

FEDERAL REGISTER

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Washington, Tuesday, April 20, 1943

The President

EXECUTIVE ORDER 9330

TRANSFER OF CERTAIN CENTRAL ADMINISTRATIVE SERVICES OF THE OFFICE FOR EMERGENCY MANAGEMENT

By virtue of the authority vested in me by the Constitution and Statutes, including Title I of the First War Powers Act, 1941, and as President of the United States, it is hereby ordered as follows:

1. The fiscal functions performed by the Division of Central Administrative Services of the Office for Emergency Management with respect to the Office of Price Administration and the War Production Board in the District of Columbia and in the field (including but not limited to appropriation and allotment accounting, pay-roll preparation and administrative examination, certification and scheduling of vouchers, but not including procurement) are transferred to the Office of Price Administration and the War Production Board, respectively.

2. The function of recruitment of personnel in the field, performed by the said Division with respect to the Office for Emergency Management, the constituent agencies thereof, and the Office of Price Administration, is transferred to the United States Civil Service Commission.

3. The function of classification of field positions which are subject to the grades and schedules of the Classification Act of 1923, as amended, performed by the said Division with respect to the Office for Emergency Management, the constituent agencies thereof, and the Office of Price Administration, is transferred to the United States Civil Service Commission and shall be exercised in accordance with the following requirements:

(a) The Civil Service Commission shall promulgate standards for the proper classification of field positions in accordance with the grades and salaries prescribed by the Classification Act of 1923, as amended.

(b) The heads of the Office for Emergency Management, its constituent agencies, and the Office of Price Administration shall each, acting through his designated representatives, (1) allocate

field positions in his agency to appropriate position classes in accordance with the standards promulgated by the Civil Service Commission, and (2) refer to the Commission for allocation such field positions as are not covered by the standards promulgated by the Commission.

(c) The Civil Service Commission shall (1) make necessary post audits to verify conformity of allocations with the standards promulgated by the Commission, and (2) report any erroneous allocations to the head of the agency concerned for correction or satisfactory explanation.

4. There is transferred, for use in connection with the functions transferred by this order, to the respective agencies to which such functions are transferred, so much, as the Director of the Bureau of the Budget shall determine, (a) of the personnel, records, and property (including office equipment) used in the administration of the functions so transferred, and (b) of the unexpended balances of appropriations, allocations, and other funds available for the administration of the functions so transferred. In determining the sums to be transferred the said Director may include amounts to provide for the liquidation of obligations previously incurred against such balances of appropriations, allocations or other funds.

5. The transfers provided for in the foregoing paragraphs shall be effective on such date or dates as the Director of the Bureau of the Budget shall designate.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,

April 16, 1943.

[F. R. Doc. 43-6035; Filed, April 17, 1943;
4:01 p. m.]

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 10—FEDERAL LAND BANKS

INSURANCE REQUIREMENTS FOR BANK LOANS

Part 10 of Title 6, Code of Federal Regulations, is hereby amended as follows:

(Continued on p. 5131)

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§ 10.186 *Reduction of insurance under certain circumstances.* Section 10.186 is hereby withdrawn.

[SEAL]

W. E. RHEA,
Land Bank Commissioner.

[F. R. Doc. 43-6097; Filed, April 19, 1943;
10:21 a. m.]

PART 11—NATIONAL FARM LOAN ASSOCIATIONS

MERGER OF SHAREHOLDER GROUPS

Section 11.375 of Title 6, Code of Federal Regulations, is amended to read as follows:

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

(a) The board of directors of the association shall call separate special meetings of the shareholders of group 1 and the shareholders of group 2 for the purpose of considering a proposed resolution of merger in a form prescribed by the Administration. Such meetings shall be called and held in accordance with the

provisions of the association's bylaws applicable to meetings of association shareholders. The notice of the meetings shall contain a statement that a merger of the two groups of association shareholders will be voted upon and should contain a brief statement of the nature and effect of the proposal. At these meetings the effect of the proposed merger should be fully explained to the shareholders.

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

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

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

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

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

(Sec. 6, 47 Stat. 14, Sec. 25 (b), 50 Stat. 711; 12 U.S.C. 665, 724 (d))

[SEAL]

W. E. RHEA,
Land Bank Commissioner.

[F. R. Doc. 43-6096; Filed, April 19, 1943;
10:21 a. m.]

TITLE 7—AGRICULTURE

Chapter XI—Food Distribution Administration

[FDO 50]

PART 1418—WOOL

PURCHASE AND SALE OF DOMESTIC WOOL

Pursuant to the authority vested in me by Executive Order No. 9322, dated March 26, 1943 (8 F.R. 3807), and to

assure an adequate supply and efficient distribution of wool to meet war and essential civilian needs, It is hereby ordered, As follows:

§ 1418.1 *Purchase and sale of domestic wool—(a) Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

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

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

(3) The term "Corporation" means the Commodity Credit Corporation.

(4) The term "domestic wool" means wool which is shorn from sheep or lambs raised in the continental United States, or removed from the skins of such slaughtered sheep or lambs.

(5) The term "producer" means a person who owns sheep or lambs which are raised in the continental United States, and from which wool is shorn, or the skins of such slaughtered sheep or lambs from which wool is removed.

(6) The term "handler" means a person who has entered into a Wool Handlers' Agreement with the Corporation under its 1943 Wool Purchase Program.

(7) The term "secondary handler" means a person, operating as a country merchant or assembler, who:

(i) Purchases domestic wool for his own account from producers in lots of not to exceed one thousand pounds each, grease weight.

(ii) Takes domestic wool from producers in any quantity on consignment and performs such services in connection therewith as delivering from farm to local market or shipping point, bagging, country grading, and loading on trucks or cars.

(8) The term "manufacturer" means a person who processes domestic wool beyond the grease stage, including scourers or carbonizers.

(9) The term "purchase" includes contracts to purchase.

(10) The terms "sell" and "sale" include contracts to sell.

(11) The terms "deliver" and "delivery" include contracts to deliver.

(b) *Restrictions.* No person shall sell or deliver domestic wool to any person other than the Corporation, and no person other than the Corporation shall purchase or accept delivery of domestic wool, except as hereinafter provided or specifically authorized by the Director.

(c) *Exemptions.* The provisions of (b) shall not apply to:

(1) Purchases by and sales or deliveries to a handler for the account of the Corporation pursuant to the terms of such handler's agreement with the Corporation.

(2) Purchases by and sales or deliveries of domestic wool to a secondary handler, for his own account, from any producer in lots of not to exceed one thousand pounds, grease weight: *Provided, however,* That such wool shall be

sold by such secondary handler to the Corporation.

(3) Deliveries to a secondary handler, in lots of any size, on consignment for sale to the Corporation.

(4) Purchases by and sales or deliveries to a manufacturer directly from producers located within a radius of 50 miles from such manufacturer's mill or plant, subject to the following requirements:

(i) The total quantity of domestic wool so purchased by any manufacturer during the period from the effective date of this order through December 31, 1943, shall not exceed the total quantity of domestic wool purchased by such manufacturer directly from producers during the calendar year 1942.

(ii) Such manufacturer shall submit to the Director, not later than the tenth day of each calendar month, a report showing the total quantity of domestic wool so purchased from producers during the preceding calendar month, together with the cumulative total of such purchases. The first report shall cover the period from the effective date of this order through April 30, 1943.

(iii) Such manufacturer shall submit with his first report a statement of the total quantity of domestic wool purchased directly from producers during the calendar year 1942.

(5) Domestic wool purchased from or sold by producers prior to the effective date of this order, regardless of when delivery of such wool is made: *Provided, however,* That contracts for the sale of such wool shall be available for examination by the Director, and such wool, whether or not resold under any subsequent contract, shall be subject to appraisal by the Director.

(6) Domestic wool purchased from or sold by the Corporation.

(d) *Records and reports.* Every person subject to this order shall maintain such records for at least two years (or for such other periods of time as the Director may designate), and shall execute and file such reports upon such forms and submit such information as the Director may from time to time request or direct, and within such times as he may prescribe.

(e) *Bureau of the Budget approval.* The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent specific record keeping or reporting requirements by the Director will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

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

(g) *Territorial scope.* The provisions of this order shall apply within the forty-eight states and the District of Columbia.

(h) *Petition for relief from hardship.* Any person affected by this order who considers that compliance therewith

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

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

(j) *Communications to the Department of Agriculture.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the Director of Food Distribution, United States Department of Agriculture, Washington, D. C. Ref. FD-50.

(k) *Effective date.* This order shall become effective on April 25, 1943.

(E.O. 9322, 8 F.R. 3807; E.O. 9280, 7 F.R. 10179)

Issued this 17th day of April 1943.

[SEAL] CHESTER C. DAVIS,
Administrator.

[F. R. Doc. 43-6037; Filed, April 17, 1943;
4:03 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter III—Claims and Accounts

PART 35—PAYMENT OF BILLS AND ACCOUNTS DAMAGES FOR DELAY IN PERFORMANCE

In § 35.8 (f) subparagraph (1) is amended; subparagraph (2) is redesignated (3), the headnote being amended, and a new subparagraph (2) is added, as follows:

§ 35.8 Adjustments. * * *

(f) *Delay in performance*—(1) *When no damages provided for in contract.*

(i) Where no specific provision is made in a contract for either liquidated or actual damages, the contractor is, upon failure to complete the contract within the specified time, chargeable with all expenses caused the Government by the delay as actual damages, unless the delay is excusable under the provisions of the contract or under the provisions of the act of May 31, 1941 (55 Stat. 236).

(ii) Where there has been delay in performance under a contract which does not contain a provision for damages, the contracting officer will determine whether or not the delay resulted in actual damage to the Government.

(iii) In cases where the contracting officer has determined that the delay re-

sulted in actual damage to the Government, the contracting officer will furnish for file with the voucher a statement of the damage resulting from the delay.

(iv) In cases where the contracting officer has determined that the delay did not result in actual damage, the contracting officer will not be required to furnish a certificate to that effect, except as hereinafter provided. In all cases where the voucher is not accompanied by a statement as to damages, it will be assumed that the contracting officer has determined that no actual damages resulted or that the contractor was not responsible for the delay, and the disbursing officer will make full payment of the voucher, if otherwise correct. If in any such case the General Accounting Office should, after payment of the voucher, request a certificate, the contracting officer will prepare and furnish a certificate that the delay did not result in any actual damage to the Government.

(2) *When actual damages provided for in contract.* Whenever under a contract containing provisions for actual damages the contracting officer determines that the failure to complete the contract within the specified time did not result in any actual damage to the Government, the provisions of subparagraph (1) (iv) of this paragraph will apply.

(3) *When liquidated damages provided for in contract.* * * *

(R.S. 161; 5 U.S.C. 22) [Par. 5f, AR 35-6040 June 12, 1942 as amended by C2, April 10, 1943.]

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

[F. R. Doc. 43-6098; Filed, April 19, 1943;
10:22 a. m.]

Chapter VII—Personnel

PART 79—PRESCRIBED SERVICE UNIFORM

SHORT OVERCOAT FOR OFFICERS AND WARRANT OFFICERS

Sections 79.9 (c) (2) and 79.24 (b) (2) (xv) are amended as follows:

§ 79.9 Coat.¹ * * *

(c) Overcoat. * * *

(2) *Short; for officers and warrant officers*—(i) *Material.* Of adopted standard (§ 79.2 (a) (1) (iv)).

(ii) *General description*—(a) *In general.* A double-breasted coat, lined or unlined, with a notched lapel roll collar approximately 5 inches in width, buttoned down the front with a double row of large regulation buttons, three on each side below the roll of collar with additional buttons or loops so that the coat can be buttoned to the neck.

(b) *Pockets.* Two outside patch pockets, one on each side. (R.S. 1296; 10 U.S.C. 1391) [Par. 9, A.R. 600-35, November 10, 1941, as amended by C 16, April 3, 1943]

§ 79.24 Insignia for collar and lapel of coat.² * * *

¹ 7 F.R. 11, 2987, 4246, 4637, 7989, 10359.

² 7 F.R. 11, 9449; 8 F.R. 2252, 3752.

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

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

(xv) Medical Department. Device 1 inch in height, letters $\frac{3}{8}$ inch in height, except as noted. (R. S. 1296; 10 U.S.C. 1391) [Par. 24, A.R. 600-35, November 10, 1941, as amended by C 14, March 6, 1943]

[SEAL]

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

[F. R. Doc. 43-5994; Filed, April 17, 1943;
9:53 a. m.]

Chapter VIII—Procurement and Disposal of Equipment and Supplies

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

MISCELLANEOUS AMENDMENTS

The following addition to the regulations contained in Part 81 is hereby prescribed. This section is also contained in the War Department procurement regulations dated September 5, 1942 (7 F.R. 8082), as amended by Changes No. 15, April 7, 1943. The number to the right of the decimal point corresponds with the respective paragraph number in the procurement regulations.

Section 81.1317 is added as follows:

§ 81.1317 W. D. Contract Form No. 17 (W. D. Forms Nos. 47 and 47-A)—(a) Explanatory notes. (1) W. D. Contract Form No. 17, comprising new War Department Forms Nos. 47 and 47-A, is available for use by supply services and service commands in contracting for supplies and services not exceeding \$500,000 in amount, regardless of the number of payments or the time of performance involved. After June 1, 1943, the form will be mandatory in contracting for regular commercial items in amounts of not less than \$100,000 and not more than \$500,000, and in contracting for regular commercial items in amounts of less than \$100,000 where signatures by both the Government and the contractor are required or desired. It will be optional for all other contracts for supplies or services in amounts not exceeding \$500,000.

(2) The form has been devised to meet the need for a standard instrument to be used principally in making purchases of regular commercial items. Chiefs of supply services and Commanding Generals of service commands have been urged to impress the officers within their commands with the necessity for giving the form a fair trial promptly, and using it wherever possible. They have also been requested to obtain comments on the form from the officers within their commands, to consolidate such comments, and to forward the same to the Director, Purchases Division, Headquarters, Army Service Forces, not later than May 15, 1943. The form may here-

after be revised in the light of comments received.

(3) The form is largely self-explanatory. Attention is invited to the following points:

(i) Certain standard clauses have been abbreviated or modified in view of the size and character of the purchases which will ordinarily be made under the form.

(ii) The form calls for execution both by the Contracting Officer and the contractor. When so executed, it should be complete in itself, without reference to other documents such as proposal or bid forms.

(iii) When filled in, signed by the Contracting Officer, and delivered to the contractor, the form (W. D. Form No. 47 alone, or both W. D. Forms Nos. 47 and 47-A, with or without further continuation sheets) constitutes an offer by the Government to contract on the terms set forth. So far as the information is available at the time the form is delivered to the Contractor, all applicable blanks should be filled in. Where a particular matter is not known at the time the form is delivered to the Contractor (for example, "Ship To" or "Schedule of Deliveries"), the blanks should be filled in with appropriate language indicating how such information will be subsequently furnished.

(iv) When signed by the Contractor in the space marked "Contractor's Acceptance" and returned to the Government in the time allowed, the form becomes a binding contract provided the contractor has not made any changes by way of deletion, interlineation or addition, thus departing from the terms of the offer. Contractors should be instructed to inform the Contracting Officer of any changes which appear to be required, so that amendments may be made and initialed by both parties, or a corrected form issued.

(b) Contract form.

WAR DEPARTMENT		Contract No. (if any) W-_____
W. D. Form No. 47		Order No. _____
Approved March 8, 1943		Other Government identifying numbers or symbols _____
Government's Order and Contractor's Acceptance		
Date _____		
W. D. establishment, office or station, and address	_____	All these numbers must appear on all packages and papers relating to this order.
TO: _____	_____	Payment will be made by Finance Officer, U. S. Army, at _____
(Contractor)	_____	The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following allotments, the available balances of which are sufficient to cover the cost thereof:
(Address)	_____	This contract is authorized by and negotiated under the First War Powers Act, 1941 (Public 354, 77th Cong.), and Executive Order No. 9001 (Dec. 27, 1941).
(Factory address)	_____	
Ship to: _____	_____	

GOVERNMENT'S ORDER

Please furnish the following on the terms specified on both sides of this page and on the continuation sheets, if any, attached hereto, including delivery f. o. b. _____

Acceptance must be received by the Government within _____ days after the date first above written.

Methods of presenting invoices or vouchers, and of giving notice of and marking shipments, shall be as indicated herein and/or as directed by the Contracting Officer.

Minimum wages under the Walsh-Healey Act are: _____

Schedule of delivery: _____

¹For previous changes see 7 F.R. 8163, 9268, 9660, 10184, 10247, 10640, 10906; 8 F.R. 401, 411, 2531, 3339, 3486, 3752.

route contrary to traffic control instructions issued by an airway traffic control center of the Administrator.

(b) *Approach.* No person shall operate an aircraft during an approach for landing at a control airport contrary to traffic control instructions issued by a certificated air-traffic control-tower operator of the Administrator on duty at such airport.

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

By the Civil Aeronautics Board.

[SEAL]

FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 43-6101; Filed, April 19, 1943;
10:43 a. m.]

[Serial No. 270]

PART 61—SCHEDULED AIR CARRIER RULES
PILOT PERSONNEL

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

Effective April 8, 1943, the regulation designated as follows is hereby repealed:

Serial Number 246,¹ relating to pilot personnel of the armed forces assigned to an air carrier for training, adopted by the Board November 13, 1942.

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

By the Civil Aeronautics Board.

[SEAL]

FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 43-6099; Filed, April 19, 1943;
10:43 a. m.]

[Serial No. 271]

PART 61—SCHEDULED AIR CARRIERS RULES
MILITARY TRAINEES MANIPULATING THE CONTROLS OF SCHEDULED AIR CARRIER AIRCRAFT

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

The following regulation is made and promulgated to become effective April 8, 1943:

Notwithstanding any provision of the Civil Air Regulations to the contrary, personnel of the armed forces holding a rating as pilot or naval aviator assigned to an air carrier for training, may be admitted to the pilots' compartment of air carrier aircraft in scheduled or non-scheduled flight and, at the discretion of the first pilot, may manipulate the controls from the copilot's seat: *Provided*, That a regularly assigned crew of the air carrier, holding the proper certificates and ratings, is aboard, and the first pilot occupies the left-hand pilot seat during the entire period the military trainee is occupying the copilot's seat, *And provided further*, That such operations shall not interfere with the carriage of air carrier inspection personnel of the Administrator in the performance of their official duties.

¹ The subject matter of this regulation is now covered by Regulation Serial Number 271 effective April 8, 1943.

This regulation shall terminate at the end of the war.

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

By the Civil Aeronautics Board.

[SEAL]

FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 43-6100; Filed, April 19, 1943;
10:43 a. m.]

Chapter II—Administrator of Civil Aeronautics, Department of Commerce
[Amendment 21]

PART 600—DESIGNATION OF CIVIL AIRWAYS
REDESIGNATION OF RED CIVIL AIRWAY NO. 33;
BLUE CIVIL AIRWAY NO. 18

APRIL 12, 1943.

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

1. By amending § 600.10232 Red civil airway No. 33 (Harrisburg, Pa., to New York, N. Y.) to read as follows:

§ 600.10232 Red civil airway No. 33 (Harrisburg, Pa., to Stewart Field, N. Y.) From the intersection of the center lines of the on course signals of the east leg of the Harrisburg, Pa., radio range and the southwest leg of the Allentown, Pa., radio range, via the Allentown, Pa., radio range station; to the Stewart Field, N. Y., radio range station.

2. By amending § 600.10317 Blue civil airway No. 18 (Newark, N. J., to Burlington, Vt.) to read as follows:

§ 600.10317 Blue civil airway No. 18 (Newark, N. J., to Burlington, Va.). From the intersection of the center lines of the on course signals of the northeast leg of the Newark, N. J., radio range and the southeast leg of the Stewart Field, N. Y., radio range, via the Stewart Field, N. Y., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Stewart Field, N. Y., radio range and the southwest leg of the Albany, N. Y., radio range; and the Albany, N. Y., radio range station; to the Burlington, Vt., radio range station.

This amendment shall become effective 0001 e. w. t., April 30, 1943.

C. I. STANTON,
Administrator.

[F. R. Doc. 43-6094; Filed, April 19, 1943;
10:21 a. m.]

[Amendment 27]

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

REDESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS AND RADIO FIXES

APRIL 12, 1943.

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

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

Redesignation of airway traffic control areas: Blue Civil Airway No. 4; Red Civil Airway No. 33; redesignation of radio fixes: Red Civil Airway No. 33; Blue Civil Airway No. 18.

1. By deleting in the title of § 601.10304 Blue civil airway No. 4, airway traffic control areas (Boston, Mass. to Rouses Point, N. Y.) the words: "Rouses Point, N. Y.", and substituting in lieu thereof the words: "U. S.—Canadian Border."

2. By deleting in the title of § 601.10233 Red civil airway No. 33, airway traffic control areas (Harrisburg, Pa., to New York, N. Y.) the words: "New York, N. Y.", and substituting in lieu thereof the words: "Stewart Field, N. Y."

3. By deleting in the title of § 601.40233 Red civil airway No. 33 (Harrisburg, Pa., to New York, N. Y.) the words: "New York, N. Y.", and substituting in lieu thereof the words: "Stewart Field, N. Y."

4. By amending § 601.40318 Blue civil airway No. 18 (Newark, N. J. to Burlington, Vt.) to read as follows:

§ 601.40318 Blue civil airway No. 18 (Newark, N. J. to Burlington, Vt.) Stewart Field, N. Y., radio range station.

This amendment shall become effective 0001 e. w. t., April 30, 1943.

C. I. STANTON,
Administrator.

[F. R. Doc. 43-6095; Filed, April 19, 1943;
10:21 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

[T.D. 5260]

Subchapter A—Income and Excess Profits Taxes

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

PART 20—MISCELLANEOUS REGULATIONS UNDER THE REVENUE ACT OF 1939

CORRECTION OF CERTAIN TECHNICAL ERRORS

Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.] and Treasury Decision 4918, approved August 7, 1939, [Part 20, Title 26, Code of Federal Regulations, 1939 Sup.] are amended as follows:

Regulations 103

PARAGRAPH 1. Section 22 (b) (9)–1, as amended by Treasury Decision 5238, approved March 8, 1943, is further amended by striking from the last sentence of the first paragraph of paragraph (b) "December 31, 1942" and inserting in lieu thereof "December 31, 1941" so that such last sentence now reading,

The requirement with respect to unsound financial condition prescribed for years covered by paragraph (a) of this section does not apply with respect to discharges of indebtedness occurring in

taxable years beginning after December 31, 1942, and before January 1, 1946.

will read as follows:

The requirement with respect to unsound financial condition prescribed for years covered by paragraph (a) of this section does not apply with respect to discharges of indebtedness occurring in taxable years beginning after December 31, 1941, and before January 1, 1946.

PAR. 2. Section 19.23 (q)-1, as amended by Treasury Decision 5234, approved March 1, 1943, is further amended by striking from the second sentence of the first paragraph the phrase "a taxable year" where such phrase occurs the second time in such second sentence and inserting in lieu thereof "the first taxable year" so that such second sentence now reading,

Where payment is made in a taxable year beginning after December 31, 1941, and prior to a taxable year beginning after the date of the cessation of hostilities in the present war, as proclaimed by the President, the charitable deduction prescribed is allowable to corporations even though the gifts or contributions are used outside of the United States or its possessions.

will read as follows:

Where payment is made in a taxable year beginning after December 31, 1941, and prior to the first taxable year beginning after the date of the cessation of hostilities in the present war, as proclaimed by the President, the charitable deduction prescribed is allowable to corporations even though the gifts or contributions are used outside of the United States or its possessions.

PAR. 3. Section 19.23 (x)-1, as added by Treasury Decision 5234, approved March 1, 1943, is amended by striking from the third paragraph of the example "\$90" where it first occurs in such paragraph and inserting in lieu thereof "\$60".

PAR. 4. Section 19.26-5, as added by Treasury Decision 5227, approved February 10, 1943, is amended as follows:

(A) By striking therefrom the first sentence of the second paragraph which reads as follows:

For the purposes of section 26 (h) preferred stock means stock which was issued prior to October 1, 1942, and which during the whole of the taxable year (or the part of the taxable year after its issue) was stock the dividends in respect of which were cumulative, nonparticipating as to earnings or profits either currently or in liquidation, and payable in preference to the payment of dividends on other stock.

and by inserting in lieu thereof the following sentence:

For the purposes of section 26 (h) preferred stock means stock which was issued prior to October 1, 1942, and which during the whole of the taxable year (or the part of the taxable year after its issue) was stock nonparticipating as to earnings or profits either currently or in liquidation, the dividends in respect of which were cumulative and payable in preference to the payment of dividends on other stock.

(B) By striking out the second sentence of the second paragraph which reads as follows:

If the stock has a par or stated value its share in any distribution in liquidation must be limited to the par or stated value of the stock plus any accumulated unpaid dividends.

PAR. 5. Section 19.51-2, as amended by Treasury Decision 5219, approved February 2, 1943, is further amended as follows:

(A) By striking therefrom the fourth sentence of the third paragraph and inserting in lieu thereof the following:

Whenever a return is made by an agent it must be accompanied by the prescribed power of attorney, Form 935, except that an agent holding a valid and subsisting general power of attorney authorizing him to represent his principal in making, executing, and filing the income return, may submit a certified copy thereof in lieu of the authorization on Form 935.

(B) By striking therefrom the sixth sentence of the third paragraph and inserting in lieu thereof the following:

For returns of nonresident aliens, see §§ 19.217-1 and 19.217-2.

PAR. 6. Section 19.113 (b) (3)-3, as added by Treasury Decision 5230, approved February 13, 1943, is amended by striking from the heading thereof "§ 19.113 (b) (3)-3" and inserting in lieu thereof "§ 19.113 (c)-1".

PAR. 7. Section 19.117-1, as amended by Treasury Decision 5217, approved January 19, 1943, is further amended by striking therefrom the second sentence of the second paragraph which reads as follows:

Property held for the production of income, but not used in a trade or business of the taxpayer, is not excluded from the term "capital assets" even though depreciation may have been allowed with respect to such property under section 23 (1) prior to its amendment by the Revenue Act of 1942.

and by inserting the identical wording of such second sentence immediately following the fourth sentence which reads, "See § 19.117-7."

PAR. 8. Section 19.162-2, as added by Treasury Decision 5215, approved January 19, 1943, is amended by striking from the fifth sentence of the second paragraph of paragraph (c) "December 31, 1943" and inserting in lieu thereof "December 31, 1942" so that such fifth sentence now reading,

Thus, if \$4,250 is to be paid every two years on March 1, the period of the interval ending March 1, 1943, is considered to begin 12 months preceding December 31, 1943, since the part of the interval not falling within the taxable year 1943 (March 2, 1941, through December 31, 1942) is more than 12 months.

will read as follows:

Thus, if \$4,250 is to be paid every two years on March 1, the period of the interval ending March 1, 1943, is considered to begin 12 months preceding December 31, 1942, since the part of the interval not falling within the taxable

year 1943 (March 2, 1941, through December 31, 1942) is more than 12 months.

Treasury Decision 4918

PAR. 9. Treasury Decision 4918, approved August 7, 1939, as amended by Treasury Decision 5213, approved January 12, 1943, is further amended by striking from subparagraph (1) of § 20C.2 [20.52] "on or before" so that such subparagraph (1) now reading,

(1) Elects to include such loan in gross income by filing an amended return on or before at or prior to the time prescribed for the filing of the taxpayer's return for the taxable year of the taxpayer beginning in 1942, or if there is more than one taxable year of the taxpayer beginning in 1942, for the last taxable year so beginning, including therein such item as a part of gross income;

will read as follows:

(1) Elects to include such loan in gross income by filing an amended return at or prior to the time prescribed for the filing of the taxpayer's return for the taxable year of the taxpayer beginning in 1942, or if there is more than one taxable year of the taxpayer beginning in 1942, for the last taxable year so beginning, including therein such item as a part of gross income;

(Secs. 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U.S.C., 1940 ed., 62, 3791))

[SEAL]

NORMAN D. CANN,
Acting Commissioner of
Internal Revenue.

Approved: April 17, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43-6104; Filed, April 19, 1943;
11:13 a. m.]

TITLE 29—LABOR

Chapter VII—War Manpower Commission

[Regulation No. 4]

PART 904—RESTRICTING TRANSFER OF WORKERS

REGULATIONS AND LIST OF ESSENTIAL ACTIVITIES

Pursuant to the authority vested in me as Chairman of the War Manpower Commission by Executive Order No. 9328, dated April 8, 1943 (8 F.R. 4681), I hereby prescribe the following regulation:

§ 904.1 *Workers previously engaged in other than essential activities for work in essential activities.* Any employer engaged in an essential activity may hire for work in such activity any new employee who for the preceding 30 days was not engaged in an essential activity.

§ 904.2 *Workers previously engaged in essential activities for work in other than essential activities.* No employer shall hire for work in an activity other than an essential activity any new employee who, during the preceding 30-day period, was engaged in an essential activity if the wage or salary rate to be paid

by the employer would exceed the rate most recently earned by such employee.

§ 904.3 Workers previously engaged in essential activities for work in other essential activities. No employer shall hire (except as provided for in § 904.4 of this regulation) for work in an essential activity any new employee who, during the preceding 30-day period, was engaged in an essential activity if the salary or wage rate to be paid by the employer would exceed the rate most recently received during such period by the employee.

§ 904.4 Workers previously engaged in essential activities for work in other essential activities in areas or industries subject to War Manpower Commission employment stabilization programs. (a) Any employer engaged in an essential activity may hire for work in such activity any new employee who, during the preceding 30-day period, was engaged in an essential activity, without regard to his preceding wage rate or salary scale, providing such hiring is subject to, and permitted under an employment stabilization program approved by the War Manpower Commission.

(b) A statement of availability shall be issued to any worker by his last employer or by the War Manpower Commission as may be provided in such employment stabilization programs and whenever the worker:

- (1) Is discharged by his last employer,
- (2) Is laid off for an indefinite period or for a period of 7 or more days, or
- (3) Can establish that his present employment does not utilize him at his highest skill or that he is not being employed at full time.

No statement of availability shall be issued solely on the ground that an individual's wage or salary rate is substantially less than that prevailing in the locality for the same or substantially similar work.

Any such statement shall contain the worker's name, his social security account number, if any, the name and address of the issuing employer or War Manpower Commission officer and office, the date of issuance, and a statement to the effect that the worker may be hired elsewhere in an essential activity. The inclusion by an employer on such notice of any information other than that required by this regulation shall be deemed to be a violation of this regulation.

§ 904.5 Acceptance of employment by workers. No individual shall accept new employment with an employer if the employer is prohibited from hiring him under this regulation.

§ 904.6 Penalties. The hiring by an employer of a new employee, or the acceptance by an individual of new employment, in violation of this regulation is subject to the penal provisions of the Act of October 2, 1942 (Pub. No. 729, 77th Cong.). The Provisions of § 4001.10 of the Regulations of the Economic Stabilization Director, (7 F.R. 8748, 10024) issued October 27, 1942, apply to any wages or salaries paid in violation of this regulation.

§ 904.7 Definitions. (a) "Essential activity" means any activity in the War Manpower Commission List of Essential Activities (see Appendix A) and any activity approved by a Regional Manpower Director as a locally needed activity.

(b) "New employee" means any individual who has not been in the employ of the hiring employer at any time during the preceding 30-day period.

(c) "New employment" means employment with an employer by whom the individual has not been employed at any time during the 30-day period preceding such employment.

§ 904.8 Employee - employer agreements. Nothing in this regulation shall be construed to prejudice existing rights of an employee under any agreement with his employer.

§ 904.9 Effective date. This regulation shall become effective at 12:01 a. m. Sunday, April 18, 1943.

Dated: April 16, 1943.

PAUL V. McNUTT,
Chairman.

Approved: April 16, 1943.

JAMES F. BYRNES,
Economic Stabilization Director.

APPENDIX A—LIST OF ESSENTIAL ACTIVITIES

1. **Production of aircraft and parts.** The production, maintenance and repair of aircraft; gliders; parachutes; dirigibles; balloons; aircraft engines; aircraft parts; pontoons; propellers; and similar products.

2. **Production of ships, boats and parts.** The production, maintenance and repair of ships, boats, ship and boat parts and equipment.

3. **Production of ordnance and accessories.** The production, maintenance and repair of firearms, guns, howitzers, mortars; gun turrets and mounts; tanks; sighting and fire-control equipment; torpedo tubes; and similar products.

4. **Production of ammunition.** The production of bombs, mines, torpedoes, grenades, chemical warfare projectiles, explosives, fuses, pyrotechnics, as well as products such as glycerin which go into the manufacture of ammunition.

5. **Agriculture and commercial fishing—**
(a) **Agriculture.** Livestock and livestock products, including beef cattle, dairy cattle, hogs, poultry, sheep and goats; fiber, oil crops, and potatoes, including castor beans, American-Egyptian, Sea Island and Upland cotton, flaxseed and soybeans, hemp, peanuts, Irish potatoes and sweet potatoes; field crops, including barley, dry field peas, oats, rye, wheat, alfalfa hay, alfalfa hay seed, cover crop seed, broom corn, corn for grain and silage, dry edible beans, green peas for processing, rice, sweet corn, hybrid seed corn, grain sorghum, tame hay and seed, wild or native hay; tree fruits; small fruits and berries; medicinal, insecticide and rubber plants; vegetables for fresh consumption and processing; vegetable plants and seeds; other food and special crops, including honey, tree nuts, sugarcane for sugar and syrup, sugar beets, sugar beet seed, sorghum and sorgo syrup, and tobacco.

(b) **Agricultural services and commercial fishing.** Agricultural, horticultural, and animal husbandry services such as: commercial hatcheries, seed processing, animal breeding, crop disease protection services, initial processing services such as ginning, compressing, threshing, cleaning, shelling and curing, irrigation services, farm repair and maintenance services, farm product assembly services, all

of which are performed on a substantially year round basis to essential activities related to essential crops and livestock enterprises indicated in Local Board Release No. 175; Commercial Fishing.

6. **Processing of food.** Meat-packing and slaughtering (including poultry); production of all types of butter, cheese, milk and eggs, canned or preserved fish and nuts; canned or preserved fruits and vegetables and their juices; soups; flour and other grain mill products; prepared feeds for animals and fowls; starch, cereals, rice; bread and other bakery products; sugar; leavening compounds; corn syrup; and edible fats and oils. Includes dried, dehydrated, frozen, and other special-processed foods.

7. **Forestry, logging and lumbering.** Timber tracts and logging camps, sawmills, veneer, cooperage-stock planing, and plywood mills; raising of tung-oil trees; fire prevention, pest control; forest nurseries and reforestation services; gathering of gums and barks for the manufacture of naval stores and medicinal purposes.

8. **Construction.** Highway and street construction; marine construction; construction of approved industrial plants, houses, hospitals, and military projects; repair of such facilities; and services necessary to complete such construction.

9. **Coal mining.** The mining of anthracite, bituminous, and semianthracite coal; lignite, and peat, and the operation of breakers or preparation plants. Includes also removing overburden and other such activities preparatory to coal mining operations.

10. **Metal mining.** The mining of iron, copper, lead, zinc, aluminum, mercury, manganese, chromium, molybdenum, tungsten, vanadium and similar ores, and the dressing of such ores. Includes also removing overburden, sinking shafts, and other such activities preparatory to metal-mining operations.

11. **Nonmetallic mining and processing and quarrying.** The mining and processing of rock salt, phosphate rock, sulphur, potash, asbestos, graphite pyrites, graphite, borates and other salines, fluorspar, mica, talc, abrasive sands, and similar essential products.

12. **Smelting, refining and rolling of metal; scrap salvage.** Primary and secondary smelting and refining, alloying, rolling, and drawing of iron, steel, copper, lead, zinc, magnesium, aluminum, brass, bronze, nickel, tin, cadmium, ferro-alloys, and any other metals used in the production of war materials; and scrap salvage.

13. **Production of metal shapes and forgings.** The manufacture of castings, die castings, forgings, wire, nails, chains, anchors, axles, pipe, springs, screws, bolts, tubing, stampings, pressings, structural shapes, and machined parts.

14. **Finishing of metal products.** Enameling, japanning, lacquering, painting, plating, and galvanizing of metal products.

15. **Production of industrial and agricultural equipment.** Power boilers, wiring devices and supplies; agricultural implements; electric lamps; storage and primary batteries; pumps, compressors, and pumping equipment; recording, controlling and measuring instruments and meters; conveyors, industrial cars and trucks; blowers, exhaust and ventilating fans; mechanical power-transmission equipment such as clutches, drives and shafts; mechanical stokers; tools, files, and saws; plumbers' supplies; professional and scientific instruments, photographic apparatus, and optical instruments; and all equipment necessary to operate plants producing essential commodities.

16. **Production of machinery.** Engines and turbines; metalworking machinery and equipment; electrical generating, distribution and industrial apparatus for electric public utility, manufacturing, mining, transporta-

tion and construction use, for use in manufactured products or in service industries; construction, mining, agricultural, oil field, smelting and refining machinery, as well as all machinery necessary to produce, equip and maintain aircraft, ships, ordnance, and other military equipment.

17. *Production of chemicals and allied products and essential derivatives thereof.* Glycerin; turpentine, rosin and other naval stores; wood tars, oils, acids, and alcohols; plasticizers; lubricating oils and greases; animal and vegetable oils; fertilizers; tanning materials; chemical pulp; salt; synthetic rubber; coal-tar products; plastics; compressed and liquefied gases; refined sulphur; acids; caustic and other sodas; alcohols; electrochemical and electrometallurgical products such as carbide, sodium and potassium metals and high-percentage ferro-alloys; drugs and medicines; insecticides and related chemical compounds; synthetic textile fibers used in military equipment exclusively; grease and tallow. (Explosives, flares, and other fireworks, generally classified as chemical products, are included with ammunition.)

18. *Production of rubber products.* All rubber products.

19. *Production of leather products.* The production of shoe and belting leather; industrial belting for transmission of power; boots, shoes, and gloves, for civilian, military and industrial use; saddlery, harness, and accessories.

20. *Production of textiles.* Spinning and weaving of fabrics for parachutes and powder bags; of canvas for tents, sails, tarpaulins, and related heavy canvas products; asbestos, fibrous glass, cotton, woolen, knit, linen, silk, and synthetic fiber goods for military and industrial use.

21. *Production of apparel.* Apparel for the armed forces, and work clothing.

22. *Production of stone, clay and glass products.* Scientific and industrial glass products; sand-lime, fire-brick and other heat-resisting clay products; lime; abrasive wheels, stones, paper, cloth and related products; asbestos products including steam and other packing, pipe and boiler covering; crucibles and retorts; porcelain electrical supplies; as well as parts of military apparatus.

23. *Production of petroleum, natural-gas and petroleum and coal products.* Drilling, rig-building, and maintenance service operations, and petroleum refining. Includes also production of tar and pitch, coal gas and coke.

24. *Production of finished lumber products.* Cork products such as life preservers; storage battery boxes; insulating material; oars; matches; wood preservation activities. Includes also wooden parts of aircraft, ships, and other military equipment.

25. *Production of transportation equipment.* The production of motor vehicles such as trucks, ambulances, fire engines, busses, and military motorized units; essential parts and accessories of such motor vehicles; motorcycles, bicycles, and parts; locomotives and parts; railroad and street cars and equipment.

26. *Transportation services.* Air transportation; line-haul railroad; switching and terminal; railway and air express; freight forwarding; rail inspection; local transit, rapid transit, inter-urban electric railway, and over-the-road bus; offshore and intercoastal water transportation; including shore service such as stevedoring and harbor operations; pipeline transportation; transportation services on the inland waterways: Great Lakes, harbors, bays, sounds, and waters connected with the seas, including shore service such as stevedoring; trucking; warehousing; dry, open and cold storage of essential and perishable commodities.

27. *Production of materials for packing and shipping products.* Textile bags; vegetable

and fruit baskets; cooperage; excelsior; heavy-duty paper and pulp; rope, cordage and twine; wooden, paperboard, containerboard, glass, fiber, metal, and paper containers and envelopes for shipping and preserving essential products.

28. *Production of communication equipment.* Radios and radio equipment; radar; telephone, telegraph, cable, television, and signalling apparatus.

29. *Communication services.* Magazines of general circulation which are devoted primarily to the dissemination of public information; newspapers and news syndicates; production of motion pictures (including technical and vocational training films for the Army, Navy, and war production industries); protective signal systems which supplement fire and police protection to military, public and private industrial and commercial establishments; radio broadcasting; radio communications (radiotelephone and radiotelegraph); submarine cable; telegraph; telephone; television.

30. *Heating, power, water supply and illuminating services.* Electric light and power, water and gas utilities; steam-heating companies.

31. *Repair services.* Repair of: vehicles, such as bicycles, motorcycles, automobiles, busses, trucks; tires; typewriters and business machines; elevators; shoe repairing; radios; refrigerators; clocks; harnesses; tools; stoves; pneumatic tube systems; power laundry equipment; electric appliances and motors, engines, heating equipment; scientific, commercial and industrial weighing-machines; farm and other industrial and scientific equipment; roofing, and electric, gas, and plumbing and heating installations in domestic, commercial, and industrial buildings. Blacksmithing, armature rewinding; locksmithing. It is intended that consideration be given only to individuals qualified to render all-around repair services on the types of equipment specified herein as required for the minimum essential needs of the community.

32. *Health and welfare services.* Offices of physicians, surgeons, dentists, oculists, osteopaths, podiatrists, and veterinarians; medical and dental laboratories; hospitals; nursing services; institutional care; auxiliary civilian welfare services to the armed forces; welfare services to civilians.

33. *Educational services.* Public and private industrial and agricultural vocational training; elementary, secondary, and preparatory schools; junior colleges, colleges, universities, and professional schools, educational and scientific research agencies; and the production of technical and vocational training films.

34. *Governmental services.*

35. *Technical, scientific, and management services.* The supplying of technical, scientific and management services to establishments engaged in war productions; union-management negotiation services; and the publication of technical and scientific books and journals.

[F. R. Doc. 43-6005; Filed, April 16, 1943; 11:36 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Order No. 352]

PART 308—REPORTS AND RECORDS

ORDER RELIEVING DISTRICT NO. 22 FROM FILING MONTHLY TONNAGE REPORTS

The Bituminous Coal Producers Board for District No. 22 having requested that the code members within said districts be

relieved from filing the monthly tonnage reports required to be filed pursuant to the rules and regulations requiring tonnage reports from code members, established by order in General Docket No. 24, dated April 7, 1942, 7 F.R. 2894, 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. 22 be, and they are hereby relieved, until further order of the Division, from filing with the Statistical Bureau for District No. 22 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. 88, 15 U.S.C. Supp. 840 (a); sec. 2 (a) 50 Stat. 72; 15 U.S.C. 829 (a))

Dated: April 17, 1943.

[SEAL]

DAN H. WHEELER,
Director.

[F. R. Doc. 43-6093; Filed, April 19, 1943; 10:32 a. m.]

[Docket No. A-1720]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER CHANGING PRICES FOR CERTAIN MINES IN DISTRICT NO. 2

Order of the director in the matter of the petition of District Board No. 2 for a change in the effective minimum prices for truck shipments for coals produced by certain mines in District No. 2.

Upon the findings of fact and conclusions of law set forth in the opinion of the Director, filed simultaneously herewith, wherein it appears that the minimum prices of the coals produced by O. N. Ritenour, at his O. N. Ritenour Mine (Mine Index No. 923), Hindman Coal Co., at its Kenedy Mine (Mine Index No. 858), Stadnik Coal Co. (Louis Stadnik), at its Stadnik Coal Co. Mine (Mine Index No. 934), and Taylor Coal Co. (H. L. Taylor), at its N. Wash. Cannel Mine (Mine Index No. 1628), in Washington and Venango Townships, Butler County, Pennsylvania, of District 2, in Size Groups 1 and 2, for truck shipments, should be revised, and pursuant to section 4 II (d) and other provisions of the Bituminous Coal Act of 1937,

It is hereby ordered, That effective fifteen (15) days from the date hereof § 322.23 (General prices) is amended by revising the minimum prices of the coals produced by O. N. Ritenour, at his O. N. Ritenour Mine (Mine Index No. 923), Hindman Coal Co., at its Kenedy Mine (Mine Index No. 858), Stadnik Coal Co., (Louis Stadnik) at its Stadnik Coal Co. Mine (Mine Index No. 934), and Taylor Coal Co., (H. L. Taylor) at its N. Wash. Cannel Mine, (Mine Index No. 1628), in Washington and Venango Townships, Butler County, Pennsylvania, of District 2, in Size Groups 1 and 2, for truck shipments, in accordance with the minimum prices contained in Supplement T which

supplement is hereinafter set forth and hereby made a part hereof. *Provided, however, That all contracts, orders, invoices, acknowledgments, and other instruments concerning the sale and delivery of such coals shall specifically identify the same as "cannel coal."*

It is further ordered, That except as hereinabove indicated the petition herein is in all other respects denied.

Dated: April 13, 1943.

(SEAL) DAN H. WHEELER,
Director.

[F. R. Doc. 43-6092; Filed, April 19, 1943;
10:33 a. m.]

[Docket No. A-1697]

PART 322—MINIMUM PRICE SCHEDULE DISTRICT NO. 2

ORDER GRANTING RELIEF

Order granting permanent relief in the matter of the petition of District Board No. 2 for a change in minimum prices established for truck shipments for the coals of certain mines in District No. 2.

Upon the findings of fact and conclusions of law set forth in the opinion of the Director, filed simultaneously herewith, wherein it appears that the minimum prices of the coals produced by the Binkerd Mine (Mine Index No. 709), of David Frazer, the Evans Mine (Mine Index No. 707), of David L. Corbett, operating in the Upper Freeport and Upper

Kittanning Seams, respectively, in Armstrong County, Pennsylvania, in Size Groups 6 to 9, inclusive, for truck shipments should be revised and the prices of the coals produced by the Walker Mine (Mine Index No. 1709), of James E. Walker, operating in the Upper Freeport Seam, in Armstrong County, Pennsylvania, in Size Groups 1 to 11, inclusive, for truck shipments, should be revised to equal the prices herein established for the Binkerd and Evans Mines, and pursuant to section 4 II (d) and other provisions of the Bituminous Coal Act of 1937.

It is hereby ordered, That effective fifteen (15) days from the date hereof, § 322.23 (General prices) is amended by revising the minimum prices of the coals produced by the Binkerd Mine (Mine Index No. 709), of David Frazer, the Evans Mine (Mine Index No. 707), of David L. Corbett, in Size Groups 6 to 9, inclusive, and by the Walker Mine (Mine Index No. 1709), of James E. Walker, in Size Groups 1 to 11, inclusive, in accordance with the minimum prices for these respective mines contained in Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That except as hereinabove indicated the petition herein is in all other respects denied.

Dated: April 16, 1943.

(SEAL) DAN H. WHEELER,
Director.

[F. R. Doc. 43-6091; Filed, April 19, 1943;
10:33 a. m.]

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-1

[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- 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	
2649	Argo Supply Company (A. John Goetz)	Argo (S)	Redstone	3	Mutual, Pa.	PRR	74	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G
2651	Eidemiller, Adam	Alexander (S)	Pittsburgh	6	Ligonier, Pa.	Lig. Va.	10	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F
1289	Eidemiller, Adam	William Penn (S)	Pittsburgh	4	Alsworth, Pa.	PRR	70	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F
121	Glensman-Hall Coal Co.	Lemont #1	Pittsburgh	3	Darent, Pa.	PRR-B&O	114	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F
2662	Hillman Coal & Coke Co.	Altoa #3	Sewickley	3	Altoa #3, Dock, Pa.	Monon. River		F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F
1004	King, Wade (King Coal Company)	Tip Top (d)	Pittsburgh	3	Summit, Pa.	PRR	31	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F
2643	Klein, Stefan (Klein Coal Co.)	Fort View #2 (S)	Pittsburgh	9	Wylie, Pa.	P.&E.	73	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F
2652	Lindsey, Frank G. (Hope Hollow Coal Co.)	Nancy (d)	Pittsburgh	3	Martin, Pa.	Mongh.	30	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F

*Indicates no prices or classifications effective for these size groups. †Indicates change in name.

[Docket No. A-1910]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER GRANTING RELIEF

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-I, § 322.9 (Special prices—(c) Railroad fuel) is amended by adding thereto Supplement R-II, § 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: April 7, 1943.

(SEAL) DAN H. WHEELER,
Director.

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

Mine index No.	Code member	Mine name	Seam	Sub-district No.	Shipping point	Railroad	Freight origin group No.	Size group Nos.															
2655	Lucas & Greenough (L. C. D. Greenough).....	Victoria (S)	U. Kittanning	1	Zenith Mine Sdg., Butler, Pa.	B&E	20	E	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
621	Miller, W. J.	Miller (d)	Pittsburgh	7	Sturgeon, Pa.	PRR	74	A	A	C	C	F	D	E	E	D	D	(f)	(f)	(f)	(f)	(f)	(f)
535	Millerstown Coal Company (Joseph Batcher).....	Victory	Freepoint	8	Culmerville, Pa.	B&E	41	E	E	D	D	G	F	D	G	D	D	(f)	(f)	(f)	(f)	(f)	(f)
262	Rae, Jean Ellen ¹	Ra-Kol #1 (R)	Brookville	1	Stoneboro, Pa.	NYC	100	G	G	G	G	G	F	G	D	G	D	(f)	(f)	(f)	(f)	(f)	(f)
262	Rae, Jean Ellen ¹	Ra-Kol #1 (W)	Brookville	1	Houston Jet, Pa.	PRR	100	(f)	(f)	F	F	F	F	G	G	G	G	(f)	(f)	(f)	(f)	(f)	(f)
2653	Rizzo, Frank	Rizzo (d)	Pittsburgh	3	Houston Jet, Pa.	PRR	80	F	F	E	E	E	E	E	F	F	F	(f)	(f)	(f)	(f)	(f)	(f)
1477	Sasso, Leonard	Leonard Sasso #2 (S)	L. Freepoint	3	Lake Lynn, Pa.	B&O	79	F	F	E	E	E	E	E	F	F	F	(f)	(f)	(f)	(f)	(f)	(f)
2650	Sasso, Leonard (Standard Coal Company)	Tuck & Miller #3 (d)	U. Kittanning	7	Surver, Pa.	PRR	74	L	L	J	J	J	J	K	K	K	K	(f)	(f)	(f)	(f)	(f)	(f)
2651	Tuck & Miller	Tuck & Miller #2	Pittsburgh	1	Queen Jet, Pa.	WA	21	E	E	D	D	D	C	C	D	D	D	(f)	(f)	(f)	(f)	(f)	(f)
269	Woods, Gary & Welsh (Wm. E. Welsh) ¹	Snider #2	Pittsburgh	3	Eleanor, Pa.	Mongh	30	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)

¹ Indicates no price or classifications effective for these size groups.² Indicates change in name.

§ 322.9 Special prices (c) Railroad Group No. 2: 2645, 2649, 2650; Group No. 6: 121, 1004; Group No. 7: 209, 2602, 2653; Group No. 9: 555; Group No. 12: 2661; Group No. 13: 1289; Group No. 14: 2651; Group No. 15: 2655; Group No. 19: 262.

§ 322.23 General prices—Supplement T—Continued

FOR TRUCK SHIPMENTS																			
§ 322.23 General prices—Supplement T																			
Note: In § 322.9 (c) in Minimum Price Group No. 9: 555; Group No. 12: 2661; Group No. 13: 1289; Group No. 14: 2651; Group No. 15: 2655; Group No. 19: 262.																			
Code member index	Mine	Seam	Base sizes																
			Lump over 4"	Lump 4"	Lump 3"	Lump 2"	Egg 2" x 4"	Slove 1" x 4"	Poa 3/4" x 1 1/4"	Run of mine	2" N/S	1 1/4" slack	3/4" slack						
Mine index No.			1	2	3	4	5	6	7	8	9	10	11						
BUTLER COUNTY																			
	Eskins, Floyd & Charles McKean (Floyd McKean)	Cherry Valley	345	325	305	285	280	265	265	250	210	200	190						
	Lewis & Greenough (L. C. D. Greenough)	Victoria (S)	345	330	320	310	300	290	270	260	230	220	210						
	Sarver Coal Company c/o Culmerville Coal Co. ¹	Coal Hollow	345	325	305	285	280	265	265	250	210	200	190						
	Tuck & Miller	2661 Tuck & Miller No. 3 (d).	345	325	305	285	280	265	265	250	210	200	190						
FAYETTE COUNTY																			
	Brewer Brothers Coal Company (James B. Cramer)	Sutton	310	300	290	270	250	240	235	240	225	220	195						
	Cinci, Serafino (Cinci Coal Co.) ¹	Cinci #4	310	300	290	270	250	240	235	240	225	220	195						
	Gusman-Hall Coal Co.	Lemont #1	330	320	310	290	270	260	255	260	230	220	205						
	Mathers & Hager	3068 Alton (S)	320	310	300	280	260	250	245	250	220	220	195						
	O'Connell Mine (J. O'Connell)	La Belle (S, D)	320	310	300	280	260	250	245	250	220	220	195						
	Rice, Frank (Rice, Frank, Jr.) ¹	2853 Rizer	310	300	290	270	250	240	235	240	225	220	195						
	West, W. L. & V. P. ¹	2972 Mallory	295	285	275	250	230	230	230	215	210	195							
	Woods, Gary & Welsh (Wm. E. Welsh) ¹	209 Snider #2	320	310	300	280	260	250	245	250	220	220	195						

¹ Indicates change in name.

§ 322.23 General prices—Supplement T—Continued

Code member index	Mine index No.	Mine	Seam	Base sizes													
				Lump over 4"	Lump 4"	Lump 3"	Lump 2"	Egg 2" x 4"	Stove 1" x 4"	Pea 3/4" x 1 1/4"	Run of mine	2" N/S	1 1/4" slack	3/4" slack			
				1	2	3	4	5	6	7	8	9	10	11			
GREENE COUNTY																	
Hillman Coal & Coke Co.	2662	Alicia #3.....	Sewickley.....	285	275	265	255	235	225	225	220	200	190	170			
LAWRENCE COUNTY																	
Smith, E. R., George & Howard (E. R. Smith). ¹	1582	Reno.....	Kittanning.....	320	310	300	275	270	265	245	245	205	195	185			
MERCER VENANGO COUNTY																	
Rae, Jean Ellen ¹	262	Ra-Kol #1 (W)...	Brookville.....	355	340	320	305	300	285	285	270	205	195	180			
Rae, Jean Ellen ¹	262	Ra-Kol #1 (R)...	Brookville.....	345	330	310	295	290	275	275	260	205	195	180			
WASHINGTON COUNTY																	
Balkan Coal Co.	2663	Balkan #2.....	Pittsburgh.....	330	320	310	290	270	260	255	265	230	220	195			
Sasso, Leonard (Standard Coal Company).	2660	Leonard Sasso #2 (S).	Pittsburgh.....	295	285	275	250	240	225	215	225	200	190	180			
WESTMORELAND COUNTY																	
Argo Supply Company (A. John Goetz).	2649	Argo (S).....	Redstone.....	285	275	265	250	245	235	215	220	200	190	180			
Bridge, F. R.	2657	Bridge #2.....	Freeport.....	290	280	270	260	250	230	230	225	205	195	185			
Eldemiller, Adam	2651	Alexander (S)...	Pittsburgh.....	285	275	265	255	245	240	235	225	205	195	185			
Eldemiller, Adam ¹ ...	1289	William Penn (S)	Pittsburgh.....	300	290	280	270	250	240	240	235	215	205	195			
Latrobe Construction Co. (B. Ferrari).	2656	Slate.....	Freeport.....	290	280	270	260	250	230	230	225	205	195	185			
Myers, A. G.	2654	A. G. Myers U.	Freeport.....	285	275	265	250	245	235	215	220	200	190	180			

¹ Indicates change in name.

[F. R. Doc. 43-5929; Filed, April 16, 1943; 10:44 a. m.]

TITLE 31—MONEY AND FINANCE

Chapter II—Fiscal Service

Subchapter A—Bureau of Accounts

[1943 Dept. Cir. 92, Rev.]

PART 203—SPECIAL DEPOSITS OF PUBLIC MONIES UNDER THE ACT OF CONGRESS APPROVED SEPTEMBER 24, 1917, AS AMENDED¹

APRIL 14, 1943.

Part 203, Supchapter A, Chapter II, Title 31 of the Code of Federal Regulations of the United States of America (appearing also as Treasury Department Circular No. 92 (Revised), dated February 23, 1932, as amended) is hereby revised to read as follows:

¹ The forms mentioned in this part were filed as a part of the original document with the Division of the Federal Register. Copies may be obtained upon request from the Bureau of Accounts, United States Treasury Department, Washington, D. C.

Sec.

203.0 Introductory.

GENERAL PROVISIONS

- 203.1 Banks and trust companies desiring to act as depositaries of public moneys.
- 203.2 Application; resolution; forms.
- 203.3 Depositaries already qualified.
- 203.4 Discontinuance of depositaries; re-designation.
- 203.5 Determination of maximum amount of deposits for which application will be made.
- 203.6 Approval of depositaries.

COLLATERAL SECURITY

- 203.7 Designated depositaries must pledge collateral security before receiving deposits; acceptable securities.
- 203.8 United States Government securities or obligations guaranteed by the United States may be required to be pledged as security.
- 203.9 Additional collateral.
- 203.10 Additional collateral; approval and valuation; withdrawals; substitution.

Sec. CUSTODY OF SECURITIES

203.11 Deposit of securities with Federal Reserve Bank or branch or designated custodian.

HOW DEPOSITS ARE TO BE MADE

- 203.12 War Loan Deposit Account.
- 203.13 Payment by credit of amounts payable on subscriptions; form of notice.
- 203.14 Deposits not to exceed authorized amount.

WITHDRAWAL OF DEPOSITS

203.15 Calls for withdrawal of deposits; payment.

EXEMPTION FROM INSURANCE ASSESSMENTS AND RESERVE REQUIREMENTS

203.16 Provisions of Act of April 13, 1943.

AMENDMENT OF REGULATIONS

203.17 Right reserved to amend, supplement or revise the regulations in this part.

AUTHORITY: §§ 203.0 to 203.17, inclusive, issued under sec. 8, 40 Stat. 291, sec. 5, 40 Stat. 504, sec. 14 (a) (2), 48 Stat. 343; 31 U.S.C. 771; section 10 of the Act of June 11, 1942.

§ 203.0 *Introductory.* Banks and trust companies designated pursuant to the terms of this part are given the title "Special Depositaries of Public Moneys" and are hereinafter referred to as "Special Depositaries." Special Depositaries are permitted to make payment in the form of a deposit credit for the purchase price of United States Government obligations purchased by such banks or trust companies for their own account or for the account of their customers, who enter their subscriptions through these banks or trust companies, when this method of payment is permitted under the terms of the circulars inviting subscriptions to such issues. The deposit credits set up under this designation are called "War Loan Deposit Accounts". Under this arrangement the large sums of money raised by the Treasury through financing operations are left on deposit in local banking institutions until the Treasury needs to withdraw them to meet Government expenditures thus avoiding the dislocations in the banking system which might result from immediate withdrawal of such funds. Pursuant to recent amendments to the Federal Reserve Act, these deposit accounts will, for the duration of the War and for six months after the cessation of hostilities, be exempt from insurance assessments of the Federal Deposit Insurance Corporation and from the reserve requirements of the Federal Reserve System.

GENERAL PROVISIONS

§ 203.1 *Banks and trust companies desiring to act as depositaries of public moneys.* Any incorporated bank or trust company in one of the States of the United States or in the District of Columbia desiring to participate in deposits of public moneys, as authorized by the

Act of Congress approved September 24, 1917, as amended (Second Liberty Bond Act, as amended), hereinafter referred to as the Act, should make application to the Federal Reserve Bank of its district.

§ 203.2 *Application; resolution; forms.* Application for deposit of public moneys under the Act must be in Form H-5 and must be accompanied by a certified copy of a resolution, duly adopted by the Board of Directors of the applicant, in Form J-5.

§ 203.3 *Depositaries already qualified.* Depositaries already qualified to a sufficient amount pursuant to this part will not be required to file new formal applications or resolutions, but they will, by the acceptance or retention of deposits after April 30, 1943, be conclusively presumed to have assented to all the terms and provisions hereof, and to the retention of collateral security theretofore pledged as collateral security hereunder.

§ 203.4 *Discontinuance of depositaries; redesignation.* A Special Depositary, heretofore or hereafter designated, which having subscribed to an offering of United States bonds, notes, certificates of indebtedness, or Treasury Bills and having in due course received an allotment on its subscription, refuses to receive the said allotment and to make payment therefor, may be discontinued. A Special Depositary discontinued for any reason may be redesignated upon full compliance with the terms of this part, upon recommendation of the Federal Reserve Bank of its district, and upon the approval of the Secretary of the Treasury.

§ 203.5 *Determination of maximum amount of deposits for which application will be made.* In fixing the maximum amount of deposits for which it will apply, the applicant bank or trust company should be guided by the amount of the payments which it expects to make, on subscriptions made by or through it for bonds, notes, certificates of indebtedness, and Treasury Bills of the United States issued under authority of the Act, and, as well by any statutory limitations upon the amount of deposits which the applicant bank or trust company may receive from any one depositor.

§ 203.6 *Approval of depositaries.* The Secretary of the Treasury will designate approved Special Depositaries and determine the maximum amount of deposits on the basis of recommendations of the Federal Reserve Banks. Any application may be rejected or the applicant may be designated for a smaller maximum amount than that for which it applied.

COLLATERAL SECURITY

§ 203.7 *Designated depositaries must pledge collateral security before receiv-*

ing deposits; acceptable securities. Designated Special Depositaries will be required, before receiving deposits, to qualify by pledging as collateral security for such deposits, securities of any of the following classes, to an amount, taken at the rates and conforming to the conditions provided below, at least equal to such deposits: *Provided*, That no collateral security shall be required for such part of the deposits as are insured under section 12B of the Federal Reserve Act, as amended:

(a) *United States Government securities.* Transferable bonds, notes, certificates of indebtedness, and Treasury Bills of the United States Government of any issue, including interim certificates or receipts for payment therefor, except such securities as by the terms of their issue are not acceptable as security for deposits of public moneys; all at face value.

(b) *Obligations guaranteed by the United States.* Obligations fully and unconditionally guaranteed by the United States both as to principal and interest; all at face value.

(c) *Obligations of Government agencies, etc.* Obligations of the Federal Land Banks, Federal Intermediate Credit Banks, Federal Home Loan Banks, the Federal National Mortgage Association, and obligations of Public Housing Agencies (as defined in the United States Housing Act of 1937, as amended) when secured to the full amount thereof by a Requisition Agreement with the Federal Public Housing Authority; all at face value.

(d) *Insular and Territorial Government securities.* Bonds of Puerto Rico, bonds and certificates of indebtedness of the Philippine Islands, and bonds of the Territory of Hawaii, all at market value, not to exceed face value.

(e) *State bonds.* Bonds of any State of the United States, at market value, not to exceed face value.

(f) *State notes, certificates of indebtedness, and warrants.* Approved notes, certificates of indebtedness, and warrants issued by any State of the United States; at 90 percent of market value, not to exceed face value.

(g) *County and municipal securities.* Approved bonds of any county, city, or other political subdivision in the United States; and approved notes, certificates of indebtedness, and warrants with a fixed maturity issued by any county or city in the United States, which are direct obligations of the county or city as a whole, or which are payable from general taxes levied on all taxable property in such county or city; provided the obligations meet the requirements of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System and the Federal Deposit Insurance Corporation for classification by bank examiners under Group I, as follows:

Group I securities are marketable obligations in which the investment characteristics are not distinctly or predominantly speculative. This group includes general market obligations in the four highest grades and unrated securities of equivalent value.

Obligations of counties, cities, and other political subdivisions, rated in one of the three highest grades by a recognized investment service organization regularly engaged in the business of rating or grading bonds, may be accepted at 90 percent of market value, not to exceed face value, and other qualified obligations of counties, cities, and other political subdivisions may be accepted at 80 percent of market value, not to exceed face value.

(h) *Corporate securities.* Approved bonds, notes, and other obligations of domestic corporations, provided they meet the requirements for classification under Group I as defined in § 203.7 (g) of this part; at 80 percent of market value, not to exceed face value.

(i) *Commercial and agricultural paper and bankers' acceptances.* Commercial and agricultural paper and bankers' acceptances having a maturity at the time of pledge of not to exceed six months, and notes of correspondent incorporated banks or trust companies secured by such commercial or agricultural paper or bankers' acceptances, all of which are approved by the Federal Reserve Bank of the district in which the depositary is located; at 80 percent of face value.

§ 203.8 *United States Government securities or obligations guaranteed by the United States may be required to be pledged as security.* The Secretary of the Treasury reserves the right to require all or any stated percentage of deposits received by any bank pursuant to the provisions of this part and not insured under section 12B of the Federal Reserve Act, as amended, to be secured by pledge of United States Government securities or obligations guaranteed by the United States as defined in §§ 203.7 (a) and 203.7 (b) of this part.

§ 203.9 *Additional collateral.* The stipulations as to the rates at which collateral may be accepted hereunder are intended to indicate maximum values only and the right is expressly reserved to call for or require additional collateral security at any time.

§ 203.10 *Additional collateral; approval and valuation; withdrawals; substitution.* The approval and valuation of securities is committed to the several Federal Reserve Banks, acting under the direction of the Secretary of the Treasury. The withdrawal of securities, the pledge of additional securities, and the substitution of securities shall be made from time to time as required or permitted by the Federal Reserve Banks, acting under like direction.

CUSTODY OF SECURITIES

§ 203.11 *Deposit of securities with Federal Reserve Bank or branch or designated custodian.* All securities accepted as collateral security for deposits hereunder must be deposited with the Federal Reserve Bank or branch of the district in which the depositary is located, as fiscal agent of the United States, or by the direction of and subject to the order of such Federal Reserve Bank or branch, as fiscal agent of the United States, with a custodian or custodians within the United States designated by such Federal Reserve Bank, and under such terms and conditions as it may prescribe.

HOW DEPOSITS ARE TO BE MADE

§ 203.12 *War Loan Deposit Account.* Each qualified Special Depositary will be required to open and maintain or continue for the account of the Federal Reserve Bank of its district, as fiscal agent of the United States, a separate account for deposits to be made hereunder, to be known as the "War Loan Deposit Account."

§ 203.13 *Payment by credit of amounts payable on subscriptions; form of notice.* Qualified Special Depositaries, if and to the extent from time to time hereafter authorized by the Secretary of the Treasury, may be permitted to make payment by credit, when due, to a War Loan Deposit Account, of amounts payable on subscriptions made by or through them for bonds, notes, certificates of indebtedness, and Treasury Bills of the United States issued under authority of the Act of September 24, 1917, as amended. In order to make payment by credit to a War Loan Deposit Account, the Special Depositary must, on or before the date when such payment is due, notify the Federal Reserve Bank of the district of such intention and issue a certificate of advice to such Federal Reserve Bank, stating that a sum specified has been deposited with such depositary for the account of such Federal Reserve Bank, as fiscal agent of the United States, in the War Loan Deposit Account. Such certificate of advice will be furnished in the form and manner prescribed by the Federal Reserve Bank.

§ 203.14 *Deposits not to exceed authorized amount.* The amount deposited with any special depositary shall not in the aggregate exceed at any one time (a) the maximum amount for which it shall have been designated as a depositary, nor (b) the aggregate amount of the collateral security pledged by it taken at the rates hereinbefore provided, excepting that part of the deposits insured under section 12B of the Federal Reserve Act, as amended.

WITHDRAWAL OF DEPOSITS

§ 203.15 *Calls for withdrawal of deposits; payment.* All deposits will be payable on demand without previous notice. Calls for withdrawals of deposits with Special Depositaries will be made by direction of the Secretary of the Treasury through the Federal Reserve Banks, and such depositaries will be required to arrange for payments of such calls in funds that will be immediately available on the payment due date.

EXEMPTION FROM INSURANCE ASSESSMENTS AND RESERVE REQUIREMENTS

§ 203.16 *Provisions of Act of April 13, 1943.* The Act of Congress, approved April 13, 1943, contains the following provisions relative to exemption of "War Loan Deposits" from (a) assessments for insurance by the Federal Deposit Insurance Corporation and (b) the reserve requirements of member banks of the Federal Reserve System:

* * * the second sentence of paragraph (1) of subsection (h) of section 12B of the Federal Reserve Act (U.S.C., title 12, sec. 264 (h) (1)), as amended, is hereby further amended by substituting a colon for the period at the end thereof and adding the following: "And provided further, That until 6 months after the cessation of hostilities in the present war as determined by proclamation of the President or concurrent resolution of the Congress any balance payable to the United States by any insured bank, whether represented by a deposit account or otherwise, arising solely as a result of subscriptions made by or through such insured bank for United States Government securities issued under authority of the Second Liberty Bond Act, as amended, shall be excluded from the definition of 'deposit' for the purpose of determining the assessment base."

SEC. 2. The last sentence of section 19 of the Federal Reserve Act (U.S.C., title 12, sec. 462a-1) be amended by substituting a colon for the period at the end thereof and by adding the following: "Provided, That until 6 months after the cessation of hostilities in the present war as determined by proclamation of the President or concurrent resolution of the Congress no deposit payable to the United States by any member bank arising solely as the result of subscriptions made by or through such member bank for United States Government securities issued under authority of the Second Liberty Bond Act, as amended, shall be subject to the reserve requirements of this section."

AMENDMENT OF REGULATIONS

§ 203.17 *Right reserved to amend, supplement or revise the regulations in this part.* The right is reserved to amend or supplement or revise the provisions of this part at any time or from time to time.

[SEAL]

H. MORGENTHAU, Jr.
Secretary of the Treasury.

[F. R. Doc. 43-6019; Filed, April 17, 1943;
11:44 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amendment 53]

PART 802—GENERAL LICENSES

ADDITION OF CERTAIN DESTINATIONS TO COUNTRY GROUP K

Paragraph (a) of § 802.3 *General license country groups* (8 F.R. 4238) is hereby amended by adding to the countries designated in "Country Group K" therein the following destinations:

Madagascar.....	92
Reunion.....	95

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order 3 and Delegation of Authority 25, 7 F.R. 4951; Delegation of Authority 31, 7 F.R. 9807)

Dated: April 16, 1943.

PAUL CORNELL,
Chief of Office,
Office of Exports.

[F. R. Doc. 43-5985; Filed, April 17, 1943;
9:48 a. m.]

[Amendment 54]

PART 805—SELECTED DESTINATIONS CLEARANCE PROCEDURE

DELETION OF CERTAIN COUNTRIES AS SELECTED DESTINATIONS

Part 805—Selected Destinations Clearance Procedure—is hereby amended in the following particulars:

1. Section 805.2 *Selected destinations* (8 F.R. 1570) is hereby amended by deleting from the list of destinations therein listed the following:

Iran.....	G-80
Iraq.....	G-74
Madagascar.....	G-92
Reunion.....	G-95

2. Section 805.3 *General license provisions* (8 F.R. 1570) is hereby amended by deleting from the countries therein designated Iran and Iraq.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order 3 and Delegation of Authority 25, 7 F.R. 4951; Delegation of Authority 31, 7 F.R. 9807)

Dated: April 16, 1943.

PAUL CORNELL,
Chief of Office,
Office of Exports.

[F. R. Doc. 43-5986; Filed, April 17, 1943;
9:48 a. m.]

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Directive 16]

AIRCRAFT INVENTORY TRANSFERS

§ 903.28 Directive 16—(a) Control of aircraft inventory transfers. Notwithstanding the provisions of Priorities Regulations Nos. 1 and 13 or any other order or regulation of the War Production Board inconsistent herewith, all persons listed on Schedule A attached (Persons listed on schedule A and affected by this directive have been mailed complete copies of this directive.) are directed not to sell, trade, give or otherwise transfer any material listed on Schedule B to any other person without authorization of the Director of the Aircraft Resources Control Office, Aircraft Production Board, or the undersigned, except to fulfill the purpose for which it was obtained.

(b) Delegation of authority. The Director of the Aircraft Resources Control Office is hereby delegated the power to authorize the transfer of materials affected by this directive and is authorized to redelegate this authority to such persons as he may deem proper.

(c) Effective date. This directive shall become effective the 25th day of April, 1943.

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

Issued this 17th day of April 1943.

C. E. WILSON,

Executive Vice Chairman and
Chairman, Aircraft Production Board.

SCHEDULE B

1. All primary forms and non-assembled, partially or wholly fabricated forms of the following metals:

- a. Aluminum and aluminum base alloys.
- b. Copper and copper base alloys.
- c. Steel (including carbon, alloy, stainless and tool steels).

2. Standard items of aircraft hardware on the following list:

- 1. Bolts, nuts, pins, and screws.
- a. Hex. Hd. bolts. Specifications: AN-3 through AN-16.
- b. Clevis bolts. Specifications: AN-21 through AN-36.
- c. Eye bolts. Specifications: AN-42 through AN-49.
- d. Hex. Hd. bolts. Specifications: Air Corps Drawing No. 60, Air Corps Drawing No. 65.
- e. Drilled Hex. Hd. bolts. Specifications: AN-73 through AN-81.
- f. Close tolerance bolts. Specifications: NAS-53 through NAS-60, NAS-62, NAS-64, NAS-66.
- g. Phillips Hd. bolts. Specifications: NAS-200, NAS-202.
- h. Frearson Hd. Bolts. Specifications: NAS-201, NAS-203.
- i. Nuts. Specifications: AN-310, AN-315, AN-316, AN-320. Air Corps Drawing No. 325, Air Corps Drawing No. 330, Air Corps Drawing No. 335, AN-340, AN-345, AN-350, AN-355, AN-360.
- j. Cotter pins. Specifications: AN-380.

k. Taper pins. Specifications: AN-385, AN-386.

l. Clevis pins. Specifications: AN-392 through AN-400, AN-402, AN-404, AN-406.

m. Screws. Specifications: Air Corps Drawing No. 500, Air Corps Drawing No. 501, AN-502, Air Corps Drawing No. 503, AN-505, AN-510, AN-515, AN-520 Air Corps Drawing No. 525, AN-526, Air Corps Drawing No. 530, Air Corps Drawing No. 531, AN-535, Air Corps Drawing No. 540, AN-545, AN-550, Air Corps Drawing No. 560, Air Corps Drawing No. 565, Air Corps Drawing No. 566, Air Corps Drawing No. 570, NAF-1164, NAF-1175, NAF-1176, NAF-1177, NAF-1178, NAF-1193.

n. Phillips hd. screws. Specifications: 42B4937 through 42B4945, 42A-4946, 42A4947, 42B5184.

o. Frearson hd. screws. Specifications: 42A5700, 42A5701, 42B5702 through 42B5711.

2. Turnbuckle assemblies and parts. Specifications: AN-130, AN-135, AN-140, Air Corps Drawing No. 150, AN-155, AN-160, Air Corps Drawing No. 161, AN-165, AN-170, NAF-1084.

3. Rod end adjusting clevis. Specifications: AN-665.

4. Threaded clevis type tie rod terminals. Specifications: AN-665.

5. Swaged cable terminals. Specifications: AN-666 through AN-669.

6. Dzus fasteners or equivalent. Standard or Equivalent Catalog Parts Only. (No special drawing parts to be incl.)

7. Elastic stop nuts or equivalent. Standard or Equivalent Catalog Parts Only. (No special drawing parts to be incl.)

8. Boots self-locking nuts or equivalent. Standard or Equivalent Catalog Parts Only. (No special drawing parts to be incl.)

9. Aircraft valves ("Parker" type). Standard AN, AC and NAF part numbers only, but not including oxygen valves or high pressure valves.

10. Aircraft fittings ("Parker" type). Standard AC 811, AN and NAF part numbers only.

DEFINITIONS

1. "Primary form" means those forms in which metals are received from the mill, for example: ingot forging billets, sheet, tube, bar, wire, standard extruded shapes, etc., (and not including special extruded shapes, castings, or forgings); or mill forms which have been subjected to such fabrication as mills customarily provide upon specification of standard extras (such as cutting to length, tempering, etc.)

2. "Nonassembled, partially or wholly fabricated forms" means any nonassembled forms, (including special extruded shapes, castings and forgings) whether purchased parts or materials which have been fabricated by or for you, produced entirely from a single primary form, and which has been subjected to any fabrication beyond the extent specified for Primary Form as defined above.

3. "Copper base alloy" means any alloy metal in the composition of which the percentage of copper metal by weight equals or exceeds 40% of the total weight of the alloy; for example, brass, bronze, nickel-silver, etc.

4. "Aluminum base alloy" means any alloy metal in the composition of which the percentage of aluminum metal by weight equals or exceeds 50% of the total weight of the alloy; for example, Alcoa alloy No. 2508, 2108, etc.

[F. R. Doc. 43-6011; Filed, April 17, 1943; 11:40 a. m.]

PART 903—DELEGATIONS OF AUTHORITY

[Directive 17]

35 MM. FILM

Pursuant to the authority vested in me by Executive Order No. 9024 of January

16, 1942, Executive Order No. 9040 of January 24, 1942, and Executive Order No. 9125 of April 7, 1942, and for the purpose of securing the efficient distribution of 35 mm. film; It is hereby ordered, That:

§ 903.29 Directive 17—(a) Delegation of authority to the Office of War Information with respect to 35 mm. film. The Office of War Information is authorized and directed to perform the functions and exercise the power, authority, and discretion conferred upon the President by section 2 (a) of the Act of June 28, 1940 (Pub. Law 671, 76th Cong.; 54 Stat. 676), as amended by the Act of May 31, 1941 (Pub. Law 89, 77th Cong.; 55 Stat. 236), and as further amended by the Act of March 27, 1942 (Pub. Law 507, 77th Cong.; 56 Stat. 176), with respect to the exercise of control over the sale, lease, trading, loan, delivery, shipment or transfer of 35 mm. film by any person to the following persons for exposure in connection with factual pictures:

(1) Any governmental agency, whether federal, state or local (excluding the Army or Navy of the United States).

(2) Class B newsreel producers as defined in General Limitation Order L-178, issued by the War Production Board, as amended from time to time.

(3) Persons producing factual trailers.

(b) The authority of the Office of War Information under this directive shall include the power to regulate or prohibit the transfer or other disposition of 35 mm. film to any person who has acted in violation of any regulation or order prescribed by the Office of War Information pursuant to this directive. The Office of War Information is likewise authorized to require such reports and the keeping of such records and to make such investigations as it may deem necessary or appropriate for the administration of the powers conferred herein.

(c) The War Production Board will from time to time advise the Office of War Information as to the amount of 35 mm. film available for distribution by the Office of War Information under this directive, and may from time to time formulate and advise the Office of War Information as to policies or programs for the distribution of 35 mm. film.

(d) Nothing herein shall be construed to limit or modify any order heretofore issued by the Office of Production Management or the War Production Board, nor to delegate to the Office of War Information the power to extend, amend, or modify any such order.

(e) Notwithstanding the provisions of Directive 1 (§ 903.1), the Office of Price Administration shall have no authority with respect to the exercising of rationing control over 35 mm. films.

(f) For the purposes of this directive, the following definitions shall apply:

(1) "35 mm. film" means unexposed film 35 mm. wide with a nitrate or safety base, whether negative or positive, other than film packaged for use in 35 mm. still cameras and other than film in strips of less than 100 linear feet.

(2) "Factual picture" means any picture whose main function is informa-

tional or instructional, including newsreels produced by Class B newsreel producers, as defined in General Limitation Order L-178, issued by the War Production Board, as amended from time to time, but not including special pictures (as defined in General Limitation Order L-178) or pictures whose main function is entertainment.

(3) "Factual trailer" means any factual picture less than 300 linear feet in length, produced for exhibition in commercial theaters.

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

Issued this 17th day of April 1943.

J. A. KRUG,
Program Vice Chairman.

[F. R. Doc. 43-6012; Filed, April 17, 1943;
11:40 a. m.]

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. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719 sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-237, Amendment 1]

SUPER GAS CO., INC.

Super Gas Company, Inc., 789 Amboy Avenue, Fords, New Jersey, has appealed from the provisions of Suspension Order S-237, issued February 27, 1943. After a review of the case it has been determined that the appeal be denied but that Suspension Order S-237 be modified so as to allow Super Gas Company, Inc. to accept some deliveries of motor fuel at its Fords, New Jersey service station and to make increased deliveries of motor fuel to other service stations.

In view of the foregoing, paragraphs (a) and (b) of § 1010.237 Suspension Order S-237, issued February 27, 1943, are hereby amended to read as follows:

(a) During each of the months of April and May, 1943, Super Gas Company, Inc. its successors and assigns, shall not deliver or cause to be delivered directly or indirectly, any motor fuel, as defined in Limitation Order L-70, to any service station in excess of 40 percent of the average monthly gallonage delivered to such service station by Super Gas Company, Inc. during the period of August 1942 through December 1942.

(b) During the months of April and May, 1943, Super Gas Company, Inc. its successors and assigns, shall not accept from any source the delivery of any motor fuel, as delivered in Limitation Order L-70, at the Super Gas Service Station owned and operated by it located at 789 Amboy Avenue, Fords, New Jersey, in excess of 25 per cent of the average monthly gallonage delivered to said serv-

ice station during the period of August 1942 through December 1942.

Issued this 16th day of April 1943.

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

[F. R. Doc. 43-5971; Filed, April 16, 1943;
2:20 p. m.]

PART 1075—CONSTRUCTION

[Supplementary Conservation Order L-41-d]

In accordance with the provisions of § 1075.1, Conservation Order L-41, which the following order supplements:

§ 1075.11 *Supplementary Conservation Order L-41-d.* Conservation Order L-41, as amended, shall not apply to the re-siding of any structure with asbestos siding or the re-roofing of any structure with asbestos roofing material, where any part of the existing siding or roofing, as the case may be, is in need of repainting or other maintenance and repair: *Provided, however,* That no rubber, metal other than fastenings, nor lumber restricted by the provisions of paragraph (c) of Conservation Order M-208 shall be used in such re-siding or re-roofing.

Paragraph (e) of Interpretation No. 1 of Conservation Order L-41 as amended is hereby revoked.

Issued this 16th day of April 1943.

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

[F. R. Doc. 43-4970; Filed, April 16, 1943;
2:20 p. m.]

PART 940—RUBBER AND BALATA AND PRODUCTS OF WHICH RUBBER OR BALATA IS A COMPONENT

[Supplementary Order M-15-f as Amended
April 17, 1943]

ORDER RESTRICTING THE USE OF RUBBER CEMENTS AND ADHESIVES

Whereas the fulfillment of the requirements for the defense of the United States has created a shortage in the supply of rubber 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:

§ 940.8 *Supplementary Order M-15-f—(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) "Rubber cement" means any type of cement, adhesive or coating made in whole or in part of crude rubber, latex, reclaimed rubber or scrap rubber.

(b) *Restrictions on the use of rubber cement.* Except as otherwise permitted by general or special authorization of the War Production Board, no person who for compensation or profit engages in manufacturing, repairing, combining,

laminating, coating, impregnating or otherwise treating any luggage, handbags, belts for wearing apparel, pocket-books, wallets, key rings or cases, hats or other millinery, cosmetic appliances, cosmetic bags, tobacco pouches, furs or embroidered or other materials for emblems, pennants, chevrons, appliques or other similar decorative material, or in laminating, combining or treating any fabrics or materials, or in manufacturing shoes, shall use any rubber cement in manufacturing, repairing, combining, laminating, coating, impregnating or treating any such products or materials; except that rubber cement may be used (i) in the following operations only in the manufacture or repair of shoes: Cutting and fitting room operations, bed and side lasting, folding gem duck, heel breasting, wood heel covering, insole rib and lip, moccasin seam, prewelt, platform attaching (but only if no equipment for the use of another method is available), rand, soft box toe, sole attaching, semi-automatic toe lasting (but only if no equipment for the use of another method is available), unishank, leather welting, channelling McKay shoes and Littleway sewed shoes (but no others), and shoe repair, and (ii) in the manufacture, application or repair of any products for the manufacture of which crude rubber, latex, reclaimed rubber or scrap rubber may be consumed under the provisions of § 940.3 (Supplementary Order No. M-15-b) as amended from time to time.

[Paragraph (b) amended April 17, 1943]

(c) *Restriction on the purchase and sale of rubber cement.* No person shall purchase rubber cement for the purpose of using such rubber cement for any of the purposes for which rubber cement may not be used under the provisions of paragraph (b) hereof; nor shall any person sell, trade, transfer or deliver, or offer to sell, trade, transfer or deliver, any rubber cement to any other person if he knows or has reason to believe such other person intends or proposes to use such rubber cement for any of the purposes prohibited by paragraph (b) hereof.

(d) *Exceptions as to supplies on hand.* Notwithstanding the restrictions imposed by paragraph (b) of this order, any person who on July 31, 1942, had in his possession any rubber cement which he purchased or was holding for his own use for any of the purposes prohibited by paragraph (b) may use in operations prohibited by paragraph (b) hereof an amount of rubber cement not exceeding five gallons.

(e) *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) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, purchases, production and sales of rubber cement and the uses to which such per-

sons put rubber cement now owned or hereafter acquired by them.

(3) *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 require.

(4) *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.

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

(6) *Appeals.* Any person affected by this order who considers that compliance with this order would work an exceptional and unreasonable hardship upon him or that it would result in a problem of unemployment in the community, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief to the War Production Board, setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(7) *Communications.* All communication concerning this order shall be addressed to: Office of the Rubber Director, War Production Board, Washington, D. C., Ref.: M-15-f.

(f) Any action which, under the terms of this order, is to be taken by the War Production Board may be taken in the name of the Rubber Director in such manner as may be prescribed.

Issued this 17th day of April 1943.

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

[F. R. Doc. 43-6013; Filed, April 17, 1943;
11:40 a. m.]

PART 1010—SUSPENSION ORDERS

[Amendment 1 to Suspension Order S-260]

KENNY BOILER AND MANUFACTURING CO.

Suspension Order S-260 provided that deliveries of material to the Kenny Boiler and Manufacturing Company could be accorded priority and that allocation of material to the Kenny Boiler and Manufacturing Company could be made only as specifically authorized in writing by the War Production Board. Inasmuch as this company is engaged in repair operations, which in some cases are vital to the war effort, it has been determined that authority to grant exceptions to the above order should be vested in the Regional Compliance Chief.

In view of the foregoing facts, it is hereby ordered that paragraphs (a) and (b) of § 1010.260 of Suspension Order S-260 are amended to read as follows:

(a) Deliveries of material to Kenny Boiler and Manufacturing Company, its successors and assigns, shall not be accorded priority, directly or indirectly, over deliveries under any other contract or order, and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the War Production Board, except as hereafter specifically authorized in writing by the Regional Compliance Chief, of the Regional Office of the War Production Board, in Chicago, Illinois.

(b) No allocation shall be made to Kenny Boiler and Manufacturing Company, its successors and assigns, of any material, the supply or distribution of which is governed by any order of the War Production Board, except as specifically authorized in writing by the Regional Compliance Chief, of the Regional Office of the War Production Board, Chicago, Illinois.

Issued this 17th day of April 1943.

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

[F. R. Doc. 43-6008; Filed, April 17, 1943;
11:41 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-285]

SALCE CONSTRUCTION CO.

Salce Construction Company of which Pasquale Salce is the president, treasurer and principal or sole stockholder, is a corporation with offices in Bridgeport, Connecticut. On or about October 30, 1942 the said corporation entered into a contract with Louis Capozzi by the terms of which the company agreed to make certain alterations in the building, both interior and exterior, for the sum of \$3,600. Pursuant to said contract, the Salce Construction Company commenced construction work and carried it forward almost to completion. The estimated cost of the work was in excess of the amount permitted by Order L-41 with which the Salce Construction Company and Pasquale Salce were familiar. Such conduct on the part of Salce Construction Company and Pasquale Salce constituted a violation of Conservation Order L-41. These acts have hampered and impeded the war effort of the United States by diverting scarce materials to uses unauthorized by the War Production Board. In view of the foregoing, it is hereby ordered, That:

§ 1010.285 Suspension Order S-285.

(a) Deliveries of material to Salce Construction Company or Pasquale Salce, their successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or ap-

plied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the War Production Board, except as hereafter specifically authorized in writing by the War Production Board.

(b) No allocation shall be made to Salce Construction Company or Pasquale Salce, their successors and assigns, of any material the supply or distribution of which is governed by any order of the War Production Board, except as hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Salce Construction Company or Pasquale Salce from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on April 19, 1943, and shall expire on October 19, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 17th day of April 1943.

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

[F. R. Doc. 43-6009; Filed, April 17, 1943;
11:41 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-287]

JORDAN BOTTLING CO.

The Jordan Bottling Company, Laurinburg, North Carolina, is an individual proprietorship, owned by Charles L. Jordan, Jr., and is a bottler of non-alcoholic beverages. During the months of June, July, August, and September, 1942, the company used closures in the bottling of these non-alcoholic beverages substantially in excess of its quotas under Conservation Order M-104. The company's total excess usage of closures amounted to 2,038 gross. During this period the company was familiar with the restrictions contained in Conservation Order M-104 and its excess use of closures constituted wilful violations of that order which have made it appropriate that the company's future use of closures be restricted. In view of the foregoing, it is hereby ordered, That:

§ 1010.287 Suspension Order S-287.

(a) During each of the calendar quarters beginning April 1, 1943, July 1, 1943, and October 1, 1943, the quota of closures which Charles L. Jordan, Jr., individually or doing business as the Jordan Bottling Company, his successors and assigns, would otherwise be entitled to use in the bottling of non-alcoholic beverages under the provisions of Conservation Order M-104 shall be reduced by 675 gross.

(b) Nothing contained in this order shall be deemed to relieve Charles L. Jordan, Jr., individually or doing business as the Jordan Bottling Company, from

any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on April 20, 1943, and shall expire on December 31, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 17th day of April 1943.

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

[F. R. Doc. 43-6010; Filed, April 17, 1943;
11:41 a. m.]

PART 1189—ROTENONE

[Conservation Order M-133, as Amended
April 17, 1943]

§ 1189.1 *Conservation Order M-133—*
(a) *Definitions.* (1) "Rotenone" means the active insecticidal ingredients of the roots of derris, cube, barbasco, tuba or timbo. The term includes:

(i) "Crude rotenone" in the form of root or of root which has been dried, broken, shredded, cut or chipped;

(ii) "Processed rotenone" in the form of finely ground or powdered crude rotenone; also in the form of liquid or solid extracts (or resins) obtained from crude rotenone.

(2) "Rotenone insecticide" means any compound containing rotenone combined with other liquid or dry materials, whether active or inert; provided that such compound is suitable for use as an insecticide.

(3) "Importer" means any person engaged in the importation of rotenone.

(4) "Processor" means any person engaged in producing or selling processed rotenone in any of the forms described in paragraph (a) (1) (ii) hereof.

(b) *Restrictions on delivery.* (1) No importer or processor shall deliver any rotenone to any person except as specifically authorized or directed by the War Production Board upon application made pursuant to paragraph (f) (1) hereof; and no person shall accept delivery of any rotenone which he knows or has reason to believe is delivered in violation of this order.

(2) Authorizations or directions with respect to deliveries to be made in each calendar month will so far as practicable be issued by the War Production Board prior to the commencement of such month, but the War Production Board may at any time issue directions with respect to deliveries to be made.

(3) In the event that any importer or processor, after receiving notice from the War Production Board with respect to a delivery of rotenone which he is authorized or directed to make to any specific customer, shall be unable to make such delivery either because of receipt of notice of cancellation from such customer or otherwise, such importer or processor shall forthwith give notice of such fact to the War Production Board, Chemicals Division, Washington, D. C., Ref.: M-133, and shall not,

in the absence of specific authorization or direction from the War Production Board resell or otherwise dispose of the rotenone which he is unable to deliver as aforesaid.

(4) No person shall deliver any material containing rotenone to any other person unless prior to such delivery he will have received from the person to whom delivery is made, a requirement certificate in substantially the following form:

The undersigned hereby certifies to his supplier and to the War Production Board that the rotenone or rotenone insecticide hereby ordered for delivery will be used, or sold for use only for the purposes permitted under the terms of Conservation Order M-133, paragraph (c) as follows:

For resale—For use [cross out one]—Date

Description of product _____
Quantity _____
[If purchased for use omit the following:]
Percentage of rotenone contained _____
[If purchased for use, complete the following:]
Crop _____ Insect Pest _____
Acreage (or number of animals to be treated) _____

He further certifies that the amount of rotenone ordered will not exceed a practical minimum working inventory.

This certification is made in accordance with the terms of Order M-133, with which the undersigned is familiar.

Name of Purchaser _____
By _____
Authorized Official or Agent Title

(5) No person shall use the rotenone received by him except for the purpose or purposes specified in the certificate furnished pursuant to paragraph (b) (4).

(c) *Restrictions on use.* No person shall use rotenone or any rotenone insecticide except for one or more of the following purposes:

(1) Use in the protection of the following food crops against the following insects, or the manufacture of any preparation for such use:

(i) Peas—protection against the pea weevil and pea aphid.

(ii) Beans—protection against Mexican bean beetle.

(iii) Cole crops—other than cabbage, including: broccoli, brussels sprouts, cauliflower, kohlrabi, mustard, kale, turnips, and collards—for protection against caterpillars and aphids.

(iv) Sweet corn—for protection against the European corn borer.

(2) Use on cattle for the specific control of the cattle grub (ox warble) or short-nosed cattle louse, or the manufacture of any insecticide for such use.

(3) Any other specified use, where specifically authorized or directed by the War Production Board.

(d) *Restrictions on production.* (1) No person shall manufacture or process any rotenone insecticide in the form of dust or powder with a content of more than half of one per cent of rotenone, except as otherwise specifically authorized or directed by the War Production Board. This paragraph (d) (1) shall not, however, be understood to prevent the manufacture or preparation of dust having a rotenone content of half

of one per cent in accordance with standard commercial practice: *Provided*, That the actual variation from the permitted rotenone content shall not exceed ten per cent; nor shall this paragraph (d) (1) be understood to prevent the use in the manufacture of any rotenone insecticide of other active ingredients, activators or wetting agents.

(2) No person shall manufacture or process any rotenone insecticide incorporating pyrethrum.

(e) *Restrictions on packaging.* (1) No processed rotenone or rotenone insecticide may be delivered in any package to any person by any importer, processor, manufacturer or distributor unless such package clearly displays on the label thereof or on a suitable tag securely affixed thereto, a statement substantially as follows:

The use of this material is restricted by WPB's Conservation Order No. M-133, as amended, to the following uses:

1. Peas—protection against the pea weevil and pea aphid.

2. Beans—protection against Mexican bean beetle.

3. Cole crops—other than cabbage, including: broccoli, brussels sprouts, cauliflower, kohlrabi, mustard, kale, turnips, and collards—for protection against caterpillars and aphids.

4. Sweet corn—for protection against the European corn borer.

5. Cattle—for the specific control of cattle grub (ox warble) or short-nosed cattle louse.

[Paragraph (e) (1) amended April 17, 1943]

(2) War Production Board may at any time issue directions to processors with respect to the size of package in which rotenone insecticides may be packed.

(f) *Applications and reports.* (1) Each importer or processor seeking authorization to make delivery of rotenone during any calendar month beginning with March, 1943 shall file application on or before the 10th day of the preceding calendar month. Application for authorization to deliver rotenone in January or February, 1943, shall be made as many days as possible in advance of the requested delivery. In any case, the application shall be made on Form PD-601 in the manner prescribed therein, subject to the following specific instructions:

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

(ii) Four copies shall be prepared, of which three shall be filed with the War Production Board, Chemicals Division, Washington, D. C., Ref.: M-133, the fourth to be retained for applicant's files.

(iii) In the heading, under name of chemical, specify "Rotenone"; under WPB Order No., specify "M-133"; under name of company, state name and mailing address; under unit of measure, specify "pounds"; and state the month and year for which authorization for use or acceptance of delivery is sought.

(iv) In Columns 3 and 8, specify form; that is, whether dust, extract, ground root, etc., and insert per cent of pure rotenone.

(v) The importer or processor may, if he wishes, leave blank Column 5.

(vi) If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand totals for all sheets on the last sheet, which is the only one that need be certified.

(2) Each person, other than the Army or Navy of the United States, or the United States Maritime Commission, or War Shipping Administration, who, as of the close of business on December 31, 1942, owned more than five hundred pounds of rotenone, or more than five thousand pounds of rotenone insecticides, or a combination of the two having a rotenone content of more than five hundred pounds, shall on or before February 10, 1943, file Form PD-785 with the War Production Board, Chemicals Division, Washington, D. C., Ref.: M-133, retaining a copy for his files.

(3) The War Production Board may require each person affected by this order to file such other reports in respect to such materials and at such times as it may from time to time prescribe and may issue special directions to any importer or processor with respect to the preparing and filing of PD-601.

(g) Exceptions in the case of rotenone insecticides in small packages. The restrictions of paragraphs (b) (1) to (b) (5), inclusive, (c) (1) to (c) (3), inclusive, and (e) (1) are not applicable to rotenone insecticides packaged in quantities of one pound or less, where in solid form, or of one pint or less, where a liquid.

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

[Paragraph (h) redesignated April 17, 1943]

(i) Miscellaneous provisions—(1) Records. All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning deliveries, processing and use of rotenone and rotenone insecticides.

[Paragraph (i) redesignated April 17, 1943]

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

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

(4) 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.

(5) 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-133.

Issued this 17th day of April 1943.

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

[F. R. Doc. 43-6014; Filed, April 17, 1943;
11:41 a. m.]

PART 1235—COMBED COTTON YARN (INCLUDING SALES YARN AND YARN FOR PRODUCERS' OWN USE)

[General Preference Order M-155 as Amended
April 17, 1943]

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

§ 1235.1 General Preference Order M-155—(a) Applicability of Priorities Regulation No. 1. This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

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

(1) "Combed cotton yarns" means greige cotton yarn, in all counts and descriptions up to and including 90's, which in addition to having been put through cotton carding machinery has also been through the further process of combing, whether produced for sale or in integrated mills for use directly in the manufacture of fabrics, braids, tapes or other products.

(2) "Medium combed yarns" means the combed cotton yarns in counts from 61s to 90s, inclusive, single or plied, whether produced for sale or for use in integrated mills directly in the manufacture of fabrics, braids, tapes or other products.

(3) "Coarse combed yarns" means the combed cotton yarns in counts coarser than 61s single or plied, whether produced for sale or for use in integrated mills directly in the manufacture of fabrics, braids, tapes or other products.

(4) "Reserved combed yarn" means the combed cotton yarns, required to be earmarked pursuant to the terms of this order, whether produced for sale or for use in integrated mills directly in the manufacture of fabrics, braids, tapes or other products.

(5) "Producer" means any person who, on February 28, 1942, was spinning medium or coarse combed yarns, or both, whether produced for sale or for use in integrated mills directly in the manufac-

ture of fabrics, braids, tapes, or other products, or who, on that date, had idle equipment capable of producing either of them, except that any such person shall not be deemed a producer as to that portion of his production which is equivalent to the portion of his production during the month of February, 1942 which was used or sold in the manufacture of combed yarn used in stitching thread (as distinguished from embroidery or decorative thread). The term "producer" shall include, but without limitation thereto, sales yarn mills, spinner-weavers, spinner-mercerizers and spinner-knitters.

(6) "Officers uniforms" shall mean uniforms (including shirts) manufactured in accordance with the regulations of and required to be worn by the United States governmental agency concerned for:

(i) United States Army officers (warrant officers and nurses).

(ii) United States Navy officers (commissioned and warrant), chief petty officers and nurses.

(iii) United States Marine Corps officers and warrant officers.

(iv) United States Coast Guard officers and chief petty officers.

(v) United States Government military and naval academy and training school students.

(vi) United States Maritime Commission officers.

(vii) United States Coast and Geodetic Survey officers.

(viii) United States Public Health Service officers or nurses.

(ix) United States Women's Army Auxiliary Corps and any similar United States navy corps or organization.

(x) United States Army Specialist Corps.

(c) Directions with respect to the production of combed cotton yarns.—(1) Medium combed yarns. Notwithstanding the provisions of any contracts to which he may be a party, each producer of medium combed yarns shall, as soon as may be necessary for him to do so in order to make delivery in accordance with the terms of any purchase order placed with him of the type specified in paragraph (d) (1) hereof and as soon as the required yarn counts and descriptions can be produced by him, earmark at least 40 percent of his production thereof as reserved combed yarns.

(2) Coarse combed yarns. Notwithstanding the provisions of any contracts to which he may be a party, each producer of coarse combed yarns shall, as soon as may be necessary for him to do so in order to make delivery in accordance with the terms of any purchase order placed with him of the type specified in paragraph (d) (1) hereof and as soon as the required yarn counts and descriptions can be produced by him, earmark at least 65 percent of his production thereof as reserved combed yarns.

(3) No producer shall fail to operate his equipment capable of producing medium or coarse combed yarns at maximum practicable capacity or take any action which would decrease his weekly production of medium combed yarns, coarse combed yarns, or both, except to the extent necessary to meet his required deliveries of such yarns or of fabrics woven therefrom, within the limitations set forth in paragraph (c) (1), (2) and (5).

(4) Nothing in paragraph (c) (1), and (2) and (3) shall prevent or preclude any producer from earmarking a higher percentage of medium or coarse combed yarns as reserved yarns.

(5) Production in accordance with paragraph (c) (1) and (2) shall be earmarked in the counts required to meet the current specifications or requirements of the procurements of:

(i) The Army or Navy of the United States, including, but without limitation thereto, the yarn counts required by the following fabrics:

(a) Cloth, cotton, twill, 6 oz., Quartermaster Corps Tentative Specification P. Q. D. No. 95, September 25, 1941;

(b) Cloth, cotton, uniform, twill, Quartermaster Corps Tentative Specification P. Q. D. No. 33-A, December 9, 1941, superseding P. Q. D. No. 33, February 17, 1941;

(c) Cloth, cotton, wind resistant, Quartermaster Corps Tentative Specification P. Q. D. No. 1, December 13, 1940, superseding Q. M. C. Tent. Spec. September 24, 1940;

(d) Army-Navy Aeronautical Specification cloth; airplane, cotton, mercerized, AN-CCC-C-399, Amendment 1, October 23, 1939;

(e) Twill, bleached and shrunk, Navy Department Specification No. 27T25, Sept. 2, 1941, superseding 27D5c, Jan. 2, 1937;

(f) Lining, uniform, cotton (twill), U. S. Army Specification No. 6-100B, Sept. 17, 1929;

(g) Cloth, balloon; finished, U. S. Army Specification No. 6-39-G, May 5, 1937, Amendment No. 2, June 25, 1941;

(h) Cloth, balloon; finished, U. S. Army Specification No. 6-39-G, May 5, 1937, superseding No. 6-39-F, December 2, 1932;

(i) Netting; mosquito (unbleached-bobbinet) Federal Specification JJ-N-191, January 5, 1932, superseding F. S. No. 540a, January 25, 1929;

(j) Netting; mosquito, U. S. Army, Quartermaster Corps Specification P. Q. D. No. 17a;

(k) Netting; mosquito, U. S. Army, Quartermaster Corps Specification P. Q. D. No. 82;

(l) Netting; mosquito, U. S. Navy, Bureau of Ships Specification No. 27N1 (INT);

(m) Socks, cotton, tan, Federal Specification No. JJ-S 566A, dated August 26, 1938.

as such specifications are from time to time revised or amended.

(ii) The United States Maritime Commission, The Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronau-

tics, the Office of Scientific Research and Development;

(iii) Manufacturers of officers uniforms or fabrics therefor as approved by the respective departmental regulations for such uniforms;

(iv) The government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom including its Dominions, Crown Colonies and Protectorates and Yugoslavia;

(v) Any agency of the United States Government for material or equipment to be delivered to, or for the account of, the government of any country listed in paragraph (c) (5) (iv) or any other country, including those in the western hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act);

(vi) Manufacturers of tracing cloth, typewriter ribbons, and electrical insulation materials, but only to the extent and in the counts that such combed yarns have been heretofore used or specified for such purposes;

(vii) The Defense Supplies Corporation, or other corporation organized under section 5d of the Reconstruction Finance Corporation Act, as amended;

(viii) Manufacturers specifically authorized to purchase reserved combed yarns by the War Production Board acting pursuant to paragraph (f).

(d) *Directions with respect to the sale, delivery or use of reserved combed yarns.*

(1) All reserved combed yarns shall be used, sold, or delivered only upon orders therefor for physical incorporation into material or equipment to be delivered to or for the account of the persons listed in paragraph (c) (5), except as otherwise authorized by the War Production Board.

(2) No producer shall hold a stock of reserved combed yarn for the account of any customer over one week without notifying the War Production Board and stating the counts, quantities and descriptions of such reserved combed yarns.

(3) Each producer, holding a stock of reserved combed yarn for his own account in excess of his current weekly production of such yarn, shall immediately notify the War Production Board stating the counts, quantities and descriptions of such reserved combed yarns on hand.

(4) No person, operating a warehouse or other place of storage shall hold in storage any combed yarns for a period longer than 30 days without notifying the War Production Board, stating the most complete description of the yarn known to him and the person for whose account it is being stored.

(5) No person, except those mentioned in paragraph (c) (5) (vii) and (viii) or (d) (4), shall accept delivery of reserved combed yarns unless such yarns shall be put into process by him within 30 days after actual receipt thereof by him at his plant or at any warehouse or other place of storage for his account or are required by him for immediate delivery to others who shall put them into process after actual receipt thereof by him at his plant

or at any warehouse or other place of storage for his account.

(6) No producer, regardless of whether he has heretofore engaged in the business of selling combed cotton yarns, or not, shall refuse to accept and fill, to the extent of his production of reserved combed yarns, a purchase order therefor of the kind specified in paragraph (d) (1), unless:

(i) The person placing the same is unable or unwilling to meet the established prices and terms therefor; or

(ii) The producer shall have already sold all of his reserved combed yarns to be produced in the delivery period required by the said purchase order to another person for a use permitted in the said paragraph (d) (1); or

(iii) The producer will require all his unsold reserved combed yarns for use himself as permitted in paragraph (d) (1), prior to the availability of further production thereof by himself; or

(iv) The purchase order is for combed cotton yarn in counts or in put-ups which the producer, in view of his commitments under paragraph (d) (6) (ii) and (iii) above, is not capable of producing, due to the limitations of his available machinery and equipment and the proposed purchaser is unable or unwilling to supply the necessary equipment or machinery;

Provided, however, That nothing in this order shall excuse any person producing combed cotton fabrics from the requirements of complying with the provisions of Priorities Regulation No. 1 with respect to the compulsory acceptance and filling of defense or other preference rated orders in accordance with the preference ratings assigned thereto; but any person with whom an order is placed for fabrics for a use permitted in paragraph (d) (1) hereof may, if his own supply of reserved combed yarns is not available, in whole or in part, for any of the reasons set forth in paragraphs (d) (6) (ii), (iii) and (iv) above, place a purchase order with any other producer for the necessary combed cotton yarns required over and above his own reserved combed yarns, to be filled out of such other producer's reserved yarns. Such other producer shall accept and fill such purchase order subject to paragraphs (d) (6) (i), (ii), (iii) and (iv).

(e) *Restrictions on the sale or delivery of the residual supply of combed cotton yarns and on fabrics woven therefrom.* No producer shall make any discriminatory cuts in sales or deliveries of non-reserved coarse or medium combed cotton yarns in counts which the producer continues to make, or fabrics woven therefrom, between former customers desiring to purchase the same, and who purchased such yarns or fabrics in the year 1941 and heretofore in 1942, notwithstanding the provisions of any contracts to which he may be a party, or between such former customers and his own use of such yarns or fabrics, except to the extent necessary to make his required deliveries upon purchase orders for such yarns or fabrics carrying preference ratings.

(f) *Appeal.* Any person affected by this order who considers that compliance

therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of combed cotton yarn conserved, or that compliance with this order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the War Production Board by letter or telegram, Reference M-155, setting forth the pertinent facts and the reason he considers he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

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

(h) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as may be required by said Board from time to time, but no reports other than the notifications required by paragraph (d) hereof, shall be filed until forms therefor shall have been prescribed.

(i) *Communications to the War Production Board.* All communications concerning this order, or any reports required to be filed hereunder, shall unless otherwise directed, be in writing and be addressed to: War Production Board, Washington, D. C. Reference M-155.

(j) *Violations.* Any person who 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.

Issued this 17th day of April 1943.

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

[F. R. Doc. 43-6015; Filed, April 17, 1943;
11:40 a. m.]

PART 1252—GAGES AND PRECISION MEASURING HAND TOOLS

[General Preference Order E-5-a as Amended
April 17, 1943]

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 export; 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.

Provided, however, No such statement is required to accompany purchase orders for those production type gages listed on Exhibit B attached hereto.

(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.

(3) Purchase orders for those production type gages listed on Exhibit B attached hereto.

(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 fur-

nishes 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 17th day of April 1943.

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

EXHIBIT A

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

EXHIBIT B

Round external gages.
Round internal gages.
External thread gages.
Internal thread gages.
Snap gages.
Fixture gages.
Flat gages.

[F. R. Doc. 43-6016; Filed, April 17, 1943;
11:40 a. m.]

PART 3220—BLANKETS

[Conservation Order M-298]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials used in the manufacture of blankets 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:

§ 3220.1 *Conservation Order M-298—*
(a) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable pro-

visions of the regulations of the War Production Board as amended from time to time.

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

(1) "Blanket manufacturer" means any person engaged in the business of manufacturing blankets for sale.

(2) "Blanket materials" means materials (including binding fabric and sewing thread) for physical incorporation in blankets, except wool fiber.

(3) "Blanket line" shall have its customary trade significance.

(c) *Assignment and application of preference rating.* Preference rating of A-2 hereby is assigned to deliveries of blanket materials pursuant to purchase or manufacturing orders placed by blanket manufacturers, subject to paragraph (d). Said rating shall be applied and extended in the manner provided by Priorities Regulation 3.

(d) *Restrictions on use of materials secured pursuant to rating.* No manufacturer shall use any blanket materials obtained pursuant to the application of the preference rating assigned by paragraph (c) unless the blankets manufactured conform to the sizes, weights and specifications applicable to the respective types and kinds of blankets, as set forth below:

(1) All cotton blankets:

(i) Plaid:

66" x 76" 2 lbs. per pair—stitched ends only.

70" x 80" 2½ lbs. per pair—stitched ends only.

72" x 84" 3½ lbs. per pair—stitched ends or maximum 3" binding.

Colors: Rose and white—blue and white. In pairs or singles of pairs.

(ii) White sheet blankets:

70" x 90"—single only—stitched ends only.

70" x 95"—single only—stitched ends only.

80" x 95"—single only—stitched ends only.

Weight or construction: Only one weight or construction produced by the blanket manufacturer during 1942 as a regular number.

(iii) Jacquard blankets:

64" x 76" 1¼ lbs. per single—single only.

66" x 80" 2¼ lbs. per single—single only.

70" x 80" 5 lbs. per pair. Pairs or singles of pairs.

72" x 84" 5½ lbs. per pair. Pairs or singles of pairs.

Stitched or hemmed ends or with binding not over 4".

Patterns: Only those for which cards were cut prior to April 17, 1943.

Colors: Not more than 4-color combinations to a pattern.

(2) 95% cotton and 5% wool waste, noils, reprocessed or reused wool fibers:

(i) Plaid.

70" x 80" 3 lbs. per pair.

Colors: Rose and white—blue and white.

Binding: Not exceeding 3".

In pairs or singles of pairs.

(3) 95% cotton and 5% wool:

(i) Plaid.

72" x 84" 3¼ lbs. per pair.

Colors: Rose and white—blue and white—cedar and white.

Binding: Not exceeding 4".

In pairs or singles of pairs.

(4) 75% cotton and 25% wool:

(i) Plaid.

72" x 84" 3¼ lbs. per pair.

Colors: Rose and white—blue and white—cedar and white—green and white.

Binding: Not exceeding 4".

In pairs or singles of pairs.

(ii) Solid color single:

72" x 84" 2½ lbs. per single.

72" x 84" 3½ lbs. per single.

Colors: Rose, blue, green, and cedar.

Binding: Not exceeding 4".

(iii) Jacquard single

72" x 84" 2½ lbs. per single.

Patterns: Only those for which the cards were cut prior to April 17, 1943.

Colors: Not more than 4-color combinations to a pattern.

Binding: Not exceeding 4".

(5) Rayon and other fibers:

(i) Solid color single

Only one size—not exceeding 72" x 84".

Only one weight—not exceeding 3½ lbs. per single.

Only one blend—as made during 1942 and containing not over 25% wool fiber by weight.

Colors: Rose, blue, green, and cedar

Binding: Not exceeding 4".

(ii) Jacquard single

Only one size—not exceeding 72" x 84".

Only one weight—not exceeding 3½ lbs.

Only one blend—as made during 1942 and containing not over 25% wool fiber by weight.

Patterns: Only those for which the cards were cut prior to April 17, 1943.

Colors: Not more than 4-color combinations to a pattern.

Binding: Not exceeding 4".

(6) Wool blankets:

Blankets either plain, plaid or jacquard design containing more than 25% wool fiber by finished weight.

Width: Not to exceed 72".

Length: Not to exceed 84".

Weight: Not to exceed 4½ lbs. per single for double woven fabric or 2½ lbs. per single and 5½ lbs. per pair for single woven fabric.

Colors: Solid colors, plaids and jacquards restricted to not more than 4 colors and white in any one range.

Binding: Not to exceed 4".

Wool blends limited to following ranges:

50% wool fiber, 75% wool fiber, 98-100% wool fiber.

(7) Crib blankets:

(i) All cotton receiving blankets

26" x 34"

Either 27" x 36" or 28" x 37"

30" x 40"

36" x 50"

(ii) All cotton jacquard or double woven:

30" x 40"

36" x 50"

(iii) Rayon blend containing not more than 25% wool fiber:

36" x 50"

(iv) 75% cotton and 25% wool blankets:

36" x 50"

Blends, weights, patterns and designs: Only those which were manufactured by blanket manufacturer on or before April 17, 1943.

Colors: Pink, blue and white.

Binding: Not over 4" or with stitched ends.

(e) *General restrictions on manufacture of blankets.* No person shall, after May 17, 1943, manufacture for sale any blankets:

(1) Which exceed 84" in length: *Provided, however,* That white cotton sheet blankets may be manufactured in lengths not exceeding 95", or

(2) In more than four colors and white for each blanket line, or in the case of jacquard blankets, in color combinations requiring more than four colors and white.

(f) For the purpose of this order a tolerance of

(1) 10% plus of wool fiber content shall be permitted, and

(2) 5% plus or minus in weight and size of a blanket shall be permitted.

(g) *Fair distribution of products.* No blanket manufacturer shall discriminate in the acceptance or filling of orders or in making deliveries, as between regular customers who meet his established terms and conditions.

(h) *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.

(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) *Communications.* All reports required to be filed hereunder and all communications shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington, D. C., Reference M-298.

Issued this 17th day of April 1943.

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

[F. R. Doc. 43-6017; Filed, April 17, 1943;
11:41 a. m.]

PART 1100—ANTI-FREEZE

[Limitation Order L-51 as Amended April 19, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of alcohols, as hereinafter defined, 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.

§ 1100.1 *General Limitation Order L-51—(a) Definitions.* For the purposes of this order:

(1) "Anti-freeze" means any mixture that is designed and intended for use, without further processing, to depress the freezing point of coolant water in internal combustion engines.

(2) "Alcohols" means ethyl alcohol, methyl alcohol, isopropyl alcohol, and/or ethylene glycol.

(3) "Producer" means any person engaged in the manufacture of anti-freeze from alcohols.

(4) "Distributor" means any person engaged in the resale of anti-freeze manufactured from alcohols.

(5) "Passenger automobile" means any passenger type vehicle, including station wagons and taxicabs, propelled

by an internal combustion engine and having a seating capacity of less than eleven (11) persons.

(6) "Commercial vehicle" means any motor vehicle other than a passenger automobile, and in addition includes stationary engines.

(b) *Restrictions on manufacture of anti-freeze* (1) No producer shall manufacture anti-freeze from alcohols in greater quantities than specifically authorized from time to time hereafter by the War Production Board.

(2) The restrictions on the manufacture of anti-freeze from alcohols set forth in paragraph (b) (1) of this section shall not apply to the manufacture of anti-freeze to be delivered to fill a specific contract or subcontract for:

(i) The Army or Navy of the United States, the United States Maritime Commission, The Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development,

(ii) The government of any of the following countries: The United Kingdom, Canada and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, The Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia, and

(iii) The government of any country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

Quantities of anti-freeze permitted to be manufactured under this subparagraph shall be in addition to quantities permitted under quotas authorized pursuant to paragraph (b) (1) of this section.

(3) Producers may apply to the War Production Board for an authorized anti-freeze quota on Form PD-476.

(c) (1) Except as provided in (c) (2) hereof, no producer or distributor shall deliver anti-freeze, manufactured in whole or in part from ethylene glycol, or containing ethylene glycol, to any person other than a distributor, except by physically placing such anti-freeze in the radiator of a commercial vehicle owned or operated by such person.

(2) Notwithstanding the provisions of paragraph (c) (1) hereof, a producer or distributor may deliver anti-freeze to:

(i) Any of the agencies or governments named in paragraph (b) (2);

(ii) Any passenger automobile manufacturer for use in any new passenger automobile to be delivered to the Army or Navy of the United States; or

(iii) Any other person who shall prior to such delivery have filed with such producer or distributor a certificate in substantially the following form:

The undersigned purchaser hereby certifies that the anti-freeze hereby ordered (manufactured from or containing ethylene glycol)

will not be used in, or disposed of for use in, any passenger automobile as defined in War Production Board Order L-51.

Name of Purchaser
By _____
Authorized Official Title

Date _____

Such certificate may be endorsed on or accompany the order for anti-freeze and shall constitute a representation to (but need not be filed with) War Production Board. It shall be signed by the purchaser, if an individual, or if not, then by a duly authorized official, either manually or as provided in Priorities Regulation No. 7. The receipt of such certificate shall not authorize the delivery of anti-freeze by a producer or distributor where he knows or has reason to believe the same to be false, but in the absence of such knowledge or reason to believe, he may rely on the certificate.

[NOTE: Paragraphs (d), (e), (f), (g), (h), (i) and (j) redesignated April 19, 1943]

(d) *Exemption from general inventory restrictions.* The restrictions on inventories provided by Priorities Regulation No. 1 (§ 944.14) shall not be applicable to anti-freeze manufactured from alcohol; *Provided, however,* That no person shall knowingly make, and no person shall accept, delivery of such anti-freeze if the inventory of the person accepting delivery is or will by virtue of such acceptance become, in excess of the quantity required, whether for own use or resale, for the season April 1, 1943, to March 31, 1944.

(e) *Effect on other orders.* The terms and provisions of this order or of any specific authorization issued hereunder by the War Production Board, establishing an anti-freeze quota, shall control and supersede the terms and provisions of any other order heretofore issued by the War Production Board affecting the manufacture of anti-freeze from any of the alcohols.

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

(g) *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.

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

(i) *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 fur-

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

(j) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of anti-freeze conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board, Reference: L-51, Attention Chemicals Branch, setting forth the pertinent facts and the reason he considers he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

Issued this 19th day of April 1943.

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

[F. R. Doc. 43-6107; Filed, April 19, 1943;
11:16 a. m.]

PART 1222—EXPORTS UNDER LICENSES ISSUED BY THE BOARD OF ECONOMIC WARFARE

[General Exports Order M-148, as Amended April 19, 1943]

§ 1222.1 *General Exports Order M-148—(a) Requirement of delivery for export.* Any person receiving, from the holder of an export license issued by the Board of Economic Warfare, a purchase order for material covered by such license, to which a preference rating has been assigned by the Board of Economic Warfare, shall accept such order and make delivery thereunder in accordance with such rating, unless such order would be in excess of any export quota relating to such material previously established for such person by the War Production Board. Such delivery shall be made regardless of any order of the War Production Board restricting inventories of material or uses thereof in manufacture or otherwise, or requiring certificates with respect to such inventories or uses, insofar as such inventories are maintained or such uses occur in the country to which such material is to be exported, but shall be subject to such restrictions with respect to inventories maintained or uses occurring within the United States prior to export. Such preference ratings shall be assigned by the Board of Economic Warfare only pursuant to specific authority granted, from time to time, by the War Production Board with respect to specified quantities of material.

[Paragraph (b) Reports revoked April 19, 1943, and subsequent paragraphs redesignated]

(b) *Violations.* Any person who willfully violates any provision of this order or who wilfully furnishes false information to the War Production Board in connection with this order is guilty of a crime, and upon conviction may be pun-

ished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance by the War Production Board.

(c) *Application or extension of rating.* Notwithstanding the provisions of Priorities Regulation No. 3, a rating assigned by the Board of Economic Warfare may be applied, by the holder of the export license for the material ordered, only by endorsing on, or attaching to, the contract or purchase order to which the rating is to be applied, a certification in substantially the following form (or, if appropriate, and at the holder's option, in the form prescribed in Priorities Regulation No. 9, as amended from time to time) signed manually or as provided in Priorities Regulation No. 7 (§ 944.27) by an official duly authorized for such purpose:

The undersigned hereby represents to the seller and the War Production Board that he is entitled to apply the preference ratings indicated opposite the items shown on this purchase order, pursuant to an assignment thereof by the Board of Economic Warfare upon Export License Number _____, and that this purchase order is subject to the provisions of General Exports Order No. M-148. This material is to be charged to the period:

(Name) _____ (Address) _____

(Date) _____

By _____
(Signature and title of
duly authorized officer)

Any extension of any such rating shall be pursuant to the provisions of Priorities Regulation No. 3.

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

This order shall take effect October 1, 1942, and shall continue in effect until revoked by the War Production Board.

Issued this 19th day of April 1943.

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

[F. R. Doc. 43-6109; Filed, April 19, 1943;
11:16 a. m.]

PART 1246—CHEMICAL COTTON PULP

[Conservation Order M-157, as Amended April 19, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of chemical cotton pulp 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:

§ 1246.1 *Conservation Order No. M-157—(a) Definitions.* For the purpose of this order:

(1) "Chemical cotton pulp" means pulp manufactured by chemically purifying raw cotton fibres, sometimes described as "cotton linter pulp" or "cottonseed hull shavings pulp."

(2) "Producer" means any person producing chemical cotton pulp.

(3) "Consumer" means any person who purchases or accepts delivery of chemical cotton pulp for use or resale.

(b) *Restrictions on deliveries of chemical cotton pulp.* (1) No producer shall deliver chemical cotton pulp, and no person shall accept delivery of chemical cotton pulp from a producer, except as specifically authorized by the War Production Board upon application pursuant to paragraph (d), or as provided in paragraph (c).

(2) Each person specifically authorized to accept delivery of chemical cotton pulp shall use such chemical cotton pulp for the purpose authorized, except as otherwise specifically directed by the War Production Board.

(3) The War Production Board in its discretion may at any time issue special directions to any person with respect to the use or delivery of chemical cotton pulp by such person, notwithstanding the provisions of paragraph (c) hereof, or special directions to any producer with respect to the kinds of chemical cotton pulp which he may or must manufacture, the amount of his monthly production which he shall withhold as a reserve, and the disposition of such production reserve.

(c) *Exemptions.* Specific authorization of the War Production Board shall not be required with respect to deliveries by a producer (which may be made without regard to preference ratings) of 200 short tons or less of chemical cotton pulp in any one month (in lots of not more than 50 short tons to any one consumer in any one month), and the acceptance by a consumer of delivery of 50 short tons or less of chemical cotton pulp in any one month.

(d) *Applications and reports.* (1) Each consumer seeking authorization to accept delivery of chemical cotton pulp during any calendar month shall file application on or before the 5th day of the month preceding the month for which authorization for use or delivery is requested. Such application shall be made on Form PD-600 in the manner prescribed therein, subject to the following instructions for the purpose of this order:

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

(ii) Five copies shall be prepared, of which three certified copies shall be sent to the War Production Board, Chemicals Division, Washington, D. C., Ref: M-157, and one (with Tables II, III and IV blank) shall be forwarded to the supplier. A separate set of forms shall be prepared for each plant location of the applicants, and for each supplier from whom pulp is requested.

(iii) In the heading, under name of chemical, specify chemical cotton pulp; under War Production Board order number, specify M-157; under unit of measure, specify short tons (2,000 lbs.); under name of company, specify name and mailing address; under delivery destination, show plant location; fill in supplier's name and his shipping point; and specify the month and year for which authorization for acceptance of delivery is sought.

(iv) In Columns 1, 11 and 19, specify "loose" or "sheeted".

(v) In Column 2, specify quantity of chemical cotton pulp requested for each use listed in Column 4.

(vi) In Column 3, specify primary product in terms of the following:

Viscose products.
Cellulose acetate products.
Cellulose nitrate products.
Cupra-ammonium products.
Acetate propionate.
Acetate butyrate.
Ethyl cellulose.
Methyl cellulose.
Other (specify).

(vii) In Column 4, specify product use in terms of the following:

Rayon filament yarn (other than high-tenacity).
Rayon staple fibre.
Rayon high-tenacity yarn.
Plastics (molding compounds).
Plastics (sheets, rods and tubes).
Film (photographic).
Film (other than photographic).
Surface coatings (lacquers, paints, etc.).
Explosives (military propellants).
Explosives (other than military propellants).
Meat casings.
Other (specify).

(viii) In columns 12 and 15 show separately, amounts on hand and amounts in transit directed to the applicant and subject to a bill of lading.

(ix) Leave Table IV blank on all copies, and Tables II and III blank on supplier's copy.

(2) Each consumer who has not filed an application on Form PD-600 pursuant to paragraph (d) (1) above during any month and who on the first day of such month had on hand 100 short tons or more of chemical cotton pulp shall file a report on or before the 5th day of such month. Such report shall be made on Form PD-600, in the manner prescribed therein, subject to the following instructions for the purpose of this order:

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

(ii) Two copies shall be prepared, of which one certified copy shall be sent to the War Production Board, Chemicals Division, Washington, D. C., Ref: M-157. A separate set of forms shall be prepared for each plant location.

(iii) In the heading, under name of chemical, specify chemical cotton pulp; under War Production Board order number, specify M-157; under unit of measure, specify short tons (2,000 lbs.); under name of company, specify name and

mailing address; and leave delivery destination, supplier and his shipping point blank.

(iv) Leave Tables I, III and IV blank, filling in only Table II.

(v) State "last month" in heading of table II (the month preceding the month in which report is filed).

(vi) In column 11, specify "loose" or "sheeted".

(vii) In columns 12 and 15 show separately amounts on hand and amounts in transit directed to the reporting consumer and subject to a bill of lading.

(3) Each producer shall, on or before the 15th day of each month, file a report and apply for authorization to make deliveries during the next month; *Provided, however,* That no producer shall be required to file a report for any plant during the month following any month in which such plant produced 50 short tons or less of chemical cotton pulp. Such application and report shall be made on Form PD-601, in the manner prescribed therein, subject to the following instructions for the purpose of this order:

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

(ii) Prepare five copies, of which four certified copies shall be forwarded to the War Production Board, Chemicals Division, Washington, D. C., Ref: M-157. A separate set of forms shall be prepared for each plant location.

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

(iv) In the heading, under name of chemical, specify chemical cotton pulp; under War Production Board order Number, specify M-157; under name of company, state name and mailing address; state plant location and check producer box; state the month and year during which deliveries covered by the application are to be made; and under unit of measure, specify short tons (2,000 lbs.).

(v) Fill in Tables I and II, leaving only Columns 6 and 7 blank.

(vi) In Column 1 group customers by grade ("loose" first, and "sheeted" second), and list customers alphabetically in each group.

(vii) In Column 3, specify "loose" or "sheeted" grades as stated in customer's Form PD-600.

(viii) The supplier may, if he wishes, leave Column 5 blank.

(ix) In Column 8, specify "loose" or "sheeted".

(x) Stocks shown in Columns 10 and 13 should be the actual stock on hand at the time stated, excluding chemical cotton pulp in process or subject to a bill of lading, directed to a consumer.

(xi) If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand totals for all sheets on the last sheet, which is the only one that need be certified.

(e) *Special provisions governing applications and reports.* (1) The War Production Board may require each person affected by this order to file such other reports as may be prescribed, and may issue special directions to any such person with respect to preparing and filing Forms PD-600 and PD-601.

(2) Each producer who consumes all or part of his production of chemical cotton pulp shall treat the production and consumption parts of his operations as separate divisions within the meaning of paragraph (f) (3) hereof, and in his separate capacity as a consumer and as a producer shall file all the applications and reports required by paragraph (d).

(3) Each producer shall notify the War Production Board of the cancellation of any authorized delivery or of inability to make any authorized delivery as soon as possible after he has notice of such fact.

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

(2) *Records.* In addition to the records required to be kept by Priorities Regulation No. 1, as amended, each producer and each consumer shall retain for a period of not less than two years copies of all purchase orders for chemical cotton pulp, whether accepted or rejected, segregated from all other purchase orders or filed in such manner that they can readily be produced for inspection by representatives of the War Production Board.

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

(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 wilfully 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 by the War Production Board.

(5) *Communications.* 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-157.

Issued this 19th day of April 1943.

WAR PRODUCTION BOARD,

By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc 43-6160; Filed, April 19, 1943; 11:16 a. m.]

PART 3135—ACRYLIC MONOMER AND ACRYLIC RESIN

[Allocation Order M-260 as Amended April 19, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of acrylic monomer and acrylic resin 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:

§ 3135.1 Allocation Order M-260—

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

(1) "Acrylic monomer" means the unpolymerized forms of the methyl and higher esters of acrylic and methacrylic acids.

(2) "Acrylic resin" means the polymerized form of the methyl and higher esters of acrylic and methacrylic acids, in the following forms:

Cast sheet (unfabricated)
Molded sheet (unfabricated)
Molding powder
Rod
Tube
Solution
Emulsion
Cast shapes
Acrylic denture-base material

The term "acrylic resin" shall include, but is not limited to, those acrylic resins in the above forms known by the following trade names:

Acryloid	Plexiglas
Crystallite	Primal
Lucite	Rhoplex
Methacrol	

["Methacrol" and "Plexiglas" corrected April 19, 1943]

(3) "Producer" means any person who, for other than exclusively dental purposes:

(i) Synthesizes acrylic monomer from raw materials; or

(ii) Manufactures acrylic monomer by de-polymerization of acrylic resin; or

(iii) Manufactures acrylic resin by polymerization of acrylic monomer.

(4) "Distributor" means any purchaser of acrylic monomer or acrylic resin from a producer for purpose of resale without further fabrication, processing or admixing, but does not mean any purchaser of acrylic monomer or acrylic resin who resells exclusively for dental purposes.

(5) "Direct war use" means a use where the acrylic monomer or acrylic resin or products made therefrom are to be delivered to, or incorporated into material to be delivered to, the United States Army, Navy, Coast Guard, Maritime Commission, War Shipping Administration, Panama Canal, Coast and Geodetic Survey, Civil Aeronautics Administration, National Advisory Committee for Aeronautics, Office of Scientific Research and Development, or the government of any country, including those of the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), or the govern-

ment of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom including its Dominions, Crown Colonies, and Protectorates, and Yugoslavia.

(b) *Restrictions on use and delivery of acrylic monomer and acrylic resin by producers and distributors.* (1) On and after January 1, 1943, no producer or distributor shall use or deliver acrylic monomer or acrylic resin, and no person shall accept delivery of acrylic monomer or acrylic resin from a producer or distributor, except as follows:

(i) Pursuant to specific authorization by the War Production Board upon application pursuant to paragraph (f); or

(ii) Delivery by and acceptance of delivery from a person who produces or distributes acrylic monomer or acrylic resins exclusively for dental use; or

(iii) Acceptance of delivery of acrylic resin in cast sheet or molded sheet form from a producer or distributor by any person for aircraft glazing other than aircraft instrument lenses. Producers and distributors may not make deliveries for such use, however, without specific authorization of the War Production Board; or

(iv) Delivery of acrylic monomer by the acrylic monomer producing subdivisions to the acrylic resin producing subdivisions of the same enterprise under common ownership and control, and the use of such acrylic monomer by the latter subdivisions in the manufacture of acrylic resins; provided that no greater amount of acrylic monomer shall be so delivered and used than is necessary to produce the amount of acrylic resins for which delivery by the said acrylic resins producing subdivisions has been authorized; or

(v) Small order delivery and use of acrylic monomer and acrylic resins pursuant to paragraph (c).

(2) Each person authorized to accept delivery of acrylic monomer or acrylic resin shall use such acrylic monomer or acrylic resin for the purpose authorized, except as otherwise specifically directed by the War Production Board.

(3) On and after December 10, 1942, the War Production Board at its discretion may at any time issue special directions to any person with respect to the use, delivery, or transportation of acrylic monomer or acrylic resin by any such person, or of products made from acrylic monomer or acrylic resin allocated to such person; or special directions to any producer with respect to the kinds of acrylic monomer or acrylic resin which he may or must manufacture.

(c) *Small order exemption.* (1) Specific authorization under this order by the War Production Board shall not be required with respect to acceptance of delivery from a producer or distributor by any person of acrylic monomer and acrylic resins in one or more of the following forms, in amounts not exceeding the following quantities in any one calendar month (subject to the requirements of paragraph (c) (2) below):

Molding powder.....	50 pounds
Cast sheet.....	50 square feet
Molded sheet.....	50 square feet
Cast shapes.....	50 pounds
Tube.....	25 pounds
Rod.....	25 pounds
Solution.....	10 gallons
Emulsion.....	10 gallons
Monomer.....	10 pounds

(2) No person shall use acrylic monomer or acrylic resin acquired pursuant to paragraph (c) (1) above except for a direct war use, as defined, or for experimental purposes directly relating to a direct war use.

(3) Each producer or distributor shall deliver amounts of acrylic monomer and acrylic resin to persons entitled to accept delivery pursuant to paragraph (c) (1) above, in amounts not exceeding the total amount which he is specifically authorized by the War Production Board (on Form PD-601) to deliver for such purpose.

(d) *Restrictions on use or delivery of inventories.* (1) No person other than a producer or distributor shall use or deliver first grade (unfabricated) acrylic resin cast sheet or virgin acrylic resin molding powder in the inventory of, or in transit to, such person on January 1, 1943, and no person shall accept such a delivery, except as follows:

(i) Use by such person of 25 pounds or less of such sheet and powder together in the aggregate; or

(ii) Use or delivery of such sheet or powder for a direct war use, or for an experimental purpose directly relating to a direct war use; or

(iii) Use or delivery of such powder by (but not to) such person who sells or distributes acrylic resin exclusively for dental purposes; or

(iv) Pursuant to specific authorization of the War Production Board upon application pursuant to paragraph (f).

(2) Use and delivery by producers and distributors of their stocks of acrylic monomer and acrylic resins shall be governed by the provisions of paragraph (b).

(e) *Special directions with respect to scrap.* The War Production Board at its discretion may from time to time issue special directions with respect to use, processing, delivery or acceptance of delivery of acrylic resin scrap.

[Paragraph (f) amended April 19, 1943]

(f) *Applications for authorization.* (1) Each person (including producers or distributors) seeking authorization to use or accept delivery of acrylic monomer or acrylic resin shall file application on Form PD-600 in the manner prescribed therein, subject to the following instructions for purpose of this order:

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

Time. Applications shall be filed on or before the 15th day of the month preceding the month for which authorization for use or acceptance of delivery is requested, except where delivery is sought from a distributor, in which case application shall be filed on or before the

10th day of the month, or except during December 1942, in which month applications shall be filed at the earliest possible opportunity.

Application shall be filed in time to ensure that a copy of the application will have reached the War Production Board and the producer or distributor on the date specified.

Applications under paragraphs (b) and (d). Applications by any person for use or acceptance of delivery of acrylic monomer or acrylic resin, whether from a producer or distributor under paragraph (b), or for inventory under paragraph (d), may be made on a single set of PD-600 forms.

Aircraft sheet applications. Application shall not be made on Form PD-600 by persons seeking delivery of acrylic resin cast sheet or molded sheet for aircraft glazing other than instrument lenses. Quantities of such sheet allocated each month by the War Production Board for such purpose will be distributed in accordance with instructions issued by the Aircraft Scheduling Unit, Steele building, Dayton, Ohio.

Number of copies. Where application is made for authorization to accept delivery as well as to use, five copies shall be prepared of which one (in which columns 4 through 23 inclusive may be left blank) shall be forwarded to the producer or distributor (or other person from whom delivery is sought), and three certified completely filled out copies to the War Production Board, Chemicals Division, Washington, D. C., Ref. M-260. Where application is made for use only, and not for acceptance of delivery, four copies shall be prepared, and three certified completely filled out copies shall be forwarded to the War Production Board, Chemicals Division, Washington, D. C., Ref. M-260. A separate set of forms shall be filed for each producer, distributor, or other person from whom delivery is sought.

Intra-company deliveries. Subdivisions of any producer or distributor seeking authorization to accept delivery of acrylic monomer or acrylic resin from any other subdivision of the same enterprise under common ownership or control shall file Form PD-600 as in the case of any other applicant; except that intra-company deliveries of acrylic monomer for the production of acrylic resin governed by paragraph (b) (1) (iv) do not require the filing of Form PD-600.

Heading. Under name of chemical, specify acrylic monomer or acrylic resin, or both, as the case may be; under War Production Board order, specify M-260; under name of company, specify name and mailing address of applicant; under unit of measure, specify area and thickness in the case of flat sheet, and pounds or gallons in the case of other products (where more than one unit of measure is needed, specify each unit of measure and indicate symbols used below referring to such unit of measure); and specify delivery destination, supplier and shipping point.

Table I. Specify in the heading the month and year for which authorization for use or delivery is sought.

Column 1. Specify the grade or physical form of the material ordered, as follows:

1st grade cast sheet
2nd grade cast sheet
Molded sheet
Molding powder
Rod
Tube
Solution
Emulsion
Cast shapes
Monomer (identify type)

Column 2. Specify quantities in terms of the unit of measure stated in the heading above.

Column 3. Fill in Column 3 as follows:

For orders on hand:

Primary Product*
Export (in original form)
Resale (in original form)

For anticipated orders:

Primary Product*
Export (in original form)
Resale (in original form)
Inventory (in original form)

*The primary products referred to above shall be specified as follows:

Fabricated or molded parts (Identify as fabricated gauge lens, molded reflector, etc.)
Adhesive (Identify as label adhesive, tape adhesive, etc.)

Coating (Identify material coated such as leather, paper, canvas, etc.)

Pharmaceuticals
Dentures
Synthetic rubber
Other (Specify)

Column 4. Identify and specify end use of finished product or assembly. If definite end use is not known, written statement must be obtained from the prime contractor. In the case of secret projects, the word "secret" and the name of the prime contractor should be entered. The end use of the parts shall be identified as, for example, M-4 Tank, Navy PT Boat, etc.

In the case of a distributor, opposite "resale" in Column 3, write in "pursuant to further authorization or for paragraph (c) small orders" in Column 4.

Columns 5, 6, 7, 8, 9 and 10. Leave blank.

Tables II and III. Fill in as indicated.

Table IV. Leave blank.

(2) Each producer, distributor or other person seeking authorization to make delivery of acrylic monomer or acrylic resin, shall file application on Form PD-601 in the manner prescribed therein, subject to the following instructions for the purpose of this order:

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

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

Applications under paragraphs (b) and (d). Application by any person to make delivery of acrylic monomer or acrylic resin may be made on a single set of PD-601 forms (whether under paragraph (b) or (d)).

Aircraft sheet deliveries. A consolidated application on Form PD-601 shall be made for authorization for deliveries of acrylic resin cast or molded sheet for

aircraft glazing other than instrument lenses. (See instructions for Column 1 below.) Special directions by the War Production Board will be issued each month with respect to the amount of such sheet which shall be delivered by each producer (or distributor), in accordance with instructions issued by the Aircraft Scheduling Unit, Steele High Bldg., Dayton, Ohio.

Divisions of company. Each division of a single company producing or distributing acrylic monomer or acrylic resin shall file Form PD-601 as a separate individual for the purpose of this order. For further directions, see Column 1 instructions listed below.

Number of copies. Four copies shall be prepared, of which three certified copies shall be filed with the War Production Board, Chemicals Division, Washington, D. C., Ref. M-260. A separate set of forms shall be filed for each plant of the producer or distributor.

Heading. Under name of chemical, specify acrylic monomer or acrylic resin, or both, as the case may be; under War Production Board order number, specify M-260; under name of company, specify name and mailing address of applicant seeking to make delivery; specify applicant's plant or warehouse address; indicate whether the applicant is a producer or a distributor as defined herein; specify the month and year during which deliveries covered by the application are to be made; and under unit of measure, specify area and thickness in the case of flat sheet, or pounds or gallons in the case of other products (where more than one unit of measure is used, specify the symbols used below to indicate such unit of measure).

Column 1. All customers shall be listed here who have filed Form PD-600 with the applicant.

Producing divisions seeking authorization to make deliveries to other divisions of the same enterprise under common ownership or control shall list the names of such other divisions as customers in Column 1 and shall fill in the other columns of Form PD-601 for such divisions as in the case of other customers. Intra-company deliveries of monomer for conversion into resin under paragraph (b) (1) (iv) need not be mentioned.

In the case of aircraft orders for cast or molded acrylic resin sheet, write in "sheet deliveries to be governed by Aircraft Scheduling Unit, Steele High Bldg., Dayton, Ohio."

Column 2. Fill in as indicated. Leave blank in case of sheet orders governed by Aircraft Scheduling Unit.

Column 3. Specify grade or physical form as stated in each customer's Form PD-600. In the case of aircraft sheet orders, specify "aircraft sheet".

Column 4. Specify quantity and unit of measure.

Columns 5 and 6. Leave blank.

Column 7. Persons (other than producers and distributors as defined) seeking to make delivery from inventory under paragraph (d) shall state in Column 7 the total amount in stock of each grade stated in Column 3.

Small orders. Producers and distributors filing application on Form PD-601 for authorization to make deliveries pur-

suant to paragraph (c) (3) shall list "small orders" in Column 1, the corresponding grade in Column 3, and the estimated aggregate deliveries in Column 4.

Experiment. A producer or distributor requiring acrylic monomer or acrylic resin for research, experiment, or development, shall make application on Form PD-601, and shall list his own name as customer.

Table II. In Column 8, grade or physical form shall be specified in the same manner as prescribed above for Column 1 of Form PD-600.

Producers, as defined herein, shall fill out Table II in full, and in Column 16 shall specify the estimated amount of monomer required for the estimated production appearing in Column 14. The producer shall strike out the heading printed in Column 16 and write in "monomer needed".

Distributors shall fill in Columns 8, 10, 12, 13 and 15 as indicated, and shall leave Columns 9, 11, 14 and 16 blank.

Persons (other than producers or distributors) seeking authorization to make deliveries from inventory under paragraph (d) shall leave Table II blank.

(3) The War Production Board may require each person affected by this order to file such other reports as may be prescribed and may issue special instructions to any such person with respect to preparing and filing forms PD-600 and PD-601.

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

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

(2) **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.

(3) **Communications to War Production Board.** All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C. Ref: M-260.

Issued this 19th day of April 1943.

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

[F. R. Doc. 43-6108; Filed, April 19, 1943; 11:16 a. m.]

PART 3238—LUMBER

[General Conservation Order M-279, as Amended April 19, 1943]

YELLOW POPLAR

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of yellow poplar 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:

Section 3167.1 **General Conservation Order M-279 of Part 3167—Yellow Poplar,** is hereby transferred to the above designated Part and, as transferred, is amended in the following respects:

§ 3238.6 **General Conservation Order M-279—(a) Definitions.** For the purposes of this order:

(1) "Yellow poplar logs" means logs of the species *Liriodendron tulipifera*.

(2) "Yellow poplar aircraft logs" means all yellow poplar logs meeting the specifications for one of the following grades:

Log grades	Length ¹	Top diam. inside bark	Surface requirements	Taper allowed	Spiral grain	Rot or dots permitted	Sweep ordinarily permitted
Select logs	12'+	24"+	Clear, no defects	2" in 8'	1" in 12"	6" in center of log	2" in 8'
No. 1 logs	12'+	18-23"	do	do	do	5" in center of logs	Do.
No. 1 logs	12'+	24"+	3 clear faces or 75% of length clear.	do	do	6" in center of logs	Do.
No. 2 logs	12'+	14-17"	Clear	2" in 8'	1" in 12"	5" in center of log	Do.
No. 2 logs	12'+	18-23"	3 clear faces or 75% of length clear.	do	do	do	Do.
No. 2 logs	12'+	24"+	2 clear faces or 60% of length clear.	do	do	6" in center of log	Do.

¹ Short logs of any length that are acceptable to the purchaser should be graded the same as longer logs.

² The taper stated in these log grading specifications refers to normal taper and does not apply to abnormal taper in the butt logs near the stump cut. Butt swell or root flare should be handled according to the effect that it will have on the finished product and logs graded and scaled accordingly.

(3) "Yellow poplar aircraft veneer" means any veneer produced from yellow poplar logs which meets the specifications AN-NN-P-511b.

(4) "Yellow poplar lumber" means any sawed lumber of any size or grade, whether rough, dressed on one or more sides or edges, dressed and matched,

shiplapped, worked to pattern, or grooved for splines, produced from yellow poplar logs.

(5) "Yellow poplar aircraft lumber" means all yellow poplar lumber which meets the following basic specifications and grades:

(i) It shall meet the following requirements, which shall be considered the basic specifications:

(a) *Specific gravity.* The specific gravity shall be not less than 0.38 based on weight and volume when oven dry.

(b) *Annual rings.* There shall be not less than eight annual rings per inch.

(c) *Slope of grain.* The slope of the grain in all cuttings shall not exceed 1" in 15", except for short deviations occasioned by permissible burls.

(d) *Sapwood.* Sapwood shall be admitted in all cuttings without limit.

(e) *Blue stain.* Light blue stain will be admitted.

(f) *Mineral streaks or fire streaks.* Mineral streaks or fire streaks which show a separation of fiber, indication of decay or hard brittle wood, will not be admitted.

(g) *Coloration.* Sound natural colorations inherent to yellow poplar shall be admitted in the cuttings.

(h) *Burls.* Occasional sound burls not exceeding $\frac{1}{2}$ " in diameter shall be admitted, provided they are located at least 1" from the edges of the cuttings.

(i) *Method of sawing.* All boards or cuttings shall be rift sawn or quarter sawn, or both. A board or cutting will be considered quarter or rift sawn if the annual rings form an angle of not less than 45 degrees to the face of each piece for at least $\frac{2}{3}$ its width.

(j) Grade No. 1 and all cuttings shall conform to the foregoing basic specifications and shall otherwise be clear.

(ii) In addition it shall conform to the following grading rules:

(a) Widths, all grades, 4" and wider.

(b) Lengths, all grades, 10' and longer in multiples of six inches, except that No. 1 aircraft grade will admit up to 5% in scale (board measure) of lengths under 10' and not less than 6' in length.

No. 1 Aircraft: Shall yield 100% in one piece.

No. 2 Aircraft: Shall yield 10/12 or 83 $\frac{1}{3}$ % in cuttings 3" and wider by 6' and longer. Minimum length of board 10'.

No. 3 Aircraft: Shall yield 8/12 or 66 $\frac{2}{3}$ % in cuttings 3" and wider by 6' and longer. Minimum length of board 10'.

(6) "Producer" means any plant which processes, by sawing, edging, planing, cutting, slicing, peeling or other comparable method, 25% or more of the total volume of logs, cants, flitches and lumber purchased or received by it, and which sells as lumber or veneer the product of such processing. "Volume" means board foot volume, or in the case of veneer, surface measure, processed or sold within the last six calendar months immediately prior to the transaction affected by this order.

(b) *General limitations.* No producer shall process any Select or Grade No. 1 yellow poplar aircraft logs into any other material than yellow poplar aircraft veneer or yellow poplar aircraft lumber, except to the extent that:

(1) Such logs will not yield yellow poplar aircraft veneer or yellow poplar aircraft lumber; or

(2) Such logs are processed into some other specified material pursuant to a specific processing directive or order issued by the War Production Board under paragraph (c) of this order.

(c) *Allocations.* The War Production Board may from time to time allocate specific quantities of yellow poplar aircraft logs to specific producers. It may also direct the specific manner and quantities in which delivery of such logs so allocated shall be made to particular producers and the production by such producers of particular lumber or veneer items from such logs. Such allocations and directions will be made to insure the satisfaction of war requirements of the United States, both direct and indirect, and they may be made in the discretion of the War Production Board, without regard to any preference ratings assigned to particular purchase orders or contracts. The War Production Board may also take into consideration the possible dislocation of labor and the necessity of keeping a plant in operation so that it may be able to fulfill war and essential civilian requirements.

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

(2) *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.

(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, Lumber and Lumber Products Division, Washington, D. C. Ref.: M-279.

Issued this 19th day of April 1943.

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

[F. R. Doc. 43-6105; Filed, April 19, 1943; 11:16 a. m.]

Subchapter C—Director, Office of War Utilities

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

[Utilities Order U-1, as Amended April 17, 1943]

§ 4500.1 *Utilities Order U-1*—(a)
Definitions for the purpose of this order:

(1) "Producer" means any individual, partnership, association, corporation,

governmental corporation or agency, or any organized group of persons, whether incorporated or not, located in the United States, its territories, or possessions, engaged in, or constructing facilities for the purpose of engaging in, one or more of the following services, whether or not such producer has applied the preference ratings herein assigned:

(i) Supplying electric power directly or indirectly for general use by the public.

(ii) Supplying gas, natural or manufactured, directly or indirectly for general use by the public, exclusive of the production and transmission of natural gas up to the point of its entry into gas transmission lines from field gathering lines.

(iii) Supplying water directly or indirectly for general use by the public, other than exclusively for irrigation purposes.

(iv) Supplying central steam heating directly or indirectly for general use by the public.

(v) Supplying any of the foregoing services but not for general use by the public, provided that a specific direction from the War Production Board, entitles such person or agency to apply the ratings herein assigned. Application for such a specific direction should be made by letter to the War Production Board, Washington, D. C., Ref.: U-1.

(2) "Producer" also means any producer, as defined in paragraph (a) (1), but located in the Dominion of Canada, to whom and in whose name a copy of this order has been specifically issued by the War Production Board.

(3) "Material" means any commodity, equipment, accessory, part, assembly, or product of any kind.

(4) "Controlled material" means controlled material as defined in Schedule I of CMP Regulation 1.

(5) "Maintenance" means the upkeep of a producer's property and equipment in sound working condition.

(6) "Repair" means the restoration of a producer's property and equipment to sound working condition after wear and tear, damage, destruction of parts, or the like have made such property or equipment unfit or unsafe for service.

(7) "Operating supplies" means:

(i) Material which is essential to the operation of any of the industries or services specified above and which is generally carried in a producer's inventory and charged to operating expense accounts.

(ii) Material for an addition to or an expansion of property or equipment (including a minor extension of lines), provided that such addition or expansion shall not include any work order, job, or project in which the cost of material shall exceed \$1,500 in the case of underground construction and \$500 in the case of other construction, and provided that no single construction project shall be subdivided into parts in order to come below these limits.

(8) Material for "maintenance," "repair," and "operating supplies" includes only material which is essential to mini-

imum service standards, and does not include material for the improvement of a producer's property or equipment through the replacement of material which is still usable in the existing installation with material of a better kind, quality, or design.

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

(10) "Calendar quarterly period" means the quarterly period commencing on the first day of the first, fourth, seventh, and tenth months of the calendar year and ending, respectively, on the last day of the third, sixth, ninth, and twelfth months of the calendar year, or the producer's customary accounting period closest to such period.

(11) "Inventory" means all new or salvaged material in the producer's possession, unless physically incorporated in plant, without regard to its accounting classification, excluding, however, appliances, merchandising supplies, and material in the producer's possession which is segregated for use in additions and expansions specifically authorized (a) under paragraph (e) (2) of this order, or (b) by an operative order in the P-19 series, or (c) by an operative preference rating certificate issued by the War Production Board. After construction of such an addition or expansion is complete, however, any material remaining shall be included in "inventory", even though the rating therefor is still operative.

(12) "Construction" means any addition to or expansion of property or equipment having a dollar value for material in excess of the dollar values specified for "operating supplies" in paragraph (a) (7) (ii) of this order.

(13) "Class" means any one of those categories of material established as a basis for the classification of inventory in Schedule A of this order.

(14) "Short item" means any item of material which the producer estimates he will require for use in maintenance, repair, or as operating supplies during the ninety-day period following its delivery date.

(b) Preference ratings. (1) For maintenance, repair, and operating supplies, a preference rating of AA-1 is hereby assigned to orders to be placed by a producer for material, including controlled material, Class A products, Class B products, and other products or material.

(2) For construction of transmission, switching and distribution facilities necessary to serve rated projects or to serve rated equipment, the lowest rating assigned to such project or to the delivery of such equipment, is hereby assigned, subject to the provisions of paragraph (e) (2), to orders to be placed by a producer for material, including controlled

material, Class A products, Class B products, and other products or material.

(c) Restrictions on use of rating. The preference ratings hereby assigned shall not be applied or extended by a producer or supplier:

(1) To obtain deliveries of scarce material, the use of which could be eliminated without serious loss of efficiency by substitution of less scarce material or by change of design,

(2) To obtain deliveries of material which can be purchased without the use of such ratings,

(3) To obtain any item listed in Schedule E hereof.

(d) Assignment of CMP allotment symbol. (1) The CMP allotment symbol MRO-U is hereby assigned to orders to be placed by a producer for controlled material, *Except* aluminum, for use in maintenance, repair, or as operating supplies.

(2) An order for controlled material, *Except* aluminum, for use in maintenance, repair, and as operating supplies, bearing the CMP allotment symbol MRO-U and the certification required in paragraph (e) hereof shall be deemed an authorized controlled material order and shall have the same status as an order bearing an allotment number under all applicable CMP regulations unless otherwise expressly provided. Such allotment number or symbol shall constitute an "allotment number or symbol" for the purposes of CMP Regulation 3.

(3) Aluminum required by a producer for use in construction approved under paragraph (e) (2) hereof or for use in maintenance, repair or as operating supplies may be obtained:

(i) On specific application to the War Production Board, Office of War Utilities, Washington, D. C., Ref. U-1, or

(ii) In amounts not exceeding 100 pounds per quarter as provided for in CMP Regulation 5 or

(iii) If delivery is to be from another producer, by placing an order rated in accordance with paragraphs (b) and (e) of this order.

(e) Application and extension of ratings; application of CMP allotment symbol—(1) Certification. (i) The ratings assigned by paragraph (b) (1) of this order and the CMP allotment symbol MRO-U may be applied by a producer to deliveries of material, including controlled material, Class A products, Class B products, and other products or material, for use in main-

tenance, repair, or as operating supplies only by use of a certification in substantially the following form (in lieu of the endorsements specified in Priorities Regulation 3 and CMP Regulation 5), *Except* that no preference rating need be applied to an order to be placed with a controlled material producer:

Preference Rating AA-1, CMP Allotment Symbol MRO-U. The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the seller and to the War Production Board, that, to the best of his knowledge and belief, the undersigned is authorized under applicable War Production Board regulations or orders to place this delivery order, to receive the item(s) ordered for the purpose for which ordered, and to use any preference rating or allotment number or symbol which the undersigned has placed on this order.

Such certification shall be signed manually or as provided in Priorities Regulation No. 7.

(ii) The ratings assigned by paragraph (b) (2) of this order may be applied by a producer to deliveries of material, including controlled material, Class A products, Class B products, and other products or material, for use in construction to serve rated projects or equipment, by use of the certification provided in Priorities Regulation 3, as amended, *Except* that no preference rating need be applied to an order to be placed with a controlled material producer and *Provided:*

(a) That approval for such construction has been granted pursuant to paragraph (e) (2) hereof; and

(b) That the CMP allotment number assigned, upon approval of the construction pursuant to paragraph (e) (2), to deliveries of controlled material to be used in such construction by the producer is indicated on all rated orders.

(2) In addition to the requirements of paragraph (e) (1), a producer, in order to apply the preference ratings assigned by paragraph (b) (2), or to segregate material from inventory for the uses described in such paragraph, or to accept delivery of material for such uses, must, unless otherwise directed, communicate with the Office of War Utilities, War Production Board, Washington, D. C., Ref.: U-1, supplying in detail the following information or such other information as may from time to time be required:

(i) The producer's job number relating to the proposed construction.

(ii) A description of the project or equipment to be served, including the location, an estimate of peak load and consumption, as well as other pertinent information.

(iii) A description of the proposed utility construction including a print of line construction showing size of conductor or pipe, capacity of transformers, pumps, compressors, tanks, holders, and other equipment, the location of hydrants and important control valves, as well as other information relevant thereto.

(iv) A statement of relationship to military needs, war production, public health or safety.

(v) A copy of the customer's project or equipment preference rating order or certificate. (Such copies of orders or certificates are not required when utilities' applications accompany the customer's project application.)

(vi) A statement explaining whether service can be rendered in any other way, or by any other producer, with the use of smaller quantities of critical materials.

(vii) An estimate of the total cost of the producer's project.

(viii) A list of materials required for the construction, giving the estimated weight of each material with the estimated cost, classified as indicated in the instructions for revised Form PD-200. (Such list should indicate materials in inventory not to be replaced, materials to be purchased from the excess stocks of other producers, materials to be obtained or replaced without priorities assistance, and materials expected to be obtained or replaced with priorities assistance.)

(ix) The dates when deliveries of controlled material as specified on Form CMP-4C are required to meet the construction schedule, and the quantities of controlled material needed during each calendar quarter, excluding, however, controlled material to be obtained from other U-1 producers.

The War Production Board will notify the producer whether and to what extent the application is approved and no producer shall apply such preference ratings, segregate material from inventory for the uses described in paragraph (b) (2), or accept delivery of material for such uses without such approval.

(3) The ratings assigned by this order may be extended by a supplier in the manner provided in Priorities Regulation No. 3, and CMP Regulation 3.

(4) An order for material, other than controlled material, bearing a rating assigned or extended in accordance with this paragraph (e) and a CMP allotment number or symbol shall have the same status as a rated order bearing a CMP allotment number under all applicable CMP regulations. Such number or symbol shall constitute an "allotment number or symbol" for the purposes of CMP Regulation 3.

(f) *Restrictions on deliveries, inventory, and withdrawals*—(1) *Scheduling deliveries*. No producer shall, in placing orders, schedule for delivery to him in any calendar quarterly period any material (whether or not rated pursuant to

this order) to be used for maintenance, repair, as operating supplies, or for any other purpose (except material to be segregated for use in additions and expansions specifically authorized under paragraph (e) (2) of this order, or by an operative order in the P-19 series, or by an operative preference rating certificate), the aggregate dollar value of which shall exceed one-third of the aggregate dollar value of withdrawals of material of the same class from inventory for such uses during the last nine months of 1942.

(2) *Accepting deliveries; inventory restrictions*. No producer shall at any time accept any delivery of material (whether or not rated pursuant to this order) to be used for maintenance, repair, as operating supplies, or for any other purpose (except material to be segregated for use in additions and expansions specifically authorized under paragraph (e) (2) of this order, or by an operative order in the P-19 series, or by an operative preference rating certificate), if the producer's inventory of material in the same class is, or will by virtue of such acceptance become in excess of a practical working minimum. The value of such practical working minimum inventory shall in no case exceed the aggregate dollar value of inventory permitted, class by class, by paragraph (f) (2) of Preference Rating Order P-46 as amended October 10, 1942: *Provided* that after March 31, 1943, the value of such inventory, class by class, shall not exceed:

(i) For material in the following classes—transmission and distribution, meters, house regulators, and (in the case of electric power producers) wire, cable, and bus bar, as well as wood poles and cross arms—four-thirds of the aggregate dollar value of items of material of the same class withdrawn from inventory for use in maintenance, repair, and as operating supplies during the last nine months of 1942;

(ii) For material in the following classes—source of supply, reservoirs, elevated and pressure tanks, pumping and booster stations, (excluding fuel), generating station (other than fuel), production and pumping station (excluding fuel)—the aggregate dollar value of items of material of the same class in inventory on the most recent date during the calendar year 1940 on which the producer's inventory was taken, plus an amount proportionate to the increase in system output in the twelve months' period preceding the current quarter over the system output in the calendar year 1940.

(iii) For material in the switching and substation class, the aggregate dollar value of items of material of the same class in inventory on the most recent date during the calendar year 1940 on

which the producer's inventory was taken;

(iv) For every other class of material except the classes specified in paragraph (f) (7), two-thirds of the aggregate dollar value of material of the same class withdrawn from inventory for use in maintenance, repair, and as operating supplies during the last nine months of 1942.

(3) *Withdrawals*. No producer shall, during any calendar quarterly period, make withdrawals from inventory of material to be used for maintenance, repair, as operating supplies or for any other purpose (except material to be sold or to be segregated for use in additions and expansions specifically authorized under paragraph (e) (2) of this order, or by an operative order in the P-19 series, or by an operative preference rating certificate), the aggregate dollar value of which shall exceed one-third of the aggregate dollar value of withdrawals of material of the same class from inventory for such uses during the last nine months of 1942.

(4) *Exceptions*. Notwithstanding the provisions of paragraphs (f) (1) and (3):

(i) A producer may, in any calendar quarterly period, increase scheduled deliveries and withdrawals of material in any of the classes named in paragraph (f) (2) (ii), over the limits prescribed in paragraphs (f) (1) and (f) (3) respectively, proportionately to the increase in system output in the twelve months' period preceding the current quarter over the system output in the calendar year 1942.

(ii) A producer may make withdrawals from inventory of consumer's meters or house-regulators in any calendar quarterly period in an amount not in excess of one-third of the number of such meters or house-regulators condemned and destroyed by the producer in the last nine months of 1942, plus the number of meters and house-regulators necessary to serve the net increase in customers occurring in the current quarter. For the purposes of this subparagraph, withdrawals of meters and house-regulators shall not include meters or house-regulators put in service to replace meters and house-regulators removed from service;

(iii) A producer may in any calendar quarterly period schedule for delivery or make withdrawals from inventory of, material necessary for the maintenance or repair of the producer's property or equipment which is damaged by acts of the public enemy, sabotage, explosion, fire, flood, and storm or similar climatic conditions: *Provided*, That if the restrictions of paragraphs (f) (1) and (3) are exceeded because of the scheduling of such deliveries, or because of such withdrawals, a full report thereof together with reasons therefor shall be made immediately to the War Production Board.

(iv) A producer may in any calendar quarterly period schedule for delivery material in any class having in the aggregate a dollar value not more than the dollar value of material of the same class taken from the producer's inventory for delivery to other persons authorized to accept delivery under applicable regulations of the War Production Board but only if, and to the extent that, such taking has reduced the producer's inventory of material of the same class below a practical working minimum; and

(v) A producer may in any calendar quarterly period withdraw from inventory material in any class having in the aggregate a dollar value not more than the dollar value of usable material of the same class salvaged from plant during the current calendar quarterly period.

(vi) A producer, in order to provide for seasonal requirements of material for the maintenance, repair and operation of his system, may in any calendar quarterly period increase the dollar value of materials withdrawn for these purposes in any calendar quarter, provided that adjustments are made in withdrawals in other calendar quarters of the same calendar year to the extent that the total value of materials withdrawn during that calendar year do not exceed the amounts permissible to have been withdrawn during that calendar year under the terms of this order and of former Preference Rating Order P-46, as they may apply.

(5) *Short item deliveries.* Notwithstanding the provisions of paragraph (f) (2), in cases where the inventory of a class of material exceeds a practical working minimum, a producer may accept deliveries of any short item within such class which is required for use in maintenance, repair, or as operating supplies;

(i) *Provided,* That all material in all classes of inventory in excess of a practical working minimum is:

(a) Continuously recorded as excess on records kept by the producer for that purpose,

(b) Continuously held for sale to financially responsible persons and agencies authorized (under applicable regulations issued by the War Production Board) to accept delivery thereof; and

(c) Reported to the War Production Board, when requested by the War Production Board, on Form WPB-921 A, B, or C, to the extent required by such form, or in such other manner as the War Production Board may prescribe, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942, and

(ii) Further provided that material transferred from excess to practical

working minimum inventory on the records of a producer or used from excess inventory is recorded as a scheduled delivery under paragraph (f) (1); that is, that in any calendar quarterly period the aggregate dollar value of material in any class transferred on the producer's records from that portion of inventory which is separately accounted for as excess pursuant to this paragraph (f) (5) to practical working minimum inventory, or of material taken directly from such portion of inventory for use in maintenance, repair, or as operating supplies, plus the aggregate dollar value of short item deliveries in such class, does not exceed one-third of the aggregate dollar value of withdrawals of material of the same class from inventory for such uses during the last nine months of 1942.

(6) The War Production Board, on its own motion or on the application of any producer, may modify the limitations on practical working minimum inventory, on scheduling or accepting deliveries, or on making withdrawals set forth in this paragraph (f).

(7) The provisions of paragraphs (f) (1), (f) (2), and (f) (3) shall not apply to fuel, water purification material, and gas chemical material and supplies.

(g) *Controlled material to be used in construction.* (1) Notwithstanding the provisions of any preference rating certificate or other order, except a direction referring specifically to this paragraph (g), no producer shall schedule for delivery or accept delivery of any controlled material named in, and in the form indicated in, Schedule B of this order for use in construction if his usable stocks of such controlled material are, or will by virtue of such scheduling or acceptance become, in excess of the dollar value of such controlled material he estimates will be required for use in authorized construction on his system during the 60-day period succeeding the scheduled delivery date of such material, or the actual delivery date, whichever is the later.

[NOTE: Words "After March 31, 1943" stricken April 17, 1943.]

(2) Notwithstanding the restrictions of paragraph (g) (1), a producer may accept deliveries of controlled material for use in construction under the circumstances stated in paragraph (c) of CMP Regulation 2.

(h) *Restrictions on additions to plant.* (1) No producer shall construct an addition to or an expansion of property or equipment, and no producer shall, in the case of contract construction, accept delivery of material for such purposes, unless:

(i) Such addition or expansion is specifically authorized by the War Production Board.

(ii) Such addition or expansion is an extension less than 250 feet in length (including service drop or service pipe and any portion built by or for a consumer)

of a line to serve a new building where the foundation, under the main part of the structure, was completed prior to July 1, 1942, or

(iii) Such addition or expansion requires an expenditure of material having a dollar value of less than \$1,500 in the case of underground construction and \$500 in the case of other construction, and is not an extension of a line to consumer premises: *Provided, however,* That no single work order, job, or project shall be subdivided into parts to come below these limits and that such addition or expansion requires only material which is essential to minimum service standards and does not include material for the improvement of the producer's property through the replacement of material which is still usable in the existing installation with material of a better kind, quality, or design.

(2) No producer shall connect with a line built by or for a consumer or a prospective consumer which, at the date of its completion, exceeded the restrictions of this order applicable to lines constructed by or for producers, unless the producer has been specifically authorized by the War Production Board, to construct a line of substantially identical specifications to serve such consumer.

(i) *Sales from inventory.* No producer may make a sale of material from his inventory except as follows:

(1) Any sale of material which is a special sale of industrial material under Priorities Regulation 13, as amended from time to time, may be made as provided in that regulation. In addition, any producer may make a special sale of industrial material (i) to any other producer to fill an order bearing a preference rating of AA-5 or higher or (ii) pursuant to a specific direction issued by the War Production Board, and any such sale shall be expressly permitted under paragraph (c) (3) of Priorities Regulation 13.

(2) Any sale of material which is not a special sale of industrial material under Priorities Regulation 13 may, subject to the restrictions of Limitation Orders L-31, L-94, and L-102, be made:

(i) To fill an order bearing a preference rating of AA-3 or higher, or

(ii) Pursuant to a specific written direction issued by the War Production Board, or

(iii) To a person who produces, or to the person from whom the producer purchased, such material in the form in which it was purchased, or

(iv) To a scrap dealer as scrap, or

(v) To a used equipment dealer for resale if the item is used equipment and is not listed on Schedule D hereof, or

(vi) To the Army, Navy, Maritime Commission, or a public housing authority for the repair of an actual or threatened breakdown of electric, gas, water, or central steam heating facilities owned and operated by such agencies. This exception shall not be construed to extend to a sale of material for use in construction.

(j) *Placing orders.* Except in an emergency no producer may transmit to any supplier, other than another producer, an order totaling \$100 or more for the delivery of any material listed in Schedule C of this order (including material to be used in construction) without first obtaining a statement from the War Production Board Utility Inventory Control Office in his region that such material is not reasonably available in the excess inventory of another producer. This statement shall be secured by filing an inquiry, in duplicate, in letter form or by using the producer's own price inquiry forms, stating (1) the quantity of each item required and (2) a description of the item. An oral or telephonic statement will be sufficient for the purposes of this paragraph, provided that confirmation is promptly obtained.

[NOTE: Words "After March 31, 1943" stricken April 17, 1943.]

(k) *Refusal to sell to other producers.* Any producer may, by specific direction from the War Production Board, be prohibited from applying or extending preference ratings assigned by this order or by any other certificate or order, upon a determination by the War Production Board, that such producer has wilfully refused to sell (after receiving a bona fide offer to purchase at not less than maximum prices established by regulations of the Office of Price Administration, made by any financially responsible producer who is authorized—under applicable regulations—to accept delivery of the material specified in such offer) the following material:

(1) Material which is in inventory in excess of a practical working minimum, and

(2) Material which is included in practical working minimum inventory when such material is required by another producer for the repair of an actual breakdown of facilities or equipment.

(1) *Audits and reports.* (1) Each producer and each supplier who applies the preference ratings hereby assigned, and each person who accepts a purchase order or contract for material to which a preference rating is applied, shall submit from time to time to an audit and inspection by duly authorized representatives of the War Production Board.

(2) Each producer and each such supplier shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

[NOTE: Second sentence stricken April 17, 1943.]

(3) Each producer shall maintain a continuing record of inventory and of segregated material in his possession.

(4) In addition to the records required to be kept under Priorities Regulation No. 1, the producer, and each supplier placing or receiving any purchase order or contract rated hereunder, shall retain, for a period of 2 years, for inspection by representatives of the War Production Board, endorsed copies of all such purchase orders or contracts whether accepted or rejected, segregated from all other purchase orders or contracts or filed in such manner that they can be readily segregated for such inspection.

(m) *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: Office of War Utilities, War Production Board, Washington, D. C., Ref.: U-1.

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

(o) *Applicability of regulations.* This order and all transactions affected thereby, except as herein otherwise provided, are subject to all applicable regulations of the War Production Board, as amended from time to time. The restrictions of paragraph (f) of CMP Regulation 5, however, shall not apply to producers as defined in this order, nor shall the preference ratings assigned in CMP Regulation 5 supersede preference ratings assigned by this order.

(p) [Revoked April 17, 1943.]

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

Issued this 17th day of April 1943.

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

SCHEDULE A

[NOTE: First sentence and headings amended April 17, 1943.]

All material in the inventory of any producer shall be carried on the producer's own records and reported to the War Production Board as may be required, classified as follows:

WATER UTILITIES MATERIAL CLASSIFICATION

1. Fuel, such as coal, fuel oil, and other fuel.

2. Material for source of supply, reservoirs, elevated and pressure tanks, pumping and booster stations (excluding fuels).

3. Purification materials, such as chlorine, alum, lime, other chemicals, and other purification operating supplies.

4. Meters.

5. Transmission and distribution material and supplies (excluding meters), cast iron, steel, and wrought iron pipe, copper and brass pipe and tubing, lead pipe, pipe fittings, valves and valve parts, hydrants, parts for meters and hydrants, other transmission and distribution materials and supplies.

6. Other material and supplies.

ELECTRIC UTILITIES MATERIAL CLASSIFICATION

1. Fuel, such as coal, fuel oil, and other fuel.

2. Generating Station Material (other than fuel), such as electrical equipment, parts, and materials, chemical materials and supplies, and other materials and supplies.

3. Switching and substation material, such as power transformers, other station equipment, parts, and material, and other material and supplies.

4. Wire, cable, and bus bar, such as bare copper and aluminum, weatherproof copper, underground cable, aluminum and copper shapes.

5. Wood poles and cross arms.

6. Meters.

7. Other transmission and distribution material, such as iron and steel poles, towers, and parts, line hardware—overhead and underground, distribution transformers, meter and transformer parts, and other line material and equipment (including insulators, lightning arrestors, etc.).

8. Other material and supplies.

GAS UTILITIES MATERIAL CLASSIFICATION

1. Fuel and gas production material, such as coal, coke, gas oil and crude oil, butane and propane, other fuel, residuals, and byproducts.

2. Production and pumping station material (excluding fuel).

3. Chemical material and supplies.

4. Meters and house regulators.

5. Transmission and distribution material (excluding meters and house regulators), such as cast iron, steel and wrought iron pipe, copper and brass pipe and tubing, pipe fittings, valves, and valve parts, governors and regulators, parts for meters, regulators, and governors, other transmission and distribution material and supplies.

6. Other material and supplies.

SCHEDULE B

Forms of controlled material subject to the restrictions of paragraph (g):

ALUMINUM

Cable (electric transmission only).

COPPER

Copper and copper base alloy tubing and pipe.

Copper rods and bars, including extruded shapes.

Copper wire and cable (including copper content of insulated wire and cable and copper content of composite conductor).

STEEL

Carbon and alloy steel bars, cold finished or hot rolled.

Carbon and alloy steel pipe.

Carbon and alloy steel plates.

Carbon steel rails and track accessories.

Carbon steel sheets and strip.

Carbon steel structural shapes and piling.

Carbon and alloy steel tubing.

Carbon steel wheels and axles.
Carbon and alloy steel wire rods, wire and wire products.

SCHEDULE C

[NOTE: Item 16 amended April 17, 1943]

Items restricted by the provisions of paragraph (j):

A. Items to be used by water utilities:

1. Cast iron pipe
2. Steel pipe
3. Wrought iron pipe
4. Cement asbestos pipe
5. Copper and brass tubing
6. Lead and lead-alloy pipe and tubing
7. Steel pipe fittings
8. Electric motors
9. Meters
10. Hydrants
11. Distribution valves, 2 inches and larger
12. Bronze valves, smaller than 2 inches, corporation cocks, curb stops
13. Pumps
14. Steel tanks
15. Steam engines
16. Chlorine control apparatus

B. Items to be used by gas utilities:

1. Cast iron pipe
2. Steel pipe
3. Wrought iron pipe
4. Copper and brass pipe and tubing
5. Steel pipe fittings, 1½ inches and larger
6. Mechanical pipe couplings
7. District regulators and governors
8. Gas meters
9. Valves, 1½ inches and larger
10. Condensers (coolers)
11. Electric motors
12. Steam engines
13. Exhausters
14. Boosters
15. Compressors
16. Pumps
17. Blowers
18. Station meters

C. Items to be used by electric utilities:

1. Wire (all types)
2. Cable
3. Bus bar shapes
4. Power transformers
5. Distribution transformers
6. Watt-hour meters
7. Oil or air circuit breakers
8. Disconnecting switches
9. Electric motors
10. Current transformers
11. Potential transformers
12. Suspension insulators
13. Lightning arrestors, 20,000 volts and over
14. Steam valve, piping and fittings, larger than 3 inch and for pressures of 300 pounds and over
15. Regulators (feeder voltage)
16. Fuse cutouts
17. Automatic line splices

SCHEDULE D

[NOTE: Item 9 amended April 17, 1943]

The following items of used equipment in the possession of producers may not be the subject of a sale to any used equipment dealer pursuant to paragraph (1) (2) (v) of this order:

USED EQUIPMENT

- (1) Steam generating boilers designed for pressures of 100 pounds per square inch or above

- (2) Steam engines and engine generator units of more than 300 h. p. rated capacity
- (3) Oil or air circuit breakers of 2200 volts or higher

- (4) Air circuit breakers of less than 2200 volts with interrupting capacity of 15,000 amperes or higher

- (5) Metal clad switchgear of 2200 volts or higher

- (6) Metal clad switchgear of less than 2200 volts containing oil or air circuit breakers listed in this Exhibit

- (7) Unit substations containing transformers of 250 KVA or higher rated capacity

- (8) Unit substations containing transformers of less than 250 KVA rated capacity if they also contain oil or air circuit breakers listed in this Exhibit

- (9) Chlorine control apparatus

- (10) Diesel and natural gas engines and engine generator units of more than 300 h. p. rated capacity

- (11) Liquid filled power or distribution transformers 250 KVA and larger

- (12) Steam turbine generator units of more than 300 h. p. rated capacity

- (13) Mechanical drive steam turbines of more than 300 h. p. rated capacity

- (14) Water gas sets

- (15) Gas purification apparatus

- (16) Electric motors, 250 h. p. or larger

- (17) Pumps, 100 g. p. m. and larger

- (18) Boosters

- (19) Compressors

- (20) Scrubbers

- (21) Gas holders

- (22) Gas station meters

- (23) Blowers for manufactured gas plants

- (24) Exhausters for manufactured gas plants

SCHEDULE E

[NOTE: Schedule E added April 17, 1943]

No producer may apply the ratings assigned by this order to obtain delivery of any of the following items:

1. Fabricated containers (in knock-down or set-up forms, whether assembled or unassembled), required for packaging products to be shipped or delivered.

2. Printed matter and stationery.

3. Paper, paperboard, and products manufactured therefrom; molded pulp products.

4. Fuel or electric power.

5. Office machinery or office equipment.

6. Clothing, shoes or other wearing apparel, if made of leather or textiles, except that the following types may be included in operating supplies when specially designed and used to furnish protection against specific occupational hazards (other than weather):

- a. Asbestos clothing.

- b. Safety clothing impregnated or coated for the purpose of making the same resistant against fire, acids, other chemicals or abrasives.

- c. Safety industrial rubber gloves and hoods and linemen's rubber gloves and sleeves.

- d. Gauntlet type welders' leather gloves and mittens, and electricians' leather protector or cover gloves.

- e. Other safety leather gloves or mittens, but only if steel stitched or steel reinforced.

- f. Safety industrial leather clothing other than gloves or mittens.

- g. Metal mesh gloves, aprons and sleeves.

- h. Plastic and fibre safety helmets.

7. Automotive replacement parts.

8. Automotive maintenance equipment.

9. Cellophane and similar transparent materials derived from cellulose having a gage of .003" and cellulose caps or bands of any gage.

[F. R. Doc. 43-6007; Filed, April 17, 1943; 11:41 a. m.]

Chapter XI—Office of Price Administration

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348, Amendment 1]

LOGS AND BOLTS

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.*

1. Section 3 (c) (1) is amended to read as follows:

(c) *How to figure the average price.* The average price should be figured as follows:

(1) *Purchased logs and bolts.* If, during September and October 1942, the buying plant bought logs or bolts of the species and grade for which it is figuring an average price, the buying plant should add up the total delivered cost of all logs or bolts of that grade and species purchased during the two months, and divide this total by the total footage of these logs or bolts. In figuring the total cost of these logs or bolts, the buying plant is to include any charges paid for transporting the logs or bolts to the plant.

In making this calculation for logs and bolts "purchased" during September and October 1942, the buying plant is to include only the following:

(i) Logs and bolts received at the plant during September and October 1942, except those received under contracts entered into before July 1, 1942.

(ii) Such logs and bolts received at the buying plant during the period November 1, 1942, to March 1, 1943, as were obtained pursuant to a dated and written firm contract of purchase entered into by the buying plant during September or October, 1942, in which contract the prices, footages, grades and species of logs and bolts purchased were definitely stated.

2. Section 9 is amended to read as follows:

SEC. 9 *Establishment of dollars-and-cents prices by areas—*(a) *Petition for "area pricing".* Any group of four or more buying plants, of any kind, may petition the Lumber Branch of the Office of Price Administration in Washington, D. C., to establish a system of dollars-and-cents prices by grades, sizes, and species for buying plants in an area of at least 400 square miles which contains at least five buying plants. The petition must relate to all grades, sizes, and species of logs and bolts bought by plants in that area, of the kind joining in the petition, and must request establishment of a system of ceiling prices applicable to all buying plants in the area. Two copies of the petition must be filed.

(b) *Contents of petition.* The petition must contain:

(1) A description of the exact boundaries of the area, and the reasons for the boundary lines chosen; that is, the rea-

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

18 F.R. 3670.

sons why the particular area constitutes a market area in which a single pricing system should prevail.

(2) Copies of the notices of maximum prices of the petitioning plants.

(3) A proposal of uniform grades with detailed specifications, uniform scaling rules, and a dollars-and-cents ceiling price system; and a comparison of these with the average prices, and the grades and rules prevailing in the area during the period September-October 1942. The system proposed may contain price differentials within the area, based on differences in transportation rates, which will prevent diversion of logs as between buying plants in the area.

(4) A showing that the proposed prices will not cause diversion of logs or bolts away from buying plants in either this area or elsewhere.

(c) *Notice and hearing.* On receipt of a petition showing a proper case for the consideration of area pricing, the Office of Price Administration will send notices of the proposed prices, grades and scaling rules and area boundaries. These will be sent to all buying plants in and within 25 miles of the area whose purchases may be affected by the proposal and whose maximum prices have been filed under section 4 (c) of this regulation. Within 20 days of the date of this notice, any person affected may submit objections to the Lumber Branch, Office of Price Administration, Washington, D. C. If there is any substantial volume of objection, the Office of Price Administration may hold a hearing on the proposal.

(d) *Action on petition.* The Price Administrator, if he believes the facts submitted justify such action, will establish a system of dollars-and-cents ceiling prices and uniform grades and scaling rules for all buying plants in an appropriate area. The ceiling prices so established will be at a level which bears a proper relation to the prices of competing primary forest products, and which will not cause diversion to or away from other purchasers of logs and bolts. The Price Administrator may depart from the original proposal, establish price differentials within an area, or set up a system based on seller's prices for logs and bolts produced within a specified area, if necessary or proper to make the action fair and equitable and to prevent diversion. In considering requests for area pricing, the Price Administrator may consolidate petitions dealing with areas that are near each other. When a system of area pricing is approved, the prices, grades, scaling rules, and a description of the area will be published as an appendix to this regulation.

(e) *Temporary suspension of ceiling prices.* In the case of any proper petition under this section filed before June 23, 1943, the petitioners have the privilege of having the operation of ceiling prices suspended on logs and bolts delivered to the petitioners during the forty-five days immediately following the filing. This privilege can be exercised by stating in the petition that the petitioners are exercising the option of having ceiling prices temporarily sus-

pending in sales to, and purchases by, the petitioners. The privilege can be used only by buying plants that join in and sign the petition.

Petitioners who are in good faith preparing a petition but who wish to start the forty-five day period of exemption running before the completion of the petition, may do so by filing, instead of the petition, a letter stating that a petition is in preparation and giving an outline of the proposed area and plan. In any case, the total exemption period will not be more than forty-five days from the filing of the letter, regardless of when the petition is filed.

If the petitioners exercise the privilege, each petitioning buying plant must attach to its posted ceiling purchase prices a notice stating "Our ceiling prices for purchasing logs and bolts have been officially suspended until _____" (Fill in the date which is 45 days from the date on which the petition was filed.) A similar notice must be sent to all log and bolt suppliers of each petitioner.

This amendment shall become effective April 23, 1943.

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

Issued this 16th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-5982; Filed, April 16, 1943;
4:47 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 255,¹ Amendment 8]

PERMITTED INCREASES FOR WHOLESALE OF CERTAIN FOODS

Canned fruits, berries and juices, as listed.
Frozen fruits, berries and vegetables.
Fruit preserves, jams and jellies.
Apple butter.
Canned apples.
Apple sauce.
Apple juice.
Canned boned chicken and turkey.
Fountain fruits.
Tamales.
Tortillas.
Potato chips.
Raisin filled or topped biscuits and crackers.
Fig bars.
Bakers' fillings for fruit pie and pastry.
Peanut candy.
Canned chili con carne.
Shoestring potatoes.
Julienne potatoes.
Pretzels.
Canned prune juice, canned dried prunes, canned prune concentrate, and all other canned dried prune products.
Canned chicken and noodle dinner.
Canned chicken a la king.
Canned homestyle chicken.

A statement of the considerations involved in the issuance of Amendment 8 to Maximum Price Regulation 255 has been issued and filed with the Division of the Federal Register.*

Maximum Price Regulation 255 is amended in the following respects:

Section 1351.703 (d) (12) is hereby revoked.

¹ 8 F.R. 2988, 3946.

This amendment shall be effective as of April 14, 1943.

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

Issued this 16th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-5979; Filed, April 16, 1943;
4:46 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Rev. MPR 256,¹ Amendment 5]

PERMITTED INCREASES FOR RETAILERS OF CERTAIN FOODS

Canned fruits, berries and juices, as listed.
Frozen fruits, berries and vegetables.
Fruit preserves, jams and jellies.
Apple butter.
Canned apples.
Apple sauce.
Apple juice.
Canned boned chicken and turkey.
Fountain fruits.
Tamales.
Tortillas.
Potato chips.
Raisin filled or topped biscuits and crackers.
Fig bars.
Peanut candy.
Canned chili con carne.
Shoestring potatoes.
Julienne potatoes.
Pretzels.
Canned prune juice, canned dried prunes, canned prune concentrate, and all other canned dried prune products.
Canned chicken and noodle dinner.
Canned chicken a la king.
Canned homestyle chicken.

A statement of the considerations involved in the issuance of Amendment 5 to Revised Maximum Price Regulation 256 has been issued and filed with the Division of the Federal Register.*

Section 1351.203 (b) (12) is hereby revoked.

This amendment shall become effective as of April 14, 1943.

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

Issued this 16th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-5978; Filed, April 16, 1943;
4:46 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 262,² Amendment No. 6]

SEASONAL AND MISCELLANEOUS FOOD COMMODITIES

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.*

The phrase "maple sugar" is hereby deleted from § 1351.969.

This amendment shall be effective as of April 14, 1943.

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

¹ 7 F.R. 8893, 10473; 8 F.R. 1266, 2106, 2673, 3946.

² 7 F.R. 9244; 8 F.R. 262, 273, 437, 973, 2285.

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

Issued this 16th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-5980; Filed, April 16, 1943; 4:46 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 280,¹ as Amended April 16, 1943]

MAXIMUM PRICES FOR SPECIFIC FOOD PRODUCTS

Sections 1351.801, 1351.808 (d) amended; § 1351.808 (m), (n), (o), (p), (q), added; § 1351.806 revoked by Amendment 20, issued April 16, 1943, and effective April 22, 1943, so that Maximum Price Regulation No. 280 shall read as follows:

Preamble. In the judgment of the Price Administrator it is necessary and proper in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 issued by the President on October 3, 1942 to maintain as the maximum prices for certain essential food products heretofore covered under Temporary Maximum Price Regulation No. 22 the prices prevailing with respect thereto during the period September 28, 1942 to October 2, 1942, inclusive. The maximum prices established by this regulation are, in the judgment of the Price Administrator, generally fair and equitable and will aid in stabilizing the cost of living. The maximum prices established herein are not below prices which will reflect to the producers of the covered agricultural commodities prices for their products equal to the highest of the prices required by the provisions of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. A statement of the considerations involved in the issuance of this regulation has been issued and filed with the Division of the Federal Register.²

Therefore, with the concurrence of the Secretary of Agriculture and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1, [7 F.R. 8961; 8 F.R. 3313, 3533] Maximum Price Regulation No. 280 is hereby issued.

Sec.

- 1351.801 Purpose of this regulation.
- 1351.802 Prohibition against buying and selling above maximum prices.
- 1351.803 Maximum prices.
- 1351.804 Relationship between minimum prices established by federal marketing agreements, orders or licenses and maximum prices established herein.

¹ 7 F.R. 10144.

² Statements of considerations also are issued simultaneously with the issuance of amendments. Requests for copies should be addressed to the Office of Price Administration.

Sec.

- 1351.805 Addition allowed sellers of fluid milk or fluid cream because of price increases resulting from federal milk marketing agreements, orders or licenses.
- 1351.805a Determination of adjusted maximum prices for fluid cream sold at wholesale other than in glass or paper containers after butterfat content is reduced to comply with Conservation Order No. M-259 issued by War Production Board on November 25, 1942.
- 1351.806 [Revoked]
- 1351.807 Adjustment of maximum prices of fluid milk and shell eggs.
- 1351.807a Special provisions for foreign-type cheese.
- 1351.808 Exempt sales.
- 1351.809 Evasion.
- 1351.810 Sales for export.
- 1351.811 Imports.
- 1351.812 Records and reports.
- 1351.813 Enforcement.
- 1351.814 Petitions for amendment and applications for adjustment.
- 1351.815 Adjustable pricing.
- 1351.816 Definitions.
- 1351.817 Relation to other maximum price regulations.
- 1351.818 Geographical applicability.
- 1351.819 Revocation of Temporary Maximum Price Regulation No. 22.
- 1351.820 Effective date.
- 1351.821 Effective dates of amendments.

AUTHORITY: §§ 1351.801 to 1351.821, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; and E.O. 9250, 7 F.R. 7871.

§ 1351.801 **Purpose of this regulation.** Except for those sales exempt in § 1351.808, it is the purpose of this regulation to establish maximum prices for sales of the following specific food products:

(a) **Fluid milk and milk products.** Fluid milk and cream sold at wholesale other than in glass or paper containers to stores, hotels, restaurants and institutions; butter sold by a farmer which he has produced on his farm from milk produced solely on his farm; cheeses in so far as their sales are not covered by Maximum Price Regulation 289 or Maximum Price Regulation 268; condensed milk; evaporated milk in so far as its sale is not covered by Maximum Price Regulations Nos. 289, 237, or 238; packaged powdered skim milk sold for animal feed; edible casein; malted milk powder; and any other food commodity which is processed from cows' milk and composed of milk ingredients constituting more than 50 per cent in weight or volume, excluding ice cream (which is covered by the General Maximum Price Regulation)³ and excluding any other commodity so composed of milk ingredients in so far as its sale is covered by some other regulation.

(b) **Eggs.** Shell eggs of the domestic or barnyard hen found to be infertile and sold for industrial use.

(c) **Poultry.** Poultry in so far as their sale is not covered by Maximum Price Regulation No. 268 or 269.

³ 8 F.R. 3096, 3849, 4347, 4486, 4724.

(d) **Canned citrus fruits and juices.** All canned fruits and juices made from citrus fruits (such as oranges, grapefruits, lemons, limes but not including concentrates) and combinations or blends thereof in so far as their sale is not covered by Maximum Price Regulation 237 or 238 or Maximum Price Regulation 306.

(e) **Cake mixes and flour mixes in bulk and "packaged" in quantities greater than 3 pounds.** All combinations of flours with any other ingredients in so far as their sale is not covered by Maximum Price Regulations 237 or 238.

(f) **Dried peas and lentils.** All threshed and dried field or garden peas and lentils used for human consumption in so far as their sale is not covered by Maximum Price Regulation No. 237 or 238.

(g) **Meaning of the term "listed food products".** Wherever the term "listed food products" appears in this regulation it refers to a particular kind, grade, quality and container size of the food products listed above.

§ 1351.802 **Prohibition against buying and selling above maximum prices.** (a) On and after December 3, 1942, regardless of any contract, agreement or other obligation, no person shall sell or deliver a listed food product, and no person in the course of trade or business shall buy or receive a listed food product at a price higher than the maximum price permitted by this Maximum Price Regulation No. 280; and no person shall agree, offer, solicit or attempt to do any of the foregoing.

(b) However, prices lower than maximum prices may be charged, demanded, paid or offered.

[NOTE: Supplementary Order No. 7 (7 F.R. 5176) provides that the prohibition contained in any price regulation against buying or receiving any commodity or service at a price higher than the maximum price permitted by such regulation shall not apply to any war procurement agency, or government whose defense is vital to the defense of the United States.]

§ 1351.803 **Maximum prices.** (a) The seller's maximum price for any listed food product shall be the highest price charged by the seller during the period September 28, 1942, to October 2, 1942, inclusive, for the same listed food product; or if no charge was made for the same listed food product, for the similar listed food product most nearly like it. If the seller did not sell the same or similar listed food product during the period September 28, 1942, to October 2, 1942, inclusive, his maximum price for such listed food product shall be the highest price charged during that period by his most closely competitive seller of the same class for the same listed food product; or, if no charge was made for the same listed food product, for the similar food product most nearly like it.

(b) If the seller cannot determine his maximum price for a listed food product under the foregoing, because neither he nor his most closely competitive seller of the same class delivered or offered for delivery such listed food product to a purchaser of the same class during the base period and adjusting the price to October 2, 1942, inclusive, he may determine his maximum price by the following procedure applied in the following order:

(1) By taking the maximum price of the same or similar listed food product most nearly like it which he charged a different class of purchaser during such base period and adjusting the price to reflect the customary differential between the two classes of purchasers.

(2) By taking the maximum price of the same or similar listed food product most nearly like it charged by his most closely competitive seller of the same class to a different class of purchaser during such base period, and adjusting that maximum price to reflect the customary differential between the price charged that different class of purchaser by such competitor, and the price for that class of purchaser for whom a maximum price is sought by the seller.

(3) By taking as the maximum price the most recent price which he (or, if none, his most closely competitive seller of the same class) charged any class of purchasers at any time within one year previous to said base period and adjusting said price to reflect a reasonable differential to other classes of purchasers.

(4) In all other cases, by taking the maximum price for the most nearly similar listed food product that he (or, if none, his most closely competitive seller of the same class) has delivered or offered for delivery during such base period (or, if none at the most recent time within one year prior thereto) and adjusting that price to reflect the differential between the two commodities normal or customary to his business or, if none, to reflect the reasonable differential between the two commodities based upon the variances in the cost of production of the two commodities.

[Paragraphs (3) and (4) added by Amendment 10, 8 F.R. 1741]

(c) [Revoked by Amendment 10, 8 F.R. 1741.]

(d) The provisions of this Maximum Price Regulation No. 280 do not apply to fluid milk sold at wholesale other than in glass or paper containers to stores, hotels, restaurants, and institutions in the "Dallas Regional Area". Maximum Prices for such sales are set in subdivision (vi) of § 1499.73 (a) (1) of Supplementary Regulation No. 14 to the General Maximum Price Regulation. (Amendment No. 89* to Supplementary Regulation No. 14, issued January 16, 1943 and effective January 18, 1943.)

[Paragraph (d) added by Amendment 6, 8 F.R. 876]

(e) The provisions of this Maximum Price Regulation No. 280 do not apply to fluid milk sold at wholesale other than

in glass or paper containers to stores, hotels, restaurants, and institutions in the "Memphis, Tennessee area". Maximum prices for such sales are set in subdivision (ii) of § 1499.73 (a) (1) of Supplementary Regulation No. 14 to the General Maximum Price Regulation. (Amendment No. 95* to Supplementary Regulation No. 14.)

[Paragraph (e) added by Amendment 7, 8 F.R. 877]

(f) The provisions of this Maximum Price Regulation No. 280 do not apply to fluid milk sold at wholesale other than in glass or paper containers to stores, hotels, restaurants, and institutions in the "Chicago, Illinois area". Maximum prices for such sales are set in subdivision (ii) of § 1499.73 (a) (1) of Supplementary Regulation No. 14 to the General Maximum Price Regulation. (Amendment No. 104* to Supplementary Regulation No. 14.)

[Paragraph (f) added by Amendment 9, 8 F.R. 1462]

(g) The provisions of this Maximum Price Regulation No. 280 do not apply to the following milk product: "ice cream mix", the butterfat content of which is reduced to not less than 8% (by weight) included in 14% or more (by weight) of total milk solids. Maximum prices for sales of such "ice cream mix" are fixed in subparagraph (1a) of § 1499.73 (a) of Supplementary Regulation No. 14 to the General Maximum Price Regulation. (Amendment No. 119* to Supplementary Regulation No. 14.)

[Paragraph (g) added by Amendment 14, 8 F.R. 2346. Terminates on May 23, 1943.]

(h) The provisions of this Maximum Price Regulation No. 280 do not apply to fluid milk sold at wholesale other than in glass or paper containers to stores, hotels, restaurants, and institutions in the "New York Metropolitan Area". Maximum prices for such sales are set in subdivision (ii) of § 1499.73 (a) (1), Supplementary Regulation 14 to the General Maximum Price Regulation. (Amendment No. 134* to Supplementary Regulation 14.)

[Paragraph (h) added by Amendment 16, 8 F.R. 3070. Terminates April 1, 1943.]

[NOTE: Supplementary Order No. 13 (7 F.R. 6523) provides that retail sellers of commodities or services, who own more than one establishment and who have maintained a fixed practice of selling commodities or services at retail at uniform or at substantially uniform prices, may apply for authorization to determine and use uniform maximum prices.]

[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 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 interpreta-

tion thereof, as a tax for which a charge may be made in addition to the maximum price.]

[NOTE: Supplementary Order No. 34 (7 F.R. 10779) permits special packing expenses to be added to maximum prices on sales to procurement agencies of the United States.]

§ 1351.804 *Relationship between minimum prices established by Federal marketing agreements, orders or licenses and maximum prices established herein.* If the maximum price established for any seller by this Maximum Price Regulation No. 280 is below the minimum price established for him by any marketing agreement, order or license heretofore or hereafter to be issued by the Secretary of Agriculture, pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, such minimum price shall become the seller's maximum price.

§ 1351.805 *Addition allowed sellers of fluid milk or fluid cream because of price increases resulting from Federal milk marketing agreements, orders or licenses.* Any seller of fluid milk or fluid cream at wholesale other than in glass or paper containers, to stores, hotels, restaurants and institutions may add to his maximum price established by this Maximum Price Regulation No. 280, the amount in dollars and cents of any price increase which he actually pays to his supplier, after taking into account and making appropriate deductions for all governmental subsidies, because of any increase in minimum producers prices since October 2, 1942 as the result of any marketing agreement, order or license heretofore or hereafter issued by the Secretary of Agriculture pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended: *Provided, however,* That no increase allowed under this § 1351.805 shall be greater than the increase allowed the producer under such marketing agreement, order or license, after taking into account and making appropriate deductions for all governmental subsidies.

[§ 1351.805 as amended by Amendment 3, 7 F.R. 10786]

§ 1351.805a *Determination of adjusted maximum prices for fluid cream sold at wholesale other than in glass or paper containers after butterfat content is reduced to comply with Conservation Order No. M-259, issued by the War Production Board on November 25, 1942.* (a) (1) After the butterfat content of fluid cream sold at wholesale other than in glass or paper containers is reduced to not less than 19%, the seller shall reduce his established maximum price for any unit size, as determined under §§ 1351.803, 1351.804, and 1351.805 hereof, proportionately on the basis of 5¢ per gallon for each one percent that the butterfat content is reduced.

(2) *Table: Adjusted maximum prices where butterfat content is reduced to 19%:*

* 8 F.R. 878.

* 8 F.R. 1467.

* 8 F.R. 2346.

* 8 F.R. 3360.

* 7 F.R. 9811.

* 8 F.R. 1139.

Seller must subtract from established maximum price for any unit size on basis of following amounts per gallon

40%-----	\$1.05
39%-----	1.00
38%-----	.95
37%-----	.90
36%-----	.85
35%-----	.80
34%-----	.75
33%-----	.70
32%-----	.65
31%-----	.60
30%-----	.55
29%-----	.50
28%-----	.45
27%-----	.40
26%-----	.35
25%-----	.30
24%-----	.25

Seller must subtract from established maximum price for any unit size on basis of following amounts per gallon

23%-----	\$0.20
22%-----	.15
21%-----	.10
20%-----	.05

(b) *Calculations.* (1) The foregoing pricing formula shall apply to sales and deliveries of fluid cream at wholesale other than in paper or glass containers in any package size, whether more or less than one gallon, on a proportionate basis. All calculations shall be carried to the fourth decimal place of a cent. Any final calculation of a maximum price for any unit size resulting in a fraction of a cent shall be adjusted to the nearest half cent.

Example

Butterfat content prior to reduction	Gallon-size container—seller must subtract from established maximum price	Quart-size container—seller must subtract from established maximum price	Pint-size container—seller must subtract from established maximum price	Half pint-size container—seller must subtract from established maximum price
40%-----	\$1.05	\$0.2625	\$0.1318	\$0.0659
30%-----	.55	.1725	.0863	.0431
20%-----	.05	.0125	.0067	.0033

(2) If the seller has established maximum prices, as determined by §§ 1351.803, 1351.804, and 1351.805 hereof, for sales and deliveries of fluid cream having different percentages of butterfat content, his adjusted maximum price shall be determined according to the pricing formula applicable to the class of cream yielding the lowest maximum price.

(c) *Records and reports.* On or before January 11, 1943, each seller of fluid cream affected by the provisions of this section shall prepare, on the basis of available information and records, and file with the nearest District or State Office of the Office of Price Administration a report showing:

(1) His adjusted maximum prices for fluid cream in each size and type of container; and

(2) The basis for the adjusted maximum prices, including (i) the butterfat content of the fluid cream sold in each size and type of container prior to November 25, 1942, (ii) the established maximum prices in effect immediately prior to the issuance of Conservation Order M-259 by the War Production Board on November 25, 1942, and (iii) the present butterfat content of such cream for each size and type of container.

[§ 1351.805a added by Amendment 2, 7 F.R. 10475]

§ 1351.806 [Revoked April 16, 1943]

§ 1351.807 *Adjustment of maximum prices of fluid milk and shell eggs.* (a) The Office of Price Administration, or any duly authorized representative thereof, may adjust any maximum price established under this Maximum Price Regulation 280 for fluid milk sold at wholesale in containers other than bottles or paper containers in the case of

any seller or group of sellers, and may adjust any price so established for shell eggs sold at wholesale or retail in the case of any seller or group of sellers where it appears:

(1) That there exists or threatens to exist in a particular locality a shortage in the supply of such fluid milk or shell eggs; and

(2) That such local shortage will be substantially reduced or eliminated by adjusting the maximum prices of such seller and of like sellers for such fluid milk or shell eggs; and

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

(b) Each Regional Administrator is authorized to make adjustments or act upon applications for adjustment under this § 1351.807.

(c) Applications for adjustment under this § 1351.807 shall be filed in accordance with Revised Procedural Regulation No. 1.

[§ 1351.807 as amended by Amendment 4, 7 F.R. 10995]

§ 1351.807a *Special provision for foreign-type cheese.* Sellers of cheese, except the following:

Processed cheese of all kinds.
Cheddar cheese covered by Maximum Price Regulation No. 289.¹⁰
Aged cheddar cheese covered by Maximum Price Regulation No. 280.
Colby cheese.
Washed curd cheese.
Monterey or jack cheese.

¹⁰ 7 F.R. 10996; 8 F.R. 490, 1458, 1885, 1972, 3252, 3327.

All other cheeses of cheddar class having a moisture content of 40% or more.

Cottage cheese.

Baker's cheese.

Pot cheese.

Smearcase cheese.

Neufchatel cheese.

All other cheese of less than 20% butterfat content in the water free substance.

may add 3¢ per pound to the maximum prices provided in § 1351.803 hereof: *Provided*, That this 3¢ increase shall not be applied to those stocks of cheeses which were in the seller's possession prior to February 10, 1943. However, a cheese factory may apply this increase to cheeses which it has manufactured and delivers on or after February 10, 1943, regardless of whether such cheeses were manufactured before or after that date.

"Colby cheese" and "washed curd cheese" means Colby cheese and washed curd cheese as defined in the "Standards of Identity for Cheddar Cheese, Cheese, Washec. Curd Cheese, Colby Cheese" promulgated by the Food and Drug Administration and published in the Federal Register of January 9, 1941, page 195.

"Cottage cheese", and "neufchatel cheese" means cottage cheese and neufchatel cheese as defined in the "Definitions and Standards of Identity for Creamed Cheese, Neufchatel Cheese, Cottage Cheese and Creamed Cottage Cheese" promulgated by the Food and Drug Administration, and published in the FEDERAL REGISTER of December 23, 1942, pages 10758 and 10759.

[§ 1351.807a added by Amendment 11, 8 F.R. 1885 and amended by Amendment 19, 8 F.R. 4335.]

§ 1351.808 *Exempt sales.* This Maximum Price Regulation No. 280 shall not apply to the following:

(a) Sales and deliveries made directly by a farmer of any listed food product produced on his farm. However, this Maximum Price Regulation No. 280 shall apply to a sale or delivery by a farmers' cooperative, whether as agent or otherwise, and to a sale or delivery directly by a farmer of any listed food product to an ultimate consumer if during the preceding month the farmers' sales to ultimate consumers of all food products produced on his farm exceeded \$75.00.

(b) Deliveries to the United States, or any agency thereof, under contracts entered into prior to October 5, 1942.

(c) Sales, deliveries or transactions in connection with any listed food product which may be exempt by the following sections of Revised Supplementary Regulation No. 4¹¹ to the General Maximum Price Regulation, as well as amendments to them, and such sections and amendments are hereby made applicable to every person selling listed food products:

(1) § 1499.29 (a) (5) (Developmental contracts)

(2) § 1499.29 (a) (6) (Secret contracts)

(3) § 1499.29 (a) (7) (Emergency purchases)

(d) Sales or deliveries by hotels, restaurants, soda fountains, bars, cafes or other similar establishments of listed food products prepared on the premises

and sold for consumption either on or off the premises.

(e) All sales of dried whole eggs to the United States of America, or any agency thereof, where the seller is obligated to make delivery of such eggs during the months of January and February, 1943.

(f) All sales of shell, liquid and frozen eggs to manufacturers of dried whole eggs for the sole purpose of manufacturing such eggs into dried whole eggs, and the sale and delivery of the manufactured product to the United States of America, or any agency thereof, during the months of January and February, 1943.

[Paragraphs (e) and (f) added by Amendment 1, 7 F.R. 10337]

(g) All sales of shell eggs purchased for the sole purpose of hatching by persons now or hereafter engaged in the production of baby chicks, poults, or other newly hatched poultry and which shall not be resold or used for any other purpose.

[Paragraph (g) added by Amendment 5, 8 F.R. 158]

(h) Fluid milk sold at wholesale in bulk to stores, hotels, restaurants, and institutions in the Dallas Regional area. Maximum prices for such sales are set in subdivision (vi) of § 1499.73 (a) (1) of Supplementary Regulation No. 14, to the General Maximum Price Regulation. (Amendment No. 89 to Supplementary Regulation No. 14, issued January 16, 1943, and effective January 18, 1943).

[Paragraph (h) added by Amendment 6, 8 F.R. 876]

(i) Fluid milk sold at wholesale in bulk to stores, hotels, restaurants, and institutions in the Memphis, Tennessee area. Maximum prices for such sales are set in subdivision (ii) of § 1499.73 (a) (1) of Supplementary Regulation No. 14 to the General Maximum Price Regulation. (Amendment No. 95 to Supplementary Regulation No. 14).

[Paragraph (i) added by Amendment 7, 8 F.R. 877]

(j) Fluid milk sold at wholesale in bulk (other than in glass or paper containers) to stores, hotels, restaurants, and institutions in the Chicago, Illinois area. Maximum prices for such sales are set in subdivision (ii) of § 1499.73 (a) (1) of Supplementary Regulation No. 14 to the General Maximum Price Regulation. (Amendment No. 104 to Supplementary Regulation No. 14).

[Paragraph (j) added by Amendment 9, 8 F.R. 1468]

(k) Milk products known as "ice cream mix", as defined in subparagraph (8) of § 1351.816 (a) below. Maximum prices for sales of such "ice cream mix" are fixed in subparagraph (1a) of § 1499.73 (a) of Supplementary Regulation No. 14 of the General Maximum Price Regulation. [Amendment No. 119 to Supplementary Regulation No. 14]

²¹ 7 F.R. 3056, 5089, 5566, 6082, 6084, 6426, 6793, 6744, 7175, 7538, 8021, 9827, 10022, 10110, 10331; 8 F.R. 130, 137, 372, 1685, 1681, 1893.

[Paragraph (k) added by Amendment 14, 8 F.R. 2346]

(l) Fluid milk sold at wholesale in bulk (other than in glass or paper containers) to stores, hotels, restaurants, and institutions, in the New York Metropolitan Area. Maximum prices for such sales are set in subdivision (ii) of § 1499.73 (a) (1), Supplementary Regulation No. 14 to the General Maximum Price Regulation. (Amendment No. 134 to Supplementary Regulation No. 14.)

[Paragraph (l) added by Amendment 16, 8 F.R. 3070]

(m) All sales and purchases of breeding poultry when sold or purchased for breeding purposes only.

(n) All sales and purchases of "baby" or "started" chicks, ducklings, goslings, and poults when sold for purposes other than present human consumption.

(o) All sales and purchases of female poultry when sold and purchased for egg production purposes.

(p) All sales of pigeons, squabs, guineas, quails, and pheasants.

(q) All sales of canned citrus fruits and juices when sold by packers and canners.

§ 1351.809 *Evasion*. The price limitations set forth in this Maximum Price Regulation No. 280 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to a listed food product alone or in conjunction with any other commodity, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by changing a business practice relating to the price lines, grading, labeling, packaging or branding of a listed food product.

[NOTE: Supplementary Order No. 29 (7 F.R. 9816) lists certain services customarily offered by retailers which may be curtailed or eliminated without a compensating reduction in ceiling prices.]

§ 1351.810 *Sales for export*. The maximum prices at which a person may export a listed food product shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation²² issued by the Office of Price Administration.

§ 1351.811 *Imports*. On and after the effective date of this Maximum Price Regulation No. 280, no person in the course of trade or business shall import or agree, offer, solicit, or attempt to import a listed food product at a price in excess of that established by this Maximum Price Regulation No. 280. "Import" means to buy, receive, or in any manner to pay for any listed food product pursuant to or in connection with any transaction, contract, agreement or other obligation whereby the listed food product is transported or is to be transported to the United States, its territories and

possessions, or the District of Columbia from any place outside the United States, its territories and possessions and the District of Columbia, regardless of whether the importer deals directly with the seller, or deals through an agent, broker or other intermediary acting for either party, in or outside the United States, its territories or possessions, or the District of Columbia, and regardless of whether such importation is for use or for resale.

§ 1351.812 *Records and reports*. (a) As to all sales not specifically exempted by other sections of this Maximum Price Regulation No. 280 every person selling a listed food product shall preserve for examination by the Office of Price Administration all his existing records relating to prices which he charged for such listed food product delivered or supplied during the period from September 28, 1942, to October 2, 1942, inclusive, and his offering prices for delivery or supply of a listed food product during such period; and shall also preserve all information and records required by § 1351.807 of Temporary Maximum Price Regulation No. 22, and shall keep for examination by any person during ordinary business hours, a statement showing (1) the highest prices charged for such listed food product delivered or supplied during such period and his offering prices for delivery or supply of a listed food product during such period, together with an appropriate identification of such product and (2) all his customary allowances, discounts, and other price differentials.

(b) As to all sales not specifically exempted by other sections of this Maximum Price Regulation No. 280, every person selling a listed food product shall keep and make available for examination by the Office of Price Administration records of the same kind as he has customarily kept relating to the prices which he charged for such food product during the period from September 28, 1942, to October 2, 1942, inclusive, and, in addition, records showing, as precisely as possible, the basis upon which he determined maximum prices.

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

§ 1351.813 *Enforcement*. (a) Persons violating any provisions of this Maximum Price Regulation No. 280 are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses, provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 280 or of any price schedule, regulation, or practices which constitute such a violation are urged to communicate with the nearest district, state, field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

²² 2nd Revision, 8 F.R. 4132.

§ 1351.814 *Petitions for amendment and applications for adjustment*—(a) *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 280 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

(b) *Applications for adjustment.* The Office of Price Administration or any duly authorized representative thereof may adjust any of the maximum prices established herein except those established for eggs as listed in § 1351.801, paragraph (b) of the regulation, where the applicant files an application pursuant to Revised Procedural Regulation No. 1 showing that:

(1) Such maximum price is abnormally low in relation to the maximum prices of the same or similar commodities established pursuant to this regulation for other sellers, and

(2) This abnormality subjects him to hardship.

(c) *Joint applications.* Manufacturers or processors of the commodities listed in § 1351.801 except eggs, and persons who purchase those commodities from them for resale, may file joint applications for adjustment under paragraph (b) above pursuant to § 1300.14 of Revised Procedural Regulation No. 1.

(d) *Limitation on application for adjustment.* No application for adjustment pursuant to paragraph (b) above will be granted unless it is filed within:

(1) Sixty days of the effective date of this section, or

(2) Sixty days after an application for adjustment is granted pursuant to the terms of this paragraph to a person from whom the applicant purchases one of the items referred to in paragraph (b) above.

(e) Each regional administrator is authorized to make adjustments or act upon applications for adjustment under paragraph (b) above where the applicant is a wholesaler or a retailer.

[§ 1351.814 as amended by Amendment 15, 8 F.R. 3001.]

[NOTE: Procedural Regulation No. 6 (7 F.R. 5087, 5065) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Supplementary Order No. 9 (7 F.R. 5444) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, with the exception of those on scrap, waste, and salvage materials.]

[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.]

§ 1351.815 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to and at prices not in excess of the maximum prices in effect at the time of delivery. In appropriate situations, where a petition for amendment requires extended consideration, the Price Administrator, may, upon application, grant permission to agree to adjust prices upon deliveries made during the

pendency of the petition in accordance with the disposition of the petition.

§ 1351.816 *Definitions.* (a) When used in this Maximum Price Regulation No. 280, the term:

(1) "Person" means individual, corporation, partnership, association or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any other government, or any of its political subdivisions, and any agencies of any of the foregoing;

(2) "Highest price charged during the base period" means the highest price which the seller (except a seller of wheat flour or a seller of corn meal, hominy or hominy grits) charged for a listed food product delivered by him during the period from September 28, 1942, to October 2, 1942, inclusive, to a purchaser of the same class, or, if the seller made no such delivery during such period, his highest offering price for delivery during that period to a purchaser of the same class. In the case of a seller of wheat flour or a seller of corn meal, hominy or hominy grits in bulk and packaged in quantities greater than three pounds, "highest price charged during the base period" means the highest price at which the seller during the period from September 28, 1942, to October 2, 1942, inclusive, contracted to sell for immediate or future delivery to a purchaser of the same class, or if the seller made no such contract during such period, his highest offering price during that period to a purchaser of the same class. No seller shall change his customary allowances, discounts or other price differentials unless such change results in a lower price. No seller shall require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs incurred in the delivery or supply of any listed food product than the seller required purchasers of the same class to pay during such period on deliveries of a listed food product.

(3) "Purchaser of the same class" refers to the practice followed by the seller in the ninety-day period preceding October 2, 1942, in setting different prices for sales to different purchasers or kinds of purchasers (for example, but not limited to, manufacturer, wholesaler, jobber, retailer, government agency, public institutions, individual consumer or any ordinarily recognized subgroup or combination of the foregoing) or for purchasers located in different areas or for different quantities or under different conditions of sale.

(4) "Fluid milk and fluid cream" refers to raw or pasteurized fluid milk and fluid cream.

[Paragraph (4) added by Amendment 3, 7 F.R. 10786]

(5) "Dallas Regional area" means the States of Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas.

[Paragraph (5) added by Amendment 6, 8 F.R. 876]

(6) "Memphis, Tennessee area" means the territory included in the marketing

area geographically defined in Federal Milk Marketing Order O-64, effective October 4, 1942, issued by the Secretary of Agriculture.

[Paragraph (6) added by Amendment 7, 8 F.R. 877]

(7) "Chicago, Illinois area" means the territory included in the marketing area geographically defined in Federal Milk Marketing Order O-41, as amended, issued by the Secretary of Agriculture on September 1, 1939.

[Paragraph (7) added by Amendment 9, 8 F.R. 1468]

(8) "Ice cream mix" means any liquid or dry unfrozen preparation (including, but not limited to, ice cream mix, ice cream powder, milk ice mix, ice milk mix, milk shake mix, and similar preparations) containing sugar and milk fat, the percentage of which is reduced to not less than 8% (by weight) included in 14% or more (by weight) of total milk solids, as defined in subparagraph (1a) of § 1499.73 (a) of Supplementary Regulation No. 14. [Amendment No. 119 to Supplementary Regulation No. 14]

[Paragraph (8) added by Amendment 14, 8 F.R. 2346]

(9) "New York Metropolitan Area" means the territory included in the City of New York, Counties of Nassau, Suffolk (except Fisher's Island) and Westchester, all in the State of New York.

[Paragraph (9) added by Amendment 16, 8 F.R. 3070]

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

§ 1351.817 *Relation to other maximum price regulations.* (a) The provisions of this Maximum Price Regulation No. 280 shall not apply to any sale or delivery of a listed food product for which a maximum price is in effect on December 3, 1942, under the provisions of any other price regulation, including the General Maximum Price Regulation, issued by the Office of Price Administration.

(b) The following sections of the General Maximum Price Regulation, as well as the amendments to them, shall be applicable to every person selling a listed food product:

(1) *Adjustment of maximum prices in cases of special deals* (§ 1499.4b).

(2) *Transfers of business or stock in trade* (§ 1499.5).

(3) *Federal and state taxes* (§ 1499.7). In applying § 1499.7 of the General Maximum Price Regulation, the base period of September 28, 1942, to October 2, 1942, inclusive, shall be substituted for the period of March, 1942 used therein, and the date October 2, 1942, shall be substituted for the date March 31, 1942, used therein.

(4) *Sales slips and receipts* (§ 1499.14).

(5) *Registration* (§ 1499.15).

(6) *Licensing* (§ 1499.16).

§ 1351.818 *Geographical applicability.* The provisions of this Maximum Price Regulation No. 280 shall be applicable to the United States, its territories and possessions, and the District of Columbia.

§ 1351.819 *Revocation of Temporary Maximum Price Regulation No. 22.* Temporary Maximum Price Regulation No. 22 (§§ 1351.801 to 1351.814, inclusive), which was issued October 3, 1942, and which was to expire on December 3, 1942, is hereby revoked and replaced by this Maximum Price Regulation No. 280.

§ 1351.820 *Effective date.* Maximum Price Regulation No. 280 (§§ 1351.801 to 1351.820, inclusive) shall become effective on December 3, 1942. [Issued December 3, 1942]

§ 1351.821 *Effective dates of amendments.*

Amendment Nos. and issue dates:	Effective
Amendment 1, (12-9-42)-----	12- 7-42
Amendment 2, (12-12-42)-----	12-12-42
Amendment 3, (12-21-42)-----	12-21-42
Amendment 4, (12-24-42)-----	12-23-42
Amendment 5, (1-2-43)-----	1- 3-43
Amendment 6, (1-16-43)-----	1-18-43
Amendment 7, (1-16-43)-----	1-16-43
Amendment 8, (1-22-43)-----	12- 3-42
Amendment 9, (2-1-43)-----	2- 2-43
Amendment 10, (2-6-43)-----	2-12-43
Amendment 11, (2-10-43)-----	2-10-43
Amendment 12, (2-12-43)-----	12- 3-42
Amendment 13, (2-13-43)-----	2-13-43
Amendment 14, (2-22-43)-----	2-22-43
Amendment 15, (3-9-43)-----	3-15-43
Amendment 16, (3-10-43)-----	3-11-43
Amendment 17, (3-27-43)-----	4- 2-43
Amendment 18, (3-30-43)-----	3-30-43
Amendment 19, (4- 2-43)-----	4- 2-43
Amendment 20, (4-16-43)-----	4-22-43

Issued this 16th day of April 1943.

PRENTISS M. BROWN,
Administrator.

Approved:

PAUL H. APPELEY,
Acting Secretary of Agriculture.

[F. R. Doc. 43-5984; Filed, April 16, 1943;
4:46 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[Rev. MPR 169,¹ Amendment 7]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

A statement of the considerations involved in the issuance of this Amendment No. 7 to Revised Maximum Price Regulation No. 169, Beef and Veal Carcasses and Wholesale Cuts has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 169 is amended in the following respects:

1. Section 1364.451 (a) (5) is amended by deleting the date April 14, 1943, and substituting therefor the date April 22, 1943.

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

¹ 8 F.R. 5097, 4786, 4844.

2. Section 1364.452 (p) (1) is amended by deleting the date April 14, 1943, and substituting therefor the date April 22, 1943.

This amendment shall become effective April 16, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 16th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-5983; Filed, April 16, 1943;
4:47 p. m.]

PART 1376—FLUORITE

[MPR 126,¹ as Amended, Amendment 2]

FLUORSPAR

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.*

Maximum Price Regulation 126 is amended in the following respects:

1. Section 1376.1 (b) (1) is amended to read as follows:

(1) The maximum price f. o. b. a consumer's plant for any shipment of acid grade fluorspar shall be \$32.00 per ton, plus either (i) railroad freight on such shipment from the seller's shipping point to the consumer's plant or (ii) railroad freight on such a shipment from Rosiclare, Illinois, to the consumer's plant, whichever is lower.

2. Section 1376.1 (b) (3) is amended to read as follows:

(3) As an alternative method of pricing, on all sales or deliveries made by the Metals Reserve Company and on all sales or deliveries to a buyer who has customarily bought on a premium and penalty basis, the maximum price for any sale or delivery shall be computed by taking as the base price the maximum price established in paragraph (b) (1) or (b) (2) of this § 1376.1 for a base analysis of 97.5% CaF₂ and 1.5% SiO₂ and applying thereto in the case of sales or deliveries to a buyer who has customarily bought on a premium and penalty basis the premiums and penalties customarily applied by such buyer, and in the case of sales or deliveries by the Metals Reserve Company the following premiums and penalties:

Premiums

CaF₂, above 97.5%—3% of the delivered price established in paragraph (b) (1) for each 1%.

SiO₂, below 1.5%—10% of the delivered price established in paragraph (b) (1) for each 1%.

Penalties

CaF₂, below 97.5%—3% of the delivered price established in paragraph (b) (1) for each 1%.

SiO₂, above 1.5%—10% of the delivered price established in paragraph (b) (1) for each 1%.

¹ 7 F.R. 9490; 8 F.R. 487.

Fractions of percentages may be calculated proportionately.

Each seller, except the Metals Reserve Company, shall file with the Office of Price Administration, Washington, D. C., all such premiums and penalties to which he is subject on or before December 17, 1942, and thereafter within 10 days after he becomes subject to any different premiums or penalties.

This amendment shall become effective April 16, 1943.

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

Issued this 16th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-5977; Filed, April 16, 1943;
4:46 p. m.]

PART 1381—SOFTWOOD LUMBER

[MPR 26,¹ Amendment 14]

DOUGLAS FIR AND OTHER WEST COAST LUMBER

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.*

To the table in § 1381.62 (a) entitled "No. 1 Boards and Shiplap, Green, Surfaced, A. L. S.," footnote 11 is added to read as follows:

11. If a mill is operating in compliance with the War Production Board's Circular No. 31, of March 31, 1943, addressed "To all Douglas Fir Sawmills", for so long as such order is in force and for so long as the mill has not been granted exception from such order, its maximum prices shall be the maximum prices established under this Table and footnotes thereto plus \$3.50 per MBM in the case of Select merchantable, No. 1 Common, and No. 2 Common boards, or, in the case of No. 3 Common boards, \$1.50 per MBM.

This amendment shall become effective April 16, 1943.

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

Issued this 16th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-5981; Filed, April 16, 1943;
4:46 p. m.]

PART 1346—BUILDING MATERIALS

[Rev. MPR 236,² Amendment 2]

HEATING BOILER CONVERSION PARTS

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 Maximum Price Regulation No. 236 is amended in the following respects:

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

¹ 7 F.R. 4573, 5180, 5360, 6168, 6388, 6424, 7285, 7942, 8394, 8877, 8948; 8 F.R. 138, 1811, 8253, 4270.

² 7 F.R. 9895; 8 F.R. 1681.

1. Section 1316.158 is amended to read as follows:

§ 1346.158 *Maximum prices for the installation of conversion parts.* The maximum price for the installation of conversion parts and incidental brick and masonry work, but including the installation of special combination grates only when installed by a person other than the seller of the special combination grate, shall not be in excess of a sum computed in the following manner:

(a) Take the number of hours utilized in making the installation (figuring the time on the basis of the practice customarily employed by the installer on October 1, 1941).

(b) Multiply the number of hours utilized by the highest hourly price charged by the installer during the month of March 1942 for the same or similar mechanical service employing the same class of mechanics or, in the event the installer

had no such established hourly price for such service or similar service during March 1942, the maximum hourly price of the nearest competitor who pays the same wage rate and employs the same class of mechanics: *Provided*, That the hourly price charged may be adjusted to reflect actual increases in wage rates paid by the installer becoming effective between March 1, 1942, and October 3, 1942, by adding to such March hourly price charged only the actual hourly increase in the wage rate during such period.

(c) Add to the price computed in paragraph (b) above, the cost to the installer of brick and masonry materials, if used in the installation.

2. Section 1346.159 is amended to read as follows:

§ 1346.159 *Maximum prices for special combination grates—(a) Installed price.* The maximum prices for the sale of special combination grates installed in the purchaser's heating boiler are as follows:

TABLE 1

Trade name of special combination grate	Manufacturer	Type	Size	Installed price	Items included
*"Convert-to-Kol".....	Albert Lee Foundry Co.	Klt A.... Klt B....	Diameter up to 24", inc. Diameter of 25" to 34", inc.	\$34.95 38.95	Hearth base and extensions if required, Converter-to-Kol grate, necessary hearth cement, clinker tongs, summer service scoop, instruction card for installation and operation, and incidental material to complete installation.
*"Convert-O-Grate"	Jersey Oil Heat Co.	Klt A.... Klt B....	Diameter up to 24", inc. Diameter of 25" to 34", inc.	34.95 38.95	Necessary grate bars, bearing blocks and pins, ash removal port frame, port plug and handle, ash hoe, clinker hook, 2 instruction cards (installation and operation) and incidental material to complete installation.
*"Stoker"	Stainless Steel Products Co.	A-14.... A-22.... Type B. Type O.	Diameter up to 20", inc. Diameter of 22" to 26", inc. Diameter of 27" to 40", inc. Diameter of 21" to 27", inc.	22.95 38.95 37.95 34.95	Hearth base, stoker grate, necessary hearth cement, clinker tongs, ash remover, instruction card for installation and operation, and incidental material to complete installation.

TABLE 1—Continued

Trade name of special combination grate	Manufacturer	Type	Size	Installed price	Items included
"Blue Coal".....	D. L. & W. Coal Co.	Round..	Diameter up to 21", inc. Diameter of 22" to 25", inc.	44.95 49.95	Supporting ring, necessary grate bars, complete shaker mechanism including either a casting to attach to ash pit front, or a stud in floor, shaker handle, ash pit door (8" x 13"), and frame, and incidental material to complete installation.
"Old Company Lehigh"	Lehigh Navigation Coal Co.	Round..	Diameter up to 21", inc. Diameter of 22" to 25", inc.	44.95 49.95	
"Hudson Coal Co. Grates,"	Hudson Coal Co.	Round..	Diameter up to 21", inc. Diameter of 22" to 25", inc.	44.95 49.95	
Universal Conversion Grates.	Hershey Machine & Foundry Co. American Brake Shoe & Foundry Co. Early Foundry Co.	Round..	Diameter up to 21", inc.	44.95	
"Hercules"	Dieters Foundry & Machine Co.	Round..	Diameter of 22" to 25", inc.	49.95	
		Round..	Diameter up to 26", inc. Diameter of 27" to 32", inc.	34.95 38.95	Conversion burner grate, clean-out door and frame, clinker tong, ash remover, refractory cement, grate supports, required incidental material to complete installation.
"Standard Universal Conversion Grates,"	Standard Utilities Corp.	4 Grate.. 5 Grate.. 6 Grate..	Diameter up to 24", inc. Diameter of 25" to 26", inc. Diameter of 27" to 29", inc.	*49.95 *54.95 *59.95	Necessary grate bars and grate rests, ash pit door and frame, necessary "bricking in" clips, shaker handle, piece sheet metal 16 gauge 24" x 30" size, necessary angle clips, instruction card for installation and operation, and incidental material to complete installation.

* Includes installations made with angle clips only. When fire brick chamber is used, add \$9.00 to price.

TABLE 2

Trade name of special combination grate	Manufacturer	Grate area	Size	Installed price	Items included
	Lehigh Navigation Coal Co.	2 sq. ft.	12" by 24" 16" by 18" 24" by 12" 18" by 24" 24" by 18"	\$54.95 62.95 62.95 75.95 75.95	All necessary castings and parts to complete the grate assembly and shaker mechanism, including either a casting to attach to the front of the ash pit base or a stud to fasten into the floor, a separate shaker bar, an ash pit door and frame having an ash pit area of not less than 8' x 13'; all such incidental material as may be necessary to complete the installation; installation and operation instructions.
	D. L. & W. Coal Co.	3 sq. ft.	12" by 24" 16" by 18" 24" by 12" 18" by 24" 24" by 18"	54.95 62.95 62.95 75.95 75.95	
	Hershey Machine & Foundry Co.	5 sq. ft.	12" by 24" 16" by 18" 24" by 12" 18" by 24" 24" by 18"	54.95 62.95 62.95 75.95 75.95	
	Early Foundry Co.	6 sq. ft.	12" by 24" 16" by 18" 24" by 12" 18" by 24" 24" by 18"	54.95 62.95 62.95 75.95 75.95	
	Dieter's Foundry.	7 sq. ft.	12" by 24" 16" by 18" 24" by 12" 18" by 24" 24" by 18"	54.95 62.95 62.95 75.95 75.95	
		8 sq. ft.	12" by 24" 16" by 18" 24" by 12" 18" by 24" 24" by 18"	54.95 62.95 62.95 75.95 75.95	

(1) Prices listed in Table 2 include installation in dry base boilers. An additional charge of \$1.00 for each leg may be added to the appropriate listed price if installed in a wet base boiler.

(2) Grate area shall be the horizontal diameter at the most restricted point, measured not more than 4 inches vertically above the grate.

(3) To price grate areas other than those listed in Table 2, the following rules govern:

(a) Grate areas under 2 square feet are priced as 2 square feet.

(b) Grate areas less than 1/2 square foot larger than a listed size shall be priced as of the next larger listed size. For example, if area is 4 1/2 square feet, use the price of 5 square feet; if the area is 4 3/4 square feet or any size up to but not 4 1/2 square feet, use the 4 square foot area price.

(b) *Uninstalled maximum price.* The maximum price for the sale of any special combination grate listed above when sold to an ultimate purchaser on an uninstalled basis shall not exceed the maximum installed price established in paragraph (a) above less the cost of the installation allowance established by the seller in the following manner:

The seller shall establish the installation allowance by securing bona fide quotations from one or more persons performing mechanical installation services (installing conversion grates) located in the area where the seller is conducting its business; then the seller shall subtract the amount of the lowest quotation received from the installed price enumerated in paragraph (a) of this section. The amount remaining after such deduction shall constitute the uninstalled maximum price.

The seller shall, upon request of the purchaser, submit the name or names of the persons who have issued quotations for the mechanical installation service.

This amendment shall become effective April 23, 1943.

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

Issued this 17th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6028; Filed, April 17, 1943;
2:34 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 271, Corr. to Amendment 9¹]

CERTAIN PERISHABLE FOOD COMMODITIES, SALES EXCEPT AT RETAIL

The designation of § 1351.1031 (a) (3) is corrected to read § 1351.1031 (a) (4).

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

Issued this 17th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6029; Filed, April 17, 1943;
2:34 p. m.]

PART 1398—RATIONING OF OFFICE AND STORE MACHINES

[RO 4A,² Amendment 2]

TYPEWRITERS

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

Ration Order 4A is amended in the following respects:

1. Section 1398.114 is amended to read as follows:

§ 1398.114 *Certificate-free rental of Class B typewriters.* A Class B type-

writer may be rented by, and to, any person without a certificate for a period not to exceed three months and may be renewed for succeeding periods not to exceed three months, subject however, to the recall provisions of § 1398.128 (b). (The other terms of the rental agreement are governed by § 1398.127.)

2. Section 1398.119 is amended to read as follows:

§ 1398.119 *Typewriters may be acquired as part of assets of business.*

(a) Any person who buys or otherwise acquires all or substantially all the assets of any store, business, plant, or other enterprise, including the good will, may acquire any typewriters included among the assets, without giving up a certificate, for use in the continuance of the business or enterprise, or for permissible transfer.

(b) However, any person who buys or otherwise acquires typewriters from a typewriter dealer, wholesaler, or manufacturer, under this section, may acquire them for permissible transfer only and must file the reports as explained in § 1398.134.

3. The text of § 1398.128 is designated § 1398.128 (a).

4. Section 1398.128 (b) is added to read as follows:

(b) Every typewriter dealer, wholesaler and manufacturer, in renting a Class B typewriter, must give preference to a certificate-holder over a person not holding a certificate. If all the Class B typewriters of the dealer, wholesaler, or manufacturer are out on rental, he must, upon demand by a certificate-holder, recall the number of typewriters specified on the certificate within 48 hours from a person or persons to whom he rented them without certificates.

This amendment shall become effective April 23, 1943.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; W.P.B. Dir. No. 1; Supp. Dir. 1-D; Conversion Order No. L-54-a; 7 F.R. 562, 1792, 2130; E.O. 9125; 7 F.R. 2719)

Issued this 17th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6030; Filed, April 17, 1943;
2:33 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,³ Amendment 11]

MEAT, FATS, FISH AND CHEESES

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

1. Section 16.7 is added to read as follows:

¹ 8 F.R. 3591, 3715, 3949, 4137, 4350, 4721, 4423, 4784.

SEC. 16.7 *Sugar purchase certificates may be corrected and used instead of certificates on OPA Form R-1201.*

(a) Where no food ration certificates (OPA Form R-1201) are available, sugar purchase certificates (OPA Form R-306) may be used instead, if the word "sugar" in the title is changed to "meats and fats", and the rest of the sentence following the applicant's name and address and ending with "Administration" is changed to read "is issued [amount in words] ([amount in numerals]) points of meats and fats." In the upper right corner, "not valid before" shall be changed to "not valid after", and the date inserted there shall be 60 days from date of issue. The date in the lower right corner shall be left blank.

2. The definition of "Certificate" in section 24.1 (a) is amended to read as follows: "Certificate" means a certificate on OPA Form R-1201, or on OPA Form R-306 revised in accordance with section 16.7.

This amendment shall become effective April 23, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. 1, 7 F.R. 562, and Supp. Dir. 1-M, 7 F.R. 7234; Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 17th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6031; Filed, April 17, 1943;
2:34 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 403 Under § 1499.3 (b) of GMPR]

BISSELL WEISERT PIANO CO.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to §§ 1499.3 (b) and 1499.3 (c) of the General Maximum Price Regulation, it is ordered:

§ 1499.1890 *Establishment of maximum prices by Bissell Weisert Piano Company for radio parts.* (a) Bissell Weisert Piano Company, Chicago, Illinois, may sell and deliver at retail the following radio parts at prices no higher than those set forth below, exclusive of federal excise tax.

Laureate chassis.....	\$371.00
Oxford cabinet.....	56.50
Sheraton cabinet.....	104.25
Victorian cabinet.....	132.00
Co-axial speaker.....	21.25
Four unit sound system.....	40.50
New products record changer.....	21.75
Webster mixer changer.....	55.50
Seeburg recordomatic.....	50.75

Bissell Weisert Piano Company, if it assembles any of the above mentioned radio parts into a radio receiving set, phonograph or radio phonograph combination, may charge, in addition to the maximum prices set forth in this Order

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

¹ 8 F.R. 4718.

² 7 F.R. 10806; 8 F.R. 1065, 1588.

No. 403, a labor charge for the assembly based upon March 1942 wage rates. In no event, however, may the labor charges exceed \$10.00.

(b) Bissell Weisert Piano Company shall unconditionally service each part and each radio receiving set, phonograph or radio phonograph combination assembled from the parts set forth in this Order No. 403 for a period of ninety days and shall install the assembled radio receiving set without additional charges.

(c) This Order No. 403 may be revoked or amended by the Price Administrator at any time.

This Order No. 403 shall become effective on the 19th day of April 1943.

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

Issued this 17th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6033; Filed, April 17, 1943;
2:32 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 404 Under § 1499.3 (b) of GMPR]

B. B. CHEMICAL CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is hereby ordered:*

§ 1499.1891 *Approval of maximum prices for sales of cements, adhesives, stains, finishes, and comparable chemical products by the B. B. Chemical Company.*

(a) The maximum price per unit for sale by the B. B. Chemical Company of Cambridge, Massachusetts, of any cements, adhesives, stains, finishes, or comparable chemical products manufactured by it, for which a maximum price cannot be established under § 1499.2 of the General Maximum Price Regulation, shall be the sum which bears the same percentage relationship to the sum of items (1) and (2) below, as the net sales of the B. B. Chemical Company in March 1942, bore to the sum of raw material costs and manufacturing costs for all articles sold in that month, which percentage relationship is established in a statement filed with the Office of Price Administration by the B. B. Chemical Company, dated March 23, 1943.

(1) Raw material costs per unit, computed on the basis of actual prices (not to exceed the applicable maximum prices) paid for raw materials, and in any case not to exceed the highest price charged in March 1942, by the actual supplier to a purchaser of the same class as the B. B. Chemical Company.

(2) Manufacturing costs—equal to the sum of the applicable unit costs prevailing during March 1942 for the operations used in making the article to be priced, as specified in a list of unit manufacturing costs filed by the B. B. Chemical Company with the Office of Price Administration, dated March 23, 1943.

(b) All discounts, trade practices, and practices relating to the payment of shipping charges in effect during March 1942, on the sale by the B. B. Chemical Company of comparable products, shall ap-

ply to the maximum prices determined under paragraph (a).

(c) On or before the last day of each month, beginning with May 1943, the B. B. Chemical Company shall submit to the Office of Price Administration in Washington, D. C. a report for each product priced under this Order No. 404 during the preceding month. Each such report shall include a description of the product so priced; a statement showing why the product cannot be priced under § 1499.2 of the General Maximum Price Regulation; the maximum price determined; and a detailed statement of the factors referred to in paragraph (a) of this order which were used in the determination of such maximum price. Each price so reported shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 404 may be revoked or amended by the Price Administrator at any time.

This order shall become effective April 19, 1943.

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

Issued this 17th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6034; Filed, April 17, 1943;
2:33 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 43 Under SR 15]

STAMP TRUCK LINE, INC.

The General Maximum Price Regulation Order No. 43 under § 1499.75 (a) (3) of Supplementary Regulation No. 15; Docket No. GF3-1011.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1343. *Adjustment of maximum prices for contract carrier services sold by Stamp Truck Line, Inc.* (a) Stamp Truck Line, Inc., Three Rivers, Michigan, may sell and deliver contract carrier services at the rates charged in March, 1942, as set forth in its MF-I. C. C. No. 25 and Supplements Numbers 1, 2, and 3, filed with the Interstate Commerce Commission plus an increase not to exceed 10% of those rates.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 43 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 43 (§ 1499.1343) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 43 (§ 1499.1343) shall become effective April 19, 1943.

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

Issued this 17th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6032; Filed, April 17, 1943;
2:33 p. m.]

PART 1305—ADMINISTRATION

[Supp. Order 43]

MAXIMUM PRICES FOR CERTAIN SALES OF
CERTAIN SURPLUS STOCKS

A statement of the reasons for this Supplementary Order No. 43 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered That:*

§ 1305.58 *Maximum prices for certain sales of certain surplus stocks.* (a) Notwithstanding the provisions of any price regulation the Standard Oil Company of Venezuela, the Lago Petroleum Corporation and the Standard Oil Company of New Jersey or any one or more of them may sell through one or more supply and/or equipment houses all or any part of the materials and supplies ordered in the United States prior to December 31, 1942, by or for the account of the Standard Oil Company of Venezuela or the Lago Petroleum Corporation and not exported prior to March 19, 1943, at prices not in excess of the maximum prices which would be applicable if the sale whose maximum price is determined under this order were made in the regular course of business by the supply and/or equipment house through which the sale subject to this order is made, and any supply and/or equipment house may sell all or any part of the aforementioned materials and supplies on the terms hereinabove set forth.

(b) Notwithstanding the provisions of any price regulation the amount that any supply and/or equipment house may charge the Standard Oil Company of Venezuela, the Lago Petroleum Corporation or the Standard Oil Company of New Jersey for making or assisting in the making of any one or more of the sales subject to this order shall not be subject to price control.

(c) The sale of any materials and supplies subject to this order by any supply and/or equipment house at a price in excess of the maximum price applicable to such sale shall be deemed not to constitute a violation of this order by the Standard Oil Company of Venezuela, the Lago Petroleum Corporation, the Standard Oil Company of New Jersey or any of their officers or employees: *Provided*, That in the event any such sale is made at a price in excess of the applicable maximum price, the last aforementioned corporations shall refund to the purchasers the amount by which the sale price exceeds the maximum price.

(d) As used in this order the term "price regulation" means a price schedule effective in accordance with the provisions of Section 206 of the Emergency Price Control Act of 1942, a maximum price regulation or temporary maximum price regulation heretofore or hereafter issued or any amendment or supplement

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

thereto or order thereunder heretofore or hereafter issued, including Maximum Price Regulation No. 204.¹

This order shall become effective April 24, 1943.

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

Issued this 19th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6053; Filed, April 19, 1943;
10:02 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW
MATERIALS FOR PAPER AND PAPER PROD-
UCTS, PRINTING AND PUBLISHING

[MPR 369]

DRY ROOFING FELT

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for sales of dry roofing felt 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 regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. So far as practicable, the Price Administrator has advised and consulted with members of the industry which will be affected by this regulation.

§ 1347.901 *Maximum prices for dry roofing felt.* 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. 369 (Dry Roofing Felt), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1347.901 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

MAXIMUM PRICE REGULATION No. 369—DRY
ROOFING FELT

CONTENTS

Sec.

- 1 Prohibition against dealing in dry roofing felt at prices above the maximum.
- 2 Less than maximum prices.
- 3 Geographical applicability.
- 4 Applicability of the General Maximum Price Regulation.
- 5 Export sales.
- 6 Evasion.
- 7 Enforcement.
- 8 Records and reports.
- 9 Petitions for amendment.
- 10 Adjustable pricing.
- 11 Definitions.

Appendix A: Maximum prices for dry roofing felt.

SECTION 1 *Prohibition against dealing in dry roofing felt at prices above the*

maximum. On and after April 24, 1943, regardless of any contract or other obligation:

(a) No person shall sell or deliver dry roofing felt in rolls of 100 square feet or more at higher prices than those set forth in Appendix A of this regulation.

(b) No person shall buy or receive dry roofing felt in rolls of 100 square feet or more in the course of trade or business at prices higher than those set forth in Appendix A of this regulation.

(c) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

SEC. 2 *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid, or offered.

SEC. 3 *Geographical applicability.* The provisions of this regulation shall be applicable to the forty-eight states of the United States and the District of Columbia, but shall not be applicable to the territories and possessions of the United States.

SEC. 4 *Applicability of the General Maximum Price Regulation.*¹ The provisions of this regulation supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries of which the maximum prices are established by this regulation.

SEC. 5 *Export sales.* The maximum price at which a person may export dry roofing felt shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation,² issued by the Office of Price Administration.

SEC. 6 *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, delivery, purchase, or receipt of or relating to dry roofing felt, 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. 7 *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses as provided by the Emergency Price Control Act of 1942, as amended.

SEC. 8 *Records and reports.* (a) Every person making purchases, sales, or exchanges of dry roofing felt in April, 1943 or any month thereafter shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each purchase, sale, or exchange of dry roofing felt made during such month and each month thereafter, showing the following:

(1) Date of purchase, sale, or exchange.

(2) Name and address of the buyer or seller, or of the other party to the exchange.

(3) Weight in pounds per 480 sq. ft. and quantity of each weight purchased, sold, or exchanged.

(4) Prices, including discounts paid or received, and including all other direct or indirect considerations given or received and returns and allowances made or taken.

(5) Specifications, including any warranties given or received.

(6) Origin and destination of the shipment, means of transportation used, and amount of transportation charges, insofar as known to the person keeping the record.

(b) Persons required to keep records shall submit such reports to the Office of Price Administration and shall keep such other records in addition to or in place of the records required in paragraph (a) of this section 8 as the Office of Price Administration may from time to time require, or permit, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

SEC. 9 *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. 1.³

SEC. 10 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In appropriate situations where a petition for amendment requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

SEC. 11 *Definitions.* (a) When used in this regulation, the term:

(1) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representatives 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) "Dry roofing felt" includes any fibrous material produced by the felting of vegetable and animal fibers, which is suitable for asphalt or tar saturating purposes, and is customarily used in the production of finished roofing material.

(3) "Short air dry ton" means 2,000 pounds gross weight, including a maximum moisture content of 5%.

(4) "Point of shipment" means that point at which dry roofing felt is loaded upon the carrier or conveyance for shipment to the purchaser.

(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.

Appendix A: *Maximum prices for dry roofing felt.* Maximum prices for dry roofing felt shall in no event exceed the specific dollars and cents prices set forth below, except that if during March 1942

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

¹ 7 F.R. 6479, 7366, 8948.

² 8 F.R. 3096, 3849, 4347, 4486.

³ 7 F.R. 5059, 7242, 5529, 9000, 10530; 8 F.R. 3846.

⁴ 7 F.R. 8961; 8 F.R. 3313, 3533.

there was an agreement between seller and buyer for the sale of dry roofing felt, the maximum price for sales between that seller and that buyer shall not be in excess of the amount which is arrived at by computation under the pricing formula contained in that agreement, or the specific dollars and cents prices set forth below, whichever is lower.

MAXIMUM PRICES

Weight per 480 square feet:	Maximum price per short air dry ton, f. o. b. point of shipment
Less than 60 pounds.....	\$52.00
60 pounds or more.....	\$1.00

This Maximum Price Regulation No. 369 shall become effective April 24, 1943.

NOTE: All of the 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.

Issued this 19th day of April 1943,

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6052; Filed, April 19, 1943;
10:02 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 370]

LINSEED OIL MEAL, CAKE, PEA SIZE MEAL AND PELLETS

In the judgment of the Price Administrator, the prices of linseed oil meal, cake, pea size meal and pellets have risen and are threatening to rise further to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942, as amended, and are thereby causing undue increases in prices.

The Administrator has considered all pertinent provisions of the Emergency Price Control Act of 1942, as amended, and has complied with all requirements thereof.

The maximum prices established by this Maximum Price Regulation No. 370 are, in the judgment of the Price Administrator, generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order 9250. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1351.353 *Maximum prices for linseed oil meal, cake, pea size meal and pellets.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as

amended, and Executive Order 9250, Maximum Price Regulation No. 370 (Linseed Oil Meal, Cake, Pea Size Meal and Pellets), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1351.353 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

MAXIMUM PRICE REGULATION 370—LINSEED OIL MEAL, CAKE, PEA SIZE MEAL AND PELLETS

Sec.

CONTENTS

- 1 Prohibition against sales of linseed oil meal, cake, pea size meal and pellets above maximum prices.
- 2 Less than maximum prices.
- 3 To what transactions and commodities this regulation applies.
- 4 Geographical applicability.
- 5 Definitions.
- 6 Maximum prices of crushers.
- 7 Maximum prices of jobbers.
- 8 Maximum prices of wholesalers.
- 9 Maximum prices of retailers.
- 10 Sales between sellers of the same class.
- 11 Intermediate sellers' sacks.
- 12 Maximum prices shall not be increased for any special charges.
- 13 Import sales.
- 14 Export sales.
- 15 Federal and state taxes including certain licenses or inspection fees.
- 16 Evasion.
- 17 Records and reports.
- 18 Enforcement.
- 19 Protests and petitions for amendment.

SECTION 1 *Prohibition against sales above the maximum price.* While this regulation is in effect, regardless of any contract, agreement or other obligation, no person to whom this regulation is applicable shall sell, offer for sale or deliver any linseed oil meal, cake, pea size meal or pellets at prices higher than the maximum prices specified in this Maximum Price Regulation No. 370, and no person in the course of trade shall buy, solicit or receive any such linseed oil meal, cake, pea size meal or pellets at a price higher than the maximum prices specified in this Maximum Price Regulation No. 370; and no person shall agree, solicit or attempt to do any of the foregoing.

SEC. 2 *Less than maximum prices.* Lower prices than those provided for in this Maximum Price Regulation No. 370 may be charged, demanded, paid or offered.

SEC. 3 *To what transactions and commodities this regulation applies.* This regulation applies to all sales and deliveries of linseed oil meal, cake, pea size meal or pellets.

SEC. 4 *Geographical applicability.* The provisions of this Maximum Price Regulation No. 370 shall be applicable to the forty-eight States and the District of Columbia.

SEC. 5 *Definitions.* (a) When used in this regulation:

(1) "Person" includes any individual, corporation, partnership, association or

other organized group of persons or the legal successor or representative of any of the foregoing and includes the United States or any other government or any political subdivision or agency of any of the foregoing.

(2) "Crusher" means any person who by expeller, extraction or hydraulic process removes oil from flaxseed, and in that process produces oil meal, cake, pea size meal or pellets.

(3) "Jobber" means a person who buys linseed oil meal, cake, pea size meal or pellets whether in carlots or less-than-carlots, and distributes the same without unloading into a warehouse and resells the same other than at retail.

(4) "Wholesaler" means a person who buys linseed oil meal, cake, pea size meal or pellets and unloads his purchase into a warehouse and resells the same, except at retail.

(5) "Retail" means a person who sells linseed oil meal, cake, pea size meal or pellets to an ultimate consumer or feeder.

(6) "Linseed oil meal, cake, pea size meal or pellets" means the product made for animal feeding purposes which results when the oil is removed from flaxseed by an expeller, extraction or hydraulic process.

(7) "Carload lot" means the minimum quantity required to obtain carload lot rates from the point of shipment to the point of destination.

(8) "Less than carload lot" means a quantity other than a carload, mixed car or pool car lot, and includes truck quantities.

(9) "Pool car" means a car in which two or more buyers have combined for the purpose of obtaining a carload rate.

(10) "Transportation charges actually incurred" means:

(i) Where the carrier is not owned or controlled by the seller, the amount paid such carrier (including the 3 per cent tax provided for in section 620 of the Revenue Act of 1942) not exceeding any applicable common or contract carrier rate for a like billing or shipment nor any applicable maximum price for such service.

(ii) Where the carrier is owned or controlled by the seller, the reasonable value of the transportation in question not exceeding, if any, the common or contract rate nor the maximum price for a like service if performed by a person other than the seller.

Except as loading or unloading charges may be included in such transportation charges, no additional charges may be made for such services.

SEC. 6 *Maximum prices of crushers.*

(a) The maximum prices for the sale or delivery of linseed oil meal, cake, pea size meal or pellets, produced from flaxseed grown in the United States, Mexico or Canada, per ton by a crusher, in bulk, f. o. b. plant where produced shall be as follows:

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

Location of crushing plants	Guaranteed minimum percentage of protein	Maximum prices in carload lots		Maximum prices in less than carload lots	
		Meal or cake	Pea size meal or pellets	Meal or cake	Pea size meal or pellets
1. Mankato, Minneapolis and Red Wing, Minnesota	34%	\$40.00	Add differential of \$1.50 to maximum price.	\$41.00	Add differential of \$1.50 to maximum price.
2. Chicago, Illinois, and Milwaukee, Wisconsin	34%	42.00	do.	43.00	Do.
3. Cleveland and Toledo, Ohio	34%	43.00	do.	44.00	Do.
4. Emporia and Fredonia, Kansas	34%	44.00	do.	45.00	Do.
5. Buffalo, New York	34%	44.00	do.	45.00	Do.
6. Amsterdam, New York	34%	44.50	do.	45.50	Do.
7. Edgewater and Newark, New Jersey; Philadelphia, Pennsylvania; Brooklyn and Staten Island, New York	34%	45.00	do.	46.00	Do.
8. Corpus Christi, Harlingen, and Houston, Texas	34%	45.00	do.	46.00	Do.
9. Los Angeles and San Francisco, California	30%	40.00	do.	41.00	Do.
10. San Francisco, California	34%	42.00	do.	43.00	Do.
11. Portland, Oregon	34%	40.00	do.	41.00	Do.

(b) The foregoing maximum prices shall be decreased by \$5.00 per ton for the sale or delivery of linseed oil meal, cake, pea size meal or pellets produced from flaxseed grown in any country other than the United States, Canada, or Mexico.

(c) If the actual analysis of linseed oil meal, cake, pea size meal or pellets differs from the guaranteed minimum percentage of protein above specified then:

(1) If above said guaranteed minimum percentage of protein, no increase in maximum price is permitted.

(2) If below said guaranteed minimum percentage of protein, the deficiency shall be settled for in the following manner: Divide the maximum price per ton for such guaranteed minimum percentage of protein by said minimum percentage of protein, and multiply the resulting figure by the actual number of units (the actual percentage of protein) in the lot in question, and this resulting figure will be the adjusted maximum price.

(d) The foregoing maximum prices may be increased for the sale or delivery by a crusher of linseed oil meal, cake, pea size meal or pellets packed in accordance with the appropriate differential given below:

In seller's new sacks add..... \$3.50
 In seller's used sacks add..... 3.00
 In buyer's new or recleaned sacks add... .50
 In buyer's sacks of any other kind add... 1.00

(e) The foregoing maximum prices may be increased for the sale or delivery by a crusher of linseed oil meal, cake, pea size meal or pellets at any point other than the plant where produced by the transportation charges actually incurred by such crusher for the delivery from the plant where produced to the buyer's receiving point.

(f) Should any crushing plant be established, in addition to the ones named in this regulation, the maximum price of such additional crushing plant shall be the maximum price of that crushing plant located nearest thereto.

SEC. 7 *Maximum prices of jobbers.* The maximum price for the sale or delivery of linseed oil meal, cake, pea size meal or pellets by a jobber shall be 50 cents per ton (maximum markup) for

sales or deliveries in carload lots, and \$1.00 per ton (maximum markup) for sales or deliveries in less than carload lots or in pool cars, over the maximum price which he could lawfully have paid a crusher for the quantity and quality purchased and delivered (from out of which lot the sale or delivery is made) plus transportation charges actually incurred by the seller in respect to the lot sold.

SEC. 8 *Maximum prices of wholesalers.* The maximum price for the sale or delivery of linseed oil meal, cake, pea size meal or pellets by a wholesaler shall be \$2.50 per ton (maximum markup) over the maximum price which he could lawfully have paid the crusher or jobber for the quantity and quality purchased and delivered to his receiving point (from out of which lot the sale or delivery is made) plus transportation charges actually incurred by the seller in respect to the lot sold.

SEC. 9 *Maximum prices of retailers.* The maximum price for the sale or delivery of linseed oil meal, cake, pea size meal or pellets by a retailer shall be \$5.50 (maximum markup) over the maximum price which he could lawfully have paid the crusher, jobber or wholesaler for the quantity and quality purchased and delivered to his receiving point (from out of which lot the sale or delivery is made) plus transportation charges actually incurred by the seller in respect to the lot sold.

SEC. 10 *Maximum prices for sales or deliveries by others.* (a) The maximum price for the sale or delivery of linseed oil meal, cake, pea size meal or pellets by an ultimate consumer or other person of a class not hereinbefore specifically provided for shall be the maximum price which his seller could lawfully have charged him when he purchased the same.

(b) Notwithstanding any other provision of this regulation sales between persons of one of the classes hereinbefore specifically provided for shall be permissible: *Provided*, That no such sales, nor sales to a person of a different class, shall be at a higher price than the maximum price hereinbefore prescribed for said class of sellers.

SEC. 11 *Intermediate sellers' sacks.* When an intermediate seller who has purchased linseed oil meal, cake, pea size meal or pellets in bulk resells the same in sacks he may add the differentials given in section 6 (d) above.

SEC. 12 *Maximum prices shall not be increased for any special charges.* The maximum prices fixed in this regulation shall not be increased by any special charges whatsoever, including, but not limited to, duties, brokerages and commissions, or storage, insurance, carrying and handling charges, or charges for the extension of credit.

SEC. 13 *Imported sales.* No person shall sell or deliver imported linseed oil meal, cake, pea size meal or pellets at a higher price than could lawfully be charged for a like sale or delivery by a like class of seller of domestic linseed oil meal, cake, pea size meal or pellets, but in the case of the first seller within the United States his maximum price shall be computed as if he had purchased the product from that domestic crusher whose production plant is located nearest the port of entry of the imported product in question.

SEC. 14 *Maximum prices for export sales.* The maximum price for export sales of linseed oil meal, cake, pea size meal or pellets shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation.¹

SEC. 15 *Federal and State taxes including certain licenses or inspection fees.* Any tax upon or incident to the sale, delivery, processing or use of linseed oil meal, cake, pea size meal or pellets, including license or inspection fees levied on a tonnage basis imposed by any statute of the United States or statute or ordinance of any State or subdivision thereof, shall be treated as follows in determining the seller's maximum price for linseed oil meal, cake, pea size meal or pellets, and in preparing the records of such seller with respect thereto: If at the time the seller determines his maximum price, the statute or ordinance imposing the tax does not prohibit the seller from stating and collecting the tax separately from the purchase price and the seller does state it separately, the seller may collect in addition to the maximum price, the amount of tax or fee actually paid by him or an amount equal to the amount of tax or fee paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

SEC. 16 *Evasion.* The provisions of this Maximum Price Regulation No. 370 shall not be evaded whether by direct or indirect methods in connection with any offer, solicitation, agreement, sale, delivery, purchase, or receipt of any commodity covered by this regulation 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

¹ 7 F.R. 5059, 7242, 8829, 9000, 10530; 8 F.R. 3846.

by tying-agreement or other trade understanding or otherwise.

SEC. 17 *Records and reports.* (a) Every seller subject to this regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect his customary records including, if any, all bills, invoices and other documents relating to every sale or delivery of linseed oil meal, cake or pellets after the effective date of this regulation.

(b) Upon demand every such seller shall submit such records to the Office of Price Administration and keep such further records as the Office of Price Administration may from time to time require.

SEC. 18 *Enforcement.* Persons violating any provision of this regulation are subject to the license revocation or suspension provisions, civil enforcement actions suits for treble damages, and criminal penalties as provided in the Emergency Price Control Act of 1942, as amended.

SEC. 19 *Protests and petitions for amendment.* Any person desiring to file a protest against or seeking an amendment of any provisions of this regulation may do so in accordance with Revised Procedural Regulation No. 1² issued by the Office of Price Administration.

This regulation shall become effective April 24, 1943.

NOTE: The record keeping provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 19th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6051; Filed, April 19, 1943;
10:02 a. m.]

PART 1382—HARDWOOD LUMBER

[Rev. MPR 97, Amendment 3]

SOUTHERN HARDWOOD LUMBER

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 Maximum Price Regulation No. 97 is amended in the following respect:

1. Section 1382.122 (b) (1) (i) is amended by inserting, after the words "Maurice W. Grundy, 8201 Fig Street, New Orleans, Louisiana," the words "Southern Lumber Company, 200 Block, Octavia Street, New Orleans, Louisiana."

This amendment shall become effective April 24, 1943.

¹² 8 F.R. 142, 3530.

²⁷ F.R. 8961; 8 F.R. 3313, 3533.

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

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

Issued this 19th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6054; Filed, April 19, 1943;
10:02 a. m.]

PART 1499—COMMODITIES AND SERVICES [Amendment 1 to Order 171 Under § 1499.3 (b) of GMPR]

PERMANENTE METALS CORP.

For the reasons set forth in an opinion issued simultaneously herewith, paragraph (c) of § 1499.1187 is hereby revoked.

This amendment shall become effective April 20, 1943.

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

Issued this 19th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6049; Filed, April 19, 1943;
10:00 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 405 Under § 1499.3 (b) of GMPR]

HARTZELL INDUSTRIES INC.

Order No. 405 under § 1499.3 (b) of the General Maximum Price Regulation—Hartzell Industries Incorporated; Docket No. V2-23-1.

Hartzell Industries Incorporated of Piqua, Ohio, has made application under § 1499.3 (b) of the General Maximum Price Regulation for specific authorization of a maximum price for a commodity which cannot be priced under § 1499.2 thereof. Due consideration has been given the application and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order 9250, It is ordered That:

§ 1499.1892 *Approval of maximum price for a new grade of veneer.* (a) On and after April 20, 1943, the Hartzell Industries Incorporated of Piqua, Ohio, may sell and deliver to any person and any person may buy and receive from Hartzell Industries Incorporated, at a price not to exceed \$9.50 per M square feet, f. o. b. mill, a new grade of 1/20" rotary veneer, cut on a face machine from native woods, including poplar and maple.

(b) This order may be amended or revoked by the Price Administrator at any time.

¹⁷ F.R. 10347.

The effective date of this order shall be April 20, 1943.

Issued this 19th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6055; Filed, April 19, 1943;
10:00 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 406 under § 1499.3 (b) of GMPR]

SHARPE & DOME, INCORPORATED

For the reasons set forth in an opinion issued simultaneously herewith, It is ordered:

§ 1499.1893 *Approval of maximum prices for sales of Tyrothricin Concentrate (Human) Mulford—(a) Maximum prices.* Maximum prices for Tyrothricin Concentrate (Human) Mulford are established as follows:

(1) *Sales other than sales on prescription.*

Sales to—	M 330-419		M 330-022	
	Each	Each	Each	Each
Individual ultimate consumers.....	\$1.60	\$5.65		
Physicians.....	1.20	4.24		
Retail druggists and hospitals.....	.96	3.39		
Wholesalers.....	.82	2.88		
State, county and city governments or agencies thereof.....	.80	2.82		
U. S. Government or agencies thereof.....	.76	2.68		

(2) *Sales on prescriptions.* The maximum prices established by subparagraph (1) of this paragraph shall not apply to sales on prescription of Tyrothricin Concentrate (Human) Mulford. The maximum price for a sale on prescription of Tyrothricin Concentrate (Human) Mulford shall be determined by the person making the sale on prescription in accordance with the provisions of § 1499.3 (a) of the General Maximum Price Regulation, except that no report of the maximum price so determined need be filed as required by that section.

(b) *Discounts and allowances.* Any seller making sales of Tyrothricin Concentrate (Human) Mulford shall apply to the maximum prices established for such sales in paragraph (a) all quantity differentials, trade practices, credit terms, practices relating to transportation costs, and other customary discounts and allowances which were in effect on his sales of biological products manufactured by Sharp & Dohme, Incorporated, during March 1942, or if such seller did not sell such biologicals in March 1942, on his sales of the product most comparable to Tyrothricin Concentrate (Human) Mulford which such seller sold in March 1942.

(c) *Definitions.* When used in this order, the term:

(1) "Tyrothricin Concentrate (Human) Mulford" refers to an organic germicide and bacteriostatic agent extracted from cultures of soil bacilli and

used exclusively in treating human beings which is manufactured by Sharp & Dohme, Incorporated, a corporation of Maryland having its principal offices in Philadelphia, Pennsylvania.

(2) "M 330-419" refers to a package containing a 1 cc. ampule of a solution of Tyrothricin Concentrate (Human) Mulford, 25 mgm. per cc., and a vial containing 49 cc. of pyrogen-free, sterile, distilled water for diluting the concentrate before use.

(3) "M 330-022" refers to a vial containing 20 cc. of a solution of Tyrothricin Concentrate (Human) Mulford, 25 mgm. per cc.

(d) *Notification.* (1) With or prior to the first delivery of each size of Tyrothricin Concentrate (Human) Mulford to a wholesaler, Sharp & Dohme, Incorporated shall furnish such wholesaler a written notice containing the following information:

(i) The maximum price established by this order for sales by Sharp & Dohme, Incorporated, to such wholesalers.

(ii) Wholesalers' maximum price to retailers.

(iii) Retailers' maximum price to individual ultimate consumers.

(iv) A statement that wholesalers' and retailers' maximum prices are subject to the discounts, allowances and trade practices in effect on sales by the seller during March 1942 of biological products manufactured by Sharp & Dohme, Incorporated, or if the seller did not sell such biological products during March 1942, on sales of the product most comparable to Tyrothricin Concentrate (Human) Mulford which the seller sold during March 1942.

(2) Prior to the first delivery of each size of Tyrothricin Concentrate (Human) Mulford, Sharp & Dohme, Incorporated shall publish in any drug trade periodical of national circulation generally circulated among retail sellers of drugs, a notification setting forth the maximum prices established by this order for sales thereof to retailers and the maximum prices established by this order for sales thereof by retailers to individual ultimate consumers: *Provided*, That such publication is not required so long as Sharp & Dohme, Incorporated directly supplies each retailer who purchases such product, with or prior to the first delivery thereof, with a written notice of the maximum prices established by this order for sales to retailers and to individual ultimate consumers.

(e) This Order No. 406 may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective April 20, 1943.

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

Issued this 19th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6050; Filed, April 19, 1943; 10:00 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 407 Under § 1499.3 (b) of GMPR]

P. HICKS CADLE, INC.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1894 *Authorization of Maximum Prices for "All American Table Seasoning Bouquet" manufactured by P. Hicks Cadle, 68 Wazee Market Place, Denver, Colorado.* (a) On and after April 20, 1943, the maximum price f. o. b. Denver, Colorado for the following product of P. Hicks Cadle, Inc. packed in one ounce shaker type containers, 24 containers per shipping case, shall be as set forth below:

"All American Table Bouquet Seasoning"—\$1.85 per case.

(b) This order may be revoked or amended by the Administrator at any time.

(c) This Order No. 407 (§ 1499.1894) shall become effective April 20, 1943.

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

Issued this 19th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6044; Filed, April 19, 1943; 10:03 a. m.]

PART 1499—COMMODITIES AND SERVICES

GEORGE H. SHOOK & SONS

[Order 44 Under SR 15 to GMPR]

Order No. 44 under § 1499.75 (a) (3) of Supplementary Regulation No. 15—to the General Maximum Price Regulation; Docket No. GF3-3093.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1344 *Adjustment of Maximum Prices for Contract Carrier Services by George H. Shook, doing business under the firm name of George H. Shook & Sons, of 7861 Cameron Avenue, Detroit, Michigan.* (a) George H. Shook, doing business under the firm name of George H. Shook & Sons, of 7861 Cameron Avenue, Detroit, Michigan, may sell and deliver contract carrier services for the transportation of beer from Frankenthum, Michigan to the following points of delivery at prices not to exceed the following maximum prices:

	Per case
Detroit.....	7¢
Mt. Clemens.....	7¢
Ann Arbor.....	7¢
Fort Custer.....	7¢

(b) All requests of the application not granted herein are denied.

(c) This Order No. 44 (§ 1499.1344) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(d) This Order No. 44 (§ 1499.1344) may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 44 (§ 1499.1344) shall become effective April 20, 1943.

(Pub. Laws No. 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 19th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6045; Filed, April 19, 1943; 10:03 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 45 Under SR 15 to GMPR]

CALLAHAN TRANSPORTATION

Order No. 45 under § 1499.75* (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3-984.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1345 *Adjustment of Maximum Prices for Contract Carrier Services sold by John R. Callahan, doing business as Callahan Transportation, 851 Beech Avenue, N. S., Pittsburgh, Pennsylvania, hereinafter referred to as applicant, may increase his March, 1942 rates for motor contract carrier services for the delivery of malt beverages for the Duquesne Company, of Pittsburgh, Pennsylvania, by 5%, and for the delivery of carbonated beverages for Canada Dry Ginger Ale Company, of Pittsburgh, Pennsylvania, by 3%.*

(b) All requests of the application not granted herein are denied.

(c) This Order No. 45 (§ 1499.1345) may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 45 (§ 1499.1345) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 45 (§ 1499.1345) shall become effective April 20, 1943.

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

Issued this 19th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6046; Filed, April 19, 1943; 10:03 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 46 Under SR15 to GMPR]

T. O. VEST

Order No. 46 under § 1499.75 (a) (3)—of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3-1341.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1346 *Adjustment of Maximum Prices for Contract Carrier Services sold by T. O. Vest.* (a) T. O. Vest, of Joplin, Missouri, may sell and deliver contract

carrier services to Hegeler Zinc Company, in connection with the transportation of zinc ore concentrates from mine bins in the Tri-State District to nearby railroad sidings at a rate not to exceed 55¢ per ton.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 46 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 46 (§ 1499.1346) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 46 (§ 1499.1346) shall become effective April 20, 1943.

(Pub. Laws No. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6047; Filed, April 19, 1943;
10:03 a. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 47 Under SR 15 to GMPR]

MOORE & WEST

Order No. 47 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3-1193.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1347 *Adjustment of Maximum Prices for Contract Carrier Services sold by Silva Moore and C. A. West, doing business as Moore & West.* (a) Silva Moore and C. A. West, doing business as Moore & West, at 1138 Wilbur Avenue, Akron, Ohio, hereinafter referred to as applicant, may charge as their maximum prices for the transportation by motor vehicle of tire fabric, chemicals, scrap tires and tubes, reclaimed rubber shoddy, iron or steel automobile wheel rims and parts, iron or steel wheel bands plain or punched for the Firestone Tire & Rubber Company, and its affiliates, the Firestone Steel Products Company, and the Xylos Rubber Company, the rates not to exceed those set forth in the schedule of rates submitted as Exhibit No. 2, attached to the application filed in this Office on August 6, 1942.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 47 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 47 (§ 1499.1347) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 47 (§ 1499.1347) shall become effective April 20, 1943.

(Pub. Laws No. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6048; Filed, April 19, 1943;
10:03 a. m.]

TITLE 46—SHIPPING

Chapter I—Bureau of Customs

Subchapter A—Documentation, Entrance and Clearance of Vessels, etc.

[T. D. 50848]

CANADIAN HALIBUT FISHING VESSELS

PERMISSION TO LAND CATCH IN ALASKA

APRIL 15, 1943.

Section 4311 R.S. (46 U.S.C. 251) waived to extent necessary to permit Canadian halibut fishing vessels to land catch of halibut in Alaska.

Upon the written recommendation of the Secretary of State and by virtue of the authority vested in me by section 501 of the Second War Powers Act, 1942 (Public Law 507, 77th Cong.), I hereby waive compliance with the provisions of section 4311 R.S. (46 U.S.C. 251) to the extent necessary, for the duration of the calendar year 1943, to permit Canadian fishing vessels engaging in the North Pacific halibut fishery only to land their catch of halibut in ports of entry in Alaska upon compliance with the applicable customs laws. I deem that such action is necessary in the conduct of the war.

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 43-6018; Filed, April 17, 1943;
11:44 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 6—RULES GOVERNING FIXED PUBLIC RADIO SERVICES

QUARTERLY REPORT

The Commission, on April 13, 1943, effective immediately, amended § 6.31 to read as follows:

§ 6.31 *Quarterly report.* Commencing with the report due May 10, 1943, each licensee of a station at a specific location or of stations under a common transmitter control point, shall, within 40 days after the close of the quarter, submit a quarterly report in duplicate, stating in Part I of such report each frequency and associated call letters contained in the license(s), number of hours each such frequency was used to each point of communication for each class of service rendered (such as telegraph, telephone, program or radio-photo), and the total hours each such frequency was used; stating in Part II of such report the volume of paid public correspondence transmitted to, received from, and the total with respect to each point of communication named in the license(s); and stating in Part III of such report a list of the frequencies which were received from all stations beyond the continental limits of the United States, indicating call letters, locations, type of emissions, and whether such frequencies were received normally or occasionally: *Provided, however,* That this report is not required for stations operating on frequencies above 30,000

kilocycles which are used primarily to control the operation of, or to relay messages to or from, another radio station for which such a report is submitted or for the operation of stations on frequencies above 30,000 kilocycles which are used as an extension to or an integral part of the domestic communication network.

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-5996; Filed, April 17, 1943;
10:29 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Permit ODT 26A-1]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—PERMITS

SUBPART P—RENTAL CARS

In accordance with § 501.144 of General Order ODT 26A, it is hereby authorized that:

§ 521.3800 *Certain commercial deliveries of merchandise authorized.* Notwithstanding the provisions of § 501.142 (b) of General Order ODT 26A any person, during the periods April 23, 1943, to April 25, 1943, inclusive, and May 7, 1943, to May 9, 1943, inclusive, may drive and operate a rental car for the purpose of making commercial deliveries of flowers which have been sold at retail.

(E.O. 8989, 9156, 9214; 6 F.R. 6725, 7 F.R. 3349, 6097; General Order ODT 26A, 8 F.R. 4934)

This General Permit ODT 26A-1 shall become effective April 19, 1943.

Issued at Washington, D. C., this 19th day of April 1943.

JOSEPH B. EASTMAN,
Director.

[F. R. Doc. 43-6110; Filed, April 19, 1943;
11:33 a. m.]

Notices

TREASURY DEPARTMENT.

Fiscal Service, Bureau of the Public Debt.

[1943 Dept. Circ. 711]

7/8 PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES C-1944

APRIL 20, 1943.

I. OFFERING OF CERTIFICATES

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for certificates of indebtedness of the United States, designated 7/8 percent Treasury Certificates of Indebtedness of Series C-1944, in pay-

ment of which only 0.65 percent Treasury Certificates of Indebtedness of Series C-1943, maturing May 1, 1943, or $\frac{3}{4}$ percent Commodity Credit Corporation Notes of Series F, also maturing May 1, 1943, may be tendered. The amount of the offering under this circular will be limited to the amount of such Series C-1943 certificates and Series F notes tendered and accepted.

II. DESCRIPTION OF CERTIFICATES

1. The certificates will be dated May 1, 1943, and will bear interest from that date at the rate of $\frac{7}{8}$ percent per annum, payable semiannually on November 1, 1943, and May 1, 1944. They will mature May 1, 1944, and will not be subject to call for redemption prior to maturity.
2. The income derived from the certificates shall be subject to all Federal taxes, now or hereafter imposed. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.
3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes and will not bear the circulation privilege.
4. Bearer certificates with two interest coupons attached will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000 and \$1,000,000. The certificates will not be issued in registered form.
5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.
2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. PAYMENT

1. Payment at par for certificates allotted hereunder must be made or on before May 1, 1943, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series C-1943 or in Commodity Credit Corporation Notes of Series F, maturing May 1, 1943, which will be accepted at par, and should accompany the subscription.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized

and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 43-6103; Filed, April 19, 1943;
11:13 a. m.]

DEPARTMENT OF THE INTERIOR.

Bureau of Mines.

SEISMOGRAPH SERVICE CORPORATION

PROCEEDINGS FOR REVOCATION OF LICENSE

Order of dismissal without prejudice to future proceedings.

Purchaser's License No. 101,570 under the Federal Explosives Act (act of December 26, 1941, 55 Stat. 863, referred to herein as "the act") was issued on February 28, 1942, to Seismograph Service Corporation of Tulsa, Oklahoma, an Oklahoma corporation, and a new or reissued license, Purchaser's License No. 213,837, was issued to the same licensee on February 9, 1943. On November 16, 1942, these proceedings for revocation of the license then outstanding were started by filing a Specification of Charges alleging that the licensee had violated the act at a number of times and places. The licensee filed an answer in the form of a letter, requesting dismissal of the charges or a hearing thereon. A hearing was deemed necessary, and, after written notice to the licensee, was held in Dallas, Texas, on December 21, 1942, before a Hearing Officer designated by me. The licensee appeared by its attorney, John L. Carlson, Esq., and evidence bearing upon the charges was presented.

The Hearing Officer filed a report dated February 4, 1943, stating findings of fact and conclusions of law that the licensee, in a number of instances, had violated the act and the regulations then in force. The report recommended revocation of the license then outstanding, and also of any reissued license granted to the licensee; and further recommended that, because of efforts made by the licensee since these proceedings were started, to conform to the law and applicable regulations, any revocation order should be without prejudice to the right of the Seismograph Service Corporation to apply to the Director of the Bureau of Mines for a new license upon a showing of full compliance with all applicable laws, regulations, and instructions relative to the storage of explosives. A copy of the report was sent on February 4, 1943, to the licensee by mailing to its attorney, John L. Carlson.

By letter dated February 24, 1943, the licensee filed exceptions to the report of the Hearing Officer. No exception was taken to the findings of fact and conclusions of law that the licensee had violated the act; the exceptions were limited to the recommendations for revocation of licenses and were expressly directed to the exercise of my discretion under the act, in disposing of the proceedings, to consider circumstances other than guilt or innocence of the licensee. The licensee also requested a hearing on the report and exceptions before any revocation order was made.

The exceptions were based largely on the allegation that the licensee was at the date of the exceptions complying fully with the act, the regulations issued pursuant thereto and instructions for storing, handling and transporting explosives approved by me, and the assurance that it would continue such compliance in the future. After further investigation, I am satisfied that the licensee is now conforming to all requirements of law and I believe it will continue to do so hereafter.

Now, therefore, by virtue of the authority vested in me by sections 8 and 18 of the Federal Explosives Act (act of December 26, 1941, 55 Stat. 863) and § 301.22 of the regulations issued pursuant thereto (7 F.R. 5901), I, R. R. Sayers, Director of the Bureau of Mines, having reviewed the record and considered the exceptions, *Order*, That the findings of fact and conclusions of law of the Hearing Officer to the effect that the Seismograph Service Corporation did in a number of instances violate the Federal Explosives Act (act of December 26, 1941, 55 Stat. 863) and regulations then in force are hereby approved and adopted as my own;

That since the licensee is now fully complying with the act, these proceedings are dismissed; the dismissal to be without prejudice, however, to the initiation of similar proceedings against this licensee hereafter if the licensee shall be guilty of any future violation of the Federal Explosives Act (act of December 26, 1941, 55 Stat. 863) or any regulation or instruction issued pursuant thereto; the record herein or any part thereof may be introduced as evidence in, and the violations proved herein may be considered in support of, any such future revocation proceedings, and, after such future violation, in support of any action I may seek to take with respect to the issue or reissue of a license to the above-named licensee and in any proceedings involving its rights under the said act.

Since the licensee requested further hearing before revocation of its license, and not otherwise, so that the present disposition of the proceedings leaves no request pending, nor any occasion, for further hearing, accordingly none will be held.

Dated at Washington, D. C., this 15th day of April 1943.

R. R. SAYERS,
Director.

[F. R. Doc. 43-6075; Filed, April 19, 1943;
10:22 a. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

DESIGNATION OF COUNTIES FOR LOANS

Designation of localities in counties in which loans, pursuant to Title I of the Bankhead-Jones Farm Tenant Act, may be made.

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, as extended by Supplement 2 of Secretary's Memorandum No. 867 issued as of July 1, 1942, loans made in the counties mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

REGION V

ALABAMA

Lamar County

Locality I—Consisting of Precincts 1, 5, 7, 8, 9, 10, and 11.....	\$1,482
Locality II—Consisting of Precincts 2, 3, 4, 6, 12, 15, 16, 17, 18, and 19.....	1,084
Locality III—Consisting of Precincts 13, 14, 20 and 21.....	1,451

FLORIDA

Walton County

Locality I—Consisting of Precincts 1, 2, 7, 8, 10, 11, 12, 15, 16, 18, 22, and 24.....	\$747
Locality II—Consisting of Precincts 3, 4, 5, 6, 9, 14, 17, 19, 20, 21, 23, 25, 26 and 27.....	1,476

REGION VII

NEBRASKA

Buffalo County

Locality I—Consisting of the townships of Center, Collins, Elm Creek, Gibbon, Kearney (Coextensive with Kearney city), Odessa, Platte, Sharon, Shelton.....	\$9,366
Locality II—Consisting of the townships of Armada, Beaver, Cedar, Cherry Creek, Divide, Gardner, Garfield, Grant, Harrison, Logan, Loup, Ravenna city, Riverdale, Rusco, Sarsatoria, Schneider, Scott, Thornton, Valley.....	6,206

REGION VIII

TEXAS

Hopkins County

Locality I—Consisting of Precinct 1.....	\$3,304
Locality II—Consisting of Precinct 2.....	1,794
Locality III—Consisting of Precinct 3.....	1,569
Locality IV—Consisting of Precinct 4.....	3,499
Locality V—Consisting of Precinct 5.....	3,094
Locality VI—Consisting of Precinct 6.....	2,006
Locality VII—Consisting of Precinct 7.....	1,938
Locality VIII—Consisting of Precinct 8.....	4,029

San Augustine County

Locality I—Consisting of Precinct 1.....	\$1,826
Locality II—Consisting of Precinct 2.....	2,595
Locality III—Consisting of Precinct 3.....	1,767
Locality IV—Consisting of Precinct 4.....	1,869
Locality V—Consisting of Precinct 5.....	1,140
Locality VI—Consisting of Precinct 6.....	1,558

Limestone County

Locality I—Consisting of Precinct 1.....	\$4,642
Locality II—Consisting of Precinct 2.....	6,802
Locality III—Consisting of Precinct 3.....	2,003
Locality IV—Consisting of Precinct 4.....	4,330
Locality V—Consisting of Precinct 5.....	2,127
Locality VI—Consisting of Precinct 6.....	2,151
Locality VII—Consisting of Precinct 7.....	5,793
Locality VIII—Consisting of Precinct 8.....	5,250

The purchase price limits previously established for the counties above-mentioned are hereby cancelled.

Approved April 14, 1943.

[SEAL]

C. B. BALDWIN,
Administrator.

[F. R. Doc. 43-6006; Filed, April 17, 1943;
11:47 a. m.]

Food Distribution Administration.

DELEGATION OF AUTHORITY

ADMINISTRATION OF FOOD DISTRIBUTION
ORDER 50

Order designating an administrator, and alternate administrators, of Food Distribution Order No. 50,¹ and delegating authority to perform certain functions.

Pursuant to the provisions of Food Distribution Order No. 50, issued under the provisions of Executive Order No. 9322, dated March 26, 1943 (8 F.R. 3807) and to effectuate the purposes of such Order, Lawrence Myers, Milton S. Briggs and William T. Darden, employees of the Commodity Credit Corporation, are designated as Administrator and Alternate Administrators, respectively, of Food Distribution Order No. 50, and they are hereby authorized, subject to such instructions as the Director of Food Distribution may from time to time issue, to perform all functions and duties necessary in the administration of said order.

This delegation shall not be construed to affect any power or authority vested in the Director of Food Distribution under Food Distribution Order No. 50.

(E.O. 9322, 8 F.R. 3807; Food Distribution Order No. 50)

Issued this 17th day of April 1943.

[SEAL]

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-6036; Filed, April 17, 1943;
4:03 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNERS EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section

¹ Supra.

14 thereof and § 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective April 19, 1943.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificate. Any person aggrieved by the issuance of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

Free Service Tire Company, Johnson City, Tennessee; Rubber; 2 learners (T); Tire Recapper for a learning period of Four Weeks (160 hours) at 35¢ per hour until June 28, 1943.

S. W. Shetter Paper Box Manufacturing, Howard and Perry Streets, York, Pennsylvania; Converted Paper Products; 1 learner (T); Topping machine operator for a learning period of Six Weeks (240 hours) and Turner In for a learning period of Four Weeks (160 hours) at 35¢ per hour until October 19, 1943.

Signed at New York, N. Y., this 17th day of April 1943.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 43-6042; Filed, April 19, 1943;
9:40 a. m.]

LEARNERS EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748) and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination or order or regulation, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel Industry

Winsor Manufacturing Company, 59 Social Street, Woonsocket, Rhode Island; Cotton handkerchiefs; 5 learners (T); effective April 19, 1943, expiring April 19, 1944.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-lined Garments, Divisions of the Apparel Industry

Cohoes Silk Undergarment Company, 31 Ontario Street, Cohoes, New York; Gowns, housecoats and pajamas; 10 learners (T); effective April 19, 1943, expiring April 19, 1944.

Qsgood and Sons, Incorporated, Decatur, Illinois; Wash dresses, house coats and robes; 10 percent (T); effective April 19, 1943, expiring April 19, 1944.

H. A. Satin and Company, Incorporated, 521 Iron Street, Negaunee, Michigan; Cotton wash dresses, bars-insect-field; 10 percent (T); effective April 19, 1943, expiring April 19, 1944.

Steward Manufacturing Company, Incorporated, 63 Central Avenue, Ossining, New York; Women's, Junior's and Misses' dresses; 10 learners (T); effective April 19, 1943, expiring April 19, 1944.

Western Underwear Company of Minneapolis, 608 First Avenue North, Minneapolis, Minnesota; Slips, gowns and pajamas of woven fabric, slips, panties and gowns of knitted fabric; 10 learners (T); effective April 19, 1943, expiring April 19, 1944.

Glove Industry

Scotsmoor Company, Incorporated, Broadalbin, New York; Knit wool gloves; 5 learners (T); effective April 19, 1943, expiring April 19, 1944.

Tennessee Glove Company, Incorporated, South Atlantic Street, Tullahoma, Tennessee; Work gloves; 10 learners (A. T.); effective April 19, 1943, expiring December 10, 1943.

Wool Products Industries, Incorporated, 980 Kent Street, St. Paul, Minnesota; Knit fabric gloves; 5 learners (T); effective April 19, 1943, expiring April 19, 1944.

Hosiery Industry

Black Mountain Hosiery Mills, Incorporated, Box 756, Black Mountain, North Carolina; Seamless hosiery; 5 learners (A. T.); effective April 19, 1943, expiring October 12, 1943.

Elizabeth James Mills No. 2, South Logan Street, Marion, North Carolina; Full fashioned; 15 learners (A. T.); effective April 19, 1943, expiring November 30, 1943.

Lyerly Full Fashioned Mills, Incorporated, 8th Street, Hickory, North Carolina; Full-fashioned hosiery; 31 learners (A. T.); effective April 19, 1943, expiring October 19, 1943.

Pine Hosiery Mills, Incorporated, Star, North Carolina; Seamless hosiery; 5 learners (A. T.); effective April 19, 1943, expiring April 19, 1944.

Princeton Hosiery Mills, Princeton, Kentucky; Full-fashioned; 15 percent (A. T.); effective April 19, 1943, expiring October 19, 1943.

Radford Knitting Mills, Radford, Virginia; Full-fashioned hosiery; 5 learners (T); effective April 19, 1943, expiring April 19, 1944.

Slatedale Knitting Mills, Incorporated, Slatedale, Pennsylvania; Seamless hosiery; 20 learners (A. T.); effective April 19, 1943, expiring October 19, 1943. (This certificate replaces the one you now have bearing the expiration date of June 1, 1943.)

Vogue Manufacturing Corporation, Tappahannock, Virginia; Full-fashioned hosiery; 5 learners (T); effective April 19, 1943, expiring April 19, 1944.

Kitted Wear Industry

Robert P. Miller Company, Shoemakersville, Pennsylvania; Cotton knit underwear, cotton and wool sweaters; 5 learners (T); effective April 19, 1943, expiring April 19, 1944.

Textile Industry

Morton Feldman, Incorporated, Holman Street, Mt. Holly, New Jersey; Cotton, silk, rayon and nylon; 8 learners (A. T.); effective April 19, 1943, expiring October 19, 1943. (This certificate replaces the one you now have bearing the expiration date of June 22, 1943.)

Holt-Williamson Manufacturing Company, Fayetteville, North Carolina; Cotton yarn; 3 percent (T); effective April 19, 1943, expiring April 19, 1944.

Huntingdon Throwing Company, Huntingdon, Pennsylvania; Silk, rayon and synthetic yarn; 20 percent (A. T.); effective April 19, 1943, expiring October 19, 1943.

Kingston Manufacturing Company, 210 Third Street, San Antonio, Texas; Women's work clothes, slacks and coveralls; 8 learners (T); effective April 19, 1943, expiring April 19, 1944.

C. F. Smith Company, 126-132 West Los Feliz Boulevard, Glendale, California; Men's sport shirts and ladies' robes; 15 learners (A. T.); effective April 19, 1943, expiring August 3, 1943.

Signed at New York, N. Y., this 17th day of April, 1943.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 43-6043; Filed, April 19, 1943; 9:40 a. m.]

PORTNOY GARMENT COMPANY

RELIEF FROM RECORD KEEPING REGULATIONS

Notice of granting of exception pursuant to § 516.18 of the Record Keeping Regulations, Part 516.

Notice is hereby given that pursuant to § 516.18 of the Record Keeping Regulations, Part 516, issued under the Fair Labor Standards Act of 1938, the Administrator of the Wage and Hour Division hereby grants to the Portnoy Garment Company of St. Louis, Missouri, relief from the necessity of preserving its employees' piece-work tickets for 2 years as required by § 516.15 (a) (1) of the Record Keeping Regulations: *Provided*, That these piece-work tickets are preserved for not less than 4 weeks, and that the weekly totals of piece work performed by each of the employees are entered in the payroll records and the payroll records are preserved for the period required by § 516.14 of the Record Keeping Regulations.

This authority is granted on the representations of the petitioner and is subject to revocation for cause.

Signed at New York, New York, this 16th day of April 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-6041; Filed, April 19, 1943; 9:40 a. m.]

CANNED FRUITS AND VEGETABLES AND RELATED PRODUCTS INDUSTRY

MINIMUM WAGE RECOMMENDATION

Notice of hearing on the minimum wage recommendation of Industry Committee No. 56 for the Canned Fruits and Vegetables and Related Products Industry to be held May 10, 1943.

Whereas the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, on February 25, 1943, by Administrative Order No. 182, appointed Industry Committee No. 56 for the Canned Fruits and Vegetables and Related Products Industry, composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with

due regard to the geographical regions in which the industry is carried on; and

Whereas Industry Committee No. 56, on March 17, 1943, recommended a minimum wage rate for the Canned Fruits and Vegetables and Related Products Industry and duly adopted a report containing such recommendation and reasons therefor and filed such report with the Administrator on March 19, 1943, pursuant to section 8 (d) of the Act and § 511.19 of the regulations issued under the Act; and

Whereas the Administrator is required by section 8 (d) of the Act, after due notice to interested persons, and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee No. 56 if he finds that the recommendation is made in accordance with law and is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the industry committee, will carry out the purposes of section 8 of the Act; and, if he finds otherwise, to disapprove such recommendation;

Now, therefore, notice is hereby given that:

I. The recommendation of Industry Committee No. 56 is as follows:

Wages at a rate of not less than 40 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Canned Fruits and Vegetables and Related Products Industry (as defined in Administrative Order No. 182) who is engaged in commerce or in the production of goods for commerce.

II. The definition of the Canned Fruits and Vegetables and Related Products Industry as set forth in Administrative Order No. 182, issued February 25, 1943, is as follows:

The canning and preserving of fruits and vegetables, and the manufacture of related products.

(a) It includes, but without limitation, the manufacture of jams, jellies and juices; soups of all kinds; relishes and sauces of all kinds; vinegar; cider; pectin; flavoring extracts and flavoring syrups; salad dressings; sandwich spreads (except those made principally from meat or cheese); peanut and nut butters; mustard and horseradish; mincemeat; honey; and canned spaghetti, chili con carne, stew, hash, and pudding, containing fruit or vegetables.

(b) The term "canning," as used herein, means sterilizing and hermetically sealing in containers of tin, glass, or other material.

(c) The term "preserving," as used herein, includes pickling, preserving, freezing, cold packing, drying, dehydrating, and similar processes.

Provided, however, That this definition shall not include the manufacture of coffee; spices; malt extracts and syrups; salad and cooking oils including olive oil; potato chips; ready-to-mix desserts; or any products covered by the definitions of the Grain Products Industry, the Candy and Related Products Manufacturing Industry, or the Sugar and Related Products Industry, contained in the Administrative Orders appointing committees for those industries.

III. The full text of the report and recommendation of Industry Committee No. 56 is and will be available for inspection by any person between the hours of

9:00 a. m. and 4:00 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts, Old South Building, 294 Washington Street; Philadelphia, Pennsylvania, 1216 Widener Building, Chestnut and Juniper Streets; Hartford, Connecticut, Department of Labor and Factory Inspection, 357 State Office Building; Pittsburgh, Pennsylvania, Clark Building, Liberty Avenue and Seventh Street; Baltimore, Maryland, 201 North Calvert Street; Columbia, South Carolina, Federal Land Bank Building, Hampton and Marion Streets; Jacksonville, Florida, 456 New Post Office Building; New York, New York, 341 Ninth Avenue; Newark, New Jersey, Essex Building, 31 Clinton Street; Richmond, Virginia, 215 Richmond Trust Building, 627 East Main Street; Raleigh, North Carolina, North Carolina Department of Labor, Salisbury and Edenton Streets; Atlanta, Georgia, Fifth Floor, Witt Building, 249 Peachtree Street, N. E.; Birmingham, Alabama, 1007 Comer Building, 2nd Avenue and 21st Street; New Orleans, Louisiana, 916 Union Building; Nashville, Tennessee, 509 Medical Arts Building, 115 Seventh Avenue, N.; Cincinnati, Ohio, 1312 Traction Building, 5th and Walnut Streets; Chicago, Illinois, 1200 Merchandise Mart, 222 West North Bank Drive; Kansas City, Missouri, 504 Title and Trust Building, 10th and Walnut Streets; Denver, Colorado, 300 Chamber of Commerce Building, 1726 Champa Street; San Francisco, California, 800 Humboldt Bank Building, 785 Market Street; Seattle, Washington, 305 Post Office Building, 3rd Avenue and Union Street; New York, New York, 165 West 46th Street; Jackson, Mississippi, 404 Deposit Guaranty Bank Building, 102 Lamar Street; Cleveland, Ohio, Main Post Office, West 3rd and Prospect Avenue; Detroit, Michigan, David Stott Building, 1150 Griswold Street; Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue; St. Louis, Missouri, 316 Old Customs House; Dallas, Texas, Rio Grande National Building, 1100 Main Street; Los Angeles, California, 417 H. W. Hellman Building; San Juan, Puerto Rico, Post Office Box 112; Washington, District of Columbia, Department of Labor, 1st Floor;

Copies of the committee's report and recommendation may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York.

IV. A public hearing will be held on May 10, 1943, before the Administrator of the Wage and Hour Division or a representative designated to preside in his place, at 10:00 a. m. in Room 3229, United States Department of Labor Building, 14th Street and Constitution Avenue, NW., Washington, D. C., for the purpose of taking evidence on the following question: Whether the recommendation of Industry Committee No. 56 should be approved or disapproved.

V. Any interested person supporting or opposing the recommendation of Industry Committee No. 56 may appear at the aforesaid hearing to offer evidence, either on his behalf or on behalf of any other person: *Provided*, That not later than May 1, 1943, such person shall file with the Administrator at New York, New York, a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.

2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.

3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 56.

4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, and shall be deemed filed upon receipt thereof.

VI. Any person interested in supporting or opposing the recommendation of Industry Committee No. 56 may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, or by consulting with attorneys representing the Administrator who will be available for that purpose at the Office of the Solicitor, United States Department of Labor, in Washington, D. C., and New York, New York.

VII. Copies of the following document relating to the Canned Fruits and Vegetables and Related Products Industry will be made available on request for inspection by any interested person who intends to appear at the aforesaid hearing:

Report entitled, Canned Fruits and Vegetables and Related Products Industry, Economic Factors Affecting the Establishment of Minimum Wage Rates, prepared by the Economics Branch, Wage and Hour and Public Contracts Divisions, United States Department of Labor, March 1943.

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the Presiding Officer as are deemed appropriate.

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice, he will not be permitted to offer evidence at any other time except by special permission of the Presiding Officer.

3. At the discretion of the Presiding Officer, the hearing may be continued from day to day, or adjourned to a later date, or to a different place by announcement thereof at the hearing by the Presiding Officer or by other appropriate notice.

4. At any stage of the hearing, the Presiding Officer may call for further evidence upon any matter. After the hearing has been closed, no further evidence shall be taken, except at the request of the Administrator, unless pro-

vision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the Presiding Officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the Presiding Officer. When evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the Presiding Officer, the original document together with two copies of those portions of the document intended to be put in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such application shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in the courts of law or equity shall not be controlling.

11. The Presiding Officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person insofar as is practicable, and to object to the admission or exclusion of evidence by the Presiding Officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the Presiding Officer. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be

made at the hearing before the Presiding Officer.

12. Before the close of the hearing, written requests shall be received from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceedings, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing, a complete record of the proceedings shall be filed with the Administrator. No intermediate report shall be filed unless so directed by the Administrator. If a report is filed it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at New York, New York, this 15th day of April 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-6039; Filed, April 19, 1943;
9:40 a. m.]

MATTRESS, BEDDING AND RELATED PRODUCTS INDUSTRY

MINIMUM WAGE RECOMMENDATION

Notice of hearing on the minimum wage recommendation of Industry Committee No. 54 for the Mattress, Bedding, and Related Products Industry to be held May 12, 1943.

Whereas the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, on February 11, 1943, by Administrative Order No. 174, appointed Industry Committee No. 54 for the Mattress, Bedding, and Related Products Industry, composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on; and

Whereas Industry Committee No. 54, on March 23, 1943, recommended a minimum wage rate for the Mattress, Bedding, and Related Products Industry and duly adopted a report containing such recommendation and reasons therefor and filed such report with the Administrator on March 24, 1943, pursuant to section 8 (d) of the Act and § 511.19 of the regulations issued under the Act; and

Whereas the Administrator is required by section 8 (d) of the Act, after due notice to interested persons, and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee No. 54 if he finds that the recommendation is made in accordance with law and is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of section 8 of the Act; and, if he finds otherwise, to disapprove such recommendation;

Now, therefore, notice is hereby given that:

I. The recommendation of Industry Committee No. 54 is as follows:

Wages at a rate of not less than 40 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Mattress, Bedding, and Related Products Industry (as defined in Administrative Order No. 174) who is engaged in commerce or in the production of goods for commerce.

II. The definition of the Mattress, Bedding, and Related Products Industry as set forth in Administrative Order No. 174, issued February 11, 1943, is as follows:

(a) The manufacture, renovation, and repair of mattresses, boxsprings, bed-springs (except metal), bedding, and related products, including, but without limitation, sleeping bags, bolsters, upholstered bedrests, and hassocks.

(b) The processing of feathers to be used as filling.

Provided, however, That this industry shall not include any product or part the manufacture of which is covered by the definition of an industry for which a wage order has been issued or for which an industry committee has been appointed under the Fair Labor Standards Act.

III. The full text of the report and recommendation of Industry Committee No. 54 is and will be available for inspection by any person between the hours of 9:00 a. m. and 4:00 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston Massachusetts, Old South Building, 294 Washington Street; Hartford, Connecticut, Department of Labor and Factory Inspection, 357 State Office Building; New York, New York, 341 Ninth Avenue; Newark, New Jersey, Essex Building, 31 Clinton Street; Philadelphia, Pennsylvania, 1216 Widener Building, Chestnut and Juniper Streets; Pittsburgh, Pennsylvania, Clark Building, Liberty Avenue and Seventh Street; Richmond, Virginia, 215 Richmond Trust Building, 627 East Main Street; Baltimore, Maryland, 201 North Calvert Street; Atlanta, Georgia, Fifth Floor, Witt Building, 249 Peachtree Street, N. E.; Raleigh, North Carolina, North Carolina Department of Labor, Salisbury and Edenton Streets; Columbia, South Carolina, Federal Land Bank Building, Hampton and Marion Streets; Jacksonville, Florida, 456 New Post Office Building; Birmingham, Alabama, 1007 Comer Building, Second Avenue and 21st Street; New Orleans, Louisiana, 916 Union Building; Jackson, Mississippi, 404 Deposit Guaranty Bank Building, 102 Lamar Street; Nashville, Tennessee,

509 Medical Arts Building, 115 Seventh Avenue, N. E. Cleveland, Ohio, Main Post Office, West Third and Prospect Avenue; Cincinnati, Ohio; 1312 Traction Building, Fifth and Walnut Streets Detroit, Michigan, David Stott Building, 1150 Griswold Street; Chicago, Illinois, 1200 Merchandise Mart, 222 West North Bank Drive; Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue; Kansas City, Missouri, 504 Title and Trust Building, Tenth and Walnut Streets; St. Louis, Missouri, 316 Old Customs House; Denver, Colorado, 300 Chamber of Commerce Building, 1726 Champa Street; Dallas, Texas, Rio Grande National Building 1100 Main Street; San Francisco, California, 800 Humboldt Bank Building, 785 Market Street; Los Angeles, California, 417 H. W. Hellman Building; Seattle, Washington, 305 Post Office Building, Third Avenue and Union Street; San Juan, Puerto Rico, Post Office Box 112; Washington, District of Columbia, Department of Labor, First Floor; New York, New York, 165 West 46th Street.

Copies of the Committee's report and recommendation may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York.

IV. A public hearing will be held on May 12, 1943, before the Administrator of the Wage and Hour Division or a representative designated to preside in his place, at 10:00 a. m. in Room 1001, United States Department of Labor, 165 West 46th Street, New York, New York, for the purpose of taking evidence on the following question: Whether the recommendation of Industry Committee No. 54 should be approved or disapproved.

V. Any interested person supporting or opposing the recommendation of Industry Committee No. 54 may appear at the aforesaid hearing to offer evidence, either on his behalf or on behalf of any other person: *Provided*, That not later than May 3, 1943, such person shall file with the Administrator at New York, New York, a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.

2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.

3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 54.

4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, and shall be deemed filed upon receipt thereof.

VI. Any person interested in supporting or opposing the recommendation of Industry Committee No. 54 may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, or by consulting with attorneys representing the Administrator who will be available for that purpose at the Office of the Solicitor, United States De-

partment of Labor, in Washington, D. C., and New York, New York.

VII. Copies of the following document relating to the Mattress, Bedding, and Related Products Industry will be made available on request for inspection by any interested person who intends to appear at the aforesaid hearing:

Report entitled, Economic Factors Bearing on the Establishment of Minimum Wages in the Mattress, Bedding, and Related Products Industry, prepared by the Economics Branch, Wage and Hour and Public Contracts Divisions, United States Department of Labor, March 1943.

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the Presiding Officer as are deemed appropriate.

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice, he will not be permitted to offer evidence at any other time except by special permission of the Presiding Officer.

3. At the discretion of the Presiding Officer, the hearing may be continued from day to day, or adjourned to a later date, or to a different place by announcement thereof at the hearing by the Presiding Officer or by other appropriate notice.

4. At any stage of the hearing, the Presiding Officer may call for further evidence upon any matter. After the hearing has been closed, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the Presiding Officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the Presiding Officer. When evidence is embraced in a docu-

ment containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the Presiding Officer, the original document together with two copies of those portions of the document intended to be put in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such application shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in the courts of law or equity shall not be controlling.

11. The Presiding Officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person insofar as is practicable, and to object to the admission or exclusion of evidence by the Presiding Officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the Presiding Officer. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the Presiding Officer.

12. Before the close of the hearing, written requests shall be received from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceedings, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing, a complete record of the proceedings shall be filed with the Administrator. No

intermediate report shall be filed unless so directed by the Administrator. If a report is filed it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at New York, New York, this 15th day of April 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-6040; Filed, April 19, 1943;
9:40 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6501]

WORCESTER BROADCASTING CORP. (KFMB)

NOTICE OF HEARING

In re application of Worcester Broadcasting Corporation (KFMB); dated, October 8, 1942; for renewal of license; class of service, broadcast; class of station, broadcast; location, San Diego, California; operating assignment specified: frequency, 1450 kc; power, 250 w; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-entitled application and has designated the matter for hearing to be consolidated with the application of The First National Trust and Savings Bank of San Diego, for Voluntary Transfer of Control of Worcester Broadcasting Corporation, Docket No. 6500, for the following reasons:

1. To determine whether public interest would be served by the granting of a renewal license for operation of Station KFMB under control of a trustee without equitable or beneficial interest in the station.

2. To determine whether public interest, convenience, and necessity would be served by the granting of renewal license for operation of Station KFMB under the control of a bank or trust company which has no beneficial interest in the station and whose regular business is devoted to banking and to the administration of various and numerous trusts, estates, accounts, and agencies.

3. To determine the manner in which Station KFMB would be operated, particularly with respect to the management and service if the application for renewal of license were granted.

4. To determine whether the granting of a renewal license application for operation of KFMB under the control of the First National Trust and Savings Bank, San Diego, California, as trustee under the terms and conditions proposed by the applicant would be consistent with the provisions of the Communications Act of 1934.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Worcester Broadcasting Corporation, Radio Station KFMB, Pacific Square Studios, San Diego, California.

Dated at Washington, D. C., April 15, 1943.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-6073; Filed, April 19, 1943;
10:17 a. m.]

[Docket Nos. 6502 to 6508]

R. C. A. COMMUNICATIONS, INC. AND MACKAY RADIO AND TELEGRAPH CO., INC.

ORDER GRANTING PETITION AND DESIGNATING MATTER FOR HEARING

In the matter of applications of R. C. A. Communications, Inc., Dockets Nos. 6502, 6503, 6504, 6505, for authority to communicate with Dakar, French West Africa; R. C. A. Communications, Inc., Docket No. 6506, for authority to communicate with Rabat, French Morocco; Mackay Radio and Telegraph Company, Inc., Docket No. 6507, for authority to communicate with Dakar, French West Africa; Mackay Radio and Telegraph Company, Inc., Docket No. 6508, for authority to communicate with Rabat, French Morocco.

At a regular session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of April 1943;

The Commission having under consideration the petition of Mackay Radio and Telegraph Company, Inc., filed on March 30, 1943, for reconsideration of the Commission's action of February 23, 1943, in granting the request of R. C. A. Communications, Inc., for authority to communicate with Dakar, French West Africa, and in denying the request of Mackay Radio and Telegraph Company, Inc. for such authority; and for reconsideration of the Commission's action of March 23, 1943, in granting the application of R. C. A. Communications, Inc., for authority to communicate with Rabat, French Morocco, and in denying the request of Mackay Radio and Telegraph Company, Inc., for such authority; and the Commission also having under consideration the oppositions to the foregoing petition of Mackay Radio and Telegraph Company, Inc., filed by R. C. A. Communications, Inc., on April 3, 1943, and by Press, Wireless, Inc., on April 8, 1943;

It is ordered, That the foregoing petition for reconsideration filed by Mackay Radio and Telegraph Company, Inc. on March 30, 1943 be, and it is hereby, granted;

It is further ordered, That the foregoing request and application of R. C. A. Communications, Inc. for authority to communicate with Dakar, French West Africa (File Nos. T1-SA-216; T1-SA-222; T1-SA-223; T1-SA-224) and with Rabat, French Morocco (File No. T1-SA-227) and the request of Mackay Radio and Telegraph Company, Inc. for authority to communicate with Dakar, French West Africa (File No. T1-SA-236) and with Rabat, French Morocco (T1-SA-235), be, and they are hereby, designated for hearing upon the following issues:

1. To determine the method of operation proposed by each of the respective applicants for operating communication circuits between the United States, on the one hand, and Dakar, French West Africa and Rabat, French Morocco, on the other hand;

2. To determine what classifications of messages each of the respective applicants proposes to handle between the United States, on the one hand, and Dakar and Rabat on the other hand;

3. To determine what rates are proposed by each of the respective applicants for service between the United States on the one hand, and Dakar and Rabat, on the other hand, and what arrangements for division of tolls with the foreign correspondent at Dakar and Rabat are proposed by each of the respective applicants.

4. To determine what steps had been taken by each of the respective applicants, at the time of the Commission action upon their requests and applications for authority to communicate with Dakar and Rabat, in preparation for the establishment and operation of circuits between the United States, on the one hand, and Dakar and Rabat on the other hand, and whether service could be established more expeditiously by one of the applicants than by the other applicant;

5. To determine which of the applicants can operate circuits between the United States, on the one hand, and Dakar and Rabat, on the other hand, in a manner most consistent with public interest, convenience or necessity under wartime conditions;

6. To determine whether public interest, convenience or necessity would be served by authorizing both applicants to communicate with Dakar or with Rabat or with Dakar and Rabat;

7. To determine whether in the light of the foregoing issues, public interest, convenience or necessity would be served by a continuance of the special temporary authority heretofore issued to R. C. A. Communications, Inc. to communicate with Dakar, French West Africa, and with Rabat, French Morocco, or any extension or renewal thereof;

It is further ordered, That the special temporary authority to communicate with Dakar, French West Africa, granted to R. C. A. Communications, Inc. on February 23, 1943, for a period of 3 months, and the special temporary authority to communicate with Rabat, French Morocco, granted to R. C. A. Communications, Inc. on March 23, 1943, for a period of one month and any extensions or renewals of such authorizations

be, and they are hereby, made subject to the disposition of the proceeding herein instituted;

It is further ordered, That the hearing herein ordered be consolidated with the hearing ordered by the Commission on March 16, 1943, in the proceeding entitled "In the Matter of Applications of Mackay Radio and Telegraph Company, Press Wireless, Inc., and R. C. A. Communications, Inc. for authority to communicate with Algiers, Algeria," Dockets Nos. 6495, 6496, 6497, and 6498, and that such consolidated hearing be held at the Commission's offices at Washington, D. C., beginning on the 5th day of May, 1943.

It is further ordered, That the Commission's Order in Dockets Nos. 6495, 6496, 6497, and 6498 be, and it is hereby amended, so that Issue No. 3 therein set forth be amended to read as follows:

3. To determine what rates are proposed by each of the respective applicants for service between the United States and Algiers, Algeria, and what arrangements for division of tolls with the foreign correspondent at Algiers, are proposed by each of the respective applicants;

and that the following additional issue be inserted in such order:

4A. To determine what steps had been taken by each of the respective applicants, at the time of the Commission action upon their applications for authority to communicate with Algiers, Algeria, in preparation for the establishment of a circuit between the United States and Algiers, and whether service could be established more expeditiously by any one of the applicants than by the other applicants.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-6074; Filed, April 19, 1943;
10:17 a. m.]

[Docket No. 6500]

FIRST NATIONAL TRUST AND SAVINGS BANK
OF SAN DIEGO

NOTICE OF HEARING

In re application of The First National Trust and Savings Bank of San Diego, executor of the last will and testament of Warren B. Worcester, deceased, transferor and The First National Trust and Savings Bank of San Diego, as trustee under declaration of trust for Warren B. Worcester, deceased, transferee; dated January 5, 1943, for voluntary transfer of control of Worcester broadcasting corporation, licensee of radio station KFMB; class of service, broadcast; class of station, broadcast; location, San Diego, California; operating assignment specified; frequency, 1450 kc; power, 250 w; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-entitled application and has designated the matter for hearing to be consolidated with the application of Worcester Broadcasting Corporation, Docket No. 6501, for the following reasons:

1. To determine whether public interest would be served by approval of the proposed transfer of control of Station

KFMB to a trustee without equitable or beneficial interest in the station.

2. To determine whether public interest would be served by the transfer of control of Station KFMB to a bank or trust company which has no beneficial interest in the station and whose regular business is devoted to banking and to the administration of various and numerous trusts, estates, accounts, and agencies.

3. To determine the manner in which Station KFMB would be operated, particularly with respect to management and service, if the application for transfer of control were approved.

4. To determine whether approval of the transfer of control of Station KFMB to the First National Trust and Savings Bank of San Diego, trustee, under the terms and conditions proposed in the application would be consistent with the provisions of the Communications Act of 1934 and in the public interest.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: The First National Trust and Savings Bank of San Diego, % Trust Department, San Diego, California.

The licensee's address is as follows: Worcester Broadcasting Corporation, Radio Station KFMB, Pacific Square Studios, San Diego, California.

Dated at Washington, D. C., April 15, 1943.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-6072; Filed, April 19, 1943;
10:17 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4763]

SAVOY MANUFACTURING CO.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

In the matter of Charles Deer and Jack Deer, individuals trading as Savoy Manufacturing Company.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of April, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A. section 41).

It is ordered, That Randolph Preston, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, April 28, 1943, at ten o'clock in the forenoon of that day (eastern standard time) in Room 505, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-5997; Filed, April 17, 1943;
11:02 a. m.]

[Docket No. 4808]

GLOBE CARDBOARD NOVELTY CO., INC., ET AL

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of April, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That Randolph Preston, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, April 26, 1943, at one-thirty o'clock in the afternoon of that day (eastern standard time) in Court Room No. 1, Post Office Building, Philadelphia, Pennsylvania.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-5998; Filed, April 17, 1943;
11:02 a. m.]

[Docket No. 4818]

EDWARD W. ARNOLD COMPANY, ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY.

At a regular session of the Federal Trade Commission, held at its office in

the City of Washington, D. C., on the 16th day of April, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A. section 41),

It is ordered, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, May 11, 1943, at ten o'clock in the forenoon of that day (Central Standard Time), North Court Room, County Court House, Logansport, Indiana.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-5999; Filed, April 17, 1943;
11:02 a. m.]

[Docket No. 4891]

S. FRIEDMAN & SONS AND SUNRAY YARN
HOUSE

ORDER APPOINTING TRIAL EXAMINER AND FIX-
ING TIME AND PLACE FOR TAKING TESTIMONY

In the matter of Abraham Friedman and Samuel Friedman, trading as S. Friedman & Sons, and as Sunray Yarn House.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of April, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, April 23, 1943, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-6000; Filed, April 17, 1943;
11:02 a. m.]

[Docket No. 4903]

BAUSCH & LOMB OPTICAL COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIX-
ING TIME AND PLACE FOR TAKING TESTI-
MONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of April, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress 38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, May 4, 1943, at ten o'clock in the forenoon of that day (eastern standard time) in Room 330, Federal Building, Syracuse, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-6002; Filed, April 17, 1943;
11:03 a. m.]

[Docket No. 4899]

THOMAS LEEMING & COMPANY, INC.

ORDER APPOINTING TRIAL EXAMINER AND
FIXING TIME AND PLACE FOR TAKING
TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of April, A. D. 1943.

This matter being at issue and ready for the taking of testimony and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, April 26, 1943, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial

examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-6001; Filed, April 17, 1943;
11:02 a. m.]

[Docket No. 4919]

HAWKEYE SALES, INC. ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIX-
ING TIME AND PLACE FOR TAKING TES-
TIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of April, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, May 14, 1943, at ten o'clock in the forenoon of that day (Central Standard Time), in Room 316, United States Court House, Des Moines, Iowa.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-6003; Filed, April 17, 1943;
11:03 a. m.]

[Docket No. 4930]

ARTRA COSMETICS, INC., ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIX-
ING TIME AND PLACE FOR TAKING TES-
TIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of April, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, April 28, 1943, at ten o'clock in the forenoon of that day (Eastern

Standard Time), in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-6004; Filed, April 17, 1943;
11:03 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 1091]

NOSAWA & COMPANY (NEW YORK AGENCY)

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned after investigation:

1. Finding that Nosawa & Company, a sole proprietorship, whose last known address is Tokyo, Japan, is a national of a designated enemy country (Japan);

2. Finding that said Nosawa & Company has an established agency or branch office at New York, New York, engaged in the conduct of business within the United States and therefore is, to that extent, a business enterprise within the United States;

3. Finding that the property described as follows:

All property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to said Nosawa & Company,

is property of a business enterprise within the United States which is a national of the aforesaid designated enemy country (Japan);

4. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Japan);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest:

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any

claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on March 22, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-5941; Filed, April 16, 1943;
11:34 a. m.]

[Vesting Order 1092]

THEODOR WILLE & CO., INC. (NEW YORK)

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Theodor Wille & Cia. Ltda., whose principal place of business is in Santos, Brazil, and Hans U. Uebele, whose last known address is Brazil, are named in the Proclaimed List of Certain Blocked Nationals, promulgated pursuant to Proclamation No. 2497 of the President of July 17, 1941;

2. Finding that Theodor Wille & Cia. Ltda. is acting for and on behalf of Henschel & Sohn A. G., Kassel, Germany, J. N. Voith, Heldenheim, Germany and Hewald Stwerke A. G., Kiel, Germany, who are persons within a designated enemy country (Germany) and are, therefore, nationals of a designated enemy country (Germany); and determining therefore that said Theodor Wille & Cia. Ltda. is a national of such designated enemy country (Germany);

3. Finding that Hans U. Uebele is acting for and on behalf of a designated enemy country (Germany) or persons within Germany and is a national of such designated enemy country (Germany);

4. Finding that Olga Jurksheit, whose last known address was represented to the undersigned as being within Germany, is a national of a designated enemy country (Germany);

5. Finding that 10 shares of \$500. par value common capital stock of Theodor Wille & Co., Inc., a New York corporation, New York, N. Y. are registered in the name of and owned by Theodor Wille & Cia. Ltda. of Santos, Brazil;

6. Finding that said Theodor Wille & Co., Inc. is a business enterprise within the United States and that said 10 shares constitute all of the outstanding capital stock of said business enterprise and are evidence of ownership and control thereof;

7. Determining, therefore, that said Theodor Wille & Co., Inc., is a national of a designated enemy country (Germany);

8. Finding that the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of Olga Jurksheit and Hans Uebele, and each of them, in and to all obligations, contingent or otherwise and whether or not matured, owing to them, or either of them, by said Theodor Wille & Co., Inc., including but not limited to all security rights in and to any and all collat-

eral for any or all such obligations and the right to sue for and collect such obligations, and including particularly such obligations represented on the books and records of said Theodor Wille & Co., Inc. as accounts payable,

is an interest in the aforesaid business enterprise held by nationals of an enemy country and is also property within the United States owned or controlled by nationals of a designated enemy country (Germany);

9. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

10. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

11. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the 10 shares of stock referred to in subparagraph 5 hereof and the property described in subparagraph 8 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of Theodor Wille & Co., Inc. to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on March 22, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-5942; Filed, April 16, 1943;
11:34 a. m.]

[Vesting Order 1093]

THEODOR WILLE & CO., INC. (LA.)

Under the authority of the Trading with the Enemy Act, as amended, and

Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Theodor Wille & Cia, Ltda., whose principal place of business is in Santos, Brazil, is named in the Proclaimed List of Certain Blocked Nationals, promulgated pursuant to Proclamation No. 2497 of the President of July 17, 1941;

2. Determining that said Theodor Wille & Cia, Ltda. is acting for and on behalf of Henschel & Sohn A. G., Kassel, Germany, J. N. Voith, Heidenheim, Germany and Hewald Stwerke A. G., Kiel, Germany, who are persons within a designated enemy country (Germany) and are therefore nationals of a designated enemy country (Germany), and determining therefore that said Theodor Wille & Cia, Ltda. is a national of such designated enemy country (Germany);

3. Finding that 25 shares of \$100 par value common capital stock of Theodor Wille & Co., Inc., a Louisiana corporation, New Orleans, Louisiana, are registered in the name of and owned by Theodor Wille & Cia, Ltda.;

4. Finding that said Theodor Wille & Co., Inc. is a business enterprise within the United States, and that said 25 shares constitute all of the outstanding capital stock of said business enterprise and are evidence of ownership and control thereof;

5. Determining, therefore, that said Theodor Wille & Co., Inc. is a national of a designated enemy country (Germany);

6. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

7. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

8. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the 25 shares of stock referred to in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute

an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on March 22, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F.R. Doc. 43-5943; Filed, April 16, 1943;
11:34 a. m.]

[Vesting Order 1136]

CHIFUNE SHOTEN, LTD., AND/OR THE ONE HUNDREDTH BANK, LTD.

Re: Certain cases of glass beads owned by Chifune Shoten, Limited and/or The One Hundredth Bank, Limited.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Chifune Shoten, Limited, and The One Hundredth Bank, Limited, are corporations organized under the laws of Japan, whose principal places of business are located at Tokio, Japan, and are nationals of a designated enemy country (Japan);

2. Finding that said Chifune Shoten, Limited and/or The One Hundredth Bank, Limited, are the owners of the property hereinafter described in subparagraph 3;

3. Finding that the property described as follows:

a. Eleven (11) cases of glass beads stored at the warehouse of Republic Storage Company, Inc., 726-736 Greenwich Street, New York, New York, in the name of Yokohama Specie Bank, Ltd.,

b. Nine (9) cases of glass beads stored at the warehouse of Bowne-Morton's Stores, Inc., 611 Smith Street, Brooklyn, New York, in the name of Yokohama Specie Bank, Ltd.,

is property within the United States owned or controlled by a national or nationals of a designated enemy country (Japan);

4. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Japan);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on March 25, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-5936; Filed, April 16, 1943;
11:33 a. m.]

[Vesting Order 1140]

VELKO M. BABOFF

Re: Embroideries and weavings owned by Velko M. Baboff.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Velko M. Baboff is a subject of Bulgaria, whose last known address is Sofia, Bulgaria, and is a national of a designated enemy country (Bulgaria);

2. Finding that said Velko M. Baboff is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property presently stored in the warehouse of Ben Langan Storage & Van Company, 5201 Delmar Boulevard, St. Louis, Missouri, and described as follows:

93 pieces of antique Bulgarian folk embroideries and weavings,

is property within the United States owned or controlled by a national of a designated enemy country (Bulgaria);

4. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Bulgaria);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should

be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity, or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on March 25, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-5937; Filed, April 16, 1943,
11:33 a. m.]

[Vesting Order 1145]

ERNST H. MESSER

Re: Real property situated in Weld County, Colorado, personal property, bank accounts and claim, owned by Ernst H. Messer.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Ernst H. Messer is a citizen of Germany, whose last known address is 15 Landsbergers, Berlinchen, Neumark, Germany, and is a national of a designated enemy country (Germany);

2. Finding that said Ernst H. Messer is the owner of the property described in subparagraph 3 hereof;

3. Finding that property described as follows:

a. All right, title, interest and estate, both legal and equitable of Ernst H. Messer, in and to:

(i) Real property situated in Weld County, Colorado, particularly described in Exhibit A attached hereto and by reference made a part hereof, together with all the fixtures, improvements, and appurtenances thereto,

(ii) An undivided one-half interest in the real property situated in Weld County, Colorado, particularly described in Exhibit B attached hereto and by reference made a part hereof, together with all the fixtures, improvements, and appurtenances thereto,

and any and all claims of Ernst H. Messer for rents, refunds, benefits or other payments arising from the ownership of such properties,

b. Household goods, farm implements, truck, and livestock, particularly described in Exhibit C attached hereto and by reference made a part hereof, located on the real property referred to in subparagraph 8-a (i) hereof,

c. All right, title, interest and claim of any name or nature whatsoever of said Ernst H. Messer in and to all obligations, contingent or otherwise and whether or not matured, owing to him by the First National Bank, Longmont, Colorado, and the First National Bank of Denver, Colorado, and each of them, including but not limited to all

security rights in and to any and all collateral for any or all such obligations and the right to sue for and collect such obligations and including particularly:

(i) The bank account in the First National Bank, Longmont, Colorado, which is due and owing to, and held for and in the name of Ernst H. Messer,

(ii) The bank account in the First National Bank of Denver, Denver, Colorado, which is due and owing to, and held for and in the name of Ernst H. Messer,

(iii) The bank account in the First National Bank of Denver, held in the name of Augusta H. Block, Trustee, for the benefit of Ernst H. Messer and Augusta H. Block,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

4. Determining that the property described in subparagraph 3-c hereof is necessary for the maintenance or safeguarding of other property (namely, that hereinbefore described in subparagraphs 3-a and 3-b) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to Section 2 of said Executive Order;

5. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Germany);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of the real property situated in Weld County, Colorado and particularly described in said Exhibit B to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on March 29, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

Re: Real property in Weld County, Colorado owned by Ernest H. Messer.

EXHIBIT "A"

All those tracts or parcels of land situated in the County of Weld, State of Colorado, more particularly described as follows:

Tract 1

The Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$) and the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ of NE $\frac{1}{4}$), all in Section Twenty-nine (29), Township Two (2) North of range Sixty-eight (68) West of 6th P. M., containing eighty acres more or less. Expressly excepting therefrom all land now owned and used by the B. & M. R. Co. as their right of way and all land now used as a Public or county road through the above described land.

Tract 2

A strip of land containing about two (2) Acres and being a part of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section twenty nine (29) in Township Two (2) North of Range Sixty-eight (68) West of 6th P. M. and more particularly described as follows: beginning at the northeast corner of the said NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, thence running South Twenty rods; thence running West Sixteen (16) rods; thence running North Twenty rods (20); thence running east Sixteen (16) rods to the place of beginning.

Re: Real property in Weld County, Colorado, jointly owned by Ernst H. Messer and Augusta H. Block.

EXHIBIT "B"

All that tract or parcel of land situated in the County of Weld, State of Colorado, more particularly described as follows:

The South half (S $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) Section Twenty eight (28) and the Northwest quarter (NW $\frac{1}{4}$) of Section Thirty-three (33) all in Township Two (2) North of Range Sixty eight (68) West, containing 240 acres more or less. Together with all water rights and priorities, Ditch and Ditch rights and privileges, Reservoir rights and privileges connected with, used upon or appurtenant to said lands or any thereof and particularly ten (10) shares of stock in The Consolidated Lower Boulder Reservoir and Ditch Company, Fourteen (14) shares of stock in The Erie Coal Creek Ditch and Reservoir Company, one half ($\frac{1}{2}$) share of stock in The Boulder and Weld County Ditch Company, Five (5) shares of stock in The Base Line Land and Reservoir Company and all water rights, Ditch and Reservoir rights represented by said stock, excepting certain reservations reserved by The Union Pacific Railway Co., contained in its deed to NW $\frac{1}{4}$ Sec 33, Twp 2 N of R 68 West and recorded in Book 77 Page 356 of the Weld County records at Greeley, Colorado, to which reference is hereby made.

Re: Personal property owned by Ernst H. Messer.

EXHIBIT "C"

Household goods

5 beds	2 large book cases
5 dressers	2 small tables
2 large tables	1 desk
2 rockers	1 big leather chair
1 heatrola	1 victrola
1 glass cupboard	1 buffet
10 chairs	1 kitchen range
2 rugs	

Farm implements

1 wagon	1 walking plow
1 land drag	1 two way plow
2 buck rakes	1 hay stacker
1 roller	1 grain binder
1 6 ft mower	1 beet cultivator
1 beet puller	1 corn cultivator
1 disk	1 harrow
1 manure spreader	1 grain drill
1 hay rake	1 beet drill
1 old milking machine	

Cattle

11 cows 6 heifers

1 bull

Horses

4 horses 1 colt

[F. R. Doc. 43-5938; Filed, April 16, 1943;
11:34 a. m.]

[Vesting Order 1178]

ERICH PURPER

Re: Jewels and jewelry owned by Erich Purper.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Erich Purper, a citizen of Germany whose last known address is 4 Brunnengasse, Idar-Oberstein 2, Germany, is a national of a designated enemy country (Germany);

2. Finding that said Erich Purper is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property presently in the possession of Frederick W. Rausch, c/o Chemical Safe Deposit Company, 165 Broadway, New York, New York, and described as follows:

Eleven (11) Oriental pearl necklaces;
One (1) Oriental pearl bandeau; and
Oriental Baroque pearls weighing 871 grains,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

4. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Germany);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on April 2, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-5939; Filed, April 16, 1943;
11:34 a. m.]

[Vesting Order 1180]

YOSHIO SHINOHARA

Re: Real property situated in Dallas, Texas, and personal property, owned by Yoshio Shinohara.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Yoshio Shinohara is a subject of Japan whose last known address is 45 Ootl, Utide, Asiya, Hyogo Prefecture, Japan, and is a national of a designated enemy country (Japan);

2. Finding that said Yoshio Shinohara is the owner of the property described in subparagraph 3 hereof;

3. Finding, therefore, that the property described as follows:

a. All right, title, interest and estate, both legal and equitable, of Yoshio Shinohara, in and to that certain real property situated at 5309 Ross Avenue, in the City of Dallas, State of Texas, and particularly described in Exhibit A attached hereto and made a part hereof, together with all the fixtures, improvements and appurtenances thereto and any and all claims of Yoshio Shinohara for rents, refunds, benefits and other payments arising from the ownership of such property.

b. All right, title, interest and claim of any name or nature whatsoever, of Yoshio Shinohara in and to all obligations, contingent or otherwise and whether or not matured, owing to him by the Republic National Bank of Dallas, Dallas, Texas, including but not limited to all security rights in and to any and all collateral for any or all such obligations and the right to sue for and collect such obligations, and including particularly:

(i) A checking account in the name of Yoshio Shinohara in the Republic National Bank of Dallas, Dallas, Texas, which is due and owing to, and held for, Yoshio Shinohara,

(ii) A savings account in the name of Yoshio Shinohara in the Republic National Bank of Dallas, Dallas, Texas, which is due and owing to, and held for, Yoshio Shinohara, and

(iii) Certain monies held in a special account in the name of Yoshio Shinohara in the Republic National Bank of Dallas, Dallas, Texas, which are due and owing to, and held for, Yoshio Shinohara,

c. The household furnishings, furniture and personal effects located in the residence

at 5309 Ross Avenue, Dallas, Texas, owned by Yoshio Shinohara,

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

4. Determining that the property described in subparagraph 3-b hereof, is necessary for the maintenance or safeguarding of other property (namely, that hereinbefore described in subparagraphs 3-a and 3-c) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to Section 2 of said Executive Order;

5. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Japan);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on April 2, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

Real Estate owned by Yoshio Shinohara located at 5309 Ross Avenue, Dallas, Texas.

EXHIBIT "A"

All that certain tract of land, being a part of Block N. 6/1471 of the City of Dallas, Texas, according to Murphy & Bolanz official map of said city; beginning at a point in the northwest line of Ross Avenue, and being the northeast corner of Ross Avenue and Henderson Avenue; thence northwest and parallel with the northeast line of Henderson Avenue 192½ feet; thence east parallel with Ross Avenue 150 feet; thence southeast and parallel with the northeast line of Henderson Avenue 192½ feet to a point on Ross Avenue

150 feet from the northeast corner of Ross Avenue and Henderson Avenue; thence southwest along the northwest line of Ross Avenue 150 feet to the place of beginning; and being the same property conveyed to H. Yamanouchi by S. Oshima by deed dated September 22, 1934 recorded in Volume 1864 of the Deed Records of Dallas County, Texas.

[F. R. Doc. 43-5940; Filed, April 16, 1943; 11:33 a. m.]

[Vesting Order 1215]

HUGO MEYER & COMPANY

Re: Camera lenses and photographic equipment owned by Hugo Meyer & Company, Görlitz, Germany.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Hugo Meyer & Company is a business enterprise organized and existing under the laws of Germany, whose principal place of business is at Görlitz, Germany, and is a national of a designated enemy country (Germany);

2. Finding that said Hugo Meyer & Company is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property presently in the possession of Hugo Meyer & Company, Inc., 39 West 60th Street, New York, New York, and described as follows:

Camera lenses and photographic equipment particularly described in Exhibit A attached hereto and made a part hereof,

is property within United States owned or controlled by a national of a designated enemy country (Germany);

4. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Germany);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date

hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on April 2, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT "A"

Consignment Merchandise on Hand 6/14/41

3—1½-inch, f:1.5 Kino-Plasmat, DeBrie Mts., #462081, #462084, #462085
1—12-inch, f:2.7 Makro-Plasmat, Standard Mt., #463986
1—10-inch, f:2.9 Makro-Plasmat, Standard Mt., #463852
1—7-inch, f:2.9 Makro-Plasmat, Half Sunk Mt., #464163
2—7-inch, f:4.5 Helioplan lenses, Half Sunk Mt., #538778, #538779
2—7¾-inch, f:4.5 Helioplan lenses, Half Sunk Mt., #389892, #389893
1—4¾-inch, f:6.3 Trioplan lens, Standard Mt., #591447
1—5¼-inch, f:6.3 Trioplan lens, Standard Mt., #591448
1—6-inch, f:6.3 Trioplan lens, Standard Mt., #591449
1—7-inch, f:3 Trioplan lens, Standard Mt., #420105
1—8½-inch, f:3 Trioplan lens, Standard Mt., #422557
1—8½-inch, f:4 Trioplan lens, Sunk Mt., #538790
1—7-inch, f:3 Trioplan lens, Standard Mt., #418551
1—6-inch, f:3 Trioplan lens, Sunk Mt., #591157
1—6½-inch, f:3 Trioplan lens, Sunk Mt., #591160
1—5¼-inch, f:4.5 Trioplan lens, Sunk Mt., #538187
1—2-inch, f:2 Kino-Plasmat lens, Standard Mt., #294082
1—12-inch, f:4 Double Plasmat, Standard Mt., #293934
1—16½-inch, f:4 Double Plasmat, Standard Mt., #501585
1—14¾-inch, f:4 Double Plasmat, Standard Mt., #293617
1—8½-inch, f:4 Double Plasmat, Standard Mt., #293632
2—6½-inch, f:4 Double Plasmat, Sunk Mt., #504137, #580107
1—7¾-inch, f:4 Plasmat Set, Sunk Mt., #502133
3—8¼-inch, f:4 Double Plasmat, Sunk Mt., #294191, 2@—1@—#294359, #294361
1—9½-inch, f:4 Double Plasmat, Sunk Mt., #502543
1—5¼-inch, f:4 Double Plasmat, Half Sunk Mt., #580426
1—10½-inch, f:4 Double Plasmat, Compur Shutter, #502297
1—7¾-inch, f:4 Plasmat Set, Half Sunk Mt., #500938
1—f:4 Plasmat Set, Series III, Standard Mt., #502490
1—f:4 Plasmat Set, Series IV, Compound Shutter, #294335
1—f:4 Plasmat Set, Series IV, Compound Shutter, #294336
1—f:4 Plasmat Set, Series III, Compur Shutter, #294749
1—14¼-inch, f:5.5 Double Plasmat, Standard Mt., #502291

1—16½-inch, f:5.5 Double Plasmat, Standard Mt., #293551
1—8¼-inch, f:5.5 Double Plasmat, Half Sunk Mt., #500917
1—6½-inch, f:5.5 Double Plasmat, Half Sunk Mt., #580432
1—10¾-inch, f:5.5 Double Plasmat, Compur Shutter, #294186
1—f:5.5 Plasmat Set, Series III, Standard Mt., #294100
1—14¼-inch, f:6.8 (7.7) Double Anast. Standard Mt., #496429
1—10¾-inch, f:6.8 Double Anastigmat, Standard Mt., #415706
1—9½-inch, f:6.8 Double Anastigmat, Compur Shutter, #523343
2—7-inch, f:6.8 Double Anastigmat, Compur Shutter, #523342, #531507
2—14½-inch, f:4 Aristostigmat, Standard Mt., #411688, #411689
1—12-inch, f:4 Aristostigmat, Standard Mt., #415341
1—7¾-inch, f:4 Aristostigmat, Sunk Mt., #417403
2—7-inch, f:4.5 Aristostigmat, Compound Shutter, #553388, #553389
1—9½-inch, f:4.5 Aristostigmat, Compound Shutter, #553695
1—7¾-inch, f:6 Euryplan lens, Standard Mt., #525283
1—7-inch Euryplan lens, f:6, Standard Mt., #525192
1—8½-inch, f:6.3 Euryplan lens, Standard Mt., #525194
1—5-inch, Kinon I Power Projection lens, #31935
1—2¾-inch, Kinon II Sup. Projection lens, #33236
1—3-inch, Kinon II Sup. Projection lens, #33237
1—3½-inch, Kinon II Sup. Projection lens, #33238
1—3½-inch, Kinon II Sup. Projection lens, #33239
1—1-inch, Kinon III Projection lens, #33231
1—1½-inch, Kinon III Projection lens, #33232
1—2-inch, Kinon III Projection lens, #33233
1—14¼-inch, f:4 Double Plasmat lens, Standard Mt., #293618 (or #292560)
1—12-inch, f:4 Double Plasmat, Standard Mt., #294350
1—4¾-inch, f:4.5 Aristostigmat lens, Compur Shutter, #553693
1—Series VI Euryplan Set, Compur Shutter #416515
1—2-inch No. III Kinon Projection lens #31934
1—Reversing Prism #416186
1—Extra Rapid Superior Kinon No. IV, No. 44029
1—7-inch, f:4.5 Helioplan #486507
Miscellaneous Parts (\$200.00 net).

[F. R. Doc. 43-5944; Filed April 16, 1943; 11:33 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 265 Under MPR 188¹]

BRIDGEPORT METAL GOODS MFG. CO.

APPROVAL OF MAXIMUM PRICES

Order No. 265 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal

¹ 7 F.R. 5872, 7967, 8943, 8948, 10155; 8 F.R. 537, 1815, 1980, 3105, 3788, 3850, 4140.

Register and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) The Bridgeport Metal Goods Mfg. Co., Bridgeport, Connecticut, may sell and deliver its No. 3692 flashlight at prices per unit no higher than those set forth below:

Quantities of 500 or more:	
In bulk packing.....	\$0.3075
In individual boxes.....	.3225
Quantities of less than 500:	
In bulk packing.....	.345
In individual boxes.....	.36

(b) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective April 19, 1943.

Issued this 17th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6024; Filed, April 17, 1943;
2:32 p. m.]

[Order 266 Under MPR 188]

CHANDLER PALRUBA COMPANY

APPROVAL OF MAXIMUM PRICES

Order No. 266 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Chandler Palruba Company, East Taunton, Massachusetts, may sell and deliver rug border (packed 1 roll to the carton) to retailers at prices f. o. b. Yardville, New Jersey, no higher than those set forth below:

24" wide (packed 1 roll to the carton), \$0.185 per lineal yd.
36" and 72" wide (packed 1 roll to the carton) \$0.26 per square yd.

The prices listed above and other widths are subject to all the terms, discounts, allowances, and differentials which Congoleum-Nairn, Inc., of 295 Fifth Avenue, New York, New York, had in effect in its price list, dated December 24, 1942, and its policy letter of the same date, on file with the Office of Price Administration in Washington, D. C.

(b) This Order No. 266 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 266 shall become effective on the 19th day of April 1943.

Issued this 17th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6025; Filed, April 17, 1943;
2:33 p. m.]

[Order 267 Under MPR 188]

J. C. PLATING WORKS

APPROVAL OF MAXIMUM PRICES

Order No. 267 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) J. C. Plating Works, 865 North Sangamon Street, Chicago, Illinois, is authorized to sell and deliver the following articles at prices no higher than those set forth below:

	Per hundred
No. 10.....	\$60.13
No. 12.....	54.81
No. 16.....	76.75
No. 31.....	82.66
No. 42.....	88.61
No. 43.....	94.34
No. 9.....	51.01
No. 9½.....	56.52
No. 80.....	76.55
No. 82.....	79.90
No. 83.....	81.26
1 chair frame.....	166.03

(b) This Order No. 267 may be revoked or amended by the Price Administrator at any time.

(c) This order No. 267 shall become effective on the 19th day of April 1943.

Issued this 17th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6026; Filed, April 17, 1943;
2:33 p. m.]

[Order 268 Under MPR 188]

OXFORD LIMITED

APPROVAL OF MAXIMUM PRICES

Order No. 268 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) The Oxford Limited of 853 Reed Street, Chicago, Illinois, may sell and deliver the following upholstered chairs at prices no higher than those set forth below:

Pattern No.	Maximum prices				
	Grade 5	Grade 6	Grade 7	Grade 8	Grade 4
(1) 117.....	\$31.31	\$32.81	\$34.56	\$36.51	\$30.01
(2) 105.....	30.08	31.58	33.33	35.23	28.73
(3) 100.....	23.46	24.41	25.51	26.81	22.66
(4) 124.....	30.87	31.17	32.92	34.87	30.07
(5) 108.....	35.19	36.79	38.59	40.59	33.84
(6) 90.....	29.86	31.36	33.11	35.11	28.56
(7) 138.....	29.82	31.12	32.87	34.82	29.02

(b) Within 120 days after the effective date of this Order No. 268, Oxford Limited shall file with the Office of Price Administration, Washington, D. C., a detailed profit and loss statement and a breakdown of actual unit direct costs of manufacture for the 90 days immediately following the effective date of this Order No. 268.

(c) This Order No. 268 shall be subject to adjustment if Oxford Limited's actual operating figures for the 90 day period mentioned in paragraph (b) show that costs are substantially different from the projected costs upon which the maximum price has been based, and this Order No. 268 may be revoked or amended by the Price Administrator at any time.

Issued and effective this 17th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6027; Filed, April 17, 1943;
2:34 p. m.]

[Order 1 Under RO 3']

ALLOTMENT NECESSITATED BY MILITARY
MANEUVERS

ORDER GRANTING TEMPORARY INCREASES

Order No. 1 issued pursuant to § 1407.-86b under Rationing Order No. 3—Sugar Rationing Regulations.

Military maneuvers of the armed forces of the United States are to be held in the counties of Bedford, Cannon, Clay, Coffee, DeKalb, Franklin, Jackson, Macon, Moore, Putnam, Rutherford, Smith, Sumner, Troupdale, Warren, White, and Wilson, in the State of Tennessee during a substantial part of the remainder of 1943.

The undersigned finds that these military maneuvers will cause temporary abnormal demands for sugar-containing products within the counties named and they are hereby defined as the area affected by this order. The undersigned also finds that certain temporary increases in the allotments of registering units delivering such products within the affected area will be necessary in consequence of such abnormal demands.

Accordingly, pursuant to the authority vested in the Director of the Food Rationing Division of the Office of Price Administration by § 1407.86b of Rationing Order No. 3,

It is hereby ordered, That a registering unit which during January and February 1943 delivered within the affected area 25 percent or more, in dollar value, of its total deliveries of sugar-containing products produced by it may apply to the board on OPA Form R-315 for a temporary increase of its March-April and May-June 1943 allotments. The amount of the temporary increases shall be determined as follows:

(a) The dollar value of sugar-containing products delivered by the registering

¹ 7 F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6084, 6473, 6828, 6937, 7269, 7321, 7510, 7557, 8402, 8655, 8710, 8739, 8809, 8830, 8831, 9042, 9396, 9460, 9899, 10017, 10258, 10556, 10845; 8 F.R. 166, 262, 445, 620, 1028, 1204, 1288, 2026, 2153, 2432, 2433, 2675, 2758, 3176, 3180, 3522, 4484, 4519, 4644.

unit within the affected area during January and February 1943 shall be divided by the dollar value of all sugar-containing products delivered by it during those months.

(b) The figure obtained in (a) shall be divided by 10.

(c) The temporary increase to be granted in the registering unit's March-April 1943 allotment shall be computed by taking $\frac{1}{2}$ of the registering unit's March-April allotment and multiplying it by the figure obtained in (b).

(d) The temporary increase to be granted in the registering unit's May-June 1943 allotment shall be computed by multiplying its May-June allotment by the figure obtained in (b).

Application for the temporary increases authorized by this Order shall be made on or before May 5, 1943. However, application for the temporary increase in the May-June allotment may be made after such date, but in such case the board shall reduce the temporary increase by the amount allocable to the expired portion of the May-June allotment period, in the proportion which the number of days which have elapsed from the start of the period bears to the total number of days in the period.

Any increase granted under this order is conditioned upon the continuance of deliveries by the registering unit within the affected area during April, May, and June 1943 of the same proportion of its total deliveries, in dollar value, as the registering unit delivered within the affected area during January and February 1943, and also upon the delivery by such registering unit within the affected area of an amount of sugar-containing products produced by it equal to those produced from the sugar it obtained under this order. A registering unit which uses any increase granted under this order must comply with these requirements.

As used in this order the term "registering unit" refers only to the industrial users which are included within such registering unit.

This order shall become effective April 17, 1943.

(Pub. Law 421, 77th Cong., E.O. 9125, 7 F.R. 2709; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. 1 and Supp. Dir. 1E, 7 F.R. 562, 2965; Food Dir. 3, 8 F.R. 2005; sec. 1407.86b, Rationing Order 3)

Issued this 17th day of April 1943.

HAROLD B. ROWE,
Director, Food Rationing Division.

[F. R. Doc. 43-6020; Filed, April 17, 1943; 2:32 p. m.]

[Order 2 Under RO 3¹]

ALLOTMENTS NECESSARY BY MILITARY MANEUVERS

ORDER GRANTING TEMPORARY INCREASES

Order No. 2 issued pursuant to § 1407.86b under Rationing Order No. 3—Sugar Rationing Regulations.

¹⁷ F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6084, 6473, 6828, 6937, 7269, 7321, 7510, 7557, 8402, 8655, 8710, 8739, 8809, 8830, 8831, 9042, 9396, 9460, 9899, 10017, 10258, 10566, 10845; 8 F.R. 166, 262, 445, 620, 1028, 1204, 1288, 2026, 2153, 2433, 2432, 2675, 2758, 3176, 3180, 3522, 4484, 4519, 4644.

Military maneuvers of the armed forces of the United States are to be held in the parishes of Allen, Beauregard, and Vernon in the State of Louisiana and the county of Newton in the State of Texas during a substantial part of the remainder of 1943.

The undersigned finds that these military maneuvers will cause temporary abnormal demands for sugar-containing products within the parishes and the county named and they are hereby defined as the area affected by this order. The undersigned also finds that certain temporary increases in the allotments of registering units delivering such products within the affected area will be necessary in consequence of such abnormal demands.

Accordingly, pursuant to the authority vested in the Director of the Food Rationing Division of the Office of Price Administration by § 1407.86b of Rationing Order No. 3,

It is hereby ordered, That a registering unit which during January and February 1943 delivered within the affected area 25 per cent or more, in dollar value, of its total deliveries of sugar-containing products produced by it may apply to the board on OPA Form R-315 for a temporary increase of its March-April and May-June 1943 allotments. The amount of the temporary increases shall be determined as follows:

(a) The dollar value of sugar-containing products delivered by the registering unit within the affected area during January and February 1943 shall be divided by the dollar value of all sugar-containing products delivered by such registering unit during those months.

(b) The temporary increase to be granted in the registering unit's March-April 1943 allotment shall be computed by

(1) Multiplying its March-April allotment by the figure obtained in (a) and
(2) Taking 15 percent of the figure obtained in (1).

(c) The temporary increase to be granted in the registering unit's May-June 1943 allotment shall be computed by

(1) Multiplying its May-June allotment by the figure obtained in (a) and
(2) Taking 35 percent of the figure obtained in (1).

Application for the temporary increases authorized by this order shall be made on or before May 5, 1943. However, application for the temporary increase in the May-June allotment may be made after such date, but in such case the board shall reduce the temporary increase by the amount allocable to the expired portion of the May-June allotment period, in the proportion which the number of days which have elapsed from the start of the period bears to the total number of days in that period.

Any increase granted under this order is conditioned upon the continuance of deliveries by the registering unit within the affected area during April, May, and June 1943 of the same proportion of its total deliveries, in dollar value, as the registering unit delivered within the affected area during January and February 1943, and also upon the delivery by such registering unit within the affected

area of an amount of sugar-containing products produced by it equal to those produced from the sugar it obtained under this order. A registering unit which uses any increase granted under this order must comply with these requirements.

As used in this order the term "registering unit" refers only to the industrial users which are included within such registering unit.

This order shall become effective April 17, 1943.

(Pub. Law 421, 77th Cong., E.O. 9125, 7 F.R. 2709; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. 1 and Supp. Dir. 1E, 7 F.R. 562, 2965; Food Dir. 3, 8 F.R. 2005; sec. 1407.86b, Rationing Order 3)

Issued this 17th day of April 1943.

HAROLD B. ROWE,
Director, Food Rationing Division.

[F. R. Doc. 43-6021; Filed, April 17, 1943; 2:32 p. m.]

[Amendment 1 to Order 7 Under MPR 121]

BERWIND FUEL COMPANY

ORDER GRANTING ADJUSTMENT

Amendment No. 1 to Order No. 7 under Maximum Price Regulation No. 121—Miscellaneous Solid Fuels Delivered From Producing Facilities; Docket No. 3121-30.

For reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and paragraph (c) of Order No. 7 under Maximum Price Regulation No. 121, It is hereby ordered, That paragraph (e) of Order No. 7 under Maximum Price Regulation No. 121 is amended to read as follows:

(e) This Order No. 7 shall become effective as of December 23, 1942.

Issued this 17th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6022; Filed, April 17, 1943; 2:33 p. m.]

[Corr. to Order 11¹ Under RPS 67]

NORTON COMPANY

AUTHORIZATION OF MAXIMUM PRICE

Correction to Order No. 11 under Revised Price Schedule No. 67—New Machine Tools.

The docket number "3067-15" is corrected to read "3067-57".

This correction shall be effective as of February 29, 1943.

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

Issued this 17th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6023; Filed, April 17, 1943; 2:32 p. m.]

¹⁸ F.R. 3879.

[Order 17 Under Rev. MPR 125]

RAY CALDWELL COMPANY

APPROVAL OF MAXIMUM PRICES

Order No. 17 under Revised Maximum Price Regulation No. 125—Nonferrous Castings; Docket No. 3125-27.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250 and § 1395.12 of Revised Maximum Price Regulation No. 125, *It is hereby ordered:*

(a) Anything in Revised Maximum Price Regulation No. 125 to the contrary notwithstanding, Ray Caldwell, doing business as Ray Caldwell Company of Syracuse, New York, hereinafter referred to as "the applicant", may make final settlement for any nonferrous castings produced by it and sold or delivered between March 6, 1943, and April 20, 1943, at prices not in excess of the maximum prices hereinafter prescribed for sales made on or after April 20, 1943, and on and after April 20, 1943, the applicant the applicant nonferrous castings pro-may sell and deliver to any person and any person may buy and receive from duce by the applicant at prices not higher than the following:

(1) Anything in this order to the contrary notwithstanding, the maximum prices for castings the same, or of the same class, as those sold or contracted to be sold by the applicant during the period from October 1 to October 15, 1941, inclusive, and those sold, contracted to be sold or delivered by the applicant during the period from May 11, 1942 to January 31, 1943, inclusive, shall be the maximum prices prescribed by § 1395.3 of Revised Maximum Price Regulation No. 125; Except, that in determining the maximum prices of nonferrous castings under that section the applicant need not make the reductions required by paragraph (b) of that section.

(2) On the first sale of a nonferrous casting not the same, or of the same class, as any casting sold or contracted to be sold by the applicant during the period from October 1 to October 15, 1941, inclusive, or sold, contracted to be sold or delivered by the applicant during the period from May 11, 1942 to January 31, 1943, inclusive, and not of the same class as any casting whose maximum price was previously determined under this subparagraph, the maximum price shall be the price determined by the application of the applicant's pricing formula to the applicant's best estimates of the variable elements in the applicant's pricing formula applied to the casting whose maximum price is being determined.

(3) On subsequent sales of a nonferrous casting the same as, and on the first and subsequent sales of a nonferrous casting, not the same as, but of the same class as one whose maximum price has previously been determined under subparagraph (2) of this paragraph, the maximum price shall be the price at which the first sale was made or the maximum price for the first sale of the cast-

ing whose maximum price has previously been determined under subparagraph (2) of this paragraph whichever is the lower.

(b) When used in this order the term:

(1) "The applicant's pricing formula" means the revised pricing formula of the applicant set forth in its application for adjustment under Revised Maximum Price Regulation No. 125, which was filed with the Office of Price Administration, Washington, D. C. on March 12, 1943, and assigned Docket No. 3125-27.

(2) "First sale" means the first sale of a nonferrous casting of any given pattern made on or after April 20, 1943.

(3) Other terms used in this order shall have the meaning given them by Revised Maximum Price Regulation No. 125.

(c) All prayers in the applicant's application for adjustment under Revised Maximum Price Regulation No. 125, Docket No. 3125-27, not granted herein, are hereby denied.

(d) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective April 20, 1943.

Issued this 19th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6057; Filed, April 19, 1943;
10:02 a. m.]

[Order 18 Under MPR 136]

STEWART-WARNER CORPORATION

ORDER GRANTING IN PART AND DENYING IN PART

Order No. 18 under Maximum Price Regulation No. 136, as amended—Machines and Parts, and Machinery Services; Docket No. 3136-233.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250 and Procedural Regulation No. 6, *It is hereby ordered:*

(a) Stewart-Warner Corporation of Chicago, Illinois, is hereby authorized to enter into, offer to enter into and carry out contracts 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 subcontracts under any such contract, covering the following commodities at prices not in excess of the following prices:

No. 444029 Oil gauge.....	\$0.51
No. 440021 Ammeter.....	.455

Applicant's new
maximum price
(each)

(b) This order may be revoked or amended by the Office of Price Administration at any time.

This order shall become effective April 20, 1943.

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

Issued this 19th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6068; Filed, April 19, 1943;
10:05 a. m.]

[Order 19 Under MPR 136]

PENN METAL COMPANY, INC.

APPROVAL OF MAXIMUM PRICE

Order No. 19 under Maximum Price Regulation No. 136, as amended—Machines and Parts, and Machinery Services; Docket 3136-175.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, § 1390.25a (b) of Maximum Price Regulation No. 136, as amended, and Revised Procedural Regulation No. 1, *It is hereby ordered:*

(a) Penn Metal Company, Inc., of Boston, Massachusetts, is hereby authorized to perform machinery services for American Brake Shoe and Foundry Company of New York, in fabricating sheet steel furnished by American Brake Shoe and Foundry Company, into an expanded material which is inserted during manufacture into brake shoes for railroad cars and locomotives, at the maximum price of \$18.99 per net ton.

(b) This order may be revoked or amended by the Office of Price Administration at any time.

Issued and effective this 19th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6066; Filed, April 19, 1943;
10:05 a. m.]

[Amendment 1 to Order 2 Under MPR 177]

PARK-KENNY, LTD.

APPROVAL OF MAXIMUM PRICES

Amendment 1 to Order No. 2¹ under § 1389.106 of Maximum Price Regulation 177²—Men's and Boys' Tailored Clothing; Docket No. 3177-56.

The opinion in support of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Order No. 2 under § 1389.106 of Maximum Price Regulation 177 is amended in the following respects:

1. Paragraph (a) is amended to read as follows:

(a) Park-Kenny, Ltd., may sell and deliver, and any person may buy and re-

¹ 7 F.R. 10508

² 7 F.R. 5182, 7475, 6792, 7100, 7944, 8940, 9000, 8940, 8948.

ceive from Park-Kenny, Ltd., men's suits, men's sport coats and men's top coats at prices not in excess of those stated in paragraphs (b) and (c) of this order.

2. Paragraph (b) is amended to read as follows:

(b) The maximum prices for the men's suits, men's sport coats and men's top coats which have been described by Park-Kenny, Ltd., under the following lot numbers, and which are to be made of the fabrics indicated, and tailored in accordance with the specifications of Grade 4 "make" as that grade is customarily understood in the New York City, market, and for any garments similar thereto, shall be as set forth below:

(1) MEN'S SUITS

Lot No.	Mill	Mill range	Price
7411.....	Dunn.....	39	\$25.26
7465.....			
7466.....	Eick.....	5261	24.74
7460.....			
7461.....	Holyoke.....	801	26.13
7470.....			
7442.....	Putnam.....	32	21.50
7444.....			
7477.....	Prendergast.....	3227	25.64
7478.....			
7463.....			
7464.....	Brunswick.....	14	25.26
7451.....			
7453.....	Merion.....	342	24.74
7459.....			
7447.....	Manchester.....	129	25.54
7448.....			
7467.....	Woolen Corp. of Amer-ica.....	9400	25.92
7468.....		9600	
7473.....	Z. Alpert & Sons.....	2026	26.34
7470.....			
7472.....	H. Lawton.....	159	24.62
7474.....			
7475.....	Merion.....	542	25.06
7476.....	Princeton.....	55	21.90
7505-7516 in-clusive.			
7500-7504 in-clusive.	Princeton.....	53	21.90
7536.....			
7537.....	Eick.....	4500-2-2	21.50
7517.....		4500-23-2	21.80
7535.....	Shetucket.....	257	21.26
7533.....		162	21.65
7533.....	Guerin.....	1600	21.34
7540.....			
7547.....			
7542-7545 in-clusive.	Guerin.....	1651	21.34
7538-7541 in-clusive.			
7548-7551 in-clusive.	Guerin.....	1652	21.34
7552-7555 in-clusive.			
7552-7555 in-clusive.	The Kingsley Com-pany.....	1242	20.28
7904-7908 in-clusive.			
7904-7908 in-clusive.	The Kingsley Com-pany.....	1242	20.28
7911.....	Angle Fabrics.....	100s	27.41
7920.....			
7903.....			
7912.....			
7913.....			
7915-7917 in-clusive.	Taylor & Littlewood.....	1300s	27.41
7919.....			
7902.....			
7918.....			
7914.....	Taylor & Littlewood.....	1200s	27.41

(2) MEN'S SPORT COATS

Lot No.	Mill	Mill range	Price
7556-7560 in-clusive.	The Kingsley Company.....	1, 234	\$14.50
403-406 in-clusive.			
403-406 in-clusive.	The Kingsley Company.....	18	14.50
400-405 in-clusive.			
400-405 in-clusive.	Stanley Mills.....	126	14.00

(3) MEN'S TOP COATS

Lot No.	Mill	Mill range	Price
7467-7473 in-clusive.	Manchester.....	129	\$22.42

3. Paragraph (c) is amended by deleting the phrase "men's overcoat" and inserting a comma after the phrase "men's suit" and adding the phrase "men's sport coat or men's top coat."

4. Paragraph (c) (3) is amended to read as follows:

(3) Divide the remainder by the total value as found in (1). But no maximum price shall exceed \$27.41 for a man's suit, \$14.50 for a man's sport coat or \$22.42 for a man's top coat.

This amendment shall become effective April 20, 1943.

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

Issued this 19th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6064; Filed, April 19, 1943; 10:06 a. m.]

[Order 269 Under MPR 188]

MICHIGAN CHEMICAL CORPORATION

APPROVAL OF MAXIMUM PRICES

Order No. 269 under § 1400.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and by Executive Order No. 9250, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, It is hereby ordered, That:

(a) Specific authorization is hereby granted to the Michigan Chemical Corporation to sell and deliver the following commodities at prices not in excess of the maximum prices set forth below:

PERICLASE

In bulk, \$47.00 per net ton, f. o. b. St. Louis, Mich.

In paper or single cloth sacks, \$51.00 per net ton, f. o. b. St. Louis, Mich.

CAUSTIC CALCINED MAGNESITE

	CL	LCL
Michigan #1 (Chloride free)		
Michigan #5 (Chemical grade)		
Bulk granular.....	\$65.75	\$73.25
Granular material in sacks.....	68.75	76.25
Powdered material in sacks (90%-200 Mesh).....	71.75	79.25

The prices listed above for caustic calcined magnesites are per net ton, f. o. b. St. Louis, Michigan. However, the Michigan Chemical Corporation shall equalize freight with Newark, California; Joliet, Illinois; or New York City, whichever has the lowest freight rate to destination. The containers used by the Michigan Chemical Corporation shall be bags of 5-play paper and 1-ply asphalt. The Michigan Chemical Corporation shall reduce prices of caustic calcined magnesite by 5% on sales to persons who resell the

material in the same form. The terms of sale shall be net, 30 days.

(b) The Michigan Chemical Corporation shall submit such reports to the Office of Price Administration as it may from time to time require.

(c) This Order No. 269 may be revoked or amended by the Price Administrator at any time.

This order shall become effective April 20, 1943.

Issued this 19th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6061; Filed, April 19, 1943; 10:00 a. m.]

[Order 270 Under MPR 188]

THERMAL COMPANY

APPROVAL OF MAXIMUM PRICES

Order No. 270 under § 1499.153 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and § 1499.158 of Maximum Price Regulation No. 188, It is hereby ordered, That:

(a) This Order No. 270 establishes maximum prices for sales of Thermal Guards manufactured by the Thermal Company of Merion, Pennsylvania and applies only to the commodity which has been described in the application submitted by the Thermal Company to the Office of Price Administration.

(b) There are set forth below the maximum prices for sales of Thermal Guards by the manufacturer (Thermal Company) to distributors, dealers and consumers; sales by distributors to dealers and consumers; sales by dealers to consumers.

Size	Manu- facturer to dis- tributor price	Manu- facturer to dealer price	Distrib- utor to dealer price	Dealer to con- sumer price	Price to con- sumer
30".....	\$0.75	\$1.00	\$1.00	\$1.49	\$1.49
36".....	.85	1.13	1.13	1.69	1.69

(c) All sales by the Thermal Company are to be made f. o. b. Merion, Pennsylvania.

(d) All maximum prices established for the Thermal Company are subject to a discount of 2% if payment by the purchaser is made on or before the tenth day following that on which shipment is made.

(e) The maximum prices established for distributors and dealers under this Order No. 270 shall be subject to the same extension of discounts and the same rendition of services which were extended or rendered or would have been extended or rendered on sales of similar

commodities to purchasers of the same class on March 1, 1942.

(f) The Thermal Company shall notify every person, except consumers, who buys from it of the maximum prices established by this Order No. 270 for resales by the purchaser. This notice shall be given at or prior to the first invoice to each purchaser and may be given in any convenient form.

(g) The Thermal Company shall submit to the Office of Price Administration such reports as it may from time to time require.

(h) This Order No. 270 may be revoked or amended by the Price Administrator at any time.

This order shall become effective April 20, 1943.

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

Issued this 19th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6056; Filed, April 19, 1943;
10:04 a. m.]

[Order 271 Under MPR 188]

IVEL CORPORATION

APPROVAL OF MAXIMUM PRICE

Order No. 271 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of maximum price for sale by the Ivel Corporation of a wooden locker and shelving.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) The Ivel Corporation, 211 West 61st Street, New York, New York, is authorized to sell and deliver the following articles at prices f. o. b. New York City, no higher than those set forth below:

A-4 Standard 4 bank locker \$28.27
A-3 Five shelf, adjusting interlocking unit:

	First section	Each additional section in run
Oak.....	\$27.88	\$23.14
Poplar.....	25.62	21.26
Pine.....	21.83	18.12

(b) This Order No. 271 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 271 shall become effective on the 20th day of April 1943.

Issued this 19th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6071; Filed, April 19, 1943;
10:04 a. m.]

[Order 4 Under MPR 193]

H. E. POGUE DISTILLERY CO.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 4 under Maximum Price Regulation No. 193—Domestic Distilled Spirits.

Authorization of maximum prices for "Pogue's Reserve" brand of domestic whiskey manufactured by H. E. Pogue Distillery Company. H. E. Pogue Distillery Company, Maysville, Kentucky, distillers and rectifiers of alcoholic beverages, has made application under § 1420.13 (c) of Maximum Price Regulation No. 193 for determination of maximum prices for sales of "Pogue's Reserve" brand of domestic whiskey. That brand is a blended whiskey at 86° proof, aged as follows: 40%—34 months, 60%—6 months.

Due consideration has been given to the application, and an opinion in support of this order has been issued simultaneously herewith and filed with the Division of the Federal Register. For the reasons set forth in the opinion and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, As Amended, *It is ordered:*

(a) *Maximum prices for all sales by H. E. Pogue Distillery Company.* On and after April 20, 1943 H. E. Pogue Distillery Company, Maysville, Kentucky, may sell and deliver to any person and any person may buy and receive from H. E. Pogue Distillery Company, "Pogue's Reserve" brand of domestic whiskey, a blended whiskey at 86° proof, aged as above, at the following prices:

\$18.44 plus \$5.16, being the amount of the increased Federal excise tax of November 1, 1942 applicable thereto, or a total of \$23.60 per case of 12 bottles, each bottle containing one quart of such whiskey;

\$19.04 plus \$5.16, being the amount of the increased Federal excise tax of November 1, 1942 applicable thereto, or a total of \$24.20 per case of 24 bottles, each bottle containing one pint of such whiskey;

\$19.79 plus \$5.16, being the amount of the increased Federal excise tax of November 1, 1942 applicable thereto, or a total of \$24.95 per case of 48 bottles, each bottle containing one-half pint of such whiskey; and

\$15.07 plus \$4.13, being the amount of the increased Federal excise tax of November 1, 1942 applicable thereto, or a total of \$19.20 per case of 12 bottles, each bottle containing one-fifth gallon of such whiskey.

(b) *Maximum prices for all sales to Monopoly States.* The maximum prices for sales of each container size of "Pogue's Reserve" brand of domestic whiskey, as hereinbefore described, to Monopoly States by any seller shall be the maximum price for such container size set forth in paragraph (a), plus an amount which will restore to the price any trade discount now allowed to the Monopoly State: *Provided*, That the rate of such discount shall not exceed the rate prevailing on March 31, 1942.

(1) *Maximum prices for all sales by Monopoly States.* Any Monopoly State may sell or deliver to any person and any person may buy and receive from such Monopoly State "Pogue's Reserve" brand of domestic whiskey at maximum prices determined as follows:

(i) Add to the maximum price established at (b), exclusive of the amount of the increased Federal excise tax of November 1, 1942 applicable thereto, for the particular container size in question the amount of freight charges, if any, at the rate applicable in March 1942 from the rectifying plant or freight basing point from which shipment is made to the receiving point of the particular Monopoly State.

(ii) Add to the resulting figure at (i) the applicable amount of any tax incident to the sale, processing or use of the domestic whiskey to be priced hereunder in accordance with any statute in effect in the Monopoly State on March 31, 1942.

(iii) Apply to the resulting figure at (ii) the statutory or discretionary percentage markup in effect in such Monopoly State on March 31, 1942.

(iv) Add to the resulting figure at (iii) the amount of the increased Federal excise tax of November 1, 1942 applicable thereto.

(v) Divide the resulting figure at (iv) by the figure 12 in the case of quarts and fifths, by the figure 24 in the case of pints, and by the figure 48 in the case of one-half pints, and follow the practice prevailing in the Monopoly State on March 31, 1942 with respect to the disposition of fractional and odd cents, if any, existing in the latter figure. The resulting figure shall be the Monopoly State's maximum price for the particular container size in question of "Pogue's Reserve" brand of domestic whiskey.

(2) *Notification in connection with all sales to Monopoly States.* On or before making any offer to sell, sale or delivery of this commodity to a Monopoly State the seller shall notify the Monopoly State of his maximum prices established under paragraph (b) for all sales to Monopoly States, and of the method for the computation of the Monopoly State's maximum prices for sales of this commodity. Such notification shall be accomplished by attaching a true and exact copy of this order to the written quotation or to the invoice issued by the seller in connection with the particular transaction. With respect to any particular Monopoly State, no notification shall be required after the first notification.

(c) *Maximum prices for sales at wholesale.* Any wholesaler or jobber may sell and deliver to any person and any person may buy and receive from such wholesaler or jobber "Pogue's Reserve" brand of domestic whiskey, as hereinbefore described, at prices not in excess of those computed by the wholesaler or jobber as follows:

(1) Add to the amount of \$18.44, \$19.04, \$19.79 or \$15.07 for cases of 12 quarts, 24 pints, 48 one-half pints or 12 fifths respectively, freight charges, if any, at the rate applicable in March 1942 from the rectifying plant or freight basing point from which shipment is made to the receiving point of the particular wholesaler or jobber.

(2) Add to the resulting figure at (1) the amount of any tax incident to the sale, delivery, processing or use of the domestic whiskey to be priced hereunder which is imposed upon the wholesaler or

jobber by any statute or ordinance of any State or subdivision thereof in effect in March 1942: *Provided*, That the amount of such tax has been paid or shall have accrued and be payable by the seller to the proper taxing authority or to any prior vendor.

(3) Multiply the resulting figure at (2) by 1.15, or in those States or subdivisions thereof where the markup of such vendors of distilled spirits is fixed by a statute or ordinance in effect in March 1942, by a figure which will produce a selling price for the particular vendor in accordance with the minimum requirements of such statute or ordinance.

(4) Add to the resulting figure at (3) the amount of the increased Federal excise tax of November 1, 1942 applicable thereto; and the applicable amount of any new or increased tax incident to the sale, delivery, processing, or use of the domestic whiskey to be priced hereunder which is imposed upon the wholesaler or jobber by any statute or ordinance of any State or subdivision thereof which became effective after March 31, 1942: *Provided*, That the amount of such new or increased tax has been paid or shall have accrued and be payable by the seller to the proper taxing authority or to any prior vendor. The resulting amount shall be the particular wholesaler's or jobber's maximum price for the particular container size in question of "Pogue's Reserve" brand of domestic whiskey. Such maximum price shall be inapplicable to sales to Monopoly States. The maximum prices for all sales to Monopoly States shall be determined pursuant to paragraph (b).

(5) Wholesalers' and jobbers' discounts on sales of "Pogue's Reserve" brand of whiskey shall be applicable to the maximum prices established pursuant to (c) at a rate which is not less than the rate allowed by the wholesaler or jobber in March 1942 on sales of domestic whiskey in the same price class to the same class of purchasers.

(d) *Maximum prices for sales at retail.* Any retailer may sell and deliver to any person and any person may buy and receive from such retailer "Pogue's Reserve" brand of domestic whiskey, as hereinbefore described, at prices not in excess of those computed by the retailer as follows:

(1) Multiply the resulting figure at (c) (3), as computed by the particular wholesaler or jobber from whom the retailer purchases such commodity by 1.33, or, in those states or subdivisions thereof where the markup of such vendors of distilled spirits is fixed by statute or ordinance in effect in March 1942, by a figure which will produce a selling price for the particular vendor in accordance with the minimum requirements of such statute or ordinance.

(2) Add to the resulting figure at (1) the amount of the Federal excise tax of November 1, 1942 applicable thereto; and the applicable amount of any new or increased tax incident to the sale, processing or use of the domestic whiskey to be priced hereunder which is imposed upon the seller by any statute or ordinance of any State or subdivision thereof which became effective after March 31, 1942:

Provided, That the amount of such new or increased tax has been paid or shall have accrued and be payable by the seller to the proper taxing authority or to any prior vendor.

(3) Divide the resulting figure at (2) by the figure 12 in the case of quarts and fifths, by the figure 24 in the case of pints, and by the figure 48 in the case of one-half pints. The retailer shall adjust the figure thus arrived at to the next higher even cent if the fraction is $\frac{1}{2}$ cent or over or to the next lower even cent if the fraction is less than $\frac{1}{2}$ cent.

(4) Multiply the resulting figure at (3) by the percentage rate of any State or local sales tax imposed upon the retailer by any statute or ordinance of any State or subdivision thereof: *Provided*, That the amount thereof was separately stated and collected by the retailer in March 1942, and the retailer now continues to state and collect the amount thereof separately. The resulting figure shall be rounded off to the nearest full cent in accordance with the practice of the seller in March 1942, and added to the amount determined at (3). The resulting amount shall be the particular retailer's maximum price for the particular container size in question of "Pogue's Reserve" brand of domestic whiskey. Such maximum price shall be inapplicable to sales to Monopoly States. The maximum prices for all sales to Monopoly States shall be determined pursuant to paragraph (b).

(e) *Notification by H. E. Pogue Distillery Company.* On or before the first delivery of this commodity after the effective date hereof H. E. Pogue Distillery Company shall notify any person purchasing the commodity from them of applicant's maximum price established under paragraph (a), and applicant shall make a separate statement of the increased Federal excise tax of November 1, 1942. Such notification shall be accomplished by attaching a true and exact copy of this order to the invoice issued by the applicant in connection with the particular transaction. No notification shall be required after the first notification to any particular purchaser.

(f) *Notification by wholesalers and jobbers.* (1) On or before the first delivery of this commodity after the effective date hereof, all wholesalers and jobbers shall notify wholesaler purchasers thereof of the seller's maximum price established under paragraph (c) and he shall accomplish such notification by attaching a true and exact copy of this order to the invoice issued in connection with the particular transaction together with the following statement:

Our Maximum prices for "Pogue's Reserve" brand of whiskey are as follows:

Quarts.....	\$.....
Pints.....
$\frac{1}{2}$ pints.....
Fifths.....

The maximum prices above are established under paragraph (c) of Order No. 4 under Maximum Price Regulation No. 193. You, too, are required to establish your maximum prices for this commodity under paragraph (c) of that order, attached hereto, and you are required to give notification to all pur-

chasers in accordance with the provisions of the order.

OPA requires that you keep this notice for examination.

No notification shall be required after the first notification unless the seller's maximum prices shall be adjusted for a permitted tax increase pursuant to the provisions hereof.

(2) On or before the first delivery of this commodity after the effective date hereof, all wholesalers and jobbers of this commodity shall notify retailer purchasers thereof of the wholesaler's or jobber's maximum price as established under paragraph (c); and they shall notify such retailers of the method for the computation of the retailer's maximum price as follows:

Our maximum price for "Pogue's Reserve" brand of domestic whiskey and the method whereby we have computed your maximum price for that brand is as follows:

1. Our maximum price per case of (container size in question)..... \$.....
2. Subtract increased Federal excise tax of November 1, 1942.....
3. Subtract increased State or local taxes after March 31, 1942.....
4. Base for computation of retailer's maximum price.....
5. Line 4 multiplied by 1.33 or minimum statutory markup.....
6. Add increased Federal excise tax.....
7. Add increased State or local tax.....
8. Total.....
9. Divide line 8 by the figure 12 for quarts and fifths, by the figure 24 for pints, and by the figure 48 for one-half pints.....
10. Add State or local sales tax or similar tax per bottle (if separately stated and collected by retailer in March 1942 and which retailer now separately states and collects).....
11. Retailer's maximum price per container size in question).....

The figure at line 11 is your maximum price, including all taxes, per (container size in question) for "Pogue's Reserve" brand of domestic whiskey in accordance with OPA Order No. 4 under Maximum Price Regulation No. 193. OPA requires you to keep this notice for examination.

No notification shall be required after the first notification unless the seller's maximum prices shall be adjusted for a permitted tax increase pursuant to the provisions hereof.

(g) This Order No. 4 may be revoked or amended by the Price Administrator at any time.

(h) This Order No. 4 shall become effective April 20, 1943.

Issued this 19th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6058; Filed, April 19, 1943; 10:01 a. m.]

[Order 2 Under MPR 207]

BOZEMAN CANNING CO.

APPROVAL OF MAXIMUM PRICES

Order No. 2 under § 1341.202 (d) of Maximum Price Regulation No. 207—Frozen Fruits, Berries and Vegetables.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

(a) On and after April 20, 1943, the maximum prices, f. o. b. factory, for sales by Bozeman Canning Co., Mount Vernon, Washington, of frozen apricots shall be:

13½¢ per pound packed in 25-pound and 30-pound cans.

13¢ per pound packed in 40-pound bulk cases.

(b) Bozeman Canning Co. shall apply to its maximum selling prices of frozen apricots the same discounts, allowances and price differentials which it customarily applies to sales of comparable items, unless a change in these customary discounts, allowances and price differentials results in lower selling prices.

(c) This Order No. 2 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 2 shall become effective as of April 20, 1943.

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

Issued this 19th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6069; Filed, April 19, 1943;
10:05 a. m.]

[Order 3 Under MPR 207]

SNIDER PACKING CORPORATION

APPROVAL OF MAXIMUM PRICES

Order No. 3 under § 1341.202 (d) of Maximum Price Regulation No. 207—Frozen Fruits, Berries and Vegetables.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

(a) On and after April 20, 1943, the maximum price, f. o. b. Chicago, Illinois, for sales by Snider Packing Corporation, 40 Franklin Street, Rochester, New York, of Snider's quick frozen shoestring beets shall be \$1.95 per dozen 12 ounce packages packed 48 to a case.

(b) Snider Packing Corporation shall apply to its maximum selling price of Snider's quick frozen shoestring beets the same discounts, allowances and price differentials which it customarily applies to sales of comparable items, unless a change in these customary discounts, allowances and price differentials results in a lower selling price.

(c) This Order No. 3 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 3 shall become effective as of April 20, 1943.

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

Issued this 19th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6060; Filed, April 19, 1943;
10:00 a. m.]

[Order 4 Under MPR 207]

GEO. W. HAXTON & SON, INC.

APPROVAL OF MAXIMUM PRICES

Order No. 4 under § 1341.202 (d) of Maximum Price Regulation No. 207—Frozen Fruits, Berries and Vegetables.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

(a) On and after April 20, 1943, the maximum price, f. o. b. factory, for sales by Geo. W. Haxton & Son, Inc., Oakfield, New York, of frozen blueberries packed in 22 pound lugs shall be 17½¢ per pound.

(b) Geo. W. Haxton & Son, Inc., shall apply to its maximum selling price of frozen blueberries the same discounts, allowances and price differentials which it customarily applies to sales of comparable items, unless a change in these customary discounts, allowances and price differentials results in a lower selling price.

(c) This Order No. 4 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 4 shall become effective April 20, 1943.

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

Issued this 19th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6059; Filed, April 19, 1943;
10:01 a. m.]

[Order 5 Under MPR 207]

HEMET PACKING COMPANY

APPROVAL OF MAXIMUM PRICES

Order No. 5 under § 1341.202 (d) of Maximum Price Regulation No. 207—Frozen Fruits, Berries and Vegetables.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

(a) On and after April 20, 1943, the maximum prices f. o. b. factory for sales

by Hemet Packing Company, Hemet, California, of the following products shall be:

	Cents per dozen
Frozen corn on the cob, 5 inch cobs.....	53½
Frozen unblanched apricots, 5 x 1 pack, in 30 pound tins and in barrels.....	101½
Frozen pre-cooked apricots, in 30 pound tins and in cases.....	121½
Frozen apricot pulp, in 30 pound tins and in cases.....	91½

(b) Hemet Packing Company shall apply to its maximum selling prices established by this order the same discounts, allowances and price differentials which it customarily applies to sales of comparable items, unless a change in these customary discounts, allowances and price differentials results in lower selling prices.

(c) This Order No. 5 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 5 shall become effective April 20, 1943.

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

Issued this 19th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6063; Filed, April 19, 1943;
10:01 a. m.]

[Order 1 Under MPR 226]

THE MOREY MERCANTILE COMPANY

APPROVAL OF MAXIMUM PRICES

Order No. 1 under § 1341.303 (b) of Maximum Price Regulation No. 226—Fruit Preserves, Jams and Jellies.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

(a) On and after April 20, 1943, the maximum prices, delivered to retailers, for sales by The Morey Mercantile Company, Denver, Colorado, for the following products shall be:

Type	Brand	Flavor	Grade	Container type	Con- tainer size	Price de- livered to retailer
Preserves.....	Solitaire.....	Plum.....	Fancy.....	Jelly glass.....	Oz. 5½	\$1.03½
Preserves.....	Solitaire.....	Plum.....	Fancy.....	Tumbler.....	13	2.09
Preserves.....	Solitaire.....	Plum.....	Fancy.....	R U glass.....	16	2.46
Preserves.....	Solitaire.....	Plum.....	Fancy.....	R U glass.....	32	4.72
Preserves.....	Solitaire.....	Plum.....	Fancy.....	Jar.....	74	7.66

(b) The Morey Mercantile Company shall apply to its maximum selling prices the same discounts, allowances and price differentials which it customarily applies to sales of comparable items, unless a change in these customary discounts, allowances and price differentials results in the same or a lower selling price.

(c) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 1 shall become effective April 20, 1943.

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

Issued this 19th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6067; Filed, April 19, 1943;
10:05 a. m.]

[Correction of Order 82 Under RPS 64¹]

BARNES HEATER COMPANY

APPROVAL OF MAXIMUM PRICES

Correction of Order No. 82 under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

Order No. 82 under Revised Price Schedule No. 64 is corrected in the following respect:

Paragraph (b) should read as follows:

(b) Trailer manufacturers, trailer dealers or dealers in trailer accessories may sell and deliver the Model B oil trailer heater, manufactured by the Barnes Heater Company to consumers at a price no higher than \$46.52.

This correction shall become effective on the 20 day of April, 1943.

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

Issued this 19th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6062; Filed, April 19, 1943;
10:01 a. m.]

[Order 2 Under MPR 300]

ALLIED LATEX CORPORATION

APPROVAL OF MAXIMUM PRICES

Order No. 2 under Maximum Price Regulation 300—Maximum Manufacturers' Prices for Rubber Drug Sundries.

For the reasons set forth in an opinion, issued simultaneously herewith and filed with the Division of the Federal Register and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended and Executive Order No. 9250, *It is hereby ordered:*

(a) The Allied Latex Corporation of East Newark, New Jersey, hereinafter called the "manufacturer," may sell, offer to sell, deliver and transfer rubber prophylactics of a type manufactured by it on February 1, 1943, at a price not in excess of \$2.45 a gross when they are packaged in match-folder packages and \$2.75 a gross when they are packaged in tins.

(b) When the manufacturer sells rubber prophylactics to wholesalers and jobbers two percent shall be deducted from the price specified in paragraph (a) if the buyer pays cash within 10 days of delivery.

(c) The manufacturer shall allow freight to New York City, New York. All other freight may be paid by the buyer.

(d) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective April 20, 1943.

Issued this 19th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6070; Filed, April 19, 1943;
10:04 a. m.]

¹ 7 F.R. 1329, 1836, 2000, 2132, 4404, 5872, 6221, 8948; 8 F.R. 1974, 4640.

[Order 83 Under RPS 64¹]

GLENWOOD RANGE COMPANY

APPROVAL OF MAXIMUM PRICES

Order No. 83 under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On February 20, 1943, Glenwood Range Company, Taunton, Mass., filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64, for approval of maximum prices for a new model coal heater designated in the application as Model 14 cabinet.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Glenwood Range Company may sell, offer to sell, transfer or deliver its Model 14 cabinet to dealers at a price no higher than \$46.50 delivered, subject to discounts, allowances and terms no less favorable than those in effect with respect to the comparable model 218 BC range.

(b) Dealers may sell and deliver to consumers the model 14 cabinet coal heater manufactured by Glenwood Range Company at a price no higher than \$69.75. This maximum price does not include any amount for installation or delivery by the dealer to consumer.

(c) Before making delivery of the Model 14 cabinet, the Glenwood Range Company shall attach securely to the stove, so that it is clearly visible, a durable tag or label containing in easily readable lettering the following statement:

Retail ceiling price for this Model 14 cabinet, \$69.75. This tag may not be removed until after delivery to the purchaser.

(d) This Order No. 83 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

This Order No. 83 shall become effective on the 20th day of April 1943.

Issued this 19th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6065; Filed, April 19, 1943;
10:05 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-703]

INTERNATIONAL UTILITIES CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Penn-

¹ 7 F.R. 1329, 1836, 2000, 2132, 4404, 5872, 6221.

sylvania, on the 15th day of April, A. D., 1943.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by International Utilities Corporation, a registered holding company. All interested persons are referred to said document which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

International Utilities Corporation proposes to spend other than as an ordinary expenditure approximately \$3,000, plus out-of-pocket expenses and disbursements, in connection with the solicitation of proxies for the annual meeting of its stockholders on May 5, 1943, said aggregate amount to be paid to certain individuals who will solicit proxies by personal interview, by mailing, by telephone and telegraph, and who may request brokerage houses and other custodians, employees, and fiduciaries, to forward solicitation material to the beneficial owners of the stock held of record by such persons. Additional solicitation, if made, will be made without extra compensation by approximately twelve of the directors, officers and regular employees of International Utilities Corporation and the cost of such additional solicitation, if made, will not exceed \$500.

International Utilities Corporation states in its declaration that a quorum of stockholders was not obtained at the last annual meeting of the corporation on May 6, 1942, and that its stockholders are widely scattered over the United States and Canada.

It is further stated in the declaration that three members of the Board of Directors have notified the corporation that they are opposed to the solicitation of proxies by the management, and that the corporation understands that the possibility of a proxy contest has been the subject of discussion by certain members of its Board of Directors and others. If determinative action with respect to a proxy contest comes to the notice of the corporation, it proposes to amend the declaration filed with this Commission and in the event a proxy contest should develop, the cost of soliciting proxies on behalf of the management of the corporation, in excess of \$1,000 (except for ordinary expenses in connection with preparing, assembling and mailing proxies, proxy statements and accompanying data), will be borne by those directors of the corporation as are willing to contribute to the payment of such expenses.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matter, and that said declaration should not become effective except pursuant to further order of the Commission;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and rules of the Commission thereunder be held on April 22, 1943 at 10:00 o'clock, a. m., e. w. t., at

the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing-room clerk in Room 318 will advise as to the room where such hearing will be held. At such hearing, cause shall be shown why such declaration shall become effective. Notice is hereby given of said hearing to the above named declarant and to all interested persons, said notices to be given to said declarant by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented by said declaration otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. The aggregate amount of money or consideration to be expended by International Utilities Corporation in connection with the solicitation of proxies in the manner proposed.

2. Whether the proposed expenditures in connection with the solicitation of proxies are necessary and reasonable corporate expenditures and are not detrimental to the interest of investors.

3. Whether it is necessary or appropriate to impose terms and conditions in the public interest or for the protection of investors.

4. Generally, whether the action proposed to be taken complies with the requirements of the Public Utility Holding Company Act of 1935 and rules, regulations, or orders promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-5973; Filed, April 16, 1943;
2:46 p. m.]

[File No. 812-287]

PIONEER SECURITIES CORPORATION
NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 15th day of April, A. D. 1943.

An application having been filed by Pioneer Securities Corporation, a registered investment company under and pursuant to the provisions of section 6 (c) of the Investment Company Act of 1940 for an order exempting it from the provisions of section 8 (b) of said Act relating to the filing of a registration statement with the Commission, section 30 (a) of said Act relating to the filing of annual reports with the Commission, section 30 (d) of said Act relating to reports to stockholders;

It is ordered, Pursuant to section 40 (a) of the said Act, that a hearing on the aforesaid application be held on May 3, 1943 at 11:00 a. m., Eastern War Time, in Room 318 of the Securities and Exchange Commission Building at 18th and Locust Streets, Philadelphia, Pennsylvania.

It is further ordered, That Charles S. Lobingier, 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. 43-5974; Filed, April 16, 1943;
2:46 p. m.]

[File No. 70-684]

THE TWIN STATE GAS & ELECTRIC CO. ET AL.
ORDER POSTPONING DATE OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 14th day of April 1943.

In the matter of The Twin State Gas & Electric Company, Public Service Company of New Hampshire, Central Vermont Public Service Corporation, New England Public Service Company.

The Twin State Gas & Electric Company ("Twin State"), Public Service Company of New Hampshire ("New Hampshire"), Central Vermont Public Service Corporation ("Central Vermont") and New England Public Service Company ("Nepco") having filed joint declarations and applications pursuant to sections 6, 9, 10 and 12 of the Public Utility Holding Company Act of 1935; and the Commission having on April 5, 1943, issued its Notice of Filing and Order for Hearing thereon, and having set the date for hearing on such matter on April 22, 1943; and

Twin State, New Hampshire, Central Vermont and Nepco having filed a joint petition for postponement of hearing on the ground that certain depreciation and valuation studies are now being made of the properties of Twin State and Central Vermont which cannot be completed by April 22, 1943, and having requested that said hearing be postponed until May 11, 1943; and

The Commission having considered said petition, and deeming it appropriate under the circumstances of this particular matter, that said petition be granted, and that the hearing be postponed to May 11, 1943;

It is ordered, That the hearing in this matter previously scheduled for April 22, 1943, be, and hereby is postponed to May 11, 1943, at the same time and place, and

before the same trial examiner as heretofore designated.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-5975; Filed, April 16, 1943;
2:46 p. m.]

[File No. 59-10]

THE NORTH AMERICAN COMPANY AND ITS
SUBSIDIARY COMPANIES

NOTICE OF FILING OF PETITION BY NORTHERN
NATURAL GAS CO.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 14th day of April 1943.

The Commission having entered its order herein on April 14, 1942, pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 directing The North American Company and certain of its subsidiary companies to take various steps in order to comply with the provisions of section 11 (b) (1) of said Act;

Notice is hereby given that Northern Natural Gas Company, one of the respondents herein, has filed a petition requesting the entry of an order by this Commission under section 11 (c) of the Act extending for one year the time within which to comply with the order of April 14, 1942, above described.

All interested persons are referred to said petition which is on file in the office of the Commission for full details concerning the petition.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held for the purpose of considering said petition and for other purposes;

It is ordered, That a hearing in this proceeding be held at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, at 10:30 a. m., e. w. t., on the 3d day of May, 1943, in such room as may be designated on such day by the hearing room clerk.

All persons desiring to be heard or otherwise wishing to participate should notify the Commission in the manner provided by the Commission's rules of practice, Rule XVII, on or before April 26, 1943.

At said hearing there will be considered (1) whether Northern Natural Gas Company has exercised due diligence in its efforts to comply with the Commission's order of April 14, 1942, and (2) whether an extension of time for compliance with said order is necessary or appropriate in the public interest or for the protection of investors or consumers.

It is further ordered, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing above ordered. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a Trial Examiner under the Commission's rules of practice.

It is further ordered, That the Secretary of this Commission shall serve notice of this order by mailing a copy thereof by registered mail to The North American Company, North American Light & Power Company and to Northern Natural Gas Company and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-5976; Filed, April 16, 1943;
2:46 p. m.]

[File No. 1-2243]

ACME MINING COMPANY

ORDER DISMISSING PROCEEDING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of April, A. D. 1943.

This proceeding having been instituted pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934, to determine whether or not the Commission should suspend or withdraw the registration of the assessable common stock, 10¢ par value, of Acme Mining Company, listed and registered on the San Francisco Mining Exchange, a national securities exchange;

A hearing having been held on February 9, 1943, after appropriate notice to the registrant and the San Francisco Mining Exchange; the trial examiner having filed an advisory report finding that the registrant has failed to comply with the provisions of section 13 of the Act and Rules X-13A-1 and X-13A-2 promulgated pursuant thereto in that it has failed to file its annual report on Form 10-K for the fiscal year ended December 31, 1941, which annual report was due to be filed not later than April 30, 1942;

The registrant having filed said annual report on February 13, 1943, four days after the close of the hearing herein, and the Commission not deeming it to be necessary or appropriate for the protection of investors to suspend or withdraw the registration of said stock at this time; It is ordered, That the proceeding herein be and it hereby is dismissed, without prejudice to the institution of such future proceedings as the Commission may deem appropriate with respect to said registration.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-5988; Filed, April 17, 1943;
9:53 a. m.]

[File No. 1-2617]

REORGANIZED BOOTH MINING COMPANY OF GOLDFIELD

FINDINGS AND ORDER WITHDRAWING SECURITIES FROM REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pa., on the 16th day of April, A. D. 1943.

This proceeding having been instituted pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934, to determine whether or not the Commission should suspend or withdraw the registration of the capital stock, \$1.00 par value, assessable, of Reorganized Booth Mining Company of Goldfield, listed and registered on the San Francisco Mining Exchange, a national securities exchange;

A hearing having been held after appropriate notice to the registrant and the San Francisco Mining Exchange; the trial examiner having filed an advisory report finding that the registrant has failed to comply with the provisions of section 13 of the Act and Rules X-13A-1 and X-13A-2 promulgated pursuant thereto in that it has failed to file its annual report on Form 10-K for the fiscal year ended December 31, 1941; no exceptions to the trial examiner's report having been filed; the Commission having adopted the trial examiner's findings as being in accord with the evidence, and finding that it is necessary and appropriate for the protection of investors to withdraw the said stock from registration;

It is ordered, pursuant to section 19 (a) (2) of said Act, that the registration of the stock in question be and the same hereby is withdrawn, effective ten days after the date of this order.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-5991; Filed, April 17, 1943;
9:53 a. m.]

[File No. 1-2307]

BELMONT UNCLE SAM MINING COMPANY

FINDINGS AND OTHER WITHDRAWING SECURITIES FROM REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of April, A. D. 1943.

This proceeding having been instituted pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934, to determine whether or not the Commission should suspend or withdraw the registration of the common stock, 10¢ par value, of Belmont Uncle Sam Mining Company, listed and registered on the San Francisco Mining Exchange, a national securities exchange;

A hearing having been held after appropriate notice to the registrant and the San Francisco Mining Exchange; the trial examiner having filed an advisory report finding that the registrant has failed to comply with the provisions of section 13 of the Act and Rules X-13A-1 and X-13A-2 promulgated pursuant thereto in that it has failed to file its annual report on Form 10-K for the fiscal year ended December 31, 1941; no exceptions to the trial examiner's report having been filed; the Commission having adopted the trial examiner's findings

as being in accord with the evidence, and finding that it is necessary and appropriate for the protection of investors to withdraw the said stock from registration;

It is ordered, pursuant to section 19 (a) (2) of said Act, that the registration of the stock in question be and the same hereby is withdrawn, effective ten days after the date of this order.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-5990; Filed, April 17, 1943;
9:54 a. m.]

[File No. 1-2281]

TRINITY GOLDBEAR MINING COMPANY

FINDINGS AND ORDER WITHDRAWING SECURITIES FROM REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of April, A. D. 1943.

This proceeding having been instituted pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934, to determine whether or not the Commission should suspend or withdraw the registration of the assessable common stock, 25¢ par value, of Trinity Goldbear Mining Company, listed and registered on the San Francisco Mining Exchange, a national securities exchange;

A hearing having been held after appropriate notice to the registrant and the San Francisco Mining Exchange; the trial examiner having filed an advisory report finding that the registrant has failed to comply with the provisions of section 13 of the Act and Rules X-13A-1 and X-13A-2 promulgated pursuant thereto in that it has failed to file its annual report on Form 10-K for the fiscal year ended December 31, 1941; no exceptions to the trial examiner's report having been filed; the Commission having adopted the trial examiner's findings as being in accord with the evidence, and finding that it is necessary and appropriate for the protection of investors to withdraw the said stock from registration;

It is ordered, pursuant to section 19 (a) (2) of said Act, that the registration of the stock in question be and the same hereby is withdrawn, effective ten days after the date of this order.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-5989; Filed, April 17, 1943;
9:54 a. m.]

[File Nos. 70-249 and 70-697]

BIRMINGHAM GAS COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 15th day of April, A. D. 1943.

Notice is hereby given that a declaration or application (or both) has been

filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than April 30, 1943, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule-U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of the Commission, for a statement of the transactions therein proposed, which are summarized below:

Birmingham Gas Company, a subsidiary company of Community Gas and Power Company and of American Gas and Power Company, both registered holding companies, proposes to declare and pay out of earned surplus a dividend of 60 cents per share on the issued and outstanding shares of common stock of the company, such dividend aggregating \$136,529. Of this amount American Gas and Power Company, owning 62.82% of the common stock of Birmingham Gas Company, would receive \$85,773. The application was filed by Birmingham Gas Company pursuant to section 12 (c) of said Act and the restriction and condition contained in its amended declaration and application regarding the issuance and sale on April 1, 1941, of \$5,850,000 principal amount of its First Mortgage Bonds, 3½% Series Due 1971, said amended application having been granted and said amended declaration permitted to become effective by order of this Commission dated March 13, 1941 (File No. 70-249). Said restriction and condition provide in part that from the date of issuance of said Bonds, applicant will not, so long as the ratio of its outstanding funded debt to the amount of its net property shall exceed 50%, declare or pay any dividend on its common stock (other than dividends payable solely in shares of such stock) without first obtaining the consent of this Commission to such dividend declaration and payment.

By the Commission

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-5993; Filed, April 17, 1943;
9:54 a. m.]

[File Nos. 54-47 and 59-43]

JACKSONVILLE GAS COMPANY

NOTICE OF FILING OF AMENDMENTS

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pennsylvania, on the 15th day of April, A. D. 1943.

Notice is hereby given that Jacksonville Gas Company has filed with this Commission Amendments Nos. 12 and 12A to its application, heretofore filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, for approval of a plan to effectuate the provisions of section 11 (b) of the Act. This Commission by order dated May 28, 1942, supplemental order dated December 8, 1942, and second supplemental order dated January 8, 1943, has heretofore approved said plan as modified, and has reserved jurisdiction, among other things, with respect to the opening book entries in the books of account of Jacksonville Gas Corporation. The District Court of the United States for the Southern District of Florida, by orders dated October 14, 1942, and January 28, 1943, has approved said plan as modified.

Notice is further given that any interested person may, not later than April 30, 1943, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matters, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such amendments and the proposed book entries therein contained, as filed or as amended, may be approved by the Commission. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said Amendments Nos. 12 and 12A, which are on file in the office of the Commission, for the statements, schedules and documents therein contained, which the Commission is requested to approve. Said amendments propose that the books of Jacksonville Gas Corporation be opened as of February 1, 1943, instead of June 1, 1942, with the result that the opening balance in Capital Surplus account (not available for dividends) will be \$1,008,886, instead of \$935,682. Said amendments set forth the proposed opening entries and Balance Sheet of Jacksonville Gas Corporation as of February 1, 1943, together with supporting statements and schedules.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-5992; Filed, April 17, 1943;
9:54 a. m.]

[File No. 1-2235]

OPERATOR CONSOLIDATED MINES COMPANY FINDINGS AND ORDER WITHDRAWING SECURITIES FROM REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of April, A. D. 1943.

This proceeding having been instituted pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934, to de-

termine whether or not the Commission should suspend or withdraw the registration of the common stock, 10¢ par value, of Operator Consolidated Mines Company, listed and registered on the San Francisco Mining Exchange, a national securities exchange;

A hearing having been held after appropriate notice to the registrant and the San Francisco Mining Exchange; the trial examiner having filed an advisory report finding that the registrant has failed to comply with the provisions of section 13 of the Act and Rules X-13A-1 and X-13A-2 promulgated pursuant thereto in that it has failed to file its annual report on Form 10-K for the fiscal year ended December 31, 1941; no exceptions to the trial examiner's report having been filed; the Commission having adopted the trial examiner's findings as being in accord with the evidence, and finding that it is necessary and appropriate for the protection of investors to withdraw the said stock from registration;

It is ordered, pursuant to section 19 (a) (2) of said Act, that the registration of the stock in question be and the same hereby is withdrawn, effective ten days after the date of this order.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-5987; Filed, April 17, 1943;
9:54 a. m.]

[File No. 52-19]

PORTLAND ELECTRIC POWER COMPANY

ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 16th day of April 1943.

Thos. W. Delzell and R. L. Clark, Independent Trustees of Portland Electric Power Company, a registered holding company now in reorganization under Chapter X of the Federal Bankruptcy Act, having filed with this Commission pursuant to section 11 (f) of the Public Utility Holding Company Act of 1935 a plan for the reorganization of said Portland Electric Power Company; and

The Commission by its order of October 15, 1942 having set said matter down for hearing on November 9, 1942 and said hearing having been held pursuant to said order and evidence having been taken with respect to said plan and said hearing having been continued on the 14th day of November, 1942 to a time, date and place to be fixed by the trial examiner or the Commission; and

The Commission having by its order of January 25, 1943 reconvened said hearing to be held on February 15, 1943, at the City of Portland, Oregon, and said reconvened hearing having been held pursuant to said order and evidence having been taken with respect to said plan and said hearing having been continued on the 5th day of March, 1943 to a time, date and place to be fixed by the Commission;

It is ordered, That said hearing be reconvened on the 25th day of May, 1943 at 10:00 o'clock a. m., p. w. t. in the Court Room of the Ninth Circuit of Appeals, New Federal Court House, Portland, Oregon, before William W. Swift, the trial examiner heretofore designated.

It is further ordered, That notice hereof shall be given to the parties hereto by registered mail and to all other interested persons by publication in the FEDERAL REGISTER.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-6077; Filed, April 19, 1943;
10:21 a. m.]

UNITED STATES EMPLOYEES' COMPENSATION COMMISSION.

[Administrative Order 2]

PERSIAN GULF SERVICE COMMAND

AUTHORIZATION OF LOCAL PAYMENTS OF BENEFITS

By virtue of the authority vested in the United States Employees' Compensation Commission by the Employees' Compensation Act of September 7, 1916, as amended (sec. 42, 56 Stat. 725; 5 U.S.C. Supp. 793), the Foreign Claims Commission for the Persian Gulf Service Command, Middle Eastern Theater of Operations, War Department, is authorized to process claims, to make initial payments of compensation, and to furnish other

benefits initially, as provided by such Act of September 7, 1916, as amended, and pursuant to the regulations of the Commission promulgated thereunder (20 CFR, Chapt. I, Subchapter A) and such supplementary instructions as may from time to time be issued by the Commission, in cases of civilian employees of the United States who are injured while in the performance of their duties for the United States in employment under the Persian Gulf Service Command.

As used herein the phrase "to process claims" means (1) to receive, assemble, and file reports of injury, medical reports, reports of investigation, and other papers relating to cases of injury; (2) to make investigations and to secure necessary supplementary information in connection with cases or claims; (3) to obtain medical examinations; (4) to arrange for medical, surgical, and hospital services and supplies in the treatment and care of employees in disability cases; (5) to examine and adjudicate claims for compensation in injury cases, including making of findings of fact and award; (6) to prepare vouchers for local disbursement of benefits and local payment of medical and other expenses; (7) to review cases for readjustment of compensation.

As used herein the phrases "to make initial payments of compensation" and "to furnish other benefits initially" mean the payment of compensation in cases of injury, and the furnishing of any other benefits provided for by such Act, except compensation for death, for a period not to exceed 180 days.

The action of the said Foreign Claims Commission in any case, and the payments made under this authority, are subject to final review by the Commission and readjustment if found necessary.

Order approved by the Commission April 1, 1943.

WILLIAM McCauley,
Secretary.

[F. R. Doc. 43-6076; Filed, April 19, 1943;
10:21 a. m.]

WAR PRODUCTION BOARD.

BUFFALO BAYOU PROJECT, TEXAS

CANCELLATION OF REVOCATION ORDER

Builder: U. S. War Department, Corps of Engineers, Washington, D. C. Project: Flood Control, Barker Dam, Buffalo Bayou Project, Texas.

The revocation of preference rating issued on February 5, 1943 is hereby cancelled; all preference rating certificates of any character heretofore issued to the builder or to any of his suppliers are hereby restored; and said preference ratings shall have full force and effect.

Issued: April 17, 1943.

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

[F. R. Doc. 43-6038; Filed, April 17, 1943;
5:04 p. m.]

