

FEDERAL REGISTER

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The President

PROCLAMATION 2580

CHILD HEALTH DAY—1943

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA
A PROCLAMATION

WHEREAS the Congress by joint resolution of May 18, 1928 (45 Stat. 617), has authorized and requested the President of the United States to issue annually a proclamation setting apart May 1 as Child Health Day:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, in recognition of the vital importance of the health of children to the strength of the Nation, do hereby designate the first day of May of this year as Child Health Day.

And I call upon the people in each of our communities to renew their efforts to promote the health of children in wartime and to take special measures in behalf of those boys and girls of high school age who are combining school with part-time jobs, working during vacation, or entering full-time employment, in order that their safety, health, and normal growth may be fully assured.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 25th day of March in the year of our Lord nineteen hundred and [SEAL] forty-three and of the Independence of the United States of America the one hundred and sixty-seventh.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[F. R. Doc. 43-4648; Filed, March 26, 1943;
12:18 p. m.]

EXECUTIVE ORDER 9321

AUTHORIZING THE ATTORNEY GENERAL TO ACQUIRE AND DISPOSE OF PROPERTY

By virtue of and pursuant to the authority vested in me by Title II of the Second War Powers Act, 1942, approved March 27, 1942 (56 Stat. 177), the Attorney General is hereby authorized to exercise the authority contained in said Title II of the Second War Powers Act, 1942, to acquire, use, and dispose of any real property, temporary use thereof, or other interest therein, together with any personal property located thereon, or used therewith, that shall be deemed necessary for military, naval or other war purposes.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
March 25, 1943.

[F. R. Doc. 43-4622; Filed, March 26, 1943;
10:33 a. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter IX—Food Distribution Administration

PART 927—MILK IN THE NEW YORK METROPOLITAN MARKETING AREA¹

ORDER SUSPENDING CERTAIN PROVISIONS

Order suspending certain provisions of the order, as amended, regulating the handling of milk in the New York Metropolitan Marketing Area.

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (7 U. S. C., 1940 ed., 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the New York metropolitan marketing area, it is hereby determined that the provisions of such order which provide seasonal minimum prices for Class I milk

¹ 7 F. R. 2370, 9109.

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during the month of April 1943, are provisions which obstruct and do not tend to effectuate the declared policy of the act with respect to producers of milk under such order.

It is, therefore, ordered, That, effective as of the date of execution hereof, the following provisions of § 927.4 (a) (1) of the order, as amended, regulating the handling of milk in the New York metropolitan marketing area, are hereby suspended for the period ending April 24, 1943:

1. Designation of the periods "April through June," and "July through March," and

2. The prices established for the period "April through June."

Done at Washington, D. C., this 25th day of March 1943. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 43-4626; Filed, March 26, 1943; 11:10 a. m.]

Chapter X—Food Production Administration

[FPO 5, Amendment 2]

PART 1206—FERTILIZER

CHEMICAL FERTILIZER

Section 1206.1 is hereby amended as set forth below:

Paragraph (a) (1) is revised to read as follows:

(1) "Chemical fertilizer" means any material used as a plant food containing one or more of the following: Nitrogen, phosphorus, or potassium, excluding, however, animal manures and animal, fish, and plant residues, unless mixed with a chemical fertilizer.

The following new subparagraphs are added to paragraph (a):

(14) "Multiple-strength grades of chemical fertilizer" means those grades of chemical fertilizer classified as such in Schedule II attached hereto, and all mixed chemical fertilizer containing 25 or more units of plant food.

(15) "Specialty fertilizer" means fertilizer which is prepared for sale primarily for use in non-farm areas on lawns, shrubbery, flowers and gardens, and is retailed at a price considerably higher than farm fertilizers.

Paragraph (b) (2) (ii) is revised to read as follows:

(ii) No fertilizer manufacturer, dealer, or agent shall deliver any chemical fertilizer containing chemical nitrogen in packages of less than eighty (80) pounds.

Paragraph (c) (1) to the end of paragraph (c) (1) (i) is revised to read as follows:

(c) Exemptions. (1) The restrictions provided for in paragraphs (b) (1) and (f) (3) hereof, shall not apply to:

(i) Deliveries by dealers or agents of stocks of unapproved grades of chemical fertilizer in their hands on September 12, 1942, or to the use by any person of any chemical fertilizer delivered pursuant to this paragraph (c) (1) (i) or to the use by any person of any chemical fertilizer on hand on September 12, 1942.

The following new subdivision is added to paragraph (c) (1):

(v) Deliveries by fertilizer manufacturers, dealers, or agents of chemical fertilizer containing chemical nitrogen for the preparation of starter solutions to be used in the transplanting of vegetable crop plants, or to the use by any person of any chemical fertilizer delivered pursuant to this paragraph (c) (1) (v) for such purpose.

That part of paragraph (c) (2) which precedes subparagraph (c) (2) (i) is revised to read as follows:

(2) The restrictions provided for in paragraphs (b) (1), (b) (2), (f) (3), and (j) hereof, shall not apply to:

Paragraph (e) (2) is hereby revoked. Paragraph (e) (1) is redesignated as paragraph (e) and is revised so that paragraph (e) shall read as follows:

¹ 8 F.R. 947.

(e) *Substitution of grades.* Set forth in Schedule II attached hereto is a list of the grades (stated on a nitrogen content basis or on a crop basis) of chemical fertilizer used in each of the States designated on such schedule during the 1940-1941 season (July 1, 1940-June 30, 1941) and a list of the approved grades for each of such States for the 1942-1943 season (July 1, 1942-June 30, 1943). The 1940-1941 grades and the 1942-1943 grades are listed in groups—each group being identified by a group number. The grades listed in a particular 1942-1943 group are the grades approved for substitution during 1942-1943 for the grades of the 1940-1941 group bearing the corresponding group number. Where a grade in one of the 1940-1941 groups was used on a particular crop during the 1940-1941 season, no grade other than a grade appearing in the corresponding 1942-1943 group shall be used on such crop during the 1942-1943 season, except as otherwise provided in this paragraph (e). For example, where a person used a grade carrying 2% nitrogen on a particular crop in Connecticut during the 1940-1941 season, he shall not use any grade other than a 0-14-14, 0-20-20, or 0-9-27 grade on such crop during the 1942-1943 season. Notwithstanding any other provision of this paragraph (e), grades containing four or less per cent nitrogen manufactured, delivered and used in 1940-1941 on crops described as vegetable crops in Schedule III may be replaced by approved grades containing the same percentage of nitrogen as the grade replaced. This paragraph (e) shall not prevent the delivery and use in the 1942-1943 season, at the election of the user, of a grade having a nitrogen content lower than that authorized for use in such 1942-1943 season. Nor shall this paragraph (e) prevent the delivery and use in the 1942-1943 season of a multiple-strength grade of chemical fertilizer instead of an ordinary analysis grade of chemical fertilizer, provided that the nitrogen content of the multiple-strength grade shall not exceed the nitrogen content of the ordinary analysis grade on a per acre application basis. In the event that information covering use in the 1940-1941 season is not available, use in the 1942-1943 season may be based on grades used in 1941-1942.

Paragraph (f) (3) is revised to read as follows:

(3) No fertilizer manufacturer, dealer, or agent shall deliver any chemical fertilizer containing chemical nitrogen in the States listed in Schedule I attached hereto for use on victory gardens other than the grade of 3-8-7, or approved grades of specialty fertilizer on hand on September 12, 1942. Such 3-8-7 grade shall be labeled "Victory Garden Fertilizer—For Food Production Only", and no person, including fertilizer manufacturers, dealers and agents, shall use any chemical fertilizer containing chemical nitrogen other than a grade so labeled or such specialty fertilizer for such purpose. Notwithstanding any provision in this order to the contrary, fertilizer authorized by this paragraph (f) (3) to be delivered for use on victory gardens may

be packaged in packages of 5, 10, 25, 50, and 100 pounds net weight and may be used on victory gardens regardless of the crops raised thereon. The term "victory garden" for the purposes of this paragraph (f) (3) means any garden planted primarily for the non-commercial production of vegetables and small fruits. Nothing in this paragraph shall prohibit any person who purchases chemical fertilizer pursuant to this order for use other than on his victory garden from obtaining and using on his victory garden chemical fertilizer of the grade or grades so purchased.

The following new subparagraphs are added to paragraph (f):

(4) No fertilizer manufacturer, dealer, or agent, shall deliver any chemical fertilizer containing chemical nitrogen for use on field-grown cut-flower crops, and no person, including fertilizer manufacturers, dealers and agents, shall use any chemical fertilizer containing chemical nitrogen for such purpose.

(5) Notwithstanding any provision in this order to the contrary, any person having on hand on September 12, 1942, any chemical fertilizer containing chemical nitrogen for use and not for sale may use such fertilizer for any purpose.

Paragraph (j) (4) is revised to read as follows:

(4) Each manufacturer, dealer, or agent who, on or after January 18, 1943, delivers any chemical fertilizer to any person other than a manufacturer, dealer, or agent (or uses any chemical fertilizer on his own crops) shall keep a record of each such delivery, showing the person to whom delivery is made, the date of delivery, and the quantity of fertilizer materials or grade of mixed fertilizer (and a similar record of use on his own crops), and each such manufacturer, dealer, or agent shall retain for not less than two years records of such delivery (or own use) and all statements received by him pursuant to paragraph (j) (1) hereof. The provisions of this paragraph (j) (4) shall not apply to individual deliveries in lots of less than 250 pounds of fertilizer authorized to be delivered by paragraphs (f) (3) and (g).

Schedule I attached to Food Production Order No. 5 (8 F.R. 947) is hereby amended as follows:

To the grades of chemical fertilizer listed for *Connecticut*, 8-4-8 is added.

In the grades of chemical fertilizer listed for *Delaware*, "6-10-5," is changed to "5-10-5;".

To the grades of chemical fertilizer listed for *Idaho*, grade 12-12-0 is added.

To the grades of chemical fertilizer listed for *Illinois*, grade 0-10-20 is added.

To the grades of chemical fertilizer listed for *Iowa*, grade 0-10-20 is added.

To the grades of chemical fertilizer listed for *Massachusetts*, grade 8-4-8 is added.

To the grades of chemical fertilizer listed for *New Hampshire*, grade 8-4-8 is added.

In the grades of chemical fertilizer listed for *New York*, "0-16-3," is changed to "0-16-8;".

In the grades of chemical fertilizer listed for *North Carolina*, "3-8-6," is changed to "3-9-6;".

To the grades of chemical fertilizer listed for *Oregon*, grades 12-12-0, 6-9-6, and 6-10-4 are added.

To the grades of chemical fertilizer listed for *Pennsylvania*, grade 5-10-20 is added.

To the grades of chemical fertilizer listed for *Texas*, grades 6-30-0 and 3-10-0 are added.

To the grades of chemical fertilizer listed for *Vermont*, grade 8-4-8 is added.

To the grades of chemical fertilizer listed for *Washington*, grade 12-12-0 is added.

Wherever it appears in Schedule I, the footnote "For side or top-dressing vegetables only" is amended to read "For side or top-dressing vegetables and fruits only."

To the list of *Grades Applicable to All States* at the end of Schedule I, the following are added:

Potash lime.....	0-0-6
Ammonium nitrate.....	34 (or higher)-0-0
Ammonium nitrate lime-stone.....	20 (or higher)-0-0
Potassium nitrate.....	14-0-44 (or higher)
Uramon limestone.....	20 (or higher)-0-0

Schedule II attached to Food Production Order No. 5 (8 F.R. 947) is hereby amended as follows:

The language "All grades used on small grains and those with less than 2% N used on other crops to be replaced by," wherever it appears under any of the States in the column headed "1940-41 grades," is amended to read "All grades with less than 2% N to be replaced by."

The language "For grades used on crops other than small grains:", wherever it appears under any of the States in the column headed "1940-41 grades," is hereby deleted.

To group (1) of the 1942-43 approved grades for *Illinois*, grade 0-10-20 is added.

To group (1) of the 1942-43 approved grades for *Iowa*, grade 0-10-20 is added.

In group (1) of the 1942-43 approved grades for *Maryland* and *District of Columbia*, "0-16-18" is changed to "0-16-8".

Under *Maryland* and *District of Columbia* in the column headed "1940-41 Grades," the language "Those with 6% or more to be replaced by" is amended to read "Those with 6% or more N to be replaced by."

To group (4) of the 1942-43 approved grades for *Massachusetts*, grade 8-4-8 is added.

To group (4) of the 1942-43 approved grades for *New Hampshire*, grade 8-4-8 is added.

In group (1) of the 1942-43 approved grades for *North Carolina*, "10-10-10" is changed to "0-10-10".

To group (5) of the 1942-43 approved grades for *Pennsylvania*, grade 5-10-20 is added.

To group (2) of the 1942-43 approved grades for *Texas*, grade 3-10-0 is added.

To group (3) of the 1942-43 approved grades for *Texas*, grade 6-30-0 is added.

To group (4) of the 1942-43 approved grades for *Vermont*, grade 8-4-8 is added.

This amending order shall become effective 12:01 a. m.; e. w. t., March 27, 1943.

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

Done at Washington, D. C. this 25th day of March 1943.

Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 43-4598; Filed, March 25, 1943;
2:40 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS AND CHAPLAINS

ROTC HONOR GRADUATES

The following changes in the provisions of §§ 73.52 to 73.56, relating to the appointment as second lieutenants, Regular Army, of ROTC honor graduates, have been made:

(a) No selection of candidates will be made as of April 1, 1943.

(b) Candidates to fill announced quotas will be selected as of October 1, 1943, selection to be made from all eligible candidates who have been designated as honor graduates subsequent to the group designated during the academic year 1941-1942.

(c) Appointments of selected candidates will be made as of December 1, 1943.

(d) The provisions of §§ 73.52 to 73.56, inclusive, will become inoperative after October 1, 1943.

(41 Stat. 774; 10 U.S.C. 484, amended by sec. 7, 53 Stat. 557) [War Dept. Memorandum No. W605-15-43, March 18, 1943]

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

[F. R. Doc. 43-4618; Filed, March 26, 1943;
9:40 a. m.]

PART 79—PRESCRIBED SERVICE UNIFORM

MISCELLANEOUS AMENDMENTS

Sections 79.12 (b) (1) and (2), 79.24 (b) (2), and 79.63 are amended and §§ 79.30 (k) and 79.30c are added as follows:

§ 79.12 *Headgear.* * * *

(b) *Cap, service.*—(1) *Officers except of the Army Air Forces and warrant officers.*—(i) *Material.* Of adopted standard (§ 79.2 (a) (1) and (2)), and felted fur, olive-drab, dark shade.

(2) *Officers of Army Air Forces and flight officers.*—(i) *Material.* Of adopted standard (§ 79.2 (a) (1) and (2)), and felted fur, olive-drab, dark shade.

(R. S. 1296; 10 U.S.C. 1391) [Par. 12b, AR 600-35, November 10, 1941, as amended by C 14, March 6, 1943]

§ 79.24 *Insignia for collar and lapel of coat.* * * *

(b) *Other officers, Army nurses, and warrant officers.* * * *

(2) *Insignia of arm, service, and bureau.* * * *

(xv) *Medical Department.*—(a) *Medical Corps.*—A caduceus.

(h) *Hospital dietitians.* A caduceus with the letters $\frac{H}{D}$ $\frac{1}{4}$ inch in height superimposed thereon.

(i) *Physical therapy aides.* A caduceus with the letters $\frac{P}{T}$ $\frac{1}{4}$ inch in height superimposed thereon.

(xxiv) *Tann Destroyer Forces.* 75-mm gun, motor carriage M3, in gold colored metal $\frac{1}{2}$ inch in height.

(xxv) *Transportation Corps.* * * *

(xxvi) *Warrant officers.* * * *

(xxvii) *Members of the United States Army Band.* * * *

(xxviii) *First Special Service Force.* * * *

(R.S. 1296; 10 U.S.C. 1391) [Par. 24b, AR 600-35, November 10, 1941, as amended by C 14, March 6, 1943 and C 15, March 13, 1943]

§ 79.30 *Brassards.* All brassards to be of cloth 18 inches in length and 4 inches in width of the color specified. When the brassard consists of more than one color, the colors will be of equal width and will run lengthwise of the brassard.

(k) *Aircraft Warning Service, Army Air Forces, chief observers and observers.* A white disk about $2\frac{1}{16}$ inches diameter with blue letters "U. S. Army AWS Air Force" between two golden orange wings each about $3\frac{1}{8}$ inches in length above golden letters $\frac{7}{16}$ inch in height, all on an ultramarine blue background.

(1) Chief observer.

(2) Observer.

(R.S. 1296; 10 U.S.C. 1391) [Par. 30k, AR 600-35, November 10, 1941, as amended by C 14, March 6, 1943]

§ 79.30c *Insignia, flying instructors.* Gold wings, embroidered in silk, 2 inches from tip to tip, of the same design as the Air Corps insignia, omitting the propeller.

(R.S. 1296; 10 U.S.C. 1391) [Par. 30k, AR 600-35, November 10, 1941, as amended by C 14, March 6, 1943]

§ 79.63 *Colors of arms, services, bureau, etc.* * * *

(w) *Tank Destroyer Forces.* Golden orange and black.

(x) *Transportation Corps.* * * *

(y) *Warrant officers.* * * *

(R.S. 1296; 10 U.S.C. 1391) [Par. 63, AR 600-35, November 10, 1941, as amended by C 15, March 13, 1943]

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

[F. R. Doc. 43-4619; Filed, March 26, 1943;
9:40 a. m.]

Chapter VIII—Procurement and Disposal of Equipment and Supplies

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

MISCELLANEOUS AMENDMENTS

The following amendments and additions to the regulations contained in Part 81 are hereby prescribed. These regulations are also contained in War Department procurement regulations dated September 5, 1942 (7 F.R. 8082), as amended by Changes No. 13, March 15, 1943.¹ In section numbers the figures to the right of the decimal point correspond with the respective paragraph numbers in the procurement regulations.

Section 81.111 (c) is amended as follows:

§ 81.111 *Conflicts between outside interests of officers or civilian employees and their official duties.* * * *

(c) *Regulations supplementary to basic statute.* The following regulations supplementary to the statute set forth in paragraph (a) of this section are prescribed:

(1) No officer or employee of the War Department may act as an agent of the United States in advising, recommending, making or approving the purchase of supplies or other property, or in contracting therefor, if he would be admitted to share or receive directly or indirectly any pecuniary profit or benefit from such purchase or contract.

(2) No officer or civilian employee of the War Department shall be in direct charge of the negotiation of, or exercise authority for the final approval of, any contract with any corporation, joint-stock company, association or firm, if at any time during the period subsequent to December 7, 1936 such officer or civilian employee was employed by or engaged in a course of substantial non-Governmental business dealings with such corporation, joint-stock company, association or firm the Director, Purchases Division, Headquarters, Services of Supply is authorized to make exceptions to the regulations contained in either or both of the foregoing subparagraphs. In cases where the chief of a supply service feels that the application of the regulations contained in such subparagraphs is impracticable, he should forward to the Director, Purchases Division, a request for an exemption. Such request should be accompanied by a full statement of the circumstances which are believed to make such exemption necessary.

PROPOSALS FOR LEGISLATIVE ACTION AND FOR EXECUTIVE ORDERS AFFECTING PROCUREMENT

Sections 81.114 to 81.119, inclusive, are amended as follows:

§ 81.114 *Legislation includes Executive Orders.* The terms "legislation" and "legislative", as hereinafter used in

¹ For previous changes see 7 F.R. 8163, 9268, 9660, 10184, 10247, 10640, 10906, and 8 F.R. 401, 411, 2531, and 3339.

§§ 81.115 to 81.119, inclusive, refer to action taken or to be taken by Congress, other than the enactment of strictly appropriation items, and to all Executive Orders.

§ 81.115 *Legislative Division, Office of the Under Secretary of War.* With the approval and by the authority of the Under Secretary of War, the Legislative Division, Office of the Under Secretary of War, is designated as the agency charged with the coordination within that Office, the Services of Supply and the Materiel Command, Army Air Forces, of all legislative matters affecting procurement or related functions.

§ 81.116 *Proposals for legislative action affecting procurement.* (a) Except as specifically otherwise provided in paragraph (b) of this section, all proposals for legislative action affecting procurement or related functions, originating from any source whatsoever, will be referred to the Legislative Division, Office of the Under Secretary of War, for coordination.

(b) All such proposals, other than proposals for Executive Orders, originating from sources outside the Office of the Under Secretary of War, the Services of Supply or the Materiel Command, Army Air Forces, will be referred to the Legal Branch, Purchases Division, Headquarters, Services of Supply. The Legislative Section of that branch will promptly review such proposals to determine which are of sufficient importance to the Office of the Under Secretary of War, the Services of Supply, the Materiel Command, Army Air Forces, or any of them to warrant further consideration. Such of the proposals as warrant such consideration will be referred directly to the Legislative Division, Office of the Under Secretary of War, for coordination.

§ 81.117 *Action of Legislative Division.* The Legislative Division, Office of the Under Secretary of War, will, with respect to such proposals originating within the Office of the Under Secretary of War, the Services of Supply, or the Materiel Command, Army Air Forces:

(a) Take all necessary action to secure the views of those individuals and elements within the Office of the Under Secretary of War, the Services of Supply and the Materiel Command, Army Air Forces, whose responsibilities would be affected by such legislative action.

(b) Refer any questions regarding the form of the proposed legislative action to the Legal Branch, Purchases Division, Headquarters, Services of Supply, for consideration and report.

(c) Make all necessary arrangements for proper coordination with other Government departments and agencies whose functions would be affected.

(d) If it is determined by proper authority to initiate such legislative action, coordinate the matter with the Legislative and Liaison Division, War Department.

(e) Take any other necessary or appropriate action in connection therewith.

With respect to such proposals originating from sources outside the Office of the Under Secretary of War, the Services of Supply, or the Materiel Command, Army Air Forces, Legislative Division, Office of the Under Secretary of War will, upon receipt of such proposals, take the action described in paragraphs (a), (c) and (e) of this section.

§ 81.118 *Congressional hearings.* Arrangements for appropriate representation from the Office of the Under Secretary of War, the Services of Supply and the Materiel Command, Army Air Forces, at Congressional hearings on legislative proposals affecting procurement or related functions will be made through the Legislative Division, Office of the Under Secretary of War.

§ 81.119 *Reports on legislative proposals.* All requests from official sources, within or without the War Department, for reports on legislative proposals affecting procurement or related functions will, upon receipt by the Office of the Under Secretary of War, the Services of Supply or the Materiel Command, Army Air Forces, be referred to the Legislative Division, Office of the Under Secretary of War, which will secure reports from the appropriate sources within the aforesaid elements of the War Department and will forward such reports, after approval thereof by proper authority, through established channels to the sources of the requests.

DAVIS-BACON LAW

Section 81.913 (a) is amended as follows:

§ 81.913 *Requests for predetermination of wage rates—*(a) *Separate request for each contract.* Prior to entering into negotiations for awarding a contract to which the basic law is applicable, the contracting officer will request the Secretary of Labor, through the chief of the supply service concerned, to predetermine the wage rates to be contained in the contract. This request will be made on Department of Labor Form DB-11, and the instructions on that form will be followed. Since the Department of Labor has stated that the basic law does not apply to the following positions, no predetermination of wages is necessary in their cases:

Accountants.	Executives of any kind.
Architects.	Firefighters.
Auditors.	Foremen.
Axemen.	Guards.
Bookkeepers.	Janitors.
Camp assistants.	Levelmen.
Chainmen.	Material checkers.
Chauffeurs.	Material clerks.
Chiefs of party.	Messengers.
Clerks.	Office machine operators.
Cooks.	Project managers.
Custodians.	Purchasing agents.
Draftsmen.	
Engineers. ¹	

¹ Civil engineers, not to be confused with operators of power equipment, who are sometimes called operating engineers, and who are mechanics.

² Member of surveying gang. Not to be confused with reinforcing rod setters, who are occasionally called rodmen, but are mechanics.

Rodmen.²
Stenographers.
Storekeepers.
Sub-foremen.
Superintendents.
Telephone operators.
Timecheckers.
Timekeepers.
Tool checkers.
Transitmen.
Typists.
Watchmen.
Water boys.

WALSH-HEALEY PUBLIC CONTRACTS LAW

In § 81.917 (b) a new subparagraph (8) is added and subparagraphs (8) to (15), inclusive, are renumbered (9) to (16), inclusive, as follows:

§ 81.917 *Applicability of Walsh-Healey public contracts law.* * * *

(b) * * *
(8) Contracts awarded for preserved or processed butter during the period from February 3, 1943, to the termination of the present war and three months thereafter are excepted from the representations and stipulations of section 1 of the Act. (8 F.R. 1652.)

(9) Contracts awarded during the

(10) Article 1 (Insertion of Stipulations) of the * * *

(11) Stipulation (c) of Article 1 of the * * *

(12) Article 103 (Overtime) of the

(13) Article 501 (Records of Employment) of the * * *

(14) Articles 601, 602, 1101 and 1201 of the * * *

(15) The following Article has been * * *

(16) By order dated September 2, 1942 * * *

OVERTIME WAGE COMPENSATION

Section 81.964 is rescinded and the following substituted therefor:

§ 81.964 *Interpretations; former and present.* Prior to February 17, 1943, the Secretary of Labor issued various interpretations of Executive Order 9240 which were formerly incorporated in these procurement regulations. On February 17, 1943, the Secretary of Labor issued "Interpretative Bulletin No. 1 of Executive Order 9240." This bulletin contains the official interpretations of the order, effective March 1, 1943. It supersedes the former interpretations. The bulletin interpretations are set forth in the succeeding paragraphs of this section. As additional interpretations are issued, the procurement regulations will be amended to include such interpretations. All of the earlier interpretations have been deleted, although payments made prior to March 1, 1943 pursuant to these earlier interpretations should be considered to have been in compliance with the order.

(a) *Basic purposes of the order as stated by the Secretary of Labor.*

INTERPRETATIVE BULLETIN No. 1 OF EXECUTIVE ORDER 9240

* * * The order was designed—(1) to facilitate round-the-clock war production, (2) to discourage absenteeism found to have resulted from the practice of paying premium rates for particular days as such, and (3) to assure in the interest of efficiency and

health, observance of the principle that workers should have at least one day of rest in each week. * * *

(b) *Coverage; work to which order is applicable.*

II COVERAGE

1. The order went into effect October 1, 1942. By its terms it applies to "all work relating to the prosecution of the war." This is interpreted to mean all work performed by prime contractors on Government war contracts, by their subcontractors, and those who make the materials and supplies necessary for the performance of such contracts and subcontracts. The order was intended to extend to enterprises which are engaged in producing, processing, mining, or manufacturing products used by the Government in the prosecution of the war or products used by a Government contractor or subcontractor in the manufacture of war products. Enterprises which provide public transportation or communication facilities, storage, distribution, or warehousing facilities, are not covered by the order. Accordingly, employees of railroads, air lines, bus lines, trucking lines or other common or contract carriers, seagoing personnel, longshoremen, dock workers, and similar waterfront workers, are not within the scope of the order. Employees of telephone and telegraph companies and radio stations, engaged in the normal communication operations of such companies, as well as employees of newspapers, magazines, and other periodicals which disseminate general information to the public at large are also excluded. Employees of power and light, water, gas and other public utility companies which merely furnish power and other facilities to the general public are not covered even though some of their output is supplied to war contractors. On the other hand, a power plant operated, for example, by a war manufacturer furnishing power or light, or other services to the factory would properly be regarded as a plant facility and would be subject to the order. Also firms engaged exclusively in distribution which do not process any war products would not be covered. Accordingly, employees of wholesalers, retailers, storage warehouses and brokers would be exempt if their employers are not engaged in any processing activity. Agricultural workers and employees of Federal or State Governments, and political subdivisions thereof, are not subject to the order.

(c) *Coverage; classes of employees to which order is applicable.*

2. The order should be applied on the basis of operations carried on in an individual plant. Therefore, if a particular plant is engaged in war work which is within the scope of coverage, the entire plant would be subject to the order, including production, clerical, and maintenance employees. In cases where an employer in a particular plant is engaged both in the production of war goods and in noncovered work the order would apply to the entire plant in the absence of segregation. If an employee works an entire workweek exclusively in noncovered production, and his duties do not contribute or relate to work which is subject to the order, such an employee would not be covered by the order for that week. On the other hand, if that employee works a portion of a week in the performance of any function contributing to the production of war goods, he would be subject to the order for the entire workweek. The burden of establishing segregation is upon the employer.

3. The order would apply to any employee engaged in covered work if his compensation is customarily or by requirements of applicable statutes or agreements related to

the number of hours worked in a day or the number of days worked in a week.

(d) *Saturday and Sunday work.*

III SATURDAY AND SUNDAY WORK

4. Paragraph I A of the order prohibits premium wages or extra compensation for work performed on Saturday or Sunday *as such*, that is, for work performed on either of those days without reference to the number of hours or days previously worked in the workweek. Any attempt to clothe any other day in the workweek with the status of a premium day, *as such*, would be contrary to the order.

(e) *Double time for seventh day.*

IV DOUBLE TIME FOR SEVENTH DAY

5. Paragraph I A (1) of the order requires the payment of double time for work on the seventh consecutive day worked in any regularly scheduled workweek. Under this requirement double time may be paid only if all 7 days fall within the same workweek. Double time for work performed on the seventh day should be computed at twice the straight-time rate paid for work on that day or twice the average straight-time hourly rate for the workweek, whichever is the customary method of computing overtime compensation. The employer's records should indicate which method is adopted.

(f) *The workweek.*

V THE WORKWEEK

6. A workweek consists of 7 successive days (see paragraph 8 below) starting on the same calendar day each week. This is the definition of a workweek under the Fair Labor Standards Act and is generally accepted by industry. The workweek may be established for the whole plant, for particular employees, or for any subdivision of the plant. The beginning of the workweek may be changed if not intended to evade the requirements of the order.

7. The order does not call for or require any particular work or shift schedule nor does it prescribe the days or hours on which work is to be performed. It is of course highly desirable that work schedules be posted in advance, thus enabling employees to know upon what days work will be required of them.

(g) *The workday.*

VI THE WORKDAY

8. The order is to be applied on a 24-hour day basis. A 24-hour period may be established as the workday for the plant or for particular employees or departments, provided such an arrangement is not designed to evade the purposes of the order. In the event no particular 24-hour period is established as the workday, the calendar day (i. e., from midnight to midnight) shall be considered as the workday. Thus, work on an established workday regardless of the number of hours worked would, for the purpose of the order, be considered as 1 day of work.

(h) *Same; exceptions.*

9. Certain exceptions to this rule must be recognized. At times a shift may cut across 2 workdays. Only 1 of the 2 days is to be counted as a day worked, and that is the day on which the shift starts. Where an employee on particular occasions works beyond his normal shift and thereby works into the next workday, such excess hours should not be regarded as an additional day. However, if the employee continues to work into his day of rest to the extent of one-half his normal shift or is called back to work on his day of rest, the day must be counted as a day of work.

(i) *Effect of the order on applicable statutes and employment contracts.*

VII EFFECT OF THE ORDER ON APPLICABLE STATUTES AND EMPLOYMENT CONTRACTS

10. Such provisions of employment contracts as are in conflict with the order are to that extent modified thereby. Employment contracts or agreements as those terms are used herein include practices established by custom or usage.

11. Paragraph I A (2) contemplates that applicable statutes such as the Fair Labor Standards Act and the Walsh-Healey Act, or employment agreements which provide for overtime at time and one-half on a daily or weekly basis or for the sixth day of work in a regularly scheduled workweek, shall not be disturbed by the provisions of the order. Therefore, in situations where applicable laws or employment agreements require time and one-half for overtime worked in excess of 8 hours per day or 40 hours per week, the order permits the payment of time and one-half for such overtime. Likewise, where an employment contract requires time and one-half compensation for the sixth day worked in a regularly scheduled workweek, the order permits such premium pay. If overtime compensation for hours in excess of 8 per day or 40 per week, or for the sixth day worked is not required by applicable statutes or employment agreements, nothing in the order requires the payment of such premium rates.

(j) *Same; exceptions unrelated to premium pay for work on particular days as such.*

12. It is not the purpose of the order to disturb employment contracts which contain provisions for extra compensation for onerous work, night work, or emergency work (i. e., work resulting from a sudden condition calling for immediate action); which extra compensation is in no way related to premium pay for work on Saturday, Sunday, or particular days *as such*. Accordingly, the order would not invalidate contracts, practices, or customs calling for more than time and one-half for hours in excess of 12 on a shift since such work is ordinarily regarded as particularly onerous.

13. Likewise, the order would not invalidate contracts calling for premium pay for "call-in work" where the employee is summoned to duty outside his regular work schedule, and such premium rates are unrelated to work on Saturday, Sunday, or any other day as such.

14. Furthermore, the order does not prevent the payment of shift wage differentials or bonuses, or attendance bonuses, where such payments are not in fact related to work performed on Saturday, Sunday, or particular days, as such.

(k) *Holidays; choice of sixth holiday.*

VIII. HOLIDAYS

15. Paragraph I B of the order has two requirements: (1) It requires time and one-half for work on the 6 holidays enumerated in the order, and (2) it forbids payment of any premium wage or extra compensation for work on any other holidays as such. A choice is afforded between Memorial Day and any other holiday of greater local importance. Failure to select a substitute holiday leaves Memorial Day as the sixth holiday under the order. The holiday chosen as a substitute for Memorial Day need not be the same holiday each year but only 6 holidays may be paid for at premium rates in the 12-month period beginning October first.

(l) *Holidays; computation of premium pay.*

16. The order requires that time and one-half compensation be paid for work on designated holidays but forbids payment in excess

of time and one-half. Thus, if the wages of an employee include compensation for a holiday although not worked, the additional amount which must be paid under the order for work performed on that holiday is limited to such amount as brings the total compensation for the day to time and one-half.

17. Compensation for work performed on a holiday should be computed at one and one-half times the straight-time rate paid for work on that day or one and one-half times the average straight-time hourly rate for the workweek, whichever is the customary method of computing overtime compensation. The employer's records should indicate which method is adopted.

(m) Holidays; inclusion of holidays in computing sixth and seventh days.

18. For purposes of computing the seventh day of work in a workweek under the order, the designated holidays must be included in the count whether or not work is performed on such days. An idle holiday should be included in computing the sixth day worked in the workweek unless the employment contract specifies otherwise.

(n) Holidays; determination of what constitutes work on.

19. Insofar as the order requires payment of time and one-half for work on the designated holidays, it means payment of time and one-half for the hours worked on the calendar holiday, namely, hours worked between midnight at the beginning of the holiday and midnight at the close of the holiday.

20. However, in order to give all employees equal benefit of the holiday, it is permissible to compensate employees at time and one-half for all hours worked on a shift, some part of which cuts across the calendar holiday. It is not permissible to pay the time and one-half holiday rate for more than one shift in a situation in which the employee works two shifts, both of which cut across the calendar holiday. However, employees must be paid time and one-half for at least all the hours worked on the calendar holiday.

21. If one of the designated holidays falls on Sunday, either Sunday or Monday may be observed as the holiday, but not both.

(o) Holidays; not worked.

22. There is no provision in the order relating to compensation on holidays not worked.

(p) Offsets crediting and pyramiding; holiday pay against other premium pay.

IX OFFSETS, CREDITING, AND PYRAMIDING

23. The time and one-half premium pay required for work on the 6 holidays designated in the order may not be offset or credited against overtime or premium pay required for any other day or portion of the workweek by virtue of this order or applicable statute, such as the Fair Labor Standards Act, the Walsh-Healey Act, or the Federal Eight-Hour Law. For example, an employee works 6 days of 8 hours each or a total of 48 hours in a workweek. The second day is one of the designated holidays and the 8 hours worked on that day must be paid for at time and one-half. This premium pay may not be credited or offset against the time and one-half required by statute for hours over 40 during that week. Both must be paid.

(q) Same; seventh day pay against other premium pay.

24. Similarly, the double time required for the seventh consecutive day worked in the workweek may not be offset or credited against overtime or premium pay required for any other day or portion of the workweek

by the order or existing law. Thus, if in the example in paragraph 23, above, the employee works an additional or seventh consecutive day in the same workweek, he must receive double time for that day. This double time may not be offset or credited against the holiday premium pay in this example, nor against the time and one-half due for the hours worked in excess of 40 prior to the seventh day.

(r) Same; pyramiding of overtime or premium rates on a particular day.

25. On the other hand, it is contrary to the purposes of the order to allow the pyramiding of overtime or premium rates on a particular day. Thus double time and no more may be paid for work on the seventh consecutive day worked in the workweek even though, by virtue of the employment contract or applicable statute, the hours worked on that day may exceed 8 or are in excess of 40 for the workweek or otherwise call for overtime rates of pay. For example, an employee works all 7 days of the workweek, 8 hours each day. The hours worked on the seventh day call for time and one-half under the Fair Labor Standards Act and double time under the order. The two premium rates may not be pyramided—only double time may be paid for work on that day. The same is true even though the employee works over 8 hours on the seventh day, which excess hours may also call for time and one-half.

26. Also, since the order limits premium pay for the designated holidays to time and one-half, it would be contrary to the order to pyramid the holiday rate and the weekly overtime rate required, for example, by the Fair Labor Standards Act, in cases where the holiday itself consists of hours in excess of 40 for the week. For example, the employee works 6 days of 8 hours each. The hours worked on the last day call for time and one-half under the Fair Labor Standards Act. The last day is also a holiday designated in the order. The order limits pay on that day to time and one-half.

27. For the same reason, where the holiday coincides with the sixth day worked in the workweek, which day by contract may also call for time and one-half, the order prevents the pyramiding of the two overtime rates.

28. Likewise, not more than time and one-half may be paid for work on the sixth day worked in the workweek even though the hours worked on that day may be in excess of 8 for the day or 40 for the week.

29. Even though the hours worked on the holiday in excess of 8 require time and one-half under the Walsh-Healey Act, the order limits the amount of compensation to time and one-half and prevents the pyramiding of overtime rates or the hours worked in excess of 8.

(s) Absences; full days of absence.

X ABSENCES

30. Full days of absence.

(1) If an employee is absent for all of one or more days, such days are not to be included in computing the seventh day. The only two exceptions to this rule are a designated holiday on which no work is performed and the case where an employee reports with the reasonable expectation of work and is sent home because of a lack of work or other reason beyond his control. Such days should be counted in computing the seventh consecutive day.

(2) With respect to the inclusion of full days of absence for the purpose of determining whether a sixth day has been worked, the answer is to be found in the prevailing custom, practice, or agreement, in the plant. However, the counting of days of absence

merely for the purpose of evading the prohibition in the order against premium pay for Saturday and Sunday work as such would be in contravention of the terms of the order.

(t) Absences for parts of work days.

31. Absences for parts of work days.

(1) The order does not require that any particular number of hours be worked in a day for that day to be regarded as a day worked under the order.

(2) Where an employee is absent for part of a workday for a justifiable reason, the day must be counted as a day worked for the purpose of computing the seventh day of work in the workweek. Since one of the basic purposes of the order is to discourage absenteeism, days on which an employee does not work his full schedule but absents himself for a portion of the day without justifiable cause should not be counted in computing the seventh day. It is permissible, however, for the employer to allow the employee to make up the time lost by such voluntary absence during the subsequent days of the workweek, and be compensated at the rate of double time on the seventh day of the workweek for hours worked on that day. However, double time may be paid on the seventh day only for those hours worked after the time lost has been made up by the employee.

(3) In computing the sixth day worked in the workweek, the question as to inclusion of days on which the employee has been absent for a portion of the day may be determined by the prevailing custom, practice, or agreement in the plant, provided days are not counted merely for the purpose of evading the prohibitions against premium pay for Saturday and Sunday, as such.

(u) Relationship of Executive Order 9240 to 9250. Payments required or forbidden by the terms of Executive Order 9240 do not, in the opinion of the Secretary of Labor, as stated in Interpretative Bulletin No. 1, require approval of the WLB as wage increases or decreases under the terms of Executive Order 9250. In situations where changes in the wage structure or premium rates are permitted but not required by Executive Order 9240, the procedures for the approval of wage increases as stated in §§ 81.975-81.983c of this part should be followed before such changes are initiated by the employer.

In § 81.965 paragraph (a) is amended and paragraph (d) is rescinded as follows:

§ 81.965 Exceptions—(a) Shipbuilding Stabilization Agreement. All work subject to the Zone Standards Agreement for the shipbuilding and ship repair industry has been excepted from the provisions of the order.

(d) [Rescinded]

Section 81.966 is amended as follows:

§ 81.966 Future interpretations. (a) Paragraph V of Executive Order No. 9240, as amended, requires that all questions of its interpretations and application will be referred to the Secretary of Labor. Such questions requiring action by the Secretary of Labor insofar as they are posed by representatives of the War Department, will be directed to the Director of the Industrial Personnel Divi-

sion, Services of Supply, who will take any necessary steps to obtain such interpretations in appropriate cases. The Director of Industrial Personnel will clear with the Director, Purchases Division, all such questions relating to contracting or procurement procedure. Interpretations of Executive Order 9240, made by the Secretary of Labor from time to time will be promptly forwarded to the chiefs of supply services, and to the Commanding General, Matériel Command, Army Air Forces, and will be summarized for inclusion in these regulations or in Services of Supply Circulars. Auditors, Finance officers, and other persons reviewing War Department vouchers and payments will present to the Director, Fiscal Division, all requests for instructions as to the application of the Executive Order to fiscal matters.

FORTY-EIGHT HOUR WORKWEEK

Paragraphs (a), (b), and (c) are added to § 81.985 as follows:

§ 81.985 *Forty-eight hour workweek.*

(a) The following is the text of the regulations issued by the War Manpower Commission to implement the 48-hour workweek.

By virtue of authority vested in me as Chairman of the War Manpower Commission by Executive Order No. 9301 establishing a minimum wartime workweek of 48 hours, and by Executive Orders Nos. 9139 and 9279, I hereby prescribe the following regulations:

§ 903.1 *General policy for interpretation and application of Executive Order.* Executive Order No. 9301 shall be so construed and applied as best to effectuate its fundamental purpose, which is to aid in meeting the manpower requirements of our armed forces and our expanding war production program by a fuller utilization of our available manpower. Effectuation of this purpose requires that in situations of labor shortage employers do not hire new workers when their manpower needs can effectively be met by a fuller utilization of their current labor force, and that workers who can be released by an extension of the workweek are released under circumstances which will permit and facilitate their effective utilization elsewhere in the war effort.

§ 903.2 *Application to areas and activities.* The Chairman of the War Manpower Commission will from time to time by order designate areas and activities as subject to the provisions of Executive Order No. 9301. Regional manpower directors may designate additional areas and activities within their respective regions as subject to the provisions of Executive Order No. 9301, if they find and by appropriate public notice so declare, that such action will aid in alleviating labor shortages which are impeding the war effort. Unless and until an area or activity has been so designated, employers therein will not be required to extend their workweek.

§ 903.3 *Delegation of authority.* Regional and area manpower directors are authorized and directed to determine all questions arising within their respective regions and areas with respect to the interpretation and application of these regulations, in conformity with such procedures and instructions as the Executive Director of the War Manpower Commission may issue in implementation thereof.

§ 903.4 *Minimum wartime workweek.* "Minimum wartime workweek" as used in

these regulations means a workweek of 48 hours, except in cases where a workweek of 48 hours (a) would be impracticable in view of the nature of the operations, (b) would not contribute to the reduction of labor requirements, or (c) would conflict with any Federal, State or local law or regulation limiting hours of work. In such cases "Minimum wartime workweek" means the greatest number of hours (less than 48) feasible in the light of the nature of the operations, the reduction of labor requirements or the applicable Federal, State and local law or regulation, as the case may be.

§ 903.5 *Extension of workweek in designated areas and activities.* If the workweek applicable to any worker employed in any plant, factory or other place of employment in an area or an activity designated as subject to the provisions of Executive Order No. 9301, is less than the minimum wartime workweek, such workweek shall be extended to the minimum wartime workweek as follows:

(a) Whenever extension of such workweek to the minimum wartime workweek would not involve the release of any workers, the affected employer shall proceed promptly to extend the workweek to the minimum wartime workweek.

(b) Whenever the Regional or Area Manpower Director or a designated representative of either determines that extension of such workweek to the minimum wartime workweek would involve the release only of workers who can be promptly placed in suitable employment with other employers, the affected employer will be notified of such determination and thereupon shall proceed promptly to extend the workweek to the minimum wartime workweek.

(c) If extension of such workweek to the minimum wartime workweek would involve the release of some workers and the Regional or Area Manpower Director or designated representative has not determined and notified the employer that such workers can promptly be placed in suitable employment with other employers, the workweek shall not be extended except as authorized below. On or before April 1, 1943, the affected employer shall submit to the Regional or Area Manpower Director or the designated representative of either director a statement as to the number of workers whose release would be involved and their occupational classification, together with a proposed schedule for the timing of such releases. The Regional or Area Manpower Director or designated representative will authorize a schedule for the extension of the workweek to the minimum wartime workweek and for the release of workers in terms of labor market needs and the employer shall thereupon proceed to extend the workweek in accordance with such schedule.

§ 903.6 *Restriction upon hiring of workers.* No employer shall hire any worker in an area or activity designated as subject to the provisions of Executive Order No. 9301, if the employer has failed in any manner to comply with the provisions of § 903.5 of these regulations in the plant, factory or other place of employment in which the worker would be employed.

§ 903.7 *Exclusions.* No provision of these regulations shall be construed or applied so as to require the extension of a workweek:

(a) In any establishment or other place of employment in which less than eight workers are regularly employed;

(b) In any establishment or place of employment principally engaged in agriculture;

(c) Of persons in the employ of any State or any political subdivision thereof, or any instrumentality of any one or more of the foregoing;

(d) Of youth under the age of sixteen years; or

(e) Of individuals who on account of other employment, household responsibilities, or physical limitations, are not available for full time work.

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

(a) "Workweek" means the number of hours within a period of seven successive days, beginning with the same calendar day each week, during which workers are normally required to be on duty.

(b) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(b) The following is the text of General Order No. 5 issued by the War Manpower Commission designating certain areas as subject to the provisions of Executive Order No. 9301.

By virtue of the authority vested in me as Chairman of the War Manpower Commission by Executive Order No. 9301, establishing a minimum wartime workweek of 48 hours and in accordance with the provision of § 903.2 of the regulations prescribed by me on February 22, 1943, I hereby designate the following areas as subject to the provisions of Executive Order No. 9301:

Akron, Ohio.
Baltimore, Maryland.
Bath, Maine.
Beaumont, Texas.
Bridgeport, Connecticut.
Brunswick, Georgia.
Buffalo, New York.
Charleston, South Carolina.
Cheyenne, Wyoming.
Dayton, Ohio.
Detroit, Michigan.
Elkton, Maryland.
Hampton Roads, Virginia.
Hartford, Connecticut.
Las Vegas, Nevada.
Macon, Georgia.
Manitowoc, Wisconsin.
Mobile, Alabama.
New Britain, Connecticut.
Ogden, Utah.
Panama City, Florida.
Pascagoula, Mississippi.
Portland, Oregon.
Portsmouth, New Hampshire.
San Diego, California.
Seattle, Washington.
Somerville, New Jersey.
Springfield, Massachusetts.
Sterling, Illinois.
Washington, D. C.
Waterbury, Connecticut.
Wichita, Kansas.

(c) The following is the text of General Order No. 6, issued by the War Manpower Commission, designating certain activities as subject to the provisions of Executive Order No. 9301.

By virtue of the authority vested in me as Chairman of the War Manpower Commission, by Executive Order No. 9301, establishing a minimum wartime workweek of 48 hours, and in accordance with the provisions of § 903.2 of the regulations prescribed by me on February 22, 1943, I hereby designate the following activities as subject to the provisions of Executive Order No. 9301:

1. The mining (including the development of ore properties) dressing, and beneficiating

(milling) of the following nonferrous metals and their ores:

Aluminum.	Mercury.
Antimony.	Molybdenum.
Arsenic.	Silver.
Beryllium.	Tantalum.
Chromium.	Tin.
Cobalt.	Titanium.
Columbium.	Tungsten.
Copper.	Uranium.
Lead.	Vanadium.
Magnesium.	Zinc.
Manganese.	Zirconium.
All other non-ferrous metals and their ores.	

2. (a) All logging operations.

(b) All operations of all:

Sawmills.
Planing mills.
Veneer mills.
Plywood mills.
Cooperage-stock mills.
Cooperage establishments.
Shingle mills.
Wooden box factories.
Wood pulp mills.

[SEAL]

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

[F. R. Doc. 43-4620; Filed, March 26, 1943;
9:40 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division

PART 632—MINIMUM WAGE RATE IN THE COOKING AND HEATING APPLIANCES MANUFACTURING INDUSTRY

WAGE ORDER

In the matter of the recommendation of Industry Committee No. 51 for a minimum wage rate in the Cooking and Heating Appliances Manufacturing Industry.

Whereas on October 27, 1942, pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, herein referred to as the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 165, (7 F. R. 8811) appointed Industry Committee No. 51 for the Cooking and Heating Appliances Manufacturing Industry, herein called the Committee, and directed the Committee to recommend minimum wage rates for the Cooking and Heating Appliances Manufacturing Industry in accordance with section 8 of the Act; and

Whereas the Committee included six disinterested persons representing the public, a like number of persons representing employers in the Cooking and Heating Appliances Manufacturing Industry, and a like number of persons representing employees in the industry, and each group was appointed with due regard to the geographical regions in which the Cooking and Heating Appliances Manufacturing Industry is carried on; and

Whereas on November 20, 1942, the Committee, after investigating economic and competitive conditions in the industry, filed with the Administrator a report containing its recommendation for a 40-cent minimum hourly wage rate in the

Cooking and Heating Appliances Manufacturing Industry; and

Whereas after notice duly published in the FEDERAL REGISTER on December 1, 1942 (7 F. R. 9987), Major Robert N. Campbell, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at Washington, D. C., on December 16, 1942, at which all interested persons were given an opportunity to be heard; and

Whereas the complete record of the proceeding before the Presiding Officer has been transmitted to the Administrator; and

Whereas by notice published in the FEDERAL REGISTER December 22, 1942 (7 F. R. 10726) opportunity to submit written briefs was afforded all parties; and

Whereas the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act, with special reference to sections 5 and 8 has concluded that the Industry Committee's recommendation for the Cooking and Heating Appliances Manufacturing Industry, as defined by Administrative Order No. 165, is made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of the Act; and

Whereas the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the matter of the Recommendation of Industry Committee No. 51 for a Minimum Wage Rate in the Cooking and Heating Appliances Manufacturing Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York.

Now, therefore, it is ordered, That:

- Sec.
632.1 Approval of recommendation of Industry Committee No. 51.
632.2 Wage rate.
632.3 Posting of notices.
632.4 Definition of the Cooking and Heating Appliances Manufacturing Industry.
632.5 Scope of the definition.
632.6 Effective date.

AUTHORITY: §§ 632.1 to 632.6, inclusive, issued under sec. 8, 52 Stat. 1064; 29 U.S.C., Supp. IV, 208.

§ 632.1 *Approval of recommendation of Industry Committee No. 51.* The Committee's recommendation is hereby approved, and in accordance with such recommendation,

§ 632.2 *Wage rate.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Act by every employer to each of his employees who is engaged in commerce or in the production of goods for commerce in the Cooking and Heating Appliances Manufacturing Industry; and

§ 632.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Cooking and Heating Appliances Manufacturing

Industry shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor; and

§ 632.4 *Definition of the Cooking and Heating Appliances Manufacturing Industry.* For the purposes of this order the term "Cooking and Heating Appliances Manufacturing Industry" means:

(a) The manufacture of cooking and heating equipment and appliances, and parts and accessories thereof;

(b) The term "manufacture" as used herein covers all operations involved in the production of any article covered by this definition, including foundry operations required to produce iron castings, the fabrication and surface treatment (including enameling) of sheet metal and castings parts, and the mounting and assembling of the parts;

(c) *Provided, however,* That the manufacture of the following shall not be included: steam fittings and specialties such as thermostats and other temperature control devices, gauges, regulators, traps, and reducing valves; steam heating boilers using pressure in excess of 15 pounds per square inch; cooking utensils, electrical equipment and appliances; stove pipes; tanks for water heaters; or any product covered by a wage order for the Gray Iron Jobbing Foundry Industry or Enameled Utensil Industry.

§ 632.5 *Scope of the definition.* The definition of the Cooking and Heating Appliances Manufacturing 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 such clerical, maintenance, shipping and selling occupations when carried on in a wholesaling or selling department physically segregated from 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, shall not be deemed to be covered by this definition, 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.

§ 632.6 *Effective date.* This wage order shall become effective April 12, 1943. (Sec. 8, 52 Stat. 1064; 29 U.S.C., Supp. IV, 208)

Signed at Washington, D. C., this 23d day of March 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-4621; Filed, March 26, 1943;
9:31 a. m.]

TITLE 30—MINERAL RESOURCES
Chapter III—Bituminous Coal Division

[Docket No. A-1883]

PART 331—MINIMUM PRICE SCHEDULE,
DISTRICT No. 11

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 11 for the establishment of price classifications and minimum prices for the coals of the Julian No. 2 Mine.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Julian No. 2 Mine, Mine Index No. 1386 of Standard Coal Company, in Price Group 10 in District No. 11; and

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

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

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

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 331.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 331.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are herein-after set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in

proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

Notiz: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.5 Alphabetical list of code members—Supplement-R

Mine index No.	Code member	Mine	Seam	Sub-district	Freight origin group	Price group	Shipping point	Rail-road
1356	Standard Coal Company.....	Julian No. 2...	V	PA.....	70	10	Wheatland..	B.&O.

Mine Index No. 1393 shall be included in Price Group 10 and shall take the same f. o. b. mine prices as other mines in price group 10 in Price Schedule No. 1, District No. 11, for all shipments except truck. It shall also take the same adjustments in f. o. b. mine prices on account of differences in freight rates as have been established for Mine Index No. 117 and other mines in Freight Origin Group 70 of the Princeton-Ayrshire Subdistrict having the same freight rate.

rate.
Mine Index No. 1386 shall be accorded the same prices for railroad locomotive fuel as shown in § 331.10 in Minimum Price Schedule No. 1, District No. 11, for all shipments except truck, as are shown for Mine Index Nos. 79 and 117.

FOR TRUCK SHIPMENTS

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

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																											
				1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	17	18, 19, 20	21	22	23	24	25	26	27	28, 29, 30	31	32, 33, 34		
Standard Coal Company	1380	Julian No. 2	5	255	250	245	235	230	225	185	190	180	175	155	145	90	60	190	185	190	180	170	140	165	155	115	170	160	120	100	
				KNOX COUNTY																											

[F. R. Doc. 43-4571; Filed, March 25, 1943; 11:16 a. m.]

[Docket No. A-1894]

**PART 331—MINIMUM PRICE SCHEDULE,
DISTRICT No. 11**

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 11 for establishment of price classifications and minimum prices for Mine Index No. 1394.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both tem-

porary and permanent, of price classifications and minimum prices for the coals of Crosby Coal Company Mine, Mine Index No. 1384 of Crosby Coal Company (Spencer Crosby) in District No. 11; and

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

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

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

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 331.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five

(45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.
Dated: March 13, 1943.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11
NOTE: The material contained in this supplement is to be read in the light of the classification, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR TRUCK SHIPMENTS
§ 321.24 General prices in cents per net ton for shipment into all market areas—
Supplement T

Code member index	Mine index No.	Mine	Prices and size group Nos.											
			1	2	3	4	5	6	7	8	9	10	11	12
Crosby Coal Company (Spencer Crosby).	1384	Crosby Coal Co.	5	235	250	245	235	230	225	185	190	180	175	155

[F. R. Doc. 43-4572; Filed, March 25, 1943; 11:16 a. m.]

[Docket No. A-1861]

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT NO. 15
ORDER GRANTING RELIEF
 Order granting temporary relief and conditionally providing for final relief

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

§ 335.5 Alphabetical list of code members—Supplement R

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

Code member	Mine index No.	Mine name	Prod. group No.	Shipping point	RR	Frt. origin grp. No.	Price classification by size group												
							1	2	3	4	5	6	7	8	9	10	11	12	13
Gesslein, A. (A-G Coal Co.)	15	A-G	1	Meiberry, Kans.	I-P	141	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
Palmer & Son Coal Co. (Ira Palmer)	1441	Palmer	1	Mulberry, Kans.	SL-SF	146	A	A	A	A	A	A	A	A	A	A	A	A	A
Sukens, A. L. (Sukens Coal Company)	1671	No. 5	8	Drum, Oklahoma	MKT	106	A	A	A	A	A	A	A	A	A	A	A	A	A
Wyatt Coal Co.	1684	Wyatt Coal Co.	1	Mulberry, Kans.	SL-SF	146	A	A	A	A	A	A	A	A	A	A	A	A	A

*Previously classified for these size groups. No changes requested.

†Indicates no classifications, effective for these size groups.

‡Previously classified as truck mine.

§ Denotes change in railroad. SL-SF Railroad shall no longer be applicable for this mine.

¶ Denotes change in F. O. G. number. F. O. G. Number 146 shall no longer be applicable for this mine.

A & Market Area list price as listed in Price Schedule No. 1.

FOR TRUCK SHIPMENTS

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

Code member index	Mine index No.	Mine	Prod. group No.	County	3" lump	1/2" up	10" x 1 1/2"	10" x 1 1/4"	3" x 2"	3" x 1 1/4"	2" x 1 1/4"	1 1/4" x 1"	1 1/4" x 3/8"	3" x 0	Mine run	1 1/4" x 3/4"			
																0 (R)	0 (W)	0 (R)	0 (W)
Johnson, Ell	1665	Ell Johnson (Robbing from Robinson Pl.)	2	Bates, Mo.	260	260	260	260	235	220	205	200	195	195	220	160	160	160	160
Skinner, E. W.	1669	Stanfield #3	3	Macon, Mo.	240	240	240	240	225	215	205	195	190	190	220	120	120	120	120
Sukens, A. L. (Sukens Coal Company)	1671	No. 5	8	Lattimer, Okla.	445	445	445	445	395	345	215	220	175	205	230	150	150	150	150
Thomas, Howard M. (Fort Scott Hydraulic Cement Company)	1666	Fort Scott Hydraulic Cement Company.	1	Bourbon, Kans.	270	270	270	270	245	220	215	220	180	205	230	145	145	145	145

[F. R. Doc. 43-4573; Filed, March 25, 1943; 11:17 a. m.]

of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 15, and for a change in originating railroad for the A-G Mine (Mine Index No. 15) of code member A. Gesslein; and

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

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

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

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 335.5 (Alphabetical list of code members) is amended by adding thereto Supplement R, and

Dated: March 12, 1943.

[SEAL] DAN H. WHEELER,
 Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 15
NOTE: The material contained in these supplements is to be read in the light of the classification, prices, instructions, exceptions and other provisions contained in Part 335, Minimum Price Schedule for District No. 15 and supplements thereto.

FOR RAIL SHIPMENTS

§ 335.5 Alphabetical list of code members—Supplement R

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

Code member	Mine index No.	Mine name	Prod. group No.	Shipping point	RR	Frt. origin grp. No.	Price classification by size group												
							1	2	3	4	5	6	7	8	9	10	11	12	13
Gesslein, A. (A-G Coal Co.)	15	A-G	1	Meiberry, Kans.	I-P	141	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
Palmer & Son Coal Co. (Ira Palmer)	1441	Palmer	1	Mulberry, Kans.	SL-SF	146	A	A	A	A	A	A	A	A	A	A	A	A	A
Sukens, A. L. (Sukens Coal Company)	1671	No. 5	8	Drum, Oklahoma	MKT	106	A	A	A	A	A	A	A	A	A	A	A	A	A
Wyatt Coal Co.	1684	Wyatt Coal Co.	1	Mulberry, Kans.	SL-SF	146	A	A	A	A	A	A	A	A	A	A	A	A	A

*Previously classified for these size groups. No changes requested.

†Indicates no classifications, effective for these size groups.

‡Previously classified as truck mine.

§ Denotes change in railroad. SL-SF Railroad shall no longer be applicable for this mine.

¶ Denotes change in F. O. G. number. F. O. G. Number 146 shall no longer be applicable for this mine.

A & Market Area list price as listed in Price Schedule No. 1.

FOR TRUCK SHIPMENTS

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

Code member index	Mine index No.	Mine	Prod. group No.	County	3" lump	1/2" up	10" x 1 1/2"	10" x 1 1/4"	3" x 2"	3" x 1 1/4"	2" x 1 1/4"	1 1/4" x 1"	1 1/4" x 3/8"	3" x 0	Mine run	1 1/4" x 3/4"			
																0 (R)	0 (W)	0 (R)	0 (W)
Johnson, Ell	1665	Ell Johnson (Robbing from Robinson Pl.)	2	Bates, Mo.	260	260	260	260	235	220	205	200	195	195	220	160	160	160	160
Skinner, E. W.	1669	Stanfield #3	3	Macon, Mo.	240	240	240	240	225	215	205	195	190	190	220	120	120	120	120
Sukens, A. L. (Sukens Coal Company)	1671	No. 5	8	Lattimer, Okla.	445	445	445	445	395	345	215	220	175	205	230	150	150	150	150
Thomas, Howard M. (Fort Scott Hydraulic Cement Company)	1666	Fort Scott Hydraulic Cement Company.	1	Bourbon, Kans.	270	270	270	270	245	220	215	220	180	205	230	145	145	145	145

[Docket No. A-18861]

PART 339—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 19

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 19 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 19.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 19; and it appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

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

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

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 19

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 339, Minimum Price Schedule for District No. 19, and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

The following price classification and minimum prices shall be inserted in Minimum Price Schedule for District No. 19:

§ 339.4 Code member price index—Supplement R

Insert the following listings in proper alphabetical order under Code Member Index:

Producer	Mine name	Mine index No.	County	Sub-district price group	Shipping point	Rail road	F. O. G. No.	Prices
								Rail Truck
Davis, Richard Co., The	Davis	247	Johnson	9	Rock Springs	UP	70	\$339.21 \$339.21
Union Pacific Coal Co., The	Stansbury	244	Sweetwater	2				

The Stansbury Mine (Mine Index No. 244) of the Union Pacific Coal Co., shall be included in Sub-District No. 2 in District No. 19, and the coals of that mine, in the respective size groups, shall be subject to the minimum f. o. b. mine prices for shipment via rail to all markets areas, for all uses, that are presently in effect for the coals of the Rock Springs No. 4 Mine (Mine Index No. 21) of the Union Pacific Coal Co., in Sub-District No. 2 in District No. 19.

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 339.4 (Code member price index) is amended by adding thereto Supplement R, and § 339.21 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: March 12, 1943.

[SEAL]

DAN H. WHEELER,

Director.

FOR TRUCK SHIPMENTS

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

Insert the following code member names, mine names, mine index numbers, and counties under Sub-Districts Nos. 2 and 9, respectively, and the following prices for shipment via truck:

Code member	Mine name	Mine index No.	County	Size groups													
				1	2	3	4	5	6	7	8	9	10	11	12	13	14
SUBDISTRICT NO. 2																	
Union Pacific Coal Co., The	Stansbury	244	Sweetwater														
SUBDISTRICT NO. 9																	
Davis, Richard	Davis	247	Johnson														

[F. R. Doc. 43-4574; Filed, March 25, 1943; 11:13 a. m.]

[Docket No. A-1859]

PART 322—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 2

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the Petition of District Board No. 2 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 2.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 2; and it appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

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

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

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 322.7 (Alphabetical list of code members) is amended by adding thereto Supplement R, and

§ 322.23 (General prices) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: March 12, 1943.

[SEAL]

DAN H. WHEELER,

Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 Alphabetical list of code members—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Sub-dist. No.	Shipping point	Railroad	Freight origin group No.	Size group numbers									
								1	2	3	4	5	6	7	8	9	10
2234	Deer Field Coal Company ¹	Clement (S)	Pittsburgh	9	Renton, Pa.	Unity-PRR	42	D	D	C	C	G	F	G	G	E	(f)
2635	Ford, Lee S. (Ford Coal Company)	Valley Strip	Pittsburgh	3	Calumet, Pa.	PRR	74	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)
310	Gallardi Coal & Coke Company (Philip Gallardi)	Rich Hill #3	Pittsburgh	3	Rich Hill, Pa.	B&O	80	F	F	E	E	E	E	E	E	E	(f)
2076	Gross, Jos. E. (Beacon Fuel Co.) ¹	David (S)	Pittsburgh	3	Masonstown, Pa.	Mongh	30	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)
2941	Highway Coal Co., The ¹	Weinberg (S)	Pittsburgh	9	Wyano, Pa.	PRR	74	G	G	G	G	G	G	G	G	G	(f)
2628	Mutual Gas Coal Co. (J. F. MacKay)	Garner #1 (S)	M. Kittanning	1	Harrisville, Pa.	B&E	20	F	F	E	E	E	E	E	E	E	(f)
2634	Penowa Coal Company	Sasso Mine (S) (R)	Pittsburgh	7	Bellfield, Pa.	P&WV	75	L	L	J	J	J	J	K	K	K	(f)
2634	Penowa Coal Company	Sasso Mine (S) (W)	Pittsburgh	7	Avella, Pa.	P&WV	75	L	L	J	J	J	J	K	K	K	(f)

¹ Change in name.
² Prices in Size Groups 1 to 16, inclusive, for Sasso Mine, Mine Index No. 2634, must be increased 10 cents per net ton for shipment into Market Areas 13 and 14. (In § 322.8 in Minimum Price Schedule #1, add Mine Index No. 2634 in Note (g).)

Indicates no classifications effective for these size groups.

§ 322.23 General prices—Supplement T

TRUCK SHIPMENTS

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	Base sizes									
				Lump 4"	Lump 3"	Lump 2"	ERG 2"	Slove 1"	Poa 3/4"	R u n o f	2" N/S	1 1/4" slack	3/4" slack
ALLEGHENY COUNTY	Deer Field Coal Com-pany	Clementis (S)	Pittsburgh	266	250	270	245	220	220	220	230	205	195
	Mall, John B.	Mall	Pittsburgh	315	305	295	270	245	245	240	240	215	200
	Mutual Gas Coal Co. (J. F. MacKay)	Garner #1 (S)	M. Kittanning	345	325	305	285	250	255	255	250	210	200
BUTLER COUNTY	Deer Field Coal Com-pany	Clementis (S)	Pittsburgh	310	300	290	270	250	240	235	240	225	205
	Mall, John B.	Mall	Pittsburgh	315	305	295	270	245	245	240	240	215	200
	Mutual Gas Coal Co. (J. F. MacKay)	Garner #1 (S)	M. Kittanning	345	325	305	285	250	255	255	250	210	200
FAYETTE COUNTY	Deer Field Coal Com-pany	Clementis (S)	Pittsburgh	310	300	290	270	250	240	235	240	225	205
	Mall, John B.	Mall	Pittsburgh	315	305	295	270	245	245	240	240	215	200
	Mutual Gas Coal Co. (J. F. MacKay)	Garner #1 (S)	M. Kittanning	345	325	305	285	250	255	255	250	210	200
JEFFERSON COUNTY	Deer Field Coal Com-pany	Clementis (S)	Pittsburgh	310	300	290	270	250	240	235	240	225	205
	Mall, John B.	Mall	Pittsburgh	315	305	295	270	245	245	240	240	215	200
	Mutual Gas Coal Co. (J. F. MacKay)	Garner #1 (S)	M. Kittanning	345	325	305	285	250	255	255	250	210	200
JEFFERSON COUNTY	Deer Field Coal Com-pany	Clementis (S)	Pittsburgh	310	300	290	270	250	240	235	240	225	205
	Mall, John B.	Mall	Pittsburgh	315	305	295	270	245	245	240	240	215	200
	Mutual Gas Coal Co. (J. F. MacKay)	Garner #1 (S)	M. Kittanning	345	325	305	285	250	255	255	250	210	200

¹ Change in name.

§ 322.23 General prices—Supplement T—Continued

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	Base sizes									
				Lump 4"	Lump 3"	Lump 2"	ERG 2"	Slove 1"	Poa 3/4"	R u n o f	2" N/S	1 1/4" slack	3/4" slack
LAWRENCE COUNTY	Boomer & Hudak (Her- man Boomer) ¹	Mayberry	Kittanning	320	320	310	300	295	285	290	290	265	185
	Penowa Coal Com-pany	Sasso Mine (S)	Pittsburgh	285	285	275	260	240	225	215	225	200	180
	Penowa Coal Com-pany	Sasso Mine (S)	Pittsburgh	285	285	275	260	240	225	215	225	200	180
WESTMORELAND COUNTY	Adams, H. B. (West- moreland Adams Coal Company)	Adams	U. Freeport	285	275	265	250	245	235	215	220	200	180
	Ford, Lee S. (Ford Coal Company)	Valley Strip	Pittsburgh	295	290	280	270	250	235	230	230	215	195
	Highway Coal Co., The ¹	Weinberg (S)	Redstone	285	275	265	250	245	235	215	220	200	180

[F. R. Doc. 43-4568; Filed, March 25, 1943; 11:17 a. m.]

[Docket Nos. A-1891 and A-1892]

PART 322—MINIMUM PRICE SCHEDULE,
DISTRICT No. 2

ORDER GRANTING RELIEF, ETC.

Order of consolidation and order granting temporary relief and conditionally providing for final relief in the matter of the petitions of District Board No. 2 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 2.

Original petitions having been duly filed with this Division by the above-named party, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937,

requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 2; and

It appearing that the above-entitled petitions raise similar and related issues and that a reasonable showing of necessity has been made for the granting of temporary relief in the manner herein-after set forth; and

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

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

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 2

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 Alphabetical list of code members—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group No.]

Mine index No.	Code member	Mine name	Seam	Sub- dis- trict No.	Shipping point	Railroad	Freight origin group No.	Size group Nos.															
								1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
2647	Armbrick Gas Coal Company (James Armstrong).	Armbrick - Piney Fork (s&d).	Pittsburgh.....	7	Elrama, Pa.	P.R.R.	74	C	C	C	C	C	F	F	F	F	F	F	A	A	(f)	(f)	(f)
2647	Armbrick Gas Coal Company (James Armstrong).	Armbrick-Piney Fork (s&d).	Pittsburgh.....	7	Dravosburg, Pa.	Monon	River	C	C	C	C	C	F	F	F	F	F	F	A	A	(f)	(f)	(f)
2641	Coney Brothers (Thomas Coney).	Joyce.....	Pittsburgh.....	7	Houston, Pa.	P.R.R.	74	C	C	C	C	C	F	F	F	F	F	F	(f)	(f)	(f)	(f)	(f)
2648	Jamison, R. H., Jr. (Delmont Fuel Company).	Delmont #5 (s).....	Pittsburgh.....	9	Delmont, Pa.	P.R.R.	74	(f)	(f)	(f)	(f)	(f)	C	C	D	D	D	(f)	(f)	(f)	(f)	(f)	
380	Pennsylvania Coal Company (Myers Nobel).	Sturgis #2.....	Pittsburgh.....	3	Shaw Siding, Pa. Sackett, Pa. Cornish, Pa.	P.R.R. B&O B&O	114	(f)	(f)	(f)	(f)	(f)	(f)	E	E	E	(f)	(f)	(f)	(f)	(f)	(f)	

† Indicates no classification effective for these size groups.

‡ Indicates change in shipping point.

§ Indicates change in F. O. G.

NOTE.—In § 322.9 (c) in Minimum Price Schedule add the mine index numbers in groups shown. Group No. 1, 2648; Group No. 2, 2641, 2647; Group No. 6, 380.

It is ordered, That the above-entitled petitions be, and the same hereby are, consolidated.

It is further ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 322.7 (Alphabetical list of code members) is amended by adding thereto Supplement R, and § 322.23 (General prices) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matter, and appli-

cations to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless otherwise ordered.

Dated: March 17, 1943.

[SEAL]

DAN H. WHEELER,

Director.

NOTE.—The above classifications for Mine Index No. 380 are applicable only via the respective Freight Origin Group, Shipping Points, Railroads and Railroad Fuel Group shown for the mine. Freight Origin Group, Shipping Points, Railroad and Railroad Fuel Group shown in previous schedules are hereby deleted.

§ 322.23 General prices—Supplement I
TRUCK SHIPMENTS

(Prices in cents per net ton for shipment into all market areas)

Code member index	Mine index No.	Mine	Seam	Base sizes							
				Lump 4"	Lump 3"	Lump 2"	Egg 2" x 4"	Stove 1" x 4"	Pan 3/4" x 1 1/4"	Run of mine	2" N/S
				Lump over 4"							1 1/4" slack
											3/4" slack
ALLEGHENY COUNTY											
Armbrick Gas Coal Company (James Armstrong)	2647	Armbrick-Piney Fork (s&d)	Pittsburgh	300	290	280	255	250	235	225	200
FAYETTE COUNTY											
Maloy, James	2644	McGowan	U. Kitt	295	285	275	260	240	230	230	215
Mientus, John	2646	Mientus	Pittsburgh	310	300	290	270	250	240	235	225
WASHINGTON COUNTY											
Brozier, Phil	2618	Brozier #2	Pittsburgh	295	285	275	260	240	235	235	200
Coney Brothers (Thomas Coney)	2641	Joyce	Pittsburgh	315	305	295	270	260	245	230	210
WESTMORELAND COUNTY											
Jamison, R. H., Jr. (Delmont Fuel Company)	2648	Delmont #5 (s)	Pittsburgh	300	290	280	265	260	250	230	215

[P. R. Doc. 43-4569; Filed, March 25, 1943; 11:16 a. m.]

[Docket No. A-1887]

PART 328—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 8

ORDER GRANTING RELIEF, ETC.

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

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices; changes in shipping points, and changes in seam designations, for the coals of certain mines located in District No. 8; and also requesting the deletion of Mine Index No. 2496, from the Schedules of Effective Minimum Prices for District No. 8 for All Shipments Except Truck and for Truck Shipments, for the reason that this mine will be combined with Mine Index No. 716, and both mines will be operated as a unit by Miller Coal Company (Willie Miller) as Mine Index No. 716; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and that no petitions of intervention have been filed with the Division in the above-entitled mat-

ter, and that the following action is deemed necessary in order to effectuate the purposes of the Act:

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 328.11 (Alphabetical list of code members) is amended by adding thereto Supplement R-I, § 328.21 (Alphabetical list of code members) is amended by adding thereto Supplement R-II, and § 328.34 (General prices for high volatile coals in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in Proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: March 12, 1943.

[SEAL] DAN H. WHEELER,
Director.

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

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

§ 328.11 Alphabetical list of code members—Supplement R-I

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

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group nos.													
								For destinations other than Great Lakes								For Great Lakes cargo only					
								1	2	3	4	5	6	7	8	9	10	11	12	13	14
1190	Adams, J. L. & Caloway	W. S. Adams	Whitesburg	1	Royalton, Ky.	C&O	61	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
5920	Bartley, Phillip (Bartley Coal Company)	Kettlecamp	Elkhorn No. 2	1	Elkhorn City, Ky.	C&O & C&O	63	K	K	H	G	E	C	C	B	D	G	D	J	G	G
5938	Caudill, J. B.	Caudill	Elkhorn	3	Whitesburg, Ky.	L&N	100	K	K	K	H	G	E	C	C	B	D	G	D	J	G
5927	Clark & Bartley Coal Company (D. H. Clark)	Lick Branch	Upper Elkhorn	1	Hellier, Ky.	C&O	61	K	K	K	H	G	E	C	C	B	D	G	D	J	G

§ 328.11 Alphabetical list of code members—Supplement R-I—Continued

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group nos.																	
								For destinations other than Great Lakes																	
								1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
5947	Collins, Collins & Eastin (John Collins)	Collins, Jellico Coal Co.	Jellico	6	Williamsburg, Ky.	L&N	111	H	H	F	E	E	C	E	B	O	G	11	12	13	14	15	16	17	18
206	Columbia Coal & Mining Co., Inc.	Paintsville No. 1	Millers Creek	1	Paintsville, Ky. ²	C&O	61	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
3612	Columbia Coal & Mining Co., Inc.	Turner Branch	Millers Creek ¹	1	Paintsville, Ky. ²	C&O	61	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
5941	Conley, M. H.	Conley No. 2	Upper Elkhorn	3	Garrett, Ky.	C&O	61	H	H	H	G	E	C	E	B	O	H	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
2068	Goodman, Henry Clay	Goodman	Glen Mary ¹	71	Stanley Jct., Tenn.	Tenn.	71	O	O	M	L	H	F	E	K	K	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
574	Lindsay, Dewey	Dewey Lindsay	Glen Mary	6	Pattons Point, Tenn. ⁴	BRR	73	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
1730	Loyd, R. L.	Loyd	Horse Creek	111	London, Ky.	L&N	111	M	M	K	J	G	E	G	E	D	K	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
5957	Lyburn Mines, The, Incorporated	Lyburn No. 2	Island Creek	5	Lyburn, W. Va.	C&O	150	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
716	Miller Coal Company (Willie Miller's Mine Index No. 2494)	Hunt	Elkhorn	1	Marrowbone, Ky.	C&O	61	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
631	Nancy Elkhorn Coal Company	Hall No. 1	Elkhorn No. 1	1	Drift, Ky. ¹	O & O	61	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
5939	Nichols, Austin Coal Co. (Earl Castle)	No. 2	Elkhorn	3	Lockett, Ky.	O & O	61	H	H	H	G	E	O	E	B	O	H	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
5940	Nichols, Austin Coal Co. (Earl Castle)	No. 3	Haard No. 4	3	Lockett, Ky.	O & O	61	H	H	H	G	E	O	E	B	O	H	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
5925	Regina Coal Company (R. M. Gillespie)	Wolf Pit	Elkhorn No. 2	1	Marrowbone, Ky.	O & O	61	K	K	H	G	E	O	C	B	D	G	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
5227	Weller Fuel Company (Leslie N. Weller)	Weller Branch	Mason	6	Ferndale, Ky.	L&N	111	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
1749	Wilkinson, Jim	Wilkinson	Horse Creek	6	London, Ky. ⁴	L&N	111	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)

¹ Denotes new shipping point. Shipping point at Paintsville, Ky. shall no longer be applicable.
² Denotes new shipping point. Shipping point at Collista, Ky. shall no longer be applicable.
³ Denotes new shipping point. Shipping point at East Point, Ky. shall no longer be applicable.
⁴ Denotes new shipping point. Shipping point at Slick Rock, Tenn. shall no longer be applicable.
⁵ Denotes new shipping point. Shipping point at Salisburg, Ky. shall no longer be applicable.
⁶ Denotes change in seam designation.
⁷ Indicates deletion of mine index number, minimum prices and price classifications, heretofore established for the coals produced by this mine.
⁸ Indicates previously classified these size groups.
⁹ Indicates no classification effective for these size groups.

§ 328.21 Alphabetical list of code members—Supplement R-II

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

Mine index No.	Code member	Mine name	Sub-district No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classification by size group number									
								1	2	3	4	5	6	7	8	9	10
								(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
5123	Smith Bros. Coal Co. (Wallace M. Smith)	Smith Bros. C. Co. No. 1	9	Raven	Red Ash, Va. ¹	N&W	21	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)

¹ Denotes previously classified these size groups.² Denotes new shipping point. Shipping point at Doran, Va., shall no longer be applicable.

FOR TRUCK SHIPMENTS

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

Code member index	Mine	Mine index No.	Seam	Base sizes							
				Lump over 2' x 4' egg 4' x 8'	Lump 2' and under, egg 3' x 8'	Lump 3/4' and under	Egg 2' x 4' egg 2' x 8'	Store 3' and under, nut 2' and under	Strait mine run	2' and under slack	3/4' and under slack
				1	2	3	4	5	6	7	8
SURDISTRICT NO. 1—BIG SANDY-ELKHORN											
Lawrence County, Ky.: Spencer, Charles	No. 2	5934	McHenry	285	265	230	240	225	220	170	165
Letcher County, Ky.: Bentley, Moses	Bentley	5881	Elkhorn No. 3	295	275	240	240	225	230	180	175
Yonts, Roy E.	Yonts	5915	Elkhorn	295	275	240	240	225	230	180	175
Pike County, Ky.: Bartley, Phillip (Bartley Coal Company)	Kettlecamp	5920	Elkhorn No. 2	295	275	240	250	235	230	190	185
Clark & Bartley Coal Company (D. H. Clark)	Lick Branch	5927	Upper Elkhorn	295	275	240	250	235	230	190	185
Miller Coal Company (Willie Miller) Mine Index No. 2496	Hunt	716	Elkhorn	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
Regina Coal Company (R. M. Gillespie)	Wolf Pit	5925	Elkhorn No. 2	295	275	240	250	235	230	190	185
SURDISTRICT NO. 3—HAZARD											
Knott County, Ky.: Conley, M. H.	Conley No. 2	5941	Upper Elkhorn	305	285	245	250	235	235	185	180
Nickels, Austin, Coal Co. (Earl Castle)	No. 2	5939	Elkhorn	305	285	245	250	235	235	185	180
Nickels, Austin, Coal Co. (Earl Castle)	No. 3	5940	Hazard No. 4	305	285	245	250	235	235	185	180
Letcher County, Ky.: Caudill, J. B.	Caudill	5938	Elkhorn	295	275	240	240	225	230	180	175
SURDISTRICT NO. 4—KANAWHA											
Kanawha County, W. Va.: Fisher, W. A.	Buzzard	5917	Pittsburgh No. 8	285	265	250	250	225	240	155	150
SURDISTRICT NO. 5—LOGAN											
Logan County, W. Va.: Lyburn Mines, The, Incorporated	Lyburn No. 2	5957	Island Creek	(t)	(t)	240	(t)	(t)	230	(t)	(t)
SURDISTRICT NO. 6—SOUTHERN APPALACHIAN											
Whitley County, Ky.: Collins, Collins & Eastin (John Collins)	Collins Jellico Coal Co.	5947	Jellico	305	285	245	260	235	235	190	185
SURDISTRICT NO. 8—WILLIAMSON											
Mingo County, W. Va.: Spaulding, Ira	Parsley	5880	Warfield	265	245	230	220	205	220	160	155

*Indicates previously classified these size groups.

†Indicates no classification effective for these size groups.

‡Indicates deletion of mine index number, minimum prices and price classifications, heretofore established for the coals produced by this mine.

[F. R. Doc. 43-4570; Filed, March 25, 1943; 11:17 a. m.]

[Order No. 350]

PART 308—REPORTS AND RECORDS

MONTHLY TONNAGE REPORTS, DISTRICT 10

An order relieving code members within District No. 10 from filing monthly tonnage reports required by the Rules and Regulations prescribed by order in General Docket No. 24.

The Bituminous Coal Producers Board for District No. 10 having requested that the code members within said district be relieved from filing the monthly tonnage reports required to be filed pursuant to the rules and regulations requiring tonnage reports from code members, estab-

No. 61—3

lished by order in General Docket No. 24, dated April 7, 1942, and having shown good cause why such request should be granted;

It is ordered, That § 308.26 (Rules and regulations requiring tonnage reports from code members to facilitate the levying and collection of code assessments by district boards) be amended to provide that the code members within District No. 10 be, and they are hereby relieved, until further order of the Division, from filing with the Statistical Bureau for District No. 10 monthly tonnage data on Form B. C. D. No. 718, with respect to coal produced on and after January 1, 1943. (Sec. 10 (a) 50 Stat. 38, 15 U.S.C.

Supp. 840 (a); sec. 2 (a) 50 Stat. 72; 15 U.S.C. 829 (a))

Dated: March 25, 1943.

[SEAL]

DAN H. WHEELER,
Director.

[F. R. Doc. 43-4624; Filed, March 26, 1943; 10:40 a. m.]

[Docket No. A-1683]

PART 339—MINIMUM PRICE SCHEDULE, DISTRICT NO. 19

ORDER REVISING CLASSIFICATION

Order of the Director in the matter of the petition of District Board 19 for the establishment of certain minimum prices for the coals in Size Group 3 produced and shipped by rail from mines in Subdistrict 7 in District 19 and for Revision of the description of Size Group 3 to include double-screened coals with a top size over 8" and a bottom size 3" and smaller.

Upon the findings of fact and conclusions of law set forth in the opinion of the Director, filed simultaneously herewith, wherein it appears that Size Group 3 for all subdistricts in District 19 should be revised to include double screened coals with a maximum top size of 12" and a maximum bottom size of 3" as an alternate size with 5" lump coals and the minimum prices for Size Group 3, as herein amended, for rail shipments from Subdistrict 7 should be established at the effective minimum prices for Size Group 2 in Subdistrict 7, and pursuant to section 4 II (d) and other provisions of the Bituminous Coal Act of 1937,

It is hereby ordered. That effective as of the date hereof, § 339.1 (Price instructions and exceptions) is amended by adding thereto as follows:

1. The classification of coals in Size Group 3 for all subdistricts is revised to include double screened coals with a maximum top size of 12" and a maximum bottom size of 3", as an alternate size with 5" lump coals.

2. The minimum prices for Size Group 3, as herein amended, for rail shipments from Subdistrict 7 are established at the effective minimum prices for Size Group 2 in said subdistrict.

Dated: March 25, 1943.

[SEAL]

DAN H. WHEELER,
Director.

[F. R. Doc. 43-4623; Filed, March 26, 1943; 10:40 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

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. 239; 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 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

[Limitation Order L-1-J]

The fulfillment of requirements for the defense of the United States having

created a shortage in the supply of fluid-food tank trucks, tank trailers and tank tractors for defense, for private account and for export, the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 976.21 *Limitation Order L-1-j—(a) Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

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

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

(2) "Fluid-food tank truck or trailer" means a motor truck or trailer on which is mounted a tank body lined with glass, or made of stainless steel or aluminum, and used or suitable for use in the transportation of milk or other fluids for use in human foods, including all such trucks and trailers used in such transportation at any time since January 1, 1933.

(3) "Fluid-food tank tractor" means a truck tractor which on or after March 26, 1943 was used, or held for standby service or in reserve, for hauling fluid-food tank trailers.

(c) *Restrictions on sale and transfer of fluid-food tank trucks and tank trailers and fluid-food tank tractors.* On or after March 26, 1943 no person owning, operating, leasing or otherwise possessing a fluid-food tank truck or trailer or a fluid-food tank tractor shall sell, lease, trade, lend, deliver, ship or transfer any such vehicle, or shall convert any such vehicle for or divert it to any usage other than that in which it is being currently operated, except with the specific authorization of the War Production Board.

(d) *Application on Form PD-556.* Any person owning a fluid-food tank truck, tank trailer or a fluid-food tank tractor, seeking the authorization of the War Production Board to sell or otherwise transfer or convert the same, shall apply to the Automotive Division, War Production Board, Washington, D. C., on Form PD-556 using a separate form for each vehicle. Form PD-556 may be obtained from the nearest Regional or District Office of the War Production Board and shall be submitted in quadruplicate, according to the following instructions:

Answer all applicable questions on the form, except questions 2, 3, 4, 7, and 8 in III.

(1) Under I, state name, address and business of person to whom applicant will transfer vehicle.

(2) Under II (a), for tank truck or for tank trailer state: make, model, year produced, type of tank and any structural peculiarities; number and condition of tires; number of live and dead axles.

(3) Under II (b) for tank truck or for tractor state: type of engine and piston displacement.

(4) Under II (c) state mileage run by vehicle to date.

(5) Under II (d) for tank truck or for tank trailer state gallon capacity of tank; for tractor, state gross vehicle weight. Do not fill in under II (e) as the form is used only for one vehicle.

(6) Under II (f) state original cost of vehicle and present value.

(7) Under III, 1, state fully the use to which vehicle will be put if transferred to person named in 1; territory served and routes over which vehicle, if transferred, will operate.

(8) Under III, 5, state fully present use of vehicle in milk or fluid-food transport; territory served, routes operated and average weekly mileage.

(9) Under III, 6 (a) state type and year of production of all other tank vehicles and tractors now operated by applicant in this business.

(10) Under III, 6 (b) state gallon capacity of tank trucks and tank trailers, and gross vehicle weight of tractors, described under III, 6 (a).

(11) Under III, 6 (c) state separately the number of tank trucks, tank trailers and tractors operated by applicant.

(12) Do not enter any information under III, 6 (d) and (e).

(e) *Exceptions to applicability of this order.* The terms and restrictions of this order shall not apply to any fluid-food tank truck or tank trailer, or fluid-food tank tractor (1) sold to or produced under contracts or orders for delivery to or for the account of the Army or Navy of the United States, or (2) leased or operated under a specific order, instruction, or directive, other than a Certificate of War Necessity, of the Office of Defense Transportation.

(f) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning sales, leases or other transfers or conversions of vehicles made under this order.

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

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

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

(j) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War

Production Board, Automotive Division, Washington, D. C., Ref: L-1-j.

Issued this 26th day of March, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-4632; Filed, March 26, 1943; 11:47 a. m.]

PART 1052—KITCHEN, HOUSEHOLD AND OTHER MISCELLANEOUS ARTICLES

[Supplementary Limitation Order L-30-d as Amended March 26, 1943]

MISCELLANEOUS COOKING UTENSILS AND OTHER ARTICLES

§ 1052.5 *Supplementary Limitation Order L-30-d—(a) Definitions.* For the purposes of this order:

(1) "Preferred order" means a purchase order, contract or subcontract for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration.

(2) "Miscellaneous cooking utensil" means any utensil containing more than 7½%, by weight, of metal, which is designed primarily for use in the preparation or cooking of food, whether for household, institutional, commercial, governmental or any other purpose, including but not limited to, glass and ceramic flame-ware, but excluding any utensil the production of which is governed by Supplementary Limitation Orders L-30-b or L-30-c, or expressly exempted from the provisions of those orders when produced pursuant to preferred orders.

(3) "Kitchen tools" means articles containing more than 5%, by weight, of metal, commonly known as kitchen tools, including, but not limited to, can openers, jar openers, bottle openers, strainers, flour sifters, food whips, food mills, dippers, scoops, choppers, slicers, corers, mashers, shapers, beaters, graters, grinders, cutters, sieves, cake turners, basting spoons, cork screws and skewers, but excluding cutlery (which is governed by Limitation Order L-140), electrical appliances (which are governed by Limitation Order L-65), gas appliances and power-driven equipment.

(4) "Household storage articles" means articles containing more than 5%, by weight, of metal, designed for the storage of food or household supplies, including but not limited to, vegetable bins, canisters, spice sets, cake covers or safes, holders for salt, soap or cleanser cartons, step-on cans, lunch boxes, vacuum jugs and bottles, and window boxes for the storage of food, but excluding:

(i) Pails, buckets and tubs;

(ii) Containers designed for the packing, shipment or delivery of materials or products of any kind, including but not limited to, cans as defined in Conservation Orders M-81 or M-136, glass containers or closures as defined in Limitation Order L-103, and drums as defined in Limitation Order L-197; and

(iii) Articles the production of which is governed by Supplementary Limitation Orders L-30-a, L-30-b or L-30-c, or expressly exempted from the provisions of those orders when produced pursuant to preferred orders.

(5) "Manufacturer" means any person engaged in the business of producing or assembling any miscellaneous cooking utensils, kitchen tools, household storage articles or any other products covered by this order, or any parts (including repair parts) for such utensils, kitchen tools, storage articles or products.

(6) "Put into process" means the first change by a manufacturer in the form of material from that form in which it is received by him.

(7) "Base period" means the twelve months ending June 30, 1941.

(8) "Black steel" means uncoated, polished or lacquered carbon steel. It does not include any steel which has a metal or vitreous-enameled coating.

(9) "Joining hardware" means nuts, screws, nails, bolts, clasps, rivets and other similar items of small hardware used for joining or other similar purposes.

(10) "Repair part" means any part for an article or product which is not produced for or used in a new article or product.

(b) Prohibition on production of miscellaneous articles. (1) No manufacturer shall process, fabricate, work on or assemble any iron, steel or other metal for use in the kitchen, household and other miscellaneous articles listed on Schedule A attached to this Order (whether manufactured for household or for any other purpose), or parts for such articles (including repair parts), except for the minimum amount of iron and steel (not to exceed 5% of the weight of the article) contained in necessary joining hardware.

(2) No manufacturer shall process, fabricate, work on or assemble any iron, steel or other metal for use in the production of clothes wringers except (i) wringers which are integral parts of power-driven laundry equipment as covered by Limitation Orders L-6 and L-91 and (ii) hand clothes wringers which weigh 18 pounds or less and contain 50% or less of metal, by weight.

(3) During the period of three months beginning January 1, 1943, and during each succeeding period of three months, no manufacturer shall put into process more iron and steel, by weight, in the production of (i) hand clothes wringers permitted under paragraph (b)(2) than three times 30% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of all hand clothes wringers and parts therefor (including repair parts); or (ii) repair parts for all hand clothes wringers than three times 5% of the average monthly amount of iron and steel, by weight, put into process by him during

the base period in the production of all hand clothes wringers and parts therefor (including repair parts).

[NOTE: Paragraphs (c)(1), (d)(1), (e)(1) and (f)(1) were amended March 26, 1943 by deleting the term "on and after November 23, 1942.".]

(c) Restrictions on miscellaneous cooking utensils. (1) Except as provided in paragraph (g), no manufacturer shall process, fabricate, work on or assemble any iron, steel or other metal for use in the production of any miscellaneous cooking utensils containing 20% or more of metal, by weight, or parts for such utensils, except

(i) Black steel frying pans having a bottom diameter of from 8 to 12 inches, inclusive;

(ii) Black steel heavy-duty roast pans without covers, having a capacity of from 675 cubic inches to 2600 cubic inches, inclusive, and having two or three reinforcing straps and wired edges; and

(iii) Black steel or tinned utensils, including liquid and dry measures (other than black steel frying pans or heavy-duty roast pans) in fulfillment of preferred orders; and

(iv) Baking pans of a type designed for use in commercial bakeries and institutions.

(2) During the period of three months beginning January 1, 1943, and during each succeeding period of three months, no manufacturer shall put into process more iron and steel, by weight, in the production of

(i) Black steel frying pans than three times 50% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of black steel frying pans;

(ii) Black steel heavy-duty roast pans than three times 35% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of black steel heavy-duty roast pans;

(iii) Miscellaneous cooking utensils containing more than 7½%, but less than 20%, of metal, by weight, and parts for such utensils (other than repair parts) than three times 100% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of such cooking utensils and parts (including repair parts); or

(iv) Repair parts for miscellaneous cooking utensils containing more than 7½%, but less than 20%, of metal, by weight, than three times 5% of the monthly average amount of iron and steel, by weight, put into process by him during the base period in the production of such cooking utensils and parts for such utensils (including repair parts).

(d) Restrictions on kitchen tools. (1) Except as provided in paragraph (g) no manufacturer shall process, fabricate, work on or assemble any iron, steel or other metal for use in the production of any kitchen tools, except

(i) The following kitchen tools:

[NOTE: Paragraphs (i) and (ii) were amended March 26, 1943.]

Basting spoons, 14 to 21 inches, inclusive, in overall length.

Cake turners, 13 to 21 inches, inclusive, in overall length.

Can openers, (provided that no can opener produced on or after June 1, 1943, shall contain more than 12 ounces of metal, except in fulfillment of preferred orders).

Egg beaters, rotary type, 10 inches or longer, including handle.

Food choppers and grinders.

Food mills.

Wire strainers.

Wire whips, commercial type, 12 inches or longer.

Scoops, commercial type, 6½ to 10 inches, inclusive, in overall length, provided that no manufacturer shall put into process for such scoops any iron or steel other than that which he has identified as falling within one or more of the following classes:

(a) Iron and steel in his inventory on March 26, 1943;

(b) Iron and steel obtained by him pursuant to a special sale, as defined in Priorities Regulation No. 13, and in accordance with the terms of that Regulation;

(c) Top cuts of steel (that portion of steel ingot rejected because of sufficiently high quality for use on the order for which the ingot was melted but which is normally used for some other purpose);

(d) Bessemer processed steel;

(e) Sheet mill seconds, rejects and wasters, 28-gauge and heavier;

(f) Tin mill black plate rejects, 29 and 30-gauge;

(g) Iron and steel obtained by him from a warehouse (as defined in Conservation Order M-21-b).

(ii) The following kitchen tools in fulfillment of preferred orders only:

Butter cutters.

Dippers.

French fry cutters.

[Note: "Nutmeg graters" was deleted March 26, 1943.]

Skimmers.

Sugar and flour scoops.

Vegetable graters.

(iii) Any other kitchen tool in fulfillment of preferred orders for use on board ship only.

(2) Except in fulfillment of preferred orders for use on board ship, during the period of three months beginning January 1, 1943, and during each succeeding period of three months, no manufacturer shall put into process more iron and steel, by weight, in the production of:

(i) Any kitchen tool (other than can openers) listed in paragraph (d)(1)(i) than three times 35% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of such kitchen tool and parts for such tool (including repair parts);

(ii) Can openers (except in fulfillment of all preferred orders) than three times 50% of the average monthly amount of iron and steel, by weight, put into process

by him during the base period in the production of can openers and parts therefor (including repair parts); or

(iii) Repair parts for any kitchen tool than three times 5% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of such kitchen tool or parts for such tool (including repair parts).

[Paragraph (iii) was redesignated March 26, 1943.]

(e) *Restrictions on household storage articles.* (1) Except as provided in paragraph (g), no manufacturer shall process, fabricate, work on or assemble any iron, steel or other metal for use in the production of any household storage articles, except vacuum bottles with a capacity of one quart or less and, pursuant to preferred orders, vacuum bottles and jugs with a capacity of more than one quart.

(2) During the period of three months beginning January 1, 1943, and during each succeeding period of three months, no manufacturer shall put into process more iron and steel, by weight, in the production of vacuum bottles with a capacity of one quart or less than three times 50% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of such vacuum bottles.

(f) *Restrictions on pails, buckets and tubs.* (1) Except as provided in paragraph (g), no manufacturer shall process, fabricate, work on or assemble any iron or steel for use in the production of any pails, buckets or tubs, except

(i) Pails or tubs designed expressly for use as packing or shipping containers;

(ii) Pails or tubs which contain iron or steel only in hoops, bails, ears, handles and joining hardware, provided that the total weight of such iron and steel does not exceed 15% of the total weight of the pail or tub, and further provided that any such pail, or any such tub with a capacity of less than 15 gallons, does not have more than two hoops containing iron or steel;

(iii) Dairy pails;

(iv) Pails, buckets or tubs when made of black steel and produced pursuant to preferred orders; and

(v) Pails, buckets or tubs the production of which is governed by Supplementary Limitation Orders L-30-a or L-30-b, or expressly exempted from the provisions of those orders when produced pursuant to preferred orders.

(g) *Exceptions.* Notwithstanding the provisions of paragraphs (b) (2), (c) (1), (d) (1), (e) (1) and (f) (1), a manufacturer may complete the fabrication and assembly of any article included in such paragraphs from iron or steel which, on November 17, 1942, had been cut, blanked or otherwise formed to size for such article by him or by any other person, provided that such article is completed on or before December 31, 1942, except for the application of a coating or finish or the attaching of handles, bails or ears, which may be done thereafter.

(h) *Applicability of other orders.* The provisions of this order shall supersede the provisions of Limitation Order L-30 in respect to all articles the production of which is governed by this order. In so far as any other order restricts the use of any material in the production of any articles to a greater extent than the limits imposed by this order, the restrictions of such other order shall govern unless otherwise specified therein.

(i) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.

(j) *Appeal.* Any appeal from the provisions of this order should be made on Form PD-500, directed to the War Production Board, Consumers' Durable Goods Division, Washington, D. C., Ref: L-30-d.

(k) *Avoidance of excessive inventories.* No manufacturer shall accumulate for use in the manufacture of articles the production of which is governed by this order, inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production permitted by this order.

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

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

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

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

(p) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board Consumers' Durable Goods Division, Washington, D. C. Ref: L-30-d.

Issued this 26th day of March 1943.

WAR PRODUCTION BOARD
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

[NOTE: The item "closet accessories" was amended March 26, 1943]

The following articles are subject to the provisions of paragraph (b) (1) of Order

L-30-d, except for any such articles the production of which is governed by Supplementary Limitation Orders L-30-a or L-30-b, or expressly exempted from the provisions of those orders when produced pursuant to preferred orders:

Cake coolers.
Camp grids.
Candlesticks.
Carpet beaters.
Carpet sweepers.

Closet accessories, including, but not limited to, coat and garment hangers and hooks (whether used in closets or elsewhere), tie racks and boot and shoe trees (except (a) coat and garment hangers containing iron and steel in hooks only, provided That either (i) all such iron and steel was in the manufacturer's inventory on November 17, 1942, in the form of hooks or wire, or (ii) the hangers are produced in fulfillment of preferred orders for use on board ship; and (b) garment bags containing iron and steel in hooks only).

Clothes pins.

Concrete garbage receptacles containing more than 5%, by weight, of metal, exclusive of the weight of separate bases or blocks.

Cup frames.

Curtain rods and fixtures and drapery attachments (except curtain rods and drapery hooks containing iron and steel in fulfillment of preferred orders for use on board ship).

Cuspidors and spittoons.

*Dish pans (except black steel dish pans in fulfillment of preferred orders).

*Dust pans, silent butlers and crumb sets.

Fire place equipment, all articles of.

Fly swatters.

*Funnels (except in fulfillment of preferred orders when constructed in accordance with Chemical Warfare Service Drawings Nos. B-18-41-2, revised January 27, 1942, E-81-5-6, dated September 11, 1941, or E-18-41-1, revised November 22, 1941, or any subsequent drawings designed for Chemical Warfare Service needs).

Picnic stoves.

Pot chains.

Pot cover holders.

*Sink accessories, including but not limited to, sink drainers, dish drainers, rinsing pans and pot scourers.

Soap dishes and soap savers.

Toilet paper holders (except when containing iron and steel in fulfillment of preferred orders for use on board ship) and other paper holders.

Tooth brush holders.

Towel bars and racks (except when containing iron and steel in fulfillment of preferred orders for use on board ship).

*Wash boards.

[F. R. Doc. 43-4641; Filed, March 26, 1943; 11:51 a. m.]

PART 1084—CANNED AND PROCESSED FOODS

[Revocation of Conservation Order M-86, and Supplementary Orders M-86-a, M-86-b and M-86-e]

Section 1084.1 *Conservation Order M-86*, § 1084.2 *Supplementary Order M-86-a*, § 1084.3 *Supplementary Order M-86-b* and § 1084.6 *Supplementary Order M-86-e*, and all amendments

*The provisions of Order L-30-d do not prohibit a manufacturer from applying a coating or finish or from attaching handles, bails or ears to any of the articles marked with an asterisk which were otherwise completed on or before December 31, 1942.

thereto are hereby revoked in their entirety under the direction of the Secretary of Agriculture. This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said order, amendments or supplements.

Issued this 26th day of March 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-4644; Filed, March 26, 1943;
11:49 a. m.]

PART 1105—SUGAR

[Revocation of Conservation Order M-98 and Supplementary Order M-98-a]

Section 1105.1 *Conservation Order M-98* and § 1105.2 *Supplementary Order M-98-a* and all amendments thereto are hereby revoked in their entirety under the direction of the Secretary of Agriculture. This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said order, amendments or supplements.

Issued this 26th day of March 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-4645; Filed, March 26, 1943;
11:49 a. m.]

PART 1134—TEA

[Revocation of Conservation Order M-111, Supplementary Orders M-111-a, M-111-b, M-111-c, M-111-d, and M-111-e.]

Section 1134.1, *Conservation Order M-111*, § 1134.2 *Supplementary Order M-111-a*, § 1134.3 *Supplementary Order M-111-b*, § 1134.4 *Supplementary Order M-111-c*, § 1134.5 *Supplementary Order M-111-d*, and § 1134.6 *Supplementary Order M-111-e* and all amendments thereto are hereby revoked in their entirety under the direction of the Secretary of Agriculture. This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said order, amendments or supplements.

Issued this 26th day of March 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-4646; Filed, March 26, 1943;
11:49 a. m.]

PART 1177—SPICES

[Revocation of Conservation Order M-127, supplementary Order M-127-a, and Supplementary Order M-127-b]

Section 1177.1, *Conservation Order M-127*, § 1177.2, *Supplementary Order M-127-a*, and § 1177.3, *Supplementary Order M-127-b* and all amendments and interpretations thereto are hereby revoked in their entirety under the direction of the Secretary of Agriculture.

This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said order, amendments or supplements.

Issued this 26th day of March 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-4647; Filed, March 26, 1943;
11:50 a. m.]

PART 1233—THERMOPLASTICS

[General Preference Order M-154, as Amended March 26, 1943]

Section 1233.1 is hereby amended in its entirety to read as follows:

§ 1233.1 *General Preference Order No. M-154*—(a) *Definitions*. For the purpose of this order "thermoplastics" means the synthetic resins and cellulose derivatives listed below, whether plasticized or unplasticized (except in the case of ethyl cellulose and cellulose nitrate), in their various primary unfabricated forms such as sheets, rods, tubes, shapes, slabs, pellets, powder, solutions, emulsions, and flake, and whether virgin or scrap, but not including yarn or textiles, coated or substrated photographic film or film scrap, or cellulose film up to .003" in gauge:

- (1) Cellulose acetate butyrate.
- (2) Cellulose acetate.
- (3) Plasticized cellulose nitrate, except that used in explosives and protective coatings.
- (4) Plasticized ethyl cellulose.
- (5) Polymers and copolymers of styrene, except styrene copolymerized with butadiene.

(b) *Restriction on use*. (1) No person shall use thermoplastics in the manufacture of articles set forth in Exhibit A annexed, regardless of preference ratings.

(2) No person shall use in the manufacture of any article not set forth in Exhibit A annexed more thermoplastics than are necessary to accomplish the functional purpose of the article, and no person shall use any quantity of thermoplastics in the manufacture of decorative attachments for any article.

(c) *War use exemption*. Nothing contained in paragraph (b) (1) above shall apply to use of thermoplastics by the United States Army, Navy, Coast Guard, Maritime Commission or War Shipping Administration, or by any person pursuant to the terms of any contract or order for thermoplastics or articles made therefrom, where such thermoplastics or articles are to be delivered to, or incorporated into products to be delivered to, the aforesaid agencies, provided that such use is expressly made subject to war use exemption in Exhibit A annexed.

(d) *Existing stocks exemption*. Notwithstanding the provisions of paragraph (b) (1) above, any person may use, in the manufacture of any article set forth in Exhibit A annexed, thermoplastics which:

- (1) Were in his possession prior to the effective date of restriction on such article, or

(2) Were in the possession of his thermoplastics supplier and on his purchase order had been so processed prior to the effective date of restriction on such article as to render impracticable their use in a manner not subject to restriction by this order.

(e) *Scrap exemption*. The provisions of paragraph (b) (1) above shall not apply to the use of scrap resulting from the processing or fabrication of thermoplastics: *Provided, however*, That no person shall use or deliver thermoplastics scrap resulting from his own operations unless:

(1) Such scrap is not of a quality to permit its reuse in the operation or product from which it was obtained, and

(2) The quantity of such scrap does not exceed 15 percent of the quantity of thermoplastics from which it was obtained.

(f) *Notification of customers*. Producers of thermoplastics shall as soon as practicable notify each of their regular customers of the requirements of this order and of all amendments hereto, but failure to receive such notice shall not excuse any such person from complying with the terms hereof.

(g) *Miscellaneous provisions*—(1) *Applicability of regulations*. This order and all transactions affected hereby are subject to all applicable provisions of War Production Board regulations, as amended from time to time.

(2) *Effect of other orders*. Nothing in this order contained shall be construed to permit the manufacture of any item or of units of any item if the manufacture of said item has been prohibited or curtailed by the terms of any other War Production Board order, heretofore or hereafter issued.

(3) *Reports*. Each person affected by this order shall file such reports as may from time to time be required by the War Production Board.

(4) *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.

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

(6) *Communications to War Production Board*. All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C., Ref: M-154.

Issued this 26th day of March 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

EXHIBIT A			
Item	Effective date of restriction	Item	Effective date of restriction
Advertising and miscellaneous novelties.	Sept. 1, 1942	Collars and cuffs (except for religious use).	Mar. 26, 1943
Amusement machines and parts.	Sept. 1, 1942	Combs.	Sept. 1, 1942
Animal feeding dishes and cups.	Mar. 26, 1943	Combination combs.	
Artificial fingernails.	Sept. 1, 1942	*Combs with attachments.	
Artificial flowers, flower pots, and florists supplies, including plant markers.	Sept. 1, 1942	*Combs with plastic cases.	
*Automobile accessories, but not including standard equipment.	Mar. 26, 1943	Fancy side, back or tuck combs.	
Baby carriage parts.	Sept. 1, 1942	*Containers, except closures, for pharmaceutical preparations in standard dosage forms, including but not limited to, pills, tablets, capsules and powders, except for export use.	Mar. 26, 1943
Baby rattles, teething rings and pacifiers.	Mar. 26, 1943	Cosmetic containers and accessories, except the following:	Jan. 9, 1943
*Badges, emblems and campaign buttons, except the following:	Jan. 9, 1943	Vanity cases or compacts of not more than two-inch diameter or two inches square; lipstick holders; or closures for cosmetic containers.	
Personal identification required by governmental agencies, personnel and plant identification for industrial use, tags and badges required for tax purposes by state and municipal governments, public safety personnel of state and municipal governments.		Crumb scrapers.	Mar. 26, 1943
Barber shop lather dispensers.	Jan. 9, 1943	*Curtain fixtures and window pulls (war use exemption for use on board ship only).	Mar. 26, 1943
Bathroom fixtures:		Darning eggs.	Mar. 26, 1943
*Accessories, such as toothbrush holders, drinking cups, shower curtain hooks, etc., but not including plumbing parts and fixtures.	Jan. 9, 1943	Decorative plastic stitching.	Jan. 9, 1943
Laundry hampers.	Sept. 1, 1942	Displays, including but not limited to:	Sept. 1, 1942
*Soap dishes.	Sept. 1, 1942	Advertising printing.	
*Toilet seats, all plastic.	Sept. 1, 1942	Containers and packages, including all transparent boxes and food covers.	
*Toilet seats, plastic covered for private housing.	Jan. 9, 1943	Fixtures, mannequins and hosiery forms.	
*Towel bars (war use exemption for use on board ship only).	Sept. 1, 1942	*Signs and advertising sign letters.	
Beauty parlor equipment.	Mar. 26, 1943	Door sills.	Jan. 9, 1943
*Belts.	Sept. 1, 1942	Dress spangles.	Jan. 9, 1943
Beret bars.	Mar. 26, 1943	Eye wash cups.	Mar. 26, 1943
Bill folds.	Jan. 9, 1943	*Food containers, except closures, adhesives and protective coatings for food containers.	Mar. 26, 1943
*Binoculars and opera glasses, and their parts.	Sept. 1, 1942	*Fruit juicers.	Mar. 26, 1943
Bobby pins and barrettes.	Mar. 26, 1943	*Furniture, furniture parts, and upholstery except seat coverings for public transportation equipment.	Mar. 26, 1943
Book covers and book marks.	Mar. 26, 1943	Games and toys.	Jan. 9, 1943
Book ends and book stands.	Sept. 1, 1942	Glass "shatterproofing" treatment, except laminated safety glass.	Mar. 26, 1943
*Bowls.	Jan. 9, 1943	*Glove fasteners.	Sept. 1, 1942
Broom fittings and dust pans.	Sept. 1, 1942	Greeting cards and components.	Jan. 9, 1943
Buttons and buckles, except for utility.	Mar. 26, 1943	Hair bands.	Jan. 9, 1943
Calendar holders.	Mar. 26, 1943	Hair curlers.	Jan. 9, 1943
Calendars.	Jan. 9, 1943	Handbags and components, except handbag cement and slide fasteners.	Sept. 1, 1942
Calling card cases.	Mar. 26, 1943	Handbag frames.	Mar. 26, 1943
Candle sticks.	Sept. 1, 1942	*Handles for carpenter tools, except screw drivers and chisels.	Sept. 1, 1942
Caskets, decorative parts.	Sept. 1, 1942	*Handle knobs for drawers and closets.	Mar. 26, 1943
Tips and lugs.		*Hats and hat ornaments.	Jan. 9, 1943
Handles and caps.		House address numbers.	Mar. 26, 1943
Corner pieces.		Ice cube trays.	Mar. 26, 1943
Chime shields.	Jan. 9, 1943	Jewelry and ornaments, including hand fabricated jewelry.	Mar. 26, 1943
*Clock cases.	Jan. 9, 1943	Jewelry cases and watch boxes.	Sept. 1, 1942
*Clock crystals.	Mar. 26, 1943	Jigger cups.	Sept. 1, 1942
Closet accessories.	Sept. 1, 1942	Lamp cord protectors.	Mar. 26, 1943
Clothes hangers.		*Lamp shades and bases, except industrial and office.	Mar. 26, 1943
Hat boxes.		*Laminations and covers to photographs and pictures.	Mar. 26, 1943
Hat stands.		*Magnifying lenses.	Mar. 26, 1943
Shoe horns.		*Match cases and boxes.	Jan. 9, 1943
Shoe trees.			
Tie racks.			
Clothes pins.	Mar. 26, 1943		
Coin banks and other coin holders.	Jan. 9, 1943		
*Subject to war use exemption. This exemption is subject to any specific limitations on war use exemption noted opposite particular items.			
		Medical instruments, non-professional.	Mar. 26, 1943
		Throat lights.	
		Tongue depressors.	
		Millinery.	Sept. 1, 1942
		Musical instruments—decorative parts.	Sept. 1, 1942
		*Nameplates, but not including equipment, data and instruction plates.	Sept. 1, 1942
		Napkin rings.	Sept. 1, 1942
		*Pass cases, other than for industrial or governmental identification.	Jan. 9, 1943
		Pencils, novelty.	Jan. 9, 1943
		Pharmaceutical pill tablet and capsule trays.	Mar. 26, 1943
		*Phonograph or auto radio receivers and parts.	Mar. 26, 1943
		*Photographic equipment and supplies.	Mar. 26, 1943
		*Picture and mirror frames.	Sept. 1, 1942
		*Pistol grips and rifle butts, except for governmental use.	Mar. 26, 1943
		Place card holders.	Jan. 9, 1943
		Placques and laminated placques.	Jan. 9, 1943
		Plastic book binding—comb or spiral type for advertising, promotional, premium, recreational or novelty products.	Jan. 9, 1943
		*Playing cards.	Jan. 9, 1943
		*Pocket and scout knives.	Mar. 26, 1943
		Poker chips.	Jan. 9, 1943
		Poker chip holders.	Mar. 26, 1943
		Premium items.	Sept. 1, 1942
		Price tags, except for meat and dairy products.	Jan. 9, 1943
		*Protective envelopes and laminations to paper for other than documents, permanent records, blueprints and industrial charts.	Mar. 26, 1943
		Ration book cases.	Jan. 9, 1943
		*Razor boxes.	Sept. 1, 1942
		*Razor sharpeners.	Jan. 9, 1943
		Restaurant and coin operated phonograph parts.	Sept. 1, 1942
		*Salt and pepper shakers and tops.	Sept. 1, 1942
		*Scales, except for industrial and commercial use.	Mar. 26, 1943
		Sculptured pieces.	Sept. 1, 1942
		Seasonal ornaments and ornamental lighting fixtures.	Sept. 1, 1942
		Sewing thread spool holders.	Mar. 26, 1943
		*Serving trays, except for cafeterias, restaurants and hospitals.	Jan. 9, 1943
		*Shaving brush containers.	Mar. 26, 1943
		Shoe heels, except plastic coated.	Sept. 1, 1942
		Shoe trimmings.	Jan. 9, 1943
		Shoe uppers, woven.	Sept. 1, 1942
		*Ski goggles.	Mar. 26, 1943
		Sleeve protectors.	Mar. 26, 1943
		Smokers' supplies:	
		Ash trays.	Sept. 1, 1942
		*Cigarette and cigar holders, boxes and cases.	Sept. 1, 1942
		Cigarette lighters.	Mar. 26, 1943
		Cigarette lighter flint containers.	Mar. 26, 1943
		Pipe cases.	Sept. 1, 1942
		Soda fountain and beverage dispensing accessories.	Sept. 1, 1942
		Beer scrapers.	
		Beverage stirrers.	
		Drinking straws.	
		*Faucet handles and knobs (war use exemption use on board ship only).	
		*Soap containers.	Mar. 26, 1943
		*Sporting goods, except ping pong balls for Red Cross.	Mar. 26, 1943

Item	Effective date of restriction
Stationery supplies:	
Desk sets.....	Jan. 9, 1943
Envelope openers.....	Mar. 26, 1943
Ink stands.....	Jan. 9, 1943
Ink wells.....	Jan. 9, 1943
Moisture applicators, except sealing tape machines.....	Mar. 26, 1943
Paper clips.....	Mar. 26, 1943
Pen bases and holders.....	Mar. 26, 1943
Pencil sharpeners.....	Mar. 26, 1943
Rulers, but not including edge strips for rulers.....	Jan. 9, 1943
Stapling machines.....	Mar. 26, 1943
*Storm sash and windows.....	Jan. 9, 1943
*Sun goggles, except for use with corrective lenses.....	Mar. 26, 1943
Syphons for carbonated water.....	Sept. 1, 1942
Syrup dispensers.....	Mar. 26, 1943
Table mats, coasters and table ornaments.....	Sept. 1, 1942
*Tableware — cups, saucers, plates, tumblers, knives, forks, spoons, except handles for knives, forks, spoons.....	Mar. 26, 1943
*Tableware cases and boxes.....	Sept. 1, 1942
Toilet sets, except three-piece sets of mirror, brush and comb.....	Sept. 1, 1942
*Toothbrush containers.....	Mar. 26, 1943
*Travelling bags, baggage and handles therefor.....	Sept. 1, 1942
Umbrella and parasol handles.....	Sept. 1, 1942
Vending machines and parts.....	Mar. 26, 1943
*Visors, except industrial.....	Mar. 26, 1943
Wall shields.....	Mar. 26, 1943
Window lifts.....	Jan. 9, 1943

NOTE.—Where a specific item previously included in a general heading is added for purpose of clarification, the governing date of restriction on such item is the effective date of the restriction on the general heading.

[F. R. Doc. 43-4636; Filed, March 26, 1943; 11:50 a. m.]

PART 1252—GAGES, PRECISION MEASURING TOOLS, TESTING INSTRUMENTS, AND CHUCKS

[Revocation of General Preference Order E-5]

Effective May 1, 1943, § 1252.1 *General Preference Order E-5* is revoked, certain of the subject matter of said order now being covered by § 1252.2 *General Preference Order E-5-a*. This action shall not be construed to affect in any way any liabilities accrued or incurred under said Order E-5.

Issued this 26th day of March 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-4630; Filed, March 26, 1943; 11:47 p. m.]

PART 1252—GAGES AND PRECISION MEASURING HAND TOOLS

[General Preference Order E-5-a]

Part 1252—Gages, Precision Measuring Tools, Testing Instruments, and Chucks is amended to read as above.

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of gages and precision measuring hand tools, for defense, for private account, and for ex-

port; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1252.2 *General Preference Order E-5-a—(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) "Producer" means any person who is engaged in the manufacture of gages or precision measuring hand tools.

(3) "Approved user" means any of the following:

(i) The Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Selective Service System, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, Defense Supplies Corporation, Metals Reserve Company.

(ii) Any person producing any product or conducting any business listed on Schedule I or II of CMP Regulation No. 5, as amended from time to time.

(iii) Any person conducting any activity or rendering any service listed on Schedule I or II of CMP Regulation No. 5A, as amended from time to time.

(iv) The government of any country designated, under the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), as eligible to receive lend-lease aid.

(v) Any person to whom the Board of Economic Warfare has approved the granting of an export license for gages or for precision measuring hand tools.

(vi) Any other persons specifically designated by the War Production Board.

(4) "Approved employee" means any person who is employed or is about to be employed by any approved user. A student of any vocational or other training school is not an approved employee as such, and sales to such students, whether by producers, distributors, or the vocational or training school itself are not permitted under the provisions of this order.

(5) "Distributor" means any person other than an approved user who purchases or accepts delivery of any gages or precision measuring hand tools exclusively for resale and not for use.

(6) "Gages and precision measuring hand tools" means those tools which are used to determine whether a product meets required dimensional specifications, excluding those gages specified on Exhibit A attached hereto and excluding devices made of wood.

(7) "Continental United States" means the territory comprising the several States and the District of Columbia.

(b) *Restrictions on sales by producers and distributors.* On and after May 1, 1943, no producer or distributor shall sell or deliver any gages or precision measuring hand tools except in fulfillment of the following purchase orders:

(1) Purchase orders placed by approved users, and by distributors, bearing a preference rating of A-9 or higher, accompanied by a statement substantially as follows which shall be in addition to any other certification required in applying or extending such preference rating:

Purchased pursuant to General Preference Order E-5-a. Delivery of this order will not increase the undersigned's inventory beyond a supply required by the undersigned's current practices for use or for resale during a thirty-day period, except as permitted by paragraph (e) of General Preference Order E-5-a.

(2) (i) Purchase orders placed by approved employees bearing a preference rating of AA-2X or higher, accompanied by a certification by the approved employee and an authorized official of his employer (which employer must be an approved user) signed either manually or as provided in Priorities Regulation No. 7, substantially as follows:

Preference Rating ----- (specify rating)
EHT. The following gage or precision measuring hand tool -----

(only one tool may be placed on each certification; specify type and size of tool)

is required by the undersigned approved employee as a condition to retaining or obtaining employment with the undersigned approved user as defined in General Preference Order E-5-a. The undersigned approved employee further certifies that he does not own or possess any similar gage or tool capable of use in his employment.

Name of Approved Employee

Position:

Name and Address of Approved User

Authorized Signature.

(ii) Effective March 26, 1943, deliveries to an approved employee of gages and precision measuring hand tools which are required by him as a condition to retaining or obtaining employment with an approved user are hereby assigned the same preference rating as is assigned to such approved user's purchase of maintenance, repair and operating supplies by CMP Regulation No. 5 or CMP Regulation No. 5A. (For example: Deliveries to an approved employee of gages and precision measuring hand tools required in his employment in a plant manufacturing ammunition are assigned a preference rating of AA-1, this being the same rating assigned to his employer (an approved user) by Schedule I of CMP Regulation No. 5.)

(iii) A preference rating assigned under paragraph (b) (2) (ii) of this order shall be applied by placing the rating at the commencement of the joint certification required from the approved employee and his employer by paragraph (b) (2) (i) of this order.

(iv) A person who receives a purchase order rated and endorsed in accordance with paragraph (b) (2) of this order may extend the rating to the extent permitted by Priorities Regulation No. 3 (using the endorsement therein specified) and accompanying such endorsement with

the symbol EHT and a statement substantially in the same form as set forth in paragraph (b) (1) of this order.

(v) The symbol EHT shall constitute an "allotment symbol" for the purposes of CMP Regulation No. 3, and a purchase order bearing the symbol EHT shall have the status of a delivery order bearing a preference rating with an allotment symbol as provided in CMP Regulation No. 3.

(c) *Restrictions on sales by approved users.* On and after May 1, 1943, no approved user shall sell or deliver any gages or precision measuring hand tools except to persons employed or about to be employed by such approved user, or except pursuant to § 944.11 of Priorities Regulation No. 1.

(d) *Effect of certification.* Any certification made pursuant to this order shall constitute a representation to the seller and to the War Production Board of the truth of the facts therein set forth, upon which the seller shall be entitled to rely unless he knows or has reason to believe the same to be false.

(e) *Restrictions on inventory.* On and after May 1, 1943, no distributor or approved user shall buy or accept delivery of any gage or precision measuring hand tool the delivery of which will at the time effect an increase in his inventory beyond a supply required by his current practices for use or for resale during a thirty-day period: *Provided, however,* That the deliveries of gages or precision measuring hand tools pursuant to the following designated types of purchase orders shall be permitted to effect such an increase:

(1) Purchase orders placed by any procurement agency of the United States pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(2) Purchase orders placed by the Army, Navy, Maritime Commission, or War Shipping Administration for gages or precision measuring hand tools required for bases or supply depots outside the continental United States, or for bases or supply depots within the continental United States which are maintained for emergency purposes or to supply such bases or supply depots outside the continental United States.

(f) *Changes in schedules.* Notwithstanding any other provision of this order, the War Production Board may direct or change any schedule of production or delivery of gages or precision measuring hand tools, allocate any order for gages or precision measuring hand tools to any other producer, divert or otherwise direct the delivery of any gage or precision measuring hand tool to any other person.

(g) *Records.* Each producer and distributor shall keep and preserve for not less than two years complete records of his inventories and sales of gages and precision measuring hand tools.

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

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

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

(k) *General Preference Order E-5 superseded.* This order supersedes as of May 1, 1943, General Preference Order E-5, issued on June 15, 1942.

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

(m) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Tools Division, Washington, D. C., Ref.: E-5-a.

(n) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

Issued this 26th day of March 1943.

WAR PRODUCTION BOARD,

By J. JOSEPH WHELAN,
Recording Secretary.

EXHIBIT A TO E-5-a

Spark plug gages.
Camber gages.
Caster gages.
Brake shoe gages.
Brake drum gages.
Toe-in gages.
Alignment indicators.

[F. R. Doc. 43-4631; Filed, March 26, 1943;
11:47 a. m.]

PART 1260—RUBBER PROCESSING MACHINERY AND EQUIPMENT

[General Limitation Order L-143-a]

The fulfillment of requirements of the national defense has created a shortage in the supply of certain critical materials used in the manufacture of rubber processing machinery and equipment for the national 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:

§ 1260.2 *General Limitation Order L-143-a—(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) "Rubber processing machinery or equipment" means new, used or reconditioned or rebuilt machinery or equipment, of the kinds listed in Groups I, II, III, IV, and V of List A, for use in the manufacture of rubber products. The term shall not include "retreading, recapping and repair equipment" which is subject to the provisions of General Limitation Order L-61.

(3) "New rubber processing machinery or equipment" means rubber processing machinery or equipment which has not been delivered to any person acquiring it for use.

(4) "Used rubber processing machinery or equipment" means rubber processing machinery or equipment which at any time has been delivered to any person acquiring it for use, but does not include reconditioned or rebuilt machinery or equipment.

(5) "Reconditioned or rebuilt rubber processing machinery or equipment" means rubber processing machinery or equipment which has been changed in any way in size or form or otherwise conditioned for resale or reuse.

(6) "Manufacturer" means any person producing, rebuilding or reconditioning rubber processing machinery or equipment, whether for his own use or for sale.

(7) "Dealer" means any person regularly engaged in the business of buying or otherwise acquiring new, used or reconditioned or rebuilt rubber processing machinery or equipment for resale.

(8) "Delivery" means any physical delivery of any item of rubber processing machinery or equipment or parts therefor to other persons, including but not limited to, any such disposition made at auction sale, sheriff's sale, tax sales, in liquidation of all or part of a business or in similar transactions; but does not mean or include transfers of rubber processing machinery or equipment or parts therefor within a plant or within a single corporate enterprise (including subsidiaries).

(b) *General restrictions on production, rebuilding and reconditioning, delivery and acquisition—(1) Production.* On and after April 9, 1943, no person shall, in any manner, produce or cause to be produced any new rubber processing machinery or equipment or parts therefor or accept delivery of any semi-fabricated or fabricated parts to be incorporated in new rubber processing machinery or equipment or parts therefor; except to fill orders pursuant to authorizations of the War Production Board in accordance with paragraph (d) of this order.

(2) *Reconditioning and rebuilding.* On and after April 9, 1943, no person shall, in any way, recondition or rebuild any rubber processing machinery or equipment either for his own use or for the use of another person, except pursuant to an authorization of the War Production Board in accordance with paragraph (d) of this order.

(3) *Delivery and acquisition.* No person shall deliver or accept delivery of any rubber processing machinery or equipment or parts therefor, except pursuant to an authorization of the War Production Board in accordance with paragraph (d) of this order: *Provided, however,* That the provisions of this subparagraph (3) shall not apply to rubber processing machinery or equipment or parts therefor physically in transit on March 26, 1943: *And provided further,* That the provisions of this subparagraph (3) shall not apply to rubber processing machinery or equipment or any part therefor to be scrapped for its material content.

(c) *Revocation of General Limitation Order L-143.* Effective April 9, 1943, General Limitation Order L-143 is hereby revoked in its entirety, but until said date, the production, rebuilding, reconditioning, delivery or acquisition of any tire machinery and equipment as defined in General Limitation Order L-143 (or parts therefor), shall be governed by the applicable provisions of General Limitation Order L-143, notwithstanding any inconsistent provision of this order.

(d) *Procedure for securing authorization.* (1) Any person seeking to acquire rubber processing machinery or equipment or parts therefor may make application on Form PD-552 (Revised) addressed to the War Production Board, Office of Rubber Director, and marked Ref. L-143-a, for an authorization on Form PD-552 (Revised) by the War Production Board permitting such acquisition. Preference ratings thereby assigned to deliveries of rubber processing machinery or equipment or parts therefor shall be applied in accordance with the provisions of Priorities Regulation No. 3, as amended from time to time. In addition to furnishing the certification required by said regulation, a person authorized to acquire rubber processing machinery or equipment or parts therefor, shall certify to the person from whom such machinery, equipment or parts are to be acquired, that an authorization on Form PD-552 (Revised) was originally issued to him for the acquisition of the particular rubber processing machinery or equipment or parts therefor specified in any purchase order or contract. Such certification shall be made in substantially the following form signed manually or as provided in Priorities Regulation No. 7:

The undersigned hereby certifies that an authorization on Form PD-552 (Revised) was originally issued to him for the acquisition of the rubber processing machinery or equipment or parts therefor specified in the accompanying purchase order or contract.

(2) Manufacturers or dealers may apply for authorization to deliver orders on their books on March 26, 1943, by filing Form PD-553 (Revised) in accordance with paragraph (f) (6) (iii) of this order.

(3) Any person seeking to recondition or rebuild for his own use or to cause to be reconditioned or rebuilt by any other person any rubber processing machinery or equipment shall make appli-

cation on Form PD-552 (Revised) addressed to the War Production Board, Office of Rubber Director, and marked Ref. L-143-a, for an authorization on Form PD-552 (Revised) by the War Production Board permitting the reconditioning or rebuilding to be done by or for the applicant.

(e) *Repair and maintenance parts.* Notwithstanding the prohibitions contained in paragraph (b) hereof, repair and maintenance parts for rubber processing machinery or equipment may be produced, delivered or acquired without an authorization as provided in paragraph (d) of this order, subject to the following limitations:

(1) No person shall produce for his own use or accept delivery of repair or maintenance parts except as follows:

(i) To repair an actual breakdown where the required repair or maintenance parts are not otherwise available;

(ii) To acquire repair or maintenance parts of any kind provided that such person does not acquire repair and maintenance parts of any kind costing more than \$1,000 within any four weeks' period, for use in the repair or maintenance of any single existing item of rubber processing machinery or equipment or a single item of such machinery or equipment delivered under the terms of this order.

(2) Any manufacturer may produce repair or maintenance parts for sale in quantities not in excess of amounts required by him to maintain a minimum practicable working inventory of such maintenance and repair parts.

(f) *Miscellaneous provisions.*—(1) *Existing contracts.* Fulfillment of contracts in violation of this order is prohibited regardless of whether such contracts are entered into before or after the effective date of this order. No person shall be held liable for damages or penalties for default, under any contract or order which shall result directly or indirectly from his compliance with the terms of this order.

(2) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable Regulations of the War Production Board, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

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

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Office of Rubber Director, Washington, D. C., Ref.: L-143-a.

(5) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any depart-

ment 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.

(6) *Records and reports.* (i) All manufacturers and dealers affected by this order shall keep and preserve, for not less than two years, accurate and complete records concerning production, deliveries, and orders for rubber processing machinery and equipment, including applications and authorizations on Form PD-552 (Revised).

(ii) All persons affected by this order shall execute and file with the Office of Rubber Director, War Production Board, such reports and questionnaires as said Office shall from time to time request.

(iii) On or before April 9, 1943, each manufacturer of, and dealer in, rubber processing machinery or equipment shall file on Form PD-553 (Revised) a record of his unfilled orders as of March 26, 1943.

Issued this 26th day of March 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

GROUP I—BASIC RUBBER PROCESSING MACHINERY (INCLUDING LABORATORY SIZES)

Bale cutters	Calender shells
Washers	Strainers
Crackers	Tubing machines
Grinders	(extruders)
Refiners	Cement mixers
Mills	Dispersion mixers
Plasticators	Aprons for mixing
Masticators	mills
Banbury mixers	Mill take-off devices
Calenders	

GROUP II—TIRE AND TUBE MAKING EQUIPMENT

Spreaders
Blas cutters
Sitters
Let-off stands
Bead making machines
Bead covering machines
Bead flippers
Bead winders
Bead cutters
Bead piping machines
Stock servicers & turrets
Festooning machines
Tire building machines
Band & pocket building machines
Tire cores & drums
Bead locaters (or setting rings)
Stitchers
Debaggers and extractors
Vacuum expanders
Mechanical baggers & expanders
Molds, tire & tube
Molds, airbag
Matrices
Curing rings
Curing ring presses
Equalizer plates
Tube mandrels
Tread & tube cutters
Tube splicers
Valve applying machines
Tube testing devices
Vulcanizers, all types
Tire cleaners
Tire balancing machines

GROUP II—TIRE AND TUBE MAKING
EQUIPMENT—continued

Tire inspection machines
Buffers, curing bag
Tire wrapping machines

GROUP III—INSULATED WIRE & CABLE MACHINERY

Rubber covering machines
Vulcanizers, all types
Strainers
Extruders (tubing machines)

GROUP IV—MECHANICAL GOODS EQUIPMENT

Belt making machines
V-Belt covering machines
Belt slitters
Belt stretchers
Belt vulcanizing presses
Brushing machines
Coating machines
Cutting machines (all types for rubber products & rubberized fabrics)
Dusting machines
Hose covering machines
Hose making machines
Hose mandrels
Hose wrapping machines
Lining strippers
Spreaders
Hydraulic presses, vulcanizing, all types
Vulcanizers, all types

GROUP V—DRUG & SURGICAL SUNDRIES & RUBBER
FOOTWEAR

Dipping machines
Trimmers
Hydraulic presses, vulcanizing
Presses, dieing out or preforming
Rubber outsole cutting machines
Vulcanizers, all types

[F. R. Doc. 43-4633; Filed, March 26, 1943;
11:47 a. m.]

PART 3002—PLASTICS MOLDING
MACHINERY

[Allocation Order L-159 as Amended March
26, 1943]

Section 3002.1 is hereby amended in
its entirety to read as follows:

§ 3002.1 Allocation Order L-159—(a)
Definitions. For the purpose of this
order:

(1) "Plastics molding machinery"
means new or used machinery of the fol-
lowing kinds:

Plastic injection molding presses or machines
Ceramic injection molding presses or ma-
chines capable of being used for plastics
Plastic compression molding presses or ma-
chines, hydraulic, automatic, mechanical
Plastic extrusion molding presses or machines
Plastic preforming presses or machines
Plastic laminating presses or machines
Plastic tube and rod molding presses or ma-
chines
Plastic tablet preforming molding presses or
machines

(2) "Fixtures" means the following
new or used parts or groups of parts for
plastics molding machinery:

Cylinders
Feed screws
Straight heads
Cross heads
Jet attachments
Temperature control units
Molds

(b) Restrictions on production and de-
livery. (1) No person shall deliver or
accept delivery of plastics molding ma-
chinery or fixtures except as specifically

authorized by the War Production Board
upon application pursuant to paragraph
(c) hereof.

(2) No person shall manufacture or
assemble plastics molding machinery or
fixtures except in fulfillment of orders
previously authorized for delivery by the
War Production Board upon application
pursuant to paragraph (c) hereof.

(3) No person shall accept delivery of
parts or attachments made to his order
on his special specifications for plastics
molding machinery or fixtures, except as
specifically authorized by the War Pro-
duction Board upon application pursuant
to paragraph (c); and no person shall
manufacture, assemble or deliver such
special parts or attachments, except in
fulfillment of orders previously author-
ized for delivery.

(c) Applications. Each person seek-
ing authorization to accept delivery of
plastics molding machinery or fixtures
shall file application on Form PD-741
with the War Production Board, Chemi-
cals Division, Washington, D. C., Ref.:
L-159.

(d) Repair and maintenance parts.
Except as specifically authorized by the
War Production Board upon application
on Form PD-741:

(1) No person shall accept delivery of
repair and maintenance parts for plastics
molding machinery or fixtures except as
follows:

(i) To repair an actual breakdown,
where the required repair or mainte-
nance parts are not available in inven-
tory, or

(ii) To acquire repair or maintenance
parts for maintenance of a minimum
practicable working inventory of such
parts.

(2) No person shall deliver repair or
maintenance parts if he knows or has
reason to believe that the acceptance of
such delivery would be in violation of
paragraph (d) (1) above.

(3) No person shall manufacture re-
pair and maintenance parts for plastics
molding machinery or fixtures except in
minimum quantities sufficient to make
deliveries permitted by the terms of this
paragraph (d).

(4) No person shall use parts for plas-
tics molding machinery or fixtures except
for maintenance and repair of previously
existing and completed plastics molding
machinery or fixtures, or except as pro-
vided in paragraph (b) (2) above.

(e) Special directions to producers.
The War Production Board at its dis-
cretion, may from time to time issue
special directions to producers of plastics
molding machinery or fixtures with re-
spect to the machines or fixtures which
they may or must manufacture or de-
liver, and with respect to manufacture
and delivery of repair and maintenance
parts for plastics molding machinery or
fixtures.

(f) Miscellaneous provisions—(1) Ap-
plicability of regulations. This order and
all transactions affected thereby are sub-
ject to all applicable War Production
Board regulations, as amended from
time to time.

(2) Intra-company deliveries. The
prohibitions and restrictions of this or-

der with respect to deliveries of plastics
molding machinery or fixtures shall ap-
ply not only to deliveries to other per-
sons, including affiliates and subsidiaries,
but also to deliveries from one branch,
division or section of a single enterprise
to another branch, division or section
of the same or any other enterprise
under common ownership or control.

(3) Violations. Any person who wil-
fully violates any provision of this order,
or who, in connection with this order,
willfully conceals a material fact or fur-
nishes false information to any depart-
ment or agency of the United States is
guilty of a crime, and upon conviction
may be punished by fine or imprison-
ment. 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 assist-
ance.

(4) Communications. All reports re-
quired to be filed hereunder, and all
communications concerning this order,
shall, unless otherwise directed, be ad-
dressed to: War Production Board,
Chemicals Division, Washington, D. C.,
Ref.: L-159.

Issued this 26th day of March 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-4634; Filed, March 26, 1943;
11:47 a. m.]

PART 3038—DRIED FRUIT

[Revocation of Conservation Order M-205
and Conservation Order M-205-a]

Section 3038.1, Conservation Order M-
205 and § 3038.2 Conservation Order M-
205-a and all amendments thereto are
hereby revoked in their entirety under
the direction of the Secretary of Agri-
culture. This action shall not be con-
strued to affect in any way any liability
or penalty accrued or incurred under
said order, amendments or supplements.

Issued this 26th day of March 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-4637; Filed, March 26, 1943;
11:50 a. m.]

PART 1084—CANNED FOODS

[Revocation of Conservation Order M-237]

Section 1084.15, Conservation Order
M-237, is hereby revoked in its entirety
under the direction of the Secretary of
Agriculture. This action shall not be
construed to affect in any way any lia-
bility or penalty accrued or incurred un-
der said order.

Issued this 26th day of March 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-4638; Filed, March 26, 1943;
11:50 a. m.]

PART 3118—CONSUMERS' GOODS INVENTORIES

[Consumers' Goods Inventory Limitation Order L-219 as Amended March 26, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of consumers' goods for defense, for private account, and for export; and the following order, limiting consumers' goods receipts and providing for inventory reports, is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3118.1 *Consumers' Goods Inventory Limitation Order L-219—(a) Definitions.* For the purposes of this order:

(1) "Consumers' goods" means goods suitable in form and type for sale to individual ultimate consumers for personal or household use, including but not limited to goods on List B, attached to Order L-219. Consumers' goods do not include producers' goods such as farm implements, goods used in rendering personal services such as shoe repairing, or goods sold for consumption on the vendor's premises such as fountain and restaurant fare. Consumers' goods shall not include any food or beverage for human or animal consumption, or any fuel oil, gasoline, motor oil, grease, or allied petroleum products.

(2) "Mercantile inventory" means the stock of consumers' goods held for sale by a person engaged in marketing such goods, including goods he has purchased for resale, goods he has manufactured for sale, stock consigned to him for sale, and stocks held by him on memorandum for sale.

(i) Mercantile inventory shall not include factory inventory. "Factory inventory" is an inventory of consumers' goods which are stored by the manufacturer of such goods at, or in the immediate vicinity of the place where their manufacture was completed, and which are not being offered for sale to individual ultimate consumers, or to independent dealers who sell to individual ultimate consumers, and who in most instances carry in stock less than \$200 worth of consumers' goods of all kinds, at cost value. Nothing contained in this subparagraph shall be construed as indicating that such independent dealers are controlled merchants.

(ii) Stocks on consignment or on memorandum for sale are to be included in the inventory of the person actually holding them for sale, and in such case are to be excluded from the inventory of the owner. Stocks on consignment or on memorandum to a person not holding them for sale are to be included in the inventory of the owner.

(iii) Goods in transit may be either included in or excluded from inventory: *Provided*, That in all computations, records, reports, and other matters pursuant to this order, they are consistently

treated by the merchant in accordance with his prior accounting or income tax return practice. Goods shall cease to be considered in transit not later than one business day after they are delivered to a merchant on his premises, to his warehouse, or to a commercial warehouse for his account; except that dutiable imported consumers' goods may be considered in transit until the import duty is paid.

(iv) Goods are held for sale and are considered as part of "inventory" even though they are not currently offered for sale, but are stored in a warehouse or elsewhere, with a view to sale at some future time, e. g., seasonal goods during the off season and goods held for speculative purposes. Goods held on the "lay-away" plan pending payment of the purchase price may be included in or excluded from inventory: *Provided*, That in all computations, records, reports and other matters pursuant to this order, they are consistently treated by the merchant in accordance with his prior accounting or income tax practice.

(3) "Merchant" means any person engaged in retailing, wholesaling, jobbing or otherwise marketing consumers' goods, either of his own or another's manufacture, who maintains a mercantile inventory.

(4) "Controlled merchant" means any merchant, not in any of the exempt categories established by paragraph (b), who:

(i) On or after November 30, 1942, had a mercantile inventory of consumers' goods having a cost value of \$50,000 or more at the end of any quarter of any of his federal income tax years, and also

(ii) During the twelve months preceding the end of the same quarter of his federal income tax year had net sales of consumers' goods of \$200,000 or more.

Any merchant who is or becomes a "controlled merchant" within the foregoing definition shall cease to be a "controlled merchant" if at the end of each of any four consecutive quarters thereafter either his mercantile inventory has a cost value of less than \$50,000 or he has failed during the preceding twelve months to make net sales of consumers' goods of \$200,000 or more.

(5) "Net sales" means the amount of a merchant's gross sales of goods in dollars, including sales of goods shipped direct from a vendor to the merchant's customer, less all returns, allowances, rebates, discounts and other proper deductions. In the case of a merchant who is also engaged in manufacturing, his net sales shall not include any sales made, as a manufacturer, out of his factory inventory.

(6) "Cost value" or "cost" of goods received, sold or in inventory means the value in dollars of such goods computed by any single method of valuation which the merchant uses consistently and which meets the requirements of generally accepted accounting practice for

determining the asset value of goods, e. g., income tax practice. Goods held for sale on consignment and on memorandum are to be valued at not less than the amount which the person holding them for sale would be obligated to remit to the owner if all of them were sold. Incoming transportation costs and work-room charges shall also be included in the value of goods on consignment or on memorandum if they are included in the cost value of comparable purchased goods in the inventory of the person holding them for sale. Retail merchants who consistently employ what is known as the "retail method" of pricing inventories may reduce their inventories to cost by the method prescribed for federal income tax purposes.

(7) "Inventory year" of a merchant means the recurrent twelve calendar month period beginning either December 1, January 1, or February 1, of each year, whichever corresponds with the beginning date of a quarter of his federal income tax year. An inventory year is designated by the number of the calendar year in which most of its months fall. For example, whichever of the inventory years commencing December 1, 1942, January 1, 1943, and February 1, 1943, is selected by a merchant, is his 1943 inventory year within the meaning of this order. Each inventory year shall consist of four "quarterly periods" of three calendar months each, except for the following options: Any merchant who keeps his books of account on the basis of an annual fiscal period divided into four periods of thirteen weeks each may adopt an inventory year of four thirteen-week "quarterly periods", each divided into a four-week "month", a five-week "month" and a four-week "month", in that order. Any merchant who keeps his books of account on the basis of an annual fiscal period divided into thirteen periods of four weeks each may adopt an inventory year of four "quarterly periods", in which the first "quarterly period" shall consist of sixteen weeks, divided into a five-week "month", a six-week "month" and a five-week "month", in that order, and the second, third and fourth "quarterly periods" shall each consist of twelve weeks, divided into three four-week "months". Any merchant who keeps his accounts on the basis of either of these types of fiscal year may use a date other than December 1, January 1, or February 1 as the first day of his inventory year: *Provided*, That the date selected is as near as possible to that beginning date of a quarter of his federal income tax year which falls nearest one of those three dates.

(8) "Base period" means a period of three inventory years, commencing with the beginning date of the merchant's 1939 inventory year. Ordinarily, this date will be December 1, 1938, January 1, 1939, or February 1, 1939. Any con-

trolled merchant who lacks records for part or all of the base period so computed shall use as his special base period all the complete consecutive quarterly periods between December 1, 1938, and February 1, 1942, for which he has records. If the number of such quarterly periods is less than four, additional periods shall be taken from his 1942 inventory year sufficient to complete a single year. This treatment of inventory and sales data for such special base period shall conform as strictly as possible to the treatment of inventory and sales data for the base period prescribed in Appendix A attached to Order L-219. If a going business has changed owners since the commencement of the period which, but for such change, would have been its base period, and if the current owner possesses or can obtain the necessary data concerning his predecessor's operations, he shall compute the normal inventory of such business as if he had been its owner throughout. A controlled merchant who is unable to establish a base period, including 1942, of at least four consecutive quarterly periods, shall apply to the War Production Board for instructions, stating his monthly sales and inventories.

(9) "Normal inventory" means a mercantile inventory at the beginning of a quarterly period with a cost value no larger in relation to a merchant's projected sales during that quarterly period than he would carry at the beginning of that quarterly period when following his normal base period merchandising practices. In no event shall the normal inventory figure used by a merchant in determining his inventory limit exceed a figure correctly computed from his past inventory and sales experience by the method described and illustrated in Appendix A attached to Order L-219, and employed on Forms PD-689 and PD-690.

(10) "Allowable receipts" during a quarterly period means the cost value of the consumers' goods which a merchant will need during any quarterly period to complete his anticipated sales during that quarterly period and to begin the next succeeding quarterly period with his normal inventory, less the cost value of the mercantile inventory which he has at the beginning of the quarterly period. Except for merchants who elect under paragraph (1) to use the "retail method," the allowable receipts calculated by a merchant shall not exceed the larger of the following:

(i) A figure correctly computed from the merchant's previous experience with respect to sales and cost of goods sold by the method described and illustrated in Appendices A and C attached to Order L-219, and employed on Form PD-690, or

(ii) A figure equal to one-third of the cost of goods sold during the preceding quarterly period.

(11) "Cost of goods sold" means the cost value of goods removed from mercantile inventory by sale, spoilage, shrinkage reserve, consignment to another person or other proper deduction in accordance with generally accepted accounting practice consistently used by the merchant, plus the cost value of

goods shipped direct from a vendor to the merchant's customers.

(12) "Receipts of consumers' goods" means the cost value of consumers' goods acquired by a merchant by purchase, consignment, memorandum, or otherwise, in such a way and to such an extent that they became part of the merchant's mercantile inventory, plus the cost value of consumers' goods shipped direct from a vendor to the merchant's customers. For the purposes of this order consumers' goods manufactured by a merchant are to be considered receipts by him when they first become part of his mercantile inventory. Examples are:

(i) Consumers' goods become mercantile inventory when they are transferred from factory inventory to a stock-carrying branch warehouse inventory.

(ii) Consumers' goods which are held at or in the immediate vicinity of the place where their manufacture was completed become mercantile inventory when the manufacturer first offers them for sale to individual ultimate consumers or to independent dealers as provided in paragraph (a) (2) (i) of this order.

(13) "Frozen goods" means those consumers' goods in the mercantile inventory of a controlled merchant which he is selling at a substantially less rapid rate than normal, due to governmental regulations which specifically restrict the sale of those consumers' goods, such as typewriters and automobile tires, to preferred classes of persons based upon special need.

(b) *Exemption of certain types of business.* The provisions of paragraph (d) and paragraph (e) of this order shall not apply to any merchant in any of the following exempt categories.

(1) Any merchant more than fifty per cent of whose aggregate net sales of all kinds of goods during his most recently completed inventory year were sales of goods listed on List A.

(2) Any merchant engaged in retailing, wholesaling, jobbing or otherwise marketing consumers' goods entirely outside the limits of the United States.

(3) Any governmental corporation or agency, including any United States Army or Marine Corps Post Exchange and any United States Navy Ship's Service Department.

(c) *Calculation of inventory limit.*

(1) As used in paragraph (d) and paragraph (e), the "inventory limit" of a controlled merchant at the beginning of any quarterly period of his inventory year shall mean his normal inventory as of the beginning of that quarterly period plus the percentage of such normal inventory to which he is entitled as tolerance, computed by the method described and illustrated in Appendix B attached to Order L-219, and employed on Form PD-690. The percentage of tolerance with respect to mercantile inventories in the Eastern and Central Time Zones shall be 10% at the beginning of the second quarterly period of the 1943 inventory year, and 5% at the beginning of each quarterly period thereafter. The

percentage of tolerance with respect to mercantile inventories in the Mountain and Pacific Time Zones shall be 15% at the beginning of the second quarterly period of the 1943 inventory year, and 10% at the beginning of each quarterly period thereafter.

(2) The War Production Board may issue specific instructions increasing or decreasing the percentage of tolerance of particular controlled merchants. A request for an increased percentage of tolerance may be made by filing Form PD-689 and Form PD-690, accompanied by a letter in triplicate stating the reasons for which such an increase is warranted.

(d) *Restrictions on receipts of consumers' goods.* (1) No controlled merchant whose mercantile inventory is greater than his inventory limit at the beginning of any quarterly period, other than the first quarterly period of the 1943 inventory year, shall have receipts of consumers' goods during the quarterly period in excess of his allowable receipts for such quarterly period.

(2) No controlled merchant whose mercantile inventory is greater than his inventory limit at the beginning of any quarterly period, other than the first quarterly period of the 1943 inventory year, shall receive more than one-third of his allowable receipts for such quarterly period during the first month, or more than two-thirds during the first two months, of such quarterly period.

(3) The War Production Board may issue specific instructions increasing or decreasing the allowable receipts of particular controlled merchants. A request for increased allowable receipts may be made by filing Form PD-689 and Form PD-690, accompanied by a letter in triplicate stating the reasons for which such an increase is warranted.

(e) *Special reports.* Any controlled merchant having a mercantile inventory which is greater than his inventory limit at the beginning of any quarterly period, except the first quarterly period of his 1943 inventory year, shall fill out in duplicate, and mail to the War Production Board one copy of each of the following reports, retaining the other copy of each in his possession.

(1) Form PD-690, on or before the twenty-fifth day of the first month of such quarterly period, together with Form PD-689. (Form PD-689 is to be submitted once only, at the time of the first filing of Form PD-690.)

(2) Form PD-713, on or before the twenty-fifth day of the second month of such quarterly period.

(3) Form PD-713, on or before the twenty-fifth day of the third month of such quarterly period.

(4) Form PD-690, on or before the twenty-fifth day of the first month of the following quarterly period.

(f) *Corporate combinations and similar enterprises—(1) Consolidated inventories and reports.* Except as otherwise provided in paragraphs (g) and (h), every person affected by this order shall, when computing the quantity of his sales,

his mercantile inventories, his receipts, and other matters pursuant to this order, include the sales, mercantile inventories, receipts and other matters of all stores, branches, divisions and sections of his enterprise and of any other enterprise under common ownership or control with his enterprise. Moreover, the reports relating to such sales, inventories and other matters shall be consolidated and shall include the sales, inventories and other matters of all branches, divisions, or sections of all enterprises under common ownership or control without regard to corporate or other distinctions between such enterprises. Concessions and leased departments shall be treated as enterprises separate from the business of the merchant whose premises they occupy, unless under common ownership or control with such business.

(2) Intra-company and inter-company sales. In all computations and reports pursuant to this order, transactions within the enterprise of a single person or between stores, branches, divisions or sections of enterprises subject to common ownership or control, shall not be counted as sales or as receipts of goods, even though designated on the books of such enterprise or enterprises as sales or receipts, with the following exceptions:

(i) If one or more establishments, belonging to a group of establishments under common ownership or control, engage in manufacturing and their records are consolidated under this order, the consumers' goods manufactured by such establishments are to be considered receipts (as defined in paragraph (a) (12)) by that group of establishments when such goods first become part of its mercantile inventory.

(ii) If, pursuant to paragraph (g) or paragraph (h), establishments under common ownership or control are treated as separate entities for the purpose of this order, transfers of consumers' goods from one such establishment to another are to be deducted from the mercantile inventory of the transferor, and counted as receipts by the transferee, but the transferor shall not include in his net sales the amount of money, credit or property received in exchange for such goods.

(g) Separate accounting for company stores. (1) If any person, as an incident of his principal business, carries on a business enterprise consisting of one or more company stores, commissaries, industrial stores, or other similar type of business enterprise marketing consumer goods chiefly to the employees of such person and their families, then that person shall determine whether such incidental enterprise is a controlled merchant as defined in paragraph (a) (4) of this order and not exempt under paragraph (b) when separately considered.

(2) If such incidental enterprise is, in itself, a controlled merchant, then, even

though the principal business of that person may consist of sales of goods on List A, such person shall keep the records, report the inventories, and restrict the receipts of goods of such incidental enterprise as a separate entity. Such person shall exclude the sales, inventories, and receipts of goods of such incidental enterprise from computations and other matters respecting his principal business.

(h) Separate accounting for ownership groups. If a controlled merchant consists of a number of establishments, each of which would be a controlled merchant if considered separately, which are substantially independent with respect to merchandising, buying, warehousing, selling, advertising, management, and accounting, and in the operation of which the controlled merchant does not practice centralized buying for, centralized storage for, or interchange of stocks among the constituent establishments, such controlled merchant may elect by written notice to the War Production Board, mailed before February 1, 1943, to keep the records report the inventories, and restrict the receipts of goods of each such constituent establishment as a separate entity.

(i) Segregation of consumers' goods from other goods. Any merchant who is engaged in marketing both consumers' goods and other goods may include such other goods with consumers' goods in calculating inventories, sales, receipts of goods, and all other matters under this order if such other goods are consistently included and if their exclusion would be impracticable. The exclusion of such goods from consumers' goods may be considered impracticable only when such exclusion would require the compilation of data respecting the base period which that merchant does not already have available and which could be compiled, if at all, only by re-examining his original records of sales, purchases and inventories during the base period.

(j) Consistency in accounting. In the valuation of inventories, in the computation of net sales and costs of goods sold, and in all other matters of accounting under this order, unless otherwise specifically authorized by the War Production Board, a merchant must use those accounting methods and figures which are in accordance with his books of account or his income tax returns, which meet the requirements of generally accepted accounting practice for the particular purpose, and which he has consistently employed since the beginning of his base period. If, since that date, there has been a material change or inconsistency in his accounting practice affecting valuation of inventories, computation of his net sales, cost of goods sold, or other matters of accounting under this order, or if his customary accounting methods do not meet the requirements of accepted accounting practice, he shall apply by letter to the War Production Board for specific instructions concerning the adjustments, if any, to be made, stating in such letter the nature of the change or inconsistency, or the variance from accepted practice.

(k) Inter-relation with Suppliers' Inventory Limitation Order L-63. Nothing in this order shall be construed to relieve any person of the duty of complying with § 1046.1, Suppliers' Inventory Limitation Order L-63. Any controlled merchants who market supplies, as defined in Order L-63, and who are not exempt from this order by virtue of paragraph (b) (1), shall not only comply with any restrictions of Order L-63 applicable to their operations but shall also comply with the provisions of this order without distinction between those consumers' goods which are supplies and other consumers' goods.

(l) Optional use of the "retail method." Any retail merchant who employed during his base period what is known as the "retail method" of pricing inventories may elect to value his mercantile inventory and to compute his allowable receipts at retail, rather than at retail reduced to "cost" or "cost value," on the following conditions:

(1) He shall employ a percentage of tolerance two per cent lower than he would otherwise be entitled to use under the provisions of paragraph (c) (1).

(2) He shall consistently value his goods at retail wherever the provisions of this order specify the use of "cost value" or "cost," except for the purpose of determining whether he is a controlled merchant under paragraph (a) (4).

(3) His allowable receipts at retail shall not exceed the larger of the following:

(i) A figure correctly computed from the merchant's previous experience with respect to sales and markdowns by the method described and illustrated in Appendix D attached to Order L-219, and employed on Form PD-690, or

(iii) A figure equal to one-third of the sum of his net sales and markdowns during the preceding quarterly period.

(4) His markdowns at retail used in computing his allowable receipts at retail shall not be a greater percentage of his projected sales than his markdown percentage in the corresponding quarterly period of the preceding inventory year.

(m) Special deductions—(1) "Frozen goods." Except for the purpose of determining whether he is a controlled merchant, a controlled merchant may deduct from the cost value of his mercantile inventory on hand at the beginning of any current quarterly period an amount in dollars equal to either of the following:

(i) The cost value on that date of his mercantile inventory of any kind of "frozen goods" which he has had in his mercantile inventory more than four months, minus the cost value of the "frozen goods" of that kind sold by him during the immediately preceding quarterly period, or

(ii) The appropriate percentage, selected from the list below, of the total cost value of the "frozen goods" in his mercantile inventory at the beginning of

the second quarterly period of the 1943 inventory year. Such total cost value shall be determined by a physical count taken at, or as near as possible to the beginning of the second quarterly period of his 1943 inventory year.

Time of deduction:	Percentage to be Deducted
Beginning 2nd quarterly period 1943-----	85
Beginning 3rd quarterly period 1943-----	70
Beginning 4th quarterly period 1943-----	55
Beginning 1st quarterly period 1944-----	40
Beginning 2nd quarterly period 1944-----	25
Beginning 3rd quarterly period 1944-----	10
Beginning any quarterly period thereafter-----	No deduction

(2) *Notice of "frozen goods" deductions.* Any controlled merchant who makes a deduction under either of the foregoing plans shall notify the War Production Board in writing, within twenty-five days after the beginning of the quarterly period, of the plan which he has adopted. A controlled merchant may use either of the two plans, but not both, and having once selected one of the two plans, may not change to the other plan in a subsequent quarterly period.

(3) *Military and naval apparel.* Except for the purpose of determining whether he is a controlled merchant, a controlled merchant licensed by the United States Army Exchange Service or by the United States Navy may exclude from his current computations, provided he does so consistently, his current receipts, sales and inventory of those articles of apparel, and only those, bearing the labels "as authorized by the United States Army", or "made and sold under the authority of the United States Navy".

(n) *Transactions between controlled merchants.* (1) Any controlled merchant, whose inventory at the beginning of any quarterly period was greater than his inventory limit, but whose receipts during the quarterly period have not exceeded his allowable receipts, may exchange consumers' goods with others during that quarterly period without including the consumers' goods so acquired when computing his receipts of consumers' goods during that quarterly period: *Provided, That:*

(i) If, during the quarterly period in which the exchange occurs, his monthly or quarterly receipts up to the date of the exchange have been less than his allowable receipts for the period, he shall include in his receipts of consumers' goods for that quarterly period the amount, expressed in dollars, of any monetary consideration and property other than consumers' goods, which he pays or contracts to pay to the other person with whom he makes the exchange to compensate such other person

for the difference in dollar value between the consumers' goods exchanged, and

(ii) If, during the quarterly period in which the exchange occurs, his monthly or quarterly receipts up to the date of the exchange equal his allowable receipts for the period, he may not deliver consumers' goods less valuable than those he receives in exchange, if the difference between the values of the goods exchanged, expressed in terms of dollars, exceeds five percent (5%) of the dollar value of the goods delivered.

(2) A controlled merchant shall not include in his net sales, to be used in calculating his projected sales during succeeding quarterly periods, the amount of consumers' goods transferred, by barter or otherwise, to other persons in special transactions effected outside his ordinary method of doing business.

(3) Nothing in this paragraph shall be construed to prohibit any controlled merchant, whose inventory was not greater than his inventory limit at the beginning of any quarterly period, from making exchanges of consumers' goods.

(o) *Miscellaneous reports.* Merchants shall execute and file with the War Production Board such reports and answers to questionnaires as the War Production Board may from time to time request, including reports concerning the sales and inventories of subsidiaries, branches or sales units, or of separate retailing or wholesaling divisions, or of particular departments or lines of merchandise.

(p) *Records.* (1) Every merchant shall preserve those records concerning his operations necessary to determine whether he is a controlled merchant.

(2) Every controlled merchant shall preserve his records concerning sales and inventories during the base period until further notice. Complete and accurate records kept on Form PD-689 will satisfy this requirement.

(3) Every controlled merchant shall prepare and preserve for a period of at least two years accurate and complete records concerning his sales, inventories, cost of goods sold, and receipts of goods in such form that the extent of his compliance with this order can readily be ascertained. Complete and accurate records kept on Forms PD-689, PD-690 and such other forms as are issued from time to time will satisfy this requirement.

(q) *Miscellaneous provisions—(1) Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(2) *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.

(3) *Appeals.* Any person subject to any requirement of this Order, who feels

that compliance therewith would work an exceptional or unreasonable hardship upon him, may appeal by filing Forms PD-689 and PD-690, accompanied by a letter in triplicate, referring to the particular provisions appealed from, and stating fully the grounds of the appeal.

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

(5) *Communications to the War Production Board.* All reports, when ordered to be filed, and all communications concerning this order shall, unless otherwise directed, be sent to the War Production Board, Wholesale and Retail Trade Division, 41 East 42nd Street, New York, N. Y. Ref.: L-219.

Issued this 26th day of March 1943.

WAR PRODUCTION BOARD
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

NOTE: List A was amended by the addition of the item "Ice", March 26, 1943.

LISTS OF GOODS (WHETHER OR NOT CONSUMERS' GOODS) QUALIFYING MERCHANTS FOR EXEMPTION

Antiques.
Coal, fuel oil, gasoline and miscellaneous heat or power fuel.
Coffins, burial caskets, and burial vaults.
Farm machinery and equipment, and attachments and repair parts therefor.
Flowers, and plants, except artificial types.
Foods and confections.
Grain.
Hay.
Ice.
Jewelry having a selling price of \$200 or more per piece.
Lumber and building materials, except hardware.
Motor oil and grease.
Motor vehicles and motor vehicle replacement parts.
Non-alcoholic beverages.
Rubber tires.
Second-hand goods.
Stock food.
Seeds for farm use.
Typewriters.
"Consumers' goods" imported into the United States.
Supplies, as defined in § 1046.1 *Suppliers' Inventory Limitation Order L-63*, concerning which the merchant is required to keep and actually keeps records on Form PD-336.

LIST B

EXAMPLES OF TYPICAL CONSUMERS' GOODS

Women's, misses', wearing apparel.
Women's, misses' accessories.
Baby goods.
Men's and boys' clothing.
Men's and boys' furnishings.
Work clothing.
Footwear.

Hosiery, underwear, negligees and robes.
Gloves, handbags and millinery.
Aprons, house dresses and uniforms.
Furs.
Corsets and brassieres.
Lace, trimmings, and ribbons.
Notions.
Toilet articles and toiletries (such as cosmetics, shaving equipment and soaps).
Clocks and watches.
Jewelry and silverware.
Umbrellas.
Art, needlework and yarns for home use.
Paper and paper products, stationery, books, giftwares.
Piece goods (silks, velvets, rayons and synthetics, woolsens, cottons, linens, mixtures, wash goods and linings).
Drugs and drug sundries.
Sporting goods and cameras.
Toys and games.
Luggage and other leather goods.
Garden supplies and seeds for garden use.
Motor vehicles, replacement parts, and accessories.
Tires.
Typewriters.
Linens, including towels.
Domestics (muslins, sheetings, etc.).
Blankets, comforters and spreads.
Furniture, bedding and domestic floor coverings.
Draperies, curtains and upholstery.
Lanterns, lamps and shades.
Chinaware and glassware.
Major household appliances, including mechanical refrigerators, washing machines and cooking appliances.
Small electrical appliances, light bulbs, fixtures and dry cells.
Radios, phonographs, records and supplies.
Hardware and tools for home use.
Kitchenware, cutlery and miscellaneous housewares.
Musical instruments, pianos and sheet music.
Window shades, blinds and wallpaper.
Brushes, brooms and mops.
Soaps and household cleaning and sanitation materials.
Paints, varnishes, waxes and polishes.
Christmas ornaments and supplies.
Wheeled goods.
School supplies.
Antiques.
Coal.
Flowers and plants.
Smoking equipment.
Second-hand consumers' goods.

APPENDIX A

COMPUTATION OF A NORMAL INVENTORY

I. Computation of the normal quarterly inventory-sales ratio, using the second quarterly period ratio as an example.

A. Add the mercantile inventories for the quarterly periods of the base period years corresponding to the quarterly period for which the normal inventory is being computed.

Example

1939 Beginning 2nd quarterly period inventory.....	\$-----
1940 Beginning 2nd quarterly period inventory.....	\$-----
1941 Beginning 2nd quarterly period inventory.....	\$-----
Total A.....	\$-----

B. Add the net sales for the quarterly periods of the base period years corresponding to the quarterly period for which the normal inventory is being computed.

Example

1939 sales 2nd quarterly period.....	\$-----
1940 sales 2nd quarterly period.....	\$-----
1941 sales 2nd quarterly period.....	\$-----
Total B.....	\$-----

C. Divide Total A by Total B, computing to three decimal places.

Total A
Total B = normal inventory-sales ratio for all second quarterly periods.

II. Computation of projected sales, using the second quarterly period of 1943 as an example.

A. In computing the projected sales for a quarterly period, divide the net sales during the second preceding quarterly period by the net sales during the quarterly period of the previous year corresponding to the second preceding quarterly period, computing to three decimal places.

Example

Sales 4th quarterly period 1942
Sales 4th quarterly period 1941 = Sales ratio for 2nd quarterly period 1943.

B. Then multiply the sales ratio for the quarterly period by the net sales during the corresponding quarterly period of the preceding year.

Example

Sales ratio 2nd qt. '43 ÷ sales 2nd qt. '42 = Projected sales 2nd qt. '43.

III. Computation of the normal inventory, using the second quarterly period of 1943 as an example.

Multiply the projected sales during the quarterly period by the normal inventory-sales ratio for that quarterly period.

Example: Projected sales 2nd qt. '43 × normal inventory-sales ratio for all 2nd qts. = normal inventory beginning 2nd qt. '43.

APPENDIX B

COMPUTATION OF INVENTORY LIMIT

I. Computation of the inventory limit using as an example the second quarterly period of 1943 of a merchant in the Eastern Time Zone operating on the cost method.

A. Compute the tolerance by multiplying the normal inventory for the beginning of the quarterly period by the appropriate percentage of tolerance.

Example

Normal inventory beginning 2nd qt. '43 × .10 = Tolerance beginning 2nd qt. '43.

B. Add the tolerance thus secured to the normal inventory.

Example

Tolerance beginning 2nd quarterly period '43.....	\$-----
Normal Inventory beginning 2nd quarterly period '43.....	\$-----
Inventory Limit.....	\$-----

APPENDIX C

COMPUTATION OF ALLOWABLE RECEIPTS AT COST VALUE ON THE BASIS OF PROJECTED SALES

I. Computation of the cost of projected sales for a quarterly period, using the second quarterly period of 1943 as an example.

A. Divide the cost of goods sold during the corresponding quarterly period of the preceding year by the net sales during the corresponding quarterly period of the preceding year.

Example

Cost of goods sold 2nd qt. '42 ÷ Net sales 2nd qt. '42 = Cost ratio for 2nd qt. '43.

B. If such data are not available, use the cost of goods sold and net sales on the most recent federal income tax return.

Example

Cost of goods sold during taxable year 1942 ÷ Net sales during taxable year 1942 = Cost ratio for any qt. of '43.

C. Multiply the projected sales for the quarterly period computed in accordance with

Appendix A, by the cost ratio for the quarterly period.

Example

Cost ratio × projected sales 2nd qt. '43 = Cost of projected sales for 2nd qt. '43

II. Computation of allowable receipts for a quarterly period, using the second quarterly period of 1943 as an example.

A. Add the cost of projected sales for the quarterly period to the cost value of a normal inventory at the beginning of the next quarterly period.

Example

Cost of Projected sales 2nd qt. '43..... \$-----
Normal inventory beginning 3rd qt. '43..... \$-----

Total A.....

B. Subtract from the sum thus secured the mercantile inventory on hand at the beginning of the current quarter.

Total A.....

(Minus) Mercantile inventory beginning 2nd qt. '43..... \$-----

Allowable Receipts during 2nd qt. '43..... \$-----

APPENDIX D

COMPUTATION OF ALLOWABLE RECEIPTS AT RETAIL VALUE USING PROJECTED SALES

I. Computation of allowable receipts for a quarterly period, using the second quarterly period of 1943 as an example.

A. Add the projected sales and the projected markdowns for the quarterly period to a normal inventory at retail value at the beginning of the next quarterly period.

Example

Projected Sales 2nd qt. '43.....	\$-----
Projected Markdowns at Retail 2nd qt. '43.....	\$-----
Normal Inventory at Retail beginning 3rd qt. '43.....	\$-----
Total A.....	\$-----

B. Subtract from the sum thus secured the mercantile inventory, at retail, on hand at the beginning of the quarterly period.

Example

Total A.....	\$-----
(Minus) Mercantile inventory at retail value beginning 2nd qt. '43.....	\$-----
Allowable Receipts at retail during 2nd qt. '43.....	\$-----

[F. R. Doc. 43-4642; Filed, March 26, 1943; 11:49 a. m.]

PART 3133—PRINTING AND PUBLISHING

[Limitation Order L-244 as amended March 26, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage of the supply of print paper 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:

§ 3133.15 Limitation Order L-244—
(a) Definitions. For the purposes of this order:

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

(2) "Magazine" means any periodical recognized as a magazine in the maga-

zine industry, regardless of frequency of issue.

(3) "Printing" means the act or process of printing, impressing or otherwise transferring onto print paper any ink, color, pigment, mark, character or delineation.

(4) "Publisher" shall include, but not by way of limitation, any person issuing one or more magazines.

(5) "Print paper" means any grade or quality of paper used in the printing of a magazine, or used in the printing of material physically incorporated into a magazine.

(6) "Base period" means the year 1942.

(7) [Revoked March 26, 1943]

(b) *General restrictions.* On and after January 1, 1943:

(1) No publisher shall use, or cause to be used for his account, print paper for the printing of his magazine or magazines, during any calendar quarter in excess of 22½% of the amount of print paper used by him or for his account, for such purpose, during the base period: *Provided*, That a publisher may, in any calendar quarter, use up to 15% more than his quarterly quota for such purpose, the excess to be deducted from the quota of the succeeding calendar quarter: *And provided further*, That a publisher may, in any calendar quarter, use additional print paper for such purpose, equivalent to the less-than-quota usage of any preceding calendar quarters.

(c) *Exceptions.* The restrictions of paragraph (b) hereof shall not apply to any publisher who shall use, after March 31, 1943, 25 tons or less of print paper in any calendar quarter for the printing of his magazine or magazines, provided, that no such publisher shall use, in any calendar quarter, more print paper than the larger of the following amounts (which in no event shall exceed 25 tons):

(1) The amount he used in the corresponding calendar quarter of 1942, or

(2) Twenty-five per cent of the amount he used during the year 1942.

Any such publisher may (within the limitation of 25 tons or less of print paper in any calendar quarter), use in any calendar quarter additional print paper for the printing of his magazine or magazines equivalent to the less-than-quota use of any preceding calendar quarters.

(d) *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 War Production Board 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 in-

ventory, use and sales of print paper, 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-244.

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

Issued this 26th day of March 1943.

WAR PRODUCTION BOARD
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-4639; Filed, March 26, 1943;
11:49 a. m.]

PART 3134—DAIRY PRODUCTS

[Revocation of Conservation Order M-259]

Section 3134.1, *Conservation Order M-259*, is hereby revoked in its entirety under the direction of the Secretary of Agriculture. This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said order.

Issued this 26th day of March 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-4639; Filed, March 26, 1943;
11:50 a. m.]

PART 3134—DAIRY PRODUCTS

[Revocation of Conservation Order M-267]

Section 3134.3, *Conservation Order M-267*, is hereby revoked in its entirety under the direction of the Secretary of Agriculture. This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said order.

Issued this 26th day of March 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-4640; Filed, March 26, 1943;
11:50 a. m.]

PART 3153—MAINTENANCE, REPAIR AND OPERATING SUPPLIES FOR LOGGERS AND PRODUCERS

[Preference Rating Order P-138, Revocation]

Section 3153.1 *Preference Rating Order P-138* is hereby revoked as of March 31, 1943.

Issued this 26th day of March 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-4635; Filed, March 26, 1943;
11:50 a. m.]

Chapter XI—Office of Price Administration

PART 1302—ALUMINUM

[RPS 2, as amended; Amendment 6]

ALUMINUM SCRAP AND SECONDARY ALUMINUM INGOT

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.*

Revised Price Schedule No. 2, as amended, is amended in the following respects:

1. Note 5 in § 1302.14 (a) is amended to read as follows:

NOTE 5: Upon the sale of segregated solid aluminum plant scrap of any of the wrought aluminum or S-type alloys, except 2S and 3S, to the Aluminum Company of America, the Olin Corporation, or the Reynolds Metals Company, the following premiums may be charged, demanded, paid or offered:

	Premium (cent per pound)
If such scrap is baled or packaged, suitable for briquetting.....	½
If such scrap is briquetted, or in large pieces too heavy to briquette.....	1

The above premiums may also be charged, demanded, paid or offered upon the sale of segregated solid 17S, 24S or 52S plant scrap to any other person if, but only if, the sale is made pursuant to a specific authorization or directive from the War Production Board removing the sale from the restrictive provisions of Supplementary Order No. M-1-d.

Except as provided herein, the maximum prices established for aluminum scrap by this Revised Price Schedule No. 2, as amended, shall not be increased by any charge or payment for special preparation.

2. Section 1302.15 (a) is amended by adding a new subparagraph (4) to read as follows:

(4) *Special premiums.* If 17S, 24S or 52S ingot is produced principally from 17S, 24S or 52S scrap for which the special preparation premiums provided by § 1302.14 (a), Note 5, have been paid, a charge of ½ cent per pound may be added to the maximum price for such ingot.

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

†7 F.R. 6468, 7973, 8200, 8585, 8948, 9315;
8 F.R. 268.

This amendment shall become effective March 31, 1943.
(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 25th day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4608; Filed, March 25, 1943;
5:10 p. m.]

PART 1306—IRON AND STEEL

[MPR 350]

PACKERS' TIN CANS

In the judgment of the Price Administrator it is necessary and proper to establish maximum prices for sales of packers' tin cans by a separate maximum price regulation. Heretofore, maximum prices for packers' tin cans have been established by the General Maximum Price Regulation.¹ The Price Administrator has ascertained and given due consideration to the prices of packers' tin cans prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this maximum price regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1,² issued by the Office of Price Administration, Maximum Price Regulation No. 350 is hereby issued.

Sec.

- 1306.501 Definitions.
- 1306.502 Maximum prices.
- 1306.503 Adjustable pricing.
- 1306.504 Taxes.
- 1306.505 Less than maximum prices.
- 1306.506 Geographical application.
- 1306.507 Evasion.
- 1306.508 Records and reports.

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

¹ 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 8942, 9004, 9435, 9615, 9616, 9732, 10155, 10454; 8 F.R. 371, 1204, 1317, 2029, 2110, 2346, 3096.

² 7 F.R. 8961.

No. 61—5

Sec.

- 1306.509 Enforcement.
- 1306.510 Petitions for amendment.
- Appendix A: Maximum prices for packers' tin cans.

AUTHORITY: §§ 1306.501 to 1306.510 inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1306.501 *Definitions.* (a) When used in this regulation, the term:

"Electrolytic tin plate" means standard electrolytic tin plate, with approximately .50 tin coating.

"Hot dip tin plate" means standard hot dip tin plate, whether with approximately 1.50 or 1.25 tin coating.

"Packers' tin can" means any new open-top container, made of hot dip or electrolytic tin plate, or chemically treated black plate, or both, or charcoal plate, of the types known to the trade as packers' or sanitary cans.

"Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

"Producer" means any person who manufactures packers' tin cans.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1306.502 *Maximum prices.* On and after March 31, 1943, regardless of any contract, agreement, lease or other obligation, no producer shall sell or deliver packers' tin cans, and no person shall buy or accept delivery of packers' tin cans from a producer in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A hereof, and no person shall agree, offer, solicit or attempt to do any of the foregoing: *Provided*, That this section shall not apply to sales and deliveries of packers' tin cans when sold to be packed in the Territories of Hawaii or Alaska until on and after May 15, 1943: *Provided, further*, That this section shall not apply to sales and deliveries of packers' tin cans when sold to be packed in a place other than the Territories of Hawaii or Alaska if prior to March 31, 1943, such packers' tin cans had been received for shipment by a carrier other than a carrier owned or controlled by the seller, and shall not apply to sales and deliveries of packers' tin cans when sold to be packed in the Territories of Hawaii or Alaska if prior to May 15, 1943, such packers' tin cans had been received for shipment by a carrier other than a carrier owned or controlled by the seller.

§ 1306.503 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery and, where a petition for amendment has been filed pursuant to

§ 1306.510 of this regulation, may offer or agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1306.504 *Taxes.* As to any tax upon, or incidental to, sales or deliveries of packers' tin cans imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, if the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does so separately state it, the seller under this regulation 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.

§ 1306.505 *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid or offered.

§ 1306.506 *Geographical application.* This regulation shall apply only to sales of packers' tin cans when sold to be packed in any one of the forty-eight states of the United States, the District of Columbia or the Territories of Hawaii or Alaska.

§ 1306.507 *Evasion.* The price limitations set forth in this regulation shall not be evaded by direct or indirect methods.

§ 1306.508 *Records and reports.* (a) Every person making a sale of packers' tin cans after the effective date of this regulation shall render to the purchaser an invoice on which shall be separately stated: (1) The date of the sale; (2) the name and address of the seller; (3) the name and address of the purchaser; (4) the quantity and description of the cans sold; (5) the selling price per thousand cans; (6) the additional charges, if any, for packages or packing services; (7) the additional charges, if any, for extra enamelling; and (8) the charge, if any, for delivery.

(b) Each invoice shall be retained by the purchaser and a copy thereof shall be retained by the seller for inspection by the Office of Price Administration, for a period of not less than two years, or as long as the Emergency Price Control Act of 1942 shall be in effect, whichever period is shorter.

(c) Persons affected by this regulation shall submit such reports to the Office of Price Administration as it may from time to time require.

§ 1306.509 *Enforcement.* Persons violating any provision of this regulation shall be subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for

*All the records and reports provisions set forth in this Regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

treble damages provided for by the Emergency Price Control Act of 1942.

§ 1306.510 *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

Appendix A: Maximum prices for packers' tin cans. (a) Maximum prices per thousand cans, f. o. b. seller's plant, of the steels and styles packed in this paragraph, when sold to be packed in:

1. *Territory No. 1:* namely, the District of Columbia and any state lying east of the western boundaries of Montana, Wyoming, Colorado, and New Mexico, except that part of western Colorado which is customarily included in Territory No. 2;

Styles	Sizes ¹			
	No. 1 211 x 400	No. 2 307 x 409	No. 2½ 401 x 411	No. 10 603 x 700
Hot dip tin plate, no enamel.....	\$13.85	\$19.00	\$22.60	\$27.20
Hot dip tin plate, 1 enamel.....	14.85	20.25	24.60	29.20
Hot dip tin plate, 2 enamel.....	15.85	21.60	26.60	31.20
Electrolytic tin plate, 1 enamel.....	13.85	19.00	22.60	27.20
Electrolytic tin plate, 2 enamel.....	14.85	20.25	24.60	29.20
Electrolytic tin plate body, 1 enamel, CTB ends.....	14.85	19.00	22.60	27.20
Electrolytic tin plate body, 2 enamel, CTB ends.....	14.85	20.25	24.60	29.20

2. *Territory No. 2:* namely, the state known in the industry as the territory of Utah, and those parts of southern Idaho and western Colorado customarily

Styles	Sizes ¹			
	No. 1 211 x 400	No. 2 307 x 409	No. 2½ 401 x 411	No. 10 603 x 700
Hot dip tin plate, no enamel.....	\$14.80	\$20.68	\$24.08	\$29.03
Hot dip tin plate, 1 enamel.....	15.80	21.93	26.08	30.53
Hot dip tin plate, 2 enamel.....	16.80	23.18	28.08	32.53
Electrolytic tin plate, 1 enamel.....	14.80	20.68	24.08	29.03
Electrolytic tin plate, 2 enamel.....	15.80	21.93	26.08	30.53
Electrolytic tin plate body, 1 enamel, CTB ends.....	15.80	21.18	24.88	29.53
Electrolytic tin plate body, 2 enamel, CTB ends.....	15.80	21.93	26.08	30.53

3. *Territory No. 3:* namely, Alaska and those states lying west of the western boundaries of Montana, Wyoming, Utah included in Territory No. 2;

Styles	Sizes ¹			
	No. 1 211 x 400	No. 2 307 x 409	No. 2½ 401 x 411	No. 10 603 x 700
Hot dip tin plate, no enamel.....	\$15.01	\$20.85	\$24.20	\$29.46
Hot dip tin plate, 1 enamel.....	16.01	22.10	26.20	31.46
Hot dip tin plate, 2 enamel.....	17.01	23.35	28.20	33.46
Electrolytic tin plate, 1 enamel.....	15.01	20.85	24.20	29.46
Electrolytic tin plate, 2 enamel.....	16.01	22.10	26.20	31.46
Electrolytic tin plate body, 1 enamel, CTB ends.....	15.41	21.35	25.09	30.46
Electrolytic tin plate body, 2 enamel, CTB ends.....	16.01	22.10	26.20	31.46

	No. ¼ tuna 211 x 109	No. ½ tuna 307 x 113	No. 1 tuna 401 x 215.5	No. ½ O. D. 513 x 607 x 108	No. 1 O. D. 406 x 507 x 108
Hot dip tin plate, no enamel.....	\$11.10	\$14.64	\$20.18	\$22.05	\$25.32
Hot dip tin plate, 1 enamel.....	11.85	15.64	21.43	23.30	27.32
Hot dip tin plate, 2 enamel.....	12.60	16.64	22.68	24.55	28.32
Electrolytic tin plate, 1 enamel.....	11.10	14.64	20.18	22.05	25.32
Electrolytic tin plate, 2 enamel.....	11.85	15.64	21.43	23.30	27.32
Electrolytic tin plate body, 1 enamel, CTB ends.....	11.85	15.14	20.98	22.80	26.07
Electrolytic tin plate body, 2 enamel, CTB ends.....	11.85	15.64	21.43	23.30	27.32

	No. 1 tall salmon 301 x 411	No. 1 tall salmon ends loose	No. 1 flat Alaska 401 x 211	No. 1 flat Alaska ends loose
Hot dip tin plate, no enamel.....	\$18.23	\$17.21	\$19.70	\$20.25
Hot dip tin plate, 1 enamel.....	19.48	18.46	21.04	21.50
Hot dip tin plate, 2 enamel.....	20.73	19.71	22.29	22.76
Electrolytic tin plate, 1 enamel.....	18.23	17.21	19.70	20.25
Electrolytic tin plate, 2 enamel.....	19.48	18.46	21.04	21.50
Electrolytic tin plate body, 1 enamel, CTB ends.....	18.73	17.71	20.59	21.05
Electrolytic tin plate body, 2 enamel, CTB ends.....	19.48	18.46	21.04	21.50

	No. ¼ flat cans, 307 x 201.25	No. ½ flat ends ¹	No. 1 flat ends ¹	No. 1 flat ends ¹
Hot dip tin plate, no enamel.....	\$15.21	\$8.20	\$7.04	\$11.12
Hot dip tin plate, 1 enamel.....	16.21	8.70	7.54	11.92
Hot dip tin plate, 2 enamel.....	17.21	9.20	8.04	12.72
Electrolytic tin plate, 1 enamel.....	15.21	8.20	7.04	11.12
Electrolytic tin plate, 2 enamel.....	16.21	8.70	7.54	11.92
Electrolytic tin plate body, 1 enamel, CTB ends.....	15.71	8.70	7.54	11.92
Electrolytic tin plate body, 2 enamel, CTB ends.....	16.21	8.70	7.54	11.92

The sizes of cans are given in inches and sixteenths, the first number being the diameter and the second the height. The first digit is the number of inches, and the second and third digits are the number of sixteenths.

¹ "1 enamel" means enamelled on one side with sanitary or "C" enamel.

² "2 enamel" means enamelled on both sides with sanitary or "C" enamel.

³ "CTB" means chemically treated black plate. CTB ends are enamelled on both sides.

⁴ "O. D." means oval drawn.

⁵ Body includes bottom end of electrolytic tin plate.

⁶ Prices per 2,000 ends.

(b) *Maximum prices for packers' tin cans when sold to be packed in the Territory of Hawaii—1. Cans made of hot dip tin plate:* The prices of the American Can Company charged or in effect between October 1 and October 15, 1941, as adjusted on or before March 31, 1942, for increases in transportation charges on tin plate.

2. *Cans made of electrolytic tin plate or chemically treated black plate or both:* When enamelled on one side, the price established in subparagraph 1 of this paragraph for cans of the same size made of hot dip tin plate with no enamel; when enamelled on both sides, the price established in subparagraph 1 of this paragraph for cans of the

same size made of hot dip tin plate with one enamel; when the bodies are enamelled inside only and the ends are enamelled on both sides, there may be added a charge for one enamelling of the ends, which shall not exceed the applicable charge established in paragraph (f) of this Appendix A.

(c) *Maximum prices for sizes not listed in paragraph (a) of this Appendix A—1. Cans made of hot dip tin plate:* (1) When sold to be packed in the District of Columbia or any state lying east of the western boundaries of Montana, Wyoming, Colorado and New Mexico, except that part of western Colorado which is customarily included in the territory surrounding the state of Utah,

the prices of the American Can Company charged or in effect between October 1 and October 15, 1941, for cans of such sizes.

(11) When sold to be packed in the Territory of Alaska, or any state lying west of the western boundaries of Montana, Wyoming, Colorado and New Mexico, including that part of western Colorado which is customarily included in the territory surrounding the state of Utah, the prices established in subdivision (1) of this subparagraph as adjusted on or before March 31, 1942, for increases in transportation charges on tin plate.

2. Cans made of electrolytic tin plate or chemically treated black plate or both: When enamelled on one side, the prices established in subparagraph 1 of this paragraph for cans of the same size made of hot dip tin plate with no enamel; when enamelled on both sides, the prices established in subparagraph 1 of this paragraph for cans of the same size made of hot dip tin plate with one enamel; when the bodies are enamelled inside only and the ends are enamelled on both sides, the prices herein established for cans of the same size made of electrolytic tin plate enamelled on one side, plus a charge for one enamelling of the ends which shall not exceed the charge established in paragraph (f) of this Appendix A.

(d) Maximum additional charges for cans made of charcoal plate: The additional charge which the same producer charged or had in effect between October 1 and October 15, 1941, for cans of the same size and style made of charcoal plate.

(e) Maximum additional charges for packages and packing services: 1. For delivery in cartons, the additional charge which the same producer charged or had in effect between October 1 and October 15, 1941, for the same type of package or packing service. 2. For delivery in bags, 10 cents per bag, including packing service.

(f) Maximum differentials for extra-enamel, if required by the purchaser in addition to the enamel included in the maximum prices established in this Appendix A, per thousand cans:

1. For sanitary or "C" enamels:

Size of can	Ends only	Bodies only	Complete can
No. 6 Z—202 x 308.....	\$0.25	\$0.55	\$0.80
No. 208—208 x 208.....	.40	.50	.90
No. 1—211 x 400.....	.40	.60	1.00
No. 300—300 x 407.....	.50	.75	1.25
No. 1 Tall—301 x 411.....	.50	.75	1.25
No. 303—303 x 402.....	.50	.75	1.25
No. 2—307 x 409.....	.50	.75	1.25
No. 2½—401 x 411.....	.80	1.20	2.00
No. 3 Cylinder—404 x 700.....	1.00	2.25	3.25
No. 502—502 x 510.....	1.60	2.15	3.75
No. 10—603 x 700.....	2.50	4.00	6.50
No. ¼ Tuna—211 x 109.....	.40	.35	.75
No. ¼ Tuna—307 x 113.....	.50	.50	1.00
No. 1 Tuna—401 x 205.5.....	.80	.45	1.25
No. ¼ Flat Salmon—307 x 201.25.....	.50	.50	1.00
No. 1 Flat Salmon—401 x 210.5.....	.80	.45	1.25
No. ¼ Oval Drawn—513 x 307 x 103.5.....	1.50	1.75	1.25
No. 1 Oval Drawn—406 x 607 x 108.....	1.75	1.25	2.00

1 Top end only, as body and bottom are one piece.
2 Body and bottom.

2. For sanitary or "C" enamels for sizes of cans not listed in subparagraph 1 of this paragraph: If the diameter is listed in subparagraph 1 of this paragraph, the differential for the ends shall be the differential listed for ends only opposite such diameter, and the differential for the bodies shall be an amount bearing the same proportion to the differential listed for bodies only opposite such diameter as the height of the can to be

enamelled bears to the height of the listed can.⁴

3. For special enamels: The charge which the same producer charged or had in effect between October 1 and October 15, 1941, for enamel used in packing the same product.

(g) Maximum charges for delivery: The lowest freight charge for the shipment of an identical quantity of cans from the factory producing cans of the same size located nearest to the buyer's plant, whether such producer's factory is owned by another or by the seller: *Provided*, That in the case of shipments in less than carload lots freight need not be equalized in excess of the carload freight rates: *And provided further*, That this paragraph shall not apply to key-opening, lithographed, or other styles of can on which freight equalization was not customarily made between October 1 and October 15, 1941.

(h) Allowances, quantity discounts, and credit terms: There shall be deducted from the maximum prices established herein the quantity discounts and special allowances such as for delivery by runway (but not including the over-riding discount granted by some producers in 1941) which the same producer granted, or made available, to purchasers between October 1 and October 15, 1941. Credit terms shall not be more onerous than those which were customary between October 1 and October 15, 1941.

Effective Date

This regulation shall become effective March 31, 1943, except that in so far as it establishes prices for the Territories of Hawaii and Alaska, it shall become effective May 15, 1943.

Issued this 25th day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4612; Filed, March 25, 1943;
5:08 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 8]

GENERAL PROHIBITIONS AND PENALTIES

§ 1305.53 General prohibitions and Penalties. Under the authority vested in the Administrator by Executive Order No. 9125, Directive No. 1 of the War Production Board and Food Directive No. 3 issued by the Secretary of Agriculture, General Ration Order No. 8 (General Prohibitions and Penalties) which is annexed hereto and made a part hereof, is hereby issued.

GENERAL RATION ORDER NO. 8 GENERAL—PROHIBITIONS AND PENALTIES

ARTICLE I.—SCOPE AND DEFINITIONS

SECTION 1.1 Scope of order. This order sets forth certain uniform prohibitions and penalties which shall apply to all ration orders.

SEC. 1.2 Definitions. When used in this order:

"Acquire" has the same meaning as it has in the ration order involved.

⁴For example, the maximum charge for ends size 211 x 300, if such size were made, would be 40¢, as 211 ends are listed. The maximum charge for the body would be ¼ of 60¢, or 45¢.

"Person" has the same meaning as it has in the ration order involved.

"Ration document" means an authorization, stamp, card, ration book, coupon, coupon sheet, ration check, certificate, clearance statement, receipt and acknowledgment; any application, record, report or other document made or kept pursuant to or required by a ration order; or any part of such ration document.

"Ration order" means any order or regulation of the Office of Price Administration issued pursuant to War Production Board Directive No. 1, as supplemented, or Food Directive No. 3 of the Secretary of Agriculture, as supplemented, or pursuant to any other delegation of authority heretofore or hereafter conferred upon the Office of Price Administration, under section 2 (a) of the Act of June 28, 1940 (54 Stat. 676) as amended by the Act of May 31, 1941 (55 Stat. 236) and by Title III of the Second War Powers Act (56 Stat. 178), 50 U.S.C.A. (App.) sec. 633. It also includes an order issued pursuant to a ration order.

"Rationed commodity" means any commodity the acquisition, transfer or use of which is regulated or prohibited by a ration order.

"Transfer" has the same meaning as it has in the ration order involved.

ARTICLE II.—PROHIBITIONS

SEC. 2.1 False or misleading statements. No person shall in any ration document make an untrue statement, or omit to state any fact required to be stated therein or necessary to make any statement therein not misleading; and no person shall furnish false information to the Office of Price Administration or omit to state any fact necessary to make a statement made to that office not misleading.

SEC. 2.2 Alteration, defacement, mutilation or destruction of ration document. No person shall alter, deface, mutilate or destroy a ration document except in accordance with the provisions of a ration order or unless authorized to do so by the Office of Price Administration.

SEC. 2.3 Acquisition, use, transfer or possession of altered, defaced or mutilated ration document. No person shall acquire, use, permit the use of, transfer, possess or control any ration document which has been altered, defaced or mutilated in violation of any ration order.

SEC. 2.4 Counterfeiting or forging ration document. No person shall counterfeit or forge a ration document.

SEC. 2.5 Acquisition, use, transfer or possession of counterfeited or forged ration document. No person shall acquire, use, permit the use of, transfer, possess or control any counterfeited or forged ration document.

SEC. 2.6 Acquisition, use, transfer or possession of ration document. No person shall acquire, use, permit the use of, transfer, possess or control a ration document except the person or the agent of the person to whom such ration document was issued or by whom it was acquired in accordance with a ration order or except as otherwise provided by a ration order.

SEC. 2.7 Wrongful withholding of ration document. No person shall upon demand of the person entitled to the pos-

session of a ration document withhold it from him.

SEC. 2.8 Wrongful acquisition, possession, use or transfer of rationed commodity. No person shall acquire, possess, use, permit the use of, sell or otherwise transfer a rationed commodity except in accordance with the provisions of a ration order. No person shall possess, use, permit the use of, sell or otherwise transfer any rationed commodity acquired in violation of a ration order.

SEC. 2.9 Transfer in exchange for invalid or improperly acquired ration document. No person shall transfer or receive any rationed commodity in exchange for a ration document if he knows or has reason to believe that the ration document was not validly issued or that it was not acquired in accordance with a ration order by the person tendering it.

SEC. 2.10 Transfer at illegal price. No person shall sell or otherwise transfer, and no person shall, in the course of trade or business, buy or receive, any rationed commodity at a price in excess of the applicable maximum price established for that commodity by the Office of Price Administration.

SEC. 2.11 Hindering or interfering with rationing officials. No person shall, by force, violence, intimidation or in any other way, hinder or interfere with any person administering or enforcing or assisting in administering or enforcing a ration order.

SEC. 2.12 Bribing rationing officials. (a) No person shall give or offer any money, property, or thing of value or any promise therefor, or any other bribe, to any person administering or enforcing, or assisting in administering or enforcing any ration order, with intent to influence, or because of, his official decision or action.

(b) No person administering or enforcing, or assisting in administering or enforcing, any ration order shall accept or solicit any money, property, or thing of value, or any promise therefor, or any other bribe, given or offered with intent to influence, or because of, his official decision or action.

SEC. 2.13 Persons included under sections 2.11 and 2.12. As used in sections 2.11 and 2.12 of this order, the following shall be deemed to be included, but without limitation, as persons administering or enforcing a ration order:

(a) Officers, agents and employees of banks participating in ration banking;

(b) Persons authorized by the Office of Price Administration to inspect and certify as to the condition of a rationed commodity;

(c) Officers, agents or employees of state, local or federal government agencies cooperating with or assisting the Office of Price Administration in administering or enforcing a ration order.

SEC. 2.14 Exemption of public officials. The provisions of sections 2.2, 2.3, 2.5, 2.6, 2.7 and 2.8 of this order shall not be applicable to public officials acting in the performance of their official duties.

SEC. 2.15 Offer or attempt to violate a ration order. No person shall, or shall permit or cause another person to, offer,

solicit, attempt or agree to do or omit to do, either directly or indirectly, any act in violation of any ration order.

SEC. 2.16 Effect of a ration order on other orders. No ration order shall be construed to permit any act or omission which would violate any other ration order.

ARTICLE III—PENALTIES

SEC. 3.1 Criminal prosecution. Any person who wilfully performs any act prohibited, or wilfully fails to perform any act required, by any ration order, shall be fined not more than \$10,000 or imprisoned for not more than one year, or both, and shall be subject to such other penalties as may be prescribed by law.

ARTICLE IV—SUSPENSION ORDERS

SEC. 4.1 Suspension orders. Any person who violates a ration order may, by administrative suspension order, be prohibited from receiving any transfer or delivery of, or from selling, using or otherwise disposing of, any rationed commodity. Proceedings for suspension orders shall be in accordance with the provisions of Procedural Regulation No. 4¹ of the Office of Price Administration.

ARTICLE V—SAVING CLAUSE

SEC. 5.1 Saving clause. The amendment, revocation or repeal of a ration order, or any part thereof, shall not have the effect to release or extinguish any penalty or liability incurred under such ration order, unless the amending, revoking or repealing order shall so expressly provide, and the ration order or part thereof which was amended, revoked or repealed shall be treated as still remaining in force for the purpose of allowing or sustaining any proper action or prosecution with respect to such penalty or liability.

Effective Date

This General Ration Order No. 8 shall become effective on April 15, 1943.

Issued this 25th day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4614; Filed, March 25, 1943;
5:08 p. m.]

PART 1351—FOODS AND FOOD PRODUCTS

[Correction to Amendment 10 Under
RPS 53²]

FATS AND OILS

Section 1351.151 (b) (8) (iii) (b) is corrected by inserting, after the words "14.30 cents per pound," and before the word "delivered", the words "in tierces", to read as set forth below:

§ 1351.151 Maximum prices for fats and oils. * * *

(b)	* * *
(8)	* * *
(iii)	* * *

¹ 8 F.R. 1744.

² 7 F.R. 1309, 1836, 2132, 3430, 3821, 4229, 4294, 4484, 5605, 7665, 7666, 7977, 8204, 8653, 8702, 8948, 9130, 9189, 9393, 9486, 9958, 10471, 10530, 11069; 8 F.R. 1200, 1972, 2875, 3251.

(b) Base or standard commercial refined lard, 14.30 cents per pound, in tierces, delivered within corporate limits of basing points.

This correction shall become effective March 31, 1943.

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

Issued this 25th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4616; Filed, March 25, 1943;
5:09 p. m.]

PART 1379—SMALL ARMS AND PARTS

[MPR 254, Amendment 2]

NEW SMALL FIREARMS AND FIREARM PARTS

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.*

Section 1379.13 (a) (1) is amended to read as follows:

§ 1379.13 Definitions. (a) When used in this Maximum Price Regulation No. 254, the term:

(1) "Firearm" means any new weapon of the type generally classed as small arms, including, for example, pistols, shotguns, and rifles, but not including tear gas guns.

This amendment shall become effective March 31, 1943.

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

Issued this 25th day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4606; Filed, March 25, 1943;
5:10 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 351]

FERROUS FORGINGS

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for ferrous forgings when sold by the manufacturer performing the forging operation which differ in some respects from the maximum prices established by Maximum Price Regulation No. 136, as amended—Machines and Parts and Machinery Services.

The Price Administrator has ascertained and given due consideration to the prices of ferrous forgings prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined to be of general applicability. So far as practicable the Price Administrator has advised and consulted with representa-

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

¹ 7 F.R. 8895; 8 F.R. 164.

tive members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this maximum price regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith, and has been filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, this regulation is hereby issued.

- Sec.
 1390.201 Coverage.
 1390.202 Prohibition against sales at higher than maximum prices.
 1390.203 Less than maximum prices.
 1390.204 Maximum prices; forgings with list prices.
 1390.205 Maximum prices; forgings without list prices.
 1390.206 Maximum prices; forgings without list prices and not comparable to forgings agreed to be sold between January 1 and October 1, 1941.
 1390.207 Pricing formula.
 1390.208 New or converted plants.
 1390.209 Extra charges for emergency production.
 1390.210 Federal and state taxes.
 1390.211 Export sales.
 1390.212 Evasion.
 1390.213 Developmental contracts or subcontracts.
 1390.214 Secret contract.
 1390.215 Privileges accorded to certain foreign governments.
 1390.216 Transfer of business or stock in trade.
 1390.217 Enforcement.
 1390.218 Petitions for amendment.
 1390.219 Records and additional or substituted reports.
 1390.220 Definitions.

AUTHORITY: §§ 1390.201 to 1390.220, inclusive issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1390.201 *Coverage*—(a) *"Ferrous forgings"*. This regulation establishes maximum prices for "ferrous forgings" when sold by the manufacturer performing the forging operation. The term "ferrous forgings" means all products of iron and/or steel commonly known as "forgings" formed by the use of power-actuated hammers, pressers, or forging machines, and includes "forgings" upon which supplementary operations, such as trimming, coining, testing, inspecting, heat-treating, welding, machining, plating, or other surface coating, have been performed. The following are not included: Products commonly known as "stampings", chains, hand tools, expendable (perishable) tools, marine hardware, "iron and steel products" as defined in Revised Price Schedule No. 6—Iron and Steel Products—or automotive parts of the type covered by Maximum Price Regulation No. 136, as amended.

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

Machines and Parts, and Machinery Services.

(b) *Die charges*. When in connection with the sale of "ferrous forgings" a charge is made for dies or special tools used in producing the forgings, this charge shall be deemed to be part of the price for the forgings, and shall be subject to this regulation. When such dies and special tools are sold separately, however, they are covered by Maximum Price Regulation No. 136, as amended—machines and parts, and machinery services.

(c) *Exclusions*. This regulation does not apply to the following:

(1) Any sale or delivery of a forging by the manufacturer of a machine or other mechanical device, including items specially designed for military purposes, as a component or repair part or attachment for the machine or device. In such case, the regulation, if any, covering such component or repair part or attachment establishes the applicable maximum price.

(2) Any sale or delivery of a forging pursuant to a "developmental" contract or subcontract as provided in § 1390.213.

(3) Any sale or delivery of a forging pursuant to a "secret" contract or subcontract as provided in § 1390.214.

§ 1390.202 *Prohibition against sales at higher than maximum prices*. (a) On and after March 31, 1943, regardless of any contract, lease, or other obligation,

(1) No manufacturer shall sell or deliver any ferrous forging at a price higher than the maximum price established by this regulation;

(2) No person shall buy or receive from the manufacturer in the course of trade or business any ferrous forging at a price higher than such maximum price;

(3) No person shall agree, offer, solicit, or attempt to do any of the acts prohibited in subparagraphs (1) and (2);

(4) Notwithstanding the provisions of subparagraph (2), if upon the purchase of any ferrous forging the purchaser shall receive from the manufacturer a written affirmation that to the best of his knowledge, information and belief the price charged does not exceed the maximum price established by this regulation, and if in such case the purchaser shall have no knowledge of the maximum price and no cause to doubt the accuracy of the affirmation, the purchaser shall be deemed to have complied with this section.

(b) The provisions of paragraph (a) (2) of this section shall not be applicable to any war procurement agency or any contracting officer thereof, and any such contracting officer or any paying finance officer shall be relieved of any and every liability, civil or criminal, imposed by this regulation or by the Emergency Price Control Act of 1942, as amended.

§ 1390.203 *Less than maximum prices*. Lower prices than those set forth in this regulation may be charged, demanded, paid or offered.

§ 1390.204 *Maximum prices; forgings with list prices*—(a) *Definition*. For the purposes of this section, a "list price" is a price which may be derived from a price list or price sheet issued to the

trade, or a price which may be quoted, under a system of quoting prices without further cost estimates, by the manufacturer or any of his agents from information which he has available describing types of forgings and the method of calculation of prices.

(b) *Maximum prices*. For any ferrous forging for which the manufacturer had a list price in effect on October 1, 1941, the maximum price to any purchaser shall be such list price adjusted for all extra charges, discounts, or allowances in use by the manufacturer on October 1, 1941 for a purchaser of the same class.

§ 1390.205 *Maximum prices; forgings without list prices*—(a) *General rule*. For any ferrous forging for which the manufacturer had no list price in effect on October 1, 1941, but which he agreed to sell between January 1 and October 1, 1941, the maximum price shall be the net price at which the manufacturer last agreed to sell the forging during that period. Certain modifications of this rule are set forth in the following paragraphs.

(b) *Purchasers of different classes*. If the net price at which the manufacturer last sold or agreed to sell the forging between January 1 and October 1, 1941 was applicable to purchasers of a particular class only, maximum prices to purchasers of other classes shall be determined by the use of the differentials in the price between different classes of purchasers which the manufacturer had in effect on October 1, 1941.

(c) *Quantity differentials*. If such last price was applicable only to an order of particular quantity, the maximum price applicable to an order of a smaller quantity may be adjusted, and for a larger quantity shall be adjusted, to reflect the difference in unit cost of producing the smaller or larger quantity: *Provided*, That the manufacturer customarily applied equivalent quantity differentials of the same nature, that is based on differences in unit cost, on October 1, 1941. The difference in unit cost of producing the smaller or larger quantity shall be calculated on the basis of the price determining method and cost-estimating methods which the manufacturer used on October 1, 1941, in accordance with the applicable provisions of § 1390.207.

(d) *Comparable forgings*. For any ferrous forging for which the manufacturer had no list price in effect on October 1, 1941, and which he did not agree to sell between January 1 and October 1, 1941, but which is closely comparable to a forging the manufacturer agreed to sell during that period, the maximum price shall be the last price at which the manufacturer agreed to sell the most comparable forging during that period, plus or minus the difference in total unit cost resulting from the change in specifications: However, this pricing method may be used only if it was the practice of the manufacturer on July 22, 1942, to calculate prices of forgings on the basis of prices previously charged for comparable forgings. For the purposes of this paragraph, total unit costs shall be calculated on the basis of the price-determining method and cost estimating methods which the manufacturer used

on October 1, 1941, in accordance with the applicable provisions of § 1390.207. Changes in materials used, in tolerances, and in tests required may all be regarded as specification changes.

§ 1390.206 *Maximum prices; forgings without list prices and not comparable to forgings agreed to be sold between January 1 and October 1, 1941.* (a) For any ferrous forging which cannot be priced under § 1390.204 or § 1390.205, the maximum price shall be calculated on the basis of the price-determining method and cost-estimating methods which the manufacturer used on October 1, 1941, determined in accordance with the applicable provisions of § 1390.207.

(b) After the manufacturer has acquired actual experience in the production of such a forging he shall, before accepting further repeat orders for such forgings, recompute the maximum price in accordance with this section and § 1390.207, making use of his production experience. The completion of one order for such a forging shall be deemed to provide actual production experience unless the manufacturer shall request and receive approval in writing from the Office of Price Administration for a further period for recomputation on the ground that his production experience on the initial order was inadequate to determine a maximum price. Recomputation as provided in this paragraph (b), shall not be required, however, for any ferrous forging delivered after the effective date of this regulation under a contract entered into prior to July 22, 1942, and priced in accordance with an informal agreement with the Price Administrator or informal request issued by him.

(c) If the recomputation required in paragraph (b) above results in a lower maximum price, this lower price shall then become the new maximum price for all subsequent orders, and no report shall be required. If the recomputation results in a higher maximum price, however, and if the manufacturer elects to charge this higher price, on any subsequent order, the manufacturer shall file a report with the Machinery Branch, Office of Price Administration, Washington, D. C., within ten days after quoting or entering into a contract at such price, containing the following information: (1) a description of the forging; (2) the price on the last sale prior to the price increase, the date of such sale and the name and description of the purchaser; (3) the new price and the date of quoting or entering into a contract for the new price; (4) and an explanation of the reason for the increase, including a comparison of the original cost estimate with the production experience on which the new price is based.

§ 1390.207 *Pricing formula.* (a) In calculating maximum prices of ferrous forgings to any purchaser in accordance with § 1390.206 and wherever cost calculations are required in § 1390.205, the manufacturer shall use the following:

(1) The price-determining method and cost-estimating methods which the manufacturer used on October 1, 1941. If the manufacturer had no price-

determining method for ferrous forgings in use on that date, a method shall be filed with the Office of Price Administration in accordance with § 1390.208.

(2) To the extent that the price-determining method included or was based on them, the manufacturer shall use labor rates, materials prices, machine hour rates and overhead rates in use on October 1, 1941. In estimating clock hours of labor and quantities of materials required for any order, the manufacturer shall use all previous production experience. The amount of overtime (estimated and/or averaged, if necessary) required to be used in excess of that provided for in the overhead or machine hour rate in use on October 1, 1941 may be added to the cost of labor, but in no event shall any markup, overhead or profit be applied to that part of the labor cost which is in excess of the straight-time cost:

(3) To the extent that the price-determining method includes or is based on prices paid for subcontracted services or for dies or special tools purchased, the manufacturer shall use actual prices paid or to be paid, if the manufacturer has no reason to believe that the prices charged or estimated by his supplier exceed applicable maximum prices:

(4) To the extent that the price-determining method includes or is based on freight rates paid, the manufacturer shall use freight rates in effect on March 31, 1942, for the mode of transportation actually used and from the actual point of origin or to the actual destination:

(5) All applicable extra charges, discounts, or other allowances in use by the manufacturer on October 1, 1941, for a purchaser of the same class.

§ 1390.208 *New or converted plants.* If because he is operating in a new or converted plant or for any other reason a manufacturer had no price-determining method for ferrous forgings in use on October 1, 1941:

(a) *Price-determining method.* The manufacturer shall establish a price determining method and rates for use therein (labor rates, machine hour rates, overhead rates and profit rates, etc.) for the determination of maximum prices for ferrous forgings conforming as far as possible to the provisions of § 1390.207. The overhead rate so established shall be a reasonable rate in the light of the operations to be performed. In the case of a newly constructed plant for the manufacture of forgings, however, a manufacturer may use as a base date for all purposes the date upon which price quotations were first made or upon which production was started in the plant, whichever is earlier.

(b) *Reports.* The manufacturer shall file a report with the Office of Price Administration, Washington, D. C., containing (1) the proposed price-determining method and rates calculated in accordance with paragraph (a), (2) a sample, satisfactory to the Office of Price Administration, of prices for forgings determined in accordance with the proposed pricing method, (3) an explanation of the circumstances necessitating pricing under this section, and (4) any

other data which the Office of Price Administration may in writing require.

(c) *Maximum prices.* (1) Prices determined in accordance with the proposed method reported under paragraph (b) may be quoted or charged for thirty days prior to filing such report and may be quoted or charged thereafter until the Office of Price Administration disapproves such price in writing or requires a new filing under paragraph (b). If the Office of Price Administration approves the proposed pricing method and the prices which result from its use, or fails to disapprove them within thirty days after receiving such report, the maximum prices for such ferrous forgings shall be determined in accordance with the proposed pricing method until a new pricing method is proposed and reported either upon the initiative of the manufacturer or as required by the Office of Price Administration. The prices previously filed shall not be regarded as fixed maximum prices, but may be modified pursuant to the proposed pricing method.

(2) The Office of Price Administration may disapprove the proposed pricing method and the prices resulting from its use in writing within the thirty-day period and upon such disapproval the manufacturer shall file a revised pricing method in accordance with the suggestions and directions contained in such disapproval and the provisions of this section shall apply in all respects to such revised method. In disapproving any proposed method of price determination within the thirty-day period, the Office of Price Administration may require that refunds be made as to all deliveries made at prices determined pursuant to such method. Such disapproval and requirements of refunds shall, upon request of the manufacturer, be embodied in an order.

(d) Not later than six months after last filing a price-determining method which was not disapproved by the Office of Price Administration, the manufacturer shall file a report with the Office of Price Administration, Washington, D. C., containing (1) a comparison of his actual direct and indirect costs for the period under review with the estimates on which the pricing method being used was based and (2) so far as available, for each of the representative items for which prices were previously filed, the current price being charged and a comparison of the actual direct and indirect costs with the estimate on which the price previously filed was based.

(e) Any manufacturer may at any time file and the Office of Price Administration may at any time require the filing of a new or revised pricing method in accordance with the provisions of this section, together with a sample, satisfactory to the Office of Price Administration, of prices determined in accordance with such method.

§ 1390.209 *Extra charges for emergency production.* Notwithstanding any other provision of this regulation, any manufacturer may add to the maximum price herein provided the amount of the

extra out-of-pocket expense incurred where, at the request of the customer, more than the amount of overtime estimated to be required is worked and/or materials are purchased from a source more expensive than the current usual source. However, such extra charges must be billed separately on the invoice and a copy of the invoice must be immediately forwarded to "Ferrous Forgings, Office of Price Administration, Washington, D. C."

§ 1390.210 Federal and State taxes. Any tax levied by any statute of the United States or statute or ordinance of any State or subdivision thereof upon the sale or delivery of any ferrous forging may be added to the maximum price if such tax is stated separately on the invoice. That tax may not be added if that tax was in effect before October 1, 1941 and was not taken into account in calculating prices on October 1, 1941. A tax on the transportation of all ferrous forgings imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated as a tax for which a charge may be made in addition to the maximum price.

§ 1390.211 Export sales. The maximum price at which a person may export any ferrous forging shall be determined in accordance with the method provided in Revised Maximum Export Regulation¹ issued by the Office of Price Administration.

§ 1390.212 Evasion. (a) It shall be a violation of this regulation to effect a price increase above the applicable maximum price in connection with any sale or delivery of any ferrous forging, by changing discounts or customary price differentials among classes of purchasers; by making minor changes in ferrous forgings having published or confidential list prices; by requiring a customer to furnish material for processing not in accordance with previous practice; by entering into a joint venture with any other person subject hereto for cross-selling, cross-purchasing; by reducing the period of any guaranty or warranty of performance; by undervaluing commodities received in trade; or by any other change in terms or conditions of sale or contract.

(b) The Office of Price Administration may, upon request, grant written permission to any person subject to this regulation to change credit terms or guaranties in effect on October 1, 1941, where such change is necessitated by orders issued by the War Production Board, the Board of Governors of the Federal Reserve System or any other agency of the United States or becomes desirable as a matter of public policy.

§ 1390.213 Developmental contracts or subcontracts. (a) This regulation, shall

not apply to any sale or delivery of a ferrous forging pursuant to a contract or subcontract certified in writing to the Office of Price Administration by the United States or any agency thereof as being developmental: *Provided*, That a report is filed pursuant to paragraph (b). For the purposes of this section, a contract is deemed to be "developmental" during the period required for the selection of a product by the purchaser or for the accumulation of sufficient production experience by the manufacturer to permit a fair estimate of the manufacturing costs, or both. When the Office of Price Administration shall have determined after consultation with the appropriate government agency that the period necessary for development has expired, and has in writing so notified such agency and the manufacturer, this regulation shall apply to all subsequent sales and deliveries of such ferrous forging thereafter.

(b) Within ten days after entering into any such developmental contract or subcontract the manufacturer shall file a report with the Office of Price Administration, Washington, D. C., containing a description of the product or products to be manufactured, a summary of the terms of the contract or subcontract including all pricing provisions, a short statement of the production plan of which this contract is a part, and an estimate of the expected duration of such developmental work.

§ 1390.214 Secret contracts. This regulation shall not apply to any sale or delivery of a ferrous forging pursuant to a contract or subcontract which is deemed to be a "secret" contract and is so certified to the Office of Price Administration by the United States or any agency thereof. Such certification shall set forth the date of the "secret" contract and its number or other designation. After the Office of Price Administration shall have received notice from the United States or the certifying agency that such contract is no longer deemed to be "secret" this regulation shall apply to all subsequent sales and deliveries of such ferrous forging completed thereafter.

§ 1390.215 Privileges accorded to certain foreign governments. The privileges accorded to the United States or any agency thereof by § 1390.213 (developmental contracts and subcontracts) and § 1390.214 (secret contracts) shall apply to the government of any country whose defense the President deems vital to the defense of the United States, under the terms of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" or to any agency of any such government.

§ 1390.216 Transfer of business or stock in trade. If the business assets or stock in trade of any business are sold or otherwise transferred after October 1, 1941, and the transferee carries on the business, or continues to deal in the same type of ferrous forging, in the same competitive area and in an establishment separate from any establishment which

he may previously have owned or operated, the transferee shall be subject to the same maximum prices as those to which his transferor would have been subject under this regulation, if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor in such cases 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 provisions of this regulation.

1390.217 Enforcement. (a) Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages or 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 or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1390.218 Petitions for amendment—
(a) *Government contracts or subcontracts.* Any person who has entered into or proposes to enter into a contract with the United States or with any government referred to in § 1390.215 or any agency thereof, or a subcontract under such contract, who believes that the maximum price established by this regulation impedes or threatens to impede production of a ferrous forging, which is essential to the war program and which is or will be the subject of such contract or subcontract, may file an application for adjustment of such maximum price in accordance with Procedural Regulation No. 6² issued by the Office of Price Administration. Upon the filing of an application for adjustment and pending the issuance of an order granting or denying such application, contracts or subcontracts may be entered into, or offered to be entered into, and deliveries may be made, at the price requested in such application. If, however, the order issued denies the application in whole or in part, the contract price shall be revised downward to the maximum price previously in effect or to the maximum price ordered, and if any payment has been made at the requested prices, the applicant may be required to refund the excess.

(b) *Amendments.* Any person seeking an amendment of any provision of this regulation, may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1390.219 Records and additional or substituted reports—(a) *Records.* Every manufacturer subject to this regula-

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

² 7 F.R. 5087, 5664.

tion shall keep available for inspection by representatives of the Office of Price Administration, so long as the Emergency Price Control Act of 1942 remains in effect, records of the following: (1) each sale or delivery of a ferrous forging showing the name of the purchaser, the date of the sales, and identification of the forging providing a reference to a price list or to production records and the net price; (2) price-determining methods, labor rates, material prices, and overhead rates in effect on October 1, 1941, and (3) detailed cost-estimate sheets and other data showing the calculations of prices and transactions covered by this regulation for which there was no list price in effect on October 1, 1941.

(b) *Additional or substituted records.* Every manufacturer subject to this regulation shall keep such other records and submit such other reports as the Office of Price Administration may from time to time require in writing, either in addition to or in substitution for records and reports herein required.*

§ 1390.220 *Definitions.* (a) When used in this regulation, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Manufacturer" means any person engaged in performing the completed forging operations.

(3) "Price" means any consideration in connection with a sale, exchange or other transfer of a ferrous forging and includes prices, rates and charges.

(4) "War procurement agency" includes the War Department, the Department of the Navy, the United States Maritime Commission, and the Lend-Lease Section in the procurement Division of the Treasury Department or any agency of any of the foregoing.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used in this regulation.

This regulation shall become effective March 31, 1943.

Issued this 25th day of March 1943.*

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4605; Filed, March 25, 1943;
5:09 p. m.]

*Such requests shall be subject to the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

*All reporting and record-keeping requirements of this Regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

PART 1499—COMMODITIES AND SERVICES

[SR 14,¹ Amendment 142]

TEAR GAS EQUIPMENT

Amendment No. 142 to Supplementary Regulation No. 14—Modifications of Maximum Prices for Certain Commodities, Services and Transactions.

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 (86) is added to § 1499.73 (a), as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

(86) *Tear gas equipment.* The maximum price for any item of tear gas equipment, including guns, shells, candles, and grenades, is the seller's maximum price as determined under § 1499.2 of the General Maximum Price Regulation or the price specified in the seller's price list in effect on April 15, 1942, whichever is higher.

This amendment shall become effective March 31, 1943.

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

Issued this 25th day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4607; Filed, March 25, 1943;
5:10 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 188,² Amendment 8]

MANUFACTURERS' MAXIMUM PRICES FOR SPECIFIED BUILDING MATERIALS AND CONSUMERS' GOODS OTHER THAN APPAREL

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.*

The item "Ammunition for small arms" in § 1499.166 (b) (21) is amended

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

¹ 7 F.R. 5486, 5709, 6008, 5911, 6271, 6389, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6775, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7610, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 9082, 8950, 9131, 8953, 8954, 8955, 8959, 9053, 9196, 9397, 9391, 9495, 9496, 10181, 9639, 9900, 9901, 10069, 10111, 10022, 10151, 10231, 10354, 10356, 10381, 10490, 10583, 10537, 10705, 10583, 11005; 8 F.R. 276, 439, 535.

² 7 F.R. 5872, 7967, 8943, 8948, 10155; 8 F.R. 537, 1815, 1980, 3105.

to read "Ammunition for small arms, but not including tear gas equipment."

This amendment shall become effective March 31, 1943.

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

Issued this 25th day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4599; Filed, March 25, 1943;
5:11 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. Order 227 Under § 1499.3 (b) of GMPR]

WYANDOTTE CHEMICALS CORP.

For the reasons set forth in an opinion issued simultaneously herewith, It is ordered:

§ 1499.1463 *Approval of maximum prices for sales of specialized cleaning compounds and comparable products manufactured by the J. B. Ford Division of the Wyandotte Chemicals Corporation.* (a) The maximum price for sales by the J. B. Ford Division of the Wyandotte Chemicals Corporation, Wyandotte, Michigan, of a specialized cleaning compound or other comparable product manufactured by the J. B. Ford Division for which a maximum price cannot be established under § 1499.2 of the General Maximum Price Regulation, shall be determined as follows:

The J. B. Ford Division shall determine the cost of the product being priced by the same method and using the same unit cost figures (i. e. the same charges for materials, labor, factory overhead, depreciation, shipping and general office expenses) which the J. B. Ford Company would have used on March 31, 1942. Using the cost so determined as its "replacement cost", the J. B. Ford Division shall then determine the maximum price for the product being priced in accordance with the provisions of § 1499.3 (a) of the General Maximum Price Regulation.

(b) Reports of prices determined under this order shall be made as required by § 1499.3 (a), except that such reports shall be sent to the Office of Price Administration in Washington, D. C. Prices so reported shall be subject to adjustment at any time by the Office of Price Administration.

(c) This Revised Order No. 227 may be revoked or amended by the Price Administrator at any time.

(d) This Revised Order No. 227 shall become effective March 26, 1943.

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

Issued this 25th day of March, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4610; Filed, March 25, 1943;
5:11 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Rev. Order 256 Under § 1499.3 (b) of GMPR]

CAP SALES CORPORATION

For the reasons set forth in an opinion issued simultaneously herewith, Order No. 256, under § 1499.3 (b) of the General Maximum Price Regulation (§ 1499.1492) is amended to read as follows:

§ 1499.1492 *Authorization of a maximum price for sales of quick frozen corned beef hash by the Cap Sales Corporation.* (a) On and after February 2, 1943, the maximum selling price for quick frozen corned beef hash consisting of corned beef derived from canned corned beef, and of potatoes in a mixture containing 35% corned beef and 65% potatoes suitably seasoned, prepared by the Cap Sales Corporation, New York City, New York, shall be 28 cents per pound, on sales to wholesalers, and 35 cents per pound on sales to retailers.

(b) The Cap Sales Corporation shall furnish to all wholesalers who purchase quick frozen corned beef hash from it for resale before or at the time of the initial sale of such product, a written notice to read as follows:

The Office of Price Administration has authorized us by order to sell our quick frozen corned beef hash at the maximum price of 28 cents per pound. As a wholesaler, you are authorized to sell this product at 35 cents per pound to retailers. You are required to supply all retailers with the following notice:

The Office of Price Administration authorizes retailers to determine their maximum selling price per pound for quick frozen corned beef hash in accordance with section 3 (a) of the General Maximum Price Regulation. You are required to keep this notice for examination.

You are required to keep this notice for examination.

(c) The Cap Sales Corporation shall furnish to all retailers who purchase quick frozen corned beef hash from it before or at the time of the initial sale of such product the same written notice as wholesalers are required to furnish as set out in the preceding paragraph.

(d) On or before April 15, 1943, the Cap Sales Corporation shall furnish the Office of Price Administration in Washington, D. C. with a statement reporting in detail its costs of producing and selling quick frozen corned beef hash for each month for the period from January 30, 1943, to March 30, 1943, inclusive.

(e) Every seller selling quick frozen corned beef hash to retailers shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, is in effect a complete and accurate record of each sale or delivery showing the date of sale, the name and address of the buyer, the quantities sold and the prices charged therefor.

(f) The maximum selling prices set forth in paragraph (a) shall be subject to adjustment at any time by the Office of Price Administration.

(g) This Revised Order No. 256 may be revoked or amended by the Office of Price Administration at any time.

No. 61—6

(h) This Revised Order No. 256 (§ 1499.1492) shall become effective March 25, 1943.

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

NOTE.—All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 25th day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4609; Filed, March 25, 1943;
5:10 p. m.]

**PART 1399—CONSTRUCTION, OIL FIELD,
MINING AND RELATED MACHINERY**
[MPR 134,¹ Amendment 7]

**CONSTRUCTION AND ROAD MAINTENANCE
EQUIPMENT RENTAL PRICES AND OPERATING
OR MAINTENANCE SERVICE CHARGES**

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

Section 1399.11 (b) is amended by adding thereto a new subparagraph (4) as follows:

(4) *Construction equipment used in Alaska.* Except as provided in § 1399.11 (b) (3), and notwithstanding any contrary provision of this Maximum Price Regulation No. 134, or of Maximum Price Regulation No. 194, the maximum monthly rental rate for any construction or road maintenance machinery used in the Territory of Alaska shall be the applicable monthly rate set forth in § 1399.15, Appendix A of Maximum Price Regulation No. 134, plus 25% of such rate.

This amendment shall become effective as of March 31, 1943.

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

Issued this 25th day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4600; Filed, March 25, 1943;
5:11 p. m.]

PART 1425—LUMBER DISTRIBUTION

[MPR 215,² as Amended March 25, 1943]

DISTRIBUTION YARD SALES OF SOFTWOOD

The first paragraph of § 1425.14 (c) (2), and §§ 1425.16 (b) (1) and (2) are amended by Amendment 4 so that Maximum Price Regulation No. 215 shall read as follows:

In the judgment of the Price Administrator it is necessary and proper to establish maximum prices for distribution yard sales of softwood lumber which

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

¹ 7 F.R. 3203, 3411, 3447, 7001, 8386, 9054, 8948, 9785; 8 F.R. 1975.

² 7 F.R. 7094, 7452.

differ in some respects from the maximum prices established by the General Maximum Price Regulation.¹ The Price Administrator has ascertained and given due consideration to the prices at which such sales were made between October 1-15, 1941. So far as practicable the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations² involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Procedural Regulation No. 1,³ issued by the Office of Price Administration, Maximum Price Regulation No. 215 is hereby issued.

Sec.

- 1425.1 Definition of distribution yard sale.
- 1425.2 Maximum prices for distribution yard sales of softwood lumber.
- 1425.3 Less than maximum prices.
- 1425.4 Applicability of General Maximum Price Regulation.
- 1425.5 Conditional agreements.
- 1425.6 Evasion.
- 1425.8 Records and reports.
- 1425.9 Enforcement.
- 1425.9a Licensing.
- 1425.10 Petitions for amendment or adjustment.
- 1425.11 Export sales.
- 1425.12 Definitions.
- 1425.13 Effective date.
- 1425.13a Effective dates of amendments.
- 1425.14 Appendix A: Maximum prices of distribution yard sales of softwood lumber.
- 1425.15 Appendix B: Optional coverage for other sales.
- 1425.16 Appendix C: Special prices and rules for sales by "CPA contract yards".

AUTHORITY: §§ 1425.1 to 1425.16, inclusive, issued under the authority contained in Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1425.1 *Definition of distribution yard sale.* (a) "Distribution yard sale" for purposes of this Maximum Price Regulation No. 215 means a sale out of distribution yard stock of 5,000 feet or more of softwood lumber to the following persons: (*Exception:* This 5,000 feet limitation shall not apply in the case of sales to other distribution yards mentioned in subparagraph (6) below, and to sales by "CPA contract yards" defined in § 1425.12 (a) (5) below. Such sales

¹ 8 F.R. 3096.

² Statements of considerations are also issued simultaneously with the issuance of amendments. Requests for copies should be addressed to the Office of Price Administration.

³ Revised: 7 F.R. 8961.

shall be regarded as distribution yard sales regardless of quantity.)

[Paragraph (a) as amended by Amendment 3, 8 F.R. 978]

(1) To the United States or any agency thereof or to contractors and subcontractors who will use such lumber to fulfill a contract with the United States or any agency thereof;

(2) To State Governments, including the District of Columbia, or any of their political subdivisions, or any agency of any of the foregoing, but not to contractors and subcontractors who will use such lumber to fulfill a contract with the foregoing;

(3) To an industrial user for use in the fabrication, packaging, or shipping of its products;

(4) To a railroad, but not to contractors and subcontractors who will use such lumber to fulfill a contract with a railroad;

(5) To a shipbuilder, dock builder, dam builder, or a bridge builder, or to contractors and subcontractors who will use such lumber to fulfill a contract with the foregoing;

(6) To other distribution yards, wholesale or retail.

(b) The term "distribution yard sale" of any particular kind of softwood lumber shall be construed to include any sale of the type described in paragraph (a) of this section which does not "originate at a mill, rather than at a distribution yard", as that phrase, and the terms therein included, are defined in the specific maximum price regulations dealing with direct mill sales of that kind of lumber.

(c) For the purpose of paragraph (a) of this section, the size of the sale shall be determined by the size of the order, and the size of the order shall be determined by the over-all quantity involved in a single transaction. In determining the size of a sale subject to this Maximum Price Regulation No. 215, shingles shall be converted in the ratio of 10,000 shingles to 1,000 feet of lumber, and lath shall be converted in the ratio of 6,000 laths to 1,000 feet of lumber.

§ 1425.2 *Maximum prices for distribution yard sales of softwood lumber.* (a) On and after September 10, 1942, regardless of any contract or other obligation, no person shall make a distribution yard sale of softwood lumber for domestic or export use, and no person shall buy or receive in the course of trade or business softwood lumber out of a distribution yard at prices higher than the maximum prices set forth in Appendix A, § 1425.14, where the sale satisfies all of the tests of a distribution yard sale.

(b) No person shall offer, agree, solicit, or attempt to do any of the foregoing.

(c) The provisions of this Maximum Price Regulation No. 215 shall not be applicable to distribution yard sales or deliveries of softwood lumber to a purchaser if prior to September 10, 1942, such lumber had been received by a carrier other than a carrier owned or con-

trolled by the seller for shipment to such purchaser.

[Note: Supplementary Order No. 31 (7 F.R. 9894) provides that: "Notwithstanding the provisions of any price regulation, the tax on transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for the purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated, under any provision of any price regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price."]

§ 1425.3 *Less than maximum prices.* Lower prices than those set forth in Appendix A, § 1425.14, may be charged, demanded, paid, or offered.

§ 1425.4 *Applicability of General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 215 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation, except as provided in § 1425.14 (d).

§ 1425.5 *Conditional agreements.* No seller subject to this Maximum Price Regulation No. 215 shall enter into an agreement permitting the adjustment of the price of a distribution yard sale to prices which may be higher than the maximum prices in effect upon the date of the agreement: *Provided*, That if a petition for amendment has been duly filed and such petition requires extensive consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment. Requests for such an exception may be included in the aforesaid petition for amendment.

§ 1425.6 *Evasion.* (a) The price limitations set forth in this Maximum Price Regulation No. 215 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 distribution yard sale, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited:

(1) Making charges for delivery which exceed the actual cost to the seller of such delivery except as otherwise provided in Appendix A, § 1425.14;

(2) Falsely or wrongly grading or invoicing lumber;

(3) Grading as a special grade lumber which can be graded as a standard grade;

(4) Selling as specified lengths a shipment of lumber which is substantially equivalent to standard or random lengths;

(5) Breaking up an order which would normally be a single order into a series

of smaller orders or combining a number of single orders into one large order in order to evade the maximum price limitations set forth in this Maximum Price Regulation No. 215.

(6) Refusing to sell except on a delivered basis;

(7) Quoting delivered prices on the basis of estimated weights higher than those permitted by Appendix A, § 1425.14.

(c) It is unlawful for any person to charge, receive or pay a commission for the service of procuring, buying, selling or locating lumber, or for any related service (such as "expediting") which does not involve actual physical handling of lumber, if the commission plus the purchase price results in a total payment by the buyer of lumber which is higher than the maximum price of the lumber. For purposes of this regulation, a commission is any service charge or payment which is figured either directly or indirectly on the basis of the quantity, price or value of the lumber in connection with which the service is performed.

[Paragraph (c) added by Supplementary Order 37, 8 F.R. 2192]

§ 1425.8 *Records and reports.* (a) On and after September 10, 1942, every person who, during any calendar month, offers or agrees to sell, sells, or delivers, or offers or agrees to buy, buys or receives a total of 34,000 pounds or more of softwood lumber out of a distribution yard subject to this Maximum Price Regulation No. 215, in the course of trade or business, shall keep for inspection by the Office of Price Administration for a period of not less than 2 years a complete and accurate record of every such offer, agreement, purchase, sale, or delivery, showing the date thereof, the name and address of the buyer and the seller, the price paid and received, and the quantity, size, grade, specifications, and condition of seasoning of such lumber in each such sale or purchase.

(b) Every person making sales subject to this Maximum Price Regulation No. 215, who buys or receives a total of 100,000 feet or more of softwood lumber during the 60 day period following the effective date of this regulation shall, on or before December 1, 1942, file with the Lumber Branch of the Office of Price Administration a statement under oath of the following facts for all receipts of each species of softwood lumber purchased:

(1) Date of purchase;

(2) Kind purchased (grade, size, whether rough or dressed and how dressed, whether green or dry and how dried);

(3) Quantity of each purchase;

(4) From whom purchased;

(5) Shipping point;

(6) Destination;

(7) Transportation charges paid (give applicable weight and rate and state whether such charges were prepaid or collect);

(8) Prices paid (whether f. o. b. mill or delivered); and

(9) Discounts received (cash and trade discounts and amounts thereof).

(c) Such persons shall keep such other records in addition to or in place of the records required in paragraphs (a) and (b) 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.

[NOTE: Supplementary Order No. 23 (7 F.R. 8478) provides that on and after October 24, 1942, no report filed with the Office of Price Administration pursuant to any price regulation issued prior to that date need be notarized.]

§ 1425.9 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 215 are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and procedure for revocation of license provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 215 or any price schedule, regulation, or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest Field, State, or Regional office of the Office of Price Administration or its principal office in Washington, D. C.

(c) No War Procurement Agency, or any contracting or paying finance officer thereof, shall be subject to any liability, civil or criminal, imposed by this Maximum Price Regulation No. 215 or the Emergency Price Control Act of 1942.

§ 1425.9a *Licensing.* The provisions of Supplementary Order No. 18¹ (§ 1305.22) licensing all persons, except mills, manufacturers or producers, selling lumber, lumber products or building materials, are applicable to every person selling softwood lumber for which maximum prices are established by this Maximum Price Regulation No. 215.

[§ 1425.9a added by Amendment 1, 7 F.R. 8942]

§ 1425.10 *Petitions for amendment or adjustment.*—(a) *Government contracts or subcontracts.* Any person who has entered into or proposes to enter into a contract with the United States or any agency thereof, or with the Government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States", or any agency of any such Government, or a subcontract under any such contract, who believes that the maximum price impedes or threatens to impede production of softwood lumber which is essential to the war program and which is or will be the subject of such contract or subcontract, may file an application for adjustment of the maximum price established by this Maximum Price Regulation No. 215 in accordance with Procedural Regulation No. 6,² issued by the Office of Price Administration.

(b) Any person seeking an amendment of any provision of this Maximum

Price Regulation No. 215 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

[Paragraph (b) as amended by Amendment 2, 7 F.R. 8942]

[NOTE: Supplementary Order No. 28 (7 F.R. 9619) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

§ 1425.11 *Export sales.* The maximum price at which a person may export softwood lumber sold out of a distribution yard subject to this Maximum Price Regulation No. 215, shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation,³ issued by the Office of Price Administration.

§ 1425.12 *Definitions.* (a) This Maximum Price Regulation No. 215 and the terms appearing therein, unless the context otherwise requires, shall be construed as follows:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any other Government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Softwood lumber" means any lumber or shingles subject to Maximum Price Regulations 19, 26, 94, 164, 219, 222, 253, and 290, or any revisions of these regulations that may be issued.

[Paragraph (2) as amended by Amendment 3, 8 F.R. 978]

(3) "Applicable basing points" means the points of origin to be used, based on rates set forth in the tariffs of railroad carriers, in determining incoming transportation charges.

(4) "War procurement agency" includes the War Department, the Department of the Navy, the United States Maritime Commission, and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any agency of the foregoing.

(5) "CPA contract yards" are distribution yards operating under "letter of intent" or other form of agreement with the Corps of Engineers, War Department, or any agency thereof (such as the so-called Central Procuring Agency) whereby the yard maintains a stockpile of lumber at the instruction of such Corps or agency for distribution and sale pursuant to its direction or consent.

Prices and rules for sales by these yards differ in some respects from those for sales by other yards. They are fully set out in § 1425.16, Appendix C, on "Special prices and rules for sales by 'CPA contract yards'".

[Paragraph (5) added by Amendment 3, 8 F.R. 978]

(b) Unless the context otherwise requires the definitions set forth in section

302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1425.13 *Effective date.* Maximum Price Regulation No. 215 (§§ 1425.1 to 1425.14, inclusive) shall become effective September 10, 1942.

[Issued September 5, 1942]

§ 1425.13a *Effective dates of amendments.*

Amendment Nos. and issue dates:	<i>Effective</i>
Correction, 9-18-42.....	9-10-42
Amendment 1, 10-15-42.....	10-21-42
Amendment 2, 11-2-42.....	11- 4-42
Amendment 3, 1-19-43.....	1-25-43
Correction to Amendment 3,	
2-11-43.....	1-25-43
Amendment 4, 3-25-43.....	3-31-43

§ 1425.14 *Appendix A: Maximum prices for distribution yard sales of softwood lumber.* (a) The maximum price at which a distribution yard sale subject to this Maximum Price Regulation No. 215 of each species, grade, and size of softwood lumber may be made shall be a price not higher than the sum of the following where the shipment originates at such yard:

(1) F. o. b. mill maximum price of such lumber as established by any applicable price regulation of the Office of Price Administration except the General Maximum Price Regulation.

(2) Inbound transportation charges to the distribution yard to be calculated on the basis set forth in paragraph (i) of this § 1425.14.

(3) (i) \$5.00 per thousand feet for lumber.

(ii) \$0.30 per square for shingles.

(iii) \$0.60 per thousand pieces for lath.

(4) 10 percent of the total of the applicable items set forth in (1), (2), and (3) above, except that in the case of sales to other distribution yards not more than 5 percent can be used, and in the case of sales by "CPA contract yards" the mark-ups provided in § 1425.16, Appendix C, shall apply.

The maximum prices set forth above shall include loading by and at the expense of the seller on railroad car, truck, or other means of transportation, but do not include transportation to the buyer.

[Paragraph (4) as amended by Amendment 3, 8 F.R. 978]

(b) If a distribution yard sale subject to this Maximum Price Regulation No. 215 is made on a delivered basis at the request of the buyer, a delivered price in excess of the maximum price at the distribution yard as set forth in paragraph (a) hereof may be charged consisting of such maximum prices plus actual transportation costs to the extent that such costs are paid by the seller, if a carrier other than the seller's own transportation facilities are used, or actual cost of delivery if the seller's own transportation facilities are used: *Provided*, That all transportation charges to the purchaser for such delivery are separately set forth on the invoice, bill of sale, or other billing. In computing such actual transportation costs, the parties may adopt the practice of charging a sum equivalent to the one-

¹ 7 F.R. 7240, 11007.

² 7 F.R. 5087, 5664.

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

quarter of a dollar per thousand feet nearest such actual transportation costs. In addition, the parties may adopt estimated average weights where provided for by any applicable price regulation.

(c) An addition to the maximum prices established by paragraphs (a) and (b) of this § 1425.14 may be charged for workings as follows, when the working is performed by the distribution yard itself:

	4/4, 5/4, 6/4	2"	3" and 4"	5 x 5 to 8 x 8	6 x 10 and larger
S18, S28, S38, S48... D & M, Shipap, Grooved, Bev- eled Sleepers.....	\$3.00	\$2.50	\$2.50	\$3.00	\$4.00
Drop Siding & Ceiling.....	3.50	3.00	3.00	6.00	6.00
Outganged & Spec- ial patterns.....	7.50	7.50	7.50	7.50	7.50
Cross-cutting.....	1.00	1.00	1.00	2.00	2.00
Ripping.....	1.50	1.50	1.50	2.00	2.00
Resawing.....	2.00	2.00	2.00	2.00	3.00

The above additions are for 1,000 feet BM. The cross-cutting, ripping and resawing charges are per cut per 1,000 feet BM.

The ripping and resawing charges may be added and the price of the original size ripped or resawn may be used in figuring the f. o. b. mill maximum price only where:

(1) A standard size is remanufactured into a non-standard size, or

(2) The final size to which the original size is reduced by ripping or resawing is larger than the size of boards (this covers all items under 2" in nominal thickness) or dimension (this covers all items 2" in nominal thickness in (i) the width of 12" or less and (ii) 24" or less in length).

The total charge for ripping and resawing may not include an addition for more than a total of three rips or resaws or any combination of the two per piece.

For working quantities less than 2,000 feet BM the charges for working 2,000 feet BM may be used.

[Paragraph (c) as amended by Amendment 3, 8 F.R. 978, and Amendment 4]

(d) Additions for workings, specifications, services, or other extras not expressly provided for herein shall be subject to the General Maximum Price Regulation.

(e) The maximum prices herein established shall not be increased by any charges for the extension of credit, and shall be decreased for prompt payment to the same extent that the sale price would have been decreased by the seller on August 1, 1941. The cash and credit periods recognized by the seller on August 1, 1941, shall not be reduced.

(f) No person shall pay, and no person shall charge or receive a commission for purchasing softwood lumber out of a distribution yard, if such a purchase and sale is subject to this Maximum Price Regulation No. 215, if the amount of the commission plus the purchase price is higher than the maximum price permitted by this Maximum Price Regulation No. 215.

(g) The maximum price for sales on combination grades shall be the maximum price established in this § 1425.14 for the lowest grade named in the combination.

(h) A gross price above the maximum price established in this § 1425.14 shall not be quoted, even if accompanied by a discount, the effect of which is to bring the net price below such maximum price.

(i) In adding inbound transportation charges as provided in paragraph (a) (2) of this § 1425.14, each seller shall calculate incoming transportation charges from the basing point shown below to points of delivery in each state on the basis of carload rates applicable to each species of softwood lumber. For example, if a distribution yard located in Chicago, Illinois, buys short leaf yellow pine from a mill in Goldsboro, N. C., it applies the rate from the basing point to be used for the State of Illinois, in this instance, Hattiesburg, Miss., to the point of delivery, in this instance, Chicago. As indicated, this applies regardless of the actual point of origin of the shipment.

(1) Douglas fir and other West Coast lumber—MPR 26:

Portland, Oregon (except that in the State of Washington, use Seattle, Washington).

(2) Idaho white pine—MPR 94:

Spokane, Washington.

(3) Ponderosa pine, sugar pine, and secondary species—MPR 94:

Klamath Falls, Oregon (except: in Texas, use Susanville, California; in Washington, for Ponderosa pine only, use Spokane, Washington).

(4) Red cedar shingles—MPR 164:

Seattle, Washington.

(5) Northeastern softwoods—MPR 219:

Rochester, New Hampshire.

(6) Northern softwoods—MPR 222:

Wausau, Wisconsin (except: for imported Western white spruce lumber, use Baudette, Minnesota, for lumber shipped from mills in Saskatchewan and Manitoba, and Spokane, Washington, for lumber shipped from mills in British Columbia and Alberta).

(7) Redwood—MPR 253:

Western Area: Eureka, California.

Eastern Area: Direct-mill maximum prices are not f. o. b. mill but are delivered on a 57¢ rate. Therefore, for inbound transportation add only the excess of the actual rate from Eureka, California to the seller's yard over the 57¢ rate. If the rate is less than 57¢, deduct the resulting difference in transportation charges from the Eastern area prices in MPR 253.

(8) Shortleaf southern pine—MPR 19:

Montgomery, Ala.: Alabama.

Alexandria, La.: Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming.

Macon, Ga.: Connecticut, Georgia, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont.

Goldsboro, N. C.: Delaware, District of Columbia, Maryland, North Carolina, Virginia, West Virginia.

Orlando, Fla.: Florida.

Hattiesburg, Miss.: Illinois, Indiana, Kentucky, Michigan, Mississippi, Wisconsin.

Sumter, S. C.: South Carolina.

(9) Longleaf Southern pine—MPR 19:

Alexandria, La.: Alabama, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, Wyoming.

Fort Myers, Fla.: Connecticut, Delaware, District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia.

(10) Sitka spruce—MPR 290:

Portland, Oregon (except that in the State of Washington, use Seattle, Washington)

If the distribution yard is located at the basing point, or within a radius of 10 miles from it, a rate of 10¢ per CWT may be used to figure inbound transportation charges.

[Paragraph (1) as amended by Amendment 3, 8 F.R. 978]

(j) In the use of inbound transportation charges as provided in paragraph (i) of this § 1425.14, the parties may adopt the practice of charging a sum equivalent to the one-quarter of a dollar per thousand feet nearest such transportation charges.

In addition, the parties may adopt estimated average weights where provided for by any applicable price regulation.

§ 1425.15 Appendix B: Optional coverage for other sales. In the case of sales of softwood lumber in grades of No. 1 Common and lower, and also in the case of sales of shingles, where the sale is under 5,000 feet BM or to a buyer not in one of the classes listed in § 1425.1 (a), the seller may, at his option, elect to use as his maximum prices for all such sales a price determined under § 1425.14 (Appendix A) of this regulation, rather than under the General Maximum Price Regulation. Before sales may be made under this optional provision the seller must first notify the Lumber Branch of the Office of Price Administration, Washington, D. C., of his intention to make use of the option provided in this section, either with respect to sales of softwood lumber in grades of No. 1 Common and lower, or with respect to sales of shingles, or both. The notice may be sent by mail or telegraph and may be worded as follows:

(Date)

LUMBER BRANCH
Office of Price Administration
Washington, D. C.

GENTLEMEN:

The undersigned elects to price distribution yard sales of softwood lumber in grades of No. 1 Common and lower, (or shingles, or both, as the case may be), under the provisions of Maximum Price Regulation 215,

rather than under the General Maximum Price Regulation, in all cases where the undersigned's maximum prices established under the General Maximum Price Regulation would otherwise apply to such sales.

(Signature)

Once an election has been made by filing the notice provided above, the seller must price all sales of softwood lumber in grades of No. 1 Common and lower, or shingles, or both, as the case may be, at ceiling prices computed under this regulation, and may not use his former ceiling prices established under the General Maximum Price Regulation for any such sales.

§ 1425.16 *Appendix C: Special prices and rules for sales by "CPA contract yards"*—(a) *General*. The special prices listed below apply to all sales of lumber covered by this regulation made by "CPA contract yards".

(b) *Special price*. (1) On Southern pine and Douglas fir boards (this covers all items under 2" in nominal thickness) and dimension this covers all items 2" in nominal thickness in (i) the width of 12" or less and (ii) 24" or less in length) in the grades of No. 1 Common and lower, the percentage mark-up (item 4 in § 1425.14, Appendix A (a) (4)), shall be five percent. This rule applies whether or not the boards or dimension are produced by ripping or resawing and applies to boards and dimension with special specifications in the Common grades, such as dense or medium grain or stress grades.

(2) On all other items, the percentage mark-up shall be ten percent, except that on sales to other distribution yards, the percentage mark-up shall be limited to five percent.

(c) *Special rule on ripping and resawing charges in emergencies*. (1) If an emergency arises whereby the Corps of Engineers (or any agency hereof such as the Central Procuring Agency), is unable to obtain needed board and dimensions for a particular job except through ripping and resawing of timber by a "CPA contract yard" such yard will be permitted to compute its maximum prices in accordance with the following special rules:

(i) The f. o. b. mill maximum price may be determined on the basis of the original size ripped or resawn.

(ii) The percentage mark-up provided in § 1425.16 (b) above may be based upon the original size ripped or resawn, i. e. 5 percent on board or dimension in grades of No. 1 Common and lower on Southern pine or Douglas fir, and 10 percent on timber and all other lumber. For example, if 2 x 12 is resawn to 1 x 12, the percentage mark-up may not exceed 5 percent. If 4 x 12 is resawn to 2 x 12, the percentage mark-up may not exceed 10 percent.

(iii) The additions for ripping and resawing provided in the table in § 1425.14 (c) may be added even though the final size is a standard size of board or dimension. These, however, shall be limited

to a total charge for not more than three cuts, either rippings or resawings or any combination of the two. *Note*: This addition is made after the percentage mark-up has been added.

(2) A proper showing shall be made by the yard in such case which shall consist of certified proofs establishing that the board and dimension sold was actually derived by remanufacturing heavier lumber at the yard, a listing of the original sizes from which the board and dimension has been derived, and copies of invoices covering the transaction. These proofs must be submitted to the Lumber Branch of the Office of Price Administration, Washington, D. C., within 30 days after the transaction has been completed.

(d) *Special rule on lumber in transit*. A sale by a "CPA contract yard" may be considered a sale out of distribution yard stock even if the sale was made while the lumber was in transit to the yard. Of course, if the lumber is not actually put through the yard, as, for example, where lumber sold in transit is merely rerouted to the purchaser, or reloaded and delivered, the direct-mill regulation applies.

[§§ 1425.15 and 1425.16 added by Amendment 3, 8 F.R. 978]

Issued this 25th day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4613; Filed, March 25, 1943;
5:08 p. m.]

PART 1429—POULTRY AND EGGS

[Rev. MPR 269, Amendment 7]

POULTRY

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

Section 1429.20 (c) is added to read as follows:

(c) Third, the following exception is provided to paragraphs (a) and (b) of this section: When any person sells any turkey item to a purchaser who cans boned turkey meat for sale to the United States Government or any agency thereof, he may sell at his maximum base price f. o. b. his shipping point without subtracting his "freight rate" from the place where shipment begins to the place where shipment ends: *Provided*, That:

(1) The turkey items sold must be destined exclusively for processing into canned boned turkey meat, all of which must be sold and delivered to the United States Government or any agency thereof, and

(2) At the time of purchase, the purchaser of such turkey items must file with the seller and with the seller's regional or State OPA office an affidavit certifying that such purchaser has com-

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

17 F.R. 10708, 10664, 11118; 8 F.R. 567, 856, 878, 2289.

pletely exhausted his own stocks of roaster, fowl, and turkey items suitable for processing into canned boned poultry meat.

This amendment shall become effective March 31, 1943.

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

Issued this 25th day of March, 1943.

PRENTISS M. BROWN,
Administrator.

Approved:

GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 43-4611; Filed March 25, 1943;
5:11 p. m.]

PART 1441—CHEMICAL TRAINING MATERIALS

[MPR 352]

CHESTNUT EXTRACT

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for sales of chestnut extract by a specific maximum price regulation.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.* In the judgment of the Price Administrator, the maximum prices established by this Maximum Price Regulation No. 352 are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. So far as practicable, the Price Administrator has advised and consulted with members of the industry which will be affected by this regulation.

§ 1441.1 *Maximum prices for chestnut extract*. 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. 352 (Chestnut Extract), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1441.1 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

MAXIMUM PRICE REGULATION 352—CHESTNUT EXTRACT

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SECTION 1 *Prohibition against sales of chestnut extract above maximum prices*. (a) On and after April 1, 1943, regardless of any contract or other obligation:

(1) No person shall sell or deliver chestnut extract at higher prices than the maximum prices set forth in this regulation.

(2) No person shall buy or receive chestnut extract in the course of trade or business at higher prices than the maximum prices set forth in this regulation.

(3) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

(b) Nothing in this regulation or in the General Maximum Price Regulation¹ shall apply to sales or deliveries of chestnut extract by The Rosman Tanning Extract Company of Rosman, North Carolina, to the Toxaway Tanning Company and the Transylvania Tanning Company, both of 26 Ferry Street, New York, N. Y.

SEC. 2 Maximum prices for chestnut extract—(a) Liquid chestnut extract. (1) The following maximum prices are established for sales of liquid chestnut extract containing 25 per cent of tannin content:

(i) Sales by manufacturers, f. o. b. plant.

	Standard	Special
	Per 100 pounds	Per 100 pounds
Sales in tank cars or tank trucks.....	\$2.25	\$2.50
Sales in barrels in carloads.....	2.85	3.10
Sales in barrels in less than carloads.....	3.10	3.35

(ii) **Exceptions for certain manufacturers.** Notwithstanding the provisions of subdivision (i) above, the following maximum prices, f. o. b. plant, are established for sales by Charles A. Schieren Company, New York, New York:

Sales in tank cars or tank trucks.....	Standard \$2.50 per 100 lbs.
Sales in barrels in carloads.....	3.10 per 100 lbs.
Sales in barrels in less than carloads.....	3.35 per 100 lbs.

(iii) **Sales by jobbers, f. o. b. jobber's warehouse.**

Standard.....	\$4.10 per 100 lbs.
Special.....	4.35 per 100 lbs.

(2) The following maximum prices are established for sales of liquid chestnut extract containing more or less than 25 per cent tannin content:

For every 1 per cent of tannin content less than 25 per cent, there shall be deducted from the applicable basic price set forth in (1) above not less than $\frac{1}{25}$ of such price. For every 1 per cent of tannin content more than 25 per cent, there may be added not more than $\frac{1}{25}$ of such price.

(3) The maximum prices set forth in subparagraphs (1) and (2) above include barrels when sales are made in barrels and no additional charges may be made for such barrels.

¹ 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6053, 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, 2346, 3096.

(b) **Powdered chestnut extract.** (1) The following maximum prices are established for sales of powdered chestnut extract containing 65 per cent of tannin content:

(i) **Sales by manufacturers, f. o. b. plant.**

	Standard	Special
	Per 100 pounds	Per 100 pounds
Sales in bags in carloads.....	\$6.50	\$7.50
Sales in bags in less than carloads.....	7.25	8.00

(ii) **Sales by jobbers, f. o. b. jobber's warehouse.**

Standard.....	\$8.00 per 100 lbs.
Special.....	8.75 per 100 lbs.

(2) The following maximum prices are established for sales of powdered chestnut extract containing more or less than 65 per cent tannin content:

For every 1 per cent of tannin content less than 65 per cent, there shall be deducted from the applicable basic price set forth in (1) above not less than $\frac{1}{65}$ of such price. For every 1 per cent of tannin content more than 65 per cent, there may be added not more than $\frac{1}{65}$ of such price.

(3) The maximum prices set forth in subparagraphs (1) and (2) above do not include bags and the seller may make an additional charge for bags. Such additional charge shall not exceed the maximum price for the bag actually used as established by the applicable maximum price regulation of the Office of Price Administration, or the actual delivered cost of the bag to the seller of the chestnut extract, whichever is lower. Where an extra charge is made for a bag, such charge shall be separately stated from the charge for the chestnut extract. Where the seller retains title to bags and requires their return, he may charge a reasonable deposit to insure the return of such bags. The deposit must be refunded to the buyer upon his return of the bags in good condition within a reasonable time. Transportation costs with respect to the return of such bags shall be borne by the seller.

(c) **Credit charges.** The maximum prices established by this regulation shall not be increased by any charges for the extension of credit.

SEC. 3 Less than maximum prices. Lower prices than those established by this regulation may be charged, demanded, paid or offered.

SEC. 4 Export sales. The maximum prices at which a person may export chestnut extract shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation² issued by the Office of Price Administration.

SEC. 5 Adjustable pricing. It is permissible under this regulation to provide in a contract that the price shall be adjustable to a price not higher than the

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

maximum price in effect at the time of delivery. In appropriate situations where a petition for amendment or for adjustment or exception 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.

SEC. 6 Licensing. The provisions of Supplementary Order No. 11 (§ 1305.15) licensing distributors of chemicals and drugs, shall be applicable to every distributor of chestnut extract for which maximum prices are established by this regulation. The term "distributor" shall have the meaning given it by such Supplementary Order No. 11.

SEC. 7 Petitions for amendment. Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1³.

SEC. 8 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 or delivery of, or relating to the sale of chestnut extract alone or in connection with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding or otherwise.

SEC. 9 Enforcement. Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided by the Emergency Price Control Act of 1942, as amended.

SEC. 10 Records and reports. (a) Every person making a sale of chestnut extract after March 31, 1943, for which maximum prices are established by this regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect complete and accurate records of each such sale showing: The date thereof, the name and address of the buyer, a description of the chestnut extract sold, the quantity sold and the price charged.

(b) Persons affected by this regulation shall submit such reports to the Office of Price Administration as it may from time to time require.

SEC. 11 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 for which maximum prices are established by this regulation.

SEC. 12 Geographical applicability. The provisions of this regulation shall be applicable to the forty-eight states of the United States and the District of Columbia.

³ 7 F.R. 8961.

SEC. 13 *Definitions.* (a) When used in this regulation, the term:

"Standard chestnut extract" means a mixture of water-dispersible substances derived from domestic chestnut wood and bark, resulting from the aqueous extraction and subsequent concentration in an evaporator.

"Liquid chestnut extract" means a fluid chestnut extract.

"Powdered chestnut extract" means a powdered material resulting from the evaporation of liquid chestnut extract.

"Special chestnut extract" means standard chestnut extract which has been processed additionally with blood albumen and other chemicals in order to obtain a product that is lighter in color and clearer than standard grade chestnut extract.

"Tannin content" shall be determined as prescribed by the official method of the American Leather Chemists' Association for "Analysis of Extract."

"Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

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

This regulation shall become effective April 1, 1943.

Issued this 25th day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4615; Filed, March 25, 1943;
5:09 p. m.]

PART 1340—FUEL

[RPS 88, Amendment 82]

PETROLEUM AND PETROLEUM PRODUCTS

Correction

In subdivision (xvi) *Hartford, Connecticut, area*, of the document appearing on page 3366 of the issue for Friday, March 19, 1943, the last item should read, "Tank wagon deliveries to consumers in quantities of less than 25 gallons".

PART 1436—PLASTICS AND SYNTHETIC RESINS

[MPR 345]

THERMOPLASTIC SCRAP

Correction

The section heading for § 1436.11 of the document appearing on page 3320 of the issue for Thursday, March 18, 1943, should read "Adjustable pricing". The word "that" in the fourth line of paragraph (a) (4) of Appendix A should be deleted.

PART 1499—COMMODITIES AND SERVICES

[SR 14 to GMPR, Amendment 134]

FLUID MILK AND CREAM

Correction

In the table appearing on page 3361 of the issue for Friday, March 19, 1943, under subdivision (2) *Sales at wholesale to hotels, restaurants and other eating establishments*, the adjusted maximum price (cents) for Homogenized, Vitamin D, and Homogenized-Vitamin D—Approved— $\frac{1}{2}$ pint—Paper, should be "5 $\frac{1}{2}$."

In the same document on page 3362 the second item in the table under subdivision (1) *Sales at wholesale to stores* should read "Homogenized, Vitamin D, and Homogenized-Vitamin D."

PART 1499—COMMODITIES AND SERVICES

[Amendment 15 to Revised Supp. Reg. 11 to GMPR]

MILLING, SMELTING AND REFINING OF COPPER, LEAD AND ZINC ORES, ETC.

Correction

In the second paragraph of the document appearing on page 3372 of the issue for Friday, March 19, 1943, the section which is added should be § 1499.46 (b) (11) and the subparagraph immediately following should be designated (111).

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Permit ODT 24-6]

PART 520—CONSERVATION OF RAIL EQUIPMENT—EXCEPTIONS AND PERMITS

SUBPART D—PASSENGER TRAIN OPERATIONS

Pursuant to § 500.42 of General Order ODT 24, as amended, it is hereby authorized, that:

§ 520.605 *Certain extra or special passenger trains authorized*—Notwithstanding the provisions of § 500.41 of General Order ODT 24, as amended, any rail carrier may operate extra or special passenger trains for the purpose of transporting property and employees of circuses, carnivals, or shows, when the railway cars in which such passengers and property are transported are owned or leased by any such circus, carnival, or show: *Provided, however*, That any contract covering the movement of any such extra or special passenger trains shall stipulate that such train movements are subject to delays and interruptions necessary to afford preference to all other train movements, whether freight, passenger, or mixed freight and passenger train movements, and that the rail carriers shall not be subject to any liability due to delays or interruptions of any such extra or special passenger train movements due to lack of available mo-

tive power, or to preference being accorded other train movements; *And provided further*, That the owner or operator of any such circus, carnival, or show furnishes evidence in writing to the carrier scheduling any such extra or special passenger train movements, that the itinerary of such circus, carnival, or show has been approved by the Office of Defense Transportation.

This General Permit ODT 24-6 shall become effective March 26, 1943.

(E.O. 8989, 6 F.R. 6725; Gen. Order ODT 24, as amended, 7 F.R. 7814, 10484)

Issued at Washington, D. C., this 26th day of March 1943.

JOSEPH B. EASTMAN,
Director of the Office of
Defense Transportation.

[F. R. Doc. 43-4628; Filed, March 26, 1943;
11:44 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1846 Part II]

DISTRICT BOARD 18

ORDER POSTPONING HEARING

In the matter of the petition of District Board No. 18 for the establishment of certain price classifications and minimum prices for coals produced in Sub-district 1 in District No. 18.

The original petitioner in the above-entitled matter having moved that the hearing scheduled to be held therein on April 2, 1943, at a hearing room of the Bituminous Coal Division, Washington, D. C., be postponed, and good cause having been shown why said motion should be granted;

Now, therefore, it is ordered, That the hearing scheduled to be held in the above-entitled matter, on April 2, 1943, at a hearing room of the Bituminous Coal Division, Washington, D. C., be, and the same hereby is, postponed pending further Order of the Director.

Dated: March 25, 1943.

[SEAL]

DAN H. WHEELER,
Director.

[F. R. Doc. 43-4625; Filed, March 26, 1943;
10:40 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5818]

BONNEVILLE POWER ADMINISTRATION AND WASHINGTON WATER POWER COMPANY

ORDER FOR HEARING

MARCH 23, 1943.

It appearing to the Commission that: (a) On February 15, 1943, the Commission entered an order requiring, among other things, The Washington Water Power Company to transmit and

deliver electric energy to certain Army establishments at Spokane, Washington, for the account of Bonneville Power Administration.

(b) On February 20, 1943, The Washington Water Power Company requested the Commission to grant a hearing in this matter.

(c) On March 12, 1943, The Washington Water Power Company was advised, among other things, that the reasons stated in its request for such hearing had been previously advanced by representatives of the company at a conference on December 7, 1942, and considered by the Commission before entering its aforesaid order, but that if a further hearing were desired the Commission should be so advised.

(d) On March 16, 1943, The Washington Water Power Company requested a hearing in Washington, D. C., early in April 1943, subject to the convenience of the Commission.

The Commission orders, That:

(A) A public hearing be held in this matter, commencing on April 5, 1943 at 9:30 a. m., Eastern War Time, in the Hearing Room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N.W., Washington, D. C.

(B) Such hearing shall be public except insofar as the presiding officer may deem otherwise appropriate in view of the war aspects of the subject matter.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43-4627; Filed, March 26, 1943;
11:12 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 16 Under MPR 136, as Amended]

PACKARD MOTOR CAR COMPANY

AUTHORIZATION OF MAXIMUM PRICE

Order No. 16 under Maximum Price Regulation No. 136, as amended—Machines and Parts and Machinery Services; Docket Nos. 3136-215, 3136-216.

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 9250, § 1390.25 (a) of Maximum Price Regulation No. 136, as amended, and Procedural Regulation No. 6, *It is hereby ordered:*

(a) On and after January 1, 1943, Packard Motor Car Company of Detroit, Michigan is hereby authorized to sell and deliver to the Navy Department the following spare parts for marine motors at prices not in excess of the maximum price set opposite each part.

Description	Part No.	Maximum price
Socket assembly for making electric connection for coil.....	A-60579	\$8.92
Metal flyweight for centrifugal governor.....	A-061012	1.51

Description	Part No.	Maximum price
Metal plug for cutout housing sight hole.....	A-061016	\$0.63
Fuel line assembly for carburetor compensator.....	A-058709	5.47
Metal plug for optional carburetor hole.....	A-059790	.11
Metal hose clamp for holding rubber tube.....	A-34269	.06
Same description as above.....	A-34268	.06
Same description as above.....	A-55719	.06
Packing-sealing type.....	A-56966	.20
Metal clamp for holding packing.....	A-56967	.11
Metal guide for centralizing spring.....	A-56970	.13
Metal hose clamp for holding rubber tube.....	A-58244	.06
Controlling lever for magneto.....	A-060294	2.76
Piston pin—.010 oversize.....	A-59954	.50
Gear for transferring motion to planetary pinion.....	A-58867	72.58
Roller bearing for above gear.....	A-61146	4.59
Drive gear.....	A-61167	26.00
Oil seal to prevent oil leakage from clutch.....	A-61207	.26
Metal plug for plugging entry hole.....	A-61337	.46
Gasket for impeller casing.....	A-57196	.08
Oil seal ring to prevent oil leakage from impeller shaft.....	A-58142	.18
Tension spring for voltage regulator.....	A-060327	.07
Same description as above.....	A-060328	.07
Coil for voltage regulator.....	A-060348	4.83
Metal cover for voltage regulator.....	A-061403	4.60
Steel bolt $\frac{3}{8}$ —24 x $\frac{3}{4}$ hex. hd.....	A-1718	.05
Steel bolt $\frac{1}{2}$ —24 x $\frac{3}{4}$ hex. hd.....	A-1928	.58
Steel screw $\frac{1}{4}$ —24 x $\frac{1}{4}$	A-1738	.44
Steel screw $\frac{1}{4}$ —28 x $\frac{1}{4}$	A-1739	.41
Needle-type bearing for control carburetor.....	354080	.14
Insulating panel for voltage regulator.....	060365	.12
Roller bearing for camshaft rocker lever.....	A-56661	.68
Steel bearing for camshaft drive gear.....	A-57995	11.79
Steel shaft for pivoting rocker lever.....	A-58442	4.54
Steel bearing for camshaft drive side gear.....	A-59760	8.73
Metal disc for centralizing reverse gear and engine.....	A-58101	1.35
Tube for carrying water to carburetor adapter.....	A-58199	.82
Tube for carrying water from carburetor adapter.....	A-58462	.9
Metal spacer for ignition cable tube support.....	A-59467	.04
Metal suction tube assembly for oil pump.....	A-57605	3.38
Piston pin.....	A-55465	4.46
Tube assy. to lead salt water from salt water pump.....	A-59388	4.02
Same as above only for opposite side of pump.....	A-59397	3.94
Tapered dowel pin for mounting engine.....	A-58264	1.13
Bearing liner to take friction from impeller case.....	A-56735	2.06
Same as above.....	A-56743	6.58
Metal spacer for supercharger impeller bearing.....	A-56744	.39
Metal spacer for oil seal ring.....	A-58143	.77
Metal space to separate oil seal rings.....	A-58436	1.18

Provided, That Packard Motor Car Company reduces the prices charged the Department of Navy on spare parts for marine engines to be sold to the Department of Navy so that the total sales price of all parts sold in any calendar year does not exceed the total sales price if no increase in the maximum prices for the above listed parts were granted by this order.

(b) This order may be amended or revoked by the Office of Price Administration at any time.

(c) This order shall be effective as of January 1, 1943.

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

Issued this 25th day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4604; Filed, March 25, 1943;
5:10 p. m.]

[Order 225 Under MPR 188]

GLADDING McBEAN AND Co.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 225 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel. Authorization of maximum prices for special acid resisting refractory brick shapes for Gladding McBean and Company.

For the reasons set forth in an opinion which has been issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) Specific authority is hereby granted to Gladding McBean and Company, 2901 Los Feliz Boulevard, Los Angeles, California, to sell, deliver, invoice and receive payment for special acid resisting refractory brick shapes sold f. o. b. Los Angeles, California, to the Basic Magnesium Company, Incorporated at the prices set forth below:

(1) For the first 33,304 tons delivered after October 1941 the maximum price per shape shall be as set forth in Schedule I of Appendix A attached hereto and made a part hereof.

(2) For all additional quantities of special acid resisting refractory brick shapes sold and delivered over and above the first 33,304 tons specified in subparagraph (1) above, the maximum price per shape shall be as set forth in Schedule II of Appendix A attached hereto and made a part hereof.

(b) The applicant shall submit such reports to the Office of Price Administration as it may from time to time require.

(c) This Order No. 225 may be revoked or amended by the Price Administrator at any time.

APPENDIX A

MAXIMUM PRICES FOR SPECIAL ACID RESISTING REFRACTORY BRICK SHAPES

Group	Shape	Schedule I ¹	Schedule II ²
A.....	M4.....	\$0.380	\$0.356
A.....	M5.....	.1357	.127
A.....	M6.....	.1357	.127
A.....	M7.....	.1447	.136
A.....	P2.....	.1538	.144
A.....	P1.....	.3076	.288
B.....	A.....	.1628	.152
B.....	6.....	.561	.525
B.....	6A.....	.561	.525
B.....	7.....	.687	.644
B.....	8.....	.959	.899
B.....	9.....	.913	.856
B.....	25.....	.850	.796
B.....	25x.....	.796	.746
B.....	26.....	1.013	.949
B.....	26x.....	.850	.796
B.....	27.....	1.284	1.203
B.....	27x.....	.923	.864
B.....	28.....	2.027	1.898
B.....	28x.....	1.013	.949
B.....	29.....	2.108	1.975
B.....	29x.....	1.149	1.076
B.....	31.....	.908	.907
B.....	32.....	.877	.822
B.....	33.....	.470	.441
B.....	34.....	.823	.771
B.....	35.....	.669	.627
B.....	36.....	.723	.678

¹ Schedule I of the table above applies to the first 33,304 tons delivered by Gladding, McBean and Company to Basic Magnesium, Inc., after October 1941.

² Schedule II of the table above applies to any additional quantities delivered over and above the first 33,304 tons.

APPENDIX A—Continued

Group	Shape	Schedule I ¹	Schedule II ²
B.....	45	\$1.312	\$1.229
B.....	45x	1.592	1.492
B.....	46	1.330	1.246
B.....	46L	1.393	1.305
B.....	46R	1.402	1.313
B.....	47	1.239	1.161
B.....	47R	1.257	1.178
B.....	47L	1.248	1.169
B.....	48	1.122	1.051
B.....	48R	1.339	1.254
B.....	48L	1.312	1.229
B.....	49	1.212	1.135
B.....	49R	1.194	1.119
B.....	49L	1.176	1.102
B.....	50	.923	.864
B.....	51	.932	.873
B.....	52	.714	.669
B.....	53	.841	.788
B.....	54	.832	.779
B.....	80	1.312	1.212
B.....	81R	1.212	1.135
B.....	81L	1.420	1.330
B.....	82R	1.149	1.076
B.....	82L	1.176	1.102
B.....	83R	1.239	1.161
B.....	83L	1.221	1.144
B.....	84R	1.248	1.169
B.....	84L	1.212	1.135
B.....	85R	.805	.754
B.....	85L	.814	.762
B.....	86	1.131	1.059
B.....	86A	1.140	1.068
B.....	87	.995	.932
B.....	87A	.995	.932
B.....	88	1.004	.940
B.....	88A	1.013	.949
B.....	SF6	.117	.110
C.....	A1	.434	.406
C.....	A2	.434	.406
C.....	A3	.913	.856
C.....	A4	.470	.440
C.....	A5	.488	.457
C.....	A6	.533	.500
C.....	A7	.570	.534
C.....	A8	.579	.542
C.....	A9	.561	.525
C.....	A10	.542	.508
C.....	A11	.497	.466
C.....	A12	.515	.483
C.....	A13	.470	.440
C.....	A14	.506	.474
C.....	A15	.533	.500
C.....	A16	.570	.534
C.....	A17	.579	.542
C.....	A18	.579	.542
C.....	A19	.533	.500
C.....	A20	.497	.466
C.....	A21	.479	.449
C.....	A22	.751	.703
C.....	A22A	.859	.805
C.....	A22B	.913	.856
C.....	A22C	.913	.856
C.....	A22D	.941	.888
C.....	A22E	.832	.779
C.....	A22F	.913	.856
C.....	A22G	.904	.847
C.....	A22H	.823	.771
C.....	A23	1.031	.966
C.....	A23A	.986	.924
C.....	A23B	1.049	.983
C.....	A23C	1.067	1.000
C.....	A23D	.959	.898
C.....	A23E	.941	.881
C.....	A23F	1.004	.940
C.....	A23G	1.049	.983
C.....	A23H	.986	.924
C.....	A24	2.507	2.432
C.....	A24A	2.316	2.170
C.....	A24B	1.601	1.500
C.....	A24C	2.017	1.890
C.....	A24D	1.637	1.534
C.....	A24E	1.665	1.559
C.....	A24F	2.017	1.890
C.....	A24G	1.601	1.500
C.....	A24H	2.217	2.076
C.....	A25	1.818	1.703
C.....	A25A	1.800	1.686
C.....	A25B	1.484	1.390
C.....	A25C	1.610	1.508
C.....	A25D	1.637	1.534
C.....	A25E	1.484	1.390
C.....	A25F	2.083	1.932
C.....	A25G	1.836	1.720
C.....	A25I	1.551	1.456
C.....	A26	.923	.864
C.....	A26	.913	.856
C.....	A27	.850	.800
C.....	A29	1.049	.983
C.....	A30	1.076	1.008
C.....	A31	1.113	1.042
C.....	A32	1.113	1.042
C.....	A33	1.081	.966
C.....	A34	.959	.898
C.....	A1x	3.954	3.704
C.....	A2x	2.641	2.661
C.....	A3x	2.497	2.339

APPENDIX A—Continued

Group	Shape	Schedule I ¹	Schedule II ²
O.....	A4x	\$1.809	\$1.695
O.....	A5x	1.927	1.805
O.....	A6x	1.909	1.788
O.....	A7x	1.818	1.703
O.....	A8x	2.506	2.348
O.....	A9x	2.379	2.229
O.....	A10x	2.959	2.772
O.....	A11x	1.782	1.670
O.....	A12	.289	.271
O.....	B1	.642	.601
O.....	B2	.723	.678
O.....	B3	.633	.593
O.....	B4	.624	.584
O.....	B5	.561	.525
O.....	B6	.624	.584
O.....	B7	.633	.593
O.....	B8	.714	.669
O.....	B9	.624	.584
O.....	B10	.633	.593
O.....	B11	.624	.584
O.....	B12	.633	.593
O.....	B13	1.710	1.602
O.....	B14	2.162	2.026
O.....	B15	1.230	1.152
O.....	B16	1.366	1.280
O.....	B17	1.384	1.297
O.....	B18	1.266	1.186
O.....	B19	1.818	1.703
O.....	B20	1.656	1.551
O.....	B21	1.637	1.534
O.....	B22	1.619	1.517
O.....	B23	1.701	1.593
O.....	B24	1.094	1.025
O.....	B24A	1.339	1.254
O.....	B25	1.266	1.186
O.....	B25R	1.764	1.653
O.....	B25L	1.737	1.627
O.....	B26	1.167	1.093
O.....	B26R	1.484	1.390
O.....	B26L	1.674	1.568
O.....	B27	1.194	1.119
O.....	B27R	1.420	1.330
O.....	B27L	1.574	1.475
O.....	B28	1.058	.991
O.....	B28R	1.167	1.093
O.....	B28L	1.257	1.178
O.....	B29	1.167	1.093
O.....	B29R	1.239	1.161
O.....	B29L	1.257	1.178
O.....	B30	1.203	1.127
O.....	B30R	1.167	1.093
O.....	B30L	1.221	1.144
O.....	B31	1.212	1.135
O.....	B32	1.212	1.135
O.....	B33	1.140	1.068
O.....	B34	1.131	1.059
O.....	B35	1.158	1.085
O.....	B1x	1.764	1.653
O.....	B2x	2.008	1.881
O.....	B3x	1.737	1.627
O.....	B4x	1.918	1.797
O.....	B5x	2.370	2.221
O.....	B6x	2.334	2.187
O.....	B7x	2.425	2.271
O.....	B8x	1.266	1.186
O.....	B9x	1.158	1.085
O.....	B10x	1.999	1.873
O.....	B11x	2.117	1.983
O.....	B12x	1.085	1.017
O.....	C1R	3.194	2.992
O.....	C1L	2.968	2.780
O.....	C2R	3.791	3.551
O.....	C2L	3.728	3.492
O.....	C8E	3.809	3.568
O.....	C8L	4.135	3.874
O.....	C4R	3.782	3.543
O.....	C4L	6.470	6.061
O.....	C5R	2.533	2.373
O.....	C5L	2.497	2.339
O.....	D8x	.732	.686
O.....	D8Ax	.832	.779
O.....	D8Lx	1.547	1.449
O.....	D8Rx	1.547	1.449
O.....	D9x	1.565	1.466
O.....	D10x	2.244	2.102
O.....	E1x	1.275	1.195
O.....	E2x	1.275	1.195
O.....	E3x	1.004	.940
O.....	E4x	1.122	1.051
O.....	E5x	1.085	1.017
O.....	E6x	1.203	1.127
O.....	E7x	1.085	1.017
O.....	E8x	1.085	1.017
O.....	E9x	1.212	1.135
O.....	E10x	1.004	.940
O.....	E11x	1.284	1.203
O.....	E12x	1.529	1.432
O.....	E13x	.932	.873
O.....	K1	.950	.890
O.....	K2	.624	.584
O.....	K3	.579	.542
O.....	K4	.515	.483
O.....	K5	.660	.618
O.....	K6	.687	.644
O.....	K7	.642	.601
O.....	K8	.995	.932

APPENDIX A—Continued

Group	Shape	Schedule I ¹	Schedule II ²
C.....	K9	\$0.515	\$0.483
C.....	K10	.497	.466
C.....	K11	.479	.449
C.....	K12	.597	.559
C.....	K13	.542	.508
C.....	K14	.561	.525
C.....	K15	.479	.449
C.....	K16	.579	.542
C.....	K17	.533	.500
C.....	K18	.606	.567
C.....	K19	.687	.644
C.....	K20	.687	.644
C.....	K21	.633	.593
C.....	K22	1.013	.949
C.....	K22R	1.013	.949
C.....	K23L	1.384	1.297
C.....	K23R	1.547	1.449
C.....	K29L	1.321	1.237
C.....	K24L	1.176	1.102
C.....	K24R	1.149	1.076
C.....	K25L	1.167	1.093
C.....	K25R	1.221	1.144
C.....	K26L	1.239	1.161
C.....	K26R	1.221	1.144
C.....	K27L	1.447	1.356
C.....	K27R	1.375	1.288
C.....	K28	1.312	1.229
C.....	K29R	1.384	1.297
C.....	K30R	1.004	.940
C.....	K30L	1.022	.957
C.....	K31R	1.013	.949
C.....	K31L	1.203	1.127
C.....	K32R	.941	.881
C.....	K32L	.941	.881
C.....	K33R	1.085	1.017
C.....	K33L	1.085	1.017
C.....	K34	1.094	1.025
C.....	M1	.2624	.245
C.....	M2	.2895	.271
C.....	M3	.3257	.305
C.....	M12	.524	.491
C.....	M13	.633	.593
C.....	M14	.705	.661
C.....	M15	.787	.737
C.....	M16	.850	.796
C.....	M17	1.266	1.186
C.....	P3	.796	.746
C.....	P4	.696	.652
C.....	P5	.723	.678
C.....	P6	.742	.695
C.....	P7	.742	.695
C.....	P8	.769	.720
C.....	P9	.778	.729
C.....	P10	.805	.754
C.....	P11	.443	.415
C.....	P12	.253	.237
C.....	P13	.262	.245
C.....	P14	.289	.271
C.....	B	.371	.347
C.....	Bx	.533	.500
C.....	G	.380	.356
C.....	D	.434	.406
C.....	Dx	.579	.542
C.....	19	.451	.432
C.....	19A	.877	.822
C.....	19B	.850	.796
C.....	19C	.769	.720
C.....	19I	.832	.779
C.....	20	1.104	1.034
C.....	21	.769	.720
C.....	22	.714	.669
C.....	23	.832	.779
C.....	24	.823	.771
C.....	37	.597	.559
C.....	38	.678	.635
C.....	40	1.999	1.873
C.....	41	1.538	1.441
C.....	42	1.085	1.017
C.....	43	1.547	1.449
C.....	44	.950	.890
C.....	55	.687	.644
C.....	56	2.615	2.449
C.....	57	1.429	1.339
C.....	58	1.185	1.110
C.....	59	2.017	1.890
C.....	60	1.366	1.280
C.....	61	.888	.830
C.....	62	.895	.839
C.....	63R	2.135	2.000
C.....	63L	2.090	1.953
C.....	64R	1.936	1.814
C.....	64L	1.981	1.856
C.....	65R	1.782	1.670
C.....	65L	1.719	1.610
C.....	66R	1.475	1.381
C.....	66L	1.447	1.356
C.....	67	1.529	1.432
C.....	68	2.099	1.966
C.....	69	1.275	1.195
C.....	70	.995	.932
C.....	71	1.094	1.025
C.....	72	.561	.525
C.....	73	1.094	1.025
C.....	74	1.456	1.364
C.....	75	1.411	1.322

See footnote on p. 3796.

No. 61—7

APPENDIX A—Continued

Group	Shape	Schedule I ¹	Schedule II ²
D.	76	\$1.619	\$1.517
D.	77	.859	.805
D.	78	.868	.813
D.	79	.859	.805
D.	80	.524	.491
D.	90R	1.194	1.119
D.	90L	1.131	1.059
D.	91R	1.113	1.042
D.	91L	1.113	1.042
D.	92R	1.167	1.093
D.	92L	1.176	1.102
D.	93	1.502	1.407
D.	94	.968	.907
D.	95	.859	.805
D.	96A	2.533	2.373
D.	97B	2.551	2.390
D.	98B	2.579	2.416
D.	SP	1.266	.118
D.	SB	7.709	7.222
D.	P	12.306	11.529
D.	C6	6.026	5.645
D.	C6A	6.732	6.307
D.	C7	7.528	7.053
D.	C7A	6.913	6.476
D.	K14SP	.425	.398
D.	K15R/SP	.597	.559
D.	K15L/SP	.597	.559
D.	K16R/SP	.606	.567
D.	K16L/SP	.597	.559
D.	K17R/SP	.588	.551
D.	K17L/SP	.588	.551
D.	C58K123/4	.325	.305
D.	C58K63/8	.162	.152

This Order No. 225 shall become effective March 26, 1943.

Issued this 25th day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4601; Filed, March 25, 1943;
5:11 p. m.]

[Order 8 Under MPR 225]

THE EVANGELICAL PRESS

ORDER GRANTING ADJUSTMENT

Order No. 8 under Maximum Price Regulation No. 225—Printing and Printed Paper Commodities.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order 9250, and in accordance with § 1347.469 (b) of Maximum Price Regulation No. 225, *It is hereby ordered:*

(a) The Evangelical Press, Third and Reilly Streets, Harrisburg, Pennsylvania, may sell and deliver to the Scott Paper Company, Chester, Pennsylvania, and the Scott Paper Company may buy and receive from The Evangelical Press printed paper wrappers for paper towels and toilet paper at prices not in excess of the following:

No.	Per M
41	\$1.14½
21	1.18½
51 (25 lb.)	.82½
14	1.83
11	2.40½
30	1.27½

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 8 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 8 shall become effective March 26, 1943.

Issued this 25th day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4602; Filed, March 25, 1943;
5:11 p. m.]

[Order 9 Under MPR 244]

THE MILLER FOUNDRY COMPANY

ADJUSTMENT OF MAXIMUM PRICE

Order No. 9 under § 1421.157 (a) of Maximum Price Regulation 244—Gray Iron Castings; Docket No. 3244-3.

For the reasons set forth in the opinion, issued simultaneously herewith, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is hereby ordered:*

Adjustment of maximum prices for gray iron castings sold by M. A. Bridge, Jr., as receiver of The Miller Foundry Company. (a) On and after December 5, 1942, M. A. Bridge, Jr., as receiver of The Miller Foundry Company, Columbus, Ohio, is hereby authorized to sell, offer to sell and deliver, and any person is authorized to buy, offer to buy and receive from said Receiver, gray iron castings at maximum prices determined in accordance with § 1421.166 of Maximum Price Regulation 244: *Provided*, That in determining maximum prices under paragraph (b) of § 1421.166, said receiver (1) may compute direct labor costs under subparagraph (2) of said paragraph (b) on the basis of the labor rates for the various classifications of direct labor, which rates prevailed in the foundry of The Miller Foundry Company in March of 1942 pursuant to the retroactive wage agreement made by said Company in April of 1942, and (2) may compute overtime labor costs under subparagraph (2) of said paragraph (b) on the basis of the labor rates specified in the foregoing clause (1).

(b) The permission herein granted to M. A. Bridge, Jr., as receiver of the Miller Foundry Company, is subject to the following condition: Said receiver shall submit to the Office of Price Administration, Washington, D. C., on or before the last day of each month following the close of each quarter year beginning with the quarter ending March 31, 1942, the following documents covering the operations of The Miller Foundry Company, signed under oath or affirmation and prepared in accordance with recognized accounting principles: (1) profit and loss statements for the preceding quarter, (2) balance sheets as of the close of the preceding quarter, (3) the profit and loss statements filed pursuant to (1) of this paragraph (b) must show (i) net sales, (ii) cost of commodities and services sold, stating separately total labor costs, total material costs, and total other manufacturing costs, (iii) general and administrative expenses, segregating compensation to officers and directors, and (iv) net profits before income and excess profit taxes: *Provided*, That said receiver need not file any of the foregoing financial data if he has filed such data or in the future does file such data on or before the time limits specified in this paragraph (b), on Form A—Annual Financial Report or Form B—Interim Financial Report, issued by the Office of Price Administration.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 9 may be revoked or amended by the Price Administrator at any time.

This Order No. 9 shall become effective March 26, 1943.

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

Issued this 25th day of March, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4603; Filed, March 25, 1943;
5:10 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-72 and 59-66]

STANDARD GAS AND ELECTRIC COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 24th day of March, A. D. 1943.

In the matter of Standard Gas and Electric Company, File No. 54-72, and Standard Gas and Electric Company, respondent, File No. 59-66.

Notice is hereby given that Standard Gas and Electric Company, a registered holding company, has filed a plan pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for the purpose of enabling such company to comply with the provisions of section 11 (b) of said act. All interested persons are referred to said plan which is on file at the office of this Commission for a statement of the transactions proposed therein which may be summarized as follows:

Standard Gas and Electric Company (hereinafter sometimes referred to as Standard) proposes:

1. To reclassify all of its outstanding stock into 1,361,650.6 shares of new no par value Common Stock Series A and 3,493,152.06 shares of new no par value Common Stock Series B and to distribute such new stock among the holders of its notes and debentures and prior preference and preferred stock in the manner hereinafter set forth. The presently outstanding common stock of Standard is granted no participation under the plan and will be eliminated if the plan becomes effective. The new Common Stock Series A and Common Stock Series B will be identical in all respects except that as long as any part of the indebtedness represented by the 3-year collateral loan, referred to in 3 (b) hereunder, remains unpaid no dividends will be paid on the Common Stock Series B, whereas during that period the Common Stock Series A will be entitled to a cumulative preference in dividends in each year to the extent of the net income of Standard for that year, but not to exceed 85¢ per share annually. In the event of whole or partial liquidation, any unpaid accumulated dividends on the Common Stock Series A will rank ahead of any other distributions to stockholders. The

amount of capital represented by each share of Common Stock Series A and Common Stock Series B, exclusive of capital surplus, will be \$12.50; such amount, inclusive of capital surplus, will be \$17.45.

2. To retire its outstanding notes and debentures in the aggregate principal amount of \$59,202,200 by:

(a) The payment of \$29,601,100, or one-half the aggregate principal amount of said notes and debentures, in cash;

(b) The distribution to the holders of said notes and debentures of 296,011 shares of the common stock of The California Oregon Power Company and 118,404.4 shares of the common stock of Mountain States Power Company, such distribution to be made at the rate of 5 shares of the common stock of The California Oregon Power Company and 2 shares of the common stock of Mountain States Power Company for each \$1,000 principal amount of notes or debentures. (The holders of notes and/or debentures of lesser principal amounts will participate ratably according to their holdings.)

(c) The distribution to the holders of said notes and debentures of 1,361,650.6 shares of Common Stock Series A of Standard represented by an aggregate capital (exclusive of capital surplus) of \$17,020,632, such distribution to be made at the rate of 23 shares of such stock for each \$1,000 principal amount of notes or debentures. (The holders of notes and/or debentures of lesser principal amounts will participate ratably according to their holdings.)

3. To obtain the funds necessary for the cash payment described in 2 (a) above by:

(a) The sale of all of its holdings of the common stock, namely, 200,420 shares, of Pacific Gas and Electric Company;

(b) The making of a 3-year collateral loan in the principal amount of \$21,000,000 secured by a pledge of substantially all securities now owned by Standard except those to be distributed and sold as hereinbefore set forth and a part of the common stock of the Philadelphia Company; and

(c) The use of about \$3,590,600 of treasury cash.

4. To retire its outstanding prior preference and preferred stock by the distribution to the holders thereof of 3,493,152.06 shares of Common Stock Series B, represented by an aggregate capital (exclusive of capital surplus) of \$43,664,401, as follows:

(a) 7.3 shares of Common Stock Series B for each share of Prior Preference Stock, \$7.00 Cumulative, and all accumulated and unpaid dividends thereon, or a total of 2,688,940.4 shares representing 76.98% of the Common Stock Series B to the holders of the Prior Preference Stock, \$7.00 Cumulative;

(b) 6.3 shares of Common Stock Series B for each share of Prior Preference Stock, \$6.00 Cumulative and all accumulated and unpaid dividends thereon, or a total of 630,000 shares, representing 18.03% of the Common Stock Series B, to the holders of the Prior Preference Stock, \$6.00 Cumulative;

(c) .23 shares of Common Stock Series B for each share of \$4.00 Cumulative Preferred Stock and all accumulated and unpaid dividends thereon, or a total of 174,211.66 shares, representing 4.99% of the new Common Stock Series B, to the holders of the \$4.00 Cumulative Preferred Stock;

5. To liquidate the 3-year collateral loan in the principal amount of \$21,000,000 at or prior to the maturity thereof by annual payments out of net income and by the sale of securities owned by Standard and pledged as security for the loan.

If this Commission should approve the proposed plan of recapitalization, Standard may request the Commission to apply to a United States District Court pursuant to sections 11 (e) and 18 (f) of the act to enforce and carry out the terms and provisions of the plan. Submission of the plan to the security holders of Standard for their approval or rejection is not contemplated.

II

The Commission, pursuant to sections 11 (a), 18 (a), and 18 (b) of the act, having examined the corporate structure of Standard Gas and Electric Company and its subsidiary companies, the relationship among the companies in its holding company system, the character of the interests thereof, and the properties owned or controlled thereby, to determine the extent to which the corporate structure of such holding company system and of the companies therein may be simplified, unnecessary complexi-

ties therein eliminated, and voting power fairly and equitably distributed among the holders of securities thereof; and said examination having disclosed data establishing or tending to establish the following:

1. Standard Gas and Electric Company, a registered holding company, is a corporation organized in 1910 under the laws of the State of Delaware with its principal office at 231 South LaSalle Street in the City of Chicago, Illinois. Standard presently owns and controls eighty direct and indirect subsidiaries. Fifteen of its subsidiaries are public-utility companies within the meaning of section 2 (a) (5) of the Act; two, Philadelphia Company and Louisville Gas and Electric Company (Delaware), are primarily holding companies, while others are engaged in the production and transmission of natural gas, in the operation of railroad and other transportation facilities, in the production and sale of steam, to a minor extent in the production and sale of oil, or in other non-utility businesses. The operations of the public-utility subsidiaries are conducted in 15 States of the United States, namely, Pennsylvania, Kentucky, Oklahoma, California, Oregon, Idaho, Washington, Montana, Wyoming, Colorado, Arkansas, Wisconsin, Indiana, Michigan, and West Virginia, and in Mexico.

2. The names of the subsidiary companies presently embraced in the holding company system of Standard, the corporate relationship of the system companies to each other, and the State of incorporation of each subsidiary are shown in the following table:

Name of company	State of organization
Standard Gas and Electric Company.....	Delaware.
The California Oregon Power Company.....	California.
California-Oregon Power Company ¹	California.
Empresa de Servicios Publicos de los Estados Mexicanos, Sociedad Anonima.....	Mexico.
Horseshoe Lake Oil and Gas Company.....	Delaware.
The Little Wolf Power Company ¹	Wisconsin.
Louisville Gas and Electric Company.....	Delaware.
Louisville Gas and Electric Company.....	Kentucky.
Kentucky Pipe Line Company.....	Indiana.
Ohio Valley Transmission Corporation.....	Indiana.
Louisville Transmission Corporation.....	Kentucky.
Louisville Transmission Corporation.....	Indiana.
Madison Light and Power Company.....	Indiana.
Market Street Railway Company.....	California.
San Francisco and San Mateo Electric Railway Company ¹	California.
Sutro Railroad Company ¹	California.
Mountain States Power Company.....	Delaware.
Oklahoma Gas and Electric Company.....	Oklahoma.
Public Utility Engineering and Service Corporation.....	Delaware.
Southern Colorado Power Company.....	Colorado.
Tri-State Land Company.....	Washington.
Wisconsin Public Service Corporation.....	Wisconsin.
Menominee and Marinette Light and Traction Company.....	Wisconsin and Michigan.
Philadelphia Company.....	Pennsylvania.
Duquesne Light Company.....	Pennsylvania.
Allegheny County Steam Heating Company.....	Pennsylvania.
Pittsburgh and West Virginia Gas Company.....	West Virginia.
Equitable Gas Company.....	Pennsylvania.
Philadelphia Oil Company.....	West Virginia.
Pinleyville Oil and Gas Company.....	Pennsylvania.
Kentucky West Virginia Gas Company.....	West Virginia.
The Consolidated Gas Company of the City of Pittsburgh ¹	Pennsylvania.
Cheswick and Harmar Railroad Company.....	Pennsylvania.
Equitable Auto Company.....	Pennsylvania.
Equitable Real Estate Company.....	Pennsylvania.
Equitable Sales Company.....	Pennsylvania.

See footnote at end of table.

Name of company—Continued

<i>Name of company—Continued</i>	<i>State of organization</i>
Standard Gas and Electric Company—Continued.	
Pittsburgh Railways Company ¹	Pennsylvania.
Allegheny, Bellevue and Perryville Railway Company ²	Pennsylvania.
The Allenport and Roscoe Electric Street Railway Company ²	Pennsylvania.
Bon Avon and Ensworth Street Railway Company ²	Pennsylvania.
Bon-Air Street Railway Company ²	Pennsylvania.
Cedar Avenue Street Railway Company ²	Pennsylvania.
East McKeesport Street Railway Company ²	Pennsylvania.
Mt. Washington Street Railway Company ²	Pennsylvania.
Mt. Washington Tunnel Company ²	Pennsylvania.
Pittsburgh, Canonsburg and Washington Railway Company ²	Pennsylvania.
Pittsburgh & Charlelot Street Railway Company ²	Pennsylvania.
Pittsburgh Motor Coach Company ²	Pennsylvania.
Superior Avenue & Shady Avenue Street Railway Company ²	Pennsylvania.
United Traction Company of Pittsburgh ²	Pennsylvania.
Federal Street and Pleasant Valley Passenger Railway Company ²	Pennsylvania.
Glenwood and Dravosburg Electric Street Railway Company ²	Pennsylvania.
The McKeesport and Reynoldton Passenger Railway Company ²	Pennsylvania.
The Pittsburgh, Allegheny and Manchester Traction Company ²	Pennsylvania.
Pittsburgh, Allegheny and Manchester Passenger Railway Company ²	Pennsylvania.
Pittsburgh Union Passenger Railway Company ²	Pennsylvania.
Second Avenue Passenger Railway Company ²	Pennsylvania.
Second Avenue Traction Company ²	Pennsylvania.
The Second Avenue Traction Company ²	Pennsylvania.
Washington and Canonsburg Railway Company ²	Pennsylvania.
West End Traction Company ²	Pennsylvania.
Pittsburgh, Crafon and Mansfield Street Railway Company ²	Pennsylvania.
Pittsburgh, Neville Island and Coraopolis Railway Company ²	Pennsylvania.
Pittsburgh and West End Railway Company ²	Pennsylvania.
West Liberty and Suburban Street Railway Company ²	Pennsylvania.
West Shore Electric Street Railway Company ²	Pennsylvania.
Consolidated Traction Company ²	Pennsylvania.
Ardmore Street Railway Company ²	Pennsylvania.
The Central Traction Company ²	Pennsylvania.
Central Passenger Railway Company ²	Pennsylvania.
The Duquesne Traction Company ²	Pennsylvania.
The Duquesne Street Railway Company ²	Pennsylvania.
Fort Pitt Traction Company ²	Pennsylvania.
The Pittsburgh Traction Company ²	Pennsylvania.
The Morningside Electric Street Railway Company ²	Pennsylvania.
Seventeenth Street Incline Plane Company ²	Pennsylvania.
The Citizens Traction Co. ²	Pennsylvania.
Penn Street Railway Company ²	Pennsylvania.
Monongahela Street Railway Company ²	Pennsylvania.

¹ Inactive companies.

² Subsidiaries of Pittsburgh Railways Company or direct subsidiaries of Philadelphia Company.

3. Prior to June 1938 Pittsburgh Railways Company operated a unified street railway and inclined plane railway system known as the Pittsburgh Railways System; its subsidiary, Pittsburgh Motor Coach Company, operated a bus system as an adjunct to the railways system. The latter system was composed of the properties and franchises belonging to a large number of street railway and several inclined plane railway companies which were held by Pittsburgh Railways

Company through operating agreements, leases or stock ownership. Most of such companies are subsidiaries of Pittsburgh Railways Company or direct subsidiaries of Philadelphia Company (that is, all subsidiaries whose name is followed by "in the list contained in paragraph numbered "2" above), while others are non-affiliates of the Philadelphia Company. On June 18, 1938 the United States District Court for the Western District of Pennsylvania acting pursuant to section 77B of the Bankruptcy Act appointed trustees for Pittsburgh Railways Company and Pittsburgh Motor Coach Company and since such appointment the trustees have had possession of and have been operating the properties comprising the Pittsburgh Railways System in-

cluding those of Pittsburgh Motor Coach Company. Because of this situation, certain information concerning these transportation subsidiaries of the Philadelphia Company is omitted herein.

As of December 31, 1942 the Philadelphia Company and its consolidated subsidiaries carried their investment in the securities of the Pittsburgh Railways System at \$52,458,916, had non-current indebtedness owing to them in the amount of \$16,412,218 which was offset by deferred credits in the amount of \$11,298,251 and a reserve of \$2,396,131, and in addition had a reserve for revaluation of assets in the amount of \$23,541,417.

4. A condensed corporate balance sheet¹ of Standard as of December 31, 1942 is as follows:

ASSETS	
<i>Investment securities and advances:</i>	
Subsidiary companies, majority owned:	
Securities	\$235,548,335.80
Acct. receivable—not current	441,021.55
	\$235,989,357.35
Other statutory subsidiary companies:	
Securities	\$3,437,283.00
Acct. receivable—not current	893,456.18
	4,330,739.18
Securities of other companies	14,781,015.07
Total investments	\$255,101,111.60
Less reserve for investments	85,840,062.76
Remainder	\$169,261,048.84
Office furniture and fixtures (net)	9,736.71
Cash on deposit in sinking funds	896.74
Cash on deposit in retirement funds	10,583.25
Current assets:	
Cash on hand and demand deposits	\$5,337,723.63
Dividends receivable from associate companies	1,597,727.75
Dividend receivable from other company	100,210.00
Deferred charges	\$7,035,661.38
	1,040,418.46
Total	\$177,358,145.38
LIABILITIES	
<i>Capital stock:</i>	
Preferred, without par value	\$87,350,943.35
Common, without par value	21,626,070.00
	\$108,977,013.35
Funded debt	59,566,700.00
Current and accrued liabilities	1,386,351.09
Reserve for reorganization expenses, taxes and other contingencies applicable to periods prior to January 1, 1938	481,589.05
Earned surplus since December 31, 1937	6,946,491.89
Total	\$177,358,145.38

¹ Subject to the applicable footnotes to Standard's balance sheet attached to the plan as Schedule C thereof.

5. The funded debt of Standard referred to in the foregoing balance sheet is represented by:

	Principal Amount
Twenty-year 6% gold notes, due 5/1/48.....	\$12,021,000
6% convertible gold notes, due 5/1/48.....	8,095,500
6% gold debentures, Series A, due 2/1/51.....	12,735,300
6% gold debentures, Series B, due 12/1/66.....	7,964,500
6% debentures, due 2/1/57.....	3,582,700
Standard Power and Light Corporation 6% gold debentures, due 2/1/57 (assumed).....	15,167,700
Total.....	\$59,566,700

Each of the above-listed issues of notes or debentures ranks on a parity with the other as to participation in assets in the event of the voluntary or involuntary liquidation of Standard.

6. The capital stock of Standard is represented by:

Prior preference stock, \$7.00 cumulative, 368,348 shares without par value.
Prior preference stock, \$6.00 cumulative, 100,000 shares without par value.
\$4.00 cumulative preferred stock, 757,442 shares without par value.
Common stock, 2,162,607 shares of no par value.

The total preferred stock liability is shown on the balance sheet as \$87,350,943 with no segregation as between the prior preference and cumulative preferred stock.

There is no difference between the two series of prior preference stock, other than dividend rates and redemption premiums; both have a preference as to dividends over the \$4.00 cumulative preferred stock and common stock and in the event of liquidation, either voluntary or involuntary, have a preference as to distribution of assets over the \$4.00 cumulative preferred stock and common stock to the extent of \$100 per share and accumulated and unpaid dividends. The \$4.00 cumulative preferred stock has a preference as to dividends over the common stock and in the event of liquidation, either voluntary or involuntary, has a preference over the common stock to the extent of \$50 per share and accumulated and unpaid dividends.

7. Each share of prior preference, preferred and common stock has one vote per share on general corporate matters. However, in the election of directors the holders of the notes and debentures are entitled to elect one director, the holders of the prior preference stock two directors, the holders of the \$4.00 cumulative preferred stock two directors, and the holders of the common stock four directors.

8. Standard Power and Light Corporation, a registered holding company which we have ordered to liquidate,²

¹ Notes and debentures in the aggregate principal amount of \$364,500 have been retired since December 31, 1942 which accounts for the difference between the above total and the aggregate principal amount of notes and debentures of \$59,202,200 referred to in section I hereof.

² In re Standard Power and Light Corporation, Holding Company Act Release No. 3607.

owns 1,160,000 shares of the common stock of Standard.³

	Amount or No. of shares owned
Standard Gas and Electric Company, 20-year, 6% Gold Notes, due 1948.....	\$328,000
Standard Gas and Electric Company, 6% Convertible Gold Notes, due 1948.....	216,000
Standard Gas and Electric Company, 6% Gold Debentures, Series A, due 1951.....	146,000
Standard Gas and Electric Company 6% Debentures, due 1957.....	6,000
Standard Gas and Electric Company, 6% Gold Debentures, Series B, due 1966.....	98,000
Standard Power and Light Corporation, 6% Gold Debentures, due 1957.....	179,000
Standard Gas and Electric Company, Prior Preference Stock, \$7 Cum.....	40,751.30 shs.
Louisville Gas & Elec. Co., Common Class B Stock.....	1,980 shs.
Mountain States Power Co. Common Stock.....	1,267.65 shs.
Philadelphia Company, Common Stock.....	9,750 shs.
Southern Colorado Power Company, Common Class A Stock.....	23,570 shs.

9. On a corporate basis the reported gross income before charges, the net

income before dividends, the prior preference and preferred stock dividend requirements, and the balance for common stock of Standard for each of the last four years were as follows:

	Gross income	Net income	Prior preference and preferred stock dividend requirements	Balance for common stock
1939.....	\$5,267,885	\$823,357	\$6,208,204	(\$5,284,847)
1940.....	5,372,540	987,605	6,208,204	(5,220,599)
1941.....	5,055,080	1,072,505	6,208,204	(5,135,699)
1942.....	4,960,183	1,136,218	6,208,204	(5,071,986)

() Denotes deficiency.

10. As of December 31, 1942 the dividend arrearages on the prior preference and preferred stock of Standard were as follows:

	Per share	Total
Prior preference \$7.00 cumulative.....	\$62.65	\$23,077,002
Prior preference \$6.00 cumulative.....	53.70	5,370,000
\$4.00 cumulative preferred.....	39.33	29,792,719

11. The corporate income of Standard for the past three years was derived from the following sources:

	1940	1941	1942
From subsidiary companies:			
Dividends on preferred stocks.....	\$207,288.00	\$169,917.94	\$113,507.00
Dividends on common stock.....	5,160,697.25	5,038,740.34	4,913,302.50
Interest on bonds.....	130,625.00	130,625.00	80,552.98
Other dividends and interest.....	5,498,608.25	5,339,283.28	5,107,361.58
Total income.....	401,147.97	402,959.25	402,051.00
	5,899,756.22	5,742,242.53	5,509,412.58

12. The following tabulation shows as of December 31, 1942 the outstanding securities and open account advances of each of Standard's subsidiaries⁴ and the

amount thereof owned (a) by Standard, (b) by other system companies, and (c) by the public:

	Out-standing	Owned by Standard Gas & Electric Company	Owned by system companies other than Standard	Owned by public
The California Oregon Power Company:				
Funded debt:				
First Mortgage bonds, 4% series, due 1966.....	\$13,500,000			\$13,500,000
Ten year serial notes.....	3,500,000			3,500,000
Preferred stock:				
7% cumulative, \$100 par value.....	2,437,300			2,437,300
6% cumulative, \$100 par value.....	779,300			779,300
6% cum., 1927 ser., \$100 par value.....	4,576,100			4,576,100
Common stock, no par value, outstanding 312,000 shares.....	7,800,000	\$7,800,000		
Empresa de Servicios Publicos de Los Estados Mexicanos, S. A.:				
Open account—Not current.....	438,495	438,495		
Capital stock, \$100 par value, assessable ser., outstanding 35,000 shares.....	1,400,000	1,400,000		
Non-assessable series, outstanding 15,000 shares.....	1,500,000	1,500,000		
Louisville Gas and Electric Company (Del.):				
Capital stock:				
Class A common, no par value, outstanding 600,374 shares.....	15,299,304			15,299,304
Class B common, no par value, outstanding 300,949 shares.....	7,770,361	7,296,289		474,072
Louisville Gas and Electric Company (Ky.):				
Funded debt:				
First and rfd. mtge. bonds, 3½% series, due 1966.....	28,000,000			28,000,000
Louisville Lighting Company first mortgage 5%, due 1953.....	1,009,000			1,009,000
Preferred stock:				
5% cumulative, \$100 par value.....	2,000,000			2,000,000
5% cumulative, \$25 par value.....	19,519,800			19,519,800
Common stock, no par value, outstanding 1,033,839 shares.....	16,774,862	2,016,964	14,329,991	427,907

³ As of December 31, 1941, Standard Power and Light Corporation also owned the following other securities of Standard and its subsidiaries:

⁴ Exclusive of inactive companies having no publicly held securities and of the Pittsburgh Railways System companies and Pittsburgh Motor Coach Company.

	Out- standing	Owned by Standard Gas & Electric Company	Owned by system companies other than Standard	Owned by public
Madison Light and Power Company: Open account—not current.....	\$328,000		\$328,000	
Capital stock, \$100 par value.....	150,000		150,000	
Kentucky Pipe Line Company: Open account—not current.....	147,908		147,908	
Capital stock, no par value, outstanding 100 shares.....	10,000		10,000	
Kentucky West Virginia Gas Company: Preferred stock: 5% cum. first pfd., \$100 par value.....	2,837,000		2,837,000	
7% cum. second pfd., \$100 par value.....	5,407,500		5,407,500	
Common stock, no par value, outstanding 100,000 shares.....	1,304,715		1,304,715	
Ohio Valley Transmission Corporation: Open account—not current.....	464,000		464,000	
Capital stock, no par value, outstanding 1,000 shares.....	1,000		1,000	
Louisville Transmission Corporation (Ky.): Funded debt: Capital stock, \$10 par value.....	3,850,000		3,850,000	
Louisville Transmission Corporation (Ind.): Open account—payable to parent.....	10,000		10,000	
Capital stock, \$10 par value.....	310,777		310,777	
Horseshoe Lake Oil and Gas Company: Open account—not current.....	10,000		10,000	
Capital stock, no par value, outstanding 5,000 shares.....	1,812		1,812	
Market Street Railway Company: Long term debt: First mtge. 5% S. F. gold bonds, due 1945.....	4,192,500		4,192,500	
Notes and installment contracts.....	735,748		735,748	
Indebtedness to parent.....	1,041,626		1,041,626	
Preferred stock: Prior preference, 6% cum., \$100 par.....	11,618,500		11,618,500	
6% cumulative, \$100 par value.....	4,986,850		4,986,850	
Second pfd., 6% \$100 par value.....	4,673,700		4,673,700	
Common stock, \$100 par value.....	10,647,400		10,647,400	
Mountain States Power Company: Long term debt: First mtge. bonds, 4½% ser., due 1945.....	7,500,000		7,500,000	
Serial notes.....	270,000		270,000	
Preferred stock: Common stk., no par value, outstanding and held for exchange of 7% cum. pfd. stk. 249,401 shares.....	2,652,200		2,652,200	
Oklahoma Gas and Electric Company: Funded debt: First mtge. bonds, 3½% ser., due 1966.....	5,165,550		5,165,550	
4% debentures due 1946.....	35,000,000		35,000,000	
Preferred stock: 7% cumulative, \$100 par value.....	7,125,000		7,125,000	
Common stock, \$100 par value.....	14,647,500		14,647,500	
Public Utility Engineering and Services Corp.: Capital stock, no par value, outstanding 100,000 shares.....	2,231,700		2,231,700	
TRR State Land Company: Open account—not current.....	230,000		230,000	
Southern Colorado Power Company: Long term debt: Bonds—first mortgage gold, series A, 6% due 1947.....	714		714	
Miscellaneous.....	100,000		100,000	
Preferred stock: 7% cumulative, \$100 par value.....	6,763,400		6,763,400	
Common stock: Class A, \$25 par value.....	4,231,500		4,231,500	
Class B, no par value, outstanding 75,000 shares.....	2,750,000		2,750,000	
Wisconsin Public Service Corporation: Long term debt: First mortgage bonds, 3½% series, due 1971.....	750,000		750,000	
Preferred stock: 5% cumulative, \$100 par value.....	26,500,000		26,500,000	
Common stock, \$10 par value.....	13,200,000		13,200,000	
Memomine and Marinette Light and Traction Co.: Funded debt: First mortgage 6% demand bonds, series A.....	1,524,000		1,524,000	
Open account—not current.....	300,000		300,000	
Common stock, \$100 par value.....	1,150,000		1,150,000	

Philadelphia Company:

Funded debt:

4½% collateral trust sinking fund bonds, due 1961.....

2½% Collateral trust serial notes.....

Preferred stock:
6% cumulative, \$50 par value, outstanding 100,000 shares.....

5% cumulative, no par value, outstanding 55,808 shares.....

8% non-cumulative, \$10 par value.....

Common stock, no par value, outstanding 5,190,647 shares.....

Common (scrip), 200 1/4 shares.....

Duquesne Light Company:
Funded debt:
First mtge. 3½% bonds, due 1965.....Preferred stock:
First pfd. 5% cum., \$100 par value.....

Common stock, no par value, outstanding 2,152,528 shares.....

Allegheny County Steam Heating Company:
Indebtedness to affiliate—not current.....

Capital stock, \$50 par value.....

Pittsburgh and West Virginia Gas Company:
Capital stock, no par value, outstanding 344,000 shares.....Philadelphia Oil Company:
Capital stock, \$50 par value.....Equitable Gas Company:
Indebtedness to affiliate—not current.....

Common stock, \$100 par value.....

Consolidated Gas Company of the City of Pittsburgh:
Preferred stock, cum. 6%, \$50 par value.....

Common capital stock, \$50 par value.....

Finleyville Oil & Gas Company:
Long term debt:
6% serial gold bonds, due serially to 1946.....

Indebtedness to affiliate—not current.....

Capital stock, \$100 par value.....

Equitable Auto Company:
Capital stock, \$100 par value.....Equitable Real Estate Company:
Long term debt:
Real estate mortgage, due serially to 1957.....

Capital stock, \$50 par value.....

Indebtedness to affiliate—not current.....

Equitable Sales Company:
Indebtedness to affiliate—not current.....

Capital stock, \$100 par value.....

Chesapeake and Harbor Railroad Company:
Capital stock, \$100 par value.....

Capital stock, \$100 par value.....

Capital stock, \$100 par value.....

Capital stock, \$100 par value.....

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Capital stock, \$100 par value.....

\$17,229,788.21 is owed to Philadelphia Company and \$17,722,691.67 is owed to Pittsburgh and West Virginia Gas Company.

13. In addition to the security ownership of Standard reflected in the above tabulation, Standard owns:

11,800 shares of the Class A common stock and 729,083 1/2 shares of the Class B common stock of Northern States Power Company (Delaware).

200,420 shares of the common stock of Pacific Gas and Electric Company 1,938 shares of the common stock of Deep Rock Oil Corporation.

14. The states in which the businesses of the several public-utility subsidiary companies are conducted and the nature of such businesses, as well as the gross property per books as of December 31, 1942 and gross revenues of such subsidiaries for the year ended December 31, 1942 are shown in the following tabulation:

* Does not include the Philadelphia Company which although it owns some gas properties which are leased to certain of its subsidiaries is principally a holding company.

IV

Name of company	State or country in which operations are conducted	Kind of business	Gross property per books ¹	Gross revenues
California Oregon Power Company, The.	California and Oregon	Electricity and water	\$36,566,487	\$5,666,307
Empresa de Servicios Publicos de los Estados Mexicanos, Sociedad Anonima.	Mexico	Electricity, Ice and Water	2,790,750	433,493
Louisville Gas and Electric Company.	Kentucky	Electricity and Gas—also Holding Company.	76,626,918	16,235,933
Madison Light and Power Company.	Indiana	Electricity	824,534	283,771
Mountain States Power Company.	Wyoming, Oregon, Montana, Idaho, and Washington.	Electricity, Natural Gas, Steam Heating, Water and Telephone.	23,638,085	4,723,086
Oklahoma Gas and Electric Company.	Oklahoma and Arkansas.	Electricity	76,684,422	14,857,223
Duquesne Light Company.	Pennsylvania	Electricity	212,587,055	40,364,920
Pittsburgh and West Virginia Gas Company.	Kentucky and West Virginia.	Gas, also holding company.	18,705,123	7,646,718
Equitable Gas Company.	Pennsylvania	Gas	6,325,018	13,799,018
Southern Colorado Power Company.	Colorado	Electricity, street railway and bus transportation.	17,763,623	2,639,178
Wisconsin Public Service Corporation.	Wisconsin	Electricity, gas, bus transportation, also holding company.	53,185,850	10,286,771
Menominee and Marinette Light and Traction Company.	Wisconsin and Michigan.	Electricity and gas	3,803,660	818,486
Ohio Valley Transmission Company.	Indiana	Electricity	671,974	114,133
Louisville Transmission Corporation.	Kentucky	Electricity and holding company.	3,037,991	2,171
Louisville Transmission Corporation.	Indiana	Electricity	310,579	(²)

¹ Includes intangibles and other physical property.² Includes sales to Equitable Gas Company in the amount of \$7,108,159.³ Includes revenue on property leased from others.⁴ These companies have been recently organized and during 1942 their properties were not in full operation.

15. The following tabulation sets forth the same information as that contained in the preceding one with respect to the non-public-utility subsidiaries of Standard exclusive of the Philadelphia Com-

pany and Louisville Gas and Electric Company (Delaware), inactive subsidiaries, and Pittsburgh Railways System subsidiaries and Pittsburgh Motor Coach Company:

Name of company	State in which business operations are conducted	Kind of business	Gross ¹ property per books	Gross revenues
Horseshoe Lake Oil and Gas Company.	Oklahoma	Oil and gas leases	\$7,631	-----
Kentucky Pipe Line Company.	Indiana	Gas production and transmission.	155,731	\$22,220
Market Street Railway Company.	California	Street railway and bus transportation.	41,769,229	7,574,541
Allegheny County Steam Heating Company.	Pennsylvania	Steam heating	7,956,553	973,954
Philadelphia Oil Company.	-----	Petroleum	2,182,268	112,194
Finleyville Oil and Gas Company.	Pennsylvania	Natural gas production	727,588	45,522
Kentucky West Virginia Gas Company.	Kentucky and West Virginia.	Natural gas production	21,759,318	4,396,159
Cheswick and Harmar Railroad Company.	Pennsylvania	Railroad	498,675	92,954
Equitable Auto Company.	-----	Service company, automobile maintenance and repair.	327,988	865,366
Equitable Real Estate Company.	Pennsylvania	Real estate	4,638,220	562,813
Equitable Sales Company.	Pennsylvania	Merchandising of electric and gas appliances.	-----	(11,134)
Public Utility Engineering and Service Corporation.	Illinois	Service company	224,888	*1,067,772
Tri-State Land Company.	Idaho	Real estate	88,720	-----

¹ Includes intangibles.² The gross revenues of this company are equivalent to the company's operating expenses because it renders services at cost.

16. As of December 31, 1942 the Philadelphia Company carried its physical property account at \$38,213,980 and carried its investments in the securities of its subsidiaries, other than the Pittsburgh Railways System at \$82,089,231.

17. As of December 31, 1942 Louisville Gas and Electric Company (Delaware) carried its investment in the common stock of Louisville Gas and Electric Company (Kentucky) at \$23,349,601 and carried its investment in the capital stock of Madison Light and Power Company at \$141,577.

III

It tentatively appearing to the Commission, on the basis of the allegations

No. 61—8

contained in the foregoing section II, that there are reasonable grounds to believe:

1. That the assets of Standard are worth substantially less than their carrying value and that the fair value thereof may be less than the capital represented by its outstanding securities;

2. That the voting power of Standard's system may be unfairly and inequitably distributed among security holders;

3. That the corporate structure or continued existence of certain companies in the Standard system may unduly and unnecessarily complicate the structure of such system.

It being the duty of the Commission pursuant to section 11 (b) (2) of the act, to require by order, after notice and opportunity for hearing, that each registered holding company and each subsidiary company thereof take such steps as the Commission shall find necessary to ensure that the corporate structure or continued existence of any company in a holding-company system does not unduly or unnecessarily complicate the structure, or unfairly or inequitably distribute voting power among security holders of such holding company system, and to require each registered holding company (and any company in the same holding-company system with such holding company) to take such action as the Commission shall find necessary in order that such holding company shall cease to be a holding company with respect to each of its subsidiary companies which itself has a subsidiary company which is a holding company; and

It being appropriate in the public interest and in the interests of investors and consumers to institute proceedings against Standard under sections 15 (f) and 20 (a) of the act directed toward a determination of whether appropriate orders should be entered pursuant to said sections; and

The Commission being required by the provisions of section 11 (e) of the act to find, after notice and opportunity for hearing and before approving any plan filed thereunder, that such plan, as submitted or as modified, is necessary to effectuate the provisions of section 11 (b), and is fair and equitable to the persons affected thereby; and

It being appropriate that notice be given and a hearing held for the purpose of determining what action should be ordered under sections 11 (b) (2), 15 (f) and 20 (a) and for the purpose of ascertaining what action should be taken on the proposed plan; and the common issues of fact and law arising in connection with the proposed plan and in connection with proceedings pursuant to sections 11 (b) (2), 15 (f) and 20 (a) making it appropriate that the hearing on said matters be consolidated; *It is hereby ordered:*

(a) That a hearing be held on the plan filed by Standard Gas and Electric Company pursuant to section 11 (e) of the act;

(b) That proceedings be instituted against Standard Gas and Electric Company pursuant to sections 11 (b) (2), 15 (f) and 20 (a) of the act and that a hearing be held on the proceedings so instituted;

(c) That if Standard Gas and Electric Company disputes any of the allegations contained in paragraphs numbered 1 to 17, inclusive, of section II herein, it shall file an answer to such allegations in the form prescribed by Rule U-25 of the Rules and Regulations under the Act with the Secretary of the Commission on or before May 4, 1943;

(d) That the hearing on said plan and on the proceedings instituted pursuant to sections 11 (b) (2), 15 (f) and 20 (a) of the act be consolidated, subject

to a reservation of jurisdiction to separate the matters so consolidated either for hearing or for disposition, in whole or in part;

It is further ordered, That the consolidated hearing on the plan and on the proceedings instituted pursuant to sections 11 (b) (2), 15 (f) and 20 (a) of the Act be held on the 5th day of May, 1943, at 10 o'clock a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such date by the hearing room clerk in Room 318.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under section 18 (c) of said act; and

It is further ordered, That the Secretary of the Commission shall serve notice of such hearing by mailing a copy of this order to the Standard Gas and Electric Company forthwith; that notice of said hearing be given to Standard Gas and Electric Company and to its security holders, and to all other interested persons, regulatory authorities, municipalities or other political subdivisions by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Act; and by publication of this order in the FEDERAL REGISTER.

It is further ordered, That Standard Gas and Electric Company mail a copy of this notice and order together with a copy of the plan referred to in section I hereof to each of its security holders at his last-known address at least thirty days prior to the 5th day of May, 1943;

It is further ordered, That any person desiring to be heard in connection with these proceedings shall file with the Secretary of the Commission or before the 26th day of April, 1943, a written statement relative thereto; any person proposing to intervene shall file with the Secretary of the Commission or before such date his application therefor, as provided by Rule XVII of the Commission's Rules of Practice;

It is further ordered, That without limiting the scope of the issues presented by the plan or by the proceedings herein instituted, that evidence having particular bearing on the following matters will be adduced at the hearing;

1. Whether the proposed plan filed pursuant to section 11 (e) of the act is necessary to effectuate the provisions of section 11 (b) and is fair and equitable to the persons affected thereby;

2. Whether the allegations contained in paragraphs numbered 1 to 17, inclusive, of section II hereof are true and correct;

3. Whether voting power is fairly and equitably distributed among the security holders of the Standard Gas and Electric Company system;

4. Whether the corporate structure and continued existence of the Standard

Gas and Electric Company unduly or unnecessarily complicates the structure of the Standard Gas and Electric Company system;

5. What further action may be required by Standard Gas and Electric Company to effect complete compliance with section 11 (b) of the act;

6. What orders, if any, should be entered pursuant to sections 15 (f) and 20 (a) of the act, to require Standard Gas and Electric Company to take such steps as the Commission may find necessary to effect complete compliance with the provisions of said sections.

It is further ordered, That jurisdiction be and is hereby reserved to separate, either for hearing, in whole or in part, or for disposition in whole or in part, any of the issues or questions which may arise in these proceedings, and to take such other action as may appear conducive to an orderly, prompt, and economic disposition of the matters involved.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-4566; Filed, March 25, 1943;
10:20 a. m.]

[File No. 812-286]

SOUTHERN NATIONAL INVESTMENT CORPORATION OF CORPUS CHRISTI

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 25th day of March, A. D. 1943.

Southern National Investment Corporation of Corpus Christi having filed an application pursuant to the provisions of section 6 (d) of the Investment Company Act of 1940 for an order of exemption from the provisions of said Act;

It is ordered, Pursuant to section 40 (a) of the said Act, That a hearing on the aforesaid application be held on April 12, 1943, at 11:30 a. m., Eastern War Time, in Room 318 of the Securities and Exchange Commission Building at 18th and Locust Street, Philadelphia, Pennsylvania.

It is further ordered, That Charles S. Moore, Esq., or any other officer of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-4617; Filed, March 26, 1943;
9:40 a. m.]

WAR PRODUCTION BOARD.

[Certificate 44]

INTERSTATE COMMERCE COMMISSION RATE CONFERENCE REGULATIONS

THE ATTORNEY GENERAL: Pursuant to the provisions of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby approve joint action by common carriers or freight forwarders, or their respective representatives, through rate bureaus, rate conferences, or other similar carrier or forwarder organizations, in the initiation and establishment of common carrier and freight forwarder rates, fares, and charges, and carrier and forwarder regulations and practices pertaining thereto: *Provided*, That such action is taken subject to and in compliance with certain regulations for rate conferences formulated by the Interstate Commerce Commission a copy of which is hereunto annexed and made a part hereof; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with my approval herein expressed, is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

MARCH 20, 1943.

REGULATIONS FOR RATE CONFERENCES

RULE 1. *Definitions as used in these rules.*

(a) The term "rate conference" means any two or more common carriers or any two or more freight forwarders who consult together, either directly or by employees or representatives, for the purpose of considering or agreeing upon rates to be charged by them, or of providing for the publication of tariffs containing such rates.

(b) The term "publishing agent" means a person or corporation controlled directly or indirectly by a rate conference which publishes and files freight or passenger tariffs.

(c) The term "rates" includes fares, charges, and classifications, and all rules, regulations, and practices affecting the charges made for the transportation of freight or passengers and services incidental to such transportation.

(d) The term "carrier" means a common carrier or a freight forwarder.

RULE 2. Any carrier performing service of the type and within the territorial and organizational scope of a rate conference's rate activities shall be eligible for membership in such rate conference upon application and upon payment of charges applicable to other members of the same class. When a rate conference consists of two or more rate conferences or their representatives, eligibility for membership in any of the rate conferences shall be considered compliance with this rule.

RULE 3. On or before April 15, 1943, each rate conference shall register with the Interstate Commerce Commission and shall file with the Commission a copy of its by-laws, the names and addresses of its officers and of the members of rate and other committees (except special or sub-committees created for temporary functioning), the rules of procedure followed by it, a copy of any agreement or other document which in any way provides for, governs, or affects such procedure, and schedules of its charges to members or, where expenses are divided among the members, statements showing how the expenses are

divided; and, if a corporation, a copy of its articles of incorporation. A copy of each change in any of the above shall be filed within 30 days of the effective date of the change.

RULE 4. A publishing agent, upon request of any member of the rate conference for which the publishing agent publishes rates and upon payment of the charges, if any, applicable to carriers of that class, shall include the member as a participating carrier in its agency tariffs and publish rates therein for the individual or joint account of such member, except that this shall not require the publishing agent to publish joint rates for the account of carriers who indicate their non-concurrence therein.

RULE 5. Each member of a rate conference may propose to such conference the initiation of or change in rates to be published in the tariffs of the publishing agent for application over the proponent's line or over the lines of other members of the conference performing the service for which the rates are proposed.

RULE 6. No rule or practice of a rate conference shall prohibit any member from publishing or having published for his account any rate or rule after ninety days from the date the rate was proposed by him, except that, in the case of a joint rate, the publishing agent shall not publish the rate for application over the line of any carrier who does not join in the request for its publication.

RULE 7. Membership in a rate conference shall not preclude a carrier, after rejection of the proposal or after 90 days from the date of the proposal, from filing individual tariffs or from participating in tariffs published by other carriers or other rate conferences. Upon the filing of such individual tariffs or upon participation in tariffs published by other carriers or other rate conferences, the rate conference or conferences in whose tariffs the earlier rates were published shall immediately provide for the removal of any conflicting or duplicating rates in its or their tariffs.

RULE 8. No boycott or other means of coercion or intimidation shall be employed by

a rate conference, directly or indirectly, to restrain a carrier, either a member or a non-member, from taking independent action, consistent with these rules, to establish rates other than those approved by a rate conference.

RULE 9. Each rate conference shall maintain accounts, records, and memoranda showing its assets, liabilities, income, and expenses; and shall maintain a file for each rate proposal which shall contain the rate proposal, all protests and memoranda submitted respecting the proposed rates, and minutes of any oral hearing which may be held. The accounts, records, memoranda, files, and all correspondence of a rate conference shall be open to inspection by duly authorized representatives of the Interstate Commerce Commission.

RULE 10. These rules are subject to modification, change, and addition as the need therefor may be shown.

[F. R. Doc. 43-4629; Filed, March 26, 1943; 11:48 a. m.]

