under § 1499.18 (b) of GMPR]

JOHNSTON, DAVIS & CO.

For the reasons set forth in an opinion issued simultaneously herewith: *It is ordered:*

§ 1499.1805 *Adjustment of maximum prices for butt-treated western red cedar poles sold by Johnston, Davis & Co.* (a) The maximum prices f. o. b. Portland, Oregon, for butt-treated western red cedar poles, sold by Johnston, Davis & Co., Houlton, Oregon, shall be as follows:

Length	Class	Maximum price
25'	B.....	\$7.23
30'	B.....	8.68
35'	B.....	9.88
40'	B.....	12.38
45'	B.....	14.02
50'	B.....	15.38
55'	B.....	18.57
60'	B.....	20.87
65'	B.....	22.80
70'	#2 ASA	26.12
75'	#2 ASA	29.83
80'	#2 ASA	31.01
85'	#2 ASA	33.90

(b) All prayers of the application not granted herein are denied.

(c) This order may be revoked or amended at any time.

(d) This Order No. 205 (§ 1499.1805) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

This order shall become effective February 27, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3124; Filed, February 26, 1943; 11:33 a. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 10 Under § 1499.18 (c) as Amended of GMPR]

GARDEN PRAIRIE STONE COMPANY, INC.

Order 10 under § 1499.18 (c) as amended—Docket No. GF3-2900.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is ordered:*

§ 1499.1510 *Adjustment of maximum prices for limestone sold by Garden Prairie Stone Company, Inc. to farmers.* (a) Garden Prairie Stone Company, Inc., 104 South State Street, Marengo, Illinois, may sell and deliver to farmers for use in neutralizing soil acidity, and any farmer may buy and receive agricultural limestone having a minimum calcium carbonate equivalent content of 91 per cent, of which a minimum of 74 per cent will pass through an eight mesh screen, at prices no higher than as follows:

F. O. B. Quarry—Loaded on Trucks \$1.20 per ton

Delivered to Farm and Spread on the Soil in McHenry County, Illinois.

Townships	Per ton
Marengo	\$1.95
Riley	2.10
Dunham	2.15
Hartland	2.30
Seneca	2.10
Coral	2.10
Grafton	2.30
Dorr	2.35
Greenwood	2.40
Hebron	2.55
Alden	2.40
Chemung	2.35
Algonquin	2.60
Nurda	2.60
McHenry	2.70
Rich-bur	2.80
(Burton add 15¢)	
DeKalb County, Illinois:	
Genoa	2.25
Kingston	2.25
Sycamore	2.35
Mayfield	2.40
Franklin	2.30
Cortland	2.55
DeKalb	2.60
Kane County, Illinois:	
Hampshire	2.30
Rutland	2.35
Dundee	2.60
Elgin	2.60
Burlington	2.40
Boone County, Illinois:	
Bonus	1.95
Spring	2.00
Belvidere	2.15
Boone	2.10
Poplar Grove	2.30
Flora	2.15

On deliveries to all townships in counties of Illinois not designated above the maximum price shall be \$1.20 per ton, plus \$0.05 per mile from quarry to farm, and \$0.35 per ton for spreading on the soil.

(b) The price set forth in paragraph (a) of this section shall be subject to the same terms and conditions of sale as granted in March, 1942.

(c) On sales to other than farmers and the Agricultural Adjustment Agency of the United States Department of Agriculture, Garden Prairie Stone Company, Inc. may not charge a price in excess of its maximum price as established under the General Maximum Price Regulation.

(d) All prayers of the petition not granted herein are denied.

(e) This Order No. 10 is hereby incorporated as a section of Supplementary

Regulation No. 14 of the General Maximum Price Regulation, which contains modifications of maximum prices as established by § 1499.2.

(f) This Order No. 10 may be revoked or amended by the Administrator at any time.

This order shall become effective February 27, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3112; Filed, February 26, 1943;
11:32 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

HIGHWAY BRIDGE NEAR BOCA RATON, FLA.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), the special regulations governing the operation of the State Road Department highway bridge across Boca Raton Inlet near Boca Raton, Florida, section headline reading as follows, are hereby revoked:

§ 203.445 *Boca Raton Inlet, Fla.; bridge (highway) near Boca Raton, Fla.* Rescinded. [Regs. February 15, 1943 (CE 823 (Boca Raton Inlet—Boca Raton, Fla.)—SPEON)]

[SEAL]

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

[F. R. Doc. 43-3084; Filed, February 26, 1943;
9:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 3—RULES GOVERNING STANDARD AND HIGH-FREQUENCY BROADCAST STATIONS

PART 4—RULES GOVERNING BROADCAST SERVICES OTHER THAN STANDARD BROAD- CAST

APPLICATIONS FOR CONSTRUCTION PERMITS

At a meeting on February 23, 1943, the Commission decided that because of great shortages in material, equipment and skilled personnel, and in order to sustain the interest in high frequency (FM) broadcasting, it will not dismiss or deny applications which cannot qualify under the provisions of the Memorandum Opinion of April 27, 1942 (7 F.R. 3248) for construction permits or for modification of construction permits requesting extension of the periods of construction for high frequency (FM) broadcast stations, but instead will take no action at this time upon such applications.

Permittees or applicants for construction permits for high frequency (FM) broadcast stations whose construction permits or applications were surrendered or dismissed pursuant to the Memorandum Opinion of April 27, 1942, may request reinstatement of their applications.

This policy is in addition to the policy announced August 4, 1942 (7 F.R. 6156) which provided for the issuance of licenses for high frequency (FM) broadcast stations during the war, provided construction has reached a point where substantial service can be rendered.

Similar policy has been adopted with respect to television stations.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-3087; Filed, February 26, 1943;
9:47 a. m.]

PART 4—RULES GOVERNING BROADCAST SERVICES OTHER THAN STANDARD BROAD- CAST

LICENSES FOR TELEVISION STATIONS

At a meeting on February 23, 1943, the Commission decided that because of great shortages in material, equipment and skilled personnel, and in order to sustain the interest in television, holders of construction permits for television stations (experimental and commercial), may obtain licenses during the war to operate existing facilities to render program service on either an experimental or commercial basis, provided construction has reached a point where the station is presently capable of being operated to render a substantial service. Licenses issued under this policy will be subject to the condition that construction will be completed according to the Rules, Regulations and Standards of the Federal Communications Commission as soon as the necessary materials and engineering personnel become available.

For the same reasons, the Commission decided also to continue its policy of October 27, 1942, namely, not to dismiss or deny applications which cannot qualify under the provisions of the Memorandum Opinion of April 27, 1942 (7 F.R. 3248) for construction permits or for modification of construction permits requesting extension of periods of construction for television stations, but instead will take no action at this time upon such applications. Permittees or applicants for construction permits for television stations (experimental and commercial) whose construction permits or applications for such television stations were surrendered or dismissed pursuant to the Memorandum Opinion of April 27, 1942 may request reinstatement of their applications.

Similar policy has been adopted with respect to high frequency (FM) broadcast stations.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-3088; Filed, February 26, 1943;
9:47 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Order ODT 21, Amendment 5]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

SUBPART M—CERTIFICATES OF WAR NECES- SITY FOR AND CONTROL OF COMMERCIAL MOTOR VEHICLES

Pursuant to Executive Orders 8989 (6 F.R. 6725) and 9156 (7 F.R. 3349), § 501.101, General Order ODT 21, as amended,¹ is hereby amended to read as follows:

§ 501.101 *Control of vehicles.* (a) Whenever the Office of Defense Transportation shall deem it to be advisable or necessary to the prosecution of the war or to the maintenance of essential civilian economy or in the public interest, any person having possession or control of any commercial motor vehicle shall, notwithstanding any contract, lease, or other commitment, express or implied, with respect to the use or operation of such commercial motor vehicle, cause such vehicle (1) to be operated in such manner, for such purpose, and between such points, as the Office of Defense Transportation shall from time to time direct, and (2) to be leased or rented by any such person to such person or persons as the Office of Defense Transportation shall from time to time direct. Unless the interested parties agree upon the amount of compensation payable for the use of any such vehicle, so directed to be leased or rented, the amount of such compensation shall be such amount as may be determined by the Office of Defense Transportation to be just and equitable, subject to any applicable maximum price established by any competent governmental authority.

(b) The provisions of this section shall not be so construed or applied as to require any person operating a commercial motor vehicle to perform any transportation service, the performance of which by it is not authorized or sanctioned by law.

This amendment shall become effective on February 24, 1943.

(E.O. 8989, 9156; 6 F.R. 6725, 7 F.R. 3349)

Issued at Washington, D. C., this 24th day of February 1943.

JOSEPH B. EASTMAN,
Director.

[F. R. Doc. 43-3078; Filed, February 25, 1943;
4:14 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

General Land Office.

[Public Land Order 83]

MONTANA

WITHDRAWING PUBLIC LANDS FOR USE OF THE
WAR DEPARTMENT AS A MANEUVER AREA

By virtue of the authority vested in the President and pursuant to Executive

¹ 7 F.R. 7100, 9006, 9437, 10025; 8 F.R. 551.

Order No. 9146 of April 24, 1942, *It is ordered*, As follows:

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

PRINCIPAL MERIDIAN

- T. 10 N., R. 4 W.,
 - Sec. 7, N $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 - Sec. 8, W $\frac{1}{2}$ W $\frac{1}{2}$;
 - Sec. 17, lots 2, 3, 4, 6, 7, 8, 14, 15, and 16;
 - Sec. 20, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 - Sec. 29, lots 2, 3, 4, and 9, S $\frac{1}{2}$ SW $\frac{1}{4}$;
 - Sec. 30, E $\frac{1}{2}$ SE $\frac{1}{4}$.
 - T. 10 N., R. 5 W.,
 - Sec. 13, lots 14, 16, and 17, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 - Sec. 24, lots 8, 9, 13, and 14, S $\frac{1}{2}$ SW $\frac{1}{4}$;
 - Sec. 25, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$.
- The areas described aggregate 1,034.85 acres.

This order shall take precedence over, but shall not rescind or revoke, the withdrawal for classification and other purposes made by Executive Order No. 6910 of November 26, 1934, as amended, so far as such order affects any of the above-described lands.

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior, when they are no longer needed for the purpose for which they are reserved.

ABE FORTAS,
Acting Secretary of the Interior.

JANUARY 23, 1943.

[F. R. Doc. 43-3085; Filed, February 26, 1943; 9:47 a. m.]

[Public Land Order 86]

COLORADO

WITHDRAWING PUBLIC LANDS FOR USE IN CONNECTION WITH THE PROSECUTION OF THE WAR

By virtue of the authority vested in the President, and pursuant to Executive Order No. 9146 of April 24, 1942, and section 3 of the act of June 17, 1902, c. 1093, 32 Stat. 388 (U.S.C., title 43, sec. 416), *It is ordered*, As follows:

Subject to valid existing rights, (1) all public lands, including public lands in the Montezuma and San Juan National Forests, within the following-described areas are hereby withdrawn from sale, location, selection and entry under the public-land laws of the United States, including the mining laws, and from the leasing under the mineral leasing laws, and (2) the minerals in the lands are hereby reserved under the jurisdiction of the Secretary of the Interior, for use in connection with the prosecution of the war:

NEW MEXICO PRINCIPAL MERIDIAN

- T. 36 N., R. 11 W.,
- Secs. 4 to 9 inclusive;
- Secs. 16 to 21 inclusive;
- Secs. 28 to 33 inclusive.
- T. 37 N., R. 11 W.,
- Secs. 4 to 9 inclusive, unsurveyed;
- Secs. 16 to 21 inclusive, unsurveyed;
- Secs. 28 to 33 inclusive, unsurveyed.

- T. 36 N., R. 12 W.,
- Secs. 1 to 36 inclusive.
- T. 37 N., R. 12 W.,
- Secs. 1 to 36 inclusive.

The areas described, including both national-forest and patented lands, aggregate approximately 68,520 acres.

This order shall take precedence over, but shall not rescind or revoke, the withdrawal for reclamation purposes made by the Secretary of the Interior on November 10, 1941.

ABE FORTAS,
Acting Secretary of the Interior.

FEBRUARY 3, 1943.

[F. R. Doc. 43-3086; Filed, February 26, 1943; 9:47 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order 182]

CANNED FRUITS AND VEGETABLES AND RELATED PRODUCTS INDUSTRY

APPOINTMENT OF INDUSTRY COMMITTEE NO. 56

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, do hereby appoint and convene for the canned fruits and vegetables and related products industry (as such industry is defined in paragraph 2) an industry committee composed of the following representatives:

For the public: Monsignor Francis J. Haas, Chairman, Washington, D. C.; Edith Abbott, Chicago, Illinois; Clarence E. Ayres, Austin, Texas; C. O. Brannon, Fayetteville, Arkansas; Virginius Dabney, Richmond, Virginia; Lawrence Hernandez, Tampa, Florida; William S. Hopkins, Palo Alto, California; Arthur F. Raper, Greensboro, Georgia; Clarence M. Updegraff, Iowa City, Iowa; Louise Aubrey Wood, Eugene, Oregon.

For the employees: Albert E. Bilger, Sacramento, California; Walter Jones, San Jose, California; Harold J. Lane, Philadelphia, Pennsylvania; Luisa Moreno, Los Angeles, California; Leon Schachter, Camden, New Jersey; Boris Shishkin, Washington, D. C.; Robert Thomson, Modesto, California; Mrs. Earl Tise, Sugarland, Texas; Anthony Valentino, Camden, New Jersey; Mildred Voy, Detroit, Michigan;

For the employers: Harold K. Bacheider, Indianapolis, Indiana; Edward S. Guggenheimer, Long Island City, New York; Edward Huddleston, Oakland, California; J. F. Johnson, Landisville, New Jersey; Elvon Musik, San Francisco, California; M. C. Peters, Lake Alfred, Florida; Pratt Phillips, Jr., Salisbury, Maryland; George Saunders, Fayetteville, Arkansas; John Seeman, Mt. Vernon, Washington; Joseph B. Weix, Oconomowoc, Wisconsin.

Such representatives having been chosen with due regard to the geographical regions in which such industry is carried on.

2. For the purpose of this order the "canned fruits and vegetables and related products industry" is defined as follows:

The canning and preserving of fruits and vegetables, and the manufacture of related products.

(a) It includes, but without limitation, the manufacture of jams, jellies and juices; soups of all kinds; relishes and sauces of all kinds; vinegar; cider; pectin; flavoring extracts and flavoring syrups; salad dressings; sandwich spreads (except those made principally from meat or cheese); peanut and nut butters; mustard and horseradish; mincemeat; honey; and canned spaghetti, chili con carne, stew, hash, and pudding, containing fruit or vegetables.

(b) The term "canning," as used herein, means sterilizing and hermetically sealing in containers of tin, glass, or other material.

(c) The term "preserving," as used herein, includes pickling, preserving, freezing, cold packing, drying, dehydrating, and similar processes.

Provided, however, That this definition shall not include the manufacture of coffee; spices; malt extracts and syrups; salad and cooking oils including olive oil; potato chips; ready-to-mix desserts; or any products covered by the definitions of the Grain Products Industry, the Candy and Related Products Manufacturing Industry, or the Sugar and Related Products Industry, contained in the Administrative Orders appointing committees for those industries.

3. The definition of the canned fruits and vegetables and related products industry covers all occupations in the industry which are necessary to the production of the articles specified in the definition including clerical, maintenance, shipping, and selling occupations: *Provided, however,* That this definition does not cover clerical, maintenance, shipping, and selling occupations when carried on in a wholesaling or selling department, physically segregated from the other departments of a manufacturing establishment, the greater part of the sales of which wholesaling or selling department are sales of articles which have been purchased for resale: *And provided further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

4. Any person, who, in the opinion of the committee, having a substantial interest in the proceeding and who is prepared to present material pertinent to the question under consideration, may, with the approval of the committee, appear on his own behalf or on behalf of any other person.

5. The industry committee herein created shall meet at 10:00 a. m. on March 17, 1943, at the Hotel Astor, New York, New York, and, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, shall proceed to investigate conditions in the industry and recommend to the Administrator minimum wage rates for all employees thereof who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by virtue

of the provisions of section 13 (a) and employees coming under the provisions of section 14.

Signed at New York, New York, this 25th day of February 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-3126; Filed, February 26, 1943;
11:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. IT-5819]

SUPERIOR WATER, LIGHT AND POWER COM-
PANY AND NORTHERN POWER COMPANY

NOTICE OF APPLICATION

FEBRUARY 26, 1943.

Notice is hereby given that on February 25, 1943, a joint application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Superior Water, Light and Power Company and Northern Power Company, corporations organized and existing under and by virtue of the laws of the State of Wisconsin, with their principal offices at Superior, Wisconsin, seeking an order of authorization with respect to the proposed acquisition by Superior Water, Light and Power Company of all of the properties and other assets, and the assumption of all of the obligations of Northern Power Company, except \$794,000.00 of open account indebtedness of the latter to American Power & Light Company, which is to be forgiven as a gratuitous contribution to the capital of Northern Power Company as a part of and incidental to a program for the merger of Northern Power Company into Superior Water, Light and Power Company, and the refinancing of the latter as the combined and continuing company; or, in the alternative, an order dismissing the application for lack of jurisdiction of the Commission over the subject matter; all as more fully appears in the application on file with this Commission.

Any person desiring to be heard or to make any protest in reference to said application should, on or before the 13th day of March, 1943, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43-3096; Filed, February 26, 1943;
11:28 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 4920]

MINNEAPOLIS-HONEYWELL REGULATOR
COMPANY

COMPLAINT AND NOTICE OF HEARING

Count 1: Pursuant to the provisions of the Federal Trade Commission Act and by virtue of the authority vested in it by said Act, the Federal Trade Commission

having reason to believe that Minneapolis-Honeywell Regulator Company, hereinafter referred to as respondent, has violated the provisions of section 5 of said Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint, stating its charges in that respect as follows:

PARAGRAPH ONE: Respondent Minneapolis-Honeywell Regulator Company is a corporation organized, existing and doing business under and by virtue of the laws of Delaware, with its general office and principal place of business at 2747 Fourth Avenue, South, in the city of Minneapolis, state of Minnesota. It is now and for more than three years last past has been engaged in the manufacture of automatic temperature controls for oil, gas and coal heating plants and industrial operations and in the sale thereof principally to oil burner manufacturers and also to jobbers, wholesalers and dealers in oil burner equipment located throughout the several states of the United States, the territories thereof, and in the District of Columbia, causing said products, when sold, to be transported from the places of manufacture in the states or Minnesota, Indiana, Pennsylvania, and through distribution points in other states of the United States, to the purchasers thereof located in states other than the states of manufacture. There is now, and has been for more than three years last past, a constant current of trade and commerce in said products between and among the various states of the United States, the territories thereof and in the District of Columbia.

The said respondent is the principal manufacturer of automatic temperature controls in the United States, the total volume of sales of said products by the said respondent, annually, during the past three years, constituting more than 60% of the total number of automatic temperature controls sold annually in the United States to burner manufacturers for domestic heating plants and to contractors and dealers in domestic automatic heating equipment. The respondent in the sale of automatic temperature controls as aforesaid, has entered into and now has in effect annual contracts or agreements with manufacturers of oil burners for domestic heating plants for a number of sets and units of automatic temperature controls equal to approximately the manufacturers annual requirements of such products, and the number of oil burner manufacturers having such contracts with said respondent has constituted for more than three years last past, and now constitutes a majority of all the manufacturers of oil burners for domestic heating plants within the United States.

In the course and conduct of its said business as herein described, respondent has been for more than three years last past and now is in substantial competition in the sale of automatic temperature controls in commerce between and among the various states of the United States, the territories, thereof, and in the

District of Columbia, with approximately six other corporations, persons, firms and partnerships.

PAR. TWO: In the automatic operation of a domestic oil burner, three types of controls are required and used and are usually, but not necessarily, sold in sets consisting of (1) a thermostat which is placed in the room or space to be heated, (2) a limit control which is a device placed on the heating plant to control the temperature or pressure in the heating plant, such as aerostat for hot air heating plants, aquastat for hot water heating plants and vaporstat for vapor heating plants, and (3) a primary control which controls the cycle of operation of the automatic burner so as to prevent an explosion, such as a protectorelay. Some domestic oil burner manufacturers, in addition, equip their domestic oil burners with a fan control, the fan being operated as an extra limit control. Many domestic oil burner manufacturers, particularly those who also manufacture furnaces, purchase several thermostats and primary controls, using them as zone controls in the heating of large spaces.

The primary control sometimes referred to as a combustion control, a master control, or a safety control is an essential element in every domestic oil burner installation. The respondent owns or controls most of the existing patents on said primary controls (protectorelay) but there are many thermostats and limit controls being manufactured and sold by said competitors of respondent which could be and are satisfactorily and safely used by oil burner manufacturers, furnace manufacturers and contractors interchangeably with the thermostats and limit controls manufactured and sold by the respondent.

PAR. THREE: Respondent in the course and conduct of its said business as hereinbefore described in the year 1936 and prior thereto entered into, or attempted to enter into, written agreements with all its domestic oil burner manufacturer customers under the terms of which the purchaser is obligated to purchase his requirements of automatic temperature controls from the respondent, said controls to be purchased in sets consisting of one thermostat, one limit control and one primary control at a combination price per set. Said agreements contained the following provisions:

It is specifically agreed that other control equipment is not to be considered as part of a set within the terms of this contract because the Company's costs are figured to cover a complete set of controls and the following breakdown prices are purely for enforcing purposes. It is agreed that the purchasers' yearly purchases will consist of at least 90% as many thermostats and 100% (but at the company's option not more than 125%) as many limit controls as primary controls. * * * The purchaser agrees that at least 95% of his control requirements consisting of thermostats, primary controls and limiting devices will be purchased from the Company.

Beginning in January 1937, the respondent discontinued the foregoing provision with respect to the 95% of the customer's control requirements in its contracts with its domestic oil burner

manufacturer customers, and since that time has not entered into contracts with its domestic oil burner manufacturer customers containing said provision.

The respondent in the year 1939 and in subsequent years in all such agreements with its domestic oil burner manufacturer customers has included similar set prices with the following provision:

The Company agrees to sell, and the Purchaser agrees to purchase, subject to the reservations hereinafter named, during the life of this contract ----- sets or more of the Company's automatic temperature controls. Because the Company's thermostats and primary controls are specifically designed to operate one with the other, it is unsatisfactory and often dangerous to mix controls made by different manufacturers in the same installation, and the Company does not give any assurance of satisfactory operation nor assume any service responsibility if its controls are used with other makes. It is, therefore, further agreed that each set shall consist of but one Thermostat, one Primary Control, and one Limit Control, and that the Purchaser will buy at least 90% as many Room Thermostats and 100% as many Limit Controls as Primary Controls at the following prices.

PAR. FOUR: As a result of the acts and practices of the respondent set forth in paragraph three herein for more than three years last past a substantial number of oil burner manufacturers for domestic heating plants have been induced to purchase either their entire requirements or a majority of their requirements of automatic temperature controls from the respondent, and competitors of the respondent have been prevented from selling their thermostats and limit controls in substantial quantities to the oil burner manufacturers for domestic heating plants purchasing primary controls from the respondent.

PAR. FIVE: Respondent in the course and conduct of its said business has for more than three years last past adopted or pursued the policy or practice of granting or attempting to grant, under threat of infringement suit, a non-exclusive license to certain of its competitors under license agreements to manufacture and sell a combination furnace control system wherein the limit control, a fan control, and a thermostat, neither covered by patent, are operated together under a system patent covering "furnace control" issued to one Edward E. Freeman and known as the Freeman Patent, owned and controlled by said respondent. In consideration for the granting of said license the respondent exacted and received royalties from licenses of 50¢ per unit manufactured under said license. In said license agreement the license is granted on the express condition that the prices, terms and conditions of sale of combination furnace controls made in accordance with the terms of the agreement shall not be more favorable to the customer than those fixed from time to time by the licensor for its own products embodying the invention covered by the agreement, and that the licensee will sell said controls only at prices and on terms not more favorable to the customer than those set forth in a price schedule issued from time to time by

the licensor. Said price schedule attached to and made a part of said agreement contains net minimum prices to be observed by the manufacturers for a combination furnace control and also those to be observed by jobbers and wholesalers as well as retail dealers.

Respondent for more than three years last past has sold a combination furnace and fan control embodying the said Freeman patent and in connection therewith it manufactures the fan switch but not the fan and manufactures the limit switch and the thermostat. The sales of said combination furnace and fan control by the respondent have substantially increased beginning with the year 1939 when said respondent began to issue licenses to its said competitors as aforesaid.

PAR. SIX: Respondent in the course and conduct of its said business manufactures and sells combustion stoker switches to furnace manufacturers throughout the United States and said respondent has followed the policy of selling said combustion stoker switches to its said customers under so-called exclusive license agreements whereby the said customers are granted licenses to use and sell said combustion stoker switches in combination with other devices under a domestic heating system of maintaining stoker fire which includes stoker switches and which is manufactured under a system patent of which the said respondent was an exclusive licensee, when as a matter of fact respondent well knew that the said patent did not cover or include the said stoker combustion switch.

PAR. SEVEN: The acts and practices of the respondent as herein alleged are all to the prejudice of competitors of respondent and of the public; have a dangerous tendency to and have actually hindered or prevented competition in the sale of automatic temperature controls for use in domestic heating plants in commerce within the intent and meaning of the Federal Trade Commission Act; have unreasonably restrained such Commerce in automatic temperature controls for use in domestic heating plants; have a dangerous tendency to create in respondents a monopoly in the sale of said products; and constitute unfair methods of competition in commerce within the intent and meaning of Section 5 of the Federal Trade Commission Act.

Count II

The Federal Trade Commission having reason to believe that Minneapolis-Honeywell Regulator Company, a corporation, hereinafter called respondent, has violated and is now violating the provisions of section 3 of the Act of Congress entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes" approved October 15, 1914 (the Clayton Act), as amended by the Robinson-Patman Act (U.S.C. Title 15, Sec. 13), hereby issues its complaint against said respondent and states its charges with respect thereto as follows, to wit:

PARAGRAPH ONE: For its charges under this paragraph of this count said Commission relies upon the matters and

things set out in paragraph one of Count I of this complaint to the same extent and as though the allegations of said paragraph of said Count I were set out in full herein, and said paragraph one of said Count I is therefore incorporated herein by reference and made a part of the allegations of this count.

PAR. TWO: For its charges under this paragraph of this count said Commission relies upon the matters and things set out in paragraph two of Count I of this complaint to the same extent and as though the allegations of said paragraph of said Count I were set out in full herein, and said paragraph two of said Count I is therefore incorporated herein by reference and made a part of the allegations of this count.

PAR. THREE: For its charges under this paragraph of this count said Commission relies upon the matters and things set out in paragraph three of Count I of this complaint to the same extent and as though the allegations of said paragraph of said Count I were set out in full herein, and said paragraph three of Count I is therefore incorporated herein by reference and made a part of the allegations of this count.

PAR. FOUR: For its charges under this paragraph of this count said Commission relies upon the matters and things set out in paragraph four of Count I of this complaint to the same extent and as though the allegations of said paragraph four of Count I were set out in full herein, and said paragraph four of said Count I is therefore incorporated herein by reference and made a part of the allegations of this count.

PAR. FIVE: In the course and conduct of its said business described in paragraph one, two, three and four of Count I of this complaint respondent, in the course of commerce between and among the various states of the United States and the District of Columbia as described in said paragraphs one and two of said Count I of this complaint, for more than three years last past or thereabouts, has made sales and contracts for the sale of automatic temperature controls for heating plants on the condition, agreement or understanding that the purchasers thereof should not deal in or use any automatic temperature control for heating plants of a competitor or competitors of said respondent. The effect of said sales and contracts for sale and of such condition, agreement or understanding have been or may be to substantially lessen competition or tend to create a monopoly in a line of commerce, namely, the interstate sale and distribution of automatic temperature controls for heating plants.

PAR. SIX: The aforesaid acts of respondent, Minneapolis-Honeywell Regulator Company, constituted a violation of the provisions of section 3 of the hereinabove mentioned Acts of Congress entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (the Clayton Act).

Count III

The Federal Trade Commission having reason to believe that Minneapolis-

Honeywell Regulator Company, a corporation, hereinafter called respondent, has violated and is now violating the provisions of section 2 of the Act of Congress entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes" approved October 15, 1914 (the Clayton Act) as amended by the Robinson-Patman Act (U.S.C. Title 15, Sec. 13), hereby issues this its complaint against said respondent and states its charges with respect thereto as follows, to wit:

PARAGRAPH ONE: For its charges under this paragraph of this count said Commission relies upon the matters and things set out in paragraph one of Count I of this complaint to the same extent and as though the allegations of said paragraph of said Count I were set out in full herein, and said paragraph one of said Count I is therefore incorporated herein by reference and made a part of the allegations of this count.

PAR. TWO: For its charges under this paragraph of this count said Commission relies upon the matters and things set out in paragraph two of Count I of this complaint to the same extent and as though the allegations of said paragraph of said Count I were set out in full herein, and said paragraph two of said Count I is therefore incorporated herein by reference and made a part of the allegations of this count.

PAR. THREE: In the course and conduct of its said business described in paragraph one and two of Count I of this complaint respondent, Minneapolis-Honeywell Regulator Company, has been for more than three years last past and is now discriminating in price between different purchasers buying automatic temperature controls for heating plants of like grade and quality by selling its said products to some of its customers at lower prices than it sells said products of like grade and quality to other of its customers, many of whom are competitively engaged one with another in the resale of said products within the United States. The respondent during said period of time has engaged in the following discriminatory practices and methods of determining the prices at which it sells its said products to its said customers:

(1) Respondent has classified its customers as follows: (a) oil burner manufacturers, (b) oil burner jobbers, (c) oil burner wholesalers—Class A, (d) oil burner wholesalers—Class B, and (e) dealers.

(2) Respondent publishes list prices for its said products, with discounts regularly and usually allowed to each respective class of trade, said discounts varying from 25 per cent up to 45 per cent, depending upon the product and the service rendered, that is, whether its customer is a dealer, jobber or wholesaler. Oil burner manufacturers who purchase approximately 95% of respondents temperature controls for oil business are usually granted the maximum trade discount or approximately 45 per cent from the list price when buying in minimum quantities.

(3) Respondent sells its said products, particularly thermostats, limit controls and primary controls in units and in

sets to manufacturers of oil burners under contracts providing for annual discount arrangements, including seven separate and distinct price brackets, with net prices fixed in proportion to the quantity requirements of the customer under the contract.

(4) Respondent sells its said contract customer buying up to 50 sets annually at a base price which has varied from time to time, but which is approximately 45 per cent less than the base price in effect, and such customers buying in annual quantities in excess of 50 sets are sold at varying discriminatory prices applicable to the different quantity brackets in effect, the most favored customers being sold at discriminatory prices ranging respectively from approximately 45 per cent less than the base price in 1938, to approximately 30 per cent less than the base price in 1940.

PAR. FOUR: The effect of the said discriminations in price mentioned in paragraph two and three hereof has been or may be substantially to lessen competition in the line of commerce in which respondent is engaged and to injure, destroy and prevent competition between the respondent and its competitors, and to injure, destroy and prevent competition between the customers of said respondent in the sale and distribution of automatic temperature controls for heating plants, and has been and may be to tend to create a monopoly in said line of commerce in the various localities or trade areas in the United States in which said respondent and its competitors are engaged in the sale and distribution of said products.

PAR. FIVE: The foregoing acts and practices of respondent are violations of subsection 2 (a) of section 1 of the said Act of Congress approved June 19, 1936, entitled "An Act to amend Section 2 of an Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes' approved October 15, 1914, as amended U. S. C. Title 15, Sec. 13 and for other purposes."

Wherefore, the premises considered, the Federal Trade Commission on this 23d day of February A. D. 1943 issues its complaint against said respondent.

Notice

Notice is hereby given you, Minneapolis-Honeywell Regulator Company, respondent herein, that the 2d day of April A. D. 1943, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date

above stated be not required, due notice to that effect will be given you. The rules of practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.

Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIII.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 23d day of February A. D. 1943.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-3125; Filed, February 26, 1943; 11:16 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 6 Under RPS 67]

STOKERUNIT CORPORATION

ORDER GRANTING IN PART AND DENYING IN PART

Order 6 under Revised Price Schedule 67—New Machine Tools—Docket No. 3067-38.

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) On and after September 23, 1942, any person is hereby authorized and permitted to sell and deliver the new ma-

chine tools manufactured by Stokerunit Corporation, of Milwaukee, Wisconsin, set forth below, at prices not to exceed the prices set forth below:

- (1) Shell Centering Machine..... \$ 8,000
- (2) Shell Boring Machine—105 mm. 13,400
- (3) Shell Boring Machine—155 mm. 13,910

(b) Within fifteen days after the effective date of this order, Stokerunit Corporation shall (1) certify to the Office of Price Administration, Washington, D. C., that no sum in excess of the prices set forth in (a) for each machine was paid by any purchaser for any such machine delivered on or after September 28, 1942, or (2) shall refund the excess over such prices to each purchaser who has paid such excess for any such machine delivered on or after September 28, 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) Except to the extent provided in paragraph (a) of this order, the application for adjustment filed September 28, 1942 by Stokerunit Corporation, of Milwaukee, Wisconsin, is denied.

(d) This Order No. 6 may be revoked or amended by the Office of Price Administration at any time.

(e) This Order No. 6 shall become effective February 26, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 25th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3072; Filed, February 25, 1943; 3:12 p. m.]

[Order 7 Under RPS 67]

BAUSH MACHINE TOOL COMPANY

ORDER GRANTING IN PART AND DENYING IN PART

Order 7 Under Revised Price Schedule 67—New Machine Tools—Docket No. 3067-49.

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 9250 and Procedural Regulation No. 6, *It is hereby ordered:*

(a) On and after January 13, 1943, any person may sell and deliver any number of new Baush 5" Horizontal Boring Machines—table type, 48" x 96", 36" bar stroke, with 15 h. p. Motor Drive, manufactured by Baush Machine Tool Company, of Springfield, Massachusetts, for the price of \$31,200 each.

(b) Except to the extent granted in paragraph (a) of this order, the application for adjustment filed January 13, 1943, by Baush Machine Tool Company is denied.

(c) Within fifteen days after this order is issued, Baush Machine Tool Company shall (1) certify to the Office of

Price Administration, Washington, D. C., that no sum in excess of \$31,200 was paid by any purchaser for any such machine delivered on or after January 13, 1943, or (2) shall refund the excess over \$31,200 to each purchaser who has paid such excess for any such machine delivered on or after January 13, 1943, 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.

(d) This Order No. 7 may be revoked or amended by the Office of Price Administration at any time.

(e) This Order No. 7 shall become effective February 26, 1943.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 25th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3071; Filed, February 25, 1943; 3:12 p. m.]

[Amendment 1]

GENERAL CHEMICAL COMPANY¹

ORDER REQUIRING INFORMATION

The date "February 25, 1943" in paragraph (a) of the above entitled order issued on February 5, 1943, is amended to read "March 5, 1943."

This Amendment No. 1 shall become effective February 25, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 25th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3074; Filed, February 25, 1943; 4:20 p. m.]

[Amendment 1 to Order 7, MPR 136]

CHAMPION RIVET COMPANY

ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 1 to Order No. 7 under § 1390.25 (a) of Maximum Price Regulation No. 136, as amended—Machines and Parts and Machinery Services.

An opinion accompanying this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

In paragraph (a) (3) the words "January 22, 1943," are amended to read "January 2, 1943."

This Amendment No. 1 to Order No. 7 under § 1390.25 (a) of Maximum Price Regulation No. 136, as amended, shall become effective February 27, 1943.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3106; Filed, February 26, 1943; 11:31 a. m.]

¹ 8 F.R. 1771.

[Amendment 1 to Order 111, MPR 188]

NUNN COMPANY

AUTHORIZATION OF MAXIMUM PRICE

Amendment No. 1 to Order No. 111 under § 1499.161 (a) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel—Docket No. 3188-47. Authorization of a maximum price for crude sand, glass sand, and fines for the Nunn Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, Order No. 111, issued pursuant to § 1499.161 (a) of Maximum Price Regulation No. 188, is hereby amended to read as set forth below:

(a) The Nunn Company, 404 Fay Building, Los Angeles, California, may sell and deliver, f. o. b. its plant, Overton, Nevada, "crude sand," "glass sand," and "fines" at the prices set forth below:

- (1) Crude sand @ \$2.07 per ton.
- (2) Glass sand @ \$3.49 per ton.
- (3) Fines @ \$2.26 per ton.

(b) All prayers in the petition not specifically granted herein are denied.

(c) The petitioner shall submit such reports to the office of Price Administration as it may from time to time require.

(d) This Amendment No. 1 to Order No. 111 may be revoked or amended by the Price Administrator at any time.

(e) This amendment shall become effective February 27, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871).

Issued this 26th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3104; Filed, February 26, 1943; 11:32 a. m.]

[Order 176 Under MPR 188]

PACIFIC SILICA Co., INC.

APPROVAL OF MAXIMUM PRICE

Order No. 176 under Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel—Docket No. GF3-3014.

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 by Executive Order No. 9250, and Procedural Regulation No. 6, *It is hereby ordered, That:*

(a) Specific authority is hereby granted the Pacific Silica Company, Incorporated, 3300 First Avenue, South, Seattle, Washington, to sell and deliver silica rock at a price not in excess of \$2.00 per net ton delivered f. o. b. Denison, Washington.

(b) All prayers in the petition not specifically granted herein are denied.

(c) The petitioner shall submit such reports to the Office of Price Administration as it may from time to time require,

(d) This Order No. 176 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 176 shall become effective February 27, 1943.

Issued this 26th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3108; Filed, February 26, 1943;
11:33 a. m.]

[Order 36 Under RFS 6]

ATLANTIC STEEL COMPANY
ORDER GRANTING EXCEPTION

Order No. 36 under Revised Price Schedule No. 6—Iron and Steel Products—Docket No. 3006-39.

On February 5, 1943, Atlantic Steel Company of Atlanta, Georgia, filed a petition for exception to Revised Price Schedule No. 6 as amended, pursuant to § 1306.7(e) thereof. Due consideration has been given to the petition and an opinion in support of this Order No. 36 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 No. 9250, and in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) The maximum price at which Atlantic Steel Company may sell shell steel produced by it in the form of round cornered square billets to the Gadsden Ordnance Plant operated by Lansdowne Steel and Iron Company shall be the maximum applicable Birmingham base prices as otherwise established by Revised Price Schedule No. 6, f. o. b. Atlanta, Georgia.

(b) The provisions of paragraph (a) hereof shall be applicable to all shipments made on or after February 5, 1943.

(c) This Order No. 36 may be revoked 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. 36 shall become effective as of February 5, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250 7 F.R. 7871)

Issued this 26th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3107; Filed, February 26, 1943;
11:33 a. m.]

[Order 8 Under RFS 67]

GOULD AND EBERHARDT, INCORPORATED
ADJUSTMENT OF MAXIMUM PRICE

Order No. 8 under Revised Price Schedule No. 67—New Machine Tools—Docket No. 3067-46.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250 and Procedural Regulation No. 6, *It is hereby ordered:*

(a) On and after December 12, 1942, any person may sell and deliver any of the 75 new Gould and Eberhardt Universal Tables for 24", 28", and 32" Gould and Eberhardt Industrial Shapers, manufactured by Gould and Eberhardt, Incorporated, of Newark, New Jersey, by American Type Founders, Incorporated, Elizabeth, New Jersey, as subcontractor, for the price of \$800.

(b) This Order No. 8 may be revoked or amended by the Office of Price Administration at any time.

(c) This Order No. 8 shall become effective February 27, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3105; Filed, February 26, 1943;
11:32 a. m.]

[Rev. Gen. Order 20]

AUTHORIZATION OF DIRECTOR FOR THE
TERRITORY OF PUERTO RICO

DELEGATION OF AUTHORITY TO ACT FOR THE
ADMINISTRATOR

Pursuant to the authority conferred upon the Administrator by Executive Order No. 9125,¹ Executive Order No. 9280,² War Production Board Directive No. 1-J, and Food Distribution Administration Food Directive No. 3, the following order is prescribed:

General Order No. 20 is amended to read as follows:

(a) The Director of the Office of Price Administration for the Territory of Puerto Rico is authorized and directed to exercise the functions, duties, powers, authority and discretion conferred upon the Administrator for the purpose of permitting the efficient rationing of all material in the Territory of Puerto Rico: *Provided, however,* That any program initiated pursuant to this authorization shall be subject to the approval of the Administrator for the Ninth Region of the Office of Price Administration.

(b) Any order issued by said Director pursuant to this delegation of authority shall have the same force and effect as if issued by the Administrator.

(c) The authority delegated hereby shall not include the power or authority to ration farm machinery and equipment. As used herein the term farm machinery and equipment shall have the same meaning as is given it in paragraph

¹ 7 F.R. 2719.
² 7 F.R. 10179.

(b) of War Production Board Supplementary Directive No. 1-K.

Issued and effective this 26th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3102; Filed, February 26, 1943;
11:35 a. m.]

[Rev. Gen. Order 21]

AUTHORIZATION OF DIRECTOR FOR THE
TERRITORY OF THE VIRGIN ISLANDS

DELEGATION OF AUTHORITY TO ACT FOR THE
ADMINISTRATOR

Pursuant to the authority conferred upon the Administrator by Executive Order No. 9125,¹ Executive Order No. 9280,² War Production Board Directive No. 1-J, and Food Distribution Administration Food Directive No. 3, the following order is prescribed:

General Order No. 21 is amended to read as follows:

(a) The Director of the Office of Price Administration for the Territory of the Virgin Islands is authorized and directed to exercise the functions, duties, powers, authority and discretion conferred upon the Administrator for the purpose of permitting the efficient rationing of all material in the Territory of the Virgin Islands;

Provided, however, That any program initiated pursuant to this authorization shall be subject to the approval of the Administrator for the Ninth Region of the Office of Price Administration.

(b) Any order issued by said Director pursuant to this delegation of authority shall have the same force and effect as if issued by the Administrator.

(c) The authority delegated hereby shall not include the power or authority to ration farm machinery and equipment. As used herein the term farm machinery and equipment shall have the same meaning as is given it in paragraph (b) of War Production Board Supplementary Directive No. 1-K.

Issued and effective this 26th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3103; Filed, February 26, 1943;
11:35 a. m.]

[Suspension Order 229]

O. K. SERVICE STATION

ORDER RESTRICTING TRANSACTIONS

Joseph Gordon and Max Gordon doing business as O. K. Service Station, 1128 Third Street NE., Washington, D. C., hereinafter called respondents, were duly served with a notice of charges of violations of the Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursu-

¹ 7 F.R. 2719.
² 7 F.R. 10179.

ant to the notice, a hearing upon the charges was held in Washington, D. C., on November 25, 1942. There appeared a representative of the Office of Price Administration and respondents. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been duly considered, it is hereby determined that:

(a) Respondents are dealers in gasoline and operate a filling station at 1128 Third Street NE., Washington, D. C.

(b) Respondents have violated Ration Order No. 5A, Gasoline Rationing Regulations (§ 1394.1502) in that between July 22, 1942 and November 17, 1942 respondents transferred gasoline to consumers without receiving in exchange therefor any gasoline ration coupons.

(c) Respondents have violated Ration Order No. 5A, Gasoline Rationing Regulations (§ 1394.1629) in that sometime in September, 1942, respondents decreased the capacity of their gasoline storage facilities by converting a 1,000-gallon tank from the storage of gasoline to the storage of kerosene without surrendering to the Board with which they were registered, coupons or other evidences equal in gallonage value to the amount of the decrease, and without surrendering their certificate of registration to the Board for cancellation.

(d) Respondents have violated Ration Order No. 5A, Gasoline Rationing Regulations (§ 1394.1503) in that between July 22, 1942, and November 17, 1942, respondents transferred gasoline to consumers and accepted in exchange therefor 32 Class A No. 3 Gasoline Rationing coupons.

Because of the great scarcity and critical importance of gasoline in Washington, D. C., respondents' violations of Ration Order No. 5A, Gasoline Rationing Regulations have resulted in the diversion of gasoline from military and essential civilian uses to non-essential uses in a manner contrary to the public interest and detrimental to the national war effort. It appears that further violations by respondent are likely unless appropriate administrative action is taken. *It is therefore ordered:*

(e) During the period in which this Suspension Order No. 229 shall be in effect,

(1) Respondents shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source any gasoline for resale.

(2) Respondents shall not transfer or deliver or otherwise trade or deal in gasoline.

(3) No person shall in any manner, directly or indirectly transfer or deliver any gasoline to respondents for resale.

(f) Any terms used in this Suspension Order No. 229 that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

This Suspension Order No. 229 shall become effective 12:01 a. m. March 8, 1943, and unless sooner terminated shall expire 12:01 a. m. April 7, 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); WPB Directive No. 1 (7 F.R. 562); Supplementary Directive No. 1H (7 F.R. 3478, 3877, 4216); Supplementary Directive 1Q (7 F.R. 9121))

Issued this 26th day of February 1943.

LOUIS H. HARRIS,
Chairman, Industry Council.

[F. R. Doc. 43-3100; Filed, February 26, 1943;
11:31 a. m.]

[Suspension Order 230]

JEROME MILANI

ORDER RESTRICTING TRANSACTIONS

Jerome Milani, Route No. 2 and Franklin Avenue, Hasbrouck Heights, New Jersey, 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 Newark, New Jersey, on December 18, 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, it is hereby determined that:

(a) Respondent is a dealer in gasoline and operates a gasoline filling station known as Colonial Service Station at Route No. 2 and Franklin Avenue, Hasbrouck Heights, New Jersey.

(b) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations (§ 1394.1502) in that, between July 22, 1942, and November 17, 1942, respondent transferred gasoline to consumers without receiving in exchange therefor any gasoline ration coupons or other evidences.

(c) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations (§ 1394.1503) in that, between July 22, 1942, and November 17, 1942, respondent transferred gasoline to consumers and accepted in exchange therefor 14 Class A, No. 3 gasoline coupons.

Because of the great scarcity and critical importance of gasoline in New Jersey, respondent's violations of Ration Order No. 5A, Gasoline Rationing Regulations, have resulted in the diversion of gasoline from military and essential uses into nonessential uses in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Chairman of Industrial Council that further violations by respondent are likely unless appropriate administrative action is taken.

It is therefore ordered:

(d) During the period in which this Suspension Order No. 230 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.

(2) Respondent shall not transfer or deliver or otherwise trade or deal in gasoline.

(3) No person shall in any manner, directly or indirectly transfer or deliver any gasoline to respondent for resale.

(e) Any terms used in this Suspension Order No. 230 that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

This Suspension Order No. 230 shall become effective 12:01 a. m. March 8, 1942, 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); WPB 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 26th day of February 1943.

LOUIS H. HARRIS,
Chairman, Industry Council.

[F. R. Doc. 43-3101; Filed, February 26, 1943;
11:31 a. m.]

Regional Office, Region I.

[Amendment 2 to Emergency Order 4, Under
Ration Order 11]

FUEL OIL SHORTAGE IN SOUTHERN NEW
ENGLAND

Pursuant to the authority conferred upon the Regional Administrator by § 1394.5715 of Ration Order No. 11, as amended, paragraph (c) (13) of Emergency Order No. 4 is amended to read as follows:

(c) Order. * * *

(13) *Effective period.* Emergency Order No. 4 shall terminate at 12:00 p. m. March 3, 1943 unless extended by further order.

Effective date of Amendment 2. Amendment 2 to Emergency Order No. 4 shall become effective February 20, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, and 507, 77th Cong., W.P.B. Dir. 1, 7 F.R. 562, Supp. Dir. 1-O, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719, Ration Order No. 11, 7 F.R. 8480)

Issued this 20th day of February 1943.

KENNETH B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-3061; Filed, February 25, 1943;
3:10 p. m.]

[Amendment 2 to Emergency Order 5, Under
Ration Order 11]

RESIDUAL OIL SHORTAGE IN SOUTHERN
NEW ENGLAND

Pursuant to the authority conferred upon the Regional Administrator by § 1394.5715 of Ration Order No. 11, as amended, paragraph (c) (13) of Emergency Order No. 5 is amended to read as follows:

(c) Order. * * *

(13) *Effective period.* Emergency Order No. 5 shall terminate at 12:00 p. m. March 3, 1943 unless extended by further order.

Effective date of Amendment 2. Amendment 2 to Emergency Order No. 5 shall become effective February 20, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, and 507, 77th Cong., W.P.B. Dir. 1, 7 F.R. 562, Supp. Dir. 1-0, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719, Ration Order No. 11, 7 F.R. 8480)

Issued this 20th day of February 1943.

KENNETH B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-3062; Filed, February 25, 1943;
3:10 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-618]

AMERICAN POWER & LIGHT COMPANY

ORDER GRANTING APPLICATION, ETC.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 22d day of February, A. D., 1943.

Order granting application and permitting declaration to become effective in part and denying same in part.

American Power & Light Company, ("American") a registered holding company, and a subsidiary of Electric Bond and Share Company, likewise a registered holding company, having filed an application and declaration under the Public Utility Holding Company Act of 1935, particularly sections 10 and 12 (c) thereof and Rule U-42 thereunder, regarding the expenditure of not in excess of \$10,000,000, in cash, to acquire by open market purchases part of its outstanding Gold Debenture Bonds, 6% Series, due 2016 and its assumed Southwestern Power & Light Company 6% Gold Debenture Bonds, Series A, due 2022 at

prices not in excess of the principal amount of such debentures or by call for tenders if at the end of approximately six months there remains unexpended as much as \$200,000 of such \$10,000,000;

A public hearing on said application and declaration having been held after appropriate notice; and, the Commission having examined the record and having made and filed its findings herein;

It is ordered, That said application and declaration insofar as they relate to open market purchases be, and hereby are, granted and permitted to become effective forthwith, subject, however, to the transactions therein set forth being carried out in conformity with the representations made, and for the purposes stated in said application and declaration, and in compliance with the conditions prescribed in Rule U-24 and subject to the following additional terms and conditions:

(1) That at least ten days before purchases are commenced, American shall advise by letter each known holder of its debentures fully with respect to its intention to make purchases and the method to be employed, and shall furnish to each known debenture holder a copy of our Findings and Opinion herein; the form of such letter to be submitted to the staff of the Public Utilities Division prior to release; that American shall cause to be published, at least twice, in a daily periodical of general circulation, a public notice of its intention to make such purchases; and such purchases shall not commence until five days subsequent to publication of the second notice;

(2) That all purchases be made at prices of not less than 95 per cent of principal amount (exclusive of accrued interest); and, American shall not solicit or cause to be solicited the sale of any of its debentures;

(3) That no debentures shall knowingly be purchased directly or indirectly from any officer or director of American, its subsidiaries or affiliates;

(4) That American shall furnish to the Commission promptly at the end of each week, a schedule showing for each day covered by such schedule the principal amount of debentures of each class purchased on the New York Curb Exchange and the price at which purchased, and that as to purchases other than on the New York Curb Exchange, American furnish a report with respect to each such purchase within one day showing the identity of the seller, the amount purchased, and the price paid;

(5) That no purchases shall be made after the expiration of four months from the date of this order, subject, however, to the right of American to apply for an extension or extensions of such period;

(6) That American shall promptly, upon completion of the proposed purchase program, notify its debenture holders to that effect through publication, at least twice, of an appropriate notice in a daily periodical of general circulation;

(7) That the Commission reserves jurisdiction, in its discretion to rescind or modify this order, upon motion of American or on its own motion after notice to American, at any time prior to the expiration of such four months' period or any extension thereof; any such rescission or modification to be applicable only to such portion of the \$10,000,000 as shall not have been previously expended.

It is further ordered, That said application and declaration insofar as they relate to call for tenders at the termination of the open market purchase program be, and the same hereby are, denied, without prejudice, however, to the right of American to file an application and declaration with respect to such matter after the termination of said open market purchase program.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-3059; Filed, February 25, 1943;
2:38 p. m.]