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The President

EXECUTIVE ORDER 9355

AMENDMENT OF EXECUTIVE ORDER NO. 9226 OF AUGUST 19, 1942, PRESCRIBING REGULATIONS GOVERNING THE FURNISHING OF CLOTHING IN KIND OR PAYMENT OF CASH ALLOWANCES IN LIEU THEREOF TO ENLISTED MEN OF THE NAVY, THE COAST GUARD, THE NAVAL RESERVE, AND THE COAST GUARD RESERVE

By virtue of and pursuant to the authority vested in me by section 10 of the Pay Readjustment Act of June 16, 1942 (56 Stat. 359, 363), paragraph 5 of Executive Order No. 9226 of August 19, 1942, prescribing regulations governing the furnishing of clothing in kind or payment of cash allowances in lieu thereof to enlisted men of the Navy, the Coast Guard, the Naval Reserve, and the Coast Guard Reserve, is hereby amended to read as follows:

"5. (a) Members of the Naval Reserve undergoing flight training leading to a commission shall be entitled to an issue of clothing in kind not to exceed \$180 in value. In the event that such members of the Naval Reserve who first enlisted or reported for active duty with pay in this status fail to complete successfully the required training leading to a commission, they shall, upon reclassification to another enlisted status in the Naval Reserve, or upon reenlistment prior to the expiration of three months from the date of discharge in the Navy, the Coast Guard, the Naval Reserve, or the Coast Guard Reserve, be entitled to the applicable cash allowances authorized by paragraph 1 hereof, notwithstanding any other provision of this order.

(b) Members of the Naval Reserve undergoing training, other than flight

training, leading to a commission shall be entitled to an issue of clothing in kind not to exceed \$15 in value, and, in addition, may be temporarily issued Government-owned clothing not to exceed \$120 in value. Temporary members of the Coast Guard Reserve on part time or intermittent active duty may be issued clothing in kind in an amount not to exceed the allowances prescribed in paragraph 1. The allowances in kind prescribed by this subparagraph are in lieu of any cash clothing allowances."

This order shall take effect as of August 5, 1942.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
June 24, 1943.

[F. R. Doc. 43-10248; Filed, June 25, 1943;
4:46 p. m.]

EXECUTIVE ORDER 9356

REGULATIONS GOVERNING THE FURNISHING OF CLOTHING IN KIND OR PAYMENT OF CASH ALLOWANCES IN LIEU THEREOF TO ENLISTED PERSONNEL OF THE NAVY, THE COAST GUARD, THE NAVAL RESERVE, AND THE COAST GUARD RESERVE

By virtue of and pursuant to the authority vested in me by section 10 of the Pay Readjustment Act of June 16, 1942 (56 Stat. 359, 363), I hereby prescribe the following regulations governing the furnishing of clothing in kind, or payment of cash allowances in lieu thereof, to enlisted personnel of the Navy, the Coast Guard, the Naval Reserve, and the Coast Guard Reserve.

Section A. Clothing in Kind or Cash Allowances in Lieu Thereof.

Enlisted men on active duty shall be entitled to clothing in kind or payment of cash allowances in lieu thereof as follows:

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	Clothing allowance	Quarterly maintenance allowance (see sec. C)
1. Enlisted men of the Navy and Coast Guard upon first enlistment or upon reenlistment subsequent to expiration of three months from date of last discharge; and enlisted men of the Naval and Coast Guard Reserves (including Fleet Reserve), and retired enlisted men, upon first reporting for active duty or upon recall to active duty subsequent to expiration of three months from date of last release therefrom:		
(a) Chief petty officers, cooks, stewards, members of Navy, Naval Academy, or Coast Guard Academy Bands (band members).....	\$300.00	\$18.75
(b) Enlisted men in other ratings.....	136.66	8.75

Section B. Clothing Allowance.

1. The amount of the cash clothing allowance prescribed in subsection A1 (b) hereof shall be credited on date of first enlistment or first reporting for active duty, and on date of reenlistment or recall to active duty subsequent to expiration of three months from date of last discharge or release from active duty, but shall not actually be paid prior to the expiration of ninety days from and including such date, or date of advancement to chief petty officer or assignment to band if earlier. In closing the accounts of a man discharged or released from active duty within the ninety-day period, checkage shall be made of an amount equal to the difference between the amount of the cash clothing allowance credited and the value of the clothing actually drawn.

2. For the purposes of this order, an enlistment in any of the services mentioned in section A subsequent to discharge from any other of such services

shall be considered a reenlistment. An allowance under subsection A1 shall not be payable upon reenlistment within three months from date of last discharge, or upon recall to active duty within three months of last release therefrom, except as specified in subsections 5 and 6 of this section. A man reenlisted or recalled to active duty within three months of last discharge or release from active duty, who on date of such discharge or release was checked undrawn clothing allowance in accordance with subsection 1 of this section, shall be entitled to credit for such undrawn clothing allowance.

3. The allowance under subsection A2 shall not be payable to—

(a) Enlisted men advanced in rating to chief petty officer while holding a temporary appointment to warrant or commissioned rank.

(b) Cooks or stewards on advancement to chief cook or steward.

(c) Members of Navy, Naval Academy, or Coast Guard Academy Bands (band members) upon advancement in rating to chief petty officer.

4. An enlisted man reduced in rating from chief petty officer, cook, or steward, shall not be required to refund payment previously made in accordance with subsection A2; and shall not be entitled to a second payment on subsequent advancement, or to a payment of quarterly maintenance allowance prior to the date specified in subsection C1 (a) hereof.

5. An enlisted man first reporting for active duty in a status entitling him only to an issue of clothing in kind in accordance with subsection A6 hereof, upon subsequent transfer to, or reenlistment within three months of last discharge in, another status which, in the case of first enlistment or reporting for active duty, would entitle him to a cash clothing allowance as prescribed in subsection A1 hereof, shall be entitled to a credit of such cash clothing allowance without regard to issues in kind in the prior status.

6. An enlisted man first reporting for active duty in the Coast Guard Reserve in a status entitling him only to an issue of clothing in kind in accordance with subsection A7 hereof, upon subsequent transfer to, or reenlistment within three months of last discharge in, another status which, in the case of first enlistment or reporting for active duty, would entitle him to a cash clothing allowance as prescribed in subsection A1 hereof, shall be entitled to a credit of such cash clothing allowance subject to a deduction for the value of clothing

issued in kind in the prior status. The cash clothing allowance thus payable will be determined by the rating held upon reporting for active duty in the later status and the amounts in effect on that date. If the value of clothing issues in the prior status exceeds the applicable cash clothing allowance, no further allowance is payable, nor will checkage be made for such excess issues previously made. Men entitled under the regulations prescribed in this paragraph to a cash clothing allowance subject to deductions for the value of clothing issued in kind in a prior status, shall subsequently become entitled to the quarterly maintenance allowance for clothing prescribed herein on the first day of the quarter following the first anniversary of the date of reporting for active duty in the prior status, provided they do not previously become entitled to a cash allowance under subsections 2 or 3 of section A hereof.

Section C. Quarterly Maintenance Allowance.

1. The quarterly maintenance allowance prescribed in section A hereof shall be payable on the first day of each quarter to:

(a) Enlisted men entitled to a clothing allowance under subsections 1, 2, 3, 4, or 5 of section A, or subsection B5 hereof, or under Executive Order No. 9226 of August 19, 1942, as amended by Executive Order No. 9283 of December 18, 1942, commencing with the first day of the quarter following the first anniversary of the date on which they were last entitled to such clothing allowance.

(b) Enlisted men on active duty on June 30, 1943, who were not granted a clothing outfit or cash clothing allowance during the fiscal year 1943, commencing July 1, 1943.

(c) Enlisted men of the Navy and Coast Guard reenlisting within three months from date of last discharge, enlisted men of the Reserve components transferred to the regular Service, and enlisted men of the Regular and Reserve components on active duty transferred to the Reserve or to the Retired List and retained on active duty or recalled to active duty within three months of release therefrom, at the rate applicable prior to such discharge, transfer, retirement, or release, until entitled to a further clothing allowance.

2. Enlisted men undergoing training leading to a commission, and enlisted men holding temporary appointments to warrant or commissioned rank shall not be entitled to quarterly maintenance allowances. Enlisted men entitled to a

clothing allowance on the first day of the quarter shall not be entitled to any quarterly maintenance allowance otherwise due them on that date.

3. The foregoing provisions of this order shall not be applicable to enlisted members of the Women's Reserve of the Naval Reserve and the Women's Reserve of the Coast Guard Reserve. Such members shall, however, be entitled to a special quarterly maintenance allowance for clothing in the amount of \$12.50, payable on the first day of each quarter commencing with the first day of the quarter following the first anniversary of the date on which they first report for active duty.

This order shall become effective July 1, 1943.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,

June 24, 1943.

[F. R. Doc. 43-10249; Filed, June 25, 1943; 4:46 p. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter VIII—War Food Administration

PART 802—SUGAR DETERMINATIONS

WAGE RATES FOR 1943 HAWAIIAN SUGARCANE PRODUCTION

Determination of fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Hawaii during the calendar year 1943.

Pursuant to the provisions of subsection (b) of section 301 of the Sugar Act of 1937, as amended, and Executive Order No. 9322, issued March 26, 1943, as amended by Executive Order 9334, issued April 19, 1943, the following determination is hereby issued:

§ 802.34f Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Hawaii during the calendar year 1943. The requirements of section 301 (b) of the Sugar Act of 1937, as amended, shall be deemed to have been met with respect to the production, cultivation or harvesting of sugarcane in Hawaii during the calendar year 1943, if all persons employed on the farm during that period in the production, cultivation or harvesting of sugarcane shall have been paid in full for all such work and shall have been paid wages in cash

therefor at rates not less than the following:

(a) *Wage rates during the period January 1, 1943, to June 30, 1943.* For all work performed during the period beginning January 1, 1943, and ending June 30, 1943, the average daily wage for each laborer for each pay period (including bonus payments) as provided in the determination for the calendar year 1942 (S. D. No. 131, issued April 24, 1942), or the rate paid or the rate agreed upon between the producer and the laborer, whichever was highest.

(b) *Wage rates during the period July 1, 1943, to December 31, 1943.* For all work performed during the period beginning July 1, 1943, and ending December 31, 1943:

Average daily wage for each laborer for each pay period (not exceeding 1 month) (per 8-hour day)

(1) <i>Harvesting operations; time basis.</i>	
Cutting, cutting and packing, packing, packing and fluming, fluming, piling, hand loading and hauling sugarcane, laying portable track, laying portable flumes, and other harvesting operations not elsewhere provided for:	
Adult male workers.....	\$1.84
Adult female workers.....	1.38
(2) <i>Non-harvesting operations; time basis.</i> (i) Planting, cultivating, fertilizing, irrigating, brooming ¹ , and other non-harvesting operations not elsewhere provided for:	
Adult male workers.....	1.61
Adult female workers.....	1.21
(ii) For work performed under long term cultivation and irrigation agreements, an advance of not less than:	
Adult male workers.....	1.72
Adult female workers.....	1.29
Daily wage per 8-hour day	
(3) <i>Children 14 to 16 years; time basis.</i> For all work listed under (1) and (2) with maximum time of employment in any one day not to exceed 8 hours (shorter days in proportion).....	
	\$1.15
	Cents per hour
(4) <i>Operators of mechanical equipment.</i> Tractor drivers, truck drivers, railroad brakemen.....	
Operators of mechanical loading and harvesting equipment (other than tractors).....	24.0
Railroad engineers.....	32.0
Railroad firemen and conductors.....	36.0
(5) <i>On a piece rate basis.</i> For all work performed on a piece rate basis, the piece	

¹ So-called brooming done directly in connection with the operation of mechanical harvesting equipment shall be considered as covered under subparagraph (1). Other brooming is considered as non-harvesting for the purpose of this determination.

rates shall be the rate agreed upon between the producer and the laborer but in no instance shall the average daily wage for each laborer for each pay period be less than the time rate prescribed under this paragraph (b) for the applicable operations. Piece rates for the same operations shall be the same whether the work is performed by adult males, adult females, or children between 14 and 16 years of age.

(6) *Wage increases.* For each month during the period July 1, 1943, to December 31, 1943, both inclusive, the straight time earning of employees who are covered in this determination shall be increased by one and one-half percent for each one dollar increase in the price of sugar above \$65.00 per ton. For purposes of determining the amount of increase, the average New York daily (including Sundays and Holidays) market price per ton of 96° sugar, Hawaiian basis, for the period beginning with the 16th day of the preceding calendar month and ending with the 15th day of the current calendar month, shall be used. These increases shall be applied to the earnings after the wage rates as outlined under subparagraphs (1) to (5), inclusive, have been compiled with.

(c) *Annual average payments for the calendar year 1943.* Subject to the provisions of paragraphs (a) and (b), the annual average payment on each farm for all adult workers, excluding operators of mechanical equipment and workers who are paid a monthly salary of \$100 or more shall be:

Per 8-hour day

(1) For work performed in harvesting operations.....	\$2.15
(2) For work performed in non-harvesting operations.....	1.61

In calculating the annual averages the earnings of adult females shall be given a weight of four-thirds.

(d) *General provisions.* (1) The wage increase provisions of this determination may, upon appeal to the War Food Administrator, be modified as to any producer who is able to establish that the payment of such increases, or any part thereof, will, under present wartime conditions, work an undue hardship on such producer, or seriously impede the production of sugarcane on the farm.

(2) If the producer and laborer agree upon a wage for any operation, or combination of operations, higher than that prescribed in this determination, payment in full of the amount agreed upon must be made to qualify the producer for payment.

(3) In addition to the foregoing wages of this determination, the producer shall furnish the laborer, without charge, the perquisites customarily furnished by him, such as a house, garden plot, and similar incidentals, unless the furnishing of such is restricted by military authority.

(4) The producer shall not, through any subterfuge or device whatsoever, reduce the wage rates to laborers below those determined above.

(Sec. 301, 50 Stat. 909; 7 U.S.C. 1940 ed. 1131; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 25th day of June 1943.

JESSE W. TAPP,
Acting War Food Administrator.

[F. R. Doc. 43-10279; Filed, June 26, 1943; 11:51 a. m.]

PART 802—SUGAR DETERMINATIONS

WAGE RATES FOR 1943 PUERTO RICAN SUGAR-CANE PRODUCTION

Determination of fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Puerto Rico during the calendar year 1943.

Pursuant to the provisions of subsection (b) of section 301 of the Sugar Act of 1937, as amended, and Executive Order No. 9322, issued March 26, 1943, as amended by Executive Order No. 9334, issued April 19, 1943, the following determination is hereby issued:

§ 802.44e *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Puerto Rico during the calendar year 1943.* The requirements of section 301 (b) of the Sugar Act of 1937, as amended, shall be deemed to have been met with respect to the production, cultivation, or harvesting of sugarcane in Puerto Rico during the calendar year 1943, if all persons employed on the farm during that period in the production, cultivation, or harvesting of sugarcane shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates not less than the following:

(a) *Harvesting operations.* For all work performed in the harvesting of sugarcane during the calendar year 1943, a producer shall be deemed to have complied with respect to the provisions of section 301 (b) if he has paid in full for all such work wages as determined for the calendar year 1942 (S. D. No. 133, issued May 5, 1942), or the wage agreed upon, or the wage paid, whichever was highest.

(b) *Non-harvesting operations.* (1) For all work performed in non-harvesting operations in the production of sugarcane during the period January 1, 1943 to June 30, 1943, a producer will be deemed to have complied with the provisions of section 301 (b) if he has

paid in full for all such work wages as determined for the calendar year 1942 (S. D. No. 133, issued May 5, 1942), or the wage agreed upon, or the wage paid, whichever was highest.

(2) For all work performed in non-harvesting operations in the production of sugarcane during the period July 1, 1943 to December 31, 1943, the rates shall be as follows:

Class of work	Farms other than interior farms		Interior farms ¹	
	Rate per day for first 8 hours in any 24-hour period (except as otherwise noted)	Rate per hour for first 8 hours in any 24-hour period (except as otherwise noted)	Rate per day for first 8 hours in any 24-hour period (except as otherwise noted)	Rate per hour for first 8 hours in any 24-hour period (except as otherwise noted)
General labor operations:				
Class A—For all kinds of sugarcane non-harvest work except as classified under specialized labor operations.....	\$1.50	Cents 19.0	\$1.40	Cents 18.0
Specialized labor operations:				
Class B—Cartmen in cultivation work.....	1.60	20.0	1.40	18.0
Class C—Plow steermen and operators of irrigation pumps.....	1.70	21.0	1.55	19.0
Class D—Ditch diggers; ditch loppers; ditch cleaners working in water; and irrigators in non-gravity systems when working in water or in swampy lands—Per 7-hour day.....	1.70	24.0	1.55	22.0
Class E—Seed cane cutters.....	1.70	21.0	1.60	20.0
Class F—Tractor operators.....	2.20	28.0	2.05	26.0

¹ Interior farms shall be deemed to be those farms the sugarcane from which is marketed (or processed) at mills located in the mountain sections of the Island and whose 1938 production did not exceed 3,000 short tons of sugar, raw value.

(3) *Overtime.* Persons employed for more than eight hours (or more than seven hours for workers in Class D) in any 24-hour period shall be paid for the overtime at a rate double the hourly rates specified above.

(4) *Piece rates.* If work is performed on any piece rate basis the earnings per hour shall be not less than those specified under subparagraph (2).

(c) *General provisions.* (1) If the producer and laborer agree upon a wage rate for any class of work higher than that prescribed herein, payment in full of the agreed upon rate must be made to qualify the producer for payment.

(2) The producer shall furnish to the laborer, without charge, the perquisites customarily furnished by him, such as a dwelling, garden plot, pasture lot, and medical services.

(3) The producer shall not, through any subterfuge or device whatsoever, reduce the wage rates to laborers below those determined above.

(Sec. 301, 50 Stat. 909; 7 U.S.C. 1940 ed. 1131; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 25th day of June 1943

JESSE W. TAPP,
Acting War Food Administrator.

[F. R. Doc. 43-10271; Filed, June 26, 1943;
11:51 a. m.]

Chapter IX—War Food Administration

PART 920—MILK IN THE LA PORTE COUNTY, INDIANA, MARKETING AREA

HANDLING OF MILK

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quantity of pure and wholesome milk, and be in the public interest;

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in the tentatively approved marketing agreement, upon which a hearing has been held; and

(4) The handling of all milk sold or disposed of in the marketing area, as defined herein, is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk and its products.

(b) *Additional findings.* (1) It is hereby found and proclaimed that, in connection with the execution of a marketing agreement and the issuance of an amended order regulating the handling of milk in the La Porte County, Indiana, marketing area, the purchasing power of such milk during the pre-war period August 1909—July 1914 cannot be satisfactorily determined from available statistics of the Department of Agriculture, but that the purchasing power of such milk for the post-war period August 1919—July 1929 can be satisfactorily determined from available statistics of the Department of Agriculture; and the post-war period August 1919—July 1929 is the base period to be used in connection with such marketing agreement and this order in determining the purchasing power of such milk.

(2) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will amount to approximately \$5,000 per year; and the prorata share of such expenses to be paid by each handler is hereby approved in the maximum amount of 4 cents per hundredweight on all milk received from producers, received from sources other than producers or handlers, including emergency milk, and produced by such handler during each delivery period.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order) of at least 50 percent of the volume of milk covered by this order which is marketed within the La Porte County, Indiana, marketing area refused or failed to sign the tentatively approved marketing agreement regulating the handling of milk in the La Porte County, Indiana, marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign such tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, as amended, is the only practical means pursuant to the declared policy of the act to advance the interests of the producers of milk which is produced for sale in the La Porte County, Indiana, marketing area; and

(3) The issuance of this order, as amended, is approved or favored by at least two-thirds of the producers who

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§ 920.0 Findings and determinations—

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and milk orders (7 CFR, 1941 Supp. 900.1-900.17; 7 F.R. 3350; 8 F.R. 2815) a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the La Porte County, Indiana, marketing area. Upon the basis of the evidence introduced in such hearing and the record thereof, it is hereby found that:

(1) The order regulating the handling of milk in the said marketing area, as amended and as hereby amended, and all of the terms and conditions of said order, as amended and as hereby amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the said order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient

participated in a referendum on the question of approval of the order and who, during the month of April 1943 (which month is hereby determined to be a representative period), were engaged in the production of milk for sale in the said marketing area.

(4) The provision of this order for the payment to all producers and associations of producers delivering milk to the same handler of uniform prices for all milk delivered by them is approved or favored by at least three-fourths of the producers who participated in a referendum on the question of the approval of this provision, and who, during the representative period, were engaged in the production of milk for sale in the said marketing area.

Order Relative To Handling

It is hereby ordered. That such handling of milk in the La Porte County, Indiana, marketing area as is in the current of interstate commerce or as directly burdens, obstructs or affects interstate commerce shall, from the effective date hereof, be in compliance with the terms and conditions of this order, as amended.

§ 920.1 Definitions. The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "War Food Administrator" means the War Food Administrator of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and to perform the duties, pursuant to the act, of the War Food Administrator of the United States.

(c) "La Porte County, Indiana, marketing area," hereinafter referred to as the "marketing area," means all of the territory within the boundaries of La Porte County, Indiana.

(d) "Person" means any individual, partnership, corporation, association or any other business unit.

(e) "Producer" means any person, irrespective of whether such person is also a handler, who produces milk, under a permit issued by any health authority having jurisdiction in the marketing area, which is received at a plant from which milk is disposed of in the marketing area.

(f) "Handler" means any person, irrespective of whether such person is also a producer or an association of producers, who receives milk from producers, associations of producers, or other handlers, all or a portion of which milk is disposed of as milk in the marketing area, and who, on his own behalf or on behalf of others, engages in such handling of milk as is in the current of interstate commerce, or which directly burdens, obstructs, or affects interstate commerce in milk and its products. "Such handling of milk" as used in this definition shall include the milk of any producer whose milk has been received previously at a plant described in (e) of this section, which milk has been caused to be delivered by a cooperative associa-

tion to a plant from which no milk is disposed of in the marketing area, if payment therefor has been collected by such cooperative association; and such milk shall be deemed to have been received from producers by such cooperative association. "Handler" shall not include any person from whom milk, described under (i) of this section and under § 920.3 (d) (7) (iv), is received.

(g) "Market administrator" means the person designated pursuant to § 920.2 as the agency for the administration hereof.

(h) "Delivery period" means the current marketing period from the first to, and including, the last day of each month.

(i) "Emergency milk" means milk, skim milk, or cream received by a handler from sources other than producers or handlers under a permit to receive such milk, skim milk, or cream issued to him by the proper health authorities.

§ 920.2 Market administrator—(a) Designation. The agency for the administration hereof shall be a market administrator who shall be a person selected by the War Food Administrator. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the War Food Administrator.

(b) **Powers.** The market administrator shall:

(1) Administer the terms and provisions hereof; and

(2) Receive, investigate, and report to the War Food Administrator complaints of violations of the terms and provisions hereof.

(c) **Duties.** The market administrator shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein and shall surrender the same to his successor or to such other person as the War Food Administrator may designate;

(2) Submit his books and records to examination and furnish such information and verified reports as may be requested by the War Food Administrator;

(3) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the War Food Administrator a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the War Food Administrator;

(4) Publicly disclose to handlers and to producers, unless otherwise directed by the War Food Administrator, the name of any person who, within 15 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to § 920.5 or (ii) made payments pursuant to § 920.8;

(5) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(6) Obtain a bond with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator.

(7) Promptly verify the information contained in the reports submitted by handlers; and

(8) Pay, out of the funds provided by § 920.10, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office and in the performance of his duties, except those expenses incurred and provided for under § 920.9 hereof.

§ 920.3 Classification of milk—(a) Milk to be classified. Milk received by each handler, including milk produced by him, shall be classified by the market administrator in the classes set forth in (b) of this section.

(b) **Classes of utilization.** The classes of utilization shall be as follows:

(1) Class I milk shall be all milk, regardless of butterfat content, disposed of in the form of milk and milk drinks, whether plain or flavored, and all milk not specifically accounted for as Class II milk, Class III milk, and Class IV milk.

(2) Class II milk shall be all milk used to produce cream (for consumption as cream), creamed buttermilk, and creamed cottage cheese.

(3) Class III milk shall be all milk specifically accounted for as used to produce a milk product other than those specified in Class II milk and Class IV milk.

(4) Class IV milk shall be all milk specifically accounted for (i) as used to produce butter and (ii) as actual plant shrinkage but not to exceed 3 percent of the total receipts of milk from producers.

(c) **Interhandler and nonhandler sales.** Milk disposed of by a handler to another handler, or to a person not a handler but who distributes milk or manufactures milk products, shall be Class I milk: *Provided*, That in the event such selling handler on or before the date fixed for filing reports pursuant to § 920.5 furnishes proof satisfactory to the market administrator that such milk has been disposed of by such purchaser other than as Class I milk, then such milk shall be classified in accordance with such proof.

(d) **Computation of milk in each class.** For each delivery period, the market administrator shall compute the amount of milk in each class, as defined in (b) of this section as follows:

(1) Determine the total pounds of milk (i) received from producers, (ii) produced by him, (iii) received from other handlers, (iv) received as emergency milk, (v) received from other sources, and (vi) add together the resulting amounts.

(2) Determine the total pounds of butterfat received as follows: multiply by the respective average butterfat test the weight of (i) milk received from producers, (ii) milk produced by him, (iii) milk received from other handlers, (iv) emergency milk, and (v) milk received from other sources; add together the resulting amounts.

(3) Determine the total pounds of milk in Class I as follows: (i) convert to quarts the quantity of milk disposed of in the form of milk and milk drinks,

whether plain or flavored, and multiply by 2.15, (ii) multiply the result by the average butterfat test of such milk, and (iii) if the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk, Class III milk, and Class IV milk, computed pursuant to (4) (ii), (5) (ii), and (6) (ii) of this paragraph, is less than the total pounds of butterfat received, computed in accordance with (2) of this paragraph, an amount equal to the difference shall be divided by 3.8 percent and added to the quantity of milk determined pursuant to (i) of this subparagraph.

(4) Determine the total pounds of milk in Class II as follows: (i) multiply the weight of each of the several products of Class II milk by its average butterfat test, (ii) add together the resulting amounts, and (iii) divide the result obtained in (ii) of this subparagraph by 3.8 percent.

(5) Determine the total pounds of milk in Class III as follows: (i) multiply the weight of each of the several products of Class III milk by its average butterfat test, (ii) add together the resulting amounts, and (iii) divide the result obtained in (ii) of this subparagraph by 3.8 percent.

(6) Determine the total pounds of milk in Class IV as follows: (i) multiply the weight of each of the several products of Class IV milk by its average butterfat test, (ii) add together the resulting amounts, (iii) subtract the total pounds of butterfat in Class I milk, Class II milk, and Class III milk, computed pursuant to (3) (ii), 4 (ii), and (5) (ii) of this paragraph, and the total pounds of butterfat computed pursuant to (ii) of this subparagraph, from the total pounds of butterfat computed pursuant to (2) of this paragraph, which resulting quantity shall be allowed as plant shrinkage for the purposes of this paragraph (but in no event shall such plant shrinkage allowance exceed 3 percent of the total receipts of butterfat from producers by the handler) and shall be added to the result obtained in (ii) of this subparagraph, and (iv) divide the result obtained in (ii) of this subparagraph by 3.8 percent.

(7) Determine the classification of milk received from producers as follows:

(i) Subtract from the total pounds of milk in each class the total pounds of milk which were received from other handlers and used in such class;

(ii) Subtract pro rata from the remaining milk in each class the quantity of milk received from the handler's own farm;

(iii) Subtract pro rata from the remaining pounds of milk in each class the pounds of emergency milk received; and

(iv) Subtract from the remaining pounds of milk in each class the total pounds of milk, except emergency milk, which were received from sources other than producers and handlers and used in such class.

(e) *Reconciliation of utilization of milk by classes with receipts of milk from producers.* In the event of a difference between the total quantity of milk utilized in the several classes, as computed pursuant to (d) of this section, and the quantity of milk received from producers,

such difference shall be reconciled as follows:

(1) If the total utilization of milk in the various classes for any handler, as computed pursuant to (d) of this section, is less than the receipts of milk from producers, the market administrator shall increase the total pounds of milk in Class IV for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler.

(2) If the total utilization of milk in the various classes for any handler, as computed pursuant to (d) of this section, is greater than the receipts of milk from producers, the market administrator shall decrease the total pounds of milk in Class IV for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler.

§ 920.4 *Minimum prices*—(a) *Class prices.* Each handler shall pay producers, subject to the provisions of § 920.7 and at the time and in the manner set forth in § 920.8, for milk received from such producers at such handler's plant, not less than the following prices per hundredweight.

(1) *Class I milk*—The price for Class I milk shall be the price for Class III milk determined by the market administrator pursuant to (3) of this paragraph, plus 50 cents.

(2) *Class II milk*—The price for Class II milk shall be the price for Class III milk determined by the market administrator pursuant to (3) of this paragraph, plus 25 cents.

(3) *Class III milk*—The price for Class III milk shall be the price resulting from the following computation by the market administrator: determine the arithmetical average of the basic (or field) prices per hundredweight ascertained to have been paid for milk of 3.8 percent butterfat content received during the delivery period at the following plants and places for which prices are furnished to the market administrator by such plants or by the United States Department of Agriculture (or by such other Federal agency as may hereafter be authorized to perform this price reporting function), and add 10 cents:

Concern:	Location
Borden Co.	Black Creek, Wis.
Borden Co.	Greenville, Wis.
Borden Co.	Mount Pleasant, Mich.
Borden Co.	New London, Wis.
Borden Co.	Orfordville, Wis.
Carnation Co.	Berlin, Wis.
Carnation Co.	Chilton, Wis.
Carnation Co.	Jefferson, Wis.
Carnation Co.	Oconomowoc, Wis.
Carnation Co.	Richland Center, Wis.
Carnation Co.	Sparta, Mich.
Goshen Milk Condensing Co.	Goshen, Ind.
Litchfield Creamery Co.	Warsaw, Ind.
Niles Creamery Co.	Niles, Mich.
Pet Milk Co.	Belleville, Mich.
Pet Milk Co.	Coopersville, Mich.
Pet Milk Co.	Hudson, Mich.
Pet Milk Co.	New Glarus, Wis.
Pet Milk Co.	Wayland, Mich.
White House Milk Co.	Manitowoc, Wis.
White House Milk Co.	West Bend, Wis.

(4) *Class IV milk*—The price for Class IV milk shall be the price resulting from the following computation by the market administrator: multiply by 3.8 the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture (or by such other Federal agency as may hereafter be authorized to perform this price reporting function), for the delivery period during which such milk was received and add 30 percent thereof.

(b) *Class volume reconciliation adjustment.* For the amount of milk involved in any reconciliation of class volumes of milk, pursuant to § 920.3 (e), the handler shall be debited or credited, as the case may be, at the Class IV price.

§ 920.5 *Reports*—(a) *Reports of handlers to market administrator.* Each handler, under his own signature or under that of a person certified by such handler to the market administrator as being authorized to sign the reports required by this section, shall report to the market administrator in the detail and on forms prescribed by him as follows:

(1) On or before the 5th day after the end of each delivery period, each handler shall report, except as otherwise provided by this paragraph, with respect to all milk, skim milk, and cream received by him during the delivery period:

(i) The receipts of milk from producers, from his own production, and from other handlers;

(ii) The receipts of emergency milk, the date or dates upon which such milk was received, the plant from which such milk was shipped, the price per hundredweight paid or to be paid for such milk, and the utilization of such milk;

(iii) The receipts of milk, skim milk, and cream, with butterfat content, from any other source; and

(iv) The utilization of all receipts of milk, skim milk, and cream.

(2) Each handler who handles only milk of his own production shall make reports to the market administrator only at such time and in such manner as the market administrator may request.

(3) Within 10 days after the market administrator's request, with respect to any producer for whom such information is not in the files of the market administrator, and with respect to a period or periods of time designated by the market administrator, (i) the name and address, (ii) the total pounds of milk received, (iii) the average butterfat test of milk received, and (iv) the number of days upon which milk was received.

(4) As soon as possible after first receiving milk from any producer (i) the name and address of such producer, (ii) the date upon which such milk was first received, and (iii) the plant at which such milk was received.

(5) On or before the 20th day after the end of each delivery period, his producer pay roll for such delivery period which shall show for each producer (i) the net amount of such producer's payment with the prices, deductions, and charges involved, and (ii) the total delivery of milk with the average butterfat test thereof.

(b) *Verification of reports.* Each handler shall make available to the market administrator or to his agent, or to such other person as the War Food Administrator may designate, those records which are necessary for the verification of the information contained in the reports submitted pursuant to this section, and those facilities which are necessary for the sampling, weighing, and testing of the milk of each producer and of milk products.

§ 920.6 *Handlers who are also producers.* With respect to each handler who is also a producer:

(a) The market administrator, subject to the conditions set forth in (b) of this section, shall exclude from the computations made pursuant to § 920.7 (a) the quantity of milk produced by a handler which is disposed of by such handler: *Provided*, That where any such handler has received milk from other producers the value of the milk so received shall be computed under § 920.7 (a) as follows: the quantity of such milk shall be ratably apportioned among such handler's total Class I, Class II, Class III, and Class IV milk (after excluding the receipts from other handlers) and multiplied by the Class I, Class II, Class III, and Class IV prices, respectively.

(b) The market administrator, upon prior written notice from such handler of the exercise thereof, shall grant the option of having all milk produced by such handler included in the computations made pursuant to § 920.7 (a) in lieu of the provisions of (a) of this section.

(c) The market administrator, in computing the value of milk for any handler pursuant to § 920.7, shall consider as Class IV milk any milk or cream disposed of in bulk by any such handler, who has not exercised the option set forth in (b) of this section, to another handler operating a bottling or a processing plant. If such receiving handler disposes of such milk or cream other than as Class IV milk, the market administrator, with respect to the total value computed for such receiving handler pursuant to § 920.7 (a), shall add the difference between the value of such milk or cream at the Class IV price and the value according to its actual use.

§ 920.7 *Determination of uniform prices to producers—(a) Computation of the value of milk for each handler.* For each delivery period the market administrator shall compute, subject to the provisions of §§ 920.4 and 920.6, the value of milk received from producers and disposed of by each handler as follows:

(1) Multiply the hundredweight of milk in each class, computed pursuant to § 920.3 (d) and (e) by the respective class price;

(2) Combine into one total the class values computed pursuant to (1) of this paragraph: *Provided*, That if milk, including skim milk, is disposed of by a handler to another handler, and if such selling handler has not filed reports pursuant to § 920.5 (a) and made the payments required by § 920.8, the market administrator, in computing the value of milk for the receiving handler, shall

multiply the quantity of 3.8 percent butterfat content equivalent of milk reported by the receiving handler as received from such selling handler and classified as Class I milk, by the difference between the Class I and Class IV prices, and add the resulting sum to the value of milk otherwise computed pursuant to this paragraph; and

(3) If a handler received milk, except emergency milk, during the delivery period from sources other than producers or handlers, as referred to in § 920.3 (d) (7) (iv), there shall be added to the value of milk determined for such handler pursuant to this paragraph a further amount computed as follows: multiply the hundredweight of such milk by the difference between the Class IV price and the price applicable to the class in which it was disposed.

(b) *Computation and announcement of uniform prices.* (1) The market administrator shall compute for each handler the uniform price per hundredweight of milk received from producers by such handler during each delivery period by dividing the value computed under (a) of this section by the total quantity of milk received from producers by such handler.

(2) On or before the 10th day after the end of each delivery period the market administrator shall notify each handler and shall make public announcement of the uniform price computed for such handler pursuant to this section, of the Class IV price, and of the butterfat differential determined pursuant to § 920.8 (c).

§ 920.8 *Payments for milk—(a) Time and method of payment.* On or before the 15th day after the end of each delivery period, each handler shall make payment, subject to the butterfat differential set forth in (c) of this section, to producers from whom such milk was received at not less than the uniform price per hundredweight of milk computed for such handler pursuant to § 920.7 (b) (1).

(b) *Errors in payments.* Errors made from whatever cause in the payments prescribed in this section shall be corrected not later than the date for making payments next following the determination of such errors.

(c) *Butterfat differential.* If any handler has received from a producer milk containing more or less than 3.8 percent of butterfat, such handler shall add or deduct, per hundredweight of milk, for each one-tenth of 1 percent of butterfat above or below 3.8 percent, an amount computed as follows: to the average wholesale price per pound of 92-score butter in the Chicago market, as used in § 920.4 (a) (4), add 20 percent and divide the result obtained by 10.

§ 920.9 *Marketing services—(a) Deduction for marketing services.* Except as set forth in (b) of this section, each handler shall deduct an amount not exceeding 3 cents per hundredweight (the amount to be determined by the market administrator, subject to review by the War Food Administrator) from the payments made to each producer pursuant to § 920.8 (a) with respect to all milk

received by such handler during each delivery period from such producer, and shall pay such deduction to the market administrator on or before the 15th day after the end of such delivery period. Such moneys shall be expended by the market administrator for market information to, and for verification of weights, sampling, and testing of milk received from, such producers.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association which the War Food Administrator determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the Capper-Volstead Act, is actually performing, as determined by the War Food Administrator, the services set forth in (a) of this section, each handler shall make the deductions from the payments to be made pursuant to § 920.8 (a) which are authorized by such producers and, on or before the 15th day after the end of each delivery period, shall pay over such deductions to the association of which such producers are members.

§ 920.10 *Expense of administration—(a) Payments by handlers.* As his prorata share of the expense of the administration hereof each handler, except a handler who handles only milk of his own production, shall pay to the market administrator, on or before the 15th day after the end of each delivery period, an amount not exceeding 4 cents per hundredweight (the amount to be determined by the market administrator, subject to review by the War Food Administrator) with respect to all milk received during such delivery period from producers, including milk produced by him, and to all milk received from sources other than producers or other handlers, including emergency milk: *Provided*, That each handler, which is a cooperative association shall pay such prorata share of expense of administration only on milk of producers caused to be delivered, for the account of such cooperative association, to a plant from which no milk is disposed of in the marketing area.

§ 920.11 *Effective time, suspension, or termination—(a) Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the War Food Administrator may declare and shall continue in force until suspended, or terminated, pursuant to (b) of this section.

(b) *Suspension or termination.* Any or all of the provisions hereof, or any amendment hereto, may be suspended or terminated as to any or all handlers after such reasonable notice as the War Food Administrator shall give and shall, in any event, terminate whenever the provisions of the act cease to be in effect.

(c) *Continuing power and duty of the market administrator.* (1) If, upon the suspension or termination of any or all provisions hereof there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such fur-

ther acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the War Food Administrator so directs, be performed by such other person, persons, or agency as the War Food Administrator may designate.

(2) The market administrator, or such other person as the War Food Administrator may designate, shall (i) continue in such capacity until removed, (ii) from time to time account for all receipts and disbursements and when so directed by the War Food Administrator deliver all funds on hand, together with the books and records of the market administrator, or such person, to such person as the War Food Administrator shall direct, and (iii) if so directed by the War Food Administrator execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof the market administrator, or such person as the War Food Administrator may designate, shall, if so directed by the War Food Administrator, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 920.12 *Agents.* The War Food Administrator may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 920.13 *Emergency price provision.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the War Food Administrator determines that the market price

is below the applicable maximum uniform price, the market administrator shall use a price determined by the War Food Administrator to be equivalent to or comparable with the price specified.

Issued at Washington, D. C., this 22d day of June 1943 to be effective on or after the 1st day of July 1943.

CHESTER C. DAVIS,
War Food Administrator.

Approved: June 25, 1943.

FRED M. VINSON,
Director of Economic Stabilization.

[F. R. Doc. 43-10250; Filed, June 25, 1943;
4:57 p. m.]

PART 932—MILK IN THE FORT WAYNE,
INDIANA, MARKETING AREA

ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK

§ 932.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and milk orders (7 CFR, 1941 Supp. §§ 900.1-900.17; 7 F.R. 3350; 8 F.R. 2815) a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area. Upon the basis of the evidence introduced in such hearing and the record thereof, it is hereby found that:

(1) The order regulating the handling of milk in the said marketing area, as amended and as hereby amended, and all of the terms and conditions of said order, as amended and as hereby amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the said order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agreement upon which a hearing has been held; and

(4) The handling of all milk sold or disposed of in the marketing area, as

defined herein, is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk and its products.

(b) *Additional findings.* (1) It is hereby found and proclaimed in connection with the execution of a marketing agreement and the issuance of an amended order regulating the handling of milk in the said marketing area, that the purchasing power of such milk during the pre-war period August 1909-July 1914 cannot be satisfactorily determined from available statistics of the Department of Agriculture but that the purchasing power of such milk for the post-war period August 1919-July 1929 can be satisfactorily determined from available statistics in the Department of Agriculture; and the post-war period August 1919-July 1929 is the base period to be used in connection with the said marketing agreement and this order in determining the purchasing power of such milk.

(2) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will amount to approximately \$15,000 per year; and the pro-rata share of such expenses to be paid by each handler is hereby approved in the maximum amount of 4 cents per hundredweight on all milk received from producers, received from sources other than producers or handlers, including emergency milk, and produced by such handler during each delivery period.

(c) *Determinations.* (1) It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order) of at least 50 percent of the volume of milk covered by this order which is marketed within the said marketing area have signed the tentatively approved marketing agreement regulating the handling of milk in the said marketing area; and

(2) It is hereby further determined that the issuance of this order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of the order and who, during the month of April 1943 (which month is hereby determined to be a representative period), were engaged in the production of milk for sale in the said marketing area.

Order Relative To Handling

It is hereby ordered that such handling of milk in the Fort Wayne, Indiana, marketing area as is in the current of interstate commerce or as directly burdens, obstructs, or affects interstate commerce shall, from the effective date hereof, be in compliance with the terms and conditions of this order as amended.

§ 932.1 *Definitions.* The following terms shall have the following meanings:

(a) "Fort Wayne, Indiana, marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of Fort Wayne, Indiana, and the territory within 4 miles of the corporate limits of Fort Wayne, Indiana.

(b) "Person" means any individual, partnership, corporation, association, or any other business unit.

(c) "Producer" means any person, irrespective of whether such person is also a handler, who, in conformity with the health requirements applicable to milk to be sold for consumption as milk in the marketing area, produces milk which is received at a plant from which milk is disposed of in the marketing area.

(d) "Handler" means any person, irrespective of whether such person is a producer or an association of producers, wherever located or operating, who engages in such handling of milk which is disposed of as milk in the marketing area, as is in the current of interstate commerce, or which directly burdens, obstructs, or affects interstate commerce in milk and its products. "Such handling of milk" as used in this definition shall include the milk of any producer caused to be delivered by an association of producers to a plant from which no milk is disposed of in the marketing area, if payment therefor is collected by such association; and such milk shall be deemed to have been received from producers by such association. "Handler" shall not include any person from whom milk described under (i) of this section and under § 932.6 (b) and (c) is received.

(e) "Market administrator" means the person designated pursuant to § 932.2 as the agency for the administration hereof.

(f) "Delivery period" means the current marketing period from the first to and including the last day of each month.

(g) "Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(h) "War Food Administrator" means the War Food Administrator of the United States or any officer or employee of the United States who is or who may hereafter be authorized to exercise the powers and to perform the duties, pursuant to the act, of the War Food Administrator of the United States.

(i) "Emergency milk" means milk, skim milk, or cream received by a handler from sources other than producers under a permit to receive such milk, skim milk, or cream issued to him by the proper health authorities.

§ 932.2 Market administrator—(a)
Designation. The agency for the administration hereof shall be a market administrator who shall be a person selected by the War Food Administrator. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the War Food Administrator.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof; and

(2) Receive, investigate, and report to the War Food Administrator complaints of violation of the terms and provisions hereof.

(c) *Duties.* The market administrator shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein and surrender the same to his successor or to such other person as the War Food Administrator may designate;

(2) Submit his books and records to examination and furnish such information and such verified reports as may be requested by the War Food Administrator;

(3) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the War Food Administrator a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the War Food Administrator;

(4) Publicly disclose to handlers and producers, unless otherwise directed by the War Food Administrator, the name of any person who, within 15 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to § 932.5 or (ii) made payments pursuant to § 932.8;

(5) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(6) Obtain a bond with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(7) Promptly verify the information contained in the reports submitted by handlers; and

(8) Pay, out of the funds provided by § 932.10, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office and in the performance of his duties, except those expenses incurred and provided for under § 932.9 hereof.

§ 932.3 Classification of milk—(a)
Milk to be classified. All milk received by each handler including milk produced by him shall be classified by the market administrator in the classes set forth in (b) of this section.

(b) *Classes of utilization.* The classes of utilization shall be as follows:

(1) All milk disposed of as milk or milk drinks, whether plain or flavored, and all milk not specifically accounted for as Class II milk and Class III milk shall be Class I milk.

(2) All milk used to produce cream which is disposed of as cream, including any cream product disposed of in fluid form which contains less than the minimum butterfat content required for fluid cream, and buttermilk shall be Class II milk.

(3) All milk from which the butterfat is disposed of as a milk product other than those included in Class II milk, and all milk accounted for as actual plant shrinkage but not exceeding 3 percent of the total receipts of milk, shall be Class III milk.

(c) *Interhandler and nonhandler sales.* Milk disposed of by a handler to another handler, or to a person not a handler who distributes milk or manu-

factures milk products, shall be classified as Class I milk: *Provided*, That in the event such selling handler, on or before the date fixed for filing reports pursuant to § 932.5 (a) (1), furnished proof satisfactory to the market administrator that such milk has been disposed of by such purchaser other than as Class I milk, then such milk shall be classified in accordance with such proof.

§ 932.4 Minimum prices—(a) Class prices. Each handler shall pay producers or an association of producers, in the manner set forth in § 932.8, for the 4 percent butterfat content equivalent of milk received at such handler's plant, not less than the following prices per hundredweight of milk:

(1) *Class I milk.* The price for Class I milk shall be the price of Class III milk, determined by the market administrator pursuant to (3) of this paragraph, plus 61 cents: *Provided*, That with respect to Class I milk disposed of by such handler under a program approved by the War Food Administrator for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be such Class I price less 46 cents.

(2) *Class II milk.* The price for Class II milk shall be the price for Class III milk, determined by the market administrator pursuant to (3) of this paragraph, plus 26 cents.

(3) *Class III milk.* Except as set forth in (4) of this paragraph, the price for Class III milk shall be the price resulting from the following computation by the market administrator: determine the average of the basic (or field) prices per hundredweight ascertained to have been paid for milk of 4 percent butterfat content received during the delivery period at the following plants for which prices are reported to the market administrator by such plants or by the United States Department of Agriculture (or by such other Federal agency as may hereafter be authorized to perform this price reporting function), and subtract 3 cents:

Concern:	Location
Defiance Milk Prod- ucts Co.	Defiance, Ohio.
Van Camp Milk Co.	Angola, Indiana.
Van Camp Milk Co.	Garrett, Indiana.
Kraft-Phenix Cheese	Kendallville, Indiana. Corp.

Provided, That if the price so determined is less than the price per hundredweight computed by the market administrator in accordance with the following formula, such formula price shall be the price for Class III milk for the delivery period: multiply by 4 the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture (or by such other Federal agency as may hereafter be authorized to perform this price reporting function) for the delivery period during which such milk was received, and add 30 percent thereof.

The prices used in determining the average manufacturing plant price pursuant to this subparagraph shall be those quoted for milk received at the respective plants without deductions for hauling

or other charges to be paid by the farm shipper.

(4) In the case of Class III milk disposed of by such handler as butter, but not to exceed 10 percent of the 4 percent butterfat content equivalent of such handler's Class I and Class II milk, the price shall be that resulting from the following computation by the market administrator: multiply by 4 the average butter price computed pursuant to the proviso in (3) of this paragraph, and add 30 percent thereof.

§ 932.5 Reports—(a) Reports of handlers to market administrator. Each handler, under his own signature or under that of a person certified to the market administrator as being authorized to sign the reports required by this paragraph, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) On or before the 5th day after the end of each delivery period, (i) the receipts of milk at each plant from producers, (ii) the receipts of milk at each plant from handlers, (iii) the receipts at each plant of the milk produced by him, (iv) the receipts of milk and cream at each plant from any other source, and (v) the utilization of all receipts of milk for the delivery period.

(2) Within 10 days after the market administrator's request, with respect to each producer for whom such information is not in the files of the market administrator and with respect to a period or periods of time designated by the market administrator (i) the name and address, (ii) the total pounds of milk received, (iii) the average butterfat test of milk received, and (iv) the number of days upon which milk was received.

(3) On or before the 20th day after the end of each delivery period, his producer pay roll, which shall show for each producer (i) the total receipts of milk with the average butterfat test thereof, (ii) the amount of the token payment to such producer made pursuant to § 932.8 (a), and (iii) the deductions and charges made by the handler.

(4) As soon as possible after the first receiving milk from any producer (i) the name and address of such producer, (ii) the date upon which such milk was first received, and (iii) the plant at which such milk was received.

(5) On or before the day such handler receives emergency milk, his intention to receive such milk.

(6) On or before the 5th day after the end of each delivery period, the receipts of emergency milk, as follows: (i) the amount of such milk, (ii) the date or dates upon which such milk was received during the delivery period, (iii) the plant from which such milk was shipped, (iv) the price, per hundred-weight paid, or to be paid, for such milk, and (v) such other information with respect thereto as the market administrator may request.

(7) Each handler who handles only milk of his own production shall make reports as specified above in this paragraph only at such times as the market administrator may request.

(b) *Verification of reports.* Each handler shall make available to the market administrator or to his agent, or to such other person as the War Food Administrator may designate, those records which are necessary for the verification of the information contained in the reports submitted in accordance with this section, and those facilities which are necessary for the sampling, weighing, and testing of the milk of each producer and of milk products.

(c) *Reports of market administrator to cooperative associations.* On or before the 10th day after the end of each delivery period, the market administrator shall report to each cooperative association which so requests the amount and class utilization of milk caused to be delivered by such association, either directly or from producers who have authorized such association to receive payments for them, to each handler to whom the cooperative sells milk. For the purpose of this report the milk caused to be so delivered by an association shall be prorated to each class in the proportion that the total receipts of milk received from producers by such handler were used in each class.

§ 932.6 Application of provisions—(a) Each handler who is also a producer. (1) The market administrator, subject to the conditions set forth in (2) of this paragraph, shall exclude from the computations made pursuant to § 932.7 (a), the quantity of milk produced and disposed of by such handler: *Provided*, That if any such handler has received milk from other producers the value of the milk so received shall be computed under § 932.7 (a) as follows: the quantity of such milk shall be ratably apportioned among such handler's total Class I, Class II, and Class III milk (after excluding the receipts from other handlers) and multiplied by the Class I, Class II, and Class III prices, respectively.

(2) The market administrator, upon prior written notice from such handler of the exercise thereof, shall grant the option of having all milk produced by such handler included in the computations made pursuant to § 932.7 (a), in lieu of the provisions of (1) of this paragraph.

(3) The market administrator, in computing the value of milk for each handler pursuant to § 932.7 (a), shall consider as Class III milk any milk or cream received in bulk by any such handler from a handler who handles only milk of his own production and who has not exercised the option set forth in (2) of this paragraph. If such buying handler disposes of such milk or cream for other than Class III purposes, the market administrator shall add to the total value computed pursuant to § 932.7 (a) the difference between the value of such milk or cream at the Class III price (§ 932.4 (a) (3)) and its value according to actual class use.

(b) *Milk, not emergency milk, received from sources other than producers or handlers.* The market administrator, before making the computations for each handler provided by § 932.7 (a) shall deduct from each class (after excluding

the receipts from other handlers) the total pounds of milk, except emergency milk, received from sources other than producers or handlers and used in such class.

(c) *Emergency milk.* The market administrator, before making the computations for each handler provided by § 932.7 (a), shall deduct pro rata out of each class for which emergency milk is eligible (after excluding the receipts from other handler) the total pounds of emergency milk received by such handler.

§ 932.7 Determination of uniform price to producers—(a) Computation of the value of milk for each handler. For each delivery period the market administrator shall compute, subject to the provisions of § 932.6, from the report of each handler the value of milk disposed of by such handler as follows:

(1) Multiply by the Class I price the hundredweight of milk computed as follows: multiply the total weight of milk contained in the several units of Class I milk by the average butterfat test of such units, and divide by 4;

(2) Multiply by the Class II price the hundredweight of milk computed as follows: multiply the total weight of each of the products of Class II milk by its average butterfat test, add together the resulting amounts, and divide the sum by 4;

(3) Multiply by the respective Class III prices the hundredweight of milk computed as follows: multiply the total weight of each of the products of Class III milk by its average butterfat test, add together the resulting amounts, and divide the sum by 4;

(4) Combine into one total the hundredweight of milk computed pursuant to (1), (2), and (3) of this paragraph;

(5) Combine into one total the values of milk computed pursuant to (1), (2), and (3) of this paragraph;

(6) If the hundredweight of milk computed pursuant to (4) of this paragraph is less than the hundredweight of milk received from producers, multiply such difference by 10 cents per hundredweight; add such amount to the value of milk computed pursuant to (5) of this paragraph; and add to the computed hundredweight of milk an amount representing the difference between such hundredweight and the hundredweight of milk received from producers;

(7) If the hundredweight of milk computed pursuant to (4) of this paragraph is greater than the hundredweight of milk received from producers, multiply such difference by 10 cents per hundredweight; subtract such amount from the value of milk computed pursuant to (5) of this paragraph; and subtract from the computed hundredweight of milk an amount representing the difference between such hundredweight and the hundredweight of milk received from producers; and

(8) If a handler received milk, except emergency milk, from sources other than producers or handlers, as referred to in § 932.6 (b), there shall be added to the value of milk determined for such handler pursuant to (5) of this paragraph a

further amount computed as follows: multiply the hundredweight of such milk (computed by dividing the pounds of butterfat therein by 4) by the difference between the Class III price (§ 932.4 (a) (3)) and the price applicable to the class in which it was disposed.

(b) *Computation and announcement of uniform price.* For each delivery period, the market administrator shall compute and announce the uniform price per hundredweight of milk received from producers by handlers during such delivery period as follows:

(1) Combine into one total the respective values of milk computed pursuant to (a) of this section for handlers who made the payments required of them for the previous delivery period by § 932.8 (b) (2) and (b) (3);

(2) If the hundredweight of milk computed pursuant to (a) (4) of this section is less than the hundredweight of milk received from producers, add an amount computed by multiplying such difference by 4 times the average price of butter computed pursuant to the proviso in § 932.4 (a) (3);

(3) If the hundredweight of milk computed pursuant to (a) (4) of this section is greater than the hundredweight of milk received from producers, subtract an amount computed by multiplying such difference by 4 times the average price of butter computed pursuant to the proviso in § 932.4 (a) (3);

(4) Add an amount per hundredweight which will prorate any cash balance available pursuant to (c) of this section;

(5) Divide the result by the hundredweight of milk received from producers;

(6) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance to provide against errors in reports and in payments by handler; and

(7) On or before the 10th day after the end of each delivery period the market administrator shall notify each handler of the uniform price, of the class prices, and of the butterfat differential computed pursuant to § 932.8 (d), and shall make public announcement of such class prices, of the butterfat differential, and of the computation of the uniform price.

(c) *Proration of cash balance.* For each delivery period the market administrator shall prorate by an appropriate addition pursuant to (b) (4) of this section, the cash balance, if any, available from payments received by him to meet obligations arising out of § 932.8 (b) (2) and (b) (3).

§ 932.8 *Payments for milk*—(a) *Token payments.* On or before the last day of each delivery period, each handler shall pay producers or an association of producers, with respect to the quantity of milk he received from each producer or from an association of producers, respectively, during the first 15 days of the delivery period, the uniform price announced by the market administrator pursuant to § 932.7 (b) (7) for milk received during the delivery period next preceding.

(b) *Final payment.* On or before the 15th day after the end of each delivery period, each handler shall make payment, subject to the butterfat differential set forth in (d) of this section and less the payment made pursuant to (a) of this section, for the total value of milk received from producers or from an association of producers during such delivery period computed according to § 932.7 (a) as follows:

(1) To each producer, except producers for whom payment is received from the handler by an association of producers under (2) of this paragraph, at not less than the uniform price per hundredweight, computed pursuant to § 932.7 (b), for all milk received from such producer during such delivery period;

(2) To an association of producers, with respect to milk which was caused to be delivered to him by such association either directly or from producers who have authorized such association to collect payment for them, at not less than the class prices set forth in § 932.4, subject to the butterfat differential provided in (d) of this section, for the utilization value of such milk. In the event payment is so made, such association, in turn, shall pay on or before the 15th day after the end of each delivery period to the market administrator the amount by which the utilization value of such milk, and of the milk of each producer which it caused to be delivered during the delivery period to a plant from which no milk is disposed of in the marketing area, is greater than the sum obtained by multiplying the hundredweight of all such milk by the price computed pursuant to § 932.7 (b). For the purpose of determining the use classification of milk caused to be delivered by an association to another handler, such milk shall be ratably apportioned among the receiving handler's total Class I, Class II, and Class III milk.

(3) To producers, through the market administrator, by paying to or receiving from the market administrator, as the case may be, the amount of money by which the utilization value of such handler's milk, less the payments made as provided for above in this paragraph, exceeds, or is less than, respectively, the total value of milk computed for such handler pursuant to § 932.7 (a).

(c) *Errors in payments.* Errors in making the payments prescribed in this section shall be corrected not later than the date for making such payments next following the determination of such errors.

(d) *Butterfat differential.* If any handler has received from any producer or from an association of producers, during the delivery period, milk having an average butterfat content other than 4 percent, such handler in making the payments required by (b) of this section shall add for each one-tenth of 1 percent of average butterfat content in milk above 4 percent not less than, or shall deduct for each one-tenth of 1 percent of average butterfat content in milk below 4 percent not more than, an amount computed as follows: divide by

10 the average price of butter computed pursuant to § 932.4 (a) (3).

§ 932.9 *Marketing services*—(a) *Marketing service deductions.* Except as set forth in (b) of this section, each handler, in making payments to producers pursuant to § 932.8, shall make a deduction of 4 cents per hundredweight of milk, or such lesser deduction as the market administrator shall determine to be sufficient, subject to review by the War Food Administrator, with respect to the following:

(1) All milk received from producers at a plant not operated by an association of producers qualified under (b) of this section; and

(2) All milk received at a plant operated by an association of producers qualified under (b) of this section from producers who are not members of such association.

Such deductions shall be paid by the handler to the market administrator on or before the 15th day after the end of each delivery period. Such monies shall be expended by the market administrator for verification of weights, samples, and tests of milk received from such producers and in providing for market information to such producers. The market administrator may contract with any qualified association of producers to act as his agent to furnish any or all of such services to such producers.

(b) *Marketing service deduction with respect to members of, or producers marketing through, an association of producers.* In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and the taking of deduction therefor to, an association of producers qualified under the provisions of the act of Congress of February 18, 1922, known as the Capper-Voistead Act, (2) whose milk is received at a plant not operated by such association, and (3) for whom the War Food Administrator determines that such association is performing the services described in (a) of this section, each handler shall deduct, in lieu of the deductions specified under (a) of this section, from the payments made pursuant to § 932.8 the amount per hundredweight of milk authorized by such producer and shall pay over, on or before the 15th day after the end of such delivery period, such deduction to the association entitled to receive it under this paragraph.

§ 932.10 *Expense of administration.* As his prorata share of the expense of administration hereof, each handler, except a handler who handles only milk of his own production, shall pay to the market administrator, on or before the 15th day after the end of each delivery period, an amount not exceeding 4 cents per hundredweight (the amount to be determined by the market administrator, subject to review by the War Food Administrator) with respect to all milk received by him during such delivery period from producers, from sources other than producers or handlers, including emergency milk, and from own production: *Provided*, That each handler

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which is an association of producers shall pay such prorata share of expense of administration only on that milk of producers caused to be delivered to a plant from which no milk is disposed of in the marketing area.

§ 932.11 *Effective time, suspension, or termination*—(a) *Effective time*. The provisions hereof, or any amendment hereto, shall become effective at such time as the War Food Administrator may declare and shall continue in force until suspended or terminated pursuant to (b) of this section.

(b) *Suspension or termination*. Any or all of the provisions hereof, or any amendment hereto, shall be suspended or terminated as to any or all handlers after such reasonable notice as the War Food Administrator may give and shall terminate, in any event, whenever the provisions of the act cease to be in effect.

(c) *Continuing power and duty of the market administrator*. (1) If upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which require further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the War Food Administrator so directs, be performed by such other person, persons, or agency as the War Food Administrator may designate.

(2) The market administrator, or such other person as the War Food Administrator may designate, shall (i) continue in such capacity until removed, (ii) from time to time account for all receipts and disbursements and, when so directed by the War Food Administrator, deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the War Food Administrator may designate, and (iii) if so directed by the War Food Administrator, execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination*. Upon the suspension or termination of any or all provisions hereof the market administrator, or such person as the War Food Administrator may designate, shall, if so directed by the War Food Administrator, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 932.12 *Agents*. The War Food Administrator may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 932.13 *Emergency price provision*. Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the War Food Administrator determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the War Food Administrator to be equivalent to or comparable with the price specified.

Issued at Washington, D. C., this 25th day of June 1943, to be effective on and after the 1st day of July 1943.

JESSE W. TAPP,
Acting War Food Administrator.

[F. R. Doc. 43-10269; Filed, June 26, 1943;
11:50 a. m.]

PART 967—MILK IN THE ST. JOSEPH COUNTY, INDIANA, MARKETING AREA

HANDLING OF MILK

Sec.	
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§ 967.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record*. Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and milk orders (7 CFR, 1941 Supp. 900.1-900.17; 7 F.R. 3350; 8 F.R. 2815) a public hearing was held upon a proposed marketing agreement and upon

a proposed order regulating the handling of milk in the St. Joseph County, Indiana, marketing area. Upon the basis of the evidence introduced in such hearing and the record thereof, it is hereby found that:

(1) The issuance of this order regulating the handling of milk in the said marketing area, and all of the terms and conditions of this order, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agreement, upon which a hearing has been held; and

(4) The handling of all milk sold or disposed in the marketing area, as defined herein, is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk and its products.

(b) *Additional findings*. (1) It is hereby found and proclaimed in connection with the execution of a marketing agreement and the issuance of an order regulating the handling of milk in the said marketing area, that the purchasing power of such milk during the pre-war period August 1909-July 1914 cannot be satisfactorily determined from available statistics of the Department of Agriculture, but that the purchasing power of such milk for the post-war period August 1919-July 1929 can be satisfactorily determined from available statistics of the Department of Agriculture; and the post-war period August 1919-July 1929 is the base period to be used in connection with the said marketing agreement and this order in determining the purchasing power of such milk.

(2) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will amount to approximately \$15,000 per year; and the prorata share of such expenses to be paid by each handler is hereby approved in the maximum amount of 4 cents per hundredweight on all milk received from producers, received from sources other than producers or handlers, including emergency milk, and produced by such handler during each delivery period.

(c) *Determinations*. It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order) of at least 50 percent of the volume of milk which is marketed within the said marketing area refused or failed

to sign the tentatively approved marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign such tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means pursuant to the declared policy of the act to advance the interests of the producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of the order and who, during the month of March 1943 (which month is hereby determined to be a representative period), were engaged in the production of milk for sale in the said marketing area.

Order Relative To Handling

It is hereby ordered, That such handling of milk in the St. Joseph County, Indiana, marketing area as is in the current of interstate commerce or as directly burdens, obstructs, or affects interstate commerce shall, from the effective date hereof, be in compliance with the terms and conditions of this order.

§ 967.1 Definitions. The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "War Food Administrator" means the War Food Administrator of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers or to perform the duties, pursuant to the act, of the War Food Administrator.

(c) "St. Joseph County, Indiana, marketing area," hereinafter called the "marketing area," means all municipal corporations and unincorporated territory within the geographical limits of St. Joseph County, Indiana, excepting the townships of Olive, Liberty, and Lincoln.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Approved plant" means any plant which is approved by the health authorities of either South Bend or Mishawaka, Indiana, and from which milk is disposed of as milk in the marketing area.

(f) "Producer" means any person who, under a dairy farm inspection report issued by the health authorities of either South Bend or Mishawaka, Indiana, produces milk which is received at an approved plant.

(g) "Handler" means any person, irrespective of whether such person is a producer or an association of producers, wherever located or operating, who receives milk from producers, associations of producers, or other handlers, all or a portion of which milk is disposed of as

milk in the marketing area; and who, on his own behalf or on behalf of others engages in such handling of milk as is in the current of interstate commerce, or which directly burdens, obstructs, or affects interstate commerce in milk and its products. This definition shall be deemed to indicate any cooperative association or handler with respect to the milk of any producer whose milk previously had been received at an approved plant which such association or handler causes to be delivered to a plant from which no milk is disposed of in the marketing area, for the account of such cooperative association or handler.

(h) "Market administrator" means the agency described in § 967.2 for the administration hereof.

(i) "Delivery period" means the period from the effective date hereof until the end of the calendar month in which such effective date occurs. Thereafter, "delivery period" shall mean the current calendar month.

(j) "Emergency milk" means milk, skim milk, or cream received from sources other than producers or handlers under a permit to receive such milk, skim milk, or cream issued by either of the health authorities referred to in (e) of this section.

§ 967.2 Market administrator—(a) Selection, removal, and bond. The agency for the administration hereof shall be a market administrator who shall be a person selected and subject to removal by the War Food Administrator. Such person shall be entitled to such compensation as may be determined by the War Food Administrator.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof; and

(2) Receive, investigate, and report to the Secretary complaints of violations hereof.

(c) *Duties.* The market administrator shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein and shall surrender the same to his successor to such other person as the War Food Administrator may designate;

(2) Submit his books and records to examination and furnish such information and such verified reports as may be requested by the War Food Administrator;

(3) Obtain a bond with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(4) Publicly disclose, after reasonable notice, the names of any persons who have not made the reports or payments as hereby required;

(5) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such information concerning the operation hereof as does not reveal confidential information;

(6) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(7) Within 45 days following the date upon which he enters office, execute and

deliver to the War Food Administrator a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the War Food Administrator;

(8) Pay, out of the funds received pursuant to § 967.9, the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, his own compensation, and all other expenses necessarily incurred by him for the maintenance and functioning of his office and in the performance of his duties, except those expenses incurred and provided for under § 967.10 hereof; and

(9) Promptly verify the information contained in the reports submitted by handlers.

(d) *Announcement of prices.* The market administrator shall compute and publicly announce prices as follows:

(1) Not later than the 5th day after the end of each delivery period, the prices and differentials pursuant to § 967.5 (a) and (c); and

(2) Not later than the 14th day after the end of each delivery period, the uniform price computed pursuant to § 967.7 (b).

§ 967.3 Reports—(a) Reports of handlers to market administrator. Each handler, under his own signature or under that of a person certified by such handler to the market administrator as being authorized to sign the reports required by this section, shall report to the market administrator, in the detail and on forms prescribed by him as follows:

(1) On or before the 9th day after the end of each delivery period, the quantity, butterfat test, and butterfat pounds of (i) the receipts of milk at each plant from producers, (ii) the receipts of milk at each plant from other handlers, (iii) the receipts of milk or cream from sources other than producers and handlers, including emergency milk, (iv) the receipts at each plant of the milk produced by him, and (v) the utilization of all receipts of milk for the delivery period;

(2) On or before the 7th day after the end of each delivery period such information as may be requested with respect to producer additions, producer withdrawals, and changes in the names of farm operators; and

(3) On or before the 25th day after the end of each delivery period his producer pay roll, which shall show for each producer (i) the total delivery of milk with the average butterfat test thereof, (ii) the net amount of payment to such producer made pursuant to § 967.8, (iii) any deductions and charges made by the handler, and (iv) such other information with respect thereto as the market administrator may request.

(b) *Verification of reports and payments.* (1) The market administrator shall verify all reports and payments of each handler by audit of such handler's records, and of the records of any other handler or person upon whose disposition of milk a handler claims classification. Each handler shall keep adequate records of his receipts and utilization of milk and, during the usual hours of

business, shall make available to the market administrator, to his representative, or to such other person as the War Food Administrator may designate, such records and facilities as will enable the market administrator to:

(i) Verify the receipts and disposition of all milk required to be reported pursuant to this section, and, in case of errors or omissions, ascertain the correct figures;

(ii) Weight, sample, and test for butterfat content the milk received from producers and any product of milk upon which classification depends; and

(iii) Verify the payments to producers required by § 967.8.

§ 967.4 Classification of milk—(a) Basis of classification. All milk received by a handler, including milk produced by him, shall be reported by the handler to the market administrator on the basis of the classes set forth in (b) of this section: *Provided*, That (1) any milk moving as fluid milk from any handler's plant to a plant of a nonhandler who distributes fluid milk shall be classified as Class I milk and any cream moved in the form of cream to such nonhandler shall be classified as Class II milk, except for milk or cream in excess of the amount of Class I or Class II milk distributed by the nonhandler: *Provided*, That if the handler, on or before the 9th day after the end of the delivery period, furnishes proof satisfactory to the market administrator that such milk or cream was used for purposes other than fluid milk or fluid cream, such milk or cream shall be classified in accordance with such proof; (2) any milk or cream moving from a handler's plant to a plant of a nonhandler, who does not distribute fluid milk shall be classified according to its use by such nonhandler, subject to verification by the market administrator; (3) any milk moving from the handler's plant where the milk was first received from producers to the plant of a second handler, which has manufacturing facilities, shall be Class I milk if moved from the second handler's plant as fluid milk, and Class II milk if moved as cream; and (4) any milk moving from the handler's plant where the milk was first received from producers to a second handler's plant which has no manufacturing facilities may be classified according to its utilization by a third handler.

(b) Classes of utilization. Subject to the conditions set forth in (a) of this section, the classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk disposed of in the form of milk or milk drinks, whether plain or flavored, including bulk milk disposed of to bakeries, hotels, restaurants, and other retail food establishments, and all milk not accounted for as Class II milk, Class III milk, and Class IV milk.

(2) Class II milk shall be all milk the butterfat from which is disposed of as sweet or sour cream and as cottage cheese.

(3) Class III milk shall be all milk the butterfat from which is used to produce a milk product other than one of those

specified in Class II and Class IV including frozen cream, ice cream, cheese (except cottage cheese), and ice cream mix.

(4) Class IV milk shall be all milk the butterfat from which is used to produce butter and all milk accounted for as actual plant shrinkage: *Provided*, That such plant shrinkage shall not exceed 3 percent of the total receipts of milk from producers, including the handler's own production. Any handler whose report claimed the original classification of milk in this class shall be liable under the provisions of § 967.8 (f) for the difference between the Class IV and Class III prices for the delivery period in which the Class IV classification was claimed on any such milk if the butterfat used in the production of butter is subsequently used in the production of ice cream or ice cream mix.

(c) Responsibility of handlers in establishing the classification of milk. (1) In establishing the classification of any milk received by a handler from producers, the burden rests upon such handler to account for the milk and to prove to the market administrator that such milk should not be classified as Class I milk.

(2) With respect to milk, or skim milk, disposed of to another handler, the burden rests upon the handler who received the milk from producers to account for the milk, or skim milk, and to prove to the market administrator that such milk, or skim milk, should not be classified as Class I milk.

(d) Computation of milk in each class. For each delivery period, the market administrator shall compute the amount of milk in each class for each handler as follows:

(1) Determine the total pounds of milk (i) received from producers, including such handler's own production, (ii) received from other handlers, (iii) received from other sources, including emergency milk, and (iv) add together the resulting amounts.

(2) Determine the total pounds of butterfat received as follows: (i) multiply the weight of the milk received from producers by its average butterfat test, (ii) multiply the weight of the milk produced by him by its average butterfat test, (iii) multiply the weight of the milk received from other handlers by its average butterfat test, (iv) multiply the weight of the milk received from other sources by its average butterfat test (butterfat in emergency milk to be computed separately), and (v) add together the resulting amounts.

(3) Determine the total pounds of milk in Class I as follows: (i) convert to quarts the quantity of milk disposed of in the form of milk and milk drinks, whether plain or flavored, and multiply by 2.15, (ii) multiply the result by its average butterfat test, and (iii) if the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk, Class III milk, and Class IV milk, computed pursuant to (4) (ii), 5 (ii), and (6) (ii) of this paragraph, is less than the total pounds of butterfat received, computed in accordance with (2) of this paragraph, an amount equal to the difference shall be divided by 4 percent and

shall be added to the quantity of milk determined pursuant to (i) of this subparagraph.

(4) Determine the total pounds of milk in Class II as follows: (i) multiply the actual weight of each of the several products of Class II milk by its average butterfat test, (ii) add together the resulting amounts, and (iii) divide the result obtained in (ii) of this subparagraph by 4 percent.

(5) Determine the total pounds of milk in Class III as follows: (i) multiply the actual weight of each of the several products of Class III milk by its average butterfat test, (ii) add together the resulting amounts, and (iii) divide the result obtained in (ii) of this subparagraph by 4 percent.

(6) Determine the total pounds of milk in Class IV as follows: (i) multiply the actual weight of each of the several products of Class IV milk by its average butterfat test, (ii) add together the resulting amounts, (iii) subtract the total pounds of butterfat in Class I milk, Class II milk, and Class III milk, computed pursuant to (3) (ii), (4) (ii), and (5) (ii) of this paragraph, and the total pounds of butterfat computed pursuant to (ii) of this subparagraph, from the total pounds of butterfat computed pursuant to (2) of this paragraph, which resulting quantity shall be allowed as plant shrinkage for the purposes of this paragraph (but in no event shall such plant shrinkage allowance exceed 3 percent of the total receipts of butterfat from producers by the handler) and shall be added to the result obtained in (ii) of this subparagraph, and (iv) divided the result obtained in (ii) of this subparagraph by 4 percent.

(7) Determine the classification of milk received from producers as follows:

(i) Subtract from the total pounds of milk in each class the total pounds of milk which were received from other handlers and used in such class;

(ii) Subtract pro rata from the remaining pounds of milk in each class the pounds of emergency milk received;

(iii) Subtract from the remaining pounds of milk in each class the total pounds of milk which were received from sources other than producers and handlers and used in such class; and

(iv) Except as set forth in (e) of this section, the result shall be known as the "net pool milk" in each class.

(e) Reconciliation of utilization of milk by classes with receipts of milk from producers. In the event of a difference between the total quantity of milk utilized in several classes as computed pursuant to (d) of this section and the quantity of milk received from producers, except for excess milk or the milk equivalent of butterfat pursuant to § 967.6 (c), such difference shall be reconciled as follows:

(1) If the total utilization of milk in the various classes for any handler, as computed pursuant to (d) of this section, is less than the receipts of milk from producers, the market administrator shall increase the total pounds of milk in Class IV for such handler by an amount equal to the difference between

the receipts of milk from producers and the total utilization of milk by classes for such handler, which result shall be known as the "net pool milk" in each class.

(2) If the total utilization of milk in the various classes for any handler, as computed pursuant to (d) of this section, is greater than the receipts of milk from producers, the market administrator shall decrease the total pounds of milk in Class IV for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler, which result shall be known as the "net pool milk" in each class.

§ 967.5 Minimum prices—(a) *Class prices.* Subject to the differential set forth in (c) of this section, each handler shall pay, at the time and in the manner set forth in § 967.8, for milk received from producers at such handler's plant, not less than the prices set forth in this section. Any handler who receives during any delivery period milk from a co-operative association which is also a handler shall, on or before the 16th day after the end of the delivery period, pay such cooperative association in full for such milk at not less than the minimum class prices, adjusted by the differentials applicable pursuant to this section.

(1) *Class I milk.* The price per hundredweight for Class I milk during each delivery period shall be the price determined pursuant to (b) of this section, plus 65 cents.

(2) *Class II milk.* The price per hundredweight for Class II milk during each delivery period shall be the price determined pursuant to (b) of this section, plus 40 cents.

(3) *Class III milk.* The price per hundredweight for Class III milk shall be the average, as computed by the market administrator, of the basic (or field) prices ascertained to have been paid for milk of 4 percent butterfat content received during the delivery period at the following places for which prices are reported to the market administrator by the three listed companies or by the United States Department of Agriculture (or by such other Federal agency as may hereafter be authorized to perform this price reporting function):

Concern: Location
Goshen Milk Condensing Co. Goshen, Ind.
Litchfield Creamery Co. Warsaw, Ind.
New Paris Creamery Co. New Paris, Ind.

Provided, That if any one of the above companies fails to report the price for milk so received, the price per hundredweight for Class III milk shall be the average, as computed by the market administrator, of the basic (or field) prices ascertained to have been paid for milk of 3.5 percent butterfat content received during the delivery period at the following places for which prices are reported to the market administrator by the listed companies or by the United States Department of Agriculture (or by such other Federal agency as may hereafter be authorized to perform this price reporting function), plus 22 cents: *Provided further*, That in no event shall the price

for Class III milk be less than the price computed under (4) of this paragraph.

Concern: Location
Borden Co. Black Creek, Wis.
Borden Co. Greenville, Wis.
Borden Co. Mount Pleasant, Mich.
Borden Co. New London, Wis.
Borden Co. Orfordville, Wis.
Carnation Co. Berlin, Wis.
Carnation Co. Jefferson, Wis.
Carnation Co. Chilton, Wis.
Carnation Co. Oconomowoc, Wis.
Carnation Co. Richland Center, Wis.
Carnation Co. Sparta, Mich.
Pet Milk Co. Belleville, Mich.
Pet Milk Co. Coopersville, Mich.
Pet Milk Co. Hudson, Mich.
Pet Milk Co. New Glarus, Wis.
Pet Milk Co. Wayland, Mich.
White House Milk Manitowoc, Wis.
Co.
White House Milk West Bend, Wis.
Co.

(4) *Class IV milk.* The price per hundredweight for Class IV milk shall be that resulting from the following computation by the market administrator: multiply by 4 the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture (or by such other Federal agency as may hereafter be authorized to perform this price reporting function) for the delivery period during which such milk was received, add 20 percent, and add or subtract 3½ cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption is above or below, respectively, 5½ cents per pound. The price per pound of dry skim milk to be used in this subparagraph shall be the arithmetical average of the carlot prices for both spray and roller process dry skim milk for human consumption, f. o. b. manufacturing plant, as reported by the United States Department of Agriculture (or by such other Federal agency as may hereafter be authorized to perform this price reporting function) for the Chicago area during the delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such dry skim milk for the previous delivery period. In the event the carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, are not so reported the arithmetical average of the carlot prices for both spray and roller process dry skim milk for human consumption, delivered at Chicago, shall be used and the figure "7½" shall be substituted for "5½" in the formula set forth above in this subparagraph.

(b) *Basic formula price to be used in determining Class I and Class II prices.* The basic formula price to be used in determining the prices per hundredweight of Class I and Class II milk, set forth in this section, shall be the price for Class III milk determined pursuant to (a) (3) of this section, the price for Class IV milk determined pursuant to (a) (4) of this section, or that derived from the following formula, whichever is the highest:

(1) Multiply the average wholesale price per pound of 92-score butter at Chicago for the delivery period as re-

ported by the United States Department of Agriculture (or by such other Federal agency as may hereafter be authorized to perform this price reporting function), by six (6):

(2) Add 2.4 times the average weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price of "Cheddars" shall be deemed to be the prevailing price for "Twins" and shall be used in determining the price pursuant to this formula;

(3) Divide by seven (7) the sum so determined, being hereafter referred to in this paragraph as the "combined butter and cheese value";

(4) To the combined butter and cheese value add 30 percent thereof; and

(5) Multiply the sum computed in (4) of this paragraph by 4.

(c) *Butterfat differential to handlers.* If any handler has received from producers milk containing more or less than 4 percent of butterfat, such handler shall add or deduct, per hundredweight of milk, for each one-tenth of 1 percent of butterfat above or below 4 percent, an amount computed as follows: to the average wholesale price per pound of 92-score butter in the Chicago market, as computed under (a) (4) of this section, add 20 percent, and divide the resulting sum by 10.

(d) *Class volume reconciliation adjustment.* For the amount of milk involved in any reconciliation of class volumes of milk, pursuant to § 967.4 (e), the handler shall be debited or credited, as the case may be, at the Class IV price.

§ 967.6 Application of provisions—(a) *Handlers who are also producers.* No provision hereof shall apply to a handler whose sole sources of supply are receipts from his own production and from other handlers or to a handler who does not receive milk at an approved plant, except that such handlers shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(b) *Payment for milk received from sources determined as other than producers or other handlers.* If any handler has received milk or butterfat from sources determined as other than producers or other handlers, the market administrator, in computing the value of milk for such handler pursuant to § 967.7, shall consider such milk or the milk equivalent of such butterfat as Class IV milk. If the receiving handler uses such milk or butterfat for other than Class IV purposes, such handler shall pay to producers, through the producer-settlement fund, the difference between the value of such milk or butterfat at the Class IV price and its value according to actual utilization by the handler. This provision shall not apply to milk or butterfat from sources determined as other than producers or handlers, if such handler can prove to the market administrator that such milk or butterfat was used for purposes which did not violate any regulations issued by the health authorities as referred to in § 967.1 (e).

(c) *Payment for excess milk or butterfat.* In the event that a handler, after subtracting his own production, receipts from other handlers, and receipts from sources determined as other than producers or other handlers, has disposed of milk and/or butterfat in excess of the milk and/or butterfat which, on the basis of his reports, has been credited to his producers as having been received from them, such handler shall pay to producers, through the producer-settlement fund, the value of such milk and/or the milk equivalent of such butterfat in accordance with its utilization.

§ 967.7 *Determination of uniform price—(a) Net pool obligation of handlers.* Subject to the provisions of § 967.6, the net pool obligation of each handler for milk received from producers during each delivery period shall be a sum of money computed for such delivery period as follows:

(1) Multiply the net pool milk in each class, computed pursuant to § 967.4, by the respective class price, with the appropriate differential applicable pursuant to § 967.5 (c), and add together the resulting values.

(2) Deduct, if the average butterfat content of all milk received from producers is in excess of 4 percent, and add, if the average butterfat content of all milk received from producers is less than 4 percent, the total value of the butterfat differential applicable pursuant to § 967.8 (b).

(b) *Computation of the uniform price.* The market administrator shall compute the uniform price per hundredweight of milk for each delivery period as follows:

(1) Combine into one total the net pool obligations of all handlers, computed pursuant to (a) of this section, who made the reports pursuant to § 967.3 (a) (1) for such delivery period and the payments required by § 967.8 (d) for the delivery period immediately preceding;

(2) Add the amount of cash balance in the producer-settlement fund;

(3) Divide the result by the total quantity of net pool milk of all handlers whose reports are included in this computation; and

(4) Subtract not less than 4 cents nor more than 5 cents to provide against errors and delinquencies in reports and in payments by handlers. The result shall be known as the uniform price for milk containing 4 percent of butterfat received from producers.

§ 967.8 *Payment for milk—(a) Time and method of payment.* On or before the 19th day after the end of each delivery period each handler shall pay each producer, for milk received during the delivery period, an amount of money representing not less than the total value of such milk, at the uniform price per hundredweight, computed pursuant to § 967.7 (b), subject to the butterfat differential set forth under (b) of this section.

(b) *Butterfat differential to producers.* For each one-tenth of 1 percent of average butterfat content above or below 4 percent in milk received from any producer during the delivery period, the uni-

form price to be paid to such producer shall be plus or minus, as the case may be, an amount computed as follows: to the average wholesale price per pound of 92-score butter in the Chicago market, as computed under § 967.5 (a) (4), add 20 percent, and divide the resulting sum by 10.

(c) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to (d) and (f) and out of which he shall make all payments to handlers pursuant to (e) and (f) of this section: *Provided.* That the market administrator shall offset any such payment due to any handler against payments due from such handler. Immediately after computing the uniform price for each delivery period, the market administrator shall compute the amount by which each handler's net pool obligation, including the payments to producers which are required to be made pursuant to § 967.6, is greater or less than the sum obtained by multiplying such handler's net pool milk by the uniform price and shall enter such amount on each handler's account as such handler's pool debit or pool credit, as the case may be, and shall render such handler a transcript of his account.

(d) *Payments to the producer-settlement fund.* On or before the 17th day after the end of each delivery period each handler shall make full payment to the market administrator of any pool debit balance shown on the account rendered pursuant to (c) of this section for such delivery period.

(e) *Payments out of the producer-settlement fund.* On or before the 18th day after the end of each delivery period, the market administrator shall pay to each handler the pool credit balance shown on the account rendered pursuant to (c) of this section for such delivery period, less any unpaid obligations of the handler. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who, on the 18th day after the end of each delivery period, has not received the balance of the payment due him from the market administrator shall be deemed to be in violation of (a) of this section if he reduces his total payments uniformly to all producers by not more than the amount of the reduction in payment from the producer-settlement fund.

(f) *Adjustment of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to the producer-settlement fund pursuant to (d) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler, within 5 days, shall make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any

handler, pursuant to (e) of this section, the market administrator, within 5 days, shall make such payment to such handler. Whenever verification by the market administrator of the payment by handler to any producer, for milk received by such handler, discloses payment to such producer of less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payment to producers next following such disclosure.

§ 967.9 *Expense of administration.* As his prorata share of the expense of the administration hereof, each handler, except those handlers described under § 967.6 (a), shall pay to the market administrator, on or before the 17th day after the end of each delivery period, an amount not exceeding 4 cents a hundredweight (the exact amount to be determined by the market administrator, subject to review by the War Food Administrator) with respect to all milk received by him during such delivery period from producers, from sources other than producers or other handlers, including emergency milk, and from his own production: *Provided,* That each handler which is a cooperative association shall pay such prorata share of expense of administration only on that milk of producers actually received at a plant of such cooperative association or caused to be delivered by such cooperative association to a plant from which no milk is disposed of in the marketing area.

§ 967.10 *Marketing services—(a) Marketing service deduction.* In making payments to producers pursuant to § 967.8, each handler, with respect to all milk received from each producer during each delivery period at a plant not operated by a cooperative association of which such producer is a member, shall, except as set forth in (b) of this section, deduct 3 cents per hundredweight (or such lesser amount as the market administrator shall determine to be sufficient, such determination to be subject to review by the War Food Administrator), and shall, on or before the 17th day after the end of such delivery period, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator for verification of weights, samples, and tests of milk received from such producers and in providing for market information to such producers. The market administrator may contract with an association, or associations, of producers for the furnishing of the whole or any part of such services to, or with respect to the milk received from, such producers.

(b) *Marketing service deductions with respect to members of a producers' cooperative association.* In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members and for whom a cooperative association qualified under the provisions of the act of Congress of February 18, 1922, known as the Capper-Volstead Act, is actually performing the services set forth in (a) of this section, each han-

lder shall, in lieu of the deductions specified in (a) of this section, make such deductions from payments made pursuant to § 967.8 as may be authorized by such producers, and pay over, on or before the 17th day after the end of each delivery period, such deductions to the association rendering such service of which such producers are members.

§ 967.11 Effective time, suspension, or termination—(a) Effective time. The provisions hereof, or any amendment hereto, shall become effective at such time as the War Food Administrator may declare and shall continue in force until suspended, or terminated, pursuant to (b) of this section.

(b) Suspension or termination. Any or all of the provisions hereof, or any amendment hereto, shall be suspended or terminated as to any or all handlers after such reasonable notice as the War Food Administrator may give and, in any event, shall terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) Continuing power and duty of the market administrator. (1) If, upon the suspension or termination of any or all provisions hereof there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the War Food Administrator so directs, be performed by such other person, persons, or agency as the War Food Administrator may designate.

(2) The market administrator, or such other person as the War Food Administrator may designate, shall (i) continue in such capacity until removed, (ii) from time to time account for all receipts and disbursements and when so directed by the War Food Administrator deliver all funds on hand, together with the books and records of the market administrator or such person, to such person as the War Food Administrator shall direct, and (iii) if so directed by the War Food Administrator, execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) Liquidation after suspension or termination. Upon the suspension or termination of any or all provisions hereof the market administrator, or such person as the War Food Administrator may designate, shall, if so directed by the War Food Administrator, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or

such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 967.12 Agents. The War Food Administrator may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 967.13 Emergency price provision. Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk products for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the War Food Administrator determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the War Food Administrator to be equivalent to or comparable with the price specified.

Issued at Washington, D. C., this 22d day of June 1943, to be effective on and after the 1st day of July 1943.

CHESTER C. DAVIS,
War Food Administrator.

Approved: June 25, 1943.

FRED M. VINSON,
Director of Economic Stabilization.

[F. R. Doc. 43-10251; Filed, June 25, 1943;
4:57 p. m.]

Chapter XI—War Food Administration

[FDO 17, Amdt. 2]

PART 1407—DRIED FRUIT

RAISIN VARIETY GRAPES, ZANTE CURRANT GRAPES, RAISINS, AND ZANTE CURRANTS

Pursuant to the provisions of Executive Order No. 9280, dated December 5, 1942, and Executive Order No. 9322, dated March 26, 1943, as amended by Executive Order No. 9334, dated April 19, 1943, and in order to assure an adequate supply and efficient distribution of raisin variety grapes, Zante Currant grapes, raisins, and Zante Currants to meet war and essential civilian needs, *It is hereby ordered*, That Food Distribution Order No. 17 (8 F.R. 1706) issued by the Secretary of Agriculture on January 30, 1943, as amended, relative to raisin variety grapes, be, and the same hereby is, further amended as follows:

1. By inserting after § 1407.2 (a) (8) the following additional provisions:

(9) The term "producer" means any person engaged in the production of raisin variety grapes or Zante Currant grapes; and such term includes, but is not limited to, any owner of such grapes at the time of the harvesting or picking of such grapes.

(10) The term "dehydrator" means any person engaged in the business of drying raisin variety grapes or Zante Currant grapes by the use of artificial heat or by sun drying.

2. By deleting the provisions in § 1407.2 (b) (1) and inserting, in lieu thereof, the following:

No producer may sell or deliver raisin variety grapes or Zante Currant grapes, produced in 1943, except (i) to the Food Distribution Administration (including, but not being limited to, the Federal Surplus Commodities Corporation) or (ii) to any person designated by the Director or (iii) to a dehydrator for the purpose of converting such grapes into raisins or Zante Currants. No producer may, unless specifically authorized by the Director, use more than 100 pounds of raisin variety grapes or Zante Currant grapes for any purpose other than for conversion into raisins.

3. By deleting the provisions in § 1407.2 (b) (2) and inserting, in lieu thereof, the following:

(2) No person may purchase or accept delivery of raisin variety grapes or Zante Currant grapes, produced in 1943, for any purpose other than for conversion into raisins or Zante Currants, unless specifically authorized by the Director.

The provisions hereof shall become effective at 12:01 a. m., e. w. t., June 26, 1943. With respect to any violation of said Food Distribution Order No. 17, as amended, prior to the effective time of this amendment, said Food Distribution Order No. 17, as heretofore amended, shall be deemed to continue to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 25th day of June 1943.

CHESTER C. DAVIS,
War Food Administrator.

[F. R. Doc. 43-10267; Filed, June 26, 1943;
11:49 a. m.]

[FDO 27, Amdt. 4]

PART 1410—LIVESTOCK AND MEATS

LIVESTOCK; SLAUGHTER PERMITS

Food Distribution Order No. 27 (8 F.R. 2785), issued by the Secretary of Agriculture on March 5, 1943, as amended, § 1410.4, is further amended as follows:

1. By adding at the end of (a) thereof, the following:

(14) The term "custom slaughter" means the killing, for meat production, of livestock for the owner by any person other than such owner.

2. By adding at the end of (b) thereof, the following:

(3) No person who has not obtained a permit to slaughter livestock pursuant to the requirements of (b) (1) hereof, or who has not registered under the provisions of Meat Restriction Order No. 1, as amended, shall, after July 1, 1943, custom slaughter any livestock unless he has a valid and effective permit, issued under this paragraph (b) (3), at the time of such slaughter. Applications shall be directed to such permit-issuing agencies as may be designated by the Director, and shall certify that the applicant's establishment has minimum sanitary facilities, as defined in this order, and has adequate facilities for the conservation and preservation of all edible and principal inedible by-products.

3. By adding at the end of (d) thereof, the following:

(4) No person (except persons registered as slaughterers under the provisions of Meat Restriction Order No. 1, as amended), shall custom slaughter any livestock unless, not later than the end of the month in which such custom slaughter is done, he obtains from the owner of the livestock so slaughtered, a certification signed by such owner acknowledging ownership of such livestock and receipt of the meat obtained therefrom, and setting forth the following:

(i) The name and address of the owner of the livestock.

(ii) The registration number (under Meat Restriction Order No. 1, as amended), or the permit number (under this order), of the owner. In the case of a farm slaughterer who has no permit, a statement that the meat is for home consumption will be deemed a compliance with this requirement.

(iii) The number of head and the dressed or live weight of each type slaughtered and the date or dates of slaughter.

(iv) The date or dates of delivery of the meat obtained from such livestock.

Certificates shall be signed by the owner and by the custom slaughterer, and shall be retained by the latter for a period of two years. Statements contained in or accompanying such certifications shall be deemed representations to an agency of the United States. Certificate forms may be obtained upon application to the State War Board. Any local slaughterer, butcher, or farm slaughterer who fails to obtain such certification or to produce the same upon request by the Director shall, in addition to all other penalties provided for violations of this order, have charged against his quota the amount of any livestock so custom slaughtered. This record-keeping requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

4. By amending (e) (3) thereof to read as follows:

(3) In the absence of the establishment of quotas by the Director, the quota for each butcher in any one month shall be his choice of (i) the number of each type of livestock which he slaughtered in the corresponding month of 1941, or

(ii) the total live weight of livestock which he slaughtered in the corresponding month of 1941. Quotas for butchers for each type of livestock in any one month may be established by the Director, and may be based upon the amount of slaughter by such butcher in the corresponding month of 1941, or the amount of slaughter in any other period which the Director deems appropriate.

5. By amending (e) (6) thereof to read as follows:

(6) Notwithstanding any other provisions of this paragraph (e), the quota for any local slaughterer, butcher, or farm slaughterer may be reduced by the Director during as many successive periods as may be necessary to make the amounts of such reductions equal (i) the amounts by which the Office of Price Administration has determined or the Director determines that his deliveries during the period between October 1, 1942, and March 31, 1943, have exceeded the amounts permitted under Meat Restriction Order No. 1, as amended, or (ii) the amounts by which the Director determines that his slaughter during any period has exceeded the amounts permitted under this order.

6. By adding at the end of (e) thereof the following:

(11) The Director may adjust the quota or quota base of any person subject to this order if he determines that such quota or quota base has been erroneously issued or granted, or is based upon false or erroneous information.

7. By deleting the last sentence of (k), and inserting in lieu thereof the following:

* * * A permit issued to any person under this order may be revoked by the Director for any of the following causes:

(1) A determination by the Director that slaughter under such permit has been conducted in the absence of minimum sanitary facilities, or adequate facilities for the conservation and preservation of all edible or principal inedible by-product;

(2) A determination by the Director that such permit has been erroneously issued or granted, or is based on false or erroneous information;

(3) The revocation of such person's slaughtering permit or license by a State or political subdivision thereof, for violation of any health or sanitary law, ordinance, or regulation of such State or political subdivision;

(4) The revocation of such person's license by the Office of Price Administration for violation of price or rationing regulations.

This order shall become effective at 12:01 a. m., e. w. t., June 30, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 933 4,8 F.R. 5423)

Issued this 25th day of June 1943.

CHESTER C. DAVIS,
War Food Administrator.

[F. R. Doc. 43-10265; Filed, June 26, 1943;
11:49 a. m.]

[FDO 27-3]

PART 1410—LIVESTOCK AND MEATS

LIVESTOCK; SLAUGHTER PERMITS

Pursuant to the authority vested in me by Food Distribution Order 27 (8 F. R. 2785), issued and amended pursuant to Executive Order No. 9280, dated December 5, 1942, and Executive Order No. 9322, dated March 26, 1943, as amended by Executive Order No. 9334, dated April 19, 1943, and to effectuate the purposes of such orders: *It is hereby ordered*, As follows:

§ 1410.11 Submission of evidence of 1941 or 1942 slaughter; applications for permits to custom slaughter. (a) Every local slaughterer and butcher who holds a permit to slaughter under Food Distribution Order 27, as amended, shall submit to the County War Meat Committee of the County War Board for the county in which such permit was issued evidence substantiating the amount of his 1941 slaughter upon which his quota is based, or if he did not slaughter during the corresponding period of 1941, he shall submit evidence of his 1942 slaughter upon which his quota is based. Such evidence shall form the basis for any necessary adjustments in quotas or quota bases. Evidence which will be considered in making such adjustments may consist of:

(1) His books and records, copies thereof, or statements taken therefrom; or

(2) Invoices, statements, books or records, or copies thereof or statements taken therefrom, of persons to whom he has sold hides; or

(3) Books and records, copies thereof, or statements taken therefrom, of persons, including auction markets, from whom he has purchased livestock; or

(4) Grading certificates, inspection records, or copies thereof or statements taken therefrom; or

(5) Any other information which is pertinent, or which the Director may require with respect to the amount of slaughter during the period upon which the quota is based, if he determines that the evidence submitted under (a) (1), (2), (3), or (4) is insufficient to show the amount of such slaughter. (This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.) The permit of any local slaughterer or butcher who fails to furnish such evidence on or before July 15, 1943, may be revoked by the Director.

(b) Persons who are required, under the provisions of (b) (3) of Food Distribution Order 27, as amended, to secure permits to custom slaughter livestock may submit applications for such permits to the County War Meat Committee of the County War Board for the county in which such person is located.

(c) This order shall become effective at 12:01 a. m., e. w. t., June 30, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322; 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 27, 8 F.R. 2785, 4227, 5700, 7739)

Issued this 25th day of June 1943.

Roy F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-10266; Filed, June 26, 1943;
11:49 a. m.]

[FDO 44, Amdt. 1]

**PART 1465—FISH AND SHELLFISH
CONSERVATION AND DISTRIBUTION**

Food Distribution Order No. 44 (8 F.R. 4227), § 1465.20, issued under the authority of the Secretary of Agriculture on April 1, 1943, is amended by deleting the provisions of § 1465.20 thereof and inserting, in lieu thereof, the following:

§ 1465.20 Allocation and restriction on sales of 1943 pack of canned fish and canned shellfish—(a) Definitions. When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "canner" means any person who is the first owner of canned fish or canned shellfish.

(2) The terms "canned fish" and "canned shellfish" mean fish and shellfish, respectively, which have been packed in the Continental United States or in the Territory of Alaska for commercial purposes in hermetically sealed metal or glass containers and sterilized in the containers by the use of heat.

(3) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(4) The term "pack" means the total amount, by net weight, of all grades of fish and shellfish enumerated in groups 1 to 6, inclusive, in (b) (1) hereof, packed by any canner during the period from April 1, 1943, to February 29, 1944, inclusive, and the total amount, by net weight, of all grades of fish enumerated in groups 7 to 10, inclusive, in (b) (1) hereof, packed by any canner during the period from April 1, 1943, to June 27, 1943, inclusive.

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

(6) The term "governmental agency" means the Food Distribution Administration or any other agency or instrumentality of the United States designated by the Director.

(7) The term "delivery to governmental agencies" means the transfer of title of the canned fish or canned shellfish to any governmental agency; and such delivery may be evidenced by execution of bill of lading, receipt, or other document acceptable to the Director or the designated governmental agency.

(b) **Restrictions on canners.** (1) No canner, after the effective date of this

order, may sell or deliver any part of his pack as defined in (a) (4) hereof of the fish or shellfish enumerated in this paragraph, except as permitted by the provisions of this order. The fish and shellfish included in this order are, by groups, as follows:

Group 1: *Salmon*. Red, sockeye or blueback (*Oncorhynchus nerka*); Pink (*Oncorhynchus gorbuscha*); Silver, silverside, medium red, or coho (*Oncorhynchus kisutch*); Chum or keta (*Oncorhynchus keta*); King, chinook or spring (*Oncorhynchus tshawytscha*); Steelhead, or steelhead trout (*Salmo trutta* and *S. Clarki*, sometimes called *S. Gairdneri*).

Group 2: *Pilchard*. (*Sardinia caerulea*), by whatever name known, including sardines.

Group 3: *Sea herring*. Atlantic (*Clupea harengus*), by whatever name known, including sardines.

Group 4: *Atlantic mackerel*. (*Scomber scombrus*).

Group 5: *Pacific mackerel*. (*Pneumatophorus japonicus diego*); *Pacific horse mackerel*: (*Trachurus symmetrus*).

Group 6: *Shrimp*. (*Peneus setiferus* and *Peneus brasiliensis*).

Group 7: *White-meat tuna*. Albacore, or long-finned (*Germo alalunga*).

Group 8: *Light-meat tuna*. Yellowfin (*Neothunnus macropterus*): Skipjack, or striped (*Katsuwonus pelamis*, sometimes called *Euthynnus pelamis*); Bluefin, or leaping (*Thunnus thynnus*, sometimes called *Thunnus saliens*).

Group 9: *Yellowtail*. (*Seriola dorsalis*).

Group 10: *Bonito*. (*Sarda chiliensis*).

(2) Any canner may deliver to such governmental agencies as the Director may designate, the quotas, but not in excess of such quotas, specified in (b) (3) hereof, of the canned fish or canned shellfish listed in groups 1 to 6, inclusive, in (b) (1) hereof, packed at any time by such canner during the period from April 1, 1943, to February 29, 1944, inclusive, and the quotas, but not in excess of such quotas, specified in (b) (3) hereof, of the canned fish listed in groups 7 to 10, inclusive, packed at any time by such canner during the period from April 1, 1943, to June 27, 1943, inclusive.

(3) The following percentages by net weight are hereby established as each canner's quota percentages for sale to governmental agencies, of his pack of fish or shellfish enumerated in (b) (1) hereof packed by such canner:

Not less than 54 percent and not more than 56 percent of each of the species of group 1 packed at any time from April 1, 1943, to February 29, 1944, inclusive; not less than 54 percent and not more than 56 percent of each of the groups of fish or shellfish listed in groups 2 to 6, inclusive, packed at any time from April 1, 1943, to February 29, 1944, inclusive; and not less than 59 percent and not more than 61 percent of each of the groups of fish listed in groups 7 to 10, inclusive, packed at any time from April 1, 1943, to June 27, 1943, inclusive.

(4) Notwithstanding any provision of Food Distribution Regulation No. 2 or of any other regulation or order to the contrary, the Food Distribution Administration is hereby allocated the quantities prescribed in (b) (3) of this order,

and authorized to purchase, for governmental agencies those quantities, designated as each canner's quota, and such other and further quantities as may be allocated to it from time to time.

(5) Any canner, who, during any period beginning with April 1, 1943, and ending not later than February 29, 1944, inclusive, has delivered to governmental agencies the quota of his pack, stated in (b) (3) hereof, may deliver to persons other than governmental agencies the remainder of his pack, packed in that period; and such remainder of the pack may be delivered by such canner in advance of delivery of his quota to governmental agencies, if so authorized by the Director.

(6) The Director may issue specifications at any time as to the packing of the canned fish or canned shellfish, the containers, container treatment, can marking, labeling, boxing, and strapping in connection therewith, or he may authorize any governmental agency to issue such specifications. Any person subject to the provisions of this order shall comply with any such specification, issued by the Director or authorized governmental agency, applicable to the canned fish or canned shellfish processed by such person.

(c) **Inspection and grading.** Any canned fish or canned shellfish required to be set aside under this order shall be subject to inspection and grading at any time by the Director or any governmental agency designated by him.

(d) **Records and reports.** The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(e) **Audits and inspections.** The Director shall be entitled to make such audit or inspection of the books, records, and other writings, premises or stocks of canned fish or canned shellfish of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(f) **Applicability of order.** Any person doing business in one or more of the 48 States, the District of Columbia, or the Territory of Alaska, is subject to the provisions hereof, but the provisions hereof shall not apply to any person doing business in any other Territory or Possession of the United States with respect to such business.

(g) **Violations.** The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using canned fish or canned shellfish, or any other material subject to priority or allocation control by the War Food Administrator and may recommend that any

such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other government agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

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

(i) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Director of Food Distribution, United States Department of Agriculture, Washington, D. C. Ref. FD-44.

(j) *Previous requirements continued in effect.* With respect to violations of Food Distribution Order No. 44, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 44 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(k) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., June 28, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 25th day of June 1943.

CHESTER C. DAVIS,
War Food Administrator.

[F. R. Doc. 43-10268; Filed, June 26, 1943;
11:49 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 70—PRESCRIBED SERVICE UNIFORM OVERCOATS

In § 79.2 subdivision (vi) under paragraph (a) (1), is added as follows:

§ 79.2 *Adopted standard of cloths.* The standards of cloths are as follows:

(a) *For officers, warrant officers, flight officers, and contract surgeons—*

(1) *For winter uniforms.* * * *

(vi) *Overcoat, field, long—*(a) *Fabric.* Cotton cloth, wind resistant and water repellent poplin or twill, 5-ounce.

(b) *Color.* Olive-drab shade No. 2. (R.S. 1296; 10 U.S.C. 1391) [Par. 2, AR 600-35, 10 November 1941 as amended by C 21, 3 June 1943]

* * * * *

In § 79.9 subparagraph (2) under paragraph (c) is redesignated subparagraph (3) and a new subparagraph (2) is added as follows:

§ 79.9 *Coat.* * * *

(c) *Overcoat.* * * *

(2) *Field, long.* For officers, warrant officers, flight officers, and contract surgeons.

(i) *Material.* Of adopted standard (§ 79.2 (a) (vi)).

(ii) *In general.* A utility coat, two ply throughout, with a buttoned-in removable wool lining and detachable hood; double-breasted with convertible style roll collar and notch lapel, buttoned down the front with a double row of 30-ligne buttons, five on each side, with the top buttons approximately 10 inches apart and lower buttons approximately 7 inches apart, a diagonal buttonhole placed in lower corner of each front to button to side seams to facilitate marching. A yoke for right shoulder buttoned in front with a 30-ligne button, and a triangular throat piece provided with two buttonholes for 30-ligne buttons. Back to be plain with set-in cantle piece closed with a small loop and 30-ligne button. A detachable belt same material as coat with 2 1/4 inch tongueless bar buckle and belt keeper held in place by two side loops and a strap keeper and belt strap. Adjustable tabs to button at cuff of sleeves.

(iii) *Pockets.* Two diagonal hanging pockets, cut hand opening in lining, and finished with pointed flaps buttoning to the rear.

(iv) *Shoulder loops.* On each shoulder a loop about 5 inches in length, 2 1/2 inches in width at the lower end, and 1 1/2 inches in width at the upper end, which is slightly pointed, same material as the coat, let in at the sleeve head seam, buttoning at the upper end with a 30-ligne button.

(v) *Hood.* Detachable, two ply, of same material as overcoat, with four buttonholes for securing to overcoat and closed at throat with three 30-ligne buttons and at the face by a draw-cord inserted in a tunnel.

(vi) *Liners.* Made from an olive-drab wool fabric with inside yoke extending down 3 1/2 inches below armhole, and facing of olive-drab rayon fabric, 16 buttonholes for buttoning into overcoat body. Four buttons are positioned on right front for using as a separate garment. Two large patch pockets lined with silesia with diagonal slash above each pocket in line with openings through coat.

(3) *Short; for officers and warrant officers.* * * *

(R.S. 1296; 10 U.S.C. 1391) [Par. 9, AR 600-35, 10 November 1941, as amended by C 21, 3 June 1943]

[SEAL]

H. B. LEWIS,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 43-10253; Filed, June 26, 1943;
9:21 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aero-nautics, Department of Commerce

[Amend. 39 of Part 601]

PART 601—DESIGNATION OF AIRWAY TRAF-FIC, CONTROL AREAS, CONTROL ZONES OF INTERSECTION, CONTROL AIRPORTS AND RADIO FIXES

DESIGNATION OF KELLOGG FIELD, BATTLE CREEK, MICH. AS A CONTROL AIRPORT

JUNE 21, 1943.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and § 60.21 of the Civil Air Regulations, I hereby amend Part 601 of the regulations of the Administrator of Civil Aero-nautics as follows:

By amending § 601.3 so as to include in the proper alphabetical order the designation of the following airport as a control airport:

City: Name of airport
Battle Creek, Mich. Kellogg Field.

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

C. I. STANTON,
Administrator.

[F. R. Doc. 43-10336; Filed, June 26, 1943;
3:38 p.m.]

TITLE 24—HOUSING CREDIT

Chapter VI—Federal Public Housing Authority

AFFIDAVITS OF CHATTEL MORTGAGE AND OTHER CERTIFICATES AND DOCUMENTS

DELEGATION OF AUTHORITY

JUNE 21, 1943.

Delegation of authority to execute affidavits of chattel mortgage and other certificates and documents in connection with evidences of indebtedness of Metropolitan Housing Authorities.

Carleton F. Sharpe and Hugo C. Schwartz, as agents of the Federal Public Housing Authority, are severally authorized:

1. To execute Affidavits of Chattel Mortgage and any other certificates, affidavits or documents necessary or desirable in connection with recording any evidences of indebtedness issued by

metropolitan housing authorities created under the laws of the State of Ohio and held by the Federal Public Housing Authority.

2. To acknowledge payment of Advance Loan Notes secured by mortgages, issued by metropolitan housing authorities created under the laws of the State of Ohio and held by the Federal Public Housing Authority; to enter satisfaction therefor on such advance Loan Notes, or on the public record thereof, provided payment thereof had been made or the indebtedness otherwise discharged in accordance with the provisions of outstanding contracts or commitments; and to execute any other certificates, affidavits or documents necessary or desirable in connection with the cancellation of such Advance Loan Notes.

[SEAL]

HERBERT EMMERICH,
Commissioner.

[F. R. Doc. 43-10237; Filed, June 25, 1943;
9:51 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess-Profits Taxes

[T. D. 5276]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

CHARGES TO CAPITAL AND TO EXPENSE IN THE CASE OF OIL AND GAS WELLS

Section 19.23 (m)-16 of Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.] is amended as follows:

PARAGRAPH 1. By striking out the section number, the heading and opening words of the section, which reads, "§ 19.23 (m)-16 *Charges to capital and to expense in the case of oil and gas wells.* (a) Items chargeable to capital or to expense at the taxpayer's option:", and by inserting in lieu thereof the following:

§ 19.23 (m)-16 *Charges to capital and to expense in the case of oil and gas wells—(a) Taxable years beginning prior to January 1, 1943.* The provisions of this paragraph apply only to taxable years beginning prior to January 1, 1943.

(1) Items chargeable to capital or to expense at taxpayer's option:

PAR. 2. By striking out (b), (c), and (d) wherever occurring, and by inserting in lieu thereof (2), (3), and (4), respectively.

PAR. 3. By striking out (1), (2), and (3) wherever occurring, and by inserting in lieu thereof (i), (ii), and (iii), respectively.

PAR. 4. By striking out "This section" in the first sentence of paragraph (d), prior to its amendment by this Treasury decision, and by inserting in lieu thereof "Paragraph (a) of this section".

PAR. 5. By striking out "this section" in the first sentence of paragraph (c) (2),

prior to its amendment by this Treasury decision, and by inserting in lieu thereof "paragraph (a) of this section".

PAR. 6. By inserting at the end of the section the following:

(b) *Taxable years beginning after December 31, 1942.* The provisions of this paragraph apply only to taxable years beginning after December 31, 1942.

(1) Items chargeable to capital or to expense at taxpayer's option:

(i) Option with respect to intangible drilling and development costs incurred by an operator (one who holds a working or operating interest in any tract or parcel of land either as a fee owner or under a lease or any other form of contract granting working or operating rights) in the development of oil and gas properties: All expenditures made by an operator for wages, fuel, repairs, hauling, supplies, etc., incident to and necessary for the drilling of wells and the preparation of wells for the production of oil or gas, may, at the option of the operator, be deducted from gross income as an expense or charged to capital account. Such expenditures have for convenience been termed intangible drilling and development costs. They include the cost to operators of any drilling or development work (excluding amounts payable only out of production or the gross proceeds from production, and amounts properly allocable to cost of depreciable property) done for them by contractors under any form of contract, including turnkey contracts. Examples of items to which this option applies are, all amounts paid for labor, fuel, repairs, hauling, and supplies, or any of them, which are used (a) in the drilling, shooting, and cleaning of wells; (b) in such clearing of ground, draining, road making, surveying, and geological work as are necessary in preparation for the drilling of wells; and (c)

in the construction of such derricks, tanks, pipe lines, and other physical structures as are necessary for the drilling of wells and the preparation of wells for the production of oil or gas. In general, this option applies only to expenditures for those drilling and developing items which in themselves do not have a salvage value. For the purpose of this option labor, fuel, repairs, hauling, supplies, etc., are not considered as having a salvage value, even though used in connection with the installation of physical property which has a salvage value. Included in this option are all costs of drilling and development undertaken (directly or through a contract) by an operator of an oil and gas property whether incurred by him prior or subsequent to the formal grant or assignment to him of operating rights (a leasehold interest, or other form of operating rights, or working interest); except that in any case where any drilling or development project is undertaken for

the grant or assignment of a fraction of the operating rights, only that part of the costs thereof which is attributable to such fractional interest is within this option. In the excepted cases, costs of the project undertaken, including depreciable equipment furnished, to the extent allocable to fractions of the operating rights held by others, must be capitalized as the depletable capital cost of the fractional interest thus acquired.

(ii) If deductions for depreciation or depletion have either on the books of the taxpayer or in his returns of net income been included in the past in expense or other accounts, rather than specifically as depreciation or depletion, or if capital expenditures have been charged to expense in lieu of depreciation or depletion, a statement indicating the extent to which this practice has been carried should accompany the return.

(2) Recovery of optional items, if capitalized:

(i) Items returnable through depletion: If the taxpayer charges such expenditures as fall within the option to capital account, the amounts so capitalized and not deducted as a loss are returnable through depletion in so far as they are not represented by physical property. For the purposes of this section the expenditures for clearing ground, draining, road making, surveying, geological work, excavation, grading, and the drilling, shooting, and cleaning of wells, are considered not to be represented by physical property, and when charged to capital account are returnable through depletion.

(ii) Items returnable through depreciation: If the taxpayer charges such expenditures as fall within the option to capital account, the amounts so capitalized and not deducted as a loss are returnable through depreciation in so far as they are represented by physical property. Such expenditures are amounts paid for wages, fuel, repairs, hauling, supplies, etc., used in the installation of casing and equipment and in the construction on the property of derricks and other physical structures.

(iii) In the case of capitalized intangible drilling and development costs incurred under a contract, such costs shall be allocated between the foregoing classes of items for the purpose of determining the depletion and depreciation allowances.

(iv) Option with respect to cost of nonproductive wells: If the operator has elected to capitalize intangible drilling and development costs, then an additional option is accorded with respect to intangible drilling and development costs incurred in drilling a nonproductive well. Such costs incurred in drilling a nonproductive well may be deducted by the taxpayer as an ordinary loss provided a proper election is made in the return for the first taxable year begin-

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ning after December 31, 1942, in which such a nonproductive well is completed. Such election with respect to intangible drilling and development costs of nonproductive wells is a new election, and, when made, shall be binding for all subsequent years. Any taxpayer who incurs optional drilling and development costs in drilling a nonproductive well must make a clear statement of election under this option in the return for the first taxable year beginning after December 31, 1942, in which such nonproductive well is completed. The absence of a clear indication in such return of an election to deduct as ordinary losses intangible drilling and development costs of nonproductive wells shall be deemed to be an election to recover such costs through depletion to the extent that they are not represented by physical property, and through depreciation to the extent that they are represented by physical property.

(3) Nonoptional items distinguished:
(i) *Capital items.* The option with respect to intangible drilling and development costs does not apply to expenditures by which the taxpayer acquires tangible property ordinarily considered as having a salvage value. Examples of such items are the costs of the actual materials in those structures which are constructed in the wells and on the property, and the cost of drilling tools, pipe, casing, tubing, tanks, engines, boilers, machines, etc. The option does not apply to any expenditures for wages, fuel, repairs, hauling, supplies, etc., in connection with equipment, facilities, or structures, not incident to or necessary for the drilling of wells, such as structures for storing or treating oil or gas. These are capital items and are returnable through depreciation.

(ii) *Expense items.* Expenditures which must be charged off as expense, regardless of the option provided by paragraph (b) of this section, are those for labor, fuel, repairs, hauling, supplies, etc., in connection with the operation of the wells and of other facilities on the property for the production of oil or gas.

(4) Paragraph (b) of this section grants a new option with respect to intangible drilling and development costs incurred by an operator in a taxable year beginning after December 31, 1942 in the development of oil and gas properties, and requires a new election under such option. Any operator who incurs such costs must make a clear statement of election under this option in the return for the first taxable year beginning after December 31, 1942, in which such costs are incurred. The absence of a clear indication in such return of an election to deduct as expenses intangible drilling and development costs shall be deemed to be an election to recover such costs through

depletion to the extent that they are not represented by physical property, and through depreciation to the extent that they are represented by physical property. This election is binding for all subsequent years.

(Secs. 23 (m) and 62 of the Internal Revenue Code (53 Stat. 14, 32; 26 U.S.C., 1940 ed., 23 (m), 62))

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: June 25, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43-10260; Filed, June 26, 1943;
10:43 a. m.]

[T.D. 5273]

PART 178—PRODUCTION, FORTIFICATION,
TAX PAYMENT, ETC., OF WINE

WINE STAMPS

Pursuant to sections 3040 (a), 3300 (a), 3301, 3175 and 3176, Internal Revenue Code, paragraphs 206 and 209 of Regulations No. 7 (26 CFR, Part 178, §§ 178-206, 178.209) are amended to read as follows:

PAR. 206 *Purchase and use.* Wine tax stamps shall be purchased by winemakers from the collector of internal revenue of the district in which the winery or store-room is located. Stamps may not be purchased by one winemaker from another, or from rectifiers, nor may they, except in cases of emergency, be purchased from collectors of other districts. Wine tax stamps may be sold only to proprietors of bonded wineries, bonded storerooms, and bonded field warehouses (and rectifying plants, as provided in Regulations 15), and then only for the payment of tax on wine. Proprietors of bonded wineries or bonded storerooms shall not sell or transfer wine stamps, except that they may (1) when the winery or store-room is discontinued transfer such stamps to other bonded premises operated by themselves, as provided in paragraph 213; or (2) return such stamps for redemption, as provided in paragraph 212. Wine tax stamps, used or unused, may not be purchased, sold, or possessed, except as specifically provided by law or regulations. (Secs. 3040 (a), 3300 (a), 3175, 3176, I. R. C.)

PAR. 209 *Obliteration of stamps, marks, labels, and tags.* Every person who empties any receptacle to which wine stamps are attached shall destroy such stamps; and if the receptacle is a cask, barrel, keg, tank, tank truck, or railroad tank car, he shall scrape or obliterate the marks, labels, or tags thereon. Wine stamps shall be destroyed by scraping or obliterating, immediately the receptacles to which

they are attached are emptied. Marks, labels, or tags on all casks, barrels, kegs, tanks, tank trucks, or tank cars, containing wine, shall also be scraped or obliterated immediately upon emptying. (Secs. 3301, 3176, I. R. C.)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: June 25, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43-10257; Filed, June 26, 1943;
10:43 a. m.]

[T.D. 5275]

PART 188—BOTTLING OF DISTILLED SPIRITS
IN BOND

REMOVAL OF STRIP STAMPS PROHIBITED

Pursuant to sections 2903 and 3176, Internal Revenue Code, Regulations 6 (26 CFR, Part 188) is amended by adding after § 188.108 a new section designated § 188.108a to read as follows:

§ 188.108a *Removal prohibited.* Strip stamps which have been affixed to bottles of distilled spirits shall not be removed therefrom, except in the process of destruction when the bottles are opened; and such stamps, used or unused, may not be purchased, sold or possessed, except as specifically provided by law or regulations.

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved June 25, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43-10259; Filed, June 26, 1943;
10:43 a. m.]

[T.D. 5274]

PART 190—RECTIFICATION OF SPIRITS AND
WINES

WINE STAMPS

Pursuant to sections 2801 (e), 2866, 3175, 3176, 3300 (a), and 3301, Internal Revenue Code, §§ 190.310 and 190.388 of Regulations 15 (26 CFR, Part 190) are amended to read as follows:

§ 190.310 *Purchase and use.* Such wine stamps shall be purchased by the rectifier only from the collector of the district in which the rectifying plant is located. Stamps may not be purchased by one rectifier from another nor from winemakers or any other person than the collector. Wine stamps may be sold to rectifiers only for the payment of tax on rectified products subject to tax under section 3030 (a), I. R. C. Rectifiers shall

not sell or transfer wine stamps, except that they may (1) when the rectifying plant is discontinued transfer such stamps to other bonded premises operated by themselves where the use of such stamps is required, or (2) return them for redemption under the conditions specified in section 3304, I. R. C. Wine tax stamps, used or unused, may not be purchased, sold, or possessed, except as specifically provided by law or regulations. (Secs. 2801 (e) and 3176; secs. 3300 (a), 3175, I. R. C.)

§ 190.388 *Immediate destruction required.* All stamps must remain on the package until the contents are emptied therefrom. When a package of distilled spirits is emptied, all stamps thereon must be completely effaced and obliterated. Every person who empties any receptacle to which wine stamps are attached shall destroy such stamps by scraping or obliterating the same immediately the receptacle is emptied; and if the receptacle is a cask, barrel, keg, or similar container he shall scrape or obliterate the marks and brands therefrom. The responsibility for destroying stamps on empty packages rests upon the person emptying the same. (Secs. 2801 (e) and 3176; secs. 2866, 3301, I. R. C.)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: June 25, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43-10258; Filed, June 26, 1943;
10:43 a. m.]

hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JUNE 26, 1943.

[F. R. Doc. 43-10316; Filed, June 26, 1943;
2:20 p. m.]

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Directive 25]

APPROVAL OF RENT PROPOSED BY OWNERS OF PRIVATE WAR HOUSING

§ 903.37 Directive 25. (a) The National Housing Agency is hereby authorized to approve the original permitted total monthly payments (exclusive of payments for use of household furniture), which may be accepted from or required of a tenant of a private war housing project. All such payments for any one dwelling unit shall not exceed \$50 per month plus \$3 per room per month for tenant services, plus a reasonable price for garage space, plus the actual cost on a prorata basis of tenant gas and electricity. The tenant services and garage space to be supplied, and the charges therefor, if any, shall be set forth clearly.

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

Issued this 26th day of June 1943.

C. E. WILSON,
Executive Vice Chairman.

[F. R. Doc. 43-10308; Filed, June 26, 1943;
11:56 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 192]

LOCAL BOARD ACTION REPORT

ORDER REVISING FORM

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

Revision of DSS Form 110, entitled "Local Board Action Report," effective immediately upon the filing hereof with the Division of the Federal Register. The supply of DSS Form 110 on hand will be used until exhausted.

The foregoing revision shall become a part of the Selective Service Regulations effective immediately upon the filing

¹ Form filed as part of the original document.

without further processing, to depress the freezing point of coolant water in internal combustion engines.

(2) "Glycol anti-freeze" means any anti-freeze which is complete and ready for use without the addition of any further ingredients other than water, which does not consist of glycols alone, but which is composed of at least fifty percent ethylene glycol.

(b) *Restrictions on purchase, receipt and use of containers.* No producer or wholesale distributor of anti-freeze shall purchase, accept delivery of or use any new container having a capacity of less than five gallons for commercially packing any anti-freeze other than glycol anti-freeze.

(c) *Restrictions on manufacture, sale and delivery of containers for anti-freeze.* No person shall manufacture, sell or deliver any new container having a capacity of less than five gallons which he knows, or has reason to believe will be used for commercially packing any anti-freeze other than glycol anti-freeze.

(d) *Exceptions.* (1) This order shall not prevent any person from completing the sale or delivery of any containers which were in transit to the user on June 26, 1943, nor shall it prevent any person from accepting or using any container which was in his hands or in transit to him on said date for the packaging of anti-freeze other than glycol anti-freeze.

(2) This order shall not prevent any person from manufacturing, selling, purchasing, delivering, accepting delivery of, or using any container for packing any anti-freeze to be delivered to or for the account of the Army, Navy, Marine Corps, Maritime Commission, or War Shipping Administration of the United States.

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

(2) *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.

(3) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Containers Division, War Production Board, Washington, D. C. Ref: L-307.

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

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 3270—CONTAINERS

[Limitation Order L-307]

PACKAGES FOR ANTI-FREEZE

The fulfillment of requirements for the defense of the United States having created a shortage in the supply of certain types of containers for defense, for private account, and for export, the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3270.32 Limitation Order L-307—
(a) *Definitions.* For the purposes of this order:

(1) "Anti-freeze" means any mixture that is designed and intended for use,

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or using, material under priority control and may be deprived of priorities assistance.

Issued this 26th day of June 1943.

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

[F. R. Doc. 43-10303; Filed, June 26, 1943;
11:56 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-340]

STANDARD STEEL PRODUCTS COMPANY

Bernard W. Stein, Abraham Stein, Harold H. Stein and J. R. Stein are co-partners, doing business as Standard Steel Products Company, 12,285 Schaeffer Road, Detroit, Michigan. They are engaged in the business of maintaining and operating a steel warehouse at the aforesaid address. They are also financially interested in Western Sales and Supply Company of Los Angeles, California.

During the first quarter of 1942 Standard Steel Products Company accepted delivery of 383.1 tons of steel plate, designated as Product Classification No. 3, and during the second quarter of 1942 it accepted delivery of 37.4 net tons of steel bars, designated as Product Classification No. 7, without having a quota as required by Supplementary Order M-21-b as amended.

During July 1942, the Standard Steel Products Company appropriated preference ratings which had been extended to the Western Sales & Supply Company on purchase orders for steel products delivered from its warehouse stock for one or more product classifications of steel, and grouped such ratings and extended them to producers on Form PD-83-g to obtain delivery of one steel product classification for delivery to the Standard Steel Products Company warehouse stock in Detroit, Michigan.

During June and July 1942, the respondent made 24 deliveries of steel, totalling 132.3 tons, on unrated orders.

During July and August, 1942, Standard Steel Products Company made deliveries of 376 tons of steel in more than minimum earload lots without the approval of the War Production Board.

The partners above-named were familiar with Conservation Order M-21-b, and the aforesaid violations therefore must be deemed wilful. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.340 Suspension Order No. S-340. (a) During the term of this order, Bernard W. Stein, Abraham Stein, Harold H. Stein, and J. R. Stein, individually or doing business as Standard Steel Products Company or otherwise, or the successors or assigns of said individuals or said firm, shall not accept deliveries of steel from any steel producer, or any other source, for sale or resale in the form received, unless hereafter specifically authorized in writing by the War Production Board.

(b) For the purposes of this order, "steel" as used herein shall bear the

same meaning as defined in paragraphs (b) of General Preference Orders No. M-21-b-1 and No. M-21-b-2, and shall include any steel purchased from idle or excess inventories as defined in paragraph (d) of General Preference Order No. M-21-b-1 and paragraph (i) of General Preference Order No. M-21-b-2, the provisions of those paragraphs to the contrary notwithstanding.

(c) Nothing contained in this order shall be deemed to relieve Bernard W. Stein, Abraham Stein, Harold H. Stein or J. R. Stein, individually or doing business as Standard Steel Products Company or otherwise, or the successors or assigns of said individuals or said firm, 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.

(d) This order shall take effect on July 1 and shall expire on September 30, 1943.

Issued this 25th day of June 1943.

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

[F. R. Doc. 43-10247; Filed, June 25, 1943;
4:55 p. m.]

PART 921—ALUMINUM SCRAP

[Supplementary Order M-1-d as Amended
June 26, 1943]

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

§ 921.6 Supplementary Order M-1-d—(a) Definitions. For the purposes of this order:

(1) "Aluminum scrap" means all materials or objects which are the waste or by-product of industrial fabrication, or which have been discarded on account of obsolescence, failure or other reason, the principal ingredient of which by either weight or volume is metallic aluminum; and shall include all types and grades of aluminum residues, such as drosses, skimmings, fines, grindings, sawings and buffings: *Provided*, That the recoverable metallic aluminum content, as determined by the fire assay, hydrogen evolution or other method of comparable efficiency, constitutes 15% or more by weight of such residues.

(2) "Plant scrap" means aluminum scrap which is generated in the course of manufacture, and defective or rejected material, the principal metallic ingredient of which by either weight or volume is aluminum.

(3) "Segregated scrap" means aluminum scrap which has been segregated and otherwise handled in such manner as to be acceptable for reprocessing into aluminum of substantially the original specifications in accordance with Section I of Schedule B hereof.

(4) "School scrap" means aluminum scrap which has been used in public or private vocational schools.

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

(6) "Producer" means the Aluminum Company of America, the Reynolds Metals Company, the Olin Corporation, and any other person who may be so designated in writing by the War Production Board.

(7) "Approved smelter" means any person whose name appears on Schedule A attached to this order, as the same may be amended from time to time.

(8) "Dealer" means any person regularly engaged in the business of buying and selling aluminum scrap.

(b) *Restrictions on use of aluminum scrap.* (1) No person, other than a producer or approved smelter, shall melt, reprocess, smelt or otherwise use aluminum scrap unless specifically authorized in writing so to do by the War Production Board on application made by letter to the Aluminum and Magnesium Division, Reference: M-1-d: *Provided, however*, That a foundry may remelt its gates, sprues and risers if in so doing it does not debase or contaminate the material, and if, in applying for permission to acquire aluminum, it reduces the requirements on its suppliers by an amount equal to the anticipated recoverable metal. A foundry may also accept a new casting of its own production, which is found to be defective or was spoiled in machining, and recast and reship it to replace the original casting.

(2) The War Production Board may issue directives to smelters, producers and others who may be permitted to melt aluminum scrap, which directives may direct the exact alloy or alloys which must be produced therewith and the amount of such alloy or alloys, and may prohibit the production of certain alloys. The War Production Board may also issue directives prescribing the amount of secondary ingot all fabricators (either independent or integrated) may be required to blend with primary ingot in the production of fabricated shapes, and it may, by directives, designate certain smelters who shall be the only smelters permitted to receive and melt scrap of certain alloys or the smelters who shall produce certain alloys. Directives with respect to all matters prescribed in this paragraph (b) (2) may contain directions as to the production schedule of the person to whom they are issued.

(c) *Segregation of aluminum scrap.* (1) Any person who generates 500 pounds or more of plant scrap in a plant in any month shall carry out thereafter in any such plant the Aluminum Scrap Segregation Program set forth in Schedule B attached to this order and made a part hereof, unless otherwise directed in writing by the War Production Board.

(2) Any person receiving aluminum scrap shall keep such scrap segregated, prior to its use in the manner permitted by paragraph (b) hereof, to the same

extent as when received by him; and if he redelivers such scrap, he shall do so segregated to the same extent as when it was received by him.

(d) *Contamination.* No person shall contaminate aluminum scrap with any other metal or material, except that a producer or approved smelter may mix aluminum scrap with other metals in the production of aluminum alloys.

(e) *Sale and delivery of aluminum scrap.* Except as otherwise specifically authorized in writing by the War Production Board, all persons generating or holding aluminum scrap shall deliver all such scrap at intervals not to exceed 60 days in accordance with the following provisions:

(1) *17S, 24S and 52S plant scrap solids.* Unless the War Production Board has issued a directive in writing to the contrary pursuant to paragraph (e) (8) hereof, segregated plant scrap consisting of 17S, 24S or 52S aluminum alloy (including Alclad and Pureclad) in solid form shall be shipped directly to any producer: *Provided, however,* That where the amount of such scrap generated from any one of such alloy specifications does not amount to 20,000 pounds in any month, the scrap of such alloy may also be shipped directly to any approved smelter or dealer.

(2) *Other plant scrap.* Except as provided in paragraph (b) (1) hereof, all other plant scrap shall be sold to any producer, approved smelter or dealer unless the War Production Board has issued a directive in writing to the contrary pursuant to paragraph (e) (8) hereof.

(3) *School scrap.* School scrap shall be sold to any dealer or approved smelter and shall be designated as "school scrap" when sold.

(4) *Wrecked aircraft scrap.* Aluminum scrap (not including engines or engine parts) recovered from aircraft wreckage, shall be delivered only to a dealer unless it has been prepared by removing non-aluminum parts to the extent practicable and cutting or shearing the scrap into pieces not exceeding 24" x 24" x 60". Aluminum scrap recovered from aircraft wreckage (not including engines or engine parts) which has been prepared by removing non-aluminum parts to the extent practicable and cutting or shearing the scrap into pieces not exceeding 24" x 24" x 60", and aluminum scrap from wrecked aircraft engines and engine parts, shall be delivered to any dealer or approved smelter.

(5) *Ship repair scrap.* Aluminum scrap recovered from repairs to structural parts of ships, shall be delivered only to a dealer unless it has been prepared by removing non-aluminum parts to the extent practicable and cutting or

shearing the scrap into pieces not exceeding 24" x 24" x 60", shall be delivered to any dealer or approved smelter.

(6) *All other scrap.* Any person (other than a dealer, approved smelter or producer) who owns or originates any aluminum scrap (excluding plant scrap, school scrap, wrecked aircraft scrap or ship repair scrap) shall deliver such scrap to any dealer or approved smelter and shall not dispose of such scrap in any other way. See paragraph (b) (1) hereof for provisions prohibiting the use of aluminum scrap.

(7) *Dealer's operations.* Unless the War Production Board has issued a directive in writing to the contrary pursuant to paragraph (e) (8) hereof, all dealers must deliver any aluminum scrap (whether or not deemed to be usable in its "as is" form) to any producer or approved smelter: *Provided, however,* That any dealer may sell any scrap to another dealer if, in the regular course of business, he does not currently collect sufficient aluminum scrap to make it practicable for him to sell directly to a producer or approved smelter.

(8) *Directives.* The War Production Board may issue directives in writing to a particular person or to a class of persons directing him or them to deliver aluminum scrap of certain alloys to another specific person or to a class of persons.

NOTE: Paragraphs (7) and (8) redesignated June 26, 1943.

(f) *Certification upon sale of segregated scrap.* The generator of segregated scrap shall furnish the person to whom he makes delivery thereof with a signed document, in the form of Form PD-706 or in substantially similar form, showing (i) the alloy number or specification, (ii) form of scrap, (iii) weight (on a clean and dry basis, moisture content estimated, if necessary) and (iv) the name and address of the plant where generated. This document shall bear a notation as to the date of delivery and names and addresses of the parties to the transaction, and, in case of re-delivery of such scrap, shall be endorsed and delivered to the person receiving such scrap. Any person delivering segregated scrap shall clearly mark it showing the alloy number or specification, form and source. No aluminum scrap other than segregated scrap shall be designated as segregated scrap by any person.

(g) *Tolling prohibited.* No aluminum scrap may be delivered or received pursuant to a toll, repurchase or similar arrangement, unless such transaction is specifically authorized in writing by the War Production Board.

(h) *No acquisition or delivery in violation of order.* No person shall hereafter acquire or deliver aluminum scrap or products made therefrom if he has reason to believe such material has been or is to be used in violation of the terms of this or of any other order of the War Production Board: *Provided, however,* That any producer or approved smelter may acquire aluminum scrap for any

use permitted by this order at any time, irrespective of the right under this order of the person disposing of the same to have acquired or to deliver such scrap.

(i) *Records.* Each person who participates in any transaction involving aluminum scrap shall keep and preserve for at least two years complete and accurate records as to all such transactions which records shall be subject to inspection by the War Production Board.

(j) *Reports.* (1) Any person generating 10,000 pounds or more of plant scrap in a plant in any month shall thereafter file reports monthly on Form WPB-317 with the Aluminum and Magnesium Division covering any such plant. Any person generating in any other plant more than 1,000 pounds of plant scrap in any month in a calendar quarter, shall file with the Aluminum and Magnesium Division a report on Form WPB-2499, covering such plant during such quarter, which report shall be filed not later than 20 days after the end of such calendar quarter. Producers or smelters are not required to file the above reports.

(2) Any person, including smelters and producers, melting or smelting aluminum scrap in any month shall file a report on Form PD-272 with the Aluminum and Magnesium Division covering each such month. Such report shall be filed on or before the 15th day of the month following the month covered by the report.

(3) All dealers handling aluminum scrap shall file Form PD-249 with the Bureau of Mines, College Park, Maryland, by the 10th of each month, or such other reports as the War Production Board may require.

(4) For the purpose of this paragraph (j), foundries shall not consider as aluminum scrap any gates, sprues or risers which will be reused in their own plant or any defective castings or spoiled castings returned to the foundry for recasting and reshipment to replace the original casting in accordance with paragraph (b) (1).

(k) *Addressing of communications.* All applications, statements, reports or other communications filed pursuant to this order or concerning the subject matter hereof, should be addressed to: War Production Board, Aluminum and Magnesium Division, Washington, D. C. Ref: M-1-d.

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

Issued this 26th day of June 1943.

WAR PRODUCTION BOARD,

By J. JOSEPH WHELAN,

Recording Secretary.

FEDERAL REGISTER, Tuesday, June 29, 1943

SCHEDULE A

APPROVED ALUMINUM SMELTERS

NOTE: "National Bronze and Aluminum Foundry, Cleveland, Ohio" removed from Schedule A June 26, 1943.

State	Smelter	Address
California	Federated Metals Division (American Smelting and Refining Co.). Federated Metals Division (American Smelting and Refining Co.). Berg Metal Co. Morris P. Kirk and Sons, Inc. Apeo Smelting Co. Aurora Refining Co. Wm. F. Robbins, Inc. R. Lavin and Sons, Inc.	Los Angeles, Calif. San Francisco, Calif. 2652 Long Beach Ave., Los Angeles, Calif. 2717 South Indiana St., Los Angeles, Calif. 2537 West Taylor St., Chicago, Ill. Post Office Box 88, Aurora, Ill. Aurora, Ill. 3426 South Kedzie Ave., Chicago, Ill. Whiting, Ind.
Illinois		
Indiana	Federated Metals Division (American Smelting and Refining Co.). U. S. Reduction Co. Sonken-Cambra Co.	East Chicago, Ind. Riverview at 2d St., Kansas City, Kans.
Kansas		
Michigan	Federated Metals Division (American Smelting and Refining Co.). John Aluminum and Brass Corporation. Federated Metals Division (American Smelting and Refining Co.).	Detroit, Mich. St. Louis, Mo.
Missouri		
New Jersey	Federated Metals Division (American Smelting and Refining Co.).	Barber, N. J.
New York	Alloys and Products, Inc. Samuel Greenfield Co., Inc. Niagara Falls Smelting & Refining Co. Aluminum Smelting and Refining Co. Aluminum and Magnesium, Inc. Cleveland Electro Metals Co. National Smelting Co. General Smelting Co.	Oak Point Ave. and Barry, Bronx, N. Y. 31 Stone St., Buffalo, N. Y. 2204 Elmwood Ave., Buffalo, N. Y. 5463 Dunham Rd., Maple Heights, Ohio. 1 Huron St., Sandusky, Ohio. 2391 West 38th St., Cleveland, Ohio. Post Office Box 1791, Cleveland, Ohio. 2901 East Westmoreland St., Philadelphia, Pa. Edgemont and Tioga Sts., Philadelphia, Pa. Westmoreland and Tulip Sts., Philadelphia, Pa.
Ohio		
Pennsylvania	North American Smelting Co. George Sall Metals Co.	

B

ALUMINUM SCRAP SEGREGATION PROGRAM

I. Segregation of aluminum scrap other than mixed aluminum scrap—(1) By alloy content. Aluminum scrap (other than mixed aluminum scrap as hereinafter defined) of each individual alloy (for example 17S, 24S, 52S, 64S, etc., also 2S pure aluminum) shall be segregated from aluminum scrap of every other alloy.

NOTE: Scrap from coated material (Alclad or Pureclad sheet) may be included with uncoated material of the same alloy specification; but Scrap from painted material shall not be included with unpainted material of the same alloy specification except in very minor amounts.

(2) By form. In addition to the above segregation on the basis of alloy content, the scrap of each alloy (other than mixed aluminum scrap as hereinafter defined) shall be segregated into two form types:

(i) "Solids"—generated by shearing, clipping, cutting, blanking or similar process, also defective or rejected wrought aluminum parts, defective or rejected castings and gates, sprues, risers or similar foundry scrap; (ii) "Machinings"—generated by machining, drilling, boring, turning, milling or like operations.

In no event shall solids and machinings be combined.

II. Classification of mixed aluminum scrap by form—(1) Definition. "Mixed aluminum scrap" shall consist of aluminum scrap in the form of solids or machinings, the alloy content of which cannot be identified, or of grindings, sawings, buffings and other fines and of drosses, skimmings and sweepings. It shall also consist of aluminum scrap generated from No. 12 type and piston alloys unless the generator certifies to the person to whom he makes delivery that the aluminum scrap was generated from a specific alloy of the No. 12 type or from a specific piston alloy.

(2) Classification. All mixed aluminum scrap shall be separated into four classes as follows:

- (i) Solids;
- (ii) Machinings;
- (iii) Sawings;
- (iv) Drosses, skimmings, grindings, buffings and sweepings and other fines.

Each of the four classes of mixed aluminum scrap shall be handled separately from each other class of mixed aluminum scrap and from all other aluminum scrap but shall not be treated as segregated scrap under Order M-1-d.

III. General provisions—(1) Official responsible for handling scrap. Each person operating a plant generating aluminum scrap shall appoint a responsible employee to supervise the collection, segregation and handling of all aluminum scrap generated in the plant. The name of such employee shall be forwarded to the Aluminum and Magnesium Division, War Production Board, Washington, D. C. No dealer or other person not a regular employee of the plant shall perform any such functions except as the War Production Board may specifically authorize.

(2) Collection and identification. Segregation shall be effected by collection at the machine where the aluminum scrap is generated. Separate containers for collection and bins for storage shall be provided for each type of aluminum scrap required to be segregated by this program. All containers and bins shall be clearly marked to identify the alloy and the form of scrap for which they are intended, and they shall be kept clean, dry and in good condition, so that their contents shall be protected from contamination and the weather. Each container and bin shall be used only as a receptacle for the alloy and form of scrap for which it is designated and marked.

(3) Identification of segregated scrap for shipment. Each unit of segregated scrap shall, upon shipment, be clearly marked or labelled as to alloy number or specification, form and source, i. e., the plant where generated.

(4) Obligation as regards subcontractors. Each person operating a plant, as part of his arrangement with any subcontractor to whom he furnishes aluminum shall impose an ob-

ligation upon, and otherwise make every effort to see to it that, such subcontractor institutes and carries out an adequate scrap collection and segregation program in conformance with this schedule and Order M-1-d.

[F. R. Doc. 43-10309; Filed, June 26, 1943; 11:57 a. m.]

PART 958—REPAIRS, MAINTENANCE AND OPERATING SUPPLIES

[Revocation of Preference Rating Order P-100.¹]

Section 958.2 Preference rating order P-100 is hereby revoked as to all producers.

Issued this 26th day of June 1943.

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

[F. R. Doc. 43-10310; Filed, June 26, 1943; 11:59 a. m.]

PART 962—IRON AND STEEL

[General Preference Order M-21-b-1 as Amended June 26, 1943]

GENERAL STEEL WAREHOUSES AND DEALERS

Section 962.10 General Preference Order M-21-b-1, is hereby amended to read as follows, effective July 1, 1943.

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

§ 962.10 General Preference Order M-21-b-1—(a) Purpose and scope. This order tells how, under the Controlled Materials Plan, a distributor obtains deliveries of general steel products from producers and from other persons for stock or for delivery direct to a distributor's customers. The method by which a distributor obtains deliveries of merchant trade products is set forth in General Preference Order M-21-b-2. Deliveries of steel from stock by distributors to persons not purchasing for resale are governed by CMP Regulation No. 4. Deliveries by distributors to other distributors are governed by this order and not by CMP Regulation No. 4.

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

(1) "Steel" means carbon steel, alloy steel, and wrought iron, in the forms and shapes listed in Schedule I to CMP Regulation No. 1.

(2) "Alloy steel" means alloy steel as defined in Order M-21-a.

(3) "Carbon steel" means any steel (including wrought iron) other than alloy steel.

(4) "General steel product" means any of the steel products listed in Schedule A hereto.

¹ 7 F.R. 925; 8 F.R. 4242.

(5) "Product group" means any of the 17 numbered groups of general steel products listed in Schedule A hereto.

(6) "Type" means (i) carbon steel, or (ii) stainless steel, or (iii) other alloy steel.

(7) "Base tonnage" of a warehouse for any product group and type means the tonnage of such product group and type delivered by such warehouse from stock during the first calendar quarter of 1941, or such other tonnage as may be specifically established by the War Production Board.

(8) "Distributor" means any person (including a warehouse, jobber, dealer, or retailer) who is engaged in the business of receiving steel for sale or resale in the form received or after performing such operations as cutting to length, shearing to size, torch cutting or burning to shape, sorting and grading, pipe threading, or corrugating or otherwise forming sheets for roofing and siding; but a person who, in connection with any sale, bends, punches or performs any fabricating operation designed to prepare steel for final use or assembly shall not be deemed a distributor with respect to such sale.

(9) "Warehouse" means a distributor who receives physical delivery of general steel products from a producer for sale or resale in the form received, and who was engaged on August 9, 1941, in the business of distributing steel from stock. If a warehouse maintains a stock at more than one location, each location shall be deemed a separate warehouse.

(10) "Dealer" means a distributor (other than a warehouse) who receives physical delivery of general steel products from persons other than producers for sale or resale in the form received, and who was engaged on August 9, 1941 in the business of distributing steel from stock. The term does not include any distributor who is primarily a scrap dealer. For the purposes of this definition a distributor shall be considered primarily a scrap dealer if the tonnage of all scrap purchased for stock by him in 1940 equalled or exceeded the tonnage of steel purchased for stock by him in that year.

(11) "Delivery" include deliveries received on consignment.

(c) *Restrictions on placing orders with producers, or other warehouses, for shipment to warehouse stock*—(1) *Product groups and types to be ordered*. No warehouse shall order or accept delivery to warehouse stock of general steel products (except tool bits and drill rod) in any product group and type except those which have been certified to such warehouse on Form PD-83-b or PDL-2228 by the War Production Board. A warehouse handling no general steel product except tool bits or drill rod may order such materials from a producer even though it has not been certified on such forms. A producer shall not deliver general steel products (except tool bits and drill rod) to any warehouse stock unless such warehouse shall first have filed with such producer a copy of its PD-83-b or

PDL-2228 certificate, or in any product group and type except those certified on such certificate.

(2) *Quantity restrictions on prime quality material*. No warehouse which, during 1940, purchased more than 25 per cent of its tonnage of any product group in a grade now invoiced as less than prime quality may order for delivery to warehouse stock during any calendar quarter, prime quality steel products (requiring scheduled rollings) of the same product group in an amount greater than 37½ per cent of the total tonnage of such prime quality material purchased from all producers during 1940.

(3) *Quantity restrictions on product groups*. No warehouse having a total base tonnage of more than 100 tons for any type of steel shall order steel in any one product group in such type for delivery to warehouse stock in any calendar quarter in excess of 150% of its base tonnage for such product group and type. No warehouse having a total base tonnage of 100 tons or less for any type of steel shall order steel in such type for delivery to warehouse stock in any calendar quarter in excess of 150% of its total base tonnage for such type.

(4) *Stock replacement*. No warehouse shall place with a producer or another distributor orders for delivery to warehouse stock after June 30, 1943 (as to carbon general steel products) or after July 31, 1943 (as to stainless or other alloy general steel products) except to replace general steel products of the same type delivered from warehouse stock during the previous 90 days to warehouses and dealers as permitted by this order or to consumers as permitted by CMP Regulation No. 4, plus scrap accumulated in the course of warehouse operations and actually sold during such period and reported to the War Production Board on Form PD-83. Within the limits of paragraph (c) (3) deliveries of any product may be used to support an order for the same or any other product of the same type (carbon, stainless, or other alloy). Every order for stock must be accompanied by Form CMP-11 duly completed and signed. Deliveries from one warehouse to another are also subject to the restrictions of paragraph (c) (2) of CMP Regulation No. 4. All deliveries of steel requested on Form CMP-11 must be made to the location from which the steel being replaced was shipped.

(5) *Time for specifying delivery*. Orders for general steel products placed with producers for delivery to warehouse stock, and accompanied by Form CMP-11, shall specify delivery not earlier than the time authorized for the placement of authorized controlled material orders for the product in question as set forth in Schedule III of CMP Regulation No. 1, "Time for Placing Authorized Controlled Material Orders." A producer, however, may deliver such orders at any time, provided such delivery does not interfere with deliveries on other authorized controlled material orders

designating shipment for the same or an earlier month, and provided that such delivery will not violate production directives then in force. Orders for delivery to warehouse stock accompanied by Form CMP-11 placed with producers for material not requiring scheduled rollings (such as rejects, wasters, waste wasters, off-heats and top cuts), or placed with other warehouses, may specify delivery at any time.

(6) *Status of warehouse orders*. Each order placed by a warehouse with a producer pursuant to paragraphs (c) (4) and (c) (5) shall be deemed an authorized controlled material order. Each order placed by a warehouse with another warehouse pursuant to paragraphs (c) (4) and (c) (5) may, but need not, be accepted by such other warehouse. If accepted it shall be deemed an authorized controlled material order.

(d) *Warehouse purchases from idle or excess inventories*. A warehouse may order for delivery to its stock, without limitation as to quantity, from idle or excess inventories pursuant to Priorities Regulation No. 13 general steel products in any product group and type which has been certified to such warehouse on Form PD-83-b or PDL-2228. Each purchase order for such material shall be endorsed in substantially the following form, and when so endorsed shall be deemed to be an authorized controlled material order:

The undersigned certifies to the seller and to the War Production Board that this order is placed pursuant to paragraph (d) of Order M-21-b-1, and is an authorized controlled material order.

By _____
Name of warehouse _____ Authorized official _____
Address _____ Date _____

(e) *Warehouse purchases for direct shipment to customer*. A warehouse receiving an authorized controlled material order from a customer and wishing to arrange for shipment direct to such customer by the producer or other supplier shall specify delivery to a point other than its warehouse, and shall copy on its own purchase order the endorsement made to it by its customer (including the customer's name) in accordance with CMP Regulation No. 1 or other applicable regulation or order. A purchase order specifying direct shipment and so endorsed shall be deemed an authorized controlled material order.

(f) *Earmarked warehouse stocks*. To the extent agreed upon by the Steel Division and any claimant agency, an earmarked stock of general steel products may be established in any warehouse. Deliveries to such stock and withdrawals therefrom shall be made only in accordance with the specific directions which shall be issued at the time such stock is established.

(g) *Purchases by dealers*. Purchase orders for general steel products may be placed by a dealer with persons other than producers to replace in the dealer's

stock steel of the same type delivered by him during the 90 days preceding the placing of such purchase order, provided the steel to be replaced was delivered pursuant to CMP Regulation No. 4. No delivery can be used more than once to support such a replacement order. Each such replacement order must carry an endorsement in substantially the following form:

The undersigned hereby certifies to the seller and to the War Production Board that the material covered by this order is to replace in stock general steel products of the same type and weight delivered by the undersigned within the 90 days preceding the date of this order and in accordance with CMP Regulation No. 4. This constitutes an authorized controlled material order.

By
Name of dealer Authorized official

Address Date

Any order so endorsed shall be deemed an authorized controlled material order.

(h) *Reports.* Each warehouse shall file with the Bureau of the Census, Washington, D. C., on or before the 10th day of each month a report in duplicate on Form PD-83 Revised, or on such other form as may be prescribed. A warehouse having a total base tonnage of all general steel products amounting to 150 tons or less shall file such report only on or before the tenth day of April, July, October, and January for the preceding calendar quarter.

(i) *Appeals.* Any appeal from the provisions of this order shall be made by letter referring to the particular provision appealed from and stating fully the grounds for the appeal. In emergency cases, appeal may be made by telegraph.

(j) *Communications to War Production Board.* All appeals or other communications concerning this order shall be addressed to Warehouse Branch, Steel Division, War Production Board, Washington, D. C., Reference M-21-b-1.

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

(l) *Special instructions.* The War Production Board may from time to time issue special instructions to warehouses or dealers with respect to making, withholding, accepting or refusing deliveries.

Issued this 26th day of June, 1943.

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

SCHEDULE A—GENERAL STEEL PRODUCTS

	Types of steel included		
	Carbon	Stain- less	Other alloy
1. Ingots, blooms, billets, slabs, tube rounds, die blocks, sheet and tin bars	x	x	x
2. Structural shapes and piling	x	x	x
3. Plates (universal and sheared) including skegs	x	x	x
4. Rails and track accessories	x	x	x
5. Hot rolled bars—except concrete reinforcing bars but including wrought iron bars	x	x	x
6. Cold finished bars	x	x	x
7. Tool steel, including drill rod and tool bits	x	x	x
8. Mechanical tubing	x	x	x
9. Pressure tubing	x	x	x
10. Wire rods (for wire drawing only)	x	x	x
11. Sheets and strip, hot rolled	x	x	x
12. Sheets and strip, cold reduced	x	x	x
13. Tin mill black plate	x	x	x
14. Sheets and strip, all other (except tin plate, short terne, and galvanized)	x	x	x
15. Wheels and axles (including steel tires and rims)	x	x	x
16. Castings (rough castings only)	x	x	x
17. Welded or woven concrete reinforcing mesh and concrete reinforcing bars (unsheathed)	x	x	x

[F. R. Doc. 43-10311; Filed, June 26, 1943;
11:58 a. m.]

PART 1071—INDUSTRIAL AND COMMERCIAL REFRIGERATION AND AIR CONDITIONING MACHINERY AND EQUIPMENT

[Schedule III, as Amended June 26, 1943, to Limitation Order L-126]

REQUIRED SPECIFICATIONS FOR COIL OR TUBE ASSEMBLIES FOR REFRIGERATION CONDENSERS OR COOLERS

§ 1071.5 Schedule III to Limitation Order L-126—(a) *Definitions.* For the purpose of the schedule:

(1) "Producer" means any person who produces, manufactures, processes, fabricates or assembles any coil or tube assemblies for refrigeration condensers or coolers.

(2) A "coil or tube assembly for condensers" means an assembly used in a refrigerating or air conditioning "system" as defined in paragraph (a) (1) of Limitation Order No. L-126 consisting of any arrangement of pipes, tubing, pressure vessels, or plates by means of which heat is removed from the vaporized refrigerant.

(3) A "coil or tube assembly for coolers" means an assembly used in a refrigerating or air conditioning "system" as defined in paragraph (a) (1) of Limitation Order No. L-126 consisting of any arrangement of pipes, tubing, pressure vessels, or plates by means of which heat is absorbed by either a volatile refrigerant or a non-volatile medium such as water.

(4) "Protective coating" means a surface coating applied to any or all parts of a "coil or tube assembly for condensers or coolers" for the purpose of retarding or preventing corrosion.

(5) "Integral fin tubing" means finned tubing, the fins and tubes of which are

formed from the same piece of metal by extrusion or by any machine operation.

(6) "Metallic fin bond" means a tie between tubing and fins obtained through the use of a metallic base substance usually applied with heat. The fin surface of integral fin tubing shall be considered as having a metallic fin bond.

(7) "Mechanical fin bond" means a tie obtained between tubing and fins by physical contact and without the use of a metallic base substance.

(8) "Fin height" means the distance from the outside of a pipe or tube to the nearest outside edge of the fin.

(9) "Return bend" means a semi-circular section of tubing or pipe used to join parallel runs of tubing or pipe.

(10) "Lend-lease country" means the government of any foreign country receiving aid pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(b) *Required specifications.* Pursuant to Limitation Order No. L-126, the following required specifications are hereby established for coil or tube assemblies for condensers or coolers:

(1) In the manufacture of any coil or tube assembly for condensers or of any coil or tube assembly for coolers, no producer shall, except for use aboard ship,

(i) Use any non-ferrous metals, except for soldering or brazing materials, for protective coatings, or for any coil or tube assembly for water cooled condensers as defined in paragraph (b) (3) of this schedule.

(ii) Use any seamless steel tubing, except

(a) To form integral fin tubing, or

(b) That which has been made into return bends but only if the radius thereof is less than $1\frac{1}{2}$ times the outside diameter of such tubing and the straight extensions thereof are not longer than 2 times the outside diameter of such tubing; or

(iii) Use any steel tubing (other than integral fin tubing) of wall thickness greater than the following:

	Wall thickness maximum inch
(a) Up to & including $\frac{3}{8}$ "	0.028
(b) Over $\frac{3}{8}$ " up to & including $\frac{1}{2}$ "	.035
(c) Over $\frac{1}{2}$ " up to & including $\frac{3}{4}$ "	.049
(d) Over $\frac{3}{4}$ " up to & including 1"	.065
(e) Over 1" up to & including $1\frac{1}{4}$ "	.083
(f) Over $1\frac{1}{4}$ " up to & including 2"	.095
(g) Over 2" up to & including $2\frac{1}{2}$ "	.120

Provided, That where external refrigerant working pressures exceed 400 lbs. per sq. in. gauge, a producer may use a wall thickness in excess of the foregoing but not to exceed the thickness being used by him on September 2, 1942.

(2) In the manufacture of any coil or tube assembly for air-cooled condensers no producer shall

(i) Except for use aboard ship, use finned tubing (other than integral fin tubing) having an average fin thickness to the nearest U. S. standard gauge in

excess of 4% of the fin height, or a maximum of 0.023", whichever is smaller;

(ii) Except for use aboard ship, use a metallic protective coating (other than paint) where a mechanical fin bond is employed;

(iii) Use a protective coating containing more than 7% tin where a metallic fin bond is employed;

(3) In the manufacture of any coil or tube assembly for water-cooled condensers, no producer shall, except for use aboard ship

(i) Use more than 7 lbs. of non-ferrous metals per condensing unit nominal horse power for all self-contained refrigeration condensing units: *Provided, however,* That where, for the purpose of simplification, one condenser is designed to be used with either of two or more self-contained condensing units, not more than 9.0 lbs. of non-ferrous metals per condensing unit nominal horse power of the smaller unit may be used.

(ii) Use more non-ferrous metals per ton of refrigeration, for other than self-contained condensing unit condenser assemblies, than the following:

7 lbs. per ton of refrigeration for systems having saturated refrigerant vapor suction temperatures above 30° F.

8 lbs. per ton of refrigeration for systems having saturated refrigerant vapor suction temperatures from 0° to 30° F., inclusive.

9 lbs. per ton of refrigeration for systems having saturated refrigerant vapor suction temperatures below 0° F.

"Ton of refrigeration", as here used, means the removal of heat, at the low side, at the rate of 12,000 B. T. U. per hour; total tons to be based on the design operating load of the low side connected to the condensing unit or units with which the condenser is used.

(4) In the manufacture of any coil or tube assembly for evaporatively cooled condensers, no producer shall:

(i) Use finned tubing (other than integral fin tubing) having an average fin thickness to the nearest U. S. standard gauge in excess of 4% of the fin height, or a maximum of 0.023", whichever is smaller; or

(ii) Use a combination protective coating and metallic fin bond containing more than 7% tin.

(5) In the manufacture of any cooler coil or tube assembly for air-cooling, no producer shall:

(i) Use a metallic protective coating containing more than 7% tin, except that when the coil is used in food storage and the air passing over the coil is in direct contact with the food a hot-dipped galvanized coating or a coating containing not more than 35% tin may be used, and except also that for use aboard ship in connection with food storage the use of protective metallic coatings is not restricted by this paragraph; or

(ii) Use finned tubing (other than integral fin tubing) having an average fin thickness to the nearest U. S. standard gauge in excess of 4% of the fin height, or a maximum of 0.023", whichever is smaller.

(c) *Applicability of order.* (1) The required specifications established by paragraph (b) (1) to (5) inclusive, shall not prohibit:

(1) The production, fabrication, delivery, acceptance, or installation of coil or tube assemblies, the plans of which had on September 2, 1942, been drawn and accepted by or for the account of the Army or Navy of the United States, the Maritime Commission, the War Shipping Administration, or Lend-Lease countries, or

(2) The use (in the production or fabrication of, or the delivery, acceptance, or installation of coil or tube assemblies for condensers or coolers) of any of the following materials in a producer's possession or control or in transit to a producer on September 2, 1942:

(a) Steel tubing.

(b) Coil or tube assemblies which on said date were in finished form or the parts for which had on said date been cast, machined or otherwise processed in such manner that the manufacture of such assemblies in conformance with this Schedule III would be impractical.

(c) The use (in the production or fabrication of, or the delivery, acceptance, or installation of coil or tube assemblies for condensers or coolers of the finned type, only where the tubing is expanded to obtain the bond between tubing and fins) of seamless steel tubing 5/8" O.D. size and larger, in coil or tube assemblies manufactured prior to September 15, 1943.

Issued this 26th day of June 1943.

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

[F. R. Doc 43-10312; Filed, June 26, 1943;
11:57 a. m.]

PART 1166—APPAREL FOR FEMININE WEAR

[Schedule I, as Amended June 26, 1943, to
General Limitation Order L-85]

WOMEN'S, MISSES' AND JUNIOR MISSES'
DRESSES

§ 1166.2 Schedule I to General Limitation Order L-85—(a) Definitions. For the purpose of this schedule:

(1) When descriptive of sizes:

(i) "Misses'" means sizes 10-20;

(ii) "Junior misses'" means sizes 9-17;

(iii) "Women's regular" means sizes 36-52;

(iv) "Little women's" means sizes 14 1/2-28 1/2;

(v) "Women's stout" means sizes 38 1/2-52 1/2;

(vi) "Women's odd" means sizes 35-51.

(2) "Evening dress" and "dinner dress" means a dress of floor or ankle length;

(3) "Suit dress" means an unlined two-piece outfit consisting of top and skirt, sold as one unit and commonly known to the trade as a two-piece dress. It shall be subject to all the regulations of this Schedule I governing dresses. However, if the top is lined, half lined, sleeve lined, partly or skeleton lined, it shall be deemed a suit and not a dress, and shall be subject to Schedule III governing suits;

(4) "Daytime dress" means any dress other than an evening or dinner dress;

(5) "Dress" includes an evening dress, dinner dress, suit dress, daytime dress, nurses' uniform, maid's uniform and maternity dress;

(6) "Body basic" means the front and back of the waist, the skirt, sleeves, inside shoulder pads, belt or sash, hem, normal facings, and 2" lap on an open front top;

(7) "Trimming allowance" means the material allowed to be used to trim a body basic;

(8) "French cuff" means a cuff over a cuff, or a double cuff;

(9) "French facing" means a facing extending to the armhole or beyond;

(10) "Culotte" means a garment with a divided skirt;

(11) "Measurements" means, unless otherwise specified, maximum finished measurements in inches after all manufacturing operations have been completed and the dress is ready for shipment, as follows:

(i) "Sweep" means the maximum circumference of a skirt at any point parallel to the floor;

(ii) "Hipline" means the line 9 inches below the waistline;

(iii) "Sleeve length" means the maximum measurement from the side of the neck over the shoulder to the bottom of the sleeve;

(iv) "Sleeve circumference" means the maximum measurement at the bottom of the sleeve, or at the part attached to the cuff;

(v) Measurements of the length of a daytime dress and of a top of a suit dress shall be made from the nape of the neck to the bottom of the finished garment;

(vi) Measurements of the length of a suit dress skirt shall be made from the highest point of the skirt to the bottom of the finished garment;

(vii) Measurements of the length of an evening or dinner dress shall be made from the center of the hollow of the neck to the bottom of the finished garment.

(b) *General exceptions.* The provisions of this schedule shall not apply to dresses, the cloth for which was put into process prior to:

(1) May 27, 1943, in the case of fall and winter dresses; and

(2) July 1, 1943, in the case of summer dresses: *Provided,* That the provisions of General Limitation Order L-85 as amended July 10, 1942, shall apply to summer dresses until July 1, 1943.

(c) *General restrictions on processing, manufacture and sale of women's, misses', and junior misses' dresses.* (1) No person shall put into process, manufacture, sell or deliver any dress, including a jumper dress, with another garment or article at a unit price, except that the top and skirt of a suit dress may be sold as one unit at a unit price.

(2) No person shall put into process, manufacture, sell or deliver a dress with an attached hood, cape, fichu, vest, pants, handkerchief, or shawl.

(3) No person shall change any manufactured size marking to denote a different size or a different size range.

(d) *General restrictions applying to the processing of a dress.* (1) No person shall put into process any cloth for the manufacture of a dress with:

- (i) French facings;
- (ii) A belt or sash over 2" in width;
- (iii) Bi-swing, vent, or Norfolk type backs;
- (iv) Balloon, dolman or leg-of-mutton sleeves;
- (v) Sleeve facing over 1½ inches;
- (vi) Culottes;
- (vii) A skirt with pleating, tucking or Shirring, except when the sweep before pleating, tucking or Shirring does not exceed the prescribed sweep of that particular size;
- (viii) An open front or fly front skirt which does not conform when open to the measurements prescribed for that particular size;
- (ix) French cuffs.

(e) *General restrictions applying to the use of trimming allowance.* (1) No person shall put into process any cloth for trimming on a dress exceeding the following restrictions:

- (i) Cuffs over 3" in width;
- (ii) Cuffs with more than 2 buttons and buttonholes;
- (iii) More than 1 ruffle on each sleeve;
- (iv) A sleeve ruffle exceeding 3" in width;
- (v) More than 1 collar or revers. (A single collar or revers of 2 thicknesses with an inside lining is permitted.);
- (vi) A collar or ruffle over 5" wide;
- (vii) More than 2 pockets, inside or out, or with any patch pocket exceeding 42 square inches of material before reduction;
- (viii) More than 4 flaps over 18 square inches each;
- (ix) Quilting in excess of 300 square inches;
- (x) Pleating, tucking or Shirring of any part or section above the waistline of a dress, increased by more than 10% of said part or section, except that the width of the complete front of a top of a dress may be increased by 8 inches of material.

Provided, That the use of cloth as allowed above shall be charged against the trimming allowance.

(f) *Body basic and trimming allowance.* (1) A dress shall consist only of cloth sufficient for the body basic and

the trimming allowance. At any place on the body basic where there is more than 1 thickness of material, except for the belt or sash, normal facings, inside shoulder pads, hem, and a 2" lap on an open front top, all of which are considered part of the body basic, the extra thickness shall be deemed trimming and shall be charged against the trimming allowance.

(2) The body basic shall be limited to (See Fig. 1):

(i) The complete front and back of the waist up to the neckline, including normal fullness. In the case of a suit dress, the waist or top shall not exceed 25 inches in length for a size 16, other sizes to be graded in normal proportions;

(ii) The skirt, with the limitations of hip, length, sweep, and hem, as provided in paragraph (g);

(iii) Short or full length sleeves, with the limitations of length and circumference as provided in paragraph (g), and the limitation of facings as provided in paragraph (d) (i) (v);

(iv) One belt or sash;

(v) Inside shoulder pads;

(vi) A 2" lap on an open front top;

(vii) Normal facings.

(3) The trimming allowance shall be limited to:

(i) 700 square inches for nontransparent fabrics for all sizes if the hip measurement does not exceed the body basic hip measurement. However, if the hip measurement exceeds the allowable body basic hip measurement, and in no event may it exceed the allowable sweep, such trimming allowance shall be reduced to 525 square inches;

(ii) 1400 square inches for transparent fabrics for all sizes if the hip measurement does not exceed the body basic hip measurement. However, if the hip measurement exceeds the allowable body basic hip measurement, and in no event may it exceed the allowable sweep, such trimming allowance shall be reduced to 1050 square inches.

(g) *General restrictions on the measurements of dresses.* Maximum measurements for all sizes and ranges other than those specified below shall be graded in normal trade proportions.

(1) *Daytime dresses.* Daytime dresses shall be of and graded from the following maximum measurements:

Type	Size	Top or waist length	Skirt lgth. including waistband
Misses	16	25	28
Jr. miss	15	25	27½
Little wom. (short)	20½	25½	27½
Women's reg	40	26½	29½
Women's stout	42½	26½	30½
Women's odd	41	26½	30½

(3) *Evening and dinner dresses.*

(1) Sweeps on all sizes of evening and dinner dresses shall be limited, with respect to the following materials, to:

(a) 90 inches when made of crepes, crepe satins, and similar fabrics;

(b) 144 inches when made of taffeta, flat satins, and failles;

(c) 288 inches when made of transparent fabrics;

(d) 90 inches when made of any other material.

(ii) Lengths for evening and dinner dresses shall not exceed:

(a) 59½" for size 16, Misses' range;

(b) 58" for size 15, Junior Misses' range;

(c) 60½" for size 40, Women's range.

(iii) No evening or dinner dress may be made of wool cloth.

(iv) Except for measurements of length and sweep, all other measurements relating to daytime and suit dresses shall apply to evening and dinner dresses.

(v) Any dress shorter than ankle or floor length shall conform in all respects with the measurements prescribed for daytime and suit dresses.

(4) *Maternity dresses.* Maternity dresses shall be subject to all of the regulations and restrictions relating to daytime and suit dresses, except:

(i) A misses', size 16, may have a maximum sweep of 86 inches, unless it is of the wrap-around type in which case it may have a maximum sweep of 94 inches;

(ii) A junior misses', size 15, may have a maximum sweep of 86 inches, unless it is of the wrap-around type in which case it may have a maximum sweep of 94 inches;

(iii) A women's, size 40, may have a maximum sweep of 90 inches, unless it is of the wrap-around type in which case it may have a maximum sweep of 98 inches;

(iv) All sizes may be made 1 inch longer than lengths prescribed for daytime or suit dresses;

(v) The full trimming allowance may be used even when the hip measurement, which may in no case exceed the allowable sweep, exceeds the maximum hip measurements of the Body Basic.

Type	Size	Skirt sweep other than wool & wool 9 oz & under	Skirt sweep wool over 9 ounces	Basic body hip meas.	Dress length	Hem	Sleeve circum.	Sleeve length
Misses	16	72	64	56	43½	2	14	30
Jr. miss	15	72	64	56	42	2	14	30
Little wom. (short)	20½	76	70	62	44½	2	15½	29
Women's reg	40	76	70	62	46	2	15½	31½
Women's stout	42½	78	72	64	47	2	16	32
Women's odd	41	80	74	64	47	2	16	31

(2) *Suit dresses.* The above maximum measurements relating to daytime dresses shall apply to suit dresses, in

addition to which the following maximum measurements are also to be observed:

(5) *Nurses uniforms.* Nurses uniforms shall be of and graded from the following maximum measurements:

Type	Size	Length pre-shrunk	Length non-shrunk	Hems	Sweep
Misses	16	44½	47	3	72
Junior miss	15	43	45½	3	72
Women's	40	46	48½	3	76

(6) *Maids uniforms.* Maids uniforms shall be of and graded from the following maximum measurements:

Type	Size	Length pre-shrunk	Length non-shrunk	Hems	Sweep
Misses	16	43½	45½	2	60
Women's	40	45	47	2	66

(7) *Washable service apparel wrap-around dresses and Hoover aprons.*

Washable service apparel wrap-around dresses and Hoover aprons shall be of and graded from the following maximum measurements:

Type	Size	Length pre-shrunk	Length non-shrunk	Hems	Sweep
Misses'	16	43½	45½	3	78
Women's	40	45	47	3	84

(h) *Records.* Every person who puts cloth into process for the manufacture of dresses shall make and retain, for not less than one year, a record of the number of square inches used for the trimming on each style of dress manufactured by him.

Issued this 26th day of June 1943.

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

BODY BASIC MISSSES SIZE 16

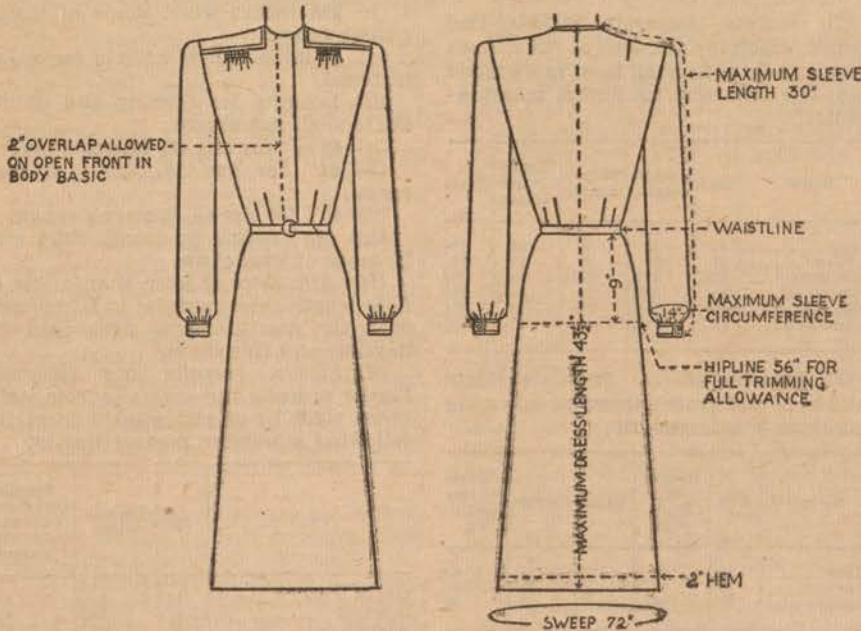


FIG. 1

[F. R. Doc. 43-10318; Filed, June 26, 1943; 11:56 a. m.]

PART 1166—APPAREL FOR FEMININE WEAR
[Schedule III, as Amended June 26, 1943, to
General Limitation Order L-85]

WOMEN'S, MISSES' AND JUNIOR MISSES' COATS,
FUR COATS, TOPPERS, SUITS, JACKETS,
SKIRTS, SLACKS, OVERALLS, COVERALLS,
PLAY SUITS AND SHORTS

§ 1166.4 Schedule III to General Limitation Order L-85—(a) Definitions. For the purpose of this schedule:

(1) "Coat" means any outer garment for feminine wear, usually worn over

other outer apparel, including a cape, a raincoat, an evening coat, a reefer and a topper, but excluding a fur coat;

(2) "Fur coat" means an outer garment for feminine wear, usually worn over other outer apparel, and made of fur;

(3) "Topper" or "reefer" means a coat not shorter than 33 inches for any size;

(4) "Suit" means a garment consisting of a separate jacket and skirt of either matching or contrasting material, sold as one unit;

(5) "Jacket" means a short coat of the type usually worn with a skirt or slacks or over other apparel;

(6) "Evening skirt" means a skirt of floor or ankle length;

(7) "French cuff" means a cuff over a cuff, or a double cuff;

(8) "French facing" means a facing extending to the armhole or beyond;

(9) "Culotte" means a garment with a divided skirt;

(10) "Measurements" means, unless otherwise specified, maximum finished measurements in inches after all manufacturing operations have been completed and the garment is ready for shipment, as follows:

(i) Measurements of the length of coats, toppers, and jackets shall be made from the nape of the neck to the bottom of the finished garment;

(ii) Measurements of the length of skirts shall be made from the highest point of the skirt to the bottom of the finished garment;

(iii) "Sweep" means the maximum circumference of a skirt at any point parallel to the floor;

(iv) "Sleeve length" means the maximum measurement from the side of the neck over the shoulder to the bottom of the sleeve;

(v) "Sleeve circumference" means the maximum measurement at the bottom of the sleeve, or at the part attached to the cuff.

(b) *General exceptions.* The provisions of this schedule shall not apply to any apparel for feminine wear referred to in this schedule, the cloth for which was put into process prior to:

(1) May 27, 1943, in the case of fall and winter apparel for feminine wear; and

(2) July 1, 1943, in the case of summer apparel for feminine wear, provided that the provisions of General Limitation Order L-85 as amended July 10, 1942, shall apply to summer apparel for feminine wear until July 1, 1943.

(c) *General restrictions on processing, manufacture and sale of all women's misses', junior misses' coats, suits, jackets, skirts, slacks, overalls, coveralls, play suits, shorts and fur coats.* (1) No person shall put into process, manufacture, sell or deliver an article of apparel for feminine wear covered by this Schedule with another garment or article at a unit price, except that:

(i) A jacket may be sold with a skirt, or with a slack, or with ski pants as a two-piece outfit at a unit price; and

(ii) A skirt may be sold with a one-piece short playsuit at a unit price.

(2) No person shall put into process, manufacture, sell or deliver an article of apparel for feminine wear covered by this schedule with an attached hood, cape, capelet, fichu, vest, cap, pants, handkerchief, shawl or scarf.

(3) No person shall change any manufactured size marking to denote a different size or a different size range.

(d) *General restrictions applying to the processing of apparel for feminine wear covered by this schedule.* (1) No person shall put into process any cloth for the manufacture of a coat with:

(1) French facings;

(ii) A belt or sash over 2 inches in width;
 (iii) Bi-swing or Norfolk-type backs;
 (iv) Balloon, dolman or leg-of-mutton sleeves;
 (v) Sleeve facings over 2 inches;
 (vi) More than one collar or revers. (Single collar or revers of 2 thicknesses with inside lining permitted);
 (vii) Epaulets or tabs on the shoulders;
 (viii) More than 2 pockets, inside or out, except on a reversible raincoat in which case 2 pockets may be used on the inside and the outside, or with any patch pocket exceeding 64 square inches of material before reduction;
 (ix) More than 4 flaps;
 (x) Separate or attached vestees, dickeys, gilets, or scarfs.

(2) No person shall put into process any cloth for the lining of a fur coat:

(i) Exceeding a maximum sweep of 64 inches for a box coat or 74 inches for a fitted coat, for a size 16. The maximum measurements for sweep of other sizes shall be 2 inches more for each larger size and 2 inches less for each smaller size;

(ii) Exceeding a maximum length of 43 inches for a size 16. Other sizes shall be graded in normal trade proportions.

(3) No person shall put into process any cloth for the manufacture of a separate jacket or a jacket which is the top of a suit, a slack suit or a ski suit, with:

(i) French facings;
 (ii) A belt or sash over 2 inches in width;
 (iii) Bi-swing, vent, or Norfolk-type backs;
 (iv) Balloon, dolman, or leg-of-mutton sleeves;
 (v) Sleeve facings over 1½ inches;
 (vi) More than 1 collar or revers. (Single collar or revers of 2 thicknesses with inside lining permitted);
 (vii) A collar over 5 inches in width;

(viii) Epaulets or tabs on the shoulders;

(ix) More than 2 pockets, inside or out, or with any patch pocket exceeding 42 square inches of material before reduction;

(x) More than 4 flaps;
 (xi) Separate or attached vestees, dickeys, gilets or scarfs;
 (xii) Double breasted fronts;
 (xiii) Quilting, except when used as a lining;

(xiv) Pleating, tucking or Shirring of any part or section of a jacket which increases by more than 10% said part or section, except that the width of the complete front of jacket may be increased by 8 inches of material.

(4) No person shall put into process any cloth for the manufacture of a separate skirt or a suit skirt or a play suit skirt, with—

(i) A separate or attached half belt, full belt, tab, simulated belt, or belt loops;

(ii) Pleating, tucking or Shirring on the waistband;

(iii) A waistband over 3 inches in width at its maximum width;

(iv) Suspenders;
 (v) More than 1 pocket, inside or out, or with any patch pocket exceeding 36

square inches of material before reduction;

(vi) A flap on the pocket;

(vii) Features making such skirts of the types known as culottes, reversible skirts, lined skirts, quilted skirts, or skating skirts;

(viii) Pleating, tucking, or Shirring, except when the sweep before pleating, tucking or Shirring does not exceed the prescribed sweep of that particular size.

(5) No person shall put into process any cloth for the manufacture of a slack, coverall, overall, short, play suit, or ski pants, with—

(i) A separate or attached half belt, full belt, simulated belt, tab, or belt loops except that a coverall may have a belt and belt loops;

(ii) Pleating, tucking or Shirring on the waistband;

(iii) A waistband over 3 inches in width at its maximum width;

(iv) More than 2 pockets, inside or out, or with any patch pockets exceeding 36 square inches of material before reduction;

(v) Flaps on pockets;

(vi) A cuff;

(vii) A blouse or shirt top which exceeds the restrictions of Schedule II governing blouses.

(e) *General restrictions on the measurements of all apparel for feminine wear covered by this schedule.* Maximum measurements for all sizes and ranges other than those specified below shall be graded in normal trade proportions.

(1) *Coats.* Coats shall be of and graded from the following maximum measurements:

Type	Size	Hems	Outside sleeve measurements	Sleeve circumf.	Sweep		Length	
					Fit	Box	Fit	Box
Misses'	16	2	30	16½	70	60	43	42
Jr. misses'	15	2	30	16½	70	60	41½	40½
Little women	20½	2	29½	16½	76	66	44	43
Women's reg.	40	2	31½	16½	76	66	45½	44½
Women's stout	42½	2	32	16½	78	68	46½	45½
Women's odd	41	2	31½	16½	78	68	46½	45½

(2) *Jackets.* Separate jackets and jackets which are the tops of suits, slack suits, and ski suits shall be of and graded from the following maximum measurements:

Type	Size	Jacket length	Sleeve length	Sleeve circumference	Hems
Misses'	16	25	30	14	1½
Jr. misses'	15	25	30	14	1½
Little women	20½	25½	31½	15½	1½
Women's reg.	40	26½	29	15½	1½
Women's stout	42½	26½	32	16	1½
Women's odd	41	26½	31	16	1½

(3) *Separate skirts.* Separate skirts shall be of and graded from the following maximum measurements:

Type	Size	Length inc. waistband	Hems	Sweeps	Wool sweeps over 9 oz.
Misses'	16	28	2	78	64
Jr. misses'	15	27	2	78	64
Women's reg.	40	29½	2	82	70

(4) *Suit skirts.* Suit skirts shall be of and graded from the following maximum measurements:

Type	Size	Length inc. waistband	Hems	Sweeps	Wool sweeps over 9 oz.
Misses'	16	28	2	72	64
Jr. misses'	15	27	2	72	64
Women's reg.	40	29½	2	76	70

(5) *Evening and dinner skirts.* (1) Sweeps on all sizes of evening and dinner skirts shall be limited, with respect to the following materials, to:

(a) 90 inches when made of crepes, crepe satins, and similar fabrics;

(b) 144 inches when made of taffeta, flat satins, and failles;

(c) 288 inches when made of transparent fabrics;

(d) 90 inches when made of any other material.

(ii) Lengths for evening and dinner skirts shall not exceed:

(a) 45½" for size 16, Misses' range;

(b) 44" for size 16, Junior Misses' range;

(c) 46" for size 40, Women's range.

(iii) No evening or dinner skirt may be made of wool cloth.

(iv) Any skirt shorter than ankle or floor length shall conform in all respects with the measurements prescribed for daytime and suit skirts.

(6) *Slacks, overalls and coveralls.* Slacks, overalls and coveralls from waist down shall be of and graded from the following maximum measurements:

Type	Size	Bottom width	Length incl. waistband and turn-up at bottom
Misses'	16	19½	45½
Jr. misses'	15	19½	44½
Women's reg.	40	22½	48½

(7) *Ski pants.* Ski pants shall be of and graded from the following maximum measurements:

Type	Size	Bottom width	Length including waistband and turn-up at bottom
Misses'	16	15	42½
Jr. misses'	15	15	41½
Women's reg.	40	17	44½

Issued this 26th day of June, 1943.

WAR PRODUCTION BOARD,

By J. JOSEPH WHELAN,

Recording Secretary.

[F. R. Doc. 43-10314; Filed, June 26, 1943;
 11:56 a. m.]

PART 1166—APPAREL FOR FEMININE WEAR
 [Schedule V, as Amended June 26, 1943, to
 General Limitation Order L-85]

CHILDREN'S APPAREL FOR OUTER WEAR

§ 1166.6 Schedule V to General Limitation Order L-85—(a) Definitions. For the purpose of this schedule:

(1) "Outerwear" means all apparel for children, excluding underwear and lounging wear;

(2) "Children's apparel" means outerwear of the following size ranges:

(i) Toddler's range 1 to 4 for both sexes;

(ii) Children's range 3 to 6x for both sexes;

(iii) Girl's range 7 to 14;

(iv) Teen age range 10 to 16;

(v) Chubbie range 7½ to 14½ and 10½ to 16½.

(3) "Children's" means all ranges from 1 to 16½;

(4) "Coat" means any outer garment for children usually worn over other outer apparel, including a cape, a raincoat, a reefer and a topper, but excluding a jacket;

(5) "Topper" or "reefer" means a coat not shorter than 33 inches for any size;

(6) "Suit" means a garment consisting of a separate jacket and skirt of either matching or contrasting material, sold as one unit;

(7) "Jacket" means a short coat of the type usually worn with a skirt or slacks or over other apparel;

(8) "Dress" includes a street dress, a suit dress and a party dress;

(9) "Street dress" means any dress other than a party dress;

(10) "Party dress" means a dress of floor or ankle length;

(11) "Suit dress" means an unlined two-piece outfit consisting of a top and skirt, sold as one unit and commonly known to the trade as a two-piece dress. It shall be subject to all the regulations of paragraph (d) (5) governing dresses. However, if the top is lined half lined, sleeve lined, partly or skeleton lined, it shall be deemed a suit and not a dress and shall be subject to paragraphs (d) (2) and (d) (8) governing jackets and skirts.

(12) "Legging set" means a combination of coat and leggings or pants, of the type known as a double duty outfit;

(13) "Snow suit" or "ski suit" means a combination of a jacket and leggings or pants, made exclusively for outdoor wear;

(14) "French facing" means a facing extending to the armhole or beyond;

(15) "Culotte" means a garment with a divided skirt;

(16) "Measurements" means, unless otherwise specified, maximum finished measurements in inches after all manufacturing operations have been completed and the garment is ready for shipment, as follows:

(i) Measurement of the length of coats, toppers, dresses, and jackets shall be made from the nape of the neck to the bottom of the finished garment;

(ii) Measurements of the length of skirts shall be made from the highest

point of the skirt to the bottom of the finished garment;

(iii) "Sweep" means the maximum circumference of a skirt or a dress at any point parallel to the floor.

(b) *General exceptions.* The provisions of this schedule shall not apply to children's apparel, the cloth for which was put into process prior to:

(1) May 27, 1943, in the case of fall and winter apparel; and

(2) July 1, 1943, in the case of summer apparel, provided that the provisions of General Limitation Order L-85 as amended July 10, 1942, shall apply to summer apparel until July 1, 1943.

(c) *General restrictions on processing, manufacture and sale of all children's apparel.* (1) No person shall put into process, manufacture, sell or deliver any children's apparel, including a jumper or pinafore, with another garment or article at a unit price, except in the case of the following garments which may be sold as one unit:

(i) A skirt and a top may be sold as a dress;

(ii) A jacket may be sold with a skirt, or with slacks, or with ski pants, as a suit;

(iii) A coat may be sold with one pair of leggings up to and including size 14;

(iv) A one-piece play suit may be sold with a skirt.

(2) No person shall put into process, manufacture, sell or deliver any children's apparel with an attached cape, muff, scarf, bag, hat, cap, capelet, handkerchief or hood, except that a collarless raincoat and a collarless mackinaw or

ski jacket may be sold with a permanently attached hood up to and including size 14.

(3) No person shall change any manufactured size marking to denote a different size or a different size range.

(d) *General restrictions applying to the processing of children's apparel.* (1) No person shall put into process any cloth for the manufacture of a Coat, Cape, or Raincoat, with:

(i) Epaulets or tabs on the shoulders;

(ii) More than one collar or revers. (Single collar or revers of two thicknesses with inside lining permitted);

(iii) A collar over 5 inches wide;

(iv) More than 2 pockets, inside or out, except on a reversible raincoat in which case 2 pockets may be used on the inside and the outside, or with any patch pocket exceeding 36 square inches of material before reduction.

(v) More than 1 flap on each pocket;

(vi) More than 2 separate flaps for trimming use;

(vii) Balloon, dolman, or leg-of-mutton sleeves;

(viii) French facings;

(ix) Turn-back cuffs;

(x) A belt over 2 inches wide;

(xi) Bi-swing, vent, pleat, or Norfolk-type backs from the waist up;

(xii) Vestees, dickeys or gilets;

(xiii) Sleeve facings over 1½ inches;

(xiv) Bibs on leggings of legging sets;

(xv) Measurements which are not of or graded from the following maximum measurements:

Type	Size	Length box coat	Sweep box coat	Length fitted	Sweep fitted	Hem	Sweep for coat sold with leggings
Toddler's	4	19	46			2	48
Children's	6x	26	52½			2	51½
Girl's	14	36	53	36	63	2	64
Chubbie girl's	14½	36	60	36	70	2	
Teen age	16	40	59½	41	68	2	
Chubbie teen age	16½	40	68½	41	72	2	

Maximum measurements for all sizes other than those specified above shall be graded in normal trade proportions.

(2) No person shall put into process any cloth for the manufacture of a separate jacket or a jacket which is the top of a suit, a slack suit, a snow suit, or a ski suit, with:

(i) A belt wider than 2 inches;

(ii) Balloon, dolman or leg-of-mutton sleeves;

(iii) Sleeve facings over 1½ inches;

(iv) A cuff on a sleeve;

(v) More than 1 collar or revers. (Single collar or revers of 2 thicknesses with inside lining permitted);

(vi) Collar or revers over 5 inches in width;

(vii) More than 2 pockets, inside or out, or with a patch pocket exceeding 36 square inches of material before reduction;

(viii) More than 1 flap on each pocket;

(ix) More than 2 separate flaps for trimming use;

(x) Epaulets or tabs on the shoulders;

(xi) French facings;

(xii) Double breasted fronts in teen age sizes 10 to 16;

(xiii) Quilting, except when used as a lining;

(xiv) Bi-swing, vent, or Norfolk-type backs;

(xv) A dickey collar except on collarless jackets;

(xvi) Measurements which are not of or graded from the following maximum measurements:

Range	Size	Jacket length	Snow & ski suit jacket length	Hems
Toddler's	3	14½	15½	1½
Children's	6x	16½	18	1½
Girl's	14	20½	22	1½
Chubbie girl's	14½	20½	22	1½
Teen age	16	23½	23½	1½
Chubbie teen age	16½	23½	23½	1½

Maximum measurements for all sizes and ranges other than those specified above shall be graded in normal trade proportions.

(3) No person shall put into process any cloth for the manufacture of a separate skirt or a suit skirt or a play suit skirt, with:

(i) A separate or attached half belt, full belt, tab, simulated belt, or belt loops;

(ii) Pleating, tucking or Shirring on the waistband;

(iii) Suspenders, except on sizes 1 to 3 and 3 to 6x. (If suspenders are used on the approved sizes the width must be limited to 1 1/2 inches finished and no ruffles may be applied to the suspenders);

(iv) More than 1 pocket, inside or out, or with any patch pocket exceeding 25 square inches of material before reduction;

(v) A flap on the pocket;

(vi) A waistband over 2 inches in width at its maximum width;

(vii) Features making such skirts of the types known as culottes, reversible skirts, lined skirts, quilted skirts, or skating skirts;

(viii) Overall pleating, tucking or Shirring, except when the sweep before pleating, tucking or Shirring does not exceed the prescribed sweep of that particular size;

(ix) Measurements which are not of or graded from the following maximum measurements:

Range	Size	Sweep	Length including waistband	Hems
Toddlers'	3	48	11 1/4	2
Children's	6x	56	16 3/4	2
Girl's	14	68	24	2
Chubbie girl's	14 1/2	72	24	2
Teen age	16	75	26	2
Chubbie teen age	16 1/2	78	26	2

Maximum measurements for all sizes other than those specified above shall be graded in normal trade proportions.

(4) No person shall put into process any cloth for the manufacture of a slack, coverall, overall, short, play suit or ski pants, with:

(i) A separate or attached belt, half belt, simulated belt, tab, or belt loops except that slacks or shorts for male children may have a belt and belt loops if they do not have suspenders, a bib, or any button-on features;

(ii) A waistband over 2 inches in width at its maximum width;

(iii) Pleating, tucking or Shirring on the waistband;

(iv) More than 2 pockets, inside or out, or with any patch pocket exceeding 36 square inches of material before reduction;

(v) Flaps on the pockets;

(vi) Cuffs;

(vii) Suspenders, except on sizes 1 to 3 and 3 to 6x. (If suspenders are used on the approved sizes the width must be limited to 1 1/2 inches finished and no ruffles may be applied to the suspenders);

(viii) Measurements which are not of or graded from the following maximum measurements:

Range	Size	Length ski pants	Max. length incl. turn-up, slacks & coveralls & overalls from waist down	Circumference at bottom
Toddlers'	3	27	22 1/2	18
Children's	6x	33	28	16
Girl's	14	42	40	18
Teen age	16	44	42 1/2	19

(5) No person shall put into process any cloth for the manufacture of children's dresses, with:

(i) Balloon, dolman or leg-of-mutton sleeves;

(ii) French facings;

(iii) A belt over 2 inches in width;

(iv) A sash over 3 inches in width;

(v) A bias cut sash;

(vi) Double yokes;

(vii) Bi-swing, vent, pleat, or Norfolk-type backs;

(viii) Epaulets or tabs on the shoulders;

(ix) More than 1 collar or revers. (Single collar or revers of 2 thicknesses permitted);

(x) A collar or revers over 5 inches in width;

(xi) More than 2 pockets, inside or out, or with any patch pocket exceeding 36 square inches of material before reduction;

(xii) More than 1 flap on each pocket;

(xiii) More than 2 separate flaps for trimming use;

(xiv) Cuffs over 2 inches in width;

(xv) More than 1 button or button-hole on a cuff;

(xvi) Sleeve facings over 1 1/2 inches;

(xvii) Suspenders;

(xviii) Extra sleeves, attached or otherwise;

(xix) Vestees or gilets;

(xx) Quilting;

(xxi) More than 1 ruffle (not to exceed 2 inches in width) on a sleeve;

(xxii) Ruffles on the skirt;

(xxiii) A skirt pleated, tucked or Shirred, except when the sweep before pleating, tucking or Shirring does not exceed the prescribed sweep of that particular size;

(xxiv) Features making such dresses known as culottes and reversible dresses;

(xxv) More than two trimming bows;

(xxvi) Petticoat, apron, or overskirt;

(xxvii) A dickey collar except on a collarless dress. (The dickey collar shall be no longer than 15 inches from the center back of the neckline to the longest point in front for a size 16);

(xxviii) Measurements which are not of or graded from the following maximum measurements:

Range	Size	Street length	Street sweep	Street hems	Party length	Party sweep	Party hem	Length top two-piece dress
Toddlers'	3	17 1/2	48	3	-----	-----	-----	14 1/2
Children's	6x	26	56	3	37	80	1	16 1/2
Girl's	14	36	66	3	52	96	1	20 1/2
Chubbie girl's	14 1/2	36	72	3	52	96	1	20 1/2
Teen age	16	41	72	2	57	120	1	23 1/2
Teen age chubbie	16 1/2	41	78	2	57	120	1	23 1/2

Maximum measurements for all sizes other than those specified above shall be graded in normal trade proportions.

Issued this 26th day of June 1943.

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

[F. R. Doc. 43-10315; Filed, June 26, 1943;
11:56 a. m.]

PART 1188—RAILROAD EQUIPMENT

[Limitation Order L-97-d]

CRITICAL COMPONENTS

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

§ 1188.7 Limitation Order L-97-d

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

(1) "Critical component" means any new equipment or apparatus (for railroad equipment only) as set forth on

Schedule A, attached hereto, as amended from time to time.

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

(b) **Operation reports.** Each manufacturer of a critical component listed on Schedule A, as amended from time to time, shall file the applicable form designated in column 1 of said schedule on the dates prescribed by such form. Such form as filed shall where called for show the manufacturer's production capacity and orders unfilled, received, shipped, cancelled, and scheduled for shipment, for the period specified in the form.

(c) **Restrictions on delivery.** (1) Each manufacturer of a critical component shall file, where called for on Schedule A, as amended from time to time, the applicable form designated in column 2 of said schedule on the date prescribed by such form. Such form as filed shall show the manufacturer's delivery schedule for the particular critical component for the period therein specified.

(2) On and after July 1, 1943, each manufacturer shall deliver critical com-

ponents only in accordance with the schedule filed pursuant to paragraph (c) (1), as the same may be approved or changed from time to time by the War Production Board. Any such schedule shall be deemed a frozen schedule within the meaning of Priorities Regulation 18.

(d) *Other allocation and scheduling action.* With respect to any critical component, the War Production Board may, notwithstanding any other order, preference rating, directive, rule or regulation,

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

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

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

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

(f) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully 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 priorities control and may be deprived of priorities assistance.

(g) *Communications.* All communications concerning this order should be addressed to the War Production Board, Transportation Equipment Division, Washington, D. C. Ref.: L-97-d.

Issued this 26th day of June 1943.

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

SCHEDULE A

The critical components listed below are subject to the provisions of this order, but only to the extent that they are designed and produced for use on railroad equipment.

The applicable form shown in column 1 is to be used in making the report for each component as required by paragraph (b).

The applicable form shown in column 2, if listed opposite a specific component, is to be used in making the report for that component, as required by paragraph (c).

Column 3 indicates the unit in which each component should be reported on the forms listed in columns 1 and 2.

PART 1261—LABORATORY EQUIPMENT

[General Limitation Order L-144, as Amended June 26, 1943]

Section 1261.1 *General Limitation Order L-144* is hereby amended to read as follows:

§ 1261.1 *General Limitation Order L-144*—(a) *Definitions.* For the purposes of this order:

(1) "Laboratory equipment" means any apparatus, instrument, appliance, device, equipment, or part thereof, designed primarily for use in laboratories. The term shall include furniture designed for laboratory use but shall not include second-hand equipment of any kind nor any chemical prepared and packed for reagent use.

(2) "Distributor" means any person who purchases laboratory equipment for the purpose of resale.

(3) "Serial-numbered laboratory" means any laboratory which has been assigned a serial number under Preference Rating Order P-43. (Any serial-numbered laboratory shall indicate its serial number on any purchase order which it places for laboratory equipment.)

(b) *Restrictions on the sale and delivery of laboratory equipment.* (1) No person shall sell or deliver any item of laboratory equipment included on List A of this order to any person, other than a distributor, except to fill a purchase order or contract specifically authorized by the War Production Board on Form WPB-1414 (formerly Form PD-620).

(2) In addition to the restrictions set forth in subparagraph (1) of this paragraph (b), no person shall sell or deliver, on any one purchase order or contract, any one item of laboratory equipment having a value of \$50 or more, or any quantity of the same item of laboratory equipment having an aggregate value of \$50 or more, or any quantity of different items of laboratory equipment having an aggregate value of \$200 or more, except to fill purchase orders or contracts calling for delivery to any of the following persons:

(i) The Army or Navy of the United States.

(ii) Any serial-numbered laboratory.

(iii) Any distributor.

(iv) Any other person who has received specific authorization of the War Production Board on Form WPB-1414, covering the specific purchase order or contract.

No purchase order or contract shall be subdivided for the purpose of avoiding the restrictions of this paragraph (b). (2). For the purpose of this paragraph, items shall be deemed to be the "same" when they are identical except for minor manufacturing tolerances. For example, glass beakers of identical size and shape (except for minor manufacturing tolerances) are the "same item", whereas glass beakers of different size or shape are "different items".

(c) *Restrictions on purchase of laboratory equipment.* No person shall purchase or accept delivery of any laboratory equipment, if he knows or has reason to believe that the sale or delivery of such laboratory equipment is pro-

PART 1—CRITICAL COMPONENTS FOR LOCOMOTIVES AND TENDERS

[Form PD-900 has been changed to Form WPB-3000—Form PD-901 has been changed to Form WPB-3001]

	Applicable form	Unit of reporting	
	Col. 1	Col. 2	Col. 3
Air brake actuating mechanism	PD-900	PD-901	Loco. sets.
Beds	PD-900	PD-901	Each.
Bell ringers	PD-900		Each.
Blow off cocks	PD-900		Each.
Blow off cocks operating cylinders and control valves	PD-900		Each.
Blow off muzzlers	PD-900		Each.
Boiler checks	PD-900	PD-901	Each.
Boosters	PD-900	PD-901	Loco. sets.
Brakes, foundation	PD-900	PD-901	Loco. sets.
Brakes, clasp	PD-900	PD-901	Tender sets.
Circulators	PD-900	PD-901	Loco. sets.
Coal pushers	PD-900	PD-901	Each.
Compensators and snubbers for driving boxes	PD-900	PD-901	Box sets.
Cylinder cocks	PD-900		Each.
Cylinder cock operating valves	PD-900		Each.
Drifting valves	PD-900		Box sets.
Driving box lubricators	PD-900	PD-901	Loco. sets.
Feed water heaters, including pumps	PD-900	PD-901	Each.
Fire doors, pneumatic	PD-900	PD-901	Loco. sets.
Frames	PD-900	PD-901	Loco. sets.
Grates	PD-900	PD-901	Each.
Grate shakers	PD-900	PD-901	Loco. sets.
Headlight equipment, including turbo electric	PD-900	PD-901	Each.
Injectors (live steam)	PD-900	PD-901	Each.
Injectors (exhaust steam)	PD-900	PD-901	Each.
Joints, flexible, air steam and oil	PD-900	PD-901	Each.
Lubrication equipment, mechanical	PD-900	PD-901	Loco. sets.
Lubricators, hydrostatic	PD-900	PD-901	Each.
Plugs, arch tube	PD-900	PD-901	Each.
Plugs, boiler drop	PD-900	PD-901	Each.
Plugs, circulator	PD-900	PD-901	Each.
Plugs, washout	PD-900	PD-901	Each.
Radial buffers	PD-900	PD-901	Loco. sets.
Relief valves	PD-900	PD-901	Each.
Reverse gears, power operated	PD-900	PD-901	Loco. sets.
Sanding equipment	PD-900	PD-901	Loco. sets.
Springs, driving	PD-900	PD-901	Loco. sets.
Springs, engine truck, including Diesel	PD-900	PD-901	Tender sets.
Springs, tender	PD-900	PD-901	Loco. sets.
Springs, trailer truck	PD-900	PD-901	Tender sets.
Stokers	PD-900	PD-901	Loco. sets.
Superheaters	PD-900	PD-901	Loco. sets.
Syphons	PD-900	PD-901	Loco. sets.
Tender beds and frames	PD-900	PD-901	Loco. sets.
Throttles, front end	PD-900	PD-901	Each.
Truck frames, engine truck, including Diesel	PD-900	PD-901	Loco. sets.
Truck frames, 'en 'er	PD-900	PD-901	Tender sets.
Truck frames, trailer	PD-900	PD-901	Loco. sets.
Valve gears	PD-900	PD-901	Loco. sets.
Water gauge cocks	PD-900	PD-901	Each.
Water columns	PD-900	PD-901	Each.
Water gauge guards	PD-900	PD-901	Each.
Water gauges	PD-900	PD-901	Each.
Whistles	PD-900	PD-901	Each.

FEDERAL REGISTER, Tuesday, June 29, 1943

hibited by the terms of paragraph (b) of this order.

(d) *Authorizations on Form WPB-1414 and extensions of such authorizations.* (1) Each person seeking authorization, pursuant to paragraph (b) of this order, to receive laboratory equipment shall prepare Form WPB-1414 in the manner prescribed therein and shall file such form with the War Production Board, Washington, D. C., Ref: L-144. (Copies of Form WPB-1414 may be obtained at the local offices of the War Production Board.)

(2) Any person receiving specific authorization on Form WPB-1414 shall notify his supplier of such authorization by furnishing him with a certification in substantially the following form (on the purchase order or contract, or on an attached document):

The undersigned hereby certifies that he has been specifically authorized by the War Production Board on Form WPB-1414, Case No. _____, to receive the laboratory equipment ordered by the within (or attached) purchase order or contract, in accordance with the provisions of Limitation Order L-144.

Name _____
By _____
Authorized official

Date _____

Any such certification shall be signed by an authorized official, either manually or as provided in Priorities Regulation 7, and shall constitute a representation to the supplier and to the War Production Board of the facts certified therein. The supplier may rely upon such representation, unless he knows or has reason to believe such representation to be false.

(e) *Assignment of preference ratings on Form WPB-1414.* In conjunction with the granting of specific authorizations to receive laboratory equipment on Form WPB-1414 pursuant to paragraph (b) of this order, the War Production Board may also assign preference ratings to the authorized deliveries on such form. Any preference rating so assigned shall be applied and extended only in accordance with the terms of Priorities Regulation 3.

(f) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records of all sales, deliveries and purchases of laboratory equipment.

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

(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 and false statements.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of

the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(j) *Communications with the War Production Board.* All reports to be filed hereunder and communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Safety and Technical Equipment Division, Washington, D. C., Ref: L-144.

Issued this 26th day of June 1943.

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

LIST A

This list includes only those items coming within the classifications set forth below which have a value, individually, of \$50 or more. Any item coming within the classifications set forth below which has a value, individually, of less than \$50 shall not be regarded as being included on List A.

Analytical balances.
Centrifuges.
Electroanalysis apparatus.
Gas analysis apparatus.
High vacuum pumps.
Hydrogen ion equipment (electrometric).
Laboratory incubators.
Laboratory ovens.
Laboratory water stills.
Metalloscopes.
Microscopes and attachments.
Microtomes and attachments.
Potentiometric and conductivity apparatus.
Refractometers.
Spectro and spectrophotometric analytical apparatus.
Viscosimeters.

[F. R. Doc. 43-10302; Filed, June 26, 1943;
11:58 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Direction 7 to CMP Reg. 5]

WELDING ROD

The following direction is issued pursuant to CMP Regulation No. 5 (§ 3175.5):

Welding rod (arc welding electrodes and gas welding rod) used for manufacturing purposes may not be treated as an operating supply under CMP Regulation No. 5 even though it is carried as an operating supply under established accounting practice.

A manufacturer may use the rating assigned to him by CMP Regulation No. 5 to get his requirements of welding rod for repairing his own equipment. He may not use the rating to get his requirements of welding rod for welding operations in the course of producing his product.

Issued this 26th day of June 1943.

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

[F. R. Doc. 43-10305; Filed, June 26, 1943;
11:59 a. m.]

PART 3274—MACHINE TOOLS AND INDUSTRIAL SPECIALTIES

[Limitation Order L-302]

CHAIN

The fulfillment of requirements for the defense of the United States has created a shortage of chain 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:

§ 3274.77 Limitation Order L-302—(a) Definitions. For the purposes of this order:

(1) "Producer" means any person who manufactures chain.
(2) "Chain" means any welded or weldless chain, excluding attachments other than repair links and excluding the following types of chain:

Anchor chain (stud link).
Band track chain.
Bead chain.
Buoy chain.
Cast metal chain.
Jewelry chain (for identification tags, costume jewelry, etc.).
Metal pickling chain.
Pocket wheel chain.
Sprocket wheel, hoist, and conveyor chain, including ladder chain.
Tire chain.
Universal chain.
Welded brass chain.
Welded sash chain.

(3) "Chain assembly" means any chain which has been cut by the producer to a fixed length and assembled, with or without attachments, to fulfill a specific purpose.

(4) "Present manufacture" means as regularly manufactured by a producer on June 26, 1943.

(5) "PD-1X order" means any order for chain or any chain assembly now or hereafter placed with a producer by any person acquiring such chain or chain as-

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIAL PLAN

[CMP Regulation 5, Direction 2 as Amended June 26, 1943]

STEEL SHOE WIRE

The following direction is hereby issued pursuant to § 3175.5, CMP Regulation No. 5:

Steel wire used in making footwear shall be treated as an operating supply under CMP Regulation No. 5 regardless of whether, under the particular manufacturer's accounting practice, such steel wire is charged to operating expenses. Accordingly, manufacturers of footwear should obtain steel wire in the manner provided in CMP Regulation No. 5 and should not file applications for allotments of it. This applies to steel toe lasting wire, steel staple wire, steel grip tacker wire, steel slugging wire, steel taper nail wire and steel wire used for similar purposes.

Issued this 26th day of June 1943.

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

[F. R. Doc. 43-10304; Filed, June 26, 1943;
11:59 a. m.]

sembly pursuant to a rating assigned on Form PD-1X.

(6) "Other order" means any purchase order for chain or any chain assembly except PD-1X orders.

(b) *Restrictions on manufacture of chain.* (1) Except as provided in paragraph (b) (2) hereof:

(i) No producer shall commence processing any raw material into any chain or chain assembly which does not conform to the types, sizes, specifications, and finish contained and prescribed in the schedule attached hereto.

(ii) No producer shall sell or make delivery, nor shall any person purchase or accept delivery of any chain or chain assembly which he knows or has reason to believe was not manufactured in accordance with this order.

(2) The provisions of paragraph (b) (1) shall not apply:

(i) To any chain or chain assembly permitted by the schedule attached hereto to be processed from any raw material in a producer's inventory on June 26, 1943, or received within 45 days after June 26, 1943, provided that such raw material is not suitable for processing into any chain or chain assembly permitted by the schedule attached hereto.

(ii) To any chain or chain assembly the production of which has been commenced prior to June 26, 1943.

(iii) To any completed chain or completed chain assembly which was in any person's inventory in finished form on June 26, 1943.

(iv) To special chain assemblies made up to fulfill specific purposes which cannot be served by the types of chain assemblies permitted to be manufactured by the schedule attached hereto. Such special assemblies may be made only to fill a specific order placed by an ultimate consumer and shall be made only out of those types of chain permitted to be manufactured in the schedule attached hereto.

(v) To any chain required for the repair or maintenance of existing chain or chain assemblies when such repair or maintenance requires chain of special link dimensions not permitted by the schedule attached hereto.

(vi) To the carburizing or nitriding of chain to meet individual specifications.

(vii) To any chain or chain assembly produced with specific permission of the War Production Board.

(3) Wherever on the attached schedule with respect to any type of chain or chain assembly link dimensions are specified as "present manufacture" each producer shall forthwith file with the War Production Board, Tools Division, Reference: L-302, his established link dimensions for such type chain or chain assembly. The producer may thereafter apply to the War Production Board for leave to amend such link dimensions, but unless and until such leave is granted by the War Production Board in writing, such link dimensions in accordance with their present manufacture shall remain binding upon such producer.

(c) *Allocation of production between PD-1X orders and other orders.* Commencing with the month of July 1943 and each month thereafter, each producer shall schedule his monthly production and delivery thereof as follows:

(1) To the extent that he has PD-1X orders on hand, he shall schedule between 5 and 7 percent of his total monthly production in pounds of each type and size of chain and chain assemblies for delivery against PD-1X orders requiring delivery in such month. No producer shall schedule any order pursuant to this paragraph (c) (1) unless it clearly appears from such order that the rating applied thereto was assigned on Form PD-1X.

The sequence of deliveries on PD-1X orders within the percentage limitation thereon which may be delivered in any given month shall be scheduled according to applicable War Production Board regulations.

(2) To the extent that he has other orders on hand, he shall schedule between 93 and 95 percent of his total monthly production in pounds of each type and size of chain and chain assemblies for delivery against other orders requiring delivery in such month.

The sequence of deliveries on other orders within the percentage limitation thereon which may be delivered in any given month shall be scheduled according to applicable War Production Board regulations.

(3) Any portion of the percentage allocated to PD-1X orders which has not been taken up by such orders on or before the fifteenth day preceding the first day of the month being scheduled shall be scheduled for delivery against other orders, and vice versa.

(d) *Other allocation and scheduling directions.* With respect to any chain or chain assembly, the War Production Board may, notwithstanding any other provision of this order:

(1) Direct the return or cancellation of any order on the books of the producer.

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

(3) Allocate orders placed with one producer to another producer.

(4) Revoke any authorization to place an order granted pursuant to this general preference order.

(e) *Reports.* Each producer shall execute and file with the War Production Board Form WPB-2064 and such other reports and questionnaires as said Board may from time to time require, subject to the approval of the Bureau of the

Budget pursuant to the Federal Reports Act of 1942.

(f) *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.

(g) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board.

(h) *Communications.* All reports, appeals, and other communications concerning this order shall be addressed to: War Production Board, Tools Division, Washington, D. C., Ref.: L-302.

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

Issued this 26th day of June 1943.

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

SCHEDULE

TABLE I—WELDED STEEL COIL CHAIN

Welded steel coil chain shall be made only in the following types. Link design of all types shall be straight link except that Liberty coil chain and Liberty machine chain may be made in both straight and twist link and Liberty truck chain may be made in twist link only.

All types shall be made out of open hearth steel except that proof coil chain may also be made of wrought iron, high test chain shall be made only from carbon steel SAE-1018—SAE-1040, inclusive, and alloy steel chain may be made to individual customers' specifications provided the end use is one for which carbon steel chain or wrought iron chain is unsuitable.

A producer may apply an oxide or phosphate finish to any welded steel coil chain if required by Army, Navy, Maritime Commission, or War Shipping Administration specifications for a specific order. Otherwise, finishes shall conform to this table.

All sizes specified are trade sizes.

Type	Link dimensions	Finish	Permitted sizes
Proof coil chain.....	Fed. Spec. RR-C-271.....	Self-colored or galvanized.....	3 $\frac{1}{16}$ ", 3 $\frac{3}{8}$ ", 5 $\frac{1}{16}$ ", 3 $\frac{5}{8}$ ", 7 $\frac{1}{16}$ ", 1 $\frac{1}{2}$ ", 9 $\frac{1}{16}$ ", 2 $\frac{1}{8}$ ", 3 $\frac{1}{4}$ ", 7 $\frac{1}{8}$ ", 1 $\frac{1}{4}$ ", 1 $\frac{1}{8}$ ", 1 $\frac{1}{4}$ ".
BBB coil chain.....	Present manufacture.....	Self-colored or galvanized.....	3 $\frac{1}{16}$ ", 3 $\frac{3}{8}$ ", 5 $\frac{1}{16}$ ", 3 $\frac{5}{8}$ ", 7 $\frac{1}{16}$ ", 1 $\frac{1}{2}$ ", 9 $\frac{1}{16}$ ", 5 $\frac{1}{8}$ ", 3 $\frac{1}{4}$ ", 7 $\frac{1}{8}$ ", 1 $\frac{1}{4}$ ", 1 $\frac{1}{8}$ ", 1 $\frac{1}{4}$ ".
High test chain.....	Present manufacture.....	Tumbled only to remove burs.....	3 $\frac{1}{16}$ ", 3 $\frac{3}{8}$ ", 5 $\frac{1}{16}$ ", 7 $\frac{1}{16}$ ", 1 $\frac{1}{2}$ ", 5 $\frac{1}{8}$ ", 9 $\frac{1}{16}$ ", 7 $\frac{1}{8}$ ", 1 $\frac{1}{4}$ ", 1 $\frac{3}{8}$ ", 1 $\frac{1}{2}$ ", 1 $\frac{1}{4}$ ", 1 $\frac{1}{8}$ ", 1 $\frac{1}{4}$ ", 1 $\frac{5}{8}$ ", 1 $\frac{3}{4}$ ", 1 $\frac{1}{2}$ ", 2 $\frac{1}{8}$ ".
Alloy steel chain.....	Present manufacture.....	Tumbled only to remove burs.....	3 $\frac{1}{16}$ ", 3 $\frac{3}{8}$ ", 9 $\frac{1}{16}$ ", 5 $\frac{1}{8}$ ", 3 $\frac{1}{4}$ ", 7 $\frac{1}{16}$ ", 1 $\frac{1}{2}$ ", 1 $\frac{1}{8}$ ", 1 $\frac{3}{4}$ ".
Liberty coil chain.....	Present manufacture.....	Self-colored, bright or galvanized.....	#4, #3, #2, #1/0, #2/0, #3/0, #5/0, #6/0, #7/0.
Liberty machine chain.....	Present manufacture.....	Self-colored, bright or galvanized.....	#4, #3, #2, #1/0, #2/0, #3/0, #5/0, #6/0, #7/0.
Liberty truck chain.....	Present manufacture.....	Self-colored or bright.....	#7/0, #8/0.
Heel coil chain.....	3 $\frac{1}{8}$ " x 2 $\frac{1}{2}$ " (Pattern No. 130) and 3 $\frac{1}{8}$ " x 2 $\frac{1}{2}$ " (Pattern No. 131). Present manufacture.....	Bright.....	3 $\frac{1}{8}$ ".
Passing link chain.....	Present manufacture.....	Self-colored or bright.....	#2/0, #4/0.
Side chain.....	In accordance with Limitation Order L-201, paragraph (d). Present manufacture.....	In accordance with Limitation Order L-201, paragraph (d). Present manufacture.....	In accordance with Limitation Order L-201, paragraph (d).

TABLE II—WROUGHT IRON DREDGE OR CRANE CHAIN

This chain shall be made only from double refined wrought iron bars; bars to be made from all pig-puddled or processed wrought iron and free from iron scrap or steel. In the final piling all bars shall be the full length of the pile; the original muck bars shall be piled, rolled, repiled and rerolled.

The maximum manganese content permitted is 0.06%.

Finish shall be self-colored.

In addition to the following permitted link dimensions, this chain may be made with link dimensions conforming to Fed. Spec. RR-C-271 and Navy Specification 42-C-19.

Permitted Link Dimensions (tolerance allowed -4%)

Trade size (inches)	Outside length (inches)	Outside width (inches)	Inside length (inches)	Inside width (inches)
36	17 $\frac{1}{2}$	13 $\frac{1}{2}$	11 $\frac{1}{2}$	9 $\frac{1}{2}$
32	29 $\frac{1}{2}$	13 $\frac{1}{2}$	19 $\frac{1}{2}$	11 $\frac{1}{2}$
28	22 $\frac{1}{2}$	2 $\frac{1}{2}$	19 $\frac{1}{2}$	13 $\frac{1}{2}$
34	31 $\frac{1}{2}$	2 $\frac{1}{2}$	11 $\frac{1}{2}$	13 $\frac{1}{2}$
7 $\frac{1}{2}$	31 $\frac{1}{2}$	3	2 $\frac{1}{2}$	13 $\frac{1}{2}$
1	49 $\frac{1}{2}$	3 $\frac{1}{2}$	2 $\frac{1}{2}$	13 $\frac{1}{2}$
11 $\frac{1}{2}$	51 $\frac{1}{2}$	31 $\frac{1}{2}$	2 $\frac{1}{2}$	13 $\frac{1}{2}$
1 $\frac{1}{2}$	59 $\frac{1}{2}$	4 $\frac{1}{2}$	3	13 $\frac{1}{2}$
19 $\frac{1}{2}$	67 $\frac{1}{2}$	4 $\frac{1}{2}$	3 $\frac{1}{2}$	11 $\frac{1}{2}$
1 $\frac{1}{2}$	61 $\frac{1}{2}$	41 $\frac{1}{2}$	3 $\frac{1}{2}$	13 $\frac{1}{2}$
1 $\frac{1}{2}$	7 $\frac{1}{2}$	57 $\frac{1}{2}$	4 $\frac{1}{2}$	2 $\frac{1}{2}$
1 $\frac{1}{2}$	8 $\frac{1}{2}$	51 $\frac{1}{2}$	4 $\frac{1}{2}$	2 $\frac{1}{2}$
1 $\frac{1}{2}$	91 $\frac{1}{2}$	63 $\frac{1}{2}$	5 $\frac{1}{2}$	2 $\frac{1}{2}$
2	91 $\frac{1}{2}$	61 $\frac{1}{2}$	5 $\frac{1}{2}$	2 $\frac{1}{2}$
2 $\frac{1}{2}$	109 $\frac{1}{2}$	71 $\frac{1}{2}$	6 $\frac{1}{2}$	2 $\frac{1}{2}$
2 $\frac{1}{2}$	115 $\frac{1}{2}$	79 $\frac{1}{2}$	6 $\frac{1}{2}$	3
2 $\frac{1}{2}$	111 $\frac{1}{2}$	71 $\frac{1}{2}$	6 $\frac{1}{2}$	3 $\frac{1}{2}$
2 $\frac{1}{2}$	12 $\frac{1}{2}$	89 $\frac{1}{2}$	7	3 $\frac{1}{2}$

TABLE III—WELDED STEEL CHAIN AND WELDED IRON CHAIN ASSEMBLIES

All welded steel chain and welded iron chain assemblies shall be made only from those types of chain permitted to be manufactured in Tables I and II and shall be further limited in sizes and specifications as stated below.

Sling Chains

Steel sling chains shall be made out of those types of steel chain permitted in Table I.

Wrought iron sling chains shall be made only from wrought iron dredge or crane chain as permitted in Table II.

No special sling chain assemblies shall be made except where these are permitted by paragraph (b) (2) (iv).

Railroad Brake Chains

Shall be made from proof coil chain; trade sizes, $\frac{1}{16}$ ", $\frac{1}{8}$ ", $\frac{1}{16}$ ", $\frac{1}{8}$ ", $\frac{1}{4}$ ", $\frac{1}{16}$ ", $\frac{1}{8}$ ", $\frac{1}{4}$ ".

Finish: Self-colored.

Railroad Safety Chains

Shall be made from proof coil chain; trade sizes: $\frac{1}{2}$ ", $\frac{1}{16}$ ", $\frac{1}{8}$ ", $\frac{1}{16}$ ", $\frac{1}{4}$ ", $\frac{1}{16}$ ", $\frac{1}{8}$ ", $\frac{1}{4}$ ".

Finish: Self-colored.

Railroad Switch Chains

Shall be made from proof coil chain; trade sizes: $\frac{1}{8}$ ", $\frac{1}{4}$ ", $\frac{1}{8}$ ", $\frac{1}{4}$ ", $\frac{1}{8}$ ", $\frac{1}{4}$ ".

Finish: Self-colored.

Boom and Rafting Chains

Shall be made from proof coil chain; styles as presently manufactured by the producer; sizes: As the purchaser may require.

Finish: Self-colored.

Chain Dogs

Style A, plain points.

Finish: Self-colored.

Link size: $\frac{1}{16}$ ".

Blade size: $\frac{1}{8}$ " x $1\frac{1}{4}$ " x 6" to $6\frac{1}{2}$ ".

Ring Dogs

Style C, round ring, plain point.

Finish: Self-colored.

Ring size: $\frac{1}{8}$ " x 3".

Blade size: $\frac{1}{8}$ " x $1\frac{1}{4}$ " x 6" to $6\frac{1}{2}$ ".

Log Chains

Shall be made from proof coil chain; trade sizes: $\frac{1}{4}$ ", $\frac{1}{8}$ ", $\frac{1}{16}$ ", $\frac{1}{8}$ ", $\frac{1}{4}$ ".

May be made only in 14-foot lengths in pattern 120 with grab hook on one end, slip hook on other end, no swivel.

Finish: Self-colored.

Towing Chains (excluding Special River Tow Chains)

Shall be made from proof coil, BBB, or high test chain; sizes as presently manufactured by producer.

Wagon Chains

Finish on all wagon chains shall be self-colored.

Wagon end gate chains: Shall be made from proof coil chain; sizes: $\frac{1}{4}$ ", $\frac{1}{8}$ ", $\frac{1}{16}$ ", $\frac{1}{8}$ ", $\frac{1}{4}$ ".

Anti-spreader chain: Shall be made from #2/0 straight link Liberty coil chain; lengths 38" and 42".

Wagon stay chains: Straight link, length as required; exact sizes: $\frac{1}{16}$ ", $\frac{1}{8}$ ".

Wagon tongue or pole chain: Regular pattern; exact sizes: $\frac{1}{16}$ ", $\frac{1}{8}$ ".

Wagon stretcher chain: Regular pattern; exact sizes: $\frac{1}{16}$ ", $\frac{1}{8}$ ".

Wagon lock chain: Straight link; exact sizes: $\frac{1}{16}$ ", $\frac{1}{8}$ ".

Note: Link dimensions of wagon stay chains, wagon tongue or pole chain, wagon stretcher chain, and wagon lock chain are not required to conform to Table I.

Harness Chains

Finish on all harness chains shall be bright. The following harness chains only may be made:

Trace chains: Ring and hook patterns without swivel; may be made to the following two specifications only:

(a) Body links shall be made of $1\frac{1}{2}$ " side chain. End links are limited to six, and their dimensions shall be as follows: $\frac{1}{4}$ " (exact size) x $\frac{1}{2}$ " x $2\frac{1}{2}$ " (inside). Ring dimensions shall be $\frac{1}{16}$ " (exact size) x $1\frac{1}{4}$ " (inside). This size trace chain may be made in the following lengths: 6 $\frac{1}{2}$ ", 7", 7 $\frac{1}{2}$ ".

(b) Body links shall be made of $\frac{1}{2}$ " side chain. End links are limited to six, and their dimensions shall be as follows: $\frac{1}{2}$ " (exact size) x $\frac{1}{2}$ " x $2\frac{1}{2}$ " (inside). Ring dimensions shall be $1\frac{1}{2}$ " (exact size) x $1\frac{1}{4}$ " (inside). This size trace chain may be made in the following lengths: 7", 7 $\frac{1}{2}$ ", 8".

Stage traces: Regular pattern, no swivel permitted; may be made only from #5/0 twist link Liberty coil chain in 42" length.

Butt chains: Regular pattern, no swivel permitted; hook or ring permitted on one end; may be made with four end links in the following length chains: 24", 30". Body link, end link, and ring dimensions shall be the same as permitted for trace chains.

Breast chains: Pattern No. 220; trade lengths 28" and 32" permitted.

Single breast chains: Patterns No. 155; trade size No. 2; length 28".

Cart back chains: As presently manufactured.

Hobble chains: Coast pattern; size No. 2; length 10"; Dee size 1 $\frac{1}{4}$ ".

Heel chains: May be made in the following trade sizes, with the number of links specified: No. 45—4, 6, and 8 links; No. 52—4, 6, and 8 links; No. 66—6 and 8 links. No. 45 may have Dees of the following sizes: 1 $\frac{1}{2}$ ", 1 $\frac{1}{4}$ ", 2".

Animal Tethering Assemblies

Finish on all animal tethering assemblies shall be bright. Patterns, sizes and lengths permitted only as specified.

Cow ties: Ohio pattern and open ring pattern. Ohio pattern sizes #2/0 (length 4 $\frac{1}{2}$ '), #3/0 (length 5'), #5/0 (length 5 $\frac{1}{2}$ '), #7/0 (length 6'). Open ring pattern #2/0 only, in 3', 3 $\frac{1}{2}$ ', and 4 $\frac{1}{2}$ ' lengths.

Halter chains: Regular pattern, in sizes #1/0 and #3/0; 4 $\frac{1}{2}$ ' and 6' lengths permitted.

Choke collar chains: May be made only from #3 twist link Liberty machine chain in such lengths as are required.

Chain Repair Parts

The following repair parts may be made according to the specifications provided:

Repair or lap links: Finish—bright or galvanized; end open pattern— $\frac{1}{16}$ " x 1", $\frac{1}{8}$ " x 1 $\frac{1}{4}$ " (trade size 10-3), $\frac{1}{4}$ " x 1 $\frac{1}{4}$ " (trade size 10-2), $\frac{1}{2}$ " x 1 $\frac{1}{4}$ " (trade size 10-1), $\frac{1}{16}$ " x 1 $\frac{1}{2}$ ", $\frac{1}{8}$ " x 2", $\frac{1}{2}$ " x 2 $\frac{1}{2}$ "; side open pattern— $\frac{1}{8}$ " x 2 $\frac{1}{2}$ ".

"C" links: Plain pattern, bright finish; size 1 $\frac{1}{2}$ " x 2 $\frac{1}{2}$ ".

Cold shuts: No. 1 and No. 3 patterns, finish self-colored; sizes as required.

TABLE IV—WELDLESS COIL CHAIN

Weldless coil chain shall be made only in the following types and sizes. Material and finish on such chain may be as specified by the purchaser. Types refer to classification of types in Federal Specification RR-C-271.

(a) *Wire Chain*

Type	Permitted sizes
Class 1 (single-loop pattern) chain.	#4, #2, #1/0, #2/0, #3/0, #4/0, #5/0, #6/0, #7/0
Class 2 (double-loop pattern) chain, style 1.	#7, #4, #3, #2, #1, #2/0, #4/0, #6/0, #8/0, #10/0
Class 2 (double-loop pattern) chain, style 2.	#4, #2, #1/0, #2/0, #3/0
Class 7, single jack chain.	#19, #18, #16, #14, #12, #10, #8, #6, #5
Class 8, double jack chain.	#19, #18, #16, #14, #12, #10
Class 10, register chain.	#18, #16, #14, #12, #10
Pump chain.	#6

(b) *Flat Metal Chain*

Class 3, sash chain.	#8, #8B, #25, #30, #35, #40, #45, #50, #60, #65
Class 4a, flat link (long pitch).	#31, #33, #35, #12, #9 $\frac{1}{2}$, #91, #8, #7, #3, #113, #330, #350, #4-0
Class 4b, flat link (short pitch).	#280
Class 6, safety chain (plumbers chain).	#00, #0, #1

TABLE V—WELDLESS CHAIN ASSEMBLIES

All weldless chain assemblies shall be made only from those types of chain permitted to be manufactured in Table IV and shall be further limited in sizes and specifications as stated below. Weldless chain assemblies may be finished as specified by the purchaser.

Tie out chains: Double-loop pattern chain only may be used; sizes #1 and #2/0 only; permitted lengths 20' and 30' only. Link dimensions on tie out chains may exceed regular dimensions for these sizes in double-loop pattern chain.

Halter chains: Double-loop pattern chain only may be used; sizes #1, #2/0, #4/0, and #6/0; permitted lengths 4 $\frac{1}{2}$ ' and 6'.

Cow ties: Ohio pattern; may be made out of double-loop pattern chain only with or without swivel; size #2/0 only; permitted length 4½'.

Anti-spreader chains: Double-loop pattern only may be used; size #2/0; permitted lengths 38" and 42" only.

Kennel chains: Double-loop pattern only may be used; size #2/0; permitted lengths 6' and 9'. Kennel chains may be manufactured only for use with work dogs employed for purposes of training or hauling sledges.

[F. R. Doc. 43-10306; Filed, June 26, 1943; 11:58 a. m.]

PART 3277—LABORATORIES

[Preference Rating Order P-43, as Amended June 26, 1943]

For the purpose of facilitating the acquisition of material for laboratories and to promote the national defense, preference ratings and an allotment symbol are hereby assigned to deliveries of such materials under the terms and within the limitations hereinafter set forth:

§ 3277.1 Preference Rating Order P-43—(a) Definitions. For the purposes of this order:

(1) "Laboratory" means any person engaged in the business of carrying on scientific or technological investigation, testing, development or experimentation, to the extent that he is so engaged. The term includes research laboratories, production control laboratories, testing laboratories, analytical laboratories, clinical laboratories, and instructional laboratories. It does not include any person to the extent that he is engaged in the manufacture of products for commercial sale, even though the place in which the products are manufactured may be called a laboratory. "Serial-numbered laboratory" means a laboratory which has been assigned a serial number under this order by the War Production Board pursuant to application on Form WPB-167 (formerly Form PD-107). (Application for a serial number must be made in accordance with the terms of paragraph (e) of this order.) "Non-serial-numbered laboratory" means any laboratory other than a serial-numbered laboratory.

(2) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind. The term includes, but is not limited to, maintenance, repair and operating supplies for laboratories, equipment and instruments designed for use in laboratories, and other materials needed to carry on scientific or technological investigation, testing, development or experimentation. The term does not include chemicals prepared and packed for reagent use, which may be obtained in the manner provided in Order P-135.

(b) *Method of obtaining controlled materials*—(1) *Steel and copper.* Any laboratory needing any controlled material (as defined in CMP Regulation 1), except aluminum, for carrying on scientific or technological investigation, testing, development or experimentation, may obtain the same by using the allotment symbol MRO-P-43 and by placing on his purchase order substantially the

certification set forth in paragraph (d) of this order (or the alternative form of certification provided in CMP Regulation 7). The allotment symbol assigned by this paragraph (b) constitutes an allotment symbol for the purposes of CMP Regulation 3, and an order for controlled material bearing the certification set forth in paragraph (d) constitutes an authorized controlled material order.

(2) *Aluminum.* (i) Any laboratory needing aluminum in any of the forms or shapes constituting a controlled material, for carrying on scientific or technological investigation, testing, development or experimentation, where the use of other materials is impracticable, may obtain the same from a controlled materials producer or from a distributor specifically authorized by the War Production Board to engage in the business of receiving aluminum for sale or resale, in an amount of not to exceed 100 pounds from all sources during any one calendar quarter: *Provider*. That any order placed pursuant to this paragraph (b) (2) shall be accompanied by the following certification (or the alternative form of certification provided in CMP Regulation 7), signed manually or as provided in Priorities Regulation 7:

CMP allotment symbol MRO-P-43. The undersigned certifies, subject to the criminal penalties for misrepresentation contained in section 35 (A) of the United States Criminal Code, that the materials covered by this order are required to carry on scientific or technological investigation, testing, development or experimentation; that the use of other materials for such purposes is impracticable; that the amount of aluminum covered by this order together with the other amounts received by, or on order for delivery to the undersigned, from all sources, for such purposes during the same quarter, will not exceed 100 pounds; and that this order is placed in compliance with Preference Rating Order P-43.

Name _____
By _____
Authorized Official _____

Date _____

Any producer or warehouse receiving an order bearing such certification shall be entitled to rely thereon and may fill the order, unless he knows or has reason to believe the certification to be false. An order bearing such certification constitutes an authorized controlled material order.

(ii) Any laboratory needing aluminum in any of the forms or shapes constituting a controlled material in amounts aggregating more than 100 pounds from all sources during any one calendar quarter for carrying on scientific or technological investigation, testing, development or experimentation, where the use of other materials for such purpose is impracticable, may apply for an allotment of the amount thereof in excess of 100 pounds during any one calendar quarter by letter addressed to the Aluminum and Magnesium Division, War Production Board, Washington, D. C., Ref: LAB. The letter should contain substantially the information called for by paragraphs (d) (1) to (d) (6) of Supplementary Order M-1-i, as amended March 10, 1943. If the application is granted, the applicant will receive an

allotment number or symbol, and may place an authorized controlled material order by endorsing his order with such allotment number or symbol and the certification prescribed in paragraph (s) (3) of CMP Regulation 1 or in CMP Regulation 7, executed as provided in such regulations.

(c) *Method of obtaining materials other than controlled materials.* Laboratories needing any materials other than controlled materials (regardless of whether such other materials are Class A products, Class B products or other products or materials) for carrying on scientific or technological investigation, testing, development or experimentation, are hereby assigned preference ratings for deliveries of such materials as follows:

(1) Serial-numbered laboratories and laboratories owned or operated by the Army or Navy of the United States: AA-1.

(2) Non-serial-numbered laboratories: AA-2.

A laboratory may apply the preference rating hereby assigned by placing on his purchase order substantially the certification set forth in paragraph (d) of this order (or the alternative form of certification provided in CMP Regulation 7).

(d) *Method of using allotment symbol and of applying and extending preference ratings.* (1) A laboratory may use the allotment symbol assigned by paragraph (b) (1) of this order and may apply the preference rating assigned by paragraph (c) of this order by placing on his purchase order substantially the following certification (or the alternative form of certification provided in CMP Regulation 7), signed manually or as provided in Priorities Regulation 7:

Preference rating _____; CMP allotment symbol MRO-P-43; Serial No. _____ (show serial number under P-43, if one has been assigned). The undersigned certifies, subject to the criminal penalties for misrepresentation contained in section 35 (A) of the United States Criminal Code, that the items covered by this order are required to carry on scientific or technological investigation, testing, development or experimentation, and that this order is placed in compliance with Preference Rating Order P-43.

Name _____
By _____
Authorized Official _____
Date _____

(2) A purchase order bearing the above certification shall have the status of a purchase order bearing a preference rating with an allotment symbol as provided in CMP Regulation 3. A person with whom a purchase order is placed bearing a preference rating assigned by this order may, subject to the limitations contained in CMP Regulations 1 and 2, extend the rating in the manner provided in CMP Regulation 3 (using the endorsement therein specified or the alternative form of certification provided in CMP Regulation 7).

(e) *Assignment of serial numbers.* Any laboratory desiring a serial number under this order may apply to the War Production Board on Form WPB-167 (formerly Form PD-107), in triplicate, for the assignment of a serial number. Serial numbers will be assigned only to

laboratories which are engaged in research or production control activities which are essential to the prosecution of the war. Serial numbers which heretofore have been assigned or hereafter are assigned to any laboratory may be revoked by the War Production Board at any time.

(f) *Reports by serial-numbered laboratories.* On or before July 15, 1943, and on or before the 1st day of every calendar quarter after July 1, 1943, unless otherwise directed by the War Production Board, each serial-numbered laboratory shall file with the War Production Board a report on Form WPB-167, setting forth the principal activities of the laboratory and all other information required by the form.

(g) *Limitation on use of preference ratings.* The preference ratings assigned by this order shall not be applied or extended to the delivery of any item appearing on List A, B or C of Priorities Regulation 3, except as specifically permitted in List B with respect to laboratory instruments and equipment.

(h) *Effect on other orders.* (1) Except as otherwise provided herein, nothing in this order shall be construed to relieve any laboratory from complying with any applicable regulation or order of the War Production Board (including orders in the "E", "L" and "M" series) or with any order of any competent authority. Specifically, the assignment of preference ratings and an allotment symbol by this order does not relieve any laboratory from complying with the provisions of Limitation Order L-144 with respect to laboratory equipment (as defined therein).

(2) The quantity restrictions set forth in paragraph (f) of CMP Regulations 5 and 5A shall not be applicable to any laboratory obtaining material under this order.

(i) *Inventory restrictions.* No laboratory shall at any time accept delivery of any material (whether or not such material is obtained pursuant to this order) if the laboratory already has a practicable minimum working inventory thereof or if the acceptance of the material will cause such laboratory to have an inventory of the material in excess of a practicable working minimum, as provided in section 944.14 of Priorities Regulation 1. Furthermore, no laboratory shall accept delivery of any controlled material if acceptance of the controlled material would cause him to violate the inventory limitations of CMP Regulation 2.

(j) *Use of other ratings or allotment numbers or symbols.* Nothing contained in this order shall prevent any laboratory from using any ratings or allotment numbers or symbols which he may be entitled to use by reason of any preference rating certificate or any other order or regulation of the War Production Board; but the ratings assigned by this order shall be effective, notwithstanding the provisions of paragraph (k) (1) of CMP Regulation 5 and paragraph (l) (1) of CMP Regulation 5A.

(k) *Penalties for misrepresentation or diversion.* (1) The placing of any order bearing a certification or symbol as pro-

vided by this order shall constitute a representation, subject to the criminal penalties of section 35 (A) of the United States Criminal Code (18 U. S. C. 80), that the person placing the order is entitled, under the terms of this order to use of the symbol or preference rating indicated thereon.

(2) No person shall use for any purpose other than the carrying on of scientific or technological investigation, testing, development or experimentation, any material obtained under this order, nor use any material obtained under a preference rating assigned by this order for a purpose to which a lower rating, or no rating, is assigned. Any such use shall constitute a crime punishable by fine or imprisonment or both. Physical segregation of inventories is not required, but the restrictions applicable to any specific lot of material or product must be observed with respect to an equivalent amount of the same material or product.

(l) *Records.* Each laboratory acquiring materials pursuant to this order shall keep and preserve, for a period of not less than two years, accurate and complete records of all materials so acquired. Such records shall, upon request, be submitted to audit and inspection by a duly authorized representative of the War Production Board.

(m) *Communications to War Production Board.* All communications concerning this order and all applications and reports shall, unless otherwise directed, be addressed to: War Production Board, Safety and Technical Equipment Division, Washington, D. C., Ref: P-43.

Issued this 26th day of June 1943.

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

[F. R. Doc. 43-10307; Filed, June 26, 1943;
11:58 a. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS

[General Imports Order M-63 as Amended June 28, 1943]

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

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

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

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

(4) "Import" means to transport in any manner into the continental United States from any foreign country or from any territory or possession of the United States (including the Philippine Islands). It includes shipments into a free port, free zone, or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States and shipments in bond

into the continental United States for transshipment to Canada, Mexico, or any other foreign country.

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

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

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

(b) *Restrictions on imports of materials—(1) General restriction.* No person, except as authorized in writing by the War Production Board, shall purchase for import, import, offer to purchase for import, receive, or offer to receive on consignment for import, or make any contract or other arrangement for the importing of, any material subject to this order after the governing date. The foregoing restrictions shall apply to the importation of any material subject to the order, regardless of the existence on the governing date or thereafter of any contract or other arrangement for the importation of such material. The materials subject to this order are those listed from time to time upon List I, List II, and List III attached hereto.

(2) *Authorization by War Production Board.* Any person desiring such authorization, whether owner, purchaser, seller, or consignee of the material to be imported, or agent of any of them, shall make application therefor in duplicate on Form PD-222C, addressed to the War Production Board, Ref.: M-63, Washington, D. C. Unless otherwise expressly permitted, such authorization shall apply only to the particular material and shipment mentioned therein and to the persons and their agents concerned with such shipment; it shall not be assignable or transferable either in whole or in part.

(3) *Restrictions on financing of imports.* No bank or other person shall participate, by financing or otherwise, in any arrangement which such bank or person knows or has reason to know involves the importation after the governing date of any material subject to this order, unless such bank or person either has received a copy of the authorization issued by the War Production Board under the provisions of paragraph (b) (2) or is satisfied from known facts that the proposed transaction comes within the exceptions set forth in paragraph (b) (4).

(4) *Exceptions.* Unless otherwise directed by the War Production Board, the restrictions set forth in this paragraph (b) shall not apply:

(i) To the Board of Economic Warfare, Commodity Credit Corporation, Metals Reserve Company, Defense Supplies Corporation, or any other United States governmental department, agency, or corporation, or any agent acting for any such department, agency, or corporation; or

(ii) To any material of which any United States governmental department, agency, or corporation is the owner at the time of importation, or to any material which the owner at the time of importation had purchased or otherwise acquired from any United States governmental department, agency, or corporation; or

(iii) To any material which on the governing date was in transit to a point within the continental United States.

(iv) To materials imported by mail where the value of the shipment is less than \$100.00; or

(v) To materials consigned as gifts or as samples, or for use as samples, or imported for personal use, where the value of each consignment or shipment is less than \$200.00; or

(vi) To materials consigned as gifts for personal use by or to members of the Armed Services of the United States.

(vii) To any material on List I or List II imported by any person under any contract or other arrangement made before, or in existence on the governing date and which, on December 28, 1942, was in transit to a point within the continental United States.

(c) *Restrictions on disposition of List I material.* Except as hereinafter specifically provided in paragraph (d) hereof:

(1) *Restrictions upon owners and consignees.* No owner or consignee of any material on List I which is imported after the governing date shall in any way, directly or indirectly:

(i) Dispose of any interest in such material;

(ii) Process or in any way change the physical condition of such material;

(iii) Transfer possession, or cause or permit a transfer of possession, of such material except to the port of entry and from the port of entry to the place of initial storage of such material; or

(iv) Change, or cause or permit a change of, the location of such material except to the port of entry and from the port of entry to the place of initial storage of such material.

Provided: That a consignee of such material may dispose of his interest in such material to the extent necessary to complete any commitment or contract made prior to the governing date. The person to whom he disposes of such interest shall be subject to all restrictions imposed upon owners by this order.

(2) *Restrictions upon banks and persons similarly situated.* No bank or other person which, as agent, pledgee, beneficiary under a trust receipt, or otherwise, has possession of or any interest in any written instrument evidencing any interest in any material on List I shall in any way, directly or indirectly,

dispose of any such interest, or transfer possession, or cause or permit a transfer of possession, of such instrument, unless:

(i) Such material was imported before the governing date; or

(ii) Such person neither knows nor has reason to know that such material was imported after the governing date; or

(iii) Such disposition or transfer is necessary to permit a consignee to make a permissible disposition of material in accordance with subparagraph (1) of this paragraph (c); or

(iv) Such disposition or transfer is made to the owner of the material and such owner has complied with all the provisions of this order.

(d) *Permissible disposition of List I materials — (1) Transfer to governmental agency.* Nothing contained in this order shall prohibit an owner or consignee of any material on List I imported after the governing date, or a bank or other person having possession of, or an interest in, a written instrument evidencing an interest in such material, from disposing of, or making any arrangement to dispose of, any interest in such material to the Board of Economic Warfare, Commodity Credit Corporation, Metals Reserve Company, Defense Supplies Corporation, or any other United States governmental department, agency, or corporation.

(2) *Authorization by War Production Board.* Notwithstanding the provisions of paragraph (c), an owner or consignee of material on List I imported after the governing date or a bank or other person having possession of, or an interest in, a written instrument evidencing an interest in such material, may process such material or may dispose of any interest in such material or any such written instrument, or transfer possession or change the location thereof, or cause or permit such a transfer of possession or change of location, upon written authorization by the War Production Board. Any such person may make application in duplicate for such an authorization on Form PD-222A, which form shall be addressed to the War Production Board. Ref.: M-63, Washington, D. C.

(3) *Exceptions.* The restrictions set forth in paragraph (c) shall not apply to any material after any United States governmental department, agency, or corporation becomes the owner thereof, and shall not apply to any material of which any United States governmental department, agency, or corporation is the owner at the time of importation, and shall not apply to any material purchased or otherwise acquired from any United States governmental department, agency, or corporation.

(e) *Restrictions on disposition of List II or List III material.* Unless otherwise provided by the terms of the authorization issued pursuant to paragraph (b) (2), any material on List II or List III, which is imported in accordance with the provisions of this order after the governing date, may be sold, delivered, processed, consumed, purchased, or received without restriction under this

order, but all such transactions shall be subject to all applicable provisions of the regulations of the War Production Board and to all orders and directions of the War Production Board which now or hereafter may be in effect with respect to such material.

(f) *Reports — (1) Reports on customs entry.* No material which is imported after the governing date, including materials imported by or for the account of the Board of Economic Warfare, Commodity Credit Corporation, Metals Reserve Company, Defense Supplies Corporation, or any other United States governmental department, agency, or corporation, shall be entered through the United States Bureau of Customs for any purpose, whether for consumption, for warehouse, in transit, in bond, for re-export, for appraisal, or otherwise, unless the person making the entry shall file with the entry Form PD-222B in duplicate. The filing of such form a second time shall not be required upon any subsequent entry of such material through the United States Bureau of Customs for any purpose; nor shall the filing of such form be required upon the withdrawal of any material from bonded custody of the United States Bureau of Customs, regardless of the date when such material was first transported into the continental United States. Both copies of such form shall be transmitted by the Collector of Customs to the War Production Board, Division of Stockpiling and Transportation, Ref.: M-63, Washington, D. C.

(2) *Other reports.* All persons having any interest in, or taking any action with respect to, any material imported after the governing date, whether as owner, agent, consignee, or otherwise, shall file such other reports as may be required from time to time by the War Production Board.

(g) *Routing of communications.* All communications concerning this order shall, unless otherwise herein directed, be addressed to: War Production Board, Washington, D. C., Ref.: M-63.

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

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

Issued this 28th day of June 1943.

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

LIST I

NOTE: Items "Alpargatas," "Feathers for beds," added, "Goosedown" revoked June 28, 1943.

The numbers listed after the following materials are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (issue of January 1, 1943). Materials are included in the list to the extent that they are covered by the commodity numbers listed below. If no commodity number is listed, the description given shall control.

Material	Commerce Import Class No.	Governing date
Agave manufactures and semi-manufactures:		
Sisal cordage, including cables, tarred or untarred composed of 3 or more strands, each strand composed of 2 or more yarns.	3417.010	1/18/43
Carpet yarns of agave, dyed or undyed.	3417.110	1/18/43
Cordage of agave fibers, other than sisal.	N. S. C.	7/21/42
Cords and twines of agave fibers.	N. S. C.	1/18/43
Fabrics woven of agave fiber.	N. S. C.	1/18/43
Other manufactures (including all products in whole or in part of agave fibers).	N. S. C.	9/11/42
Albarco lons.	N. S. C.	1/18/43
Albarco lumber.	N. S. C.	1/18/43
Alpaca llama, and vicuna hair.	3535.000- inc.	7/2/42
Alpargatas.	0369.500	6/28/43
Asphalt.	5078.100	7/2/42
Beef and mutton tallow—includes oleo stock.	0366.600	5/22/42
Beef and mutton tallow (medible)—includes oleo stock.	0817.600	5/22/42
Brazilian pebble (quartz crystals), unmanufactured.	5120.600	10/6/42
Brazilian pebble (quartz crystals) manufactured and semimanufactured in blanks, slabs, bars, etc.	N. S. C.	10/6/42
Bristles, hog and pig.	0917.000	3/14/42
Broomcorn.	0979.100	3/14/42
Cacahuanaanche oil.	2936.000	11/23/42
Cacahuanaanche seeds.	N. S. C.	1/18/43
Castor beans.	N. S. C.	3/5/43
Cedar, Spanish:		
Logs.	4032.000	4/28/43
Lumber, rough, not further manufactured than sawed, and flooring.	6213.100	12/28/41
Lumber, dressed, not further manufactured than planed, tongued, and grooved.	6213.300	12/28/41
4202.000	4/28/43	
Chrome ore (Chromite).	6213.500	12/28/41
Cinchona bark or other bark from which quinine may be extracted.	2201.000	5/22/42
Cod oil.	0804.000	5/22/42
Coir fiber.	2409.000	11/23/42
Coir yarn.	3420.000	11/23/42
Coir manufactures, other than pile mats, floor coverings, matting, etc.	N. S. C.	11/23/42
Columbium ore (columbite) or concentrates.	6270.300	4/8/42
Cottonseed oil, crude, refined.	1423.100	5/22/42
Divi-divi pods.	1423.200	5/22/42
Divi-divi, hemlock and chestnut extracts.	2320.140	7/2/42
Feathers for beds (including goose and duck feathers and down, and mixtures thereof, new and used).	2345.000	7/2/42
Flaxseed (linseed).	0922.200	6/28/43
Graphite or plumbago:		
Amorphous, natural (except of Mexican origin).	5730.100	4/8/42
Crystalline flake.	5730.500	12/28/41
Crystalline, crucible lump and chip graphite.	5730.610	4/8/42
Crystalline, dust and other crystalline lump and chip graphite.	5730.630	4/8/42
Hemp (Cannabis Sativa type only), unmanufactured:		
Hackled, including "lime of hemp".	3263.000	9/11/42
Not hackled.	3263.200	9/11/42
Tow.	3263.300	9/11/42

¹ Moved from List II 4/28/43

² Moved from List III 1/18/43

³ Moved from List II 11/23/42

⁴ Moved from List III 4/28/43

⁵ Moved from List II 5/14/43

Material	Commerce Import Class No.	Governing date
Hides and skins:		
Deer; buck or doe.	0293.100	1/9/11/42
Horse mane and tail hair, raw and drawn, including switches.	3694.000	3/14/42
3694.100	3/14/42	
Ipeac, crude and advanced in value or condition.	2210.450	1/18/43
2220.170	1/18/43	
Lac: crude, seed, button and stick.	2105.000	3/4/43
Lard oil.	N. S. C.	3/5/43
Lard (including rendered pork fat).	0036.000	3/5/43
Lard compounds and lard substitutes made from animal or vegetable oils and fats.	0036.100	3/5/43
0300.100-		
0345.900	3/7/2/42	
Leather, unmanufactured.	inc.	
Linseed oil, and combinations and mixtures, in chief value of such oil.	2254.000	5/22/42
Macaua oil.	N. S. C.	5/14/43
Manganese ore (including ferruginous) or concentrates, and magnetiferous iron ore, containing 35 percent and over of manganese.	6211.200	5/14/43
6211.300	5/14/43	
2320.180	3/7/2/42	
Mangrove bark.	2342.000	7/2/42
Mangrove extract (including Philippine cutch).	N. S. C.	8/21/42
Muru muru nut oil.	2304.000	7/2/42
Myrobalan fruit and extract.	2345.800	7/2/42
Neatsfoot oil and animal oils known as neatsfoot stock.	0808.950	5/22/42
Oleo oil.	0036.200	8/21/42
Palmyra fiber, unmanufactured.	3409.310	4/28/43
Palmyra fiber, manufactured in whole or in part, including bassine.	3410.030	4/28/43
3410.030	4/28/43	
Peanuts:	1427.000	5/22/42
Shelled.	1367.000	4/2/43
Not shelled.	1368.000	4/2/43
Prima Vera:	4033.400	4/28/43
Logs.		
Lumber, rough, not further manufactured than sawed, and flooring.	N. S. C.	4/28/43
Lumber, dressed, not further manufactured than planed, tongued, and grooved.	N. S. C.	4/28/43
Pyrethrum or insect flowers.	2202.000	10/21/42
Pyrethrum, or insect flowers, advanced in value or condition.	2220.310	10/21/42
Quiebracho extract.	3344.000	7/2/42
Quiebracho wood.	2305.600	7/2/42
Rapeseed.	2237.000	5/22/42
Red squill.	2210.650	10/21/42
Rotenone bearing roots (timbo or barbasco) deris and tuba crude and advanced.	2210.280	5/4/42
2210.300	5/4/42	
2220.360	5/4/42	
2220.370	5/4/42	
2237.500	5/22/42	
Rubbe. seed.	N. S. C.	5/22/42
Rubber seed oil.	6270.200	12/28/41
Rutile.	0816.000	7/2/42
Seal oil.	1428.200	7/21/42
Sesame oil, edible and inedible.	2249.000	7/21/42
Sunflower oil, edible and denatured.	1421.000	5/22/42
2247.000	5/22/42	
2240.000	5/22/42	
Sunflower seed.		
Tanning extracts, not specially provided for (including urunday).	2345.100	7/2/42
Tantalum ore (tantalite).	6270.400	4/8/42
Tara.	2320.230	7/2/42
N. S. C.	8/21/42	
Tucum oil.	2327.000	7/2/42
Valonia beards and valonia extract.	2345.100	7/2/42
Vegetables, dehydrated.	N. S. C.	4/28/43
Vermiculite.	N. S. C.	3/5/43
Wattle bark.	2309.000	7/2/42
Wattle extract.	2345.500	7/2/42
Wattle oil (other than sperm).	0803.500	5/22/42
Wool grease, including degras or brown wool grease (all grades).	0613.200	5/22/42
0813.300	5/22/42	
0813.500	5/22/42	
Wrist chronographs, incorporating a watch movement in combination with a timer movement, having a pillar or bottom plate less than 1.5 inches in width, as defined in subparagraph 367 (h) of the Tariff Act of 1930.	N. S. C.	5/14/43
Zirconium ore.	6270.500	12/28/41

¹ Moved from List III 3/5/43

² Moved from List II 10/6/42

³ Moved from List III 4/28/43

⁴ Moved from List III 4/2/43

⁵ Moved from List III 5/14/43

N. S. C.—No separate class or commodity number has been assigned for the material as described by the Department of Commerce, Statistical Classification of Imports.

LIST II

NOTE: List II amended June 10, 1943, and June 28, 1943.

The numbers listed after the following materials are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (issue of January 1, 1943). Materials are included in the list to the extent that they are covered by the commodity numbers listed below. If no commodity number is listed, the description given shall control.

Material	Commerce Import Class No.	Governing date
Aluminum scrap.	6302.300	6/1/42
Antimony.	6650.000	12/28/41
	6651.000	12/28/41
	6651.100	12/28/41
	8380.180	12/28/41
	8380.210	12/28/41
Asbestos, unmanufactured (originating in Rhodesia or Union of South Africa).	5500.010	1/13/42
	5500.020	1/13/42
	5500.090	1/13/42
	5500.300	1/13/42
	5500.500	1/13/42
	5501.000	1/13/42
	5501.100	1/13/42
	5501.900	1/13/42
Babassu nuts and kernels.	2239.130	4/8/42
Babassu nut oil.	2239.150	4/8/42
Balsa wood:		
Logs.	4029.100	6/10/42
Sawed boards, planks, deals and sawed timber.	4118.000	6/10/42
Beryl ore or beryllium ore.	6270.000	5/4/42
Beryllium oxide, carbonate and other beryllium salts.	8380.963	5/4/42
Cashew nut kernel oil.	2257.400	4/8/42
Cashew nut shell oil.	2260.050	4/8/42
Castor oil.	2260.020	4/8/42
Cattle, ox, and calf tail hair including switches.	3696.100	7/2/42
Coconut oil.	2242.500	1/13/42
Cohune nuts and kernels.	N. S. C.	4/8/42
Cohune nut oil.	N. S. C.	9/11/42
Copper:		
4601.800	12/28/41	
6417.100	3/13/42	
6430.000	3/14/42	
6418.300	6/1/42	
6401.900	12/28/41	
6418.100	7/2/42	
6453.000	6/1/42	
6760.020	6/1/42	
Copper, brass, and bronze manufacturers:		
Copper, brass, or bronze manufactures, not elsewhere specified on this order, which contain 25% or more of copper, brass, or bronze, by weight.	N. S. C.	6/28/43
Copper table, household, kitchen, and hospital utensils, and hollow or flat ware, n. s. p. f.	6430.090	4/2/43
Brass blow torches, and incandescent lamps operated by compressed air and kerosene or gasoline.	6458.700	4/2/43
Brass table, household, kitchen, and hospital utensils, and hollow or flat ware, n. s. p. f.	6458.800	4/2/43
Copra.	2232.000	1/13/42
Corn or maize oil (edible).	1422.000	5/22/42
Corundum and emery in grains, or ground, pulverized or refined.	5470.010	5/22/42
Corundum ore.	5460.000	5/22/42
Cotton linters, munitions or chemical grades only (Grades 3-6 according to Department of Agriculture Classification).	N. S. C.	4/8/42
Cotton yarns and fabrics:		
Airplane cloth, type MM.	N. S. C.	8/21/42
Balloon fabric, type HH.	N. S. C.	8/21/42
Balloon fabric, type SS.	N. S. C.	8/21/42
Cotton rope for spinning mules.	N. S. C.	11/23/42
Decating apron fabric.	N. S. C.	11/23/42
English spun combed cotton yarn, single or plied, in counts of 58's and finer.	N. S. C.	11/23/42
Filter cloth.	N. S. C.	11/23/42
Grey tracing cloth fabric.	N. S. C.	11/23/42
Lithograph moleskin cloth.	N. S. C.	11/23/42

Material	Commerce Import Class No.	Governing date	Material	Commerce Import Class No.	Governing date	Material	Commerce Import Class No.	Governing date
Cotton yarns and fabrics—Con.			Jute butts, unmanufactured	3242.000	10/6/42	Quinine salts or alkaloids from cinchona bark—Continued.		
Printers molleton	N. S. C.	11/23/42	Jute, unmanufactured	3241.000	10/6/42	Totauquine and totauquine compounds	N. S. C.	3/5/43
Tracing cloth	3970.000	8/21/42	Kapok	3403.000	7/2/42	Raffia, unmanufactured	3400.500	4/28/43
Typewriter ribbon fabric	N. S. C.	8/21/42	Kyanite and sillimanite	5930.950	12/28/41	Rapeseed oil, denatured and not denatured	2246.000	5/22/42
Cottonseed hull fiber	N. S. C.	7/21/42	Lead	6504.000	12/28/41	Shellac, unbleached and bleached	2253.000	1/13/42
Fir, other than Douglas fir:				6505.000	1/9/42	Silk:		
Logs	N. S. C.	4/28/43		6505.100	12/28/41	Cocoons	3703.000	10/21/42
Lumber, rough sawed boards, planks, deals, etc.	4104.040	4/28/43		6506.100	1/9/42	Partially manufactured silk, and silk nolls exceeding 2 inches in length, not twisted or spun	3799.000	10/21/42
Lumber, dressed sawed boards, planks, deals, etc.	4104.050	4/28/43		6506.500	1/9/42	Raw silk in skeins, reeled from the cocoon, or reeled, not wound, doubled, twisted, or advanced	3702.000	10/21/42
Flax, unmanufactured (all types):				6506.600	6/1/42	Silk waste	3704.000	10/21/42
Hackled, including "dressed line"	3261.600	7/2/42		6507.000	1/9/42	Wild silk or tussah	3702.100	10/21/42
Not hackled:				6509.000	1/9/42	Silver:		
Valued less than \$340 per ton	3262.500	4/8/42		N. S. C.	8/21/42	Ores, concentrates, and base bullion, valuable chiefly for silver content	6819.500	7/21/42
Valued \$340 or more per ton	3262.600	4/8/42		6760.310	6/3/42	Bullion, refined	6819.600	7/21/42
Noils	3262.700	7/2/42		7409.200	1/18/43	Coin, foreign	6819.800	7/21/42
Tow	3262.800	5/4/42				Sweepings and scrap, including silver sulphides	6819.900	7/21/42
Straw	3262.900	5/4/42				Semiprocessed items, valuable chiefly for silver content	N. S. C.	7/21/42
Glycerine, crude and refined	8290.000	5/22/42				Compounds, mixtures and salts, valuable chiefly for silver content	N. S. C.	7/21/42
Goat and kid skin furs	8291.100	5/22/42				Sisal and banequen, unmanufactured (includes flume tow and bagasse waste)	3401.000	1/18/42
Hides and skins:	8711.400	7/21/42				Sperm oil, crude, refined or otherwise processed	6803.000	5/22/42
Buffalo hides, dry and wet	8263.000	1/13/42					6803.100	5/22/42
Cabretta skins or hair sheep skins.	8203.100	1/13/42				Tale, steatite (magnesium silicate), containing not to exceed 11½% lime and 1½% ferric oxide	N. S. C.	11/23/42
Calf, dry and wet	8235.000	7/2/42				Crude and ungrounded	N. S. C.	11/23/42
Cattle hides, dry and wet	8207.000	1/13/42				Ground, washed, powdered, or pulverized		
Goat and kid skins, dry and wet	8208.000	1/13/42				Tin:		
Kip, dry and wet	8201.000	1/13/42				Alloys, chief value tin, n. s. p. t. (including alloy scrap)	6551.900	6/1/42
Shearlings (includes dry and green salted skins)	8231.300	7/2/42				Bars, blocks, pigs, grain or granulated	6551.300	6/1/42
Iron and steel scrap, fit only for remanufacture	6004.000	6/1/42				Metallic scrap (except alloyed scrap)	6551.500	6/1/42
Istle or tampico fiber, manufactured in whole or in part (dressed)	6004.100	6/1/42				Tin-plate scrap	6740.050	7/2/42
Istle or tampico fiber manufactures (including all products in whole or in part of istle)	8410.010	3/5/43				Tung oil (China wood oil)	2241.000	1/31/42
Istle or tampico fiber, unmanufactured (including istle waste)	3405.000	3/14/42				Tungsten ore and concentrates	6232.000	12/28/41
Jute and manmutes:						Urena lobata fiber	N. S. C.	10/6/42
Waste bagging and waste sugar sack cloth	3243.000	6/10/43				Vanadium ore	6260.000	12/28/41
Jute yarns or roving, single	3244.100	6/10/43				Wool, apparel, finer than 44's	3520.000	7/2/42
Jute cordage, twine and twist of 2 or more yarns twisted together, size of single yarn or roving:	3244.200	6/10/43					3521.100	7/2/42
Not bleached, dyed or otherwise treated	3244.300	6/10/43					3521.200	7/2/42
Bleached, dyed or otherwise treated	3245.220	6/10/43					3521.300	7/2/42
	3245.320	6/10/43					3522.000	7/2/42
	3245.420	6/10/43					3523.100	7/2/42
	3245.520	6/10/43					3523.200	7/2/42
							3523.300	7/2/42
Bagging for cotton, gunny cloth, etc., of single yarns, not bleached, colored, or printed, not exceeding 16 threads in warp and filling to the square inch, of jute or other vegetable fiber	3246.000	6/10/43	Milkweed	N. S. C.	1/18/43			
Burlaps and other woven fabrics wholly of jute, n. s. p. f.	3246.100	6/10/43	Nutgalls or gall nuts	2310.000	9/11/42	Wool (apparel, finer than 40's but not finer than 44's)	3513.000	7/2/42
Plain woven fabrics of jute, weighing less than 4 ounces per square yard	3247.000	6/10/43	Oiticica oil	2255.600	4/8/42		3514.100	7/2/42
Woven fabrics of jute for paddings or interlinings exceeding 30 threads in warp and filling to the square inch, weighing from 4½ to 12 ounces, inclusive, per square yard	3247.200	6/10/43	Ouricury (uricury) nuts and kernels	2239.610	5/22/42		3514.200	7/2/42
Woven fabrics of jute, n. s. p. f. in chief value but not wholly of jute	3248.000	6/10/43	Ouricury (uricury) oil, inedible and edible	2239.620	5/22/42		3514.300	7/2/42
Jute webbing, not exceeding 12 inches in width	3248.100	6/10/43	Palm nut kernels	2257.800	5/22/42		3524.000	7/2/42
Jute manufactures, n. s. p. f.	3250.700	6/10/43	Palm kernel oil	2236.500	3/14/42		3524.100	7/2/42
Jute bags or sacks	3250.900	6/10/43	Palm oil	2248.000	3/14/42		3524.200	7/2/42
	3249.000	4/2/43	Pine, other than Northern white or Norway pine	2243.000	1/13/42		3524.300	7/2/42
	3249.100	4/2/43	Logs	N. S. C.	4/28/43		3525.300	7/2/42
			Lumber, sawed boards, planks, deals, etc., rough and dressed	4107.700	4/28/43	Yucca fiber	N. S. C.	3/5/43
			Punga fiber	N. S. C.	3/5/43	Zinc base alloys, value chiefly of zinc, including "Kirksite"	6558.200	12/28/41
			Quinine salts or alkaloids from cinchona bark:	8102.000	3/5/43	Zinc, blocks, pigs, or slabs	6558.100	1/18/42
			Quinine sulphate	8103.200	3/5/43	Zinc, dross and skimmings	6558.000	1/18/42
			Quinine alkaloid			Zinc, old and worn out, fit only for remanufacture		
			Other salts and derivatives of quinine	8103.300	3/5/43			
			Cinchonidine and its salts	8103.400	3/5/43			
			Cinchoninone and its salts	8103.500	3/5/43			
			Quinidine and its salts	8103.600	3/5/43			

N. S. C.—No separate class or commodity number has been assigned for the material as described by the Department of Commerce, Statistical Classification of Imports.

LIST III

NOTE: List III was amended June 28, 1943.

The numbers listed after the following materials are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (issue of January 1, 1943). Materials are included in the list to the extent that they are covered by the commodity numbers listed below. If no commodity number is listed, the description given shall control.

Material	Commerce Import Class No.	Governing date
Alewives and other pickled or salted fish, n. s. p. f.	0073.300- 0073.900 inc.	7/2/42
Alfalfa seed	2401.000	7/2/42
Anchovies, canned, not in oil or in oil and other substances	0067.000	7/2/42
Anchovies, in oil or in oil and other substances	0064.200 0064.300	1/18/43 1/18/43
Annatto and annatto extracts	2320.000	7/2/42
Apples, dried, desiccated, or evaporated	1330.010	6/28/43
Apricots, dried, desiccated, or evaporated	1330.120	6/28/43
Argols, tartar and wine lees, and crude calcium tartrate	8329.000	7/2/42
Balata, Massarunduba	8330.000	7/2/42
Balata, Peruvian, F. A. Q., white	8330.013	7/2/42
Balsams, crude, not containing alcohol (except Canada balsam)	N. S. C. N. S. C.	3/5/43 3/8/43
Bananas, dried, desiccated, or evaporated	2141.000	7/2/42
Bananas, green or ripe	2141.300	7/2/42
Barley malt	2141.400	7/2/42
Baskets and bags of wood, straw, etc.	2141.500 2141.900	7/2/42 7/2/42
Beans, dried	4221.000	7/2/42
Beef and veal, pickled or cured	4221.200	7/2/42
Beef, canned, including corned beef	4221.500	7/2/42
Beef, fresh, chilled or frozen	4221.600	7/2/42
Beeswax	4221.900	7/2/42
Berries, dried, desiccated, or evaporated	1330.170	6/28/43
Blood, dried	8265.000	7/2/42
Bone black, bone char, and blood char	0990.130	7/2/42
Bones, crude	0911.200	7/2/42
Bones, ground, ash, dust, meal and flour	0911.300	7/2/42
Bottle caps, collapsible tubes, and sprinkler tops of metal, including foil bottle caps (except screw caps and patented closures)	6790.010 6790.020	5/14/43 5/14/43
Boxwood logs	4033.000	7/2/42
Bran, shorts, and other wheat by-product feeds	1181.000	7/2/42
Brazil or cream nuts	1356.000	7/2/42
Butter	1357.000	7/2/42
Buttermilk, dried	0044.000	7/2/42
Cacao butter (cocoa butter)	0041.200	4/2/43
Camel's hair	1420.000	7/2/42
Camel's hair tops	3510.000	4/28/43
Canary seed	2452.000	7/2/42
Candelilla wax	2252.200	7/2/42
Carnauba wax	2251.000	7/2/42
Caron fiber	4692.800	7/2/42
Caron manufactures	N. S. C.	1/18/43
Caron yarn	N. S. C.	10/6/42
Casein or lactarene	0943.000	7/2/42
Cashew nuts and kernels	1377.000	4/8/42
Cashmere goat hair, Angora rabbit hair, and hair of other like animals, n. e. s.	3535.500 3535.600 3535.700 3535.800 3535.900	4/2/43 4/2/43 4/2/43 4/2/43 4/2/43
Cassia buds, unground	1533.000	10/6/42

Material	Commerce Import Class No.	Governing date	Material	Commerce Import Class No.	Governing date
Cassia, cassia vera, unground	1533.100	10/6/42	Floor coverings: Carpets and carpeting, mats, rugs, art squares, etc., of wool, n. s. p. f.	3660.000- 3670.570 inc.	10/21/42
Cassia, cassia buds and cassia vera, unground	1550.070	10/6/42	Pile mats and floor coverings of coco fiber (coir fiber)	3960.100	10/21/42
Castor bean pomace (castor oil cake and castor oil cake meal)	8509.100 0045.100- 0046.990 inc.	1/18/43 7/2/42	Pile mats and floor coverings of rattan	3960.300	10/21/42
Cheese			Matting and articles of cocoa fiber (coir fiber) or rattan	3963.000	10/21/42
Cherries, dried, desiccated, or evaporated	1317.100	6/28/43	Floor coverings of grass or rice straw, not in chief value of cotton	3963.200	10/21/42
Chickens and guineas: Dead, fresh, chilled or frozen, dressed or undressed	0025.400	4/28/43	Textile floor coverings, other than wool, cotton, silk, rayon, etc. n. e. s.	3963.600	10/21/42
Live	N. S. C.	4/28/43	Fluorspar	5301.000	7/2/42
Prepared or preserved	N. S. C.	4/28/43	Fruits, dried, not elsewhere specified on this order	N. S. C.	6/28/43
Chickpeas and garbanzos, dried	1200.000	7/2/42	Garlic	1205.000	7/2/42
Chicle, crude and refined or advanced	2131.000	7/2/42	Ginger root, unground, not preserved or candied	1536.100	10/6/42
China clay or Kaolin	2189.300	7/2/42	Ginger root, ground, not preserved or candied	1550.080	10/6/42
Cinnamon and chips of, unground	6300.000	8/21/42	Glue, except glue size and fish glue (value—under 40¢ lb.)	0940.100	7/2/42
Cinnamon and chips of, ground	1526.000	10/6/42	Goat and kid hair except Angora (mohair) and Cashmere	3696.200	7/2/42
Citrons, or citron peel, crude, dried	1550.030	10/6/42	Grapefruit and pomeloes	1302.000	7/2/42
Cocoa beans or cacao beans	1326.200	6/28/43	Grapes, dried, other than raisins	1319.500	6/28/43
Cocoa powder, unsweetened and sweetened	1501.300	7/2/42	Grapes, fresh (other than hothouse)	1318.500	7/2/42
Coconuts, in the shell	1502.100	1/18/43	Guano	8604.000	7/2/42
Coconut meat, shredded and desiccated or similarly prepared	1502.300	1/18/43	Gum arabic or senegal (Acacia gum)	2161.000	10/21/42
Cod, haddock, hake, pollack, and cusk, pickled or salted (not in oil etc., and not in airtight containers, weighing, with contents, not over 15 lbs. each)	1502.900	10/21/42	Gum ghatti	N. S. C.	10/21/42
Coffee, raw or green; roasted or processed	1511.000	7/2/42	Gum kadya (karaya) and talka	2163.000	10/21/42
Combinations and mixtures of animal, vegetable, or mineral oils, or any of them, with or without other substances, not specifically provided for	1511.100	7/2/42	Gum tragacanth	2162.000	10/21/42
Corn	2260.120	7/21/42	Gums, n. e. s., used in manufacture of chewing gum	N. S. C.	3/5/43
Corn, cracked	1031.000	7/2/42	Hairpins of base metal, not plated with gold or silver, not jewelry (including bobby pins)	6790.350	5/14/43
Cotton linters, other than munitions, & chemical grades (Grades 1-2 according to Department of Agriculture Classification)	1090.180	7/2/42	Hempseed	2238.000	5/22/42
Cotton, raw (all staple length)	N. S. C.	7/2/42	Hempseed oil	2260.030	7/21/42
Cotton waste	3001.000	7/2/42	Herring (including sprats, pilchards and anchovies) all types	0070.000	7/2/42
Cotton—Merino waste	3003.600	7/2/42	Hibiscus cannabinus or ferox	N. S. C.	7/2/42
Crabs, fresh or frozen, prepared or preserved	3003.700	7/2/42	Hide cuttings, raw	0930.800	7/2/42
Cream, dried	3006.300	7/2/42	Hides and skins: Horse, colt, and ass	0211.100	7/2/42
Crin vegetal	3006.350	7/2/42	Pickled skins, not split, no wool	0211.300	7/2/42
Currants, dried	3407.000	6/28/43	Pickled fleshes, split, flesh side	0212.100	7/2/42
Dates, dried	N. S. C.	6/28/43	Pickled skivers, split, grain side	0212.200	7/2/42
Dog food	N. S. C.	6/28/43	Slats, dry, no wool	0212.300	7/2/42
Egg albumen, dried	1190.700	7/2/42	Other wooled, (wool on) except shearlings	0212.500	7/2/42
Egg albumen, frozen, or otherwise prepared or preserved, n. s. p. f.	1190.800	7/2/42	Sheep and lamb skins, except shearlings, cabretas, etc.	0231.500	7/2/42
Egg yolks, dried	0094.000	3/5/43	Pickled skins, not split, no wool	0234.000	7/2/42
Egg yolks, frozen, or otherwise prepared or preserved, n. s. p. f.	0095.000	3/5/43	Pickled fleshes, split, flesh side	0234.100	7/2/42
Eggs (chicken) whole, in the shell	0098.100	7/2/42	Pickled skivers, split, grain side	0234.200	7/2/42
Eggs, dried	0099.000	3/5/43	Slats, dry, no wool	0231.700	7/2/42
Eggs, frozen, or otherwise prepared or preserved, n. s. p. f.	0091.000	3/5/43	Other wooled, (wool on) except shearlings	0231.500	7/2/42
Eggs of poultry other than chicken, whole, in the shell	0088.500	3/5/43	Honey	1654.800	7/2/42
Egg yolks, dried	0092.000	3/5/43	Hydrogenated or hardened oils and fats, vegetable or animal	2260.100	7/21/42
Egg yolks, frozen, or otherwise prepared or preserved, n. s. p. f.	0093.000	3/5/43	Ilmenite (including ilmenite sand)	6270.100	7/2/42
Ergot	2210.330	10/6/42	Iodine	8330.000	7/2/42
Fatty acids, not specifically provided for, derived from vegetable oils, animal or fish oils, animal fats and greases, not elsewhere specified	2260.220	5/22/42	Iron ore	8330.630	7/2/42
Cottonseed oil	2260.210	7/21/42	Kola nuts	6001.000	7/2/42
Linseed oil	2260.230	7/21/42	Lamb and sheep fur, except Caracul and Persian lamb	2210.490	7/2/42
Soybean oil	2260.240	7/21/42	Lamb, fresh, chilled or frozen	0711.300	7/21/42
Other, not elsewhere specified	2260.280	7/21/42	Leche caspi (including crude sorva gum)	0022.000	5/14/43
Fatty alcohols and fatty acids sulphated, not elsewhere specified, and salts of fatty acids sulphated, not elsewhere specified	N. S. C.	6/28/43	Lentils	2170.000	3/5/43
Figs, dried	N. S. C.	6/28/43	Lignaloe oil or Bois de Rose	1199.000	7/2/42
Fish scrap and fish meal	0976.000	7/2/42	Limes	2280.270	7/2/42
	1509.700	7/2/42	Lobsters, canned and not canned	0083.000	7/2/42
	1510.800	7/2/42	Lupines	1199.100	7/2/42
	1511.900	7/2/42	Mace, unground	1540.000	10/6/42
	1512.000	7/2/42	Mace, ground	1550.090	10/6/42
	1513.100	7/2/42	Mace, Bombay or wild, unground	1549.200	10/6/42
	1514.200	7/2/42	Mace, Bombay or wild, ground	1550.100	10/6/42
	1515.300	7/2/42	Maté	2210.570	7/2/42
	1516.400	7/2/42	Maté, Yerba, advanced in value or condition (Paraguay tea)	1770.900	10/6/42
	1517.500	7/2/42	Meats, canned n. e. s., and prepared or preserved meats, n. s. p. f. (include liver paste; also include mutton)	0032.900	10/21/42
	1518.600	7/2/42	Meat extracts, including fluid	0096.000	7/2/42
	1519.700	7/2/42	Melons	1330.420	7/2/42
	1520.800	7/2/42	Milk, condensed and evaporated	0040.000	7/2/42
	1521.900	7/2/42	Milk, skimmed, dried	0041.100	4/2/43
	1523.000	7/2/42	Milk, whole, dried	0041.000	4/2/43

Material	Commerce Import Class No.	Governing date	Material	Commerce Import Class No.	Governing date
Mohair (Angora goat hair)	3530.000 3530.400 inc.	7/2/42	Soap (except Castile) and soap powder	3712.300 3719.900 inc.	7/2/42
Mohair tops	3560.100	1/18/43	Soap bark or quillaya	2210.820 1610.750	7/2/42
Mohair yarns	3570.600 inc.	1/18/43	Sugar, cane	1610.000 inc.	7/2/42
Molasses and sugar sirup, edible and inedible	1630.480 1640.000 inc.	7/2/42	Syrups and extracts for use in the manufacture of beverages	N. S. C.	3/5/43
Monazite sand and other thorium ore	5930.300	7/2/42	Tallow, vegetable	2250.000	7/2/42
Muru muru nuts and kernels	2239.630 2239.640	5/22/42 5/22/42	Tankage (incl. cracklings, greave cakes, liver meal, meat meal, meat flour, meat scrap, etc.)	0075.000 8509.600	7/2/42
Mutton, fresh, chilled or frozen	0021.000	5/14/43	Tapioca, tapioca flour, and cassava (including manioc flour)	1228.000	7/2/42
Nitrates, Sodium and Potassium	8506.000 8527.500 8527.900	7/2/42 7/2/42 7/2/42	Tea, not specially provided for	1521.000	7/21/42
Nitrogenous material, n. s. p. i. (including hoof meal and horn meal)	8509.800	1/18/43	Textile waste, not elsewhere specified in the order, including jute thread and flax, etc. (except sisal and henequen processors' mill waste)	N. S. C.	7/2/42
Nutmegs, unground	1539.000	10/6/42	Tobacco, unmanufactured	2601.000- 2610.000 inc.	7/2/42
Nutmegs, ground	1550.110	10/6/42	Tonka beans	1546.000	7/2/42
Oats, hulled and unhulled	1041.000	7/2/42	Tops of hair other than camel's hair, mohair, and wool (including alpaca and vicuna), n. e. s.	3560.500 2239.650	1/18/43 5/22/42
Offal, edible	1041.100	7/2/42	Tucum nuts and kernels	2239.660	5/22/42
Oil cake and oil cake meal:	0023.000	7/2/42	Tuna fish, fresh or frozen	0058.000	7/2/42
Coconut or copra	1111.000	3/5/43	Tuna fish, in oil or in oil and other substances	0065.200	4/2/43
Soybean	1112.000	3/5/43	Turkeys:		
Cottonseed	1114.000	7/2/42	Dead, fresh, chilled or frozen, dressed or undressed	0024.000	4/28/43
Linseed	1115.000	3/5/43	Live	0014.000	4/28/43
Peanut	1119.600	7/2/42	Prepared or preserved	N. S. C.	4/28/43
Hempseed	1119.700	7/2/42	Turtles	0086.200	7/2/42
Other n. s. p. i.	1119.900	7/2/42	Vanilla beans	1845.000	7/2/42
Oleo stearin	0036.300	7/2/42	Veal, fresh, chilled or frozen	0019.000	5/14/43
Onions, edible	1208.100	7/2/42	Vegetable ivory or tagua nuts	2911.000	7/2/42
Orange flower or neroli oil	2280.280	1/18/43	Vegetable oil foots, other than olive	N. S. C.	7/21/42
Orange oil (including mandarin)	2277.000	1/18/43	Vegetable soapstock	N. S. C.	7/21/42
Ouricury (uricury) wax	2252.300	7/2/42	Wool, advanced, n. e. s.	3560.900	1/18/43
Paper base stock:			Wool, apparel, 40's or coarser	3509.300 inc.	7/2/42
Rags for paper stock	4691.000	7/2/42	Wool, apparel, finer than 40's, not finer than 44's on the skin	3514.000 3525.000	7/2/42
Waste bagging, gunny cloth and bags	4692.000	7/2/42	Wool, carpet	3501.000- 3502.300 inc.	7/2/42
Grasses, fibers, waste, shavings, clippings, etc., n. e. s.	4692.900	7/2/42	Wool mungo	3553.900	11/23/42
Peaches, dried, desiccated, or evaporated	1330.620	6/28/43	Wool noils and waste	3555.700 inc.	7/2/42
Peaches, green, ripe, or in brine	1330.610	7/2/42	Wool press cloth waste	9850.903	7/2/42
Teas, dried, desiccated, or evaporated	1330.670	6/28/43	Wool rags	3554.000	11/23/42
Pears, green, ripe, or in brine	1330.660	7/2/42	Wool shoddy and wool extract	3555.800	11/23/42
Peas, dried and split	1197.000	7/2/42	Wool tops	3560.400	1/18/43
Peppers	1198.000	7/2/42	Wool yarns and yarns of other hair	3574.600 inc.	1/18/43
Piassava fiber	1210.050	7/2/42	Yarns wholly or in chief value of Angora rabbit hair	3573.400 inc.	1/18/43
Piassava fiber, manufactured in whole or in part (dressed cut to length, etc.)	3409.350	7/2/42			
Pigeons, racing or fancy	3410.050	3/5/43			
Pigeons, other	0895.500	7/2/42			
Pimento (allspice), unground	N. S. C.	7/2/42			
Pimento (allspice), ground	1548.000	10/6/42			
Pork:	1550.130	10/6/42			
Fresh or chilled	0020.100	5/14/43			
Frozen	0020.500	5/14/43			
Pork, hams, shoulders, bacon, sausage; prepared, cooked, boned, canned, etc.	0030.900	7/2/42			
Prunes, prunelles, and plums:	0031.900	7/2/42			
Green or ripe, not in brine	1330.510	6/28/43			
In brine	1330.530	6/28/43			
Dried, desiccated, or evaporated	1330.540	6/28/43			
Otherwise prepared or preserved, n. s. p. i.	1330.550	6/28/43			
Psyllium seed (plantago psyllium seed, fleawort, fleaseed and flea-seed husks)	2208.000	5/14/43			
Raisins:					
Made from seedless grapes	1319.100	6/28/43			
Other	1319.200	6/28/43			
Rice, broken	1050.200	7/2/42			
Rye	1044.000	7/2/42			
Salts derived from vegetable oils, animal oils, fish oils, animal fats and greases, not elsewhere specified, or from fatty acids thereof	2260.260	7/21/42			
Sansevieria fiber	N. S. C.	6/28/43			
Sansevieria manufactures (including all products in whole or in part of sansevieria)	N. S. C.	6/28/43			
Sardines, in oil or in oil and other substances	0063.200	4/2/43			
Sausage casings, sheep, lamb and goat only	0063.300	4/2/43			
Sausage casings, other	0064.000	7/2/42			
Sesame seed	0035.500	7/2/42			
Sisal and henequen processors' mill waste	2234.000	5/22/42			
	N. S. C.	4/28/43			

(b) of the order is necessary for their release or withdrawal from free port, free zone, or bonded custody, but authorization under paragraph (d) of the order is necessary for their subsequent disposition, processing, or shipment unless they are shipped in bond to Canada, Mexico, or some other foreign country. In which event the foreign destination is deemed to be the place of initial storage as such term is used in the order. (Issued June 30, 1942.)

INTERPRETATION 2

The following official interpretation is hereby issued by the War Production Board with respect to the meaning of the term "in transit" as defined in paragraph (a) (6) of General Imports Order M-63 (§ 1042.1) as amended:

By amendment dated December 17, 1942, the definition of material "in transit" was changed by adding the following clause, "or if it has actually been delivered to and accepted by a rail, truck, or air carrier, for transportation to a point within the continental United States." The question has been raised as to the meaning of the term as applied to a case where the material on the governing date had been delivered to and accepted by a rail, truck, or air carrier on a through bill of lading for transportation to a specified port and from thence by boat to a point within the continental United States.

The material in the stated case is not deemed to be in transit within the meaning of the term as used in the order. If the material is to be carried to the port of arrival in the continental United States by ship, the material must have been afloat, or an on board ocean bill of lading must have been issued with respect to it, on the governing date in order for it to be considered as having been in transit on such date.

Material which has been delivered to and accepted by a rail, truck, or air carrier on the governing date for transportation to a point within the continental United States is deemed to be in transit within the meaning of the term as used in the order only when the transportation specified in the bill of lading issued by such carrier calls for delivery of the material at the port of arrival in the continental United States by rail, truck, or air carrier, not by ship. (Issued March 5, 1943.)

INTERPRETATION 3

When by amendment of the order a material already on List II or List III is moved to List I and hence becomes subject to the restrictions of paragraph (c) covering the disposition, processing, transfer, or change of location of such material, the governing date for the application of such restrictions is the effective date of the amendment by which the material was moved to List I and not the date when such material first became subject to General Imports Order M-63. (Issued May 14, 1943.)

[F. R. Doc. 43-10365; Filed, June 28, 1943; 11:39 a. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS

[Supplemental General Imports Order M-63-a, as Amended June 28, 1943]

Pursuant to General Imports Order M-63, as amended, which this order supplements, *It is hereby ordered*, That:

§ 1042.2 Supplemental General Imports Order M-63-a. Until further or-

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der of the War Production Board, the provisions of General Imports Order M-63, as amended June 2, 1942, and thereafter, shall not apply to materials on List III of said order which are located in, and are the growth, production, or manufacture of, and are transported into the continental United States overland, by air, or by inland waterway

from Canada, Mexico, Guatemala, or El Salvador, except with respect to materials listed on Schedule A attached hereto.

Issued this 28th day of June 1943.

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

SCHEDULE A

NOTE: "Sansevieria fiber" and "Sansevieria manufactures" added June 28, 1943.

Material:

	Commerce	Import Class No.	Effective date
Bottle caps, collapsible tubes, and sprinkler tops of metal, including foil bottle caps (except screw caps and patented closures)	6790.010		May 14, 1943
	6790.020		May 14, 1943
Canary seed	2452.000		Dec. 14, 1942
Chicle, crude and refined or advanced	2131.000		Dec. 14, 1942
	2189.300		Dec. 14, 1942
Chickpeas and garbanzos, dried	1200.000		Mar. 5, 1943
Coffee: raw or green roasted or processed	1511.000		Mar. 5, 1943
	1511.100		Mar. 5, 1943
Hairpins of base metal, not plated with gold or silver, not jewelry (including bobby pins)	6790.350		May 14, 1943
Molasses and sugar syrup, edible and inedible	1630.480-1640.000	inclusive	Dec. 14, 1942
Oil cake and oil cake meal:			
Coconut or copra	1111.000		Mar. 5, 1943
Soybean	1112.000		Mar. 5, 1943
Cottonseed	1114.000		Dec. 14, 1942
Linseed	1115.000		Mar. 5, 1943
Peanut	1119.600		Dec. 14, 1942
Hempseed	1119.700		Dec. 14, 1942
Other, n. s. p. f.	1119.900		Dec. 14, 1942
Sansevieria fiber	N. S. C.		June 28, 1943
Sansevieria manufactures (including all products in whole or in part of sansevieria)	N. S. C.		June 28, 1943
Sesame seed	2234.000		Nov. 26, 1942
Sisal and henequen, processors' mill waste	N. S. C.		April 28, 1943
Syrups and extracts for use in the manufacture of beverages, if transported in railway tank cars	N. S. C.		April 28, 1943

[F. R. Doc. 43-10366; Filed, June 28, 1943; 11:39 a. m.]

PART 1154—METAL PLUMBING AND HEATING EQUIPMENT

[Limitation Order L-79 as Amended June 28, 1943]

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

§ 1154.1 General Limitation Order L-79—(a) Definitions. For the purposes of this order:

(1) "Metal plumbing equipment" means any of the following items which are composed of metal to the extent of 50% or more by weight:

(i) Plumbing fixtures, including only bathtubs, closet hoppers, closet tanks, grease interceptors, laundry trays, lavatories, shower receptors, shower stalls, sinks, sink and laundry tray combinations, and urinals.

(ii) Plumbing fixture fittings and trim.

(iii) Water heating equipment, including only direct fired water heaters which use coal, oil or gas as fuel, indirect type water heaters, hot water storage tanks and range boilers.

(iv) Cooking and baking equipment using coal, oil or gas as fuel for cooking,

baking, or heating food, or for heating dishes or kitchen utensils, except machinery the manufacture or distribution of which is restricted by General Limitation Order No. L-83, as amended from time to time.

(2) "Metal heating equipment" means any of the following items which is designed to provide heat for the interior of a building and which is composed of metal to the extent of 50% or more by weight:

(i) Steam and hot water heating boilers which use coal or oil as fuel.

(ii) Cast iron heating radiators (other than electric steam radiators) including, but not limited to, cast iron tubular radiators and cast iron convectors.

(iii) Hot water circulator pumps, vacuum pumps, and condensation pumps.

(iv) Warm air furnaces which use coal or oil as fuel.

(v) Heating stoves and space heaters which use coal, oil or gas as fuel, except gas fired floor furnaces.

(vi) [Revoked June 28, 1943]

(vii) Metal fuel oil tanks.

(viii) The following items of heating equipment using gas as fuel; steam and hot water heating boilers, warm air furnaces, floor furnaces, unit heaters, conversion burners, and gas steam radiators.

(3) "Ultimate consumer" means any person who purchases metal plumbing equipment or metal heating equipment other than persons who purchase metal plumbing equipment or metal heating equipment for resale without using such equipment for the purpose for which it was designed.

(4) "New metal plumbing equipment or new metal heating equipment" means any metal plumbing equipment or metal heating equipment which has never been used by an ultimate consumer.

(b) General restrictions. No person shall sell or deliver any new metal plumbing equipment or new metal heating equipment to an ultimate consumer except that, subject to the restrictions of any other order of the War Production Board.

(1) Any person may sell and deliver any item of new metal plumbing equipment or new metal heating equipment which item is sold by him for no more than five dollars (\$5.00): *Provided*, That such item is sold as a part of an order the total cost of which to the purchaser is not more than ten dollars (\$10.00);

(2) Any person may sell and deliver any new metal plumbing equipment or metal heating equipment pursuant to an order or contract which bears a preference rating of A-10, or better;

(3) Any person may sell and deliver any of the following listed equipment:

(i) [Revoked August 11, 1942]

(ii) Any equipment which is specifically designed as hospital equipment, surgical equipment, dental equipment, veterinarian equipment, barbershop equipment or beauty shop equipment;

(iii) Any equipment which is sold and delivered pursuant to an order received or contractual engagement made prior to April 17, 1942, provided that delivery is made not later than June 30, 1942;

(4) Through July 31, 1942 any person may sell and deliver any new metal plumbing equipment or new metal heating equipment concerning which the purchaser has made the following signed statement to him, listing all new metal plumbing equipment or new metal heating equipment to be sold or delivered:

The following equipment _____ is required for the completion of the erection, construction, remodeling or rehabilitation of a building, structure or project, or additions, extensions or alterations thereof, which has been initiated (by physically incorporating therein material which is an integral part thereof) after July 31, 1941, but prior to April 10, 1942.

Dated _____

Signed _____

This statement shall constitute a representation to the War Production Board and to the person supplying such equipment that the stated facts are true and that the listed equipment will be used for the purpose stated;

(5) Any person may sell and deliver any new metal plumbing equipment or new metal heating equipment concerning which the purchaser has made the following signed statement to him, listing all new metal plumbing equipment or new metal heating equipment to be sold or delivered:

The following equipment is required for the completion of the erection, construction, remodeling or rehabilitation of a building, structure or project, or additions, extensions or alterations thereof, which has been specifically authorized by the War Production Board pursuant to an application for authority to "Begin Construction", in accordance with Limitation Order No. L-41

Dated _____

Signed _____

This statement shall constitute a representation to the War Production Board and to the person supplying such equipment that the stated facts are true and that the listed equipment will be used for the purpose stated;

(6) [Paragraph (b) (6) revoked December 16, 1942]

(7) Any person may sell and deliver any new metal plumbing equipment or new metal heating equipment pursuant to specific authorization of the War Production Board on Form PD-423; and

(8) Nothing in this order shall be construed to limit the sale or delivery of any equipment which is to be used for the purpose of converting oil burning equipment or gas burning equipment to coal burning equipment.

Notwithstanding any provision of this order, no person may sell or deliver to an ultimate consumer any such equipment the transfer of which is subject to a ration order issued by the Office of Price Administration: *Provided*, That such sales or deliveries may be made in accordance with such ration order.

(c) *Records*. All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories and sales. Similarly there shall be kept and preserved the signed statements referred to in paragraphs (b) (4), (b) (5) and (b) (6) above.

(d) *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.

(e) *Reports*. Each person to whom this order applies shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

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

(g) *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 serious problem of unemployment in the community, or that compliance with this order would disrupt or impair a program of conversion from nondefense to defense work, may apply for relief by addressing a letter to the

War Production Board setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(h) *Applicability of other orders*. Insofar as any other order heretofore or hereafter issued by the War Production Board, limits the use of any material to a greater extent than the limitations imposed by this order, the restrictions of such other order shall govern, unless otherwise specified therein.

(i) *Applicability of Priorities Regulation No. 1*. This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, 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.

(j) *Routing of correspondence*. All reports to be filed, appeals, and other communications concerning this order shall be addressed to War Production Board, Washington, D. C., Ref: L-79.

Issued this 28th day of June 1943.

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

INTERPRETATION 1

Where new plumbing and heating equipment is used as collateral in a security transaction and title passes solely for the purpose of the security transaction, there being no physical movement of new plumbing or heating equipment other than for purposes of storage or warehousing, the transfer of title is not a violation of Limitation Order No. L-79. (Issued May 22, 1942.)

[F. R. Doc. 43-10367; Filed, June 28, 1943;
11:38 a. m.]

PART 1161—OIL BURNERS

[Limitation Order L-74, as Amended June 28, 1943]

Section 1161.1 *General Limitation Order L-74*, is hereby amended to read as follows:

§ 1161.1 *General Limitation Order L-74*—(a) *Definitions*. For the purpose of this order:

(1) "Oil burner" means any devise which is designed for burning fuel oil for furnishing heat. It includes, but is not limited to the following types:

(i) Mechanical, steam or air atomizer oil burner.

(ii) Vertical or horizontal rotary oil burner.

(iii) Mechanical vaporizing oil burner.

(iv) Pot type vaporizing oil burner.

It shall include any oil burner for any boiler burner unit or for any furnace burner unit, any oil burner used as part of any water heater and any combination oil and gas burner, but does not include any oil burner used as a part of any domestic cooking appliance or of any domestic heating stove as defined in L-23-c, or any oil burner used in connection with any locomotive scheduled under L-97.

(2) "Class A oil burner" means any oil burner which is designed by the producer or approved by the Underwriters Labor-

atory to burn No. 5, No. 6 or heavier fuel oil, or which regardless of what grade fuel oil it burns, is designed or manufactured specifically for shipboard use or for heat processing.

(3) "Class B oil burner" means any oil burner which is designed by the producer or approved by the Underwriters Laboratory to burn No. 1 (except a Class C oil burner), No. 2, No. 3, or No. 4 fuel oil, but does not include any oil burner designed or manufactured specifically for shipboard use or for heat processing.

(4) "Class C oil burner" means any pot type vaporizing oil burner which is designed by the producer or approved by the Underwriters Laboratory to burn No. 1 fuel oil, but does not include any oil burner designed or manufactured specifically for shipboard use or for heat processing.

(5) "Fuel oil" means any liquid petroleum product commonly known as fuel oil, including Numbers 1, 2, 3, 4, 5, and 6, bunker C, diesel oil, kerosene, range oil, gas oil, or any other liquid petroleum product used for the same purposes as the above designated grades.

(6) "Approved order" means any order for:

(i) A Class A or Class C oil burner which:

(a) Has been ordered by or placed for the account of any claimant agency as defined in CMP Regulation 1, as such may be amended from time to time, or

(b) Has been ordered for use in a building or project authorized under P-55-b, or rated under Preference Rating Order P-55, or any order in the P-19 series, or

(c) Has been authorized by the War Production Board on Form WPB-2727, filed by the prospective purchaser with the War Production Board, Plumbing and Heating Division, Washington, D. C.

(ii) A Class B oil burner which has been authorized by the War Production Board on Form WPB-2727, filed by the prospective purchaser with the War Production Board, Plumbing and Heating Division, Washington, D. C.

(7) "Emergency replacement" means a replacement of an oil burner which has actually broken down and is beyond repair or which will be out of service during a period necessary to effect a repair.

(8) "Producer" means any person who manufactures, fabricates or assembles oil burners.

(b) *Restrictions on sales and deliveries*. No person shall sell or deliver, and no person or Claimant Agency shall order or accept delivery of any oil burner, either assembled or in sets of parts, (i) except pursuant to an approved order, and (ii) except for use in an area in which the delivery of fuel oil to new oil burner installations is not prohibited under the terms of Limitation Order L-56 or any order issued by the Petroleum Administration for War; unless the order for such oil burner is accompanied by a copy of the authorization received by the prospective user from the Petroleum Administration for War permitting the delivery of fuel oil for use in such oil burner.

(c) *Restrictions on manufacture of Class B oil burners.* Regardless of the terms of any contract, sale, other commitment, or any preference rating, no person shall manufacture, fabricate, or assemble any Class B oil burner except to fill an approved order; and then only to the extent that the already assembled stock of such person is insufficient to fill such order.

(d) *Production and delivery schedules.* (1) The War Production Board may at any time or from time to time require any producer to file a report showing his production and delivery schedule for oil burners during any period, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(2) The War Production Board, at its discretion, may require that any producer shall deliver any oil burners only in accordance with the schedule filed pursuant to paragraph (d) (1) of this order as such schedule may be approved or changed by the War Production Board. The War Production Board may, if it deems such action to be necessary or advisable:

(i) Direct the return or cancellation of an order on the books of a producer.

(ii) Direct changes in the delivery or production schedule of a producer.

(iii) Allocate orders placed with one producer to another producer.

(iv) Specify what proportion of the quantity of material authorized by the War Production Board to any producer is to be used in production for any Claimant Agency or person.

(v) Specify what proportion of the quantity of material authorized by the War Production Board to any producer is to be used in the manufacture, fabrication, or assembly of any class, type, or model of product covered by this order.

Each producer shall schedule (or reschedule, if necessary), his production and shall make deliveries in accordance with such specific written directions as may be issued from time to time by the War Production Board.

(3) The production and delivery schedules established by any such specific direction issued pursuant to (d) (2) above shall be maintained, subject to the provisions of Priorities Regulation 18, without regard to any preference ratings theretofore or thereafter assigned to particular contracts, commitments or purchase orders, and without regard to production schedules already in effect; and may be altered only upon specific written direction of the War Production Board. Any such schedule shall be deemed a frozen Schedule within the meaning of Priorities Regulation 18.

(4) If it becomes impossible for any producer to maintain production and delivery of any oil burners in accordance with any schedule approved by the War Production Board, he shall notify the War Production Board, and unless otherwise directed he shall postpone production and delivery only to the extent required by the circumstances causing his failure to maintain production and de-

livery as reported to the War Production Board.

(e) *General exception.* Regardless of the terms of this order, any Class B oil burner (as defined by this order as in force prior to June 28, 1943) authorized under an appeal from L-74 as in force prior to June 28, 1943, may be manufactured, fabricated, assembled and delivered.

(f) *Emergency replacements.* In the case of an emergency replacement, any oil burner may be shipped and installed as a rental oil burner for a period not to exceed 30 days provided an approval for such rental is secured from a Field Office of the War Production Board. Such approval may be requested in any manner but shall be confirmed in writing, and may be granted in any manner, but the grant shall be confirmed in writing.

(g) *Reports.* Each manufacturer, dealer and distributor shall execute and file with the War Production Board a report on Form WPB-2854 by July 20, 1943, and such other reports as may be required from time to time, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(h) *Appeals.* Any appeals from the provisions of this order shall be filed on Form PD-500 with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(i) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Plumbing and Heating Division, Washington, D. C., Ref: L-74.

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

Issued this 28th day of June 1943.

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

[F. R. Doc. 43-10368; Filed, June 28, 1943;
11:38 a. m.]

PART 1255—INVENTORY RESTRICTION EXCEPTIONS

[General Inventory Order M-161 as Amended
June 28, 1943]

§ 1255.1 *General Inventory Order M-161—(a) Exception to general inventory restrictions.* Notwithstanding the provisions of any regulation or order heretofore issued by the Office of Production Management or by the War Pro-

duction Board, or any other regulation or order which may be issued after June 1, 1942 but which does not expressly relate to a material listed on Schedule A attached hereto, any person may make deliveries of such material, and any person may accept deliveries of such material from any other person, although the inventory of such material in the hands of the person accepting such delivery is, or will by virtue of such acceptance become, in excess of a practicable working minimum.

(b) *Applicability of Priorities Regulation No. 1.* Except to the extent that the provisions of paragraph (a) are inconsistent therewith, all transactions involving any material listed on said Schedule A shall be subject to the provisions of Priorities Regulation No. 1 (Part 944) as amended from time to time.

Issued this 28th day of June 1943.

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

SCHEDULE A

NOTE: "Lead" added June 28, 1943.

Bentonite.

Kaolin.

Ball clay.

Stoneware clay.

Feldspar.

Potter's flint.

Domestic andalusite.

Domestic dumortierite.

Pinite.

Pyrophyllite.

Soapstone.

Ilmenite.

Salt (sodium chloride) in bulk.

Sodium carbonate (soda ash).

Sodium hydroxide (caustic soda).

Sodium sulfate (salt cake).

Borax (hydrated and dehydrated).

Boric acid.

Silicate of soda.

Paper, paperboard, and paper products, including waste paper, provided that the exceptions granted by General Inventory Order M-161, while continuing with respect to waste paper until specifically withdrawn, shall expire with respect to other paper, paperboard and paper products on September 30, 1942.

Lead.

[F. R. Doc. 43-10369; Filed, June 28, 1943;
11:39 a. m.]

PART 3191—AIRCRAFT

[General Limitation Order L-262, as Amended
June 28, 1943]

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

§ 3191.1 *General Limitation Order L-262—(a) Restrictions on transfer of link trainers and certain aircraft.* (1) No single-engined aircraft of five hundred horsepower or less, nor any "link trainer," nor any interest therein, shall be sold, leased, traded, rented, given or de-

livered by any individual, partnership, association, business trust, corporation, or any organized group of persons (whether incorporated or not), exclusive, however, of the Army or Navy of the United States, any United States Governmental agency, any air carrier holding a certificate of necessity from the Civil Aeronautics Board, or any manufacturer of aircraft, except pursuant to specific authorization of the War Production Board.

(2) The restrictions of paragraph (a) (1) shall not affect transfers of any aircraft, or interest in any aircraft, currently operated in the Territory of Alaska at the time of the transfer, provided such aircraft is not transferred for operation outside of the Territory of Alaska.

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

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

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

(e) *Communications.* All reports to be filed and other communications concerning this order should be addressed to War Production Board, Aircraft Production Board, Washington, D. C., Ref.: L-262.

Issued this 28th day of June 1943.

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

[F. R. Doc. 43-10373; Filed, June 28, 1943;
11:38 a. m.]

PART 1288—POWER, STEAM, AND WATER
AUXILIARY EQUIPMENT

[Schedule IV to Limitation Order L-154]

POWER SWITCHGEAR

§ 1288.5 Schedule IV to Limitation Order L-154—(a) *Definitions.* For the purpose of this schedule:

(1) "Producer" means any person who produces, manufactures, processes, fabricates or assembles power switchgear.

(2) "Power switchgear" means all equipment for the control and protection

of apparatus used for power generation, conversion, transmission, and distribution and includes oil or air circuit breakers, metal enclosed or open type switchboards, buses and related devices.

This term does not include motor controller equipment as defined by Limitation Order No. L-250, busway as defined by Limitation Order No. L-273, small air circuit breakers, (known as types AB, ET or similar) as defined by Limitation Order No. L-300, or panelboards or distribution boards on which all circuits of 600 amperes or less utilize either the small air circuit breaker (as defined by Limitation Order No. L-300) or switch and fuse units.

(b) *Restrictions on materials.* The following restrictions on materials are hereby established for the manufacture of power switchgear.

(1) In buses or connections iron or steel shall be used instead of copper wherever practicable. Galvanized or lead coated steel or iron pipe shall be used in place of copper tubing for buses of 300 amperes or below in outdoor substations. Steel strips or bars shall be used instead of copper for low capacity (below 300 amperes) interconnections in power switchboards, where larger than the minimum copper size would be needed for mechanical reasons.

(2) The use of structural steel shall be avoided wherever possible in outdoor substation structures and framing.

(3) No critical or scarce material shall be used for spare panels or fillers, and all panels and apparatus for the control of future equipment or future feeders shall be eliminated.

(4) Special finishes or decorative materials or devices shall be eliminated on all switchboards. These include such items as metallic mimic or miniature buses, special metal name plates, special card holders, trims, etc.

(5) Instrument ground connections of copper wire shall be omitted on conventional steel switchboard panels, and the grounding shall be obtained through the mounting screw on the steel panel. Instrument ground bus where necessary shall be of steel instead of copper.

(6) To the extent possible non-ferrous hardware and fittings shall be eliminated from switchgear devices or power switching equipment, and these parts made of suitable ferrous material. This includes such items as hardware, parts and fittings, clamps, nuts and bolts on all indoor and outdoor air switches and related devices; except current-carrying parts and except bolts of $\frac{3}{8}$ " diameter or smaller used in outdoor installations.

(7) Bus clamps or bus supports (unless of the non-metallic type) for AC buses less than 2000 amperes capacity shall be of the part non-magnetic rather than the full non-magnetic type, with the smaller part of the clamp or support made of non-magnetic material and the balance made of malleable iron or other suitable ferrous material. Bus clamps or bus supports (unless of the non-metallic type) for DC buses of any size shall be made with no part of the clamp or support made of non-magnetic material.

(8) Consideration shall be given in the design of power switchgear to all other substitutions or simplifications which will result in reduction of critical material.¹ This includes the possible use of transite, treated plywood, or other substitutes in place of metal for some of the barriers or panels which must be retained; the use of devices such as plain nuts or shake proof lock washers instead of regular lock washers and lock-nuts; and all other expedients which will help to accomplish the desired result.

(9) Oil or air circuit breakers shall not be used in cases where air-break switches or fuses will satisfactorily meet the requirements.

(c) *Required specifications.* The following required specifications are hereby established for the manufacture of power switchgear.

(1) *Loading of switchgear and buses.* (i) All new power switchgear of the metal enclosed type, indoor or outdoor, shall be manufactured with main current interchange surfaces silver-surfaced or equivalent, thereby permitting operation at the maximum approved rating of 85° C. temperature (based on 30° C. rise above 55° C. ambient temperature). In the case of power switching and distribution equipment, open type, both indoor and outdoor, and including enclosed cutouts, all such equipment and devices shall be designed and manufactured for operation at not less than 70° C. temperature (based on 30° C. rise above 40° C. ambient temperature). In no case shall any equipment be rated on a current density basis.

(ii) All power buses, indoor and outdoor, shall be so designed and built that each section will operate under full load conditions as near as possible to 85° C. temperature (based on 30° C. rise above 55° C. ambient temperature), using standard bus sizes. In order to accomplish the required full loading of all sections of buses on a temperature basis, it will generally be necessary that buses be tapered so that each section will be loaded to the above temperature limits. Multicircuit switchboards shall be so designed that the heaviest circuits are adjacent to the circuits supplying power to the bus in order to accomplish maximum tapering of the bus, unless this results in an over-all increase in copper.

(2) *Voltage rating.* Power switchgear shall not be delivered or accepted having a voltage rating higher than the next available standard voltage rating above the operating voltage at which it is to be used. In special cases where the duty is unusually severe, special approval may be requested from the War Production Board, Reference L-154, for the use of higher voltage rating switchgear or power switching equipment.

(3) *Instruments.* In case of feeder panels where readings of voltage, current or other quantities are not necessary all instruments shall be omitted. Triple

¹ The Conservation Division of the War Production Board issues periodically a publication showing the relative scarcity of materials entitled "Material Substitutions and Supply" list.

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ammeters shall not be used on feeder panels if a single ammeter, or a single ammeter with an ammeter transfer switch, can be used. In particular, if the panel supplies three phase motor load only, not more than one single phase ammeter with no transfer switch shall be used; and in the case of other polyphase circuits where readings of variable single phase load may be necessary, only one single phase ammeter with a suitable ammeter transfer switch may be used.

(4) *Metal enclosed design specifications.* In specifying or designing a power switchboard, consideration shall be given to the relative economies in critical materials of the various standard types of metal enclosed or open type switchgear, and unless other considerations make it impractical, that type shall be specified which uses the least amount of critical material; and in any event the following general principles shall be adopted:

(i) Steel barriers between breaker and cable compartments shall be omitted.

(ii) Front and rear swing panels which do not have secondary control or relays mounted thereon shall be omitted, and those which must be retained shall be of minimum height.

(iii) Steel panels at the rear of the cable compartment below the current transformer compartment shall be omitted.

(iv) Steel floor plates shall be omitted or replaced by the lightest possible gauge plates or strips.

(v) All other steel panels, barriers or plates not absolutely necessary shall be omitted.

(vi) All steel panels or plates which must be retained shall be reduced to the minimum gauge permissible for structural requirements.

(vii) Frames, braces and structural members shall be reduced to the minimum permissible standard size for structural requirements.

(viii) All panels shall be designed with minimum standard height and width.

(ix) In outdoor metal enclosed switchgear, inspection rack metal housings and control battery metal housings shall be omitted.

(x) In the design of any panel or switchboard the relative position of the bus, disconnects, and circuit breaker shall be such that the interconnections are kept at a minimum length.

(xi) All duplicate or unnecessary accessories in conjunction with switchboards, such as lights and convenience outlets beyond the bare minimum shall be omitted.

(xii) In switchgear where eddy currents in metal parts become a problem, non-critical material shall be used in such parts if possible.

(xiii) Built-in motor elevating features for circuit breakers below 500,000 KVA or below 2000 amperes at 250,000 KVA shall be omitted.

(5) *Disconnecting switches, cutouts, etc.* (i) Outdoor type disconnecting and horn-gap switches, 69 kv or lower, re-

mote operated, single and multipole, 1200 amperes and below, shall be built only on standard duty outdoor insulators having a three-inch bolt circle, and only in the following voltage and ampere ratings:

KV	Amp. ratings
7.5, 15	400, 600 and 1200
23 & 34.5	600 and 1200
46 & 69	600 and 1200

Outdoor type disconnecting switches, 69 kv and lower, hook operated, single pole, 2000 amps. and below, shall be built only on standard duty outdoor insulators having a three-inch bolt circle, and only in the following voltage and ampere ratings:

KV	Amp. ratings
7.5, 15	400, 600, 1200, & 2000
23 & 34.5	600, 1200 & 2000
46 & 69	600, 1200 & 2000

Exceptions: Outdoor type disconnecting and horn-gap switches, 7.5 kv and 15 kv, 200 amps. only, remote operated, single and multipole, and hook operated single pole, may be built. For these switches, one design only of sub-standard insulator may be used by each producer for each of these two voltage ratings.

In addition, each producer may build one design only of 400 amp. 5.0 kv, or 400 amp. 7.5 kv, (but not both voltages) enclosed fixed blade type disconnecting switch.

(ii) Distribution cutouts, fuse links and mounting brackets for 2.3 kv and higher (exclusive of oil type cutouts) shall be simplified with respect to sizes, types and quantity of critical materials in the following manner.

(a) Only the following sizes and types of enclosed cutouts shall be produced:

5000 volt	50 ampere
5000 volt	100 ampere
5000 volt	200 ampere
7500 volt	50 ampere
7500 volt	100 ampere

Such cutouts may be made in single shot and two shot repeater type. With respect to each producer they may be made in two types, one of which may be either dropout or indicating (but not both), and the other may be non-dropout or bayonet (but not both). There may also be manufactured 100 ampere and 200 ampere solid blades for conversion of enclosed type cutouts to disconnecting switches.

In addition one design only of plug type cutout rated 2500 volts, 30 amperes, may be made by each producer.

(b) Only the following sizes and types of open cutouts shall be produced:

7500 volt	50 ampere
7500 volt	100 ampere
7500 volt	200 ampere
15000 volt	50 ampere
15000 volt	100 ampere
15000 volt	200 ampere

These may be built in single shot and two shot repeater type only in the 50 ampere rating, and in single shot and three shot repeater type only in the 100 ampere and 200 ampere ratings, and either (but not both) dropout or non-dropout.

With respect to each producer these cutouts may be built using for each of

the two voltages one design only of sub-standard insulator (which shall be the same units as the substandard insulators permitted under paragraph (c) (5) (1) of this schedule); and two designs only of long center-supported insulators for each of the two voltages, one size insulator for the 50 ampere rating and another size insulator for the 100 ampere and 200 ampere rating. Under the restrictions of the preceding sentence a total of six designs or sizes of insulators is permissible. Each producer may also build the above approved sizes and types of open cutouts on standard three inch bolt circle insulators. There may also be produced, but only in 200 ampere rating, solid blades for conversion of open type cutouts to disconnecting switches.

(c) The only fuse links which shall be manufactured for the cutouts specified in (a) and (b) of this subdivision (ii) shall be one design only of the universal type N, and one design only of the open or tubeless type link. In the case of the universal fuse link, the flexible copper cable portion shall be reduced in length by six inches from the old standard, making the maximum overall length of the fuse twenty inches instead of twenty-six inches as here-to-fore.

(d) Only two types of mounting brackets shall be manufactured by each producer for enclosed type cutouts, and only two types of brackets for open type cutouts.

(6) *Miscellaneous design specifications.* (i) Double buses or duplicate buses shall not be used, but instead a single bus, sectioned if necessary, shall be used in order to reduce the amount of bus material and enclosures and connected apparatus to minimum requirements. Synchronizing facilities may be used only when they are essential.

(ii) Small wiring on switchboards shall be reduced from the present standard of No. 12 A. W. G. to No. 14 A. W. G. or smaller.

(iii) The wiring of multi-tap bushing current transformers shall be reduced to a minimum by bringing all taps to the first accessible point, and wiring from that point only the tap to be used.

(iv) Benchboard type panels (except for mill drive controls) shall not be used without special permission.

(v) Indoor oil circuit breakers and corresponding air circuit breakers up to and including 500,000 KVA interrupting capacity and 15 kv, shall be the common frame (common tank) design in order to save both space and critical materials.

(vi) In designing a power switchboard for below 750 volts operation, consideration shall be given to the relative economies in materials of a large interrupting capacity main circuit breaker feeding a bus with several smaller interrupting capacity feeder breakers, as compared to eliminating the main breaker and using larger interrupting capacity feeder breakers; and that layout shall be specified which uses the minimum of critical material through the most effective application of breakers.

(d) *Limitation on tests.* No producer of power switchgear shall make or furnish design or certified electrical or mechanical tests on equipment which has been furnished to the industry and has given satisfactory service, or for which test data is already available.

(e) *Restrictions on production, deliveries, and acceptances.* From and after June 28, 1943, no person shall accept deliveries of, and no producer shall deliver or produce (or accept deliveries of material for the purpose of producing) power switchgear which does not conform to the applicable restrictions on materials, required specifications, limitations of tests and other restrictions, established by this schedule: provided, however, that nothing herein contained shall prevent the production, delivery or acceptance of power switchgear, or materials therefor, which were wholly or partially fabricated on June 28, 1943, and which cannot readily be made to conform to the provisions of this schedule.

(f) *Exceptions.* The restrictions of this schedule shall not apply to equipment which is to be used by the Army or Navy of the United States on board any ship or vessel, and which is so certified on the original order placed by the Army or Navy.

Issued this 28th day of June, 1943.

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

[F. R. Doc. 43-10370; Filed, June 28, 1943;
11:38 a. m.]

PART 1288—POWER, STEAM AND WATER
AUXILIARY EQUIPMENT

[Schedule V to Limitation Order L-154]

HIGH VOLTAGE INSULATORS

§ 1288.6 Schedule V to Limitation Order No. L-154—(a) *Definitions.* For the purpose of this schedule:

(1) "Producer" means any person who produces, manufactures, processes, fabricates, or assembles high voltage insulators.

(2) "High voltage insulators" means all wet process porcelain (except tubes, cleats, knobs, etc., used in secondary wiring at voltages under 500 volts) or glass insulators or insulating parts, whether or not assembled with metal parts used in the transmission or distribution of electrical energy, or as a part of an electrical machine or piece of equipment, or in con-

nection with telegraph, telephone, and signal systems over 500 volts. The term also shall include clamps, fittings, and accessory hardware used directly with such insulators or insulating parts and/or affecting their functioning, except crossarm pins, but shall not include "pin type" insulators.

(b) *Restrictions on materials.* The following restrictions on materials are hereby established for the manufacture of high voltage insulators of the classes covered by this schedule. The use of critical materials¹ including steel, copper, and aluminum and their alloys shall be reduced to a minimum consistent with strength and operating requirements of the product. The use of non-ferrous caps, pins (except nonferrous cotter pins used with suspension insulators), bolts, nuts and washers as parts of high voltage insulators is prohibited. Malleable castings shall be used instead of forgings wherever strength requirements make such use possible and where necessary equipment for manufacture, such as patterns, is available.

(c) *Required specifications.* The following required specifications are hereby established for the manufacture of high voltage insulators of the classes covered by this schedule.

(1) The electrical and mechanical characteristics of high voltage insulators set forth in the publication "NEMA High

¹ The Conservation Division of the War Production Board issues periodically a publication showing the relative scarcity of materials entitled "Material Substitutions and Supply" list.

TABLE 1—CAP AND PIN TYPE SUSPENSION INSULATIONS—RATED VALUES

Code reference	Maximum diameter inches	Section length inches	Section length tolerance inches	Type of shell	Type of connection	Maximum droop of shell inches	Minimum combined M & E strength pounds	Routine proof test load pounds	Time load test value pounds
E6CS10-5.5.....	6	5 $\frac{1}{2}$	$\pm\frac{1}{8}$	Opt'l see Note 2.	L. D. Clevis eye.....	1 $\frac{3}{4}$	10000	4000	6000
C7.5CS15-5.75.....	7 $\frac{1}{2}$	6 $\frac{1}{4}$	$\pm\frac{1}{8}$	Opt'l see Note 2.	M. D. Clevis Tongue.....	1 $\frac{3}{4}$	15000	6000	10000
C10CS15-5.75.....	10	5 $\frac{1}{4}$	See Note 1	Opt'l see Note 2.	M. D. Clevis Tongue.....	2	15000	6000	10000
B10CS15-5.75.....	10	5 $\frac{1}{4}$	See Note 1	Opt'l see Note 2	Ball Socket.....	2	15000	6000	10000
B10CS15-5.....	10	5	See Note 1	Opt'l see Note 2.	Ball Socket.....	2	15000	6000	10000
C10CS25-5.75.....	10	5 $\frac{1}{4}$	See Note 1	Opt'l see Note 2.	M. D. Clevis Tongue.....	2	25000	10000	15000
D12CS30-7.....	12	7	See Note 1	Opt'l see Note 2.	H. D. Clevis Tongue.....	3	36000	14400	20000
BorC10-FO15-6.5. See Note 3.	10	6 $\frac{1}{2}$	See Note 1	Fog see Note 2.	Ball Socket or Medim. Duty Clevis Tongue.....	5	15000	6000	10000

NOTE 1. The variation in section length shall be held such that the connecting length of a string of six unit selected at random shall not depart more than plus or minus $\frac{1}{2}$ inch from the nominal spacing for the unit multiplied by six.

NOTE 2. The type of shell for a particular cap and pin type suspension insulator may be selected as desired by manufacturer but only one type of shell may be used with such suspension insulator.

NOTE 3. This type of shell may be manufactured in either 9" or 10" diameter and assembled at option of individual manufac-

turer with either ball socket or medium duty clevis type of connection but both may not be manufactured.

(e) *Limitations on switch and bus insulators.* No person shall produce, deliver, or accept outdoor switch and bus insulators which do not conform to the specifications set forth in the following tables. No new designs of any strength may be produced by any person without authorization from the War Production Board.

TABLE 2—STANDARD DUTY SWITCH AND BUS INSULATORS—RADIO FREQUENCY

Voltage rating KV	Maximum diameter inches	Height per unit inches	Number of units per stack	Bolt circle diameter inches	Number of bolts	Diameter of bolts inches	Flashover voltage—KV			
							60 cycle		Impulse $1\frac{1}{2} \times 40$ Ms wave	
							Dry	Wet	Positive	Negative
7.5	7	7½	1	3	4	1½	60	40	105	120
15	8	10	1	3	4	1½	85	55	125	200
23	12	12	1	3	4	1½	110	75	170	250
34.5	13	15	1	3	4	1½	145	100	225	290
46	14	18	1	3	4	1½	170	125	280	340
69	14	14½	2	3	4	1½	235	180	380	475
115 to 230	17	14½		5	4	1½				
115 to 230	18	14½		5	4	1½				
287	18	14½		7	4	1½				

Voltage rating KV	Withstand test voltage—KV			Radio influence voltage data		
	60 Cycle		Impulse 1½ x 40 Ms wave	60 Cycle puncture voltage kv, per unit	Test volt- age to ground kv, rms.	Maximum radio in- fluence voltage micro-volts at 1000 kc radio freed
	Dry 1 min.	Wet 10 sec.				
7.5	35	30	95	80	5	50
15	60	45	110	115	10	50
23	70	60	150	145	15	100
34.5	95	80	200	195	22	100
46	120	100	250	225	30	200
69	175	145	350	195	44	200
115 to 230				215		
287				215		

TABLE 3—HEAVY DUTY SWITCH AND BUS INSULATORS—RADIO FREE

Voltage rating KV	Max. diam. inches	Height per unit inches	No. of units per stack	Attachment bolts			Flashover values—KV			
				No.	Diam. inches	Bolt circle diam. inches	60 cycle		Impulse $1\frac{1}{2} \times 40$ Ms wave	
							Dry	Wet	Pos.	Neg.
7.5	12	7 $\frac{1}{4}$	1	4	5 $\frac{1}{2}$	5	70	40	115	120
15	10	10	1	4	5 $\frac{1}{2}$	5	85	55	125	200
23	12	12	1	4	5 $\frac{1}{2}$	5	110	75	170	250
34.5	14	15	1	4	5 $\frac{1}{2}$	5	145	100	225	290
46	17	20	1	4	5 $\frac{1}{2}$	5	170	125	280	340
69	18	14 $\frac{1}{2}$	2	4	5 $\frac{1}{2}$	5	235	180	390	475

Voltage rating KV	Withstand test voltage—KV					Radio influence voltage data			
	60 Cycle			Impulse $1\frac{1}{2} \times 40$ Ms Wave	Test voltage to ground KV, rms.	Maximum radio influence voltage, microvolts at 1000 Kc			
	Dry 1 min. test	Wet 10 sec. test							
7.5	35	30	95			5	50		
15	50	45	110			10	50		
23	70	60	150			15	100		
34.5	95	80	200			22	100		
46	120	100	250			30	200		
69	175	145	350			44	200		

Voltage rating KV	Cantilever strength, pounds		Torsion strength, inch-pounds	Tension strength, pounds	Compression strength, pounds	Leakage dist., inches	Dry arc'g dist., inches	Puncture voltage, kv per unit	Maximum net weight, pounds per unit
	Upright	Underhg.							
7.5	6000	4000	20000	12000	25000	11 $\frac{1}{2}$	7 $\frac{1}{4}$	95	28
15	4000	3000	14000	10000	20000	14	7 $\frac{1}{4}$	115	30
23	4000	3000	16000	10000	20000	18	10 $\frac{1}{2}$	145	42
34.5	4000	3000	20000	14000	30000	28	13 $\frac{1}{2}$	185	60
46	4000	3000	20000	15000	30000	40	18	225	85
69	4000	3000	40000	20000	60000	55	27	215	125

NOTE: No switch and bus insulators of the extra heavy duty type are authorized under this Schedule V.

TABLE 4—STANDARD DUTY—RADIO FREE—POST TYPE (SWITCH AND BUS INSULATORS)

Voltage rating KV	Max. diam. inches	Max. height per unit inches	No. of units per stack	Bolt circle diam. inches	No. of bolts	Diam. of bolts inches	Flashover voltage—KV			
							60 cycle		Impulse $1\frac{1}{2} \times 40$ Ms wave	
							Dry	Wet	Pos.	Neg.
7.5	6 $\frac{1}{2}$	8	1	3	4	5 $\frac{1}{2}$	60	40	100	-----
15	7	11	1	3	4	5 $\frac{1}{2}$	85	55	125	-----
23	7	14	1	3	4	5 $\frac{1}{2}$	110	75	170	-----
34.5	7 $\frac{1}{2}$	18	1	3	4	5 $\frac{1}{2}$	145	100	225	290
46	8	22	1	3	4	5 $\frac{1}{2}$	170	125	280	-----
69	10	30	1	3	4	5 $\frac{1}{2}$	235	180	390	415

Voltage rating KV	Withstand test voltage—KV					Radio influence voltage data			
	60 cycle			Impulse $1\frac{1}{2} \times 40$ Ms wave	Test voltage to ground KV Rms.	Maximum radio influence voltage micro-volts at 1,000 Kc			
	Dry 1 min. test	Wet 10 sec. test							
7.5	35	30	95			5	50		
15	50	45	110			10	50		
23	70	60	115			15	100		
34.5	95	80	200			22	100		
46	120	100	250			30	200		
69	175	145	350			44	200		

Voltage rating KV	Cantilever strength, pounds		Torsion strength, inch-pounds	Tension strength, pounds	Compression strength, pounds	Leakage dist., inches	Dry arc'g dist., inches	Punct. volt., kv per unit	Max. net weight, lbs. per unit
	Upright	Underhung							
7.5	2,000	2,000	6,000	5,000	10,000	10 $\frac{1}{2}$	6	-----	-----
15	2,000	2,000	7,000	5,000	10,000	15 $\frac{1}{2}$	7 $\frac{1}{4}$	-----	30
23	2,000	2,000	8,000	5,000	10,000	24	9 $\frac{1}{2}$	-----	45
34.5	2,000	2,000	10,000	7,000	15,000	37	14 $\frac{1}{2}$	-----	63
46	2,000	2,000	12,000	8,000	15,000	44	16 $\frac{1}{2}$	-----	114 $\frac{1}{4}$
69	1,500	1,500	15,000	12,000	25,000	72	26	-----	-----

(f) *Tests.* No manufacturer of high voltage insulators shall make or furnish design or certified electrical or mechanical tests on high voltage insulators currently manufactured, which have been furnished to the industry, which have given satisfactory service, and for which design test data are already available or information is available from any test made within the preceding twelve months.

(g) *Restrictions on production, deliveries, and acceptances.* From and after June 28, 1943, no person shall accept deliveries of, and no producer shall deliver or produce (or accept deliveries of material for the purpose of producing) high voltage insulators which do not conform to the applicable restrictions on materials, required specifications, limitations of tests and other restrictions, established by this schedule unless such insulators fall within the exceptions of paragraph (h); *Provided, however,* That nothing herein contained shall prevent the production, delivery or acceptance of high voltage insulators, or materials therefor, which were wholly or partially fabricated on June 28, 1943, and which cannot readily be made to conform to the provisions of this schedule.

(h) *Exceptions to applicability of this schedule.* (1) In cases where types and designs of high voltage insulators other than those authorized by this Schedule are required for special purposes and inability to manufacture, assemble and deliver such high voltage insulators would cause undue inconvenience and hardship, special approval may be requested by letter addressed to the War Production Board, Reference L-154.

(2) Nothing contained herein shall prohibit the manufacture or assembly of outdoor cap and pin or insert type insulators of voltage ratings of 7.5 kv and 15 kv only and of cantilever strength not to exceed 500 pounds, for which provision is made pursuant to paragraph (c) (5) (i) of Schedule IV, Limitation Order No. L-154.

(3) The restrictions contained in this schedule shall not apply to any Radio, Radar, or Communication Insulators as specified and used by the Army, Navy, Maritime Commission or War Shipping Administration for uses other than those of the high voltage insulators outlined for general use in Schedule V.

Issued this 28th day of June 1943.

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

[F. R. Doc. 43-10372; Filed, June 28, 1943;
11:38 a. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1D]

TIRES, TUBES, RECAPPING, AND CAMELBACK IN CANAL ZONE

Preamble: This Ration Order No. 1D for the Canal Zone is issued pursuant to the direction of the Rubber Director to carry out the recommendations of the report of the President's Special Committee to study the rubber situation.

The Committee's report states:

We are faced with certainties as to demands; with grave insecurity as to supply. Therefore, this Committee conceives its first duty to be the maintenance of a rubber reserve that will keep our armed forces fighting and our essential civilian wheels turning. This can best be done by "bullying through" the present synthetic program and by safeguarding jealously every ounce of rubber in the country.

The Committee points out that the tires on civilian cars have been wearing down at a rate eight times greater than they have been replaced. If this rate were permitted to continue, "by far the larger number of cars will be off the road next year and in 1944 there will be all but complete collapse of the 27 million passenger cars in America." The conservation program recommended by the Committee includes "more rubber to those who need it; less to those who don't * * * Only actual needs, not fancied wants, can or should be satisfied."

This order puts into practice most of the recommendations of the Committee. These include institution of a tire replacement and recapping program in which the emphasis is placed upon tire recapping, replacement with tires manufactured of reclaimed rubber to the extent possible, and conservation of crude rubber; and vigorous enforcement of measures to increase the life expectancy of tires.

These tire rationing regulations are geared to the gasoline rationing regulations for the Canal Zone in such a way as to assure the conservation to essential use of both critical commodities.

§ 1315.16 Rationing of tires, tubes, recapping and camelback in Canal Zone. Under the authority vested in the Office of Price Administration and the Administrator by Executive Order 9125 issued by the President on April 7, 1942, by Directive No. 1 and Supplementary Directives No. 1-L and 1-Q of the War

Production Board, issued January 24, 1942, September 10, 1942 and November 6, 1942, respectively, this Ration Order 1D (Tires, Tubes, Recapping and Camelback in Canal Zone), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1315.16 issued under Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; W.P.B. Dir. 1, 7 F.R. 562, Supp. Dir. 1-L, 7 F.R. 7200, 7281; Supp. Dir. 1-Q, 7 F.R. 9121.

RATION ORDER 1D—TIRES, TUBES, RECAPPING AND CAMELBACK IN CANAL ZONE

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Article I—General

SECTION 1.1 Territorial limitations. Ration Order 1D shall apply to the Canal Zone.

SECTION 1.2 Effect on other ration orders. Ration Order 1D shall not be construed to permit any act which would be in violation of any other ration order issued by the Office of Price Administration.

SECTION 1.3 Definitions. (a) For the purpose of this Ration Order No. 1D:

(1) "Acquire" means to accept a transfer.

(2) "Board" means the Canal Zone Rationing Board established by the Office of Price Administration.

(3) "Bus" means any motor vehicle, other than a station wagon or suburban carry-all, built or rebuilt primarily for the purpose of carrying passengers and having a rated seating capacity of eight or more persons.

(4) "Camelback" means any rubber compound designed for application to a worn tire to make a new tread in the process of recapping.

(5) "Canal Zone" means and includes not only the Canal Zone but also any and all lands and waters within the Republic of Panama which are used, occupied and controlled by the United States of America in connection with the maintenance, operation, sanitation or protection of the Panama Canal.

(6) "Certificate", unless the context requires otherwise, means a certificate issued by the Office of Price Administration authorizing the acquisition of any tire, tube or recapping service.

(7) "Consumer" means any person who holds or acquires a tire or tube for use and not for resale.

(8) "Contractor's ration" means a gasoline ration issued to a contractor pursuant to § 1394.9018 of Ration Order No. 5D.

(9) "Dealer" means any person engaged in the business of recapping tires, or selling tires, tubes, or camelback.

(10) "Grade I", as applied to tires, means a passenger-type tire other than a Grade III tire.

(11) "Grade III," as applied to tires, means a passenger-type tire which is either a used or recapped tire or a tire manufactured principally from reclaimed rubber as specified by the War Production Board.

(12) "Implement tire" means a tire which has the word "implement" or the name of a type of farm equipment, other

than a tractor or combine, molded into the sidewall of the tire by the manufacturer.

(13) "Manufacturer" means any person engaged in the business of manufacturing tires, tubes, or camelback.

(14) "New", as applied to tires and tubes, means a tire or tube that has been used less than 1,000 miles.

(15) "Passenger automobile" means any motor vehicle built primarily for the purpose of transporting passengers and having a rated seating capacity of seven or less persons, including any motorcycle, station wagon or suburban carryall.

(16) "Passenger-type camelback" means Grade F camelback as defined by the War Production Board.

(17) "Passenger-type tire" means a tire primarily designed for use on a passenger automobile.

(18) "Person" means any individual, partnership, corporation, association, government or government agency, or any other organized group or enterprise.

(19) "Recapping" means the process of tread renewal in which camelback is applied to the tread surface of a tire.

(20) "Recapping service" means the recapping of a certificate holder's tire, or the transfer by a dealer or manufacturer to a certificate holder of a recapped tire in exchange for a recappable tire carcass.

(21) "Rubber" means any form or type of natural, reclaimed, or synthetic rubber, or other similar materials.

(22) "Tire" means any solid or pneumatic rubber tire or casing capable of being used, or capable of being repaired for use, on a passenger, automobile, bus, truck or farm implement.

(23) "Transfer" means any change in right, title, interest, possession or control, including but not limited to, sale, purchase, lease, loan, trade, exchange, gift, delivery, shipment, and hypothecation.

(24) "Truck-type camelback" means Grade A or Grade C camelback as defined by the War Production Board.

(25) "Tube" means any rubber tube capable of being used, or capable of being repaired for use, within a tire casing on a passenger automobile, bus, truck or farm implement.

(26) "Truck" means any vehicle, other than a motorcycle, built or rebuilt primarily for the purpose of transporting or hauling property or equipment, including earth-movers, road-graders, and similar off-the-road vehicles.

(27) "Used", as applied to tires and tubes, means a tire or tube which has been used 1,000 miles or more.

(b) Where the context so requires, words in the singular shall include the plural, words in the plural shall include the singular, and the masculine gender shall include the feminine and neuter.

SEC. 1.4. *Administration and personnel*—(a) *Personnel*. Ration Order No. 1D shall be administered by the Rationing Administrator for the Canal Zone through the Board and such other administrative personnel as may be selected. The persons appointed to administer Ration Order No. 1D shall have

such powers and duties as are herein described and as the Rationing Administrator has delegated and may from time to time delegate.

(b) *Self interest shall disqualify official*. No person participating in the administration of Ration Order No. 1D shall act officially in any matter arising thereunder as to which he has any interest, by reason of business connection or relationship by blood, marriage or adoption.

SEC. 1.5. *Jurisdiction of Board*. The Board shall have jurisdiction to receive and act upon applications with respect to a vehicle normally stationed or garaged within the Canal Zone.

SEC. 1.6. *Quotas*—(a) *Quota not to be exceeded by Board*. The Board shall not issue a certificate for the acquisition of tires, tubes, or recapping service in excess of its quota established by the Office of Price Administration, except certificates for the purchase of new passenger tires of an obsolete type, as defined in paragraph (e) (4) of section 1.8 of these regulations may be issued without regard to quota.

(b) *Basis for Board consideration*. If the Board has before it eligible applications in excess of its quota, the Board shall, in determining which of the competing applications are to be granted, be governed by the relative importance of each applicant to the war effort, public health and public safety. The Board shall base its determination upon the application for a certificate, the application for a gasoline ration for the vehicle for which tires, tubes, or recapping service are sought, and all other information which comes to its knowledge. The Board shall at all times serve the objectives sought to be accomplished by the tire rationing program and allot certificates for the most vital civilian uses and for uses essential to the war effort.

(c) *Passenger automobile spare tires*. The Board shall not issue a certificate for a spare tire to an applicant for a passenger automobile for which there has been issued only a currently valid basic ration under Ration Order No. 5D, except between the twenty-fifth and the last day of a month, and then only if there are no pending applications for tires for running wheels using passenger-type tires. A certificate for recapping service for a spare tire may be issued at any time.

SEC. 1.7. *Proof of need*. (a) The Board shall not grant a certificate authorizing any consumer to acquire a tire, tube, or recapping service, and no consumer shall accept such a certificate, unless the applicant is eligible under either section 1.8 or 1.9 and in addition meets each of the following conditions:

(1) *Immediate need*. That the tire, tube, or recapping service for which application is made is to equip a vehicle held for use and not for resale and is:

(i) To recap a tire which requires recapping or which will require recapping by the date the applicant may reasonably be expected to secure recapping; or

(ii) To replace a tube which cannot be repaired, or a tire which cannot be repaired or recapped; or

(iii) To replace a lost or stolen tire or tube; or

(iv) To equip a vehicle which requires tires or tubes because of alteration or reconstruction; or

(v) To replace a tire or tube delivered as original equipment upon a vehicle, if the tire or tube is not serviceable for the use to which the vehicle is to be put.

(2) *No abuse or neglect*. That the applicant has not in any manner abused or neglected, or permitted to be abused or neglected, the tire or tube which he seeks to replace or recap. The Board may consider, among other things, as evidence of tire abuse:

(i) That the vehicle for which a certificate is sought has been operated in excess of the applicable speed limit; or

(ii) That the tire for which replacement is sought has become unfit for recapping through the fault of the applicant, such as failure to make timely application for recapping service, failure to replace a tire as promptly as possible, or driving for unnecessary purposes or when other means of transportation are available.

(3) *Unlawful mileage*. That the applicant has not used the tires or tubes which he seeks to replace or recap on a vehicle which has been used for purposes prohibited by Ration Order No. 5D or for mileage in excess of that allowed by Ration Order No. 5D.

(4) *Ply construction*. That, if the application is for a certificate for a new passenger-type tire of six or more ply construction, the vehicle upon which the tire is to be mounted cannot be operated satisfactorily in the use to which it is to be put with a tire of less than six-ply construction.

(5) *No available tire or tube*. That the applicant, other than a Federal or foreign government or government agency, does not own or control a tire or tube, other than tires or tubes mounted upon vehicles in current use (including one spare for each size wheel per vehicle) which can be used, or repaired for use, in lieu of the tire or tube sought to be replaced or the tire sought to be recapped. In computing the number of tires or tubes owned or controlled, applicant need not include tires or tubes reported on OPA Form R-17 or R-17 (Revised).

(6) *Authority to purchase*. That the applicant is authorized to purchase tires, tubes or recapping service in the Canal Zone under provisions of existing treaties and agreements between the United States and the Republic of Panama.

(7) *Gasoline ration*. That, if application is made to equip a passenger automobile, the applicant has a gasoline ration currently valid under Ration Order No. 5D, unless such passenger automobile is not driven by gasoline.

(8) *Tires essential to operation*. That tires and tubes are essential to the operation of the vehicle for which application is made.

(9) *Comparative need.* That the issuance of a certificate to the applicant will not deprive other applicants of tires, tubes or recapping service needed to perform functions deemed by the Board to be more essential to the war effort, public health or public safety than the functions performed by the applicant.

(10) *Passenger-type tire unavailable.* That, if application is made for a truck-type tire, a passenger-type tire of suitable size is not available or would constitute a waste of rubber.

(11) *No other vehicle available.* That the vehicle for which application is made cannot be replaced by another vehicle, owned or operated by or subject to the control of the applicant, which is equipped with serviceable tires and tubes and is capable of being used for the same purpose as the vehicle for which application is made.

(12) *No other transportation.* That no other practicable means of transportation are available to the applicant.

SEC. 1.8 *Eligibility of passenger automobile*—(a) *Reconsideration of ration.* When application is made for a tire, tube or recapping service for a passenger automobile, the Board may request the Chief, License Bureau, The Panama Canal, to reconsider the applicant's gasoline ration before passing upon his application.

(b) *Redetermination of ration.* If upon reconsideration of the gasoline ration, the Chief, License Bureau, finds and advises that the applicant has been granted either a larger or a smaller ration than he is entitled to under Ration Order No. 5D, such mileage redetermination shall be used as the basis for determining the grade of tire to which the applicant may be entitled.

(c) *Eligibility.* A passenger automobile may be issued a certificate for tires, tubes or recapping service if it satisfies the conditions of section 1.7, and is used principally for one or more of the following purposes:

(1) Transportation between home and a fixed place of work in connection with the principal occupation of the applicant or principal user of the vehicle.

(2) Transportation in the course of such principal occupation.

(3) Transportation of necessary foods and household supplies, if the Board finds such transportation to be essential.

(4) Transportation of persons to and from a hospital for regular diagnosis or treatment.

(5) Transportation of four or more pupils to and from school: *Provided*, That no transportation by school bus is available, except that a certificate may be issued when it is established that four pupils are not conveniently available or cannot be accommodated in the vehicle because of its capacity.

(d) *Type of certificate.* An applicant for a passenger automobile which is eligible under paragraph (c) may be issued a certificate for recapping service with passenger-type camelback, if the applicant has a recappable tire carcass. If the applicant has no recappable tire

carcass, he may be issued a certificate for a Grade III tire if his allowed gasoline mileage, exclusive of any special ration, is less than 625 miles per month, and for a Grade I or Grade III tire at his option if his allowed gasoline mileage, exclusive of any special ration, is 625 miles per month or more. Certificates for new or used tubes may be issued to such applicants at their option.

(e) *Exceptions.* (1) An applicant whose allowed gasoline mileage would entitle him to a Grade I tire may be limited by the Board to a certificate for a Grade III tire, if the length of time for which he will need his allowed monthly mileage will be substantially less than the normal life of a Grade I tire.

(2) An applicant who has a recappable tire carcass may be issued a certificate for a Grade I or Grade III tire, depending upon his allowed monthly mileage, if the Board finds that recapping facilities are inadequate or unavailable.

(3) A passenger automobile, owned or operated by a contractor engaged in work on a United States Government construction project, for which a certificate of authority to purchase gasoline in bulk has been issued by the Chief, License Bureau, shall be limited to a Grade III tire unless the contractor states in his application that such passenger automobile is regularly driven 625 or more miles per month.

(4) The Board may issue a certificate authorizing the holder to accept delivery of new passenger tires of an obsolete type, as defined below, to an applicant who establishes that he satisfies the requirements of paragraph (c) of this section. As applied to tires, the words "obsolete type" apply to passenger-type tires of the following sizes, and no others:

550 x 17	500 x 19
525 x 18	600 x 19
550 x 18	500 x 20
600 x 18	30 x 5

SEC. 1.9 *Eligibility of commercial motor vehicle.* (a) The following commercial motor vehicles may be issued certificates for any type of tire, tube or recapping service in the discretion of the Board, *Provided*, That the conditions of section 1.7 are complied with:

(1) *Trucks.* (i) Any truck exclusively engaged in hauling fuel.

(ii) Any truck or other industrial or construction equipment owned or operated by a contractor engaged in work on a United States Government construction project.

(iii) Any truck or other industrial or construction equipment found by the Board to be essential to the war effort, public health or public safety.

(2) *Buses.* Any bus operated exclusively under contract or concession from any agency of the United States Government.

Article II—Applications and Certificates

SEC. 2.1 *Applications*—(a) *Who may execute and file.* Any person may file with the Board an application for a certificate authorizing the acquisition of tires, tubes or recapping service. Application may be made by an agent; but

if the agent is not an employee of the applicant, he may sign the application only if the applicant for whom he is acting is physically unable to sign or is outside the jurisdiction of the Board. No member or employee of the Board to whom application is made shall act as agent of an applicant. The Board may require that principal and agent, or owner and operator join in an application. If application is made for a vehicle owned by a subcontractor on a United States Government construction project, the application must be made in the name of the prime contractor for such project.

(b) *Contents of application.* Each applicant shall set forth (1) facts showing jurisdiction of the Board, (2) facts showing need and eligibility for the tires, tubes or recapping service for which application is made, and (3) such additional information and commitments as may be required by the application or by the Board. A separate application must be filed on OPA Form R-1 (Revised) for each vehicle.

(c) *Certification by applicant.* The applicant shall, in his application, state the true and complete facts required by the application or the Board to be set forth therein, and shall certify such facts. If an application is made by an agent, both the principal and agent shall be bound by and deemed to have knowledge of all statements set forth in the application.

SEC. 2.2 *Certification by inspector prior to filing of application*—(a) *Inspection of tires and tubes.* No consumer may file an application for a certificate, and no such application shall be considered by the Board, until an inspector appointed and authorized by the Board has currently inspected the tires or tubes to be replaced or recapped and has executed and signed the "Certification by Inspector" contained in OPA Form R-1. This paragraph shall not apply when application is made for the following purposes:

(1) To acquire a tire or tube necessary to equip a vehicle not equipped with the number of tires or tubes permitted in section 4.1 (e); or

(2) To replace a lost or stolen tire or tube; or

(3) To acquire a tire or tube necessary to equip a vehicle in use on a United States Government construction project in any outlying area where it would be impracticable to present the vehicle at an inspection station or for an authorized inspector to travel to the location of the vehicle. In such cases, a commissioned officer of the United States Army or Navy, or if no such officer is stationed at the project, then a responsible employee of the applicant, must certify that the tires or tubes are needed for the operation of a vehicle which is necessary for the continuance of work on such project.

(b) *Thorough inspection required.* No inspector may certify any fact concerning the condition of a tire or tube without making a personal and adequate inspection to determine such fact; and

no inspector shall certify that a tire can be recapped or that a tube needs replacement unless he removes the tire or tube from the wheel or rim. A charge may be made for inspection service in such amount as may be determined by the Rationing Administrator for The Canal Zone.

SEC. 2.3 *Investigation of facts by Board*—(a) *Power of Board*. Before issuing a certificate the Board may require such assurances and proof of such facts as it may deem necessary to determine whether an applicant should be issued a certificate. For this purpose the Board may make inquiries and investigations and may require an applicant to appear in person or by agent at the office of the Board at a designated time and supply such additional evidence and information and furnish such records and affidavits as may relate to the application.

(b) *Additional information*. If the applicant is applying for tires or tubes to be mounted on a vehicle which has less than the number of tires permitted by section 1.7 (a) (5) and which he has purchased or contracted to purchase, the Board shall require him to submit together with his application an affidavit from the vendor of the vehicle stating in full the reasons why the vehicle is not equipped with a sufficient number of tires or tubes. The Board must be satisfied from such an affidavit before it may grant a certificate that the vendor is not responsible for the lack of a sufficient number of tires or tubes for such vehicle.

SEC. 2.4 *Notation of reasons for action*. Whenever the Board acts upon an application, it shall note the reasons for its action upon the application. If the application is granted, the number, grade, and type of tires or tubes, or the type of recapping service shall be noted upon the application.

SEC. 2.5 *Form of certificate to be issued*. The Board may issue to an applicant who has established need and eligibility under this Ration Order No. 1D a certificate on OPA Form R-2 (Revised) authorizing an applicant to acquire tires, tubes, or recapping service.

SEC. 2.6 *Certificates non-transferable*. No certificate or any part thereof may be transferred except as authorized by Ration Order No. 1D, or by the Office of Price Administration, or in exchange for tires, tubes or recapping service.

SEC. 2.7 *Execution and issuance of certificate*—(a) *Execution of certificates*. It shall be the responsibility of the Board prior to issuing any certificate, to fill in Parts A and B of the certificate setting forth the information required. It shall also be the responsibility of the Board to indicate on Parts C and D of the certificate the number of the Board and its address. No certificate shall be valid unless Part A is signed by the issuing officer of the Board, who may be either a member of the Board or one of its clerks designated to act as issuing officer.

(b) *Replaced tires*. The Board shall indicate on the certificate the tires or tubes to be replaced (including scrap tires or tubes). The applicant shall turn in all tires and tubes to be replaced, except when he is having his tire recapped, or if he can establish that he has no tires or tubes to turn in because he is acquiring a tire or tube necessary to equip a vehicle not equipped with the number of tires or tubes permitted by section 1.7 (a) (5) replacing a lost or stolen tire or tube, or is a government agency forbidden by law to make such disposition.

(c) *Issuance of certificates*. When all of the foregoing steps have been taken, the Board shall issue the certificate by delivering or mailing it to the applicant or his agent.

(1) If the certificate to be issued by the Board is for recapping service, the Board shall note on Parts A and B whether the certificate entitles the applicant to truck-type camelback or to passenger-type camelback.

(2) If the certificate to be issued by the Board is for implement tires, the Board shall mark Part B thereof "good for implement or tractor tires only".

(3) If the certificate to be issued by the Board is to be presented by the holder to the Chief Quartermaster, The Panama Canal, for the acquisition of the tire, tube or recapping service which has been authorized, the Board shall mark Part B thereof "Void—Not to be used for replenishment."

(4) If the certificate to be issued by the Board is to a prime contractor of a United States Government construction project for use on a vehicle which is the property of a subcontractor on such project, the applicant must agree to the following conditions:

(i) The vehicle will be engaged exclusively in work on a United States Government construction project;

(ii) The tires or tubes authorized by the certificate will remain the property of the prime contractor. Whenever a vehicle owned by a subcontractor is removed from work on a project, such tires or tubes will be removed from the vehicle and shall not under any circumstances become the property of the subcontractor.

(iii) The tires or tubes authorized by the certificate will be suitably branded so as to be readily identifiable as the property of the prime contractor.

(iv) A report will be made to the Board by the prime contractor if the vehicle is no longer required on such project. If the vehicle is to be used by the subcontractor on another United States Government construction project having a different prime contractor, the Board may issue authority for the subcontractor to retain the use of such tires or tubes.

SEC. 2.8 *Action by certificate holders*—(a) *Use of certificate*. A certificate properly executed and issued may be used by the person to whom it was issued within the time and for the purpose

specified thereon. After the expiration date thereon, the certificate shall be void and the applicant shall surrender it to the issuing Board.

(b) *Signing of certificates*. The applicant or his agent shall sign and execute the appropriate portions of the certificate in accordance with the instructions thereon, prior to acquiring the tires, tubes or recapping service specified thereon. The same person shall sign Parts B, C and D of OPA Form R-2 (revised) where the signature of the certificate holder is required. No member or employee of the Board issuing the certificate, and no dealer shall act as agent of the applicant in signing Parts A, B, C or D of OPA Form R-2 (revised).

(c) *Certificate to be completed*. No dealer shall transfer tires or tubes until both he and the applicant have properly signed and executed the certificate in accordance with the instructions thereon.

(d) *Delivery pursuant to certificate*. If the foregoing requirements have been fulfilled, the dealer to whom the certificate has been surrendered shall deliver to the person indicated thereon, or to his agent, the exact number, type, grade and size of tires or tubes or the type of recapping service set forth on the certificate.

SEC. 2.9 *Splitting of certificates*. The holder of a certificate who is unable to acquire from one supplier all the tires, tubes or recapping service which he has been authorized to acquire may return the certificate to the issuing Board and the Board shall thereupon cancel the returned certificate and issue as many certificates as are necessary to permit the acquisition of such tires, tubes or recapping service from several suppliers.

SEC. 2.10 *Revocation of certificates*. Any certificate, part of a certificate or authorization issued under Ration Order No. 1D shall be subject to revocation, cancellation, suspension, correction or modification by the Board or other agent designated for this purpose.

SEC. 2.11 *Refusal of certificate*. If the Board or other designated agent finds that an applicant has violated any provision of Ration Order No. 1D or Ration Order No. 5D, the Board may refuse to issue a certificate to the applicant and may declare that he shall not be eligible to receive a certificate for such period as it shall deem appropriate in the public interest. In such case, the Board or other such agent shall serve upon the applicant a written statement of the grounds upon which the certificate was refused and the period for which he is declared ineligible.

Article III—Prohibited and Permitted Transactions

SEC. 3.1 *Prohibitions*. (a) Notwithstanding the terms of any contract, agreement or other obligation, regardless of when made, no person, unless permitted by Ration Order No. 1D, or by an order, authorization or regulation issued by the War Production Board, shall:

(1) Make or offer to make, accept or offer to accept, or solicit a transfer of any tire, tube or camelback; or

(2) Use, alter, or change the physical location of any tire, tube or camelback; or

(3) Mount any tire or tube upon a wheel or rim.

SEC. 3.2 *Mounting or use of tires or tubes*—(a) *Mounting or use generally*. Subject to the restrictions of paragraph (b) of this section, any person may change the physical location of, mount or use:

(1) Tires or tubes which have been acquired or recapped on certificate issued by the Office of Price Administration on the vehicle eligible under section 1.8 or 1.9 for which they were acquired, or on any other such vehicle owned or controlled by such person;

(2) Tires or tubes owned and possessed by him prior to October 1, 1942, on any vehicle owned by him.

(b) *Mounting from stock prohibited*. No dealer shall mount or use tires or tubes taken from his stock unless he has obtained a certificate authorizing such mounting or use.

SEC. 3.3 *Transfer to consumers upon certificate*—(a) *By dealers*. A dealer may, in exchange for a certificate, transfer tires or tubes to a consumer.

(b) *No tire in stock*. A dealer who does not have in stock a tire or tube ordered by a consumer may, with the consumer's permission, transfer the replenishment portion of a certificate or receipt to a supplier and obtain the number of tires or tubes specified thereon for transfer to the consumer.

(c) *Tire requiring repair or recapping*. No dealer may transfer to a consumer a tire that requires repair or recapping.

(d) *By Chief Quartermaster*. Tires or tubes in the custody of the Chief Quartermaster, The Panama Canal, may only be transferred to a consumer in exchange for a certificate, except as provided in section 6.6 (a).

SEC. 3.4 *Dealer transfers*—(a) *Changes of location*. A dealer may change the location of tires or tubes within a single establishment: *Provided*, That no change in ownership, possession or control occurs.

(b) *Tires or tubes*—(1) *Restrictions on transfer of Parts B*. No person shall transfer Part B of OPA Form R-2 (Revised) and no person shall accept such transfer, unless the transferor first endorses his name and address thereon. A Part B of a certificate or receipt shall become void for purposes of replenishment when it has been transferred five times for such purpose: *Provided*, That a supplier may, without endorsement, return a Part B to the dealer from whom he received it, if he is unable to supply the tires or tubes specified thereon.

(2) *Permitted replenishment of tires or tubes*. Any dealer may, in exchange for a properly endorsed replenishment portion (Part B) of a certificate or receipt, transfer to another dealer or manufacturer the number of tires or tubes authorized by the certificate or receipt in accordance with the table below:

If Part B calls for:	Dealer may replenish with:
Any size Grade I tire	Any size Grade I or III tire
Any size Grade III tire	Any size Grade III tire
Any size truck-type tire	Any size truck-type tire
Any size tractor-type tire	Any size tractor or truck-type tire
Any size passenger tube	Any size passenger tube
Any size truck tube	Any size truck tube

(3) *Transfers by dealers without certificates*. Any dealer may, without certificate, transfer tires or tubes to his supplier only to return tires or tubes of a size, grade, type or quality other than that ordered by him and his supplier may, without certificate, transfer to him in exchange therefor tires or tubes of the size, grade, type or quality ordered.

(c) *Transfer of dealer's business*. Any dealer may, without certificate, transfer as a unit his entire stock of tires or tubes with any replenishment portions (Part B) of certificates or receipts to other dealers who may acquire such stock for resale: *Provided*, That the transferor shall file a statement containing the name and address of the transferee and an inventory of the tires, tubes, and replenishment portions (Part B) to be transferred, with the Board at least ten days before making such transfer.

SEC. 3.5 *Transfers without certificate, special authorization or notice*—(a) *Changes in location*. A person, other than a dealer, may without certificate, change the location of tires or tubes if no change in ownership, possession or control results.

(b) *By consumers*. A consumer, other than a dealer, may, without certificate, transfer tires or tubes to a dealer.

(c) *Transfer on vehicles*. A person may, without certificate, transfer a tire or tube as part of the equipment of a vehicle, provided that such transfer is not prohibited by any order or regulation issued by the Office of Price Administration or the War Production Board.

(d) *Transfers for repair, mounting or inspection*. A person may, without certificate, temporarily transfer tires or tubes to any person engaged in the business of repairing tires and tubes, for purposes of inspection, mounting or repair only and may, without certificate, acquire such tires or tubes after such mounting, repair or inspection.

(e) *Return of lost or stolen tires, tubes or camelback*. A person may, without certificate, transfer tires or tubes which have been lost, stolen or otherwise wrongfully or mistakenly acquired to the person rightfully entitled thereto.

(f) *Exchange of tires or tubes*. A consumer who in exchange for a certificate acquires any tire or tube that is of a size or grade different from that ordered may, without certificate, but only within thirty (30) days after its acquisition, exchange it with the transferor for the size or grade ordered if such tire or tube has not been used by such person.

(g) *Transfer of recappable tire to recapper*. A dealer who is not a recapper may, without certificate, transfer a recappable tire carcass to a recapper.

(h) *Transfers to and from carriers*. A person may, without certificate, transfer tires or tubes to a carrier for shipment, and such tires or tubes may be transferred by such carrier to the consignee in the regular course of business: *Provided*, That the transaction between the consignor and the consignee shall remain subject to the provisions of Ration Order No. 1D.

SEC. 3.6 *Transfers to certain Government agencies and for export*—(a) *Government agencies*. A person may transfer tires, tubes or camelback to or for the account of the Army, Navy, Marine Corps, or Coast Guard of the United States, The United States Maritime Commission, The Panama Canal, the Coast and Geodetic Survey, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development, but not to or for the account of any officer, member, or employee of any of the foregoing for use on a privately-owned vehicle, regardless of the extent to which such vehicle is used on official business, nor to or for the account of any post exchange, ships' service store, commissary, or similar agency or organization, except for use on vehicles operated by it.

(b) *For export*. A person may transfer tires, tubes or camelback for export to and consumption in any foreign country, for government or private account, if the exporter has been issued an export license for the tires, tubes or camelback to be exported.

(c) *Receipt*. A dealer who makes any transfer pursuant to paragraph (a) or (b) shall obtain a receipt from the purchaser upon OPA Form R-12 (Revised).

SEC. 3.7 *Offenses*—(a) *Mutilation and forgery of certificates*. No person shall without lawful authority willfully deface, mutilate, or destroy any certificate, receipt, authorization (whether issued or unissued), or any part thereof, and no person shall counterfeit or forge any such instrument or any part thereof.

(b) *Illegal transfer of certificates*. No person shall transfer or assign, and no person shall accept any transfer or assignment of any certificate, receipt, authorization (whether issued or unissued), or any part thereof, except in accordance with the provisions of this regulation order.

(c) *Illegal use and possession of certificates*. No person shall use, possess, or control any certificate, receipt, authorization, or any part thereof, except the person or the agent of the person to whom such certificate, receipt, authorization (whether issued or unissued), or any part thereof, was issued, or by whom it was acquired in accordance with the provisions of this regulation order.

(d) *Possession of forged certificates*. No person shall without lawful authority transfer or accept a transfer of, or have in his possession or under his control, any forged, altered, or counterfeited certificate, receipt, authorization (whether issued or unissued), or any part thereof.

(e) *Illegal possession or use of tires.* No person shall possess, use, or permit the use of any tires, tubes or camelback acquired in violation of this ration order, and no person shall possess, use or permit the use of tires, tubes or camelback acquired under this ration order for any purpose in violation of this ration order.

(f) *Abuse of tires.* No person shall, without lawful authority, abuse, alter, damage, or neglect any tire, tube or camelback in his possession or control. Failure to make timely application for recapping or replacement shall constitute one form of abuse within the meaning of this paragraph.

(g) *Speed limitation.* No person shall use or permit the use of tires or tubes in the operation of a motor vehicle at any rate of speed in excess of the applicable speed laws. This restriction shall not apply to the operation of a motor vehicle by the Army, Navy, Marine Corps, Coast Guard, or to meet an emergency involving serious threat to life, health, or safety: *Provided*, That this paragraph shall not be construed to authorize any such motor vehicle to be driven at a rate of speed in excess of that which is reasonable under the circumstances.

(h) *Illegal use of gasoline.* No person shall use or permit the use of tires or tubes upon a motor vehicle for which gasoline has been obtained in violation of Ration Order No. 5D or for which gasoline or other fuel is used in violation of that order.

(i) *False statements.* No person shall, in any application, record, report, certificate or other document made pursuant to or required by the terms of this ration order, make any untrue statement of any fact, or omit to state any fact required to be stated therein or necessary to make the statements therein not misleading.

(j) *Attempts.* No person shall solicit, offer, attempt, or agree to do, either directly or indirectly, any act in violation of this ration order.

(k) No person shall sell or transfer any tire, tube, camelback or recapping service at a price in excess of the applicable maximum price established by the Office of Price Administration.

Article IV—Records and Reports

SEC. 4.1 *Posting names of successful applicants.* At intervals of not more than one week, a list of the names of the recipients of certificates issued during the previous week shall be posted at the office of the Board for public inspection and shall be released to the press.

SEC. 4.2 *Disposition of parts of certificates and receipts—(a) Certificates or receipts for tires or tubes.* A transferor of tires or tubes to whom a certificate or receipt is surrendered by an applicant shall complete all the parts thereof and dispose of them as follows:

(1) *Part A.* Part A of OPA Form R-2 (revised) shall be retained by the transferor as his record; Part A of OPA Form R-12 shall be sent to the Board within fifteen (15) days from the end of each calendar month in which deliveries have been made.

(2) *Part B.* Part B of OPA Form R-2 (revised) and R-12 (revised) shall be

used by the dealer for replenishment of stock. Parts B not so used shall be sent to the Board.

(3) *Part C.* Part C of OPA Form R-2 (revised) shall within three days of the date of transfer of the tires or tubes, be sent to the Board which shall retain it as its record. Part C of OPA Form R-12 shall be retained by the transferor as his record.

(4) *Part D.* Part D of OPA Form R-2 (revised) and OPA Form R-12 shall be retained by the transferee as his record.

(b) *File of certificates and receipts.* Every dealer shall maintain a file of all certificates, receipts, or parts thereof which he is required to keep as his records.

SEC. 4.3 *Inventories of sellers of tires and tubes.* (a) Every person engaged in the business of selling or holding for sale tires or tubes, shall:

(1) At the close of business on the last day of each month take an inventory of all unmounted tires and tubes in his possession or control and keep a record thereof. Such inventory shall be based on a physical count.

(2) File a report with the Board on OPA Form R-17 (revised), in accordance with the instructions thereon, for each quarter ending March 31, June 30, September 30, and December 31, setting forth all unmounted tires and tubes in his possession or control on the last day of such quarter and all transfers of tires and tubes made during such quarter.

(3) File a report with the Board if the grade of any tire has been changed, setting forth the reasons for such change of grade, and shall not sell the tire until five days after the report has been filed.

SEC. 4.4 *Preservation and filing of records.* Any person affected by this ration order shall keep and file such additional records and reports as may be required. Any record required to be kept by this ration order shall be preserved for not less than two years. Such records and any other records relating to tires or tubes shall be available at all times for inspection.

SEC. 4.5 *Notice of legal proceedings.* Every person holding a certificate, part of a certificate or authorization shall, immediately upon the commencement of any legal action or proceeding involving such certificate, part of a certificate or authorization, notify the Board.

SEC. 4.6 *Report of violations.* Any person may report a violation of this ration order to the Board.

Article V—Appeals

SEC. 5.1 *Decision of Board.* After acting upon an application the Board shall notify the applicant of its decision and, if the application is denied in whole or in part, shall state the reasons for its decision.

SEC. 5.2 *Who may appeal.* Any person whose application for a certificate, part of a certificate, or authorization has been denied in whole or in part by action of the Board, or whose certificate, part of a certificate, or authorization has been revoked, cancelled, suspended, or modified by action of the Board, may appeal from such action to the Rationing Administrator for The Canal Zone.

SEC. 5.3 *Time to appeal.* An appeal must be filed by the appellant within ten (10) days after notice of the decision of the Board.

Article VI—Enforcement

SEC. 6.1 *Criminal prosecutions.* (a) Any person who knowingly falsifies an application or any other record, report or certificate made pursuant to or required by the terms of this ration order, or who otherwise knowingly furnished false information to the Board or an inspector, agent, employee or officer of the Office of Price Administration, or falsifies or conceals or covers up by any trick, scheme or device a material fact, or makes or causes to be made any false or fraudulent statements, or representations, in any matter within the jurisdiction of the Office of Price Administration, may upon conviction be fined not more than \$10,000 or imprisoned for not more than ten years, or both, and shall be subject to such other penalties or action as may be prescribed by law. Any person who conspires with another person to perform any of the foregoing acts or to violate any provision of this ration order may upon conviction be fined not more than \$10,000 or imprisoned for not more than two years, or both, and shall be subject to such other penalties or action as may be prescribed by law.

(b) Any person who willfully performs any act prohibited, or willfully fails to perform any act required, by any provision of this ration order may upon conviction be fined not more than \$10,000 and imprisoned for not more than one year, or both, and shall be subject to such other penalties or action as may be prescribed by law.

SEC. 6.2 *Suspension orders.* Any person who violates this ration order may by administrative suspension order be prohibited from receiving any transfers or deliveries of, or selling or using or otherwise disposing of any tires, tubes, or gasoline. Such suspension order shall be issued for such period as in the judgment of the Governor or such person as he may designate for such purpose, is necessary or appropriate in the public interest.

Effective Date

This ration order shall become effective July 1, 1943.

Issued this 18th day of June 1943.

GLEN E. EDGERTON,
Rationing Administrator
For The Canal Zone.

[F. R. Doc. 43-10172; Filed, June 25, 1943;
9:38 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 403]

CERTAIN RUBBER COMMODITIES PURCHASED FOR GOVERNMENTAL USE

Correction

The table in Schedule B of section 22 Appendix C: Form for application for adjustment, (8 F. R. 7504), should read as follows:

FEDERAL REGISTER, Tuesday, June 29, 1943

	1936	1937	1938	1939	1940
Net sales.....					
Cost of goods sold.....					
Gross profit.....					
Administrative expense.....					
Selling expenses.....					
Net operating profit.....					
Other income less other expenses.....					
Net profit before income taxes.....					
Debt (except current) at end of year.....					
Net worth at end of year.....					
Total assets.....					

PART 1499—COMMODITIES AND SERVICES
[Amdt. 1 to Order 66¹ Under § 1499.3 (b) of GMPR]

A. M. TODD COMPANY, INC.

Maximum prices authorized under § 1499.3 (b) of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith, § 1499-280 (a) (2) is amended to read as follows:

(2) Add to the unit direct cost as determined above an amount not to exceed twenty per cent of such unit direct cost.

This amendment shall become effective June 25, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10232; Filed, June 25, 1943;
12:21 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 556 under § 1499.3 (b) of GMPR]

F. EGgers PLYWOOD AND VENEER COMPANY

F. Eggers Plywood and Veneer Company, Two Rivers, Wisconsin, has made application under § 1499.3 (b) (2) of the General Maximum Price Regulation for the approval of a maximum price on a quantity of birch airframe veneer. Due consideration has been given the application and an opinion in support of this order, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order 9250, it is ordered:

§ 1499.1994 Approval of maximum price for birch airframe veneer. (a) F. Eggers Plywood and Veneer Company, Two Rivers, Wisconsin, may sell and deliver to the Procurement Division of the Treasury Department and the Procurement Division of the Treasury Department may buy and receive from F. Eggers Plywood and Veneer Company 1,000,000 sq. ft. of birch "airframe" veneer as specified in contract DA-TPS 25446 at a price not to exceed \$31.50 per M square feet, f. o. b. mill.

¹ 7 F.R. 7251.

PART 1499—COMMODITIES AND SERVICES
[Order 559 Under § 1499.3 (b) of GMPR]

GLASER, CRANDELL CO.

For the reasons set forth in an opinion issued simultaneously herewith, it is ordered:

§ 1499.1997 Authorization of maximum prices for sales of "Everbest Orange-Grapefruit Marmalade" by Glaser, Crandell Co. (a) On and after June 25, 1943, the maximum selling prices for "Everbest Orange-Grapefruit Marmalade", for sales by Glaser, Crandell Co., 2000 So. Western Avenue, Chicago, Illinois, shall be the prices per dozen, f. o. b. factory, listed opposite the respective container sizes as follows:

	Per dozen
One pound Economy jar.....	\$1.78
One pound Modern jar.....	1.80
Two pound Modern jar.....	3.12
Two pound Squat jar.....	3.25
Four pound Modern jar.....	6.08

(b) Glaser, Crandell Co. shall apply the same discounts, allowances and price differentials, including price differentials between different classes of purchasers, to its maximum prices for "Everbest Orange-Grapefruit Marmalade" as it customarily applies to sales of its other marmalade items, unless a change in these customary discounts, allowances and price differentials results in lower selling prices.

(c) This Order No. 559 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 559 (§ 1499.1997) shall become effective June 25, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10235; Filed, June 25, 1943;
12:21 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 560 Under § 1499.3 (b) of GMPR]

FROSTED FOODS SALES CORP.

For the reasons set forth in an opinion issued simultaneously herewith, it is ordered:

§ 1499.1998 Authorization of a maximum price for sales of "Birds Eye" brand quick-frozen codfish cakes by Frosted Foods Sales Corporation. (a) On and after June 25, 1943, the maximum price for sales by Frosted Foods Sales Corporation, 250 Park Avenue, New York, New York, of "Birds Eye" Brand Quick-Frozen Codfish Cakes, in 12-ounce packages, shall be \$2.80 per dozen packages, delivered to purchasers' stations.

(b) Frosted Foods Sales Corporation shall apply to the maximum selling price established by this order the same discounts, allowances and price differentials, including price differentials between different classes of purchasers, which it customarily applies to sales of comparable items, unless a change in these customary discounts, allowances and price

Issued this 24th day of June 1943.
PRENTISS M. BROWN,
Administrator.
[F. R. Doc. 43-10234; Filed, June 25, 1943;
12:22 p. m.]

differentials results in lower selling prices.

(c) This Order No. 560 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 560 shall become effective June 25, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10236; Filed, June 25, 1943;
12:21 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136¹ as Amended, Amdt. 93]

MACHINES AND PARTS, AND MACHINERY SERVICES

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 136, as amended, is amended in the following respects:

1. Section 1390.12 (b) is amended to read as follows:

(b) If for any machine or part, the lessor thereof had no published or confidential rental rate in effect on October 1, 1941, the maximum rental rate shall be the rental rate approved in writing by the Office of Price Administration after the lessor has submitted the report required by subparagraph (1). Such rental rate shall be in line with the rental rates charged on October 1, 1941, for the rental of machines or parts the same as, or similar to, the one being rented. Unless the Office of Price Administration shall in writing within 30 days after receipt of the report required by subparagraph (1) disapprove the maximum price as reported, such price shall be deemed to have been approved, subject to disapproval or adjustment at any time by the Office of Price Administration. Within five days prior to the filing of such report and during such 30 day period, such lessor may quote,

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

¹ 7 F.R. 3198, 3370, 3447, 3723, 4176, 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6987, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7912, 7945, 7944, 8198, 8382, 8433, 8479, 8520, 8652, 8707, 8897, 9001, 4948, 9041, 9042, 9053, 9054, 9729, 9736, 9822, 9823, 9899, 10109, 10230, 10556; 8 F.R. 155, 369, 534, 1058, 1382, 2270, 3314, 3370, 3848, 4341, 4476, 4515, 4516, 4524, 4787, 5567, 5306, 5746, 5818, 6359, 6614, 7106, 7197, 7260, 7261.

contract, or lease any such machine or part at the proposed rental and may make delivery, but no rental payment shall be made until a maximum rental rate has been established either by the approval of the Office of Price Administration or its failure to disapprove within 30 days after receipt of the lessor's report. Payment shall be in accordance with the established maximum rental rate. No rental payment shall be received by a person who has leased a machine or part without submitting a report required by this paragraph. The Office of Price Administration may of its own accord set the maximum rental rate for any machine or part which has been delivered under a lease or rental and for which the report required by this paragraph has not been submitted to the Office of Price Administration within five days after delivery. Such a maximum rental rate shall be in line with the level of maximum rental rates authorized by this section.

2. Section 1390.12 (b) (1) is amended to read as follows:

(1) The lessor of a machine or part shall file a report with the Office of Price Administration, Washington, D. C., containing a description in detail of the machine or part he proposes to rent, including the name of the manufacturer and the model number, the proposed rental rate, the proposed billing date, and the relevant price data used by the lessor in arriving at the proposed rental rate. If such lessor desires such rental to become the maximum rental applicable to subsequent leases and deliveries of such a machine or part, a statement that the report is also filed pursuant to section 1390.13 should be included.

3. Section 1390.12 (b) (2) is hereby revoked.

[Quantities listed below are for shipment at one time and are for GCA #400 finish]

Capacity in ounces	Finish M/M	Packed C, or #13, cartons ¹	Over 1,000 case lots	500-1,000 case lots	100-499 case lots	Less than 100 cases	Shipping weight per gross in pounds
4 ¹ / ₄	48	4	\$1.80	\$1.90	\$2.00	\$2.25	40
6 ¹ / ₄	53	2	2.10	2.20	2.30	2.55	45
8 ¹ / ₂	58	2	2.20	2.30	2.40	2.65	55
11 ¹ / ₂	58	2	2.40	2.50	2.60	2.85	70
12 ¹ / ₂	58	2	2.50	2.60	2.70	2.95	75
15 ¹ / ₂	63	2	2.60	2.70	2.80	3.05	80
16 ¹ / ₂	63	1	2.80	2.90	3.00	3.25	90
18 ¹ / ₂	63	1	2.90	3.00	3.10	3.35	100
22 ¹ / ₂	63	1	3.00	3.10	3.20	3.45	110
24 ¹ / ₂	63	1	3.05	3.15	3.25	3.50	115
27 ¹ / ₂	63	1	3.10	3.20	3.30	3.55	125
30 ¹ / ₂	63	1	3.15	3.25	3.35	3.60	130
32 ¹ / ₂	63	1	3.20	3.30	3.40	3.65	130
34 ¹ / ₂	63	1	3.30	3.40	3.50	3.75	135

¹ As defined in paragraph (b) immediately above. When other than C or #13 cartons are used, the proper differential listed in the Table of Case Differentials to be Added to Bulk Carton Prices per Gross, in paragraph (b) above, may be added to the prices here set forth. Where shipment is made in bulk or in service cartons, or when no carton is furnished by the seller, the applicable "Style C" differential appearing in that Table of Case Differentials must be subtracted from the prices here listed to determine the maximum price.

This amendment shall become effective July 1, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of Jun. 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10242; Filed, June 25, 1943;
4:18 p. m.]

PART 1408—GLASS AND GLASS CONTAINERS

[MPR 382; Amdt. 1]

WIDE MOUTH GLASS CONTAINERS

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 382 is amended in the following respects:

1. Section 5.1 (c) is added to read as follows:

(c) *Special maximum prices for plants reclassified as plants suffering hardship.* (1) Notwithstanding the previous provisions of this section, any plant in the Eastern Area which has been reclassified as being within this paragraph by an express authorization by the Office of Price Administration under the provisions of section 1.10 (c) of this regulation may use the following as its base prices for wide mouth glass containers instead of the prices listed in the table for the standard containers and tables 1 to 19, inclusive, for containers other than standard containers in paragraphs (a) and (b) of this section:

(i) *For standard containers.*

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

18 F.R. 6275.

(ii) *For containers other than standard containers.* In every case a price no higher than that at which the manufacturer sold or offered for sale the container in question during October 1941 to a purchaser of the same class.

(2) All other provisions of this regulation, including the requirements as to the maintenance of customary differentials in section 4.8, remain applicable under this section.

2. Section 5.2 (c) is added to read as follows:

(c) *Special maximum prices for plants reclassified as plants suffering hardship.*

(1) Notwithstanding the previous provisions of this section, any plant in the Western Area which has been reclassified as being within this paragraph by an express authorization by the Office of Price Administration under the provisions of section 1.10 (c) of this regulation may use the following as its base prices for wide mouth glass containers instead of the prices listed in the table for standard containers and tables 1 to 9, inclusive, for containers other than standard containers in paragraphs (a) and (b) of this section:

(i) *For standard containers.*

[Quantities listed below are for shipment at one time and are for GCA #400 finish]

Capacity in ounces	Finish M/M	Packed C, or #13, cartons ¹	Over 1,000 case lots	500-1,000 case lots	100-499 case lots	Less than 100 cases	Shipping weight per gross in pounds
4½	48	4	\$2.13	\$2.23	\$2.33	\$2.58	40
6½	53	2	2.51	2.61	2.71	2.96	45
8½	58	2	2.70	2.80	2.90	3.15	55
11½	58	2	3.01	3.11	3.21	3.46	70
12½	58	2	3.09	3.19	3.29	3.54	75
15½	63	2	3.32	3.42	3.52	3.77	80
16½	63	1	3.59	3.69	3.79	4.04	90
18½	63	1	3.96	4.06	4.16	4.41	100
22½	63	1	4.10	4.20	4.30	4.55	110
24½	63	1	4.18	4.28	4.38	4.63	115
27½	63	1	4.25	4.35	4.45	4.70	125
30½	63	1	4.34	4.44	4.54	4.79	130
32½	63	1	4.41	4.51	4.61	4.86	130
34	63	1	4.41	4.51	4.61	4.86	135

¹⁷As defined in paragraph (b) immediately above.

(ii) *For containers other than standard containers.* In every case a price no higher than that at which the manufacturer sold or offered for sale the container in question during October 1941 to a purchaser of the same class.

(2) All other provisions of this regulation, including the requirements as to the maintenance of customary differentials in section 4.8, remain applicable under this section.

3. Section 1.10 (c) is added to read as follows:

(c) *Petitions for reclassification as a plant suffering hardship*—(1) When reclassification will be authorized. Whenever it appears that a shortage exists or threatens to exist in the essential supply of wide mouth glass containers and that a producer of such containers is unable to maintain or expand his production at his maximum price or prices, the Office of Price Administration may, either on application for adjustment in accordance with the provisions of this section or on its own motion, adjust his maximum

prices to the prices set forth in sections 5.1 (c) or 5.2 (c) (whichever is applicable) hereof, so as to permit the maintenance or expansion of such production.

(2) **Who may apply; procedure governing application.** Any person seeking reclassification by the Office of Price Administration of any plant operated by such person as a plant suffering hardship may file an application for such reclassification with the Office of Price Administration, Building Materials Branch, Washington, D. C. The application shall be in the form prescribed in § 1300.12 of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

(3) *Information to be submitted.* Each application for reclassification of a plant under this section must be accompanied by the information listed below, as well as any other data which the applicant desires to submit. This information may be in the following form:

(i) Information on production, according to the following table (if not reported for calendar year, state date on which fiscal year ends):

(ii) Condensed statement of profit and loss for applicant plant according to the following table (if not reported for cal-

endar year, state date on which fiscal year ends):

	1936	1937	1938	1939	1940	1941	1942	Separately, for each quarter-year thereafter
Net sales								
Cost of goods sold								
Gross profit								
General, administrative and selling expense								
Net operating profit								

(iii) Investment in fixed assets in the plant, net of depreciation, as reported to the Bureau of Internal Revenue for each of the years 1936 to 1942, inclusive, and for any subsequent period in which such investments have been made. (If this is not reported for the calendar year, state date on which the fiscal year ends.)

1936	1937	1938	1939
\$-----	\$-----	\$-----	\$-----
1940	1941	1942	(Specify)
\$-----	\$-----	\$-----	\$-----

(4) Factors to be considered. The following factors are relevant to the consideration of an application submitted under this section:

(i) Overall profit of the plant during the base period 1936-1939, and during intervening years, as compared with its current profit;

(ii) Relation of general, administrative and selling expense to net sales in the base period 1936-1939, during intervening years, and currently;

(iii) Volume of the plant's production of wide mouth glass containers since 1936;

(iv) Relative proportion of the plant's production of wide mouth glass containers to its total glass container production;

(v) Extent of additional investment in fixed assets since January 1, 1942 (or since the beginning of the fiscal year 1942, as reported by the applicant under paragraph (3) (iii) above);

(5) Disposition of applications; relief. Reclassifications may be made under this section only on specific and express authorization by the Office of Price Administration. Such authorization will permit the reclassified plant to use the base prices in section 5.1 (c) and 5.2 (c) of this regulation.

4. Paragraph (a) of section 5.2 is amended to read as follows:

(a) Standard glass containers.

TABLE FOR STANDARD GLASS CONTAINERS

[Quantities listed below are for shipment at one time and are for GCA #400 Finish]

Capacity in ounces	Finish M/M	Packed C, or #13, cartons ¹	Over 1,000 case lots	500-1000 case lots	100-499 case lots	Less than 100 cases	Shipping weight per gross in pounds
4 ¹	48	4	\$1.99	\$2.09	\$2.19	\$2.44	40
6 ¹	53	2	2.34	2.44	2.54	2.79	45
8 ¹	58	2	2.51	2.61	2.71	2.98	55
11 ¹	58	2	2.81	2.91	3.01	3.26	70
12 ¹	68	2	2.88	2.98	3.08	3.33	75
15 ¹	63	2	3.08	3.18	3.28	3.53	80
16 ¹	63	1	3.34	3.44	3.54	3.79	90
18 ¹	63	1	3.68	3.78	3.88	4.13	100
22 ¹	63	1	3.81	3.91	4.01	4.26	110
24 ¹	63	1	3.89	3.99	4.09	4.34	115
27 ¹	63	1	3.96	4.06	4.16	4.41	125
30 ¹	63	1	4.04	4.14	4.24	4.49	130
32 ¹	63	1	4.11	4.21	4.31	4.56	130
34	63	1	4.11	4.21	4.31	4.56	135

¹ As defined in paragraph (b) immediately following.

5. Section 1.4 is amended by deleting the words "July 31" in the third paragraph of that section and inserting in their stead the words "June 30."

6. Section 1.5 is amended to read as follows:

SEC. 1.5 Adjustable pricing. Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may

be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

7. Section 2.4 (b) (1) is amended by deleting the period after the word "Matagorda" and adding after "Matagorda" the words "and the City of Velasco in Brazoria County."

8. Section 5.1 (a), footnote 1, is amended to read as follows:

¹ As defined in paragraph (b) immediately above. When other than C or #13 cartons are used, the proper differential listed in the Table of Case Differentials to be Added to Bulk Carton Prices per Gross, in paragraph (b) above, may be added to the prices here set forth. Where shipment is made in bulk or in service cartons, or when no cartons are furnished by the seller, the applicable "Style C" differential appearing in that Table of Case Differentials must be subtracted from the prices here listed to determine the maximum price.

9. Section 5.1 (b), Table 1, is amended as follows:

Beginning with class 45-50, and continuing to the end of the Table, each of the pairs of columns of figures appearing as prices under the column heads "Style B" and "Style C", respectively, under each of the four classes of purchasers named is replaced by a single column of the same figures midway between the columns headed "Style B" and "Style C" rather than in duplicate or directly under either of those two headings.

10. Section 5.1 (b), Table 3, is amended as follows:

Beginning with class 45-50, and continuing to the end of the Table, each of the pairs of columns of figures appearing as prices under the column heads, "Style B" and "Style C", respectively, under each of the four classes of purchasers named is replaced by a single column of the same figures midway between the columns headed "Style B" and "Style C" rather than in duplicate or directly under either of those two headings.

11. Section 5.1 (b), Table 4, is amended as follows:

Beginning with class 45-50, and continuing to the end of the Table, each of the pairs of columns of figures appearing as prices under the column heads, "Style B" and "Style C", respectively, under each of the four classes of purchasers named is replaced by a single column of the same figures midway between the columns headed "Style B" and "Style C" rather than in duplicate or directly under either of those two headings.

12. Section 5.1 (b), Table 8, is amended as follows:

The price "\$2.77," appearing opposite Class 8 as the price to a small lot purchaser of a gross of such containers packed in "B" cartons with two dozen in each carton, is deleted, and the figure "3.77" is inserted in that place.

13. Section 5.1 (b), Table 9, is amended as follows:

The figure "30" shown in the column headed "Shipping weight per gross in pounds" opposite the entry "3" in the

column headed "Class" is deleted, and the figure "60" is inserted in its place.

14. Section 5.1 (b), Table 13, is amended as follows:

The figures "6 $\frac{5}{8}$ "" and "9 $\frac{3}{8}$ "" appearing in the column headed "Maximum weight," opposite the figures "4"" and "5"" respectively, in the column headed "Class," are deleted, and inserted into their respective places are the figures "6 $\frac{3}{4}$ "" and "9 $\frac{1}{2}$ "".

15. Section 5.2 (b) is amended by the addition of the following note immediately after the provisions under the heading "Description of Cases" and immediately preceding Table 1:

NOTE: The Table of Differentials per Gross to be Added for Finishes Over the Specified Maximum, and the Table of Units for Tables of List Prices, appearing in section 5.1 (b), are incorporated by reference into this paragraph (b) and apply to the subject matter of this paragraph as if they were set forth at this point in full.

16. Section 5.2 (b), Table 1, is amended as follows:

a. The price "\$5.95," appearing opposite Class "9-10 oz." and List "1-C" as the price to a standard purchaser of a gross of such containers packed one dozen to a #2 carton, is deleted, and the price "\$3.95" is inserted in its stead.

b. The price "\$4.30," appearing opposite Class "14-15 oz." and List "1-C" as the price to a large purchaser of a gross of such containers packed two dozen to a #2 carton, is deleted, and the price "\$4.20" is inserted in its stead.

c. The price "\$4.24," appearing opposite Class "14-15 oz." and List "1-D" as the price to a standard purchaser of a gross of such containers packed two dozen to a #2 carton, is deleted, and the price "\$4.94" is inserted in its stead.

d. The price "\$4.43," appearing opposite Class "18-20 oz." and List "1-A" as the price to a standard purchaser of a gross of such containers packed one-half dozen to a #1 carton, is deleted, and the price "\$5.43" is inserted in its stead.

e. The heading "C#C #1" appearing over the middle column under "Large purchaser" and over the middle column under "Standard purchaser," opposite the four entries each reading "36-44 oz." in the column headed "Class," are deleted, and in their stead in the two places named there is inserted the heading "CRC #1."

f. The price "\$9.58," appearing opposite Class "61-66 oz." and List "1-A" as the price to a large purchaser of a gross of such containers packed one-half dozen to a #S carton, is deleted, and the price "\$9.38" is inserted in its stead.

g. The specification "Max. Fin. 100 m/m" is added immediately under the specification "Max. Wt. 36 oz." under the entry "75-80 oz." in the column headed "Class."

h. The price "\$10.34," appearing opposite Class "100 oz." and List "1-A" as the price to a contract purchaser of a gross of such containers packed one-half dozen to a #113 carton, is deleted, and the price "\$10.03" is inserted in its stead.

Effective date. This amendment shall become effective as of May 27, 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. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 25th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10243; Filed, June 25, 1943;
4:20 p. m.]

PART 1415—PROTECTIVE COATINGS

[Rev. MPR 180,¹ Amdt. 1]

COLOR PIGMENTS

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

Section 10 (a) (2) is amended to read as follows:

(2) "Color pigment" shall mean any organic or inorganic pigment or mixtures thereof, and includes such pigments or mixtures thereof in pulp or flushed form except that white, mineral earth, synthetic iron oxide, carbonaceous black, red lead and orange mineral pigments shall not be considered color pigments within this definition.

This amendment shall become effective as of May 14, 1943.

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

Issued this 25th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10244; Filed, June 25, 1943;
4:18 p. m.]

PART 1427—MAGNESIUM

[MPR 302,² Amdt. 1]

MAGNESIUM SCRAP AND REMELT MAGNESIUM INGOT

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

Maximum Price Regulation No. 302 is amended in the following respects:

1. Section 1427.8 is amended to read as follows:

§ 1427.8 Adjustable pricing. Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or

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

¹8 F.R. 6053.

²8 F.R. 609.

production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

2. Section 1427.16 (a) is amended to read as follows:

(a) *Transportation charges and dealers' services*—(1) *Transportation charges.* The maximum prices established for magnesium scrap in this § 1427.16 are f. o. b. point of shipment. Actual costs of transportation from the point of shipment to the buyer's receiving point, and also the cost of returning steel drums or other containers to the seller, may be charged to, and paid by, the buyer. Where scrap materials are picked up or loaded by the buyer, or any person acting for him, the applicable maximum price shall be reduced by an amount reflecting the cost of loading the material for shipment.

(2) *Dealers' services.* Where the buyer employs a dealer for the purpose of obtaining magnesium scrap, the buyer may pay the dealer a sum equal to the amount of the actual saving resulting from the services performed by the dealer. The saving may result from either one or both of the following services:

(i) Where the dealer picks up and loads the scrap on cars, the applicable maximum price which the seller may charge the buyer must be reduced by an amount reflecting the cost of loading the material for shipment, as provided in subparagraph (1) above.

(ii) Where the dealer removes magnesium scrap from steel drums or containers, and secures shipment of magnesium scrap to the buyer without drums or containers, actual freight charges which may be added to the applicable maximum base price will be lower by the amount of the round-trip freight on such drums or containers.

The buyer may not make any payment to a dealer where the dealer performs no such service, and in no case may the total price charged by the seller plus the amount paid to the dealer by the buyer exceed the maximum delivered price that the buyer would have been permitted to pay under this Regulation if he had not employed a dealer.

3. Section 1427.17 (c), Note 5, is amended to read as follows:

Note 5: Remelt magnesium ingot, other than 99% plus pure magnesium remelt ingot, not conforming to the specifications of class A, class B, or class C shall be bought and sold for not more than a price below the maximum price herein established for class C ingot, fairly reflecting the relative value of such ingot. No maximum price is established by this regulation or any other regulation issued by the Office of Price Administration for sales or deliveries of 99% plus pure magnesium remelt ingot, but sellers of such material must conform to all other

requirements and provisions of this Maximum Price Regulation No. 302.

This amendment shall become effective July 1, 1943.

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

Issued this 25th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10245; Filed, June 25, 1943;
4:17 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 107,¹ Amdt. 11]

USED TIRES AND TUBES

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

Section 1315.1352a is added to read as follows:

§ 1315.1352a *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

This amendment shall become effective July 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10275; Filed, June 26, 1943;
12:11 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 200,² Amdt. 8]

RUBBER HEELS, RUBBER HEELS ATTACHED, AND ATTACHING OF RUBBER HEELS

A statement of the considerations involved in the issuance of this amend-

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

¹ 7 F.R. 1838, 1981, 2394, 3891, 5177, 7865, 8586, 8799, 8802, 8948; 8 F.R. 1584, 2206.

² 7 F.R. 6259, 6936, 7835, 10008; 8 F.R. 490, 1461, 4917, 6842.

ment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1315.1411 is amended to read as follows:

§ 1315.1411 *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

This amendment shall become effective July 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10276; Filed, June 26, 1943;
12:11 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 229,¹ Amdt. 6]

RETAIL AND WHOLESALE PRICES FOR VICTORY LINE WATERPROOF RUBBER FOOTWEAR

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

Section 1315.1705a is added to read as follows:

§ 1315.1705a *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

17 F.R. 7740, 7738, 8701, 8936, 10289, 10844.

This amendment shall become effective July 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10277; Filed, June 26, 1943;
12:09 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RPS 56,¹ Amdt. 3]

RECLAIMED RUBBER

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

Section 1315.52a is added to read as follows:

§ 1315.52a *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

This amendment shall become effective July 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10272; Filed, June 26, 1943;
12:09 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RPS 66, as Amended,² Amdt. 4]

RETREADED AND RECAPPED RUBBER TIRES AND THE RETREADING AND RECAPPING OF RUBBER TIRES

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

Section 1315.1203a is added to read as follows:

17 F.R. 1313, 2000, 2132, 7669, 8948, 8 F.R. 120.

7 F.R. 8803, 8948; 8 F.R. 8174, 7381.

FEDERAL REGISTER, Tuesday, June 29, 1943

§ 1315.1203a *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

This amendment shall become effective July 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10273; Filed, June 26, 1943;
12:11 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RPS 87, as Amended,¹ Amdt. 6]

SCRAP RUBBER

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

Section 1315.1256 is amended to read as follows:

§ 1315.1256 *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

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

¹ 7 F.R. 4781, 5177, 6002, 8700, 8948; 8 F.R. 4628, 5986.

This amendment shall become effective July 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10274; Filed, June 26, 1943;
12:11 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 312,¹ Amdt. 2, Correction]

MAPLE SYRUP AND MAPLE SUGAR

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

Amendment 2 to MPR 312 is corrected in the following respects:

1. Section 1351.1614 (a) (9) is corrected to read as follows:

(9) "Maple sugar" means the solid or pulverized maple product made by evaporating maple syrup.

2. The definitions of "loading point" in § 1351.1614 (a) (9) is redesignated § 1351.1614 (a) (14).

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

Issued this 26th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10278; Filed, June 26, 1943;
12:09 p. m.]

PART 1393—ICE

[MPR 154 as Amended,² Correction to
Amdt. 4]

ICE

Amendment 4 to Maximum Price Regulation No. 154 as amended is corrected in the following respects:

1. The designation of § 1393.12 (e) is corrected to read § 1393.12 (f).

2. The re-designated § 1393.12 (f) (1) is corrected to read as follows:

(1) On and after June 4, 1943 the seller's maximum prices for retail delivered sales and the seller's maximum prices for quantity platform sales, in the particular form and quality of ice sold or delivered by the seller in the State of Vermont, New Hampshire, Maine, Massachusetts, Connecticut or Rhode Island, shall be either the maximum prices established by the seller under paragraph (a), (b) or (e) of this section or the respective prices listed in Schedule I for the quantities named, whichever are higher, in the respective States.

¹ 8 F.R. 1266, 2032, 4841, 6052, 6445, 6736.

² 7 F.R. 5139, 5276, 5944, 8940, 8948; 8 F.R. 1270, 7593.

SCHEDULE I

State	Prices for retail delivered sales Per cwt.	Prices for quantity platform sales	
		Per 300-lb. block	Per ton
Vermont, New Hampshire or Maine	\$0.50	\$0.45	\$3.00
Massachusetts	.55	.50	3.33
Connecticut or Rhode Island	.60	.55	3.67

Lower prices than those set forth in Schedule I may be charged, demanded, paid or offered.

NOTE: The seller's maximum prices for retail platform sales, quantity delivered sales and for all categories of sales not listed in Schedule I, in the particular form, quantity and quality of ice sold or delivered by the seller in the State of Vermont, New Hampshire, Maine, Massachusetts, Connecticut or Rhode Island, shall be determined in accordance with the provisions of paragraphs (a), (b) and (e) of this section.

This correction shall become effective July 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10279; Filed, June 26, 1943;
12:10 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,¹ Amdt. 40]

CANNED MILK AND SOFT CHEESES

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

Ration Order 16 is amended in the following respects:

1. Section 15.5 is added to read as follows:

SEC. 15.5 *Wholesalers and retailers of canned milk or soft cheeses may obtain adequate working inventories—(a) How stocks are obtained.* A person who becomes a wholesaler or retailer under this order because he deals in canned milk or in the cheeses added by Amendment 35 to the foods covered by the order, and who wishes points in order to get an adequate working inventory, may apply for a certificate for that purpose. The application must be made before July 5, 1943 on OPA Form R-315 to the Board with which he will register his establishment. The application must show:

(1) The name and address of the establishment;

(2) The number of points he needs in order to get adequate stocks;

¹ 8 F.R. 6446, 6614, 6620, 6687, 6840, 6960.

6961, 7115, 7268, 7281, 7455, 7491, 7539, 8357, 8540.

(3) The point value of any stocks of canned milk or of the cheeses mentioned above which he may have for that establishment at the time the application is made.

(b) *Issuance of certificate.* The Board will issue to him a certificate for the number of points he needs to get an adequate working inventory.

(c) *Registration.* At the end of his first full week of operation after the date on which the certificate is issued to him, he must register his establishment, on OPA Form R-1601 or OPA Form R-1602, whichever is applicable, in the same way that retailers and wholesalers registered in accordance with this order. He must give all information called for by the form. However, he must show the point value of his sales and transfers of canned milk and of the cheeses above-mentioned from his establishment during that full week of operation, instead of during the period from April 25, 1943 to May 1, 1943. (He must not include exchanges, or transfers between his own establishments of the same type, but may include all other transfers.) He must report his point inventory at the end of that week, instead of at the close of business on May 1, 1943. If he is a wholesaler, his allowable inventory is determined by multiplying the point value of the canned milk transferred by him during that week of operation by the factor eight (8) and the point value of the above-mentioned cheeses so transferred by him by the factor four (4). If he is a retailer, his allowable inventory is determined by multiplying the point value of his transfers of these foods during that week by three (3). When he registers, he may get a certificate or, if he has excess inventory, he must give up points to the Office of Price Administration, in the same way as retailers or wholesalers who registered in accordance with this order. He may not, however, be given a certificate for more than the amount by which his allowable inventory exceeds the amount of the certificate given to him when he applied on OPA Form R-315.

(d) *A person may register his establishments separately or together.* Notwithstanding the provisions of sections 5.2 (g) and 6.2 (g) of this order, if a person who registers an establishment under this section has two or more other establishments of the same type which are already registered together under this order, he must register the additional establishment together with his other establishments and at the same Board. If he has other establishments of the same type which have already been registered separately, the additional establishment must be registered separately with the Board for the place where it is located. If he has only one other establishment of the same type, he may elect whether his establishments will be registered together or separately. If he registers them together, registration must be at the Board for the place where his principal business office is located. If he registers them separately, registration must be at the Board for the place where the establishment is located.

2. Section 15.4 (a) (1) is amended to read as follows:

(1) State the sum of:

(i) The amount of his allowable inventory; and

(ii) The point value of his inventory of any item added after March 29, 1943, to the foods covered by this order as of the date that item was added. (This need not be stated if his allowable inventory was obtained under section 15.5.)

3. Section 15.4 (c) (1) is amended to read as follows:

(1) Fresh and frozen meats, canned milk, cheeses added to this order on June 6, 1943. 0.4

This amendment shall become effective June 28, 1943.

NOTE: All reporting and record-keeping 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.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 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 26th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 48-10280; Filed, June 26, 1943;
12:10 p. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR. 1]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION BY DINING CARS

In the judgment of the Price Administrator, the prices of food and beverages sold by railroad dining cars and peddlers on railroad trains traveling from station to station have risen and are threatening further to rise to an extent and in a manner inconsistent with the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

In the judgment of the Price Administrator, the maximum prices established by this regulation are generally fair and equitable and are necessary to check inflation and to effectuate the purposes of the Act. So far as practicable, the Price Administrator gave due consideration to prices prevailing between October 1 and 15, 1941, and consulted with the representatives of those affected by this regulation.

A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith.*

Therefore, in accordance with the direction of the President to take action which will stabilize prices affecting the

cost of living, and under the authority therewith delegated by the President pursuant to the Act of Congress approved October 2, 1942, entitled "An Act to Aid in Stabilizing the Cost of Living" (F.R. 7565), 77th Congress, Second Session, and under the authority of Executive Order 9250, Executive Order 9328, and the Emergency Price Control Act of 1942, the Price Administrator hereby issues this Restaurant Maximum Price Regulation No. 1, establishing as maximum prices for food and drink sold by railroad dining cars and peddlers on railroad trains traveling from station to station the prices prevailing therefor during the period beginning February 1, 1943 and ending April 10, 1943.

§ 1448.801 Maximum prices for food and drinks sold for immediate consumption. Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Restaurant Maximum Price Regulation No. 1 (Food and Drink Sold for Immediate Consumption by Dining Cars) which is annexed hereto, is hereby issued.

AUTHORITY: § 1448.801 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4861.

RESTAURANT MAXIMUM PRICE REGULATION NO. 1—FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION BY DINING CARS

CONTENTS

Sec. 1. Sales at higher than ceiling prices prohibited.
 2. How you figure ceiling prices for food items or meals you offered in the period from February 1, 1943 to April 10, 1943.
 3. How you figure ceiling prices for food items and meals you did not sell in the base period.
 4. How you figure your prices for seasonal items.
 5. Maintain your price differentials.
 6. No ceiling price for any food item or meal to be higher than the highest price for a food item or meal of the same class in the base period or the last price at which previously sold.
 7. Specific prices.
 8. Substitution of food items in meals.
 9. Duty to offer certain meals or food items.
 10. Evasion.
 11. Rules for proprietors not in operation during base period.
 12. Taxes.
 13. Records.
 14. Posting.
 15. Geographical application.
 16. Licensing.
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 18. Classes of food items and meals.
 19. Special orders.
 20. Revocation.

Appendix A: Specific prices for certain food items.

Appendix B: Specific prices for certain meals.

SECTION 1. Sales at higher than ceiling prices prohibited. If you own or operate a railroad dining car, cafe car, club car or other similar vehicle, or if you sell food items, beverages and meals to passengers on railroad trains while traveling from station to station (called proprietor), you shall not offer or sell any "food item," including any beverage or meal, at a price higher than the ceil-

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

ing price which you figure according to the directions in the next two sections (sections 2 and 3). You may, of course, sell at lower than ceiling prices.

SEC. 2. *How you figure ceiling prices for food items or meals you offered in the period from February 1, 1943 to April 10, 1943.* Your ceiling price for any food item or meal which you offered in the period from February 1, 1943 to April 10, 1943 (called base period) is the highest price at which you offered the same food item or meal in that period.

SEC. 3. *How you figure ceiling prices for food items and meals you did not sell in the base period.* (a) You must figure your ceiling price of a food item or meal you did not sell during the base period (called new item) by one of the methods set forth below. If both methods are applicable you may take your choice.

PRICING METHOD NO. 1

If during any one calendar month from October 1, 1942 to January 31, 1943, you offered the new food item or meal at the same price as another food item or meal of the same class (as given in section 18) which you sold during the base period, take as your ceiling price for the new food item or meal your ceiling price for the original food item or meal.

Example 1. You want to determine your ceiling price for tomato soup which you did not sell in the base period from February 1, 1943 to April 10, 1943. You must first examine your records to determine whether in any one calendar month between October 1, 1942 and January 31, 1943, you sold tomato soup at the same price as some other soup which you also sold in the base period and for which you therefore have a ceiling price. Assume that you find that in January 1943, you sold both tomato soup and consomme at 20 cents, and that you sold consomme in March 1943 at 25 cents. Your ceiling price for tomato soup is therefore 25 cents, i. e., the same as your ceiling price for consomme.

PRICING METHOD NO. 2

If you did not offer the food item or meal in the base period, and cannot, or do not wish to, price it under Pricing Method No. 1, figure your price as follows:

(1) Choose from the food items or meals for which a ceiling price has already been fixed, the food item or meal of the same class which is most similar to the food item or meal which you are pricing, or if you did not offer any food item or meal of the same class which is similar to the food item or meal you are now offering, then choose the most similar food item or meal of a different class, and

(2) Figure a price "in line" with the ceiling price of that most similar food item or meal. A price is "in line" if the customer receives as much value for his money for one item or meal as from the other, even though the two prices may be different. In comparing values, quality, size of the portion and the margin over food cost are the things that count.

(b) Once your maximum price has been determined under any of the above pricing methods, it may not be increased.

SEC. 4. *How you figure your prices for seasonal items.* First, determine your ceiling price for a "seasonal food item" (defined in section 17 (f)) in accordance with the appropriate rule of sections 2 and 3 of this regulation. Thereafter, this price must be varied in proportion to any seasonal change in the raw food cost of the item, provided

that in no event shall the price be higher than the ceiling price as originally determined. If in the past it has been your practice to maintain one price throughout the season, you need not vary your ceiling price according to this rule provided the ceiling price was based upon estimated average raw food cost of the item for the entire season.

SEC. 5. *Maintain your price differentials.* If during the base period you maintained different prices for different types of dining cars, different types of dining car service, different trains, or different peddler routes you must continue such differentials and you must determine your ceiling price for each such type of dining cars, type of service, train, or peddler route separately, and separately apply the limitations set forth in section 6.

SEC. 6. *No ceiling price for any food item or meal to be higher than the highest price for a food item or meal of the same class in the base period or the last price at which previously sold.* Under no circumstances are you permitted to charge a higher price for a new food item or meal than your highest price for food items or meals of the same class offered in the period from February 1, 1943 to April 10, 1943, or the last price at which you sold the same item or meal prior to February 1, 1943.

Example 1. If you figure an "in line" price for a new dinner at \$1.75, and your highest price for a dinner was \$1.50, your ceiling price for the new dinner is \$1.50.

Example 2. If your highest price for any soup offered by you during the base period is 25 cents, you may not offer any other soup at a higher price than 25 cents.

Example 3. You served "prize beef" in November 1942 at \$2.25. You did not serve "prize beef" during the base period. The highest price at which you now can serve "prize beef" is \$2.25. If, however, by using Method 2 of section 3, you arrive at a lower price than \$2.25 this lower price is your ceiling price.

SEC. 7. *Specific prices.* For an item or meal listed in Appendix A or B (if not excepted by terms of Appendix) you must take as your ceiling price the price entered opposite such item or meal or the ceiling price determined under section 2 or 3, whichever is lower.

SEC. 8. *Substitution of food items in meals.* If you have already determined your ceiling price for a meal you may substitute for any food item other than the entree (or main dish) in that meal any other food item of the same class without refiguring your ceiling price, provided the new food item costs you approximately as much and offers customers about the same value as the food item which it replaces. A meal becomes a "new" meal whenever the entree (or main dish) is changed, or a new food item is substituted which costs you less or offers your customers lower value than the food item which it replaces, and you must therefore determine its ceiling price in accordance with the rules established by section 3.

SEC. 9. *Duty to offer certain meals or food items.* You must not so limit your offers of meals or food items that your customers will have to pay more than

they did during the base period for the same class of meals or food items. To assure compliance with this rule you must specifically do the following:

(a) Offer in quantities sufficient to meet all anticipated normal demands the food items, beverages and meals, set forth in Appendixes A and B, or substantially the same food items, beverages and meals at lower prices, except in so far as shortages of supplies preclude you from making such offer. This requirement shall not preclude you from discontinuing entirely a class of meals or food items.

(b) Of the classes of meals you continue to serve you must offer at least one meal at or below the lowest price charged by you for meals of the same class during the base period.

SEC. 10. *Evasion.* You must not evade the provisions of this regulation by any scheme or device, including:

(a) Dropping food items from meals, consistently deteriorating quality or reducing quantity without making sufficient reduction in price so as to maintain the raw food cost ratio at least equal to such ratio prior to the deterioration or reduction. Such a reduction need be made only when the reduction in raw food cost is sufficient to require a reduction in price of 5 cents or more, in which case the new price may be rounded to the nearest five cents or multiple thereof;

(b) Withdrawing the offer, or increasing the price, of any meal ticket, weekly rate, or other arrangement by which passengers may buy food items or meals at less than the prices stated on the menu;

(c) Increasing any cover, minimum, bread-and-butter, service, corkage, or other special charges or making such charges when they were not in effect during the base period;

(d) Requiring as a condition of sale of an item or meal the purchase of other items or meals when such condition was not in effect in the base period, except that you may refuse to sell coffee unless a customer also purchases another food item;

(e) Reducing the selection of meals offered at table d'hote prices when the food items which you customarily offered in such meals are being offered at a la carte prices which total more than the table d'hote prices.

Example: If you customarily offered fish on table d'hote dinners at \$1.10, you may not now offer fish a la carte and refuse to offer it on a table d'hote dinner priced at \$1.10.

(f) You may make such changes in your customary practices with regard to the quality and quantity of food furnished, and types of meals served as may be necessitated by genuine emergencies, without reducing your maximum prices. A situation may be regarded as a genuine emergency when you cannot reasonably be expected to have foreseen and prepared against its consequences, and when it is non-recurrent.

(g) You will not be considered evading the provisions of this regulation, however, if you do any of the following things

even if you did not do any of those things during the base period:

- (1) Limit your customers to one cup of coffee per meal.
- (2) Limit your customers to one pat of butter per meal.

(3) Reduce the quantity, or eliminate altogether, condiments and relishes (such as catsup, chili sauce, etc.) which you may have customarily placed at the disposal of your customers and which now are, or may hereafter be, subject to any rationing order or rationing regulation of the Office of Price Administration.

(4) Reduce the amount of sugar served with each cup of coffee or tea, or each bowl of cereal, fruit, or other similar food items with which sugar is served, to not less than one teaspoon, except that less may be given if required by your available supply of sugar.

You may not, however, make the curtailment authorized in the foregoing subparagraphs and furnish these curtailed items at an additional charge. For example, if during the base period you furnished catchup, you may not now discontinue furnishing this item free and at the same time offer to furnish it for an additional charge.

SEC. 11. Rules for proprietors not in operation during base period. (a) If you acquire another's business and continue the business in the same place, you are subject to the same ceiling prices and duties as the previous proprietor.

(b) If you become a proprietor after the base period or were not in operation during that period, you must file your proposed prices with the National Office of the Office of Price Administration at least ten days prior to the time you propose to commence operations. You shall also submit the following information:

- (1) Your name and address.
- (2) The date you propose to commence operations.

(3) A brief description of the manner of your operations and where you propose to carry them on.

(4) The names and addresses of the nearest proprietors engaged in the same kind of business.

(5) Menus or price lists showing the prices at which you last operated.

You may commence operations on the day you specify and use the prices you have filed provided you do not receive before that time a written notice of disapproval of any of the filed prices, in which event you may commence operations provided you use as your maximum prices the prices suggested by the Office of Price Administration.

SEC. 12. Taxes. If in the base period you stated and collected the amount of any tax separately from the price you charged, you may continue to do so. You may also separately state and collect the amount of any new tax or of any increase in the amount of a previous tax on the sale of food or drink or on the business of selling food or drink, if the tax is measured by the number or price of items or meals.

SEC. 13. Records. You must observe the following record-keeping requirements:

- (a) *Customary records.* You must preserve all your existing records relat-

ing to your prices, costs, and sales. You must also continue to maintain such records as you ordinarily kept. All such records shall be subject to examination by the Office of Price Administration.

(b) *Records of the base period.* You must make available for examination by any person during the ordinary business hours a copy of each menu used by you in the base period. If you did not use menus or no longer have previous menus available, you must prepare in duplicate and make available for such examination a list of the highest prices you charged in the base period.

(c) *Future records.* Beginning with the effective date of this regulation, you must keep, for examination by the Office of Price Administration, two each of the menus used by you each day. If you do not use menus you must prepare in duplicate, and preserve for such examination, a record of the prices charged by you each day, except that you need not record prices which are the same as, or less than, prices you previously recorded for the same items or meals.

(d) *Place records to be kept.* All records and menus required to be kept by this section may be kept by the proprietor at the usual place such records have ordinarily been kept, provided that on the sign or notice required to be posted by section 14 (a) the place where such records and menus are kept shall be clearly stated and posted.

SEC. 14. Posting. (a) Beginning July 1, 1943, each menu must have clearly and plainly written on or attached to it the following statement:

All prices listed are our ceiling prices or below. By Office of Price Administration regulation, our ceilings are our highest prices from February 1, 1943 to April 10, 1943. Records of these prices are available for your inspection at (place where such records are available).

If you do not use menus, you must post the statement by a sign which can be easily read by your customers and which must be located in such location that the customer can easily read the sign at the time of purchase.

(b) If you made menus available to customers in the base period, you shall continue to make them available.

(c) If you offer to sell the items listed in Appendix A by means of train agents or peddlers operating in coaches, you must post or mark your ceiling prices for such items. This may be by means of (1) a card or placard attached to, or placed or painted on, the basket or container used by the train agent or peddler in such manner as to be visible clearly to customers, or (2) a statement on the wrapper or container in which the item is sold which reads, "Ceiling price ____." Any train agent or peddler who wilfully fails or refuses to carry out the requirements of this section, whether by removing or concealing the price posted or marked or otherwise, is fully subject to the penalties and enforcement provisions contained in the Emergency Price Control Act of 1942, as amended.

You will not be regarded as in violation of this section if lack of compliance results from the wilful refusal of a train agent or peddler to carry out instructions.

SEC. 15. Geographical application. This Restaurant Maximum Price Regulation No. 1 applies to all proprietors of railroad dining cars within the Continental United States (exclusive of territories or possessions) as well as all persons serving food items or meals to passengers on railroad trains while en route from station to station within the Continental United States.

SEC. 16. Licensing. The licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation shall apply to all persons whose maximum prices are regulated by this regulation.

SEC. 17. Definitions and explanations. (a) "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.

(b) "Meal" means a combination of food items sold at a single price. Examples of meals are a four-course dinner, a club breakfast, and a combination special. Two or more kinds of food which are prepared or served to be eaten together as one dish are not a "meal." Examples of such dishes are ham and eggs, bread and butter, apple pie and cheese.

(c) "Offered" means offered for sale and includes the listing or posting of prices for items and meals even though the items and meals so offered were not actually on hand to be sold.

(d) "Food item" means an article or portion of food (including beverages) sold or served by an eating or drinking place for consumption in or about the place or to be taken out for eating without change in form or additional preparation. It includes two or more kinds of food which are prepared or served to be eaten together as one dish, such as ham and eggs, bread and butter, apple pie and cheese.

(e) "Proprietor" means any person owning or operating a dining car, cafe car or bar car on a regularly operated passenger railroad, and any person who peddles or sells food items or meals to passengers on railroad trains while en route from station to station.

(f) "Seasonal food item" means a food item (including beverage) not generally offered for sale throughout the year and normally available in quantity only during certain seasonal production periods of each year. Examples are: certain shell-fish such as oysters; certain fresh fish such as salmon, trout and shad; certain vegetables such as summer squash; and certain fruits such as berries and melons.

(g) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in the General Maximum Price Regulation, issued by the Office of Price Administration, shall apply to other terms used herein.

SEC. 18. Classes of food items and meals. (See definition of "food item" and "meal" contained in section 17.)

(a) The classes of food items.

BREAKFAST ITEMS

1. Fruits, fruit juices and vegetable juices.
2. Cereals.
3. Entrees: egg and combination egg dishes served at breakfast.
4. Entrees: meat and meat combination dishes served at breakfast.
5. Entrees: all other dishes served at breakfast.
6. Breads, rolls, buns, Danish-pastries, etc., served at breakfast.
7. All other breakfast dishes including jams, jellies, and preserves.

OTHER ITEMS

8. Appetizers, including cocktails.
9. Soups, including soups in jelly.
10. Beef; steaks and roasts.
11. Veal; steaks, chops and roasts.
12. Pork; loin, chops, steaks, roasts.
13. Lamb or mutton; chops, roasts.
14. Poultry and fowl.
15. Fish and shell-fish.
16. Game.
17. Miscellaneous and variety meats, including liver and kidneys.
18. Prepared dishes such as stews, casseroles, ragouts, curries, etc.
19. Egg and cheese dishes and combinations thereof.
20. All other dishes such as spaghetti and combinations, vegetable platter, baked beans and combinations, chop suey, etc.
21. Vegetables, including potatoes.
22. Salads (except when served as a main course or appetizer course in a meal).
23. Desserts: cakes, cookies, pies, pastries and other baked goods.
24. Desserts: ice cream, sherbets, water ices, including combinations with syrups, creams, fruits and nuts.
25. Desserts: all others, including fruits, puddings and cheese.
26. Cold sandwiches, including garnishings, salads and vegetables.
27. Hot sandwiches, including garnishings, salads and vegetables.
28. All other food items served in a meal including mints and preserves.
29. Beverage foods, including coffee, cocoa, chocolate, tea and milk.

BEVERAGES

30. Non-alcoholic beverages, including sparkling and mineral waters.
31. Alcoholic malt beverages, including beer and ale.
32. Wines, including sparkling wines.
33. Liquors, including whiskeys, gins and brandies.
34. Cordials, including fruit liquors.
35. All other alcoholic beverages.

(b) The classes of meals.

For purposes of this regulation there shall be 11 classes of meals, namely, breakfast, lunch, tea, dinner, supper, children's breakfast, children's lunch, children's dinner, off-hour breakfast, off-hour lunch, and off-hour dinner.

SEC. 19. Special orders. The provisions of this regulation to the contrary notwithstanding, the Office of Price Administration may from time to time issue special orders providing for the reduction of the maximum price of any food item or items or meal or meals sold or offered by any seller or sellers when, in the judgment of the Administrator, such action is necessary or desirable to prevent excessive charges, to prevent inflation, to stabilize prices affecting the cost of living or to carry out the purposes of the Emergency Price Control Act of 1942,

as amended, and Executive Orders Nos. 9250 and 9328.

SEC. 20. Other regulations. This regulation shall supersede any Restaurant Maximum Price Regulation now or hereafter issued under General Order 50 in so far as the same purports to apply to proprietors covered by this regulation.

SEC. 21. Revocation. This regulation may be revoked, amended, or corrected at any time.

APPENDIX A

SPECIFIC PRICES FOR CERTAIN FOOD ITEMS

(a) *Application of appendix.* This appendix applies to food items offered for sale in day coaches requiring class two railroad tickets.

(b) *Food items and prices:*

Sandwiches:

All sandwiches (excepted as noted below ¹)	\$0.15
Beverages:	
1. Coffee, per cup	.10
2. Milk, per bottle (not less than $\frac{1}{2}$ pt.)	.10

3. Soft drinks, including coca-cola, pepsi-cola, etc.	.10
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Desserts:

1. Individual and sliced pies, portion	.10
2. Doughnuts (2). Cup cakes (2)	.10
3. Cookies, per package	.10
4. Ice cream, sherbets and fruit ices (except as noted below) ¹	.10
5. Fruits, including fresh apples and oranges	.10

Miscellaneous:

1. Candies and Chocolates, bars and pieces	.10
2. Potato Chips, per package	.10

¹ If a proprietor sold a particular type of sandwich at a price higher than 15¢ or ice cream at more than 10¢ during the base period, he may continue to sell it at such higher price provided the price is clearly marked on the wrapper in the following manner: "OPA ceiling price —¢"

APPENDIX B

SPECIFIC PRICES FOR CERTAIN MEALS

(a) *Application of appendix.* Except on the trains or dining cars described in paragraph (c) all proprietors who do not offer substantially the same meals at lower prices must offer at least one breakfast, one luncheon and one dinner of the contents and at the prices stated in paragraph (b) unless they eliminate that class of meal altogether.

(b) *Meal contents and prices:*Breakfast
85¢

1. Fruit, fruit or vegetable juice
2. Choice of:
Entrees. Cereal, hot or cold, with milk or cream.

Eggs (2)—any style.

Omelettes, plain or combination.

Egg (1) and bacon, ham or sausage.

3. Bread (plain or toasted) and butter

4. Beverage—coffee, tea, cocoa or milk

* * * * *

A la carte food items which must not exceed 60¢ total in combination served for breakfast.

1. Fruit, fruit or vegetable juice, or cereal, hot or cold, with milk or cream

2. Bread (plain or toasted) and butter

3. Beverage—coffee, tea or milk

Luncheon
\$1.00

Entrees.¹ Meat, including "en casserole" dishes, chopped or ground meat dishes and sausage meats.

Eggs, including omelettes.

Fish and shellfish, all forms.

Chicken and other poultry, all cooked forms.

Cheese dishes.

Spaghetti, noodle and other farinaceous dishes with sauces.

Vegetable plates.

Salad bowls, including combinations.

Cold plates, including meat and cheese combinations.

Vegetables—(2)—including potatoes.

Beverages—coffee, tea or milk.

Bread and butter.

Dinner

\$1.10

Entrees.¹ Meat, including "en casserole" dishes.

Fish, excluding chopped and ground patties or croquettes.

Shellfish, all cooked forms.

Chicken and other poultry.

Omelettes, with meat, cheese, vegetables or fruit.

Cold plate, including meat and cheese combinations.

Vegetable plates.

Vegetables—(2)—including potatoes.

Beverages—coffee, tea or milk.

Bread and butter.

(c) *Exempt trains and dining cars*

1. Regular dining cars on trains which carry also a cafe, lunch, buffet, tourist or other low-priced dining car available to all passengers, in which substantially the same meals are offered at prices as low as, or lower than, those specified in paragraph (b).

2. Atchison, Topeka and Santa Fe Railroad

Trains

The Super Chief (17 & 18)

The Chief (19 & 20)

3. Baltimore & Ohio Railroad

Capitol Limited (5 & 6)

4. Chicago & Northwestern

Streamliner City of San Francisco (101-102)

Streamliner City of Los Angeles (103-104)

San Francisco Overland Ltd. (27 & 28)

5. Illinois Central

Panama Ltd. (Special Services) (54 & 55)

6. New York Central

20th Century Ltd. (25 & 26)

The Detroiter (47 & 48)

Advance Commodore Vanderbilt (37)

Advance Commodore Vanderbilt (66)

The Commodore Vanderbilt (67 & 68)

7. New York, New Haven & Hartford

Merchants Ltd. (26 & 27)

8. Pennsylvania Railroad

The Broadway Ltd. (28 & 29)

9. Seaboard Railroad

Orange Blossom Special, Florida Sunbeam (Seasonal in winter) (7 & 8)

10. Southern Pacific Railroad

Streamliner City of San Francisco (101 & 102)

San Francisco Overland Ltd. (27 & 28)

Cascade (23 & 24)

11. Union Pacific

Streamliner City of San Francisco (101 & 102)

Streamliner City of Los Angeles (103 & 104)

San Francisco Overland Ltd. (27 & 28)

¹ Not all entrees listed need be offered on any one meal. It is expected, however, that an effort will be made over a period of time to serve all entrees in reasonable quantities. A proprietor who concentrates unduly on the cheapest and least desirable entree will be in violation of the spirit and intent of this regulation.

Effective Date

This regulation shall become effective July 1, 1943.

NOTE: The specific reporting and recording requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 26th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10281; Filed, June 26, 1943;
12:12 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 562 Under § 1499.3 (b) of GMPR]**CAMFIELD MANUFACTURING CO.**

The Camfield Manufacturing Company of Grand Haven, Michigan, made application under § 1499.3 (b) of the General Maximum Price Regulation for approval of a price on 6,000 7-ply Maple plywood panels, $7\frac{1}{2}'' \times 14\frac{1}{2}'' \times \frac{3}{4}''$. Due consideration has been given the application and an opinion in support of this order, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order 9250, *It is ordered:*

§ 1499.2000 Approval of maximum price for maple plywood panels. (a) The Camfield Manufacturing Company, Grand Haven, Michigan, may sell and deliver to Domore Chair Company, Elkhart, Indiana, and Domore Chair Company, Elkhart, Indiana, may buy and receive from Camfield Manufacturing Company 6,000 7-ply maple plywood panels, $7\frac{1}{2}'' \times 14\frac{1}{2}'' \times \frac{3}{4}''$, resin glued in hot plate presses at a price not to exceed 45 cents per square foot.

(b) This order may be amended or revoked by the Price Administrator at any time.

The effective date of this order shall be January 25, 1943.

Issued this 26th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10291; Filed, June 26, 1943;
12:07 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 563 Under § 1499.3 (b) of GMPR]**ROBERT A. JOHNSTON COMPANY**

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.2101 Authorization of maximum prices for sales of Johnston's Cocoa Beverage Powder No. 40 processed by the Robert A. Johnston Company, 4023 West National Avenue, Milwaukee, Wisconsin. (a) On and after June 28, 1943, the maximum prices for "Johnston's Cocoa

Beverage Powder No. 40" processed by Robert A. Johnston Company, 4023 West National Avenue, Milwaukee, Wisconsin, shall be as follows:

Size container:	Price per pound
5 pound can	\$0.2830 (delivered to buyers receiving station).
180 pound barrel	\$0.1760 f. o. b. Milwaukee.
200 pound barrel containing 200 1-pound bags	\$0.1880 f. o. b. Milwaukee.

(b) The above prices are prices before discounts. Sellers shall reduce these prices by applying to them the same trade allowances and discounts which they applied on similar sales of "Johnston's Hot Chocolate Powder No. 31".

(c) The Robert A. Johnston Company shall notify its jobbers by letter of the issuance of this order, stating the maximum prices authorized herein, and the discount requirements of paragraph (b).

(d) This order may be revoked or amended by the Administrator at any time.

(e) This Order No. 563 shall become effective June 28, 1943.

(Pub. Laws 421 and 429, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10292; Filed, June 26, 1943;
12:06 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 565 Under § 1499.3 (b) of GMPR]**FEARN LABORATORIES INC., ET AL.**

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.2103 Authorization of maximum prices for sales of "Le Gout Nutmeg Substitute" manufactured by Fearn Laboratories Inc., 701 North Western Ave., Chicago, Illinois. (a) The maximum prices, f. o. b. Chicago, Illinois, for "Le Gout Nutmeg Substitute" sold in the following size containers shall be as follows:

225 lb. barrel	\$90.00 per barrel.
10 lb. can	\$4.25 per can.
2 lb. can	\$0.88 per can.

(b) The prices set forth in paragraph (a) are prices before discounts of any kind. Each seller of this product shall reduce these prices by applying to them all trade allowances which it customarily applied to similar sales of a comparable product. Such trade allowances include but are not limited to the discounts given for prompt payment, quantity of sale, and class of purchaser.

(c) The Fearn Laboratories shall at the time of the first sale to a purchaser notify such purchaser in writing of the maximum prices established by this order, and shall further notify such purchaser that the maximum prices apply

to every seller, and that every seller is required to reduce these prices by applying to them all trade allowances and discounts which each such seller customarily applied to similar sales of a comparable product.

(d) This order may be revoked or amended by the Administrator at any time.

(e) This Order No. 565 shall become effective June 28, 1943.

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

Issued this 26th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10284; Filed, June 26, 1943;
12:08 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 566 Under § 1499.3 (b) or GMPR]**LANCASTER SHOE COMPANY**

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.2104 Approval of maximum prices for sales by Lancaster Shoe Company, Elizabethtown, Pennsylvania, of its children's, misses' and growing girls' plastic sole shoes. (a) On and after June 28, 1943, the maximum prices at which the Lancaster Shoe Company, 39 Poplar Street, Elizabethtown, Pennsylvania, may sell, deliver and offer for sale its new children's, misses' and growing girls' shoes with 6-iron plastic vinylite outsole and 3½-iron oak leather midsole as described in its application, shall be the established maximum prices for its children's, misses' and growing girls' shoes with oak bend leather soles increased by 15 cents per pair for children's, 15 cents per pair for misses' and twenty cents per pair for growing girls.

(b) The maximum prices authorized by this Order No. 566 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942 on sales by Lancaster Shoe Company of its children's, misses' and growing girls' shoes with oak bend leather sole.

(c) The maximum prices authorized by paragraph (a) of this Order No. 566 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 566 shall become effective June 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10285; Filed, June 26, 1943;
12:06 p. m.]

PART 1499—COMMODITIES AND SERVICES
 [Order 567 Under § 1499.3 (b) of GMPR]

PLANTERS MANUFACTURING COMPANY

On March 22, 1943, Planters Manufacturing Company, Portsmouth, Virginia, filed application pursuant to § 1499.3 (b) of the General Maximum Price Regulation for approval of a maximum price for an industrial wooden box which it has not previously manufactured. 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. Under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order 9250, *It is hereby ordered:*

§ 1499.2105 Approval of maximum price for industrial wirebound box.
 (a) On and after March 22, 1943, Planters Manufacturing Company of Portsmouth, Virginia, may sell and deliver to any person and any person may buy and receive from Planters Manufacturing Company, industrial wirebound boxes 10 $\frac{1}{8}$ " x 9 $\frac{3}{4}$ " x 16 $\frac{1}{8}$ " at a price not to exceed \$28.00 per C. f. o. b. factory. To this maximum price may be added a charge of $\frac{1}{4}$ cents per impression for printing boxes.

(b) This order may be revoked or amended by the Price Administrator at any time.

The effective date of this order shall be March 22, 1943.

Issued this 26th day of June 1943.

PRENTISS M. BROWN,
 Administrator.

[F. R. Doc. 43-10286; Filed, June 26, 1943;
 12:06 p. m.]

PART 1499—COMMODITIES AND SERVICES
 [Order 23 Under § 1499.3 (c) of GMPR]

METALS RESERVE COMPANY

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 Orders Nos. 9250 and 9328, and in accordance with § 1499.3 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

§ 1499.823 Authorization of maximum prices of new steel valves for sales by consumer-holders to the Metals Reserve Company, Murray Cook acting as agent for the Metals Reserve Company, or their agents and resales by Metals Reserve Company to others. (a) The maximum price for any new steel valve sold or delivered by any consumer-holder to the Metals Reserve Company, Murray Cook acting as agent for the Metals Reserve Company, or any of their agents pursuant to the War Production Board Program No. 2844, "Surplus Inventory of New Steel Valves" shall be

the net price which the consumer-holder would have been required to pay for such valve according to the applicable regulation, schedule, or order covering such valve at the time of the consumer-holder's sale to the Metals Reserve Company.

(b) The maximum price for the resale by the Metals Reserve Company to any person for any new steel valve purchased by it under this Order No. 23 shall not be more than the net price which such person would have been required to pay for such valve according to the applicable regulation, schedule or order covering such valve at the time of the sale by the Metals Reserve Company.

(c) For the purpose of this order, the term:

(1) "Steel valve" means any type or size of steel valve.

(2) "Consumer-holder" means any owner of a new steel valve who acquired such steel valve for his own use and not for resale.

(3) "Net price" means the invoice price which the seller would have paid after deducting freight and handling charges paid by the seller, and any discounts, allowances, rebates, and other modifications of cost of which the seller may have been the beneficiary.

(d) All sales made in pursuance of this order No. 23 shall be f. o. b. point of shipment.

(e) This Order No. 23 may be revoked or amended by the Price Administrator at any time.

This Order No. 23 shall become effective June 28, 1943.

Issued this 26th day of June 1943.

PRENTISS M. BROWN,
 Administrator.

[F. R. Doc. 43-10287; Filed, June 26, 1943;
 12:08 p. m.]

PART 1499—COMMODITIES AND SERVICES
 [Order 23 Under § 1499.18 (c), as Amended, of GMPR]

COOK PAINT AND VARNISH CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1523 Denial of application of Cook Paint and Varnish Company, Kansas City, Missouri, for adjustment of maximum price for V-634 "C" Enamel. (a) The application of Cook Paint and Varnish Company, filed April 8, 1943, Docket No. GF3-3225, for adjustment of its maximum price for V-634 "C" Enamel is hereby denied.

This Order No. 23 shall become effective June 26, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of June 1943.

PRENTISS M. BROWN,
 Administrator.

[F. R. Doc. 43-10290; Filed, June 26, 1943;
 12:08 p. m.]

PART 1499—COMMODITIES AND SERVICES
 [Order 29 Under § 1499.29 of GMPR]

COOK PAINT AND VARNISH CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.429 Denial of applications of Cook Paint and Varnish Company, Kansas City, Missouri, for adjustment of maximum prices for Zinc Paste X-2541 and V-634 "C" Enamel. (a) The applications of Cook Paint and Varnish Company, filed April 8, 1943, Docket No. 3188-96 and Docket No. 3188-97, for adjustment of its maximum prices for Zinc Paste X-2541 and V-634 "C" Enamel is hereby denied.

This Order No. 29 shall become effective June 26, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of June 1943.

PRENTISS M. BROWN,
 Administrator.

[F. R. Doc. 43-10283; Filed, June 26, 1943;
 12:07 p. m.]

PART 1499—COMMODITIES AND SERVICES
 [SR 14¹ to GMPR; Amdt. 190]

CRUDE RUBBER 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.*

Section 1499.73 (a) (92) is revoked.

This amendment shall become effective July 2, 1943.

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

Issued this 26th day of June 1943.

PRENTISS M. BROWN,
 Administrator.

[F. R. Doc. 43-10282; Filed, June 26, 1943;
 12:09 p. m.]

PART 1499—COMMODITIES AND SERVICES
 [Order 64 Under SR 15 to GMPR]

SUBLER TRANSFER

Order No. 64 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. 3165-24.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

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

¹ 7 F.R. 5486, 5709, 6008, 5911, 6217, 6477, 6478, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 7946, 8327, 8024, 8199, 8351, 8358, 8524.

² 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047.

§ 1499.1364 Adjustment of maximum prices for contract carrier services by Kenneth Subler, doing business as Subler Transfer, of Versailles, Ohio. (a) Kenneth Subler, doing business as Subler Transfer, of Versailles, Ohio, may sell and deliver contract carrier services at prices not to exceed 3% above his March, 1942 prices established as his maximum prices for such services by the General Maximum Price Regulation.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 64 (§ 1499.1364) 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. 64 (§ 1499.1364) may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 64 (§ 1499.1364) shall become effective June 28, 1943.

(Pub. Laws No. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10288; Filed, June 26, 1943;
12:06 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 65 Under SR 15 to GMPR]

JOSEPH F. WHELAN CO., INC.

Order No. 65, under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Document No. GF3-3333.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1365 Adjustment of maximum prices for contract carrier services supplied by Joseph F. Whelan Company, Inc., of 439 West 54th Street, New York, New York. (a) Joseph F. Whelan Company, Inc., a corporation with principal offices at 439 West 54th Street, New York, New York, may sell and deliver contract carrier services to the Procter & Gamble Distributing Company, at prices not to exceed 6% above its March, 1942 prices established as its maximum prices for these services by the General Maximum Price Regulation.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 65, (§ 1499.1365) 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. 65 (§ 1499.1365) may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 65 (§ 1499.1365) shall become effective as of January 1, 1943.

(Pub. Laws No. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10289; Filed, June 26, 1943;
12:07 p. m.]

PART 1306—IRON AND STEEL

[MPR 411]

REUSABLE STEEL STORAGE TANKS (FIELD ASSEMBLED)

In the judgment of the Price Administrator it is necessary and proper to establish maximum prices for sales of reusable steel storage tanks by a separate maximum price regulation. Heretofore, maximum prices for these tanks have been established by the General Maximum Price Regulation.¹ The Price Administrator has ascertained and given due consideration to the prices of such storage tanks prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are, and will be, generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith, and has been filed with the Division of the Federal Register.*

§ 1306.33 Maximum prices for reusable steel storage tanks (field assembled). Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order Nos. 9250 and 9328, Maximum Price Regulation 411, Reusable Steel Storage Tanks (Field Assembled), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1306.33 issued under Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 411—REUSABLE STEEL STORAGE TANKS (FIELD ASSEMBLED)

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1. Definitions.
2. Prohibition against dealing in reusable steel storage tanks at prices above the maximum.

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

¹8 F.R. 3096, 3849, 4347, 4486, 4724, 4848, 4978, 6047, 6062.

Sec.

3. Maximum prices.
4. Less than maximum prices.
5. Adjustable pricing.
6. Records and reports.
7. Geographical application.
8. Taxes.
9. Registration and licensing.
10. Evasion.
11. Enforcement.
12. Applicability of other maximum price regulations or revised price schedules.
13. Petitions for amendment.

Appendix A: Maximum Weights.

SECTION 1. *Definitions.* (a) When used in this Regulation, the term: "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

"Reusable steel storage tank" means any reusable field-assembled tank, fabricated of steel sheets or plates, for the purpose of storing or containing liquids, gases or solids.

(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.

SEC. 2. *Prohibition against dealing in reusable steel storage tanks at prices above the maximum.* On and after July 2, 1943, regardless of any contract, agreement, lease or other obligation:

(a) No person shall sell or deliver reusable steel storage tanks at prices higher than the maximum prices set forth in this regulation;

(b) No person shall buy or receive reusable steel storage tanks at prices higher than the maximum prices set forth in this Regulation;

(c) No person shall agree, offer, solicit or attempt to do any of the foregoing.

The provisions of this section shall not apply to sales and deliveries of dismantled reusable steel storage tanks if prior to July 2, 1943, such tanks had been received for shipment by a carrier other than a carrier owned or controlled by the seller; nor shall the provisions of this section apply to contracts of sale, or other firm commitments for the sale of reusable steel storage tanks, entered into prior to March 26, 1943.

SEC. 3. *Maximum prices—(a) Maximum prices for reusable steel bolted storage tanks.* The maximum prices for reusable steel bolted storage tanks shall be as follows:

(1) *Class A.* ("Class A" means in a condition suitable for reuse, requiring no replacement of sheets, plates, structural supports or appurtenances (except gaskets and bolts)).

Capacity ¹ (barrels)	Standing tanks				Allowances	
	Tanks with steel roof		Open top tanks		Dismantling ²	Cleaning ³
	Black plate	Galvanized	Black plate	Galvanized		
65		\$92	\$117	\$82	\$104	\$17
100		126	160	98	125	21
130		160	204	151	191	25
200		183	233	153	195	30
250		228	290	157	199	30
300		240	305	205	260	39
500 (high)		334	425	263	334	42
500 (low)		377	479	267	340	42
750		450	572	381	484	59
1,000 (high)		517	657	412	523	59
1,000 (low)		671	852	474	603	65
1,500		680	863	579	735	81
2,000		822	1,045	623	792	112
3,000		971	1,233	776	986	156
5,000		1,550	1,969	1,082	1,374	261
10,000		2,720	3,454	1,491	1,894	407
						74

¹ The maximum price and allowances for a size not listed shall be computed by interpolation from the prices for the nearest sizes listed. (For example, the maximum price for a 3,500 barrel tank is determined by adding to the price of the 3,000 barrel tank one-quarter of the difference between the prices of the 3,000 barrel tank and the 5,000 barrel tank. In interpolating from the 500 or 1,000 barrel tanks, the prices for the high tanks shall be used. If the tank is smaller than 65 barrels or greater than 10,000 barrels, its maximum price shall be proportionate to that for the nearest listed size.)

² The amounts under allowance for dismantling may be added to the sale price if the tank has been dismantled before sale, match-marked, and the parts loaded on the first conveyance for transportation.

³ The amounts under allowance for cleaning may be added to the sale price of the standing or dismantled tank, if the tank has been thoroughly cleaned.

(2) **Class B.** "Class B" means in a condition suitable for reuse but requiring replacement of one or more sheets, plates, structural supports or appurtenances (except gaskets and bolts): Fifty percent of the maximum prices set forth in paragraph (a) (1) for Class A standing tanks. The entire allowance for dismantling may be added if the tank has been dismantled before sale, match-marked, and loaded on the first conveyance for transportation, and the entire allowance for cleaning may be added if the tank has been thoroughly cleaned. A Class B tank shall qualify as Class A if the seller furnishes to the purchaser, delivered to the site of the standing tank or location of the dismantled tank, the necessary replacement sheets, plates, structural supports or appurtenances (except gaskets and bolts) to make it conform to Class A, or if the seller credits the purchaser with the actual cost to the seller of such replacements, such cost to include delivery cost to the site of the standing tank or location of the dismantled tank.

(b) **Maximum prices for reusable steel riveted and welded storage tanks.** The maximum prices for reusable steel riveted and welded storage tanks shall be as follows:

(1) **Class A.** ("Class A" means in a condition suitable for reuse and permitting dismantling and re-erection without replacement of over two percent of the original plate area or of any structural supports or appurtenances): \$45 per net ton of the iron and steel in the tank and appurtenances (for maximum weights, see section 3 (d) and Appendix A) plus \$13.00 per net ton if the tank has been satisfactorily dismantled before sale, match-marked, and loaded on the first conveyance for transportation, plus \$2.00 per net ton if the standing or dismantled tank has been thoroughly cleaned.

(2) **Class B.** ("Class B" means in a condition suitable for reuse and permitting dismantling and re-erection with a replacement of more than two percent of the original plate area or of any structural supports or appurtenances): \$22.50 per net ton of the iron and steel in the tank and appurtenances, plus \$13.00 per net ton if the tank has been satisfactorily dismantled before sale, match-marked, and loaded on the first conveyance for transportation, plus \$2.00 per net ton if the tank has been thoroughly cleaned. A Class B tank shall qualify as Class A if the seller furnishes to the purchaser, delivered to the site of the standing tank or location of the dismantled tank, the necessary replacement sheets, plates, structural supports or appurtenances to make it conform to Class A, or if the seller credits the purchaser with the actual cost to the seller of such replacements, such cost to include delivery cost to the site of the standing tank or location of the dismantled tank.

(c) **Maximum charges for delivery.** The maximum delivery charge for a reusable steel storage tank which has been dismantled before sale shall be the established charge from the point of loading on the first conveyance for transportation to the point of delivery by the mode of transportation employed. Where transportation from said loading point to point of delivery includes water or motor vehicle movement, and if no established charge exists for such movement, then the actual charge paid or cost incurred in such movement may be included in the delivery charge. Where transportation from said loading point to point of delivery includes water movement and there are no established dock charges the actual charges incurred at the dock may be included in the delivery charge. For the purposes of this regulation, such reusable steel storage tanks are at their point of delivery when they

have arrived for unloading at the point designated by the buyer.

(d) **Determination of class of tank, its weight, and necessary replacements.** The "Class" of a reusable steel storage tank (that is, whether it is Class A or Class B), the weight in the case of a riveted or welded tank, and the replacements which are necessary and the cost thereof, shall all be established between seller and purchaser prior to the sale, and when agreed upon, shall be conclusive as between seller and purchaser upon consummation of the sale. Such determination, however, shall not be used as a means of evasion of this Regulation.

The weight to be established may not exceed the weight of the tank when new, to be determined from the records of the original owner or builder, or if such records are not available, the weight to be established may not exceed the maximum weight for a tank of the same dimensions and capacity as set forth in Appendix A.

(e) **Maximum prices for reusable steel storage tanks with floating or balloon roofs and for reusable steel tanks of spherical shapes.** Each person who proposes to sell a reusable steel storage tank with floating or balloon roof or a reusable steel tank of spherical shape shall submit the following information to the Office of Price Administration, Iron and Steel Branch, Washington, D. C.: Location of the tank to be sold, its age, capacity, dimensions, weight, condition, gauge, and type of plate, whether the tank has been dismantled and cleaned, acquisition price and proposed selling price, extra charges if any, and whether such proposed selling price is a shipping point or delivered price, and if delivered, the point of destination.

The proposed sale price shall be approved as filed or shall be disapproved within seven days from the time the above information is received by said Iron and Steel Branch. In the event of disapproval the Price Administrator shall establish a maximum price for the sale of the particular tank described, which maximum price shall be forwarded in writing by the Office of Price Administration to the proposed seller simultaneously with the notice of disapproval. In the event the Office of Price Administration does not mail its approval or disapproval within seven days as provided herein, the proposed sale price shall be deemed approved.

SEC. 4. Less than maximum prices. Lower prices than those established by this regulation may be charged, demanded, paid or offered.

SEC. 5. Adjustable pricing. Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request

for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization if granted will be given by order.

SEC. 6. Records and reports. (a) Every person making a sale of reusable steel storage tanks shall render to the purchaser an invoice for each sale listing each tank separately, showing the date of sale, location of tank, its size, type, class as defined in this regulation, weight and capacity, the amount charged for each tank, and any charges for dismantling or cleaning. The seller must also show on each invoice by the word "used" that each such tank is not new and the invoice must bear the words "sold subject to Maximum Price Regulation 411". Such invoice shall be retained by the buyer, and a copy thereof retained by the seller for a period of not less than two years or as long as the Emergency Price Control Act of 1942, as amended, shall be in effect, whichever is shorter.

(b) Persons affected by this regulation shall submit such reports to the Office of Price Administration as it may from time to time require.

SEC. 7. Geographical application. This regulation shall apply to sales of reusable steel storage tanks in the forty-eight states of the United States and the District of Columbia.

SEC. 8. Taxes. Any tax upon, or in connection with, the sale of reusable steel storage tanks incurred or paid by the seller may be collected from the purchaser in addition to the maximum price if the amount is stated separately and if the statute or ordinance imposing the tax does not prohibit the seller from separately stating and collecting it.

SEC. 9. Registration and licensing. The provisions of Supplementary Order No. 17,³ licensing sellers of iron and steel products, are applicable to every person subject to this regulation. That order provides, in brief, that a license is necessary to make sales of any iron or steel products for which maximum prices are established by this and other maximum price regulations. A license is hereby automatically granted. It is not necessary to apply for the license but all sellers may later be required to register. The license may be suspended for violations in connection with the sale of any commodity covered by the order, and no person whose license is suspended may sell any such commodity during the period of suspension.

SEC. 10. Evasion. The price limitations set forth in this regulation shall not be evaded by direct or indirect means.

³ 7 F.R. 7239, 11007.

SEC. 11. Enforcement. Persons violating any provisions of this regulation shall be subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 12. Applicability of other maximum price regulations or revised price schedules—(a) Maximum Price Regulation 136. Maximum prices for reusable shop-assembled tanks are not covered by this regulation, but by Maximum Price Regulation 136, as amended—Machines and Parts, and Machinery Services.

(b) Second Revised Export Price Regulation. Maximum prices for reusable steel storage tanks (field assembled) sold to Procurement Agencies buying for the account of the Office of Lend Lease Administration are covered by the Second Revised Export Price Regulation, which Regulation establishes as the basic prices the maximum prices set forth in this regulation.

(c) Maximum Price Regulation 310. Maximum prices for reusable structural steel plates are not covered by this regulation, but by Maximum Price Regulation 310—Reusable Structural Steel Shapes and Plates, and Shafting.

(d) Revised Price Schedule 49. Maximum prices for reusable steel sheets are not covered by this regulation, but by Revised Price Schedule 49, as amended—Resale of Iron and Steel Products.

(e) Maximum Price Regulation 251. Maximum prices for re-erected reusable steel storage tanks, and for the services of dismantling and re-erection under contract are not covered by this regulation but by Maximum Price Regulation 251, as amended—Construction and Maintenance Services and Sales of Building and Industrial Equipment and Materials on an Installed or Erected Basis.

(f) Other regulations and schedules. This regulation supersedes all existing maximum price regulations or revised price schedules with respect to sales of reusable steel storage tanks (field assembled).

SEC. 13. Petitions for amendment. Any person seeking an amendment of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1⁷, issued by the Office of Price Administration.

APPENDIX A—MAXIMUM WEIGHTS¹

Capacity, ² Bbls.	Dimensions		Without Roof (Lbs.)
	Diameter	Height	
5,000	17' 6"	11' 9"	12,000
1,000	20' 3"	17' 6"	18,200
2,000	25' 0"	23' 3"	28,500
2,500	27' 0"	23' 3"	32,600
3,000	27' 4"	29' 0"	36,700
4,000	31' 6"	29' 0"	44,000
5,000	35' 3"	29' 0"	51,100
5,000	30' 0"	40' 7"	53,900
6,000	35' 3"	34' 9"	57,400
7,500	43' 0"	29' 0"	72,600
10,000	49' 8"	29' 0"	91,600
10,000	42' 0"	40' 7"	89,400
12,000	49' 8"	34' 10"	104,300
12,500	55' 0"	29' 0"	112,200
15,000	61' 0"	29' 0"	130,900
15,000	52' 0"	40' 7"	126,400
17,500	60' 0"	34' 9"	145,000
20,000	70' 2"	29' 0"	171,600
20,000	60' 0"	40' 7"	165,600
25,000	78' 0"	29' 0"	202,500
25,000	72' 0"	34' 9"	198,700
30,000	72' 0"	40' 7"	227,800
30,000	86' 0"	29' 0"	242,200
37,500	81' 4"	40' 7"	290,000
37,500	96' 3"	29' 0"	305,000
55,000	96' 5"	42' 6"	415,300
55,000	117' 0"	29' 1"	427,300
55,800	100' 0"	40' 0"	408,000
66,800	100' 0"	47' 10"	481,000
80,000	117' 0"	41' 10"	569,700
80,400	123' 0"	40' 0"	571,900
96,300	120' 0"	47' 11"	680,000
125,600	150' 0"	40' 0"	890,000
150,400	150' 0"	47' 11"	1,056,000
180,800	180' 0"	40' 0"	1,240,000
210,300	180' 0"	47' 11"	1,503,000
			1,145,000

¹ From Table 6, Technical Bulletin No. 11, Chicago Bridge and Iron Company.

² For tanks of dimensions or capacities not listed in this table, the maximum allowable weight shall be that weight set forth for the tank nearest in capacity.

This regulation shall become effective July 2, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

³ 8 F.R. 4132, 5987, 7662.

⁴ 8 F.R. 1225, 5808.

Issued 26th day of June, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10322; Filed, June 26, 1943;
2:41 p. m.]

⁵ 8 F.R. 4608, 4542, 7257, 7595, 7769, 7909.

⁶ 7 F.R. 8878; 8 F.R. 3628.

⁷ 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 107,¹ Amdt. 10]

USED TIRES AND TUBES

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

Section 1315.1351a is amended to read as follows:

§ 1315.1351a *Transactions not covered by this regulation*—(a) *Leasing or renting.* The maximum price for any supplying of tire mileage shall be determined according to Maximum Price Regulation No. 414—Tire Mileage, as now or hereafter amended. The maximum price for any other leasing or renting of used tires or tubes shall be determined according to Maximum Price Regulation No. 165, as Amended—Services, as now or hereafter amended.

(b) *Termination sales under tire mileage contracts.* The maximum price for any termination sale or transfer of used tires or tubes under a tire mileage contract shall be determined according to Maximum Price Regulation No. 414—Tire Mileage, as now or hereafter amended.

This amendment shall become effective July 2, 1943.

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

Issued this 26th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10332; Filed, June 26, 1943;
2:38 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 131,² Amdt. 3]

CAMELBACK

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

Section 1315.1303 is amended to read as follows:

§ 1315.1303 *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

This amendment shall become effective July 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10319; Filed, June 26, 1943;
2:40 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 143,¹ Amdt. 6]

WHOLESALE PRICES FOR NEW RUBBER TIRES AND TUBES

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

Section 1315.1503 is amended to read as follows:

§ 1315.1503 *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

This amendment shall become effective July 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10324; Filed, June 26, 1943;
2:42 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 414]

TIRE MILEAGE

In the judgment of the Price Administrator, it is necessary and proper to

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

¹ 7 F.R. 1838, 1981, 2394, 3891, 5177, 7365, 8586, 8799, 8802, 8948; 8 F.R. 1584, 2206.

² 7 F.R. 3160, 8797, 8948; 8 F.R. 4887.

establish specific and uniform maximum prices for the supplying of tire mileage.

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

§ 1315.13 *Maximum prices for tire mileage.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328, Maximum Price Regulation No. 414, Tire Mileage, which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1315.13 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 414—TIRE MILEAGE

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Appendix A. Maximum prices for tire mileage.

SECTION 1. *Prohibition against dealing in tire mileage at prices above the maximum.* On and after July 2, 1943, regardless of any contract or other obligation, no person shall sell or deliver any tire mileage, and no person shall buy or receive any tire mileage in the course of trade or business, at a price which is higher than the maximum price calculated according to Appendix A hereof; and no person shall agree, offer, solicit or attempt to do any of the foregoing. "Person" as used in this regulation includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of 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. *To what transactions and commodities this regulation applies and the*

relation to other regulations—(a) Transactions covered—(1) Supplying tires and tubes. This regulation applies to any supplying of tire mileage, whether new, used, retreaded or recapped tires or new or used tubes are supplied. "Tire mileage" as used in this regulation means the supplying and servicing of tires and tubes for a tire user at a rate per mile. This regulation does not apply to the renting of tires and tubes where no servicing of the tires or tubes is involved or where the charge is for the rental of the particular tires or tubes, as for example, a rate per day. This regulation does not apply to the renting of vehicles where a charge for the tires or tubes is included in the rental charge for the vehicle.

(2) Servicing tires and tubes. This regulation applies to any servicing of tires and tubes for a person who is buying tire mileage from the person performing the service, regardless of who owns the particular tires or tubes being serviced. This regulation does not apply to any servicing of tires or tubes for a person who is not buying tire mileage from the person performing the service. "Servicing", as applied to tires and tubes not owned by the person performing the service, does not include repairing, retreading or recapping.

(3) Sales or transfers of tires and tubes. The only tires and tubes the sale or transfer of which is subject to this regulation are tires and tubes which have been used in the supplying of tire mileage. The only sales or transfers of such tires and tubes to which this regulation applies are those which are covered by the termination provisions of the tire mileage contract and which are made to the tire user by the person who is or has been supplying tire mileage to that user or to any person who undertakes to supply tire mileage to the user of the tires and tubes.

(b) Commodities covered. This regulation applies to transactions involving pneumatic rubber tires and tubes and any flaps that are used therewith. "Rubber" as used in this regulation means all forms and types of rubber, including synthetic and reclaimed rubber and any other rubber-like substance used as a rubber substitute.

(c) Relation to other regulations. This regulation supersedes any other regulation issued by the Office of Price Administration, including Maximum Price Regulations Nos. 107, 143, and 165 and Revised Price Schedules Nos. 63 and 66, as to transactions covered by this regulation.

(d) Geographical applicability of this regulation. This regulation applies in the District of Columbia and the 48 states, but not in the territories and possessions of the United States.

SEC. 4. Maximum prices for servicing tires and tubes not owned by the person supplying the tire mileage—(a) Applicability of this section. This section applies only to transactions between a person who is supplying tire mileage and

the person who is buying such tire mileage from him.

(b) Prohibition and maximum prices. No such supplier shall charge and no such purchaser shall pay for the servicing of tires and tubes not owned by the person supplying the tire mileage a rate in excess of \$.001 per vehicle mile, for vehicles having six running wheels. For vehicles having more or less than six running wheels, the maximum rate per vehicle mile shall be proportionately more or less than \$.001. "Servicing" as used in this section does not include repairing, retreading or recapping.

SEC. 5. Maximum prices for termination sales or transfers of tires and tubes—(a) Applicability of this section. This section applies to those sales or transfers of tires and tubes which have been used in the supplying of tire mileage which are covered by the termination provisions of the tire mileage contract and are between persons covered by the prohibition paragraph of this section.

(b) Terms of termination provisions. Any tire mileage contract may contain termination provisions. Such provisions shall apply to sales or transfers of only those tires and tubes which are used in the supplying of tire mileage under the contract. Such provisions may not apply to any sales or transfers of such tires and tubes other than the following: Sales or transfers which take place as a result of one person's terminating his supplying of tire mileage to another person; and sales or transfers of the kind which were covered by the termination provisions of the tire mileage contract in effect during March, 1942, that is used as a basis for determining the maximum price in accordance with paragraph (d) of this section.

(c) Prohibition. No person who is or has been supplying tire mileage shall sell or transfer the tires and tubes involved to the tire user, and no such tire user shall buy or receive such tires and tubes, at a price which is higher than the maximum price permitted by this section. No person shall sell or transfer tires and tubes which have been used in the supplying of tire mileage to a person who undertakes to supply tire mileage to the user of the tires and tubes, and no person undertaking to supply tire mileage shall buy or receive such tires and tubes, at a price which is higher than the maximum price permitted by this section.

(d) Maximum prices. The maximum price shall be the price provided for such a termination sale or transfer in the termination provisions of the tire mileage contract which was in effect during March 1942, between the tire user and the person who is supplying the tire mileage or terminating his supplying of tire mileage to such tire user. If there was no such tire mileage contract in effect during March 1942, the maximum price shall be the highest price provided for such a termination sale or transfer in the termination provisions of any tire mileage contract which the person who

is supplying the tire mileage or terminating his supplying of tire mileage had in effect during March 1942 to any purchaser.

SEC. 6. Bonus provisions in contracts—(a) When required. Every tire mileage contract must contain a bonus provision if the supplier of the tire mileage had a bonus provision in a tire mileage contract in effect to the same tire user during March 1942. If the supplier of the tire mileage did not have a tire mileage contract with the same tire user or did not have a bonus provision in effect to the tire user during March 1942, this regulation does not require that there be a bonus provision in any contract between the parties. Nothing in this regulation prevents the inclusion of a bonus provision in a tire mileage contract so long as the parties comply with the maximum prices fixed by this regulation.

(b) What bonus provisions are regulated as to terms. Paragraph (c) which regulates the terms of bonus provisions applies to new tire mileage contracts, to extensions or renewals of tire mileage contracts if the mileage rate in the contract is changed, or to any new agreement as to bonus provisions, made or entered into after the effective date of this regulation. So long as the parties comply with the maximum prices, this regulation does not prevent bonus provisions or contracts having no bonus provisions from remaining in effect exactly as the parties contracted for so long as the contract provides, if such contract for the bonus provision or such contract having no bonus provision was entered into before the effective date of this regulation.

(c) Terms of bonus provisions. In any bonus provision to which this paragraph applies, the bonus rate shall not be less favorable to the tire user than the bonus rate which was in effect between the parties during March 1942. In any such bonus provision, the mileage figure at which the bonus rate becomes applicable may not be increased unless the average tire-life experience for the account increases. Where such increase is permitted the relationship between the mileage figure at which the bonus rate becomes applicable and the average tire-life experience shall not be less favorable to the tire user than the relationship between those items which was reflected in the bonus provision in effect between the parties during March 1942. The mileage figure at which the bonus rate becomes applicable is not required to be reduced in any case.

Example: One-half rate charged on mileage over 30,000 miles shall not be raised to three-fourths rate charged on mileage over 30,000 miles. If the average tire-life experience of the account increases from 40,000 miles to 50,000 miles (or by 25 percent), however, the point at which the bonus rate becomes applicable may be raised to 37,500 miles (or by 25 percent).

(d) *Definitions.* (1) "Bonus provision" as used in this regulation means a provision in a tire mileage contract which provides for a reduced charge or a refund when the average tire-life experience exceeds a certain mileage figure.

(2) "Average tire-life experience" for an account means the average mileage which a size of tire gives up until the time it must be removed from the vehicle because no longer suitable for service, measured by the average mileage of original treads only.

SEC. 7. *Defense Supplies Corporation pool charge on passenger-car tires and tubes.* There may be added to the maximum price calculated according to this regulation an amount equal to 16 percent of the maximum retail price of any passenger-car tires or tubes used in the supplying of tire mileage on which a Defense Supplies Corporation pool charge has been paid. No amount shall be added to the maximum price on account of any Defense Supplies Corporation pool charge if the particular passenger-car tires or tubes being used were not in the Defense Supplies Corporation pool and did not have such a charge assessed against them. The extra charge permitted by this section may be made at the time that the passenger-car tires or tubes which have had the pool charge paid on them are delivered to the tire user. The extra charge permitted by this section must be billed separately.

SEC. 8. *Federal and state taxes.* The federal excise tax on rubber tires and tubes and any other tax upon, or incident to, the sale, delivery, processing or use of rubber tires and tubes imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows: If the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

SEC. 9. *Terms and conditions of sale.* (a) *Credit.* The maximum prices calculated according to this regulation may not be increased by any charge for the extension of credit. The supplier of tire mileage shall extend to the tire user credit terms which are at least as favorable to the tire user as credit terms which the supplier had in effect to that tire user during March, 1942. If the supplier was not supplying tire mileage to the same tire user during March, 1942, the supplier shall extend credit terms which are at least as favorable to the tire user as credit terms which the supplier had in effect to some other tire user during March, 1942. Nothing in this regulation shall prevent interest charges being made on money overdue, so long as

the credit terms extended comply with this paragraph.

(b) *Commodities that must be supplied.* In order to be entitled to the maximum prices for tire mileage calculated according to Appendix A, the person supplying the tire mileage must supply the tires and tubes and any necessary flaps. If any of those items are not supplied by the person supplying the tire mileage, so that it is necessary for the tire user to acquire them elsewhere or supply them himself, the maximum price shall be appropriately reduced.

(c) *Services that must be supplied.* In order to be entitled to the maximum prices under this regulation, the person supplying tire mileage must perform the same services for the tire user as he performed for that tire user under a tire mileage contract during March, 1942. If the supplier had no tire mileage contract with the same tire user in effect during March, 1942, the supplier must perform at least as much service as he performed for some other tire user under a tire mileage contract during March, 1942, in order to be entitled to the maximum prices. For any reduction in service below that required by this paragraph, there shall be an appropriate reduction in the maximum price.

(d) *Billing during operating period.* Paragraph (b) in Appendix A provides that the maximum price for supplying tire mileage to an account shall be calculated at the end of an operating period, as therein defined. During that operating period the parties may agree upon any reasonable billing rate that is in line with the estimated maximum price, and may pay and receive money on the basis of that rate subject to a refunding of any amount collected in excess of the maximum price. The supplier shall pay interest of at least 3 percent per annum on all amounts collected from the tire user in excess of 10 percent over the maximum price. Such interest shall accrue from the time that 10 percent over the maximum price was collected on all money collected after that time.

SEC. 10. *Evasive practices.* The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase of or relating to tire mileage or tires or tubes, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

SEC. 11. *Liability of purchasers.* If, as to any transaction covered by this regulation, the purchaser shall receive a written affirmation from the seller that the price being charged is not in excess of the maximum price established by this regulation, and if the purchaser shall have no cause to doubt the accuracy of the affirmation, the purchaser

shall have no obligation to calculate the maximum price under this regulation and shall have no liability for any purchase made in excess of the maximum price as a result of good faith reliance upon such affirmation.

SEC. 12. *Petitions for amendment.* Any person seeking an amendment of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

SEC. 13. *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 remains in effect, complete and accurate records for each tire mileage account, showing the name and address of the buyer, the periods during which tire mileage was supplied, the dates upon which payments were made and the amounts of such payments, and all records necessary to calculate the billing rate used and the maximum price, including the following:

(1) Average mileage from original treads of tires removed from the vehicle because no longer suitable for service (without retreading or recapping). In addition, average mileage from retreaded and recapped tires shall be kept separately unless the billing rate is the net rate for all tires used on the account.

(2) Total miles run by each tire size if the maximum price is calculated from tire miles or by each type of vehicle if the maximum price is calculated from vehicle miles.

(3) Tire sizes and plies (with number of tires and size combinations indicated).

(4) Type and construction of tires (cotton, rayon, etc.).

(5) Number of running wheels of each size and number of vehicles.

(6) Prices from which unadjusted mileage rates set forth at the beginning of the mileage contract period were figured, and adjustments made for non-100-level tires.

(7) Data on bonus provisions and all other adjustments necessary to explain the net charge for any period.

(b) Persons subject to this regulation shall submit such reports to the Office of Price Administration as it may from time to time require.

SEC. 14. *Enforcement.* (a) Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this regulation, or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field, district, state or regional office of the Office of Price Administration or its principal office in Washington, D. C.

APPENDIX A: MAXIMUM PRICES FOR TIRE MILEAGE

(a) *To be calculated for each account.* Maximum prices for tire mileage must be calculated according to this Appendix for every supplier's account with every tire user. The maximum price calculated according to this Appendix shall be a total amount representing the allowable net charge for tire mileage supplied by the supplier to the tire user during an operating period.

(b) *To be calculated at end of operating period.* The maximum price shall be calculated for an operating period after the end of that operating period. Promptly after the end of the operating period, the tire user shall furnish the supplier with the necessary data and the supplier shall calculate the maximum price. The operating period shall be the length of time agreed upon by the parties for that purpose, except that it shall not be less than three months or more than twelve months. After the parties have once set a length of time as the operating period for an account, the length of the period shall not be changed.

(c) *Maximum prices apply to net recoveries.* The maximum prices for tire mileage calculated according to this Appendix shall be compared to the net amount received or receivable from the tire user for tire mileage supplied during the operating period. If the net amount received or receivable from the tire user for the tire mileage supplied during the operating period exceeds the maximum price calculated according to this Appendix, the supplier must refund to the tire user any amount in excess of the maximum price. The net amount received or receivable for the tire mileage shall be calculated by taking the gross revenue received or receivable from the tire user for the tire mileage supplied during the operating period and deducting all amounts refunded or refundable, as for example, under a bonus provision. The gross revenue to be used shall be only revenue which results from the supplying of tire mileage at a rate per mile, and shall not include any revenues from billings for taxes, from amounts billed separately to cover the Defense Supplies Corporation pool charges paid on passenger-car tires and tubes, from the sale or transfer of tires and tubes, from repairing, retreading or recapping tires and tubes owned by the tire user, from settlements for loss or damage, or from any similar transactions.

(d) *Calculation of maximum prices; in general.* Maximum prices for supplying tire mileage for any vehicles using "truck and bus" tires shall be calculated by use of the rates set forth in Table I. Maximum prices for supplying tire mileage for any vehicles using "passenger-car" or "motorcycle" tires shall be calculated by use of the rates set forth in Table II. The maximum price in any case may be calculated from tire mile rates or from vehicle mile rates. The rates set forth in Tables I and II apply to the supplying of 100-level tires of the sizes and plies therein set forth, that is, tires of cotton fabric construction and of the brands listed in paragraph (b) of § 1315.110 or § 1315.111 of Revised Price Schedule No. 63. Maximum prices for supplying tire mileage with such 100-level tires shall be calculated under paragraph (e) or (f). Maximum prices for supplying tire mileage with tires other than such

100-level tires shall be calculated under paragraph (g). If one account uses some 100-level tires and some non-100-level tires, the maximum prices shall be calculated under paragraph (e) or (f) for the 100-level tires and under paragraph (g) for the non-100-level tires. However, if an account using principally 100-level tires has non-100-level tires on not over ten percent of its running wheels, the maximum price for the entire account may be calculated under paragraph (e) or (f) as though all the tires were 100-level.

(e) *Calculation of maximum prices from tire mile rates.* This paragraph applies to the supplying of tire mileage with 100-level tires as defined in paragraph (d) of the sizes and plies set forth in Tables I and II. In calculating maximum prices from tire miles rates, the maximum price for any account for an operating period shall be calculated as follows:

(1) Determine the average tire life experience for each size of tire, that is, the average mileage given from the original treads of the tires removed from the vehicles during the operating period because no longer suitable for service.

(2) Select the mileage bracket in the table into which the tire life experience of each size of tire falls. This determines the applicable column of rates.

(3) Determine the actual number of tire miles run during the operating period by all tires of each size, including retreaded and recapped tires as well as tires with original treads.

(4) Multiply the tire miles run by each size of tire by the rate for that size of tire in the column selected in step (2).

(5) Add the products (of the tire miles times the rate) for all the sizes to get the total maximum price for the operating period.

(f) *Calculation of maximum prices from vehicle mile rates.* This paragraph applies to the supplying of tire mileage with 100-level tires as defined in paragraph (d) of the sizes and plies set forth in Tables I and II. In calculating maximum prices from vehicle mile rates, the maximum price for any account for an operating period shall be calculated as follows:

(1) Determine the average tire life experience for each size of tire, that is, the average mileage given from the original treads of the tires removed from the vehicles during the operating period because no longer suitable for service.

(2) Select the mileage bracket in the table into which the tire life experience of each size of tire falls. This determines the applicable column of rates from which the tire mile rate for each size of tire can be selected.

(3) Convert the tire mile rates to vehicle mile rates as follows: For vehicles with a uniform tire size on all wheels of one vehicle, multiply the tire mile rate by the number of running wheels on the vehicle. For vehicles with more than one tire size on the wheels of one vehicle, multiply the tire mile rate for each size of tire by the number of running wheels on the vehicle taking that size of tire and add the resulting products for all sizes of tires on the vehicle. A vehicle mile rate should be calculated for every type of vehicle used by the account during the operating period, that is, for vehicles with all the different combinations of tire sizes that are involved.

(4) Determine the actual number of vehicle miles run during the operating period by all vehicles of each type for which a vehicle mile rate was calculated.

(5) Multiply the vehicle miles run by each type of vehicle by the vehicle mile rate for that type of vehicle figured in step (3).

(6) Add the products (of the vehicle miles times the vehicle mile rate) for all the types of vehicles to get the total maximum price for the operating period.

(g) *Adjustments for tires other than 100-level—(1) Calculation of maximum prices.* This paragraph applies to the supplying of tire mileage with tires which are not of the sizes and plies set forth in Tables I and II, are not of cotton fabric construction, or are not of one of the brands listed in paragraph (b) of § 1315.110 or § 1315.111 of Revised Price Schedule No. 63. In calculating maximum prices for the supplying of tire mileage with such non-100-level tires, the procedure in paragraph (e) or (f) shall be followed except that an adjustment shall be made to the applicable rate set forth in Table I or II. The average tire life experience, which determines the applicable column of rates in the table, shall be determined from actual mileage of the non-100-level tires being used. The rate which is to be selected from the applicable column and which is to be adjusted for calculating maximum prices for non-100-level tires is the rate set forth in the table for the 100-level tire of the same seller which is most comparable to the non-100-level tire being used. In this connection, the 100-level tire means the cotton fabric tire of the brand listed for the seller in paragraph (b) of § 1315.110 or § 1315.111 of Revised Price Schedule No. 63. The adjustment of the rate set forth in Table I or II shall be made as follows:

(i) Determine on a comparable basis the maximum price of the non-100-level tire being used on the account and the maximum price of the most comparable 100-level tire of the same seller, the rate for which is to be adjusted. The maximum prices determined for each tire may be at the retail level or at any other level of the trade so long as they are on the same level for both items. On any 100-level or non-100-level tire where there is no maximum price which can be determined for this purpose, the seller shall determine a price for this purpose under subparagraph (2).

(ii) Express the price of the non-100-level tire as a percentage of the price of the 100-level tire.

(iii) Apply the percentage in (ii) to the applicable rate to arrive at the adjusted rate.

(2) *Determining tire price to be used for comparison where there is no maximum price.* Where there is no maximum price established at any level on a tire with respect to which a price must be determined under (1) (i), the price to be used shall be a price authorized in writing by the Office of Price Administration. The seller shall propose in writing to the Office of Price Administration, Washington, D. C., a price for the particular tire which is in line with maximum prices already established for comparable tires. The seller shall submit with his proposed price sufficient information as to costs, prices, and construction of the tire involved and of comparable tires to show that the price is in line with maximum prices for comparable tires.

FEDERAL REGISTER, Tuesday, June 29, 1943

TABLE I—VEHICLES USING "TRUCK AND BUS" TIRES

(Rates per tire mile to be used in calculating maximum prices for tire mileage. By classes of average tire life experience.)

Tires		24,999 miles and under	25,000 miles to 27,499 miles	27,500 miles to 29,999 miles	30,000 miles to 32,499 miles	32,500 miles to 34,999 miles	35,000 miles to 37,499 miles	37,500 miles to 39,999 miles	40,000 miles to 42,499 miles
Size	Ply								
6.00 x 16	6	\$0.0007493	\$0.0006744	\$0.0006131	\$0.0005620	\$0.0005188	\$0.0004817	\$0.0004496	\$0.0004215
6.00 x 17	6	.0008324	.0007492	.0006811	.0006243	.0005763	.0005351	.0004995	.0004683
6.00 x 20	6	.0008667	.0007800	.0007091	.0006500	.0006000	.0005571	.0005200	.0004875
6.00 x 20 (30 x 5)	8	.0009804	.0008824	.0008022	.0007353	.0006788	.0006203	.0005883	.0005515
6.50 x 16	6	.0008693	.0007824	.0007113	.0006520	.0006018	.0005539	.0005216	.0004890
6.50 x 17	6	.0009298	.0008826	.0007607	.0006973	.0006437	.0005977	.0005579	.0005230
6.50 x 20	6	.0010187	.0009163	.0008835	.0007640	.0007052	.0006549	.0006112	.0005730
6.50 x 20 (32 x 6)	8	.0012436	.0011192	.0010175	.0009327	.0008609	.0007994	.0007461	.0006995
15"	6	.0008818	.0007636	.0007215	.0006613	.0006105	.0005661	.0005291	.0004960
15"	8	.0009580	.0008892	.0008084	.0007410	.0006840	.0006351	.0005928	.0005558
7.00 x 16	6	.0010356	.0009620	.0008473	.0007767	.0007169	.0006657	.0006213	.0005825
7.00 x 17	6	.0011604	.0010444	.0009495	.0008703	.0008034	.0007460	.0006963	.0006528
7.00 x 17	8	.0012404	.0011161	.0010149	.0009303	.0008588	.0007974	.0007443	.0006979
7.00 x 18	8	.0012498	.0011245	.0010225	.0009373	.0008632	.0008034	.0007499	.0007030
7.00 x 20	8	.0012773	.0011496	.0010451	.0009580	.0008843	.0008211	.0007664	.0007185
7.00 x 20 (32 x 6)	10	.0016560	.0014904	.0013549	.0012420	.0011465	.0010464	.0009630	.0009315
7.00 x 20 (32 x 6)	12	.0019164	.0017248	.0015090	.0014373	.0013268	.0012320	.0011499	.0010780
7.00 x 24 (36 x 6)	10	.0019053	.0017148	.0015580	.0014290	.0013191	.001249	.0011432	.0010718
7.50 x 15	6	.0012529	.0011276	.0010251	.0009397	.0008674	.0008054	.0007517	.0007048
7.50 x 15	8	.0013560	.0012204	.0011955	.0010170	.0009388	.0008717	.0008139	.0007624
7.50 x 15	10	.0019116	.0017204	.0016560	.0014337	.0013234	.0012289	.0011460	.0010753
7.50 x 16	6	.0013298	.0011968	.0010880	.0009973	.0009020	.0008549	.0007979	.0007480
7.50 x 16	8	.0014422	.0012960	.0011817	.0010817	.0009985	.0009271	.0008683	.0008113
7.50 x 17	8	.0014791	.0013312	.0012102	.0011093	.0010240	.0009509	.0008875	.0008320
7.50 x 18	8	.0016886	.0015152	.0013775	.0012627	.0011655	.0010823	.0010101	.0009470
7.50 x 18 (32 x 7)	10	.0021716	.0019544	.0017767	.0016287	.0015034	.0013960	.0013029	.0012215
7.50 x 20	8	.0017301	.0015652	.0014229	.0013043	.0012040	.0011180	.0010435	.0009783
7.50 x 20 (34 x 7)	10	.0022233	.0020623	.0018207	.0016690	.0015460	.0014306	.0013352	.0012518
7.50 x 20 (34 x 7)	12	.0025164	.0022648	.0020589	.0018873	.0017422	.0016177	.0015099	.0014155
7.50 x 24	8	.0019453	.0017508	.0015916	.0014590	.0013463	.0012506	.0011672	.0010943
7.50 x 24 (38 x 7)	10	.0024840	.0022556	.0020324	.0018630	.0017197	.0015969	.0014904	.0013973
8.25 x 15	10	.0024116	.0022170	.0019731	.0018058	.0016695	.0015503	.0014469	.0013565
8.25 x 15	12	.0027347	.0024612	.0022375	.0020510	.0018932	.0017580	.0016408	.0015383
8.25 x 18	10	.0023316	.0020984	.0019076	.0017487	.0016142	.0014989	.0013989	.0013115
8.25 x 20	10	.0023978	.0021580	.0019618	.0017983	.0016600	.0015414	.0014387	.0013488
8.25 x 20	12	.0027133	.0024420	.0022200	.0020550	.0018785	.0017443	.0016280	.0015263
8.25 x 22	10	.0025640	.0023076	.0020978	.0019230	.0017751	.0016483	.0015384	.0014423
8.25 x 24	10	.0027102	.0024362	.0022175	.0020237	.0018763	.0017423	.0016261	.0015245
9.00 x 15	10	.0026027	.0023424	.0021295	.0019620	.0018018	.0016731	.0015616	.0014640
9.00 x 15	12	.0029902	.0026912	.0024465	.0022427	.0020702	.0019223	.0017941	.0016820
9.00 x 18	10	.0027596	.0024836	.0022578	.0020697	.0019105	.0017740	.0016557	.0015523
9.00 x 20	10	.0028471	.0026264	.0023295	.0021353	.0019711	.0018503	.0017083	.0016015
9.00 x 20 (36 x 8)	12	.0032702	.0029432	.0026756	.0024627	.0022640	.0021203	.0019621	.0018395
9.00 x 22	10	.0028658	.0026872	.0024429	.0022393	.0020671	.0019194	.0017915	.0016795
9.00 x 24	10	.0031089	.0027980	.0025436	.0023317	.0021524	.0019984	.0018553	.0017488
9.00 x 24 (40 x 8)	12	.0030544	.0028150	.0026073	.0024262	.0022529	.0021207	.0019713	.0018205
10.00 x 15	10	.0032613	.0029352	.0026684	.0024460	.0022578	.0020966	.0019558	.0018345
10.00 x 15	12	.0033489	.0030140	.0027400	.0025117	.0023185	.0021529	.0020093	.0018833
10.00 x 18	14	.0035289	.0031760	.0028873	.0026467	.0024431	.0022686	.0021173	.0019850
10.00 x 18	12	.0034427	.0030984	.0028167	.0025820	.0023534	.0022131	.0020568	.0019365
10.50/11.00 x 18	10	.0036858	.0032172	.0030156	.0027643	.0025517	.0023694	.0022115	.00202733
10.00 x 20	12	.0035282	.0031844	.0028949	.0026537	.0024498	.0022740	.0021229	.0019603
10.00 x 20 (38 x 9)	14	.0041800	.0037620	.0034200	.0031350	.0028683	.0026871	.0025680	.0023513
10.00 x 22	12	.0037182	.0033464	.0030422	.0027887	.0025742	.0023903	.0022309	.0020915
10.00 x 24	12	.0038244	.0034420	.0031291	.0028683	.0026477	.0024586	.0022947	.0021513
11.00 x 10	14	.0040582	.0036524	.0033204	.0030437	.0028095	.0026089	.0024349	.0022828
11.00 x 20	12	.0041693	.0037524	.0034113	.0031270	.0028585	.0026803	.0025306	.0023463
11.00 x 20	14	.0042280	.0038452	.0036030	.0033660	.0031417	.0029168	.0027668	.00262720
11.00 x 22	12	.0044187	.0039768	.0036153	.0033140	.0030501	.0028460	.0026512	.0024855
11.00 x 24	12	.0046169	.0041552	.0037775	.0034627	.0031963	.0029680	.0027701	.0025970
12.00 x 18	14	.0047938	.0043144	.0039222	.0035953	.0033188	.0030817	.0028763	.0026965
12.00 x 20	12	.0054836	.0049459	.0044865	.0041127	.0037963	.0035251	.0032901	.0030845
12.00 x 20	16	.0062560	.0053044	.0051185	.0046620	.0043311	.0040217	.0037536	.0035190
12.00 x 22	14	.0057173	.0051456	.0046778	.0042880	.0039582	.0036754	.0034304	.0032160
12.00 x 24	14	.0058973	.0053076	.0048261	.0044230	.0040826	.0037911	.0035384	.0033173
12.00 x 24	16	.0067333	.0060600	.0055091	.0050500	.0046615	.0043280	.0040400	.0037875
13.00 x 20	16	.0075504	.0068608	.0061825	.0056673	.0052314	.0048577	.0045339	.0042605
13.00 x 24	16	.0082720	.0074448	.0067680	.0062040	.0057268	.0053177	.0049932	.0046530
14.00 x 20	16	.0083782	.0075404	.0068549	.0062837	.0058003	.0053860	.0050269	.0047128
14.00 x 24	16	.0089631	.0080668	.0073353	.0067223	.0062052	.0057620	.0053779	.0050418
33 x 5	8	.0010187	.0009168	.0008335	.0007640	.0007052	.0006549	.0006112	.0005730
42 x 9	14	.0045156	.0040640	.0036945	.0033867	.0031262	.0029029	.0027063	.0025400

Tires		42,500 miles to 44,999 miles	46,000 miles to 47,499 miles	47,500 miles to 49,999 miles	50,000 miles to 52,499 miles	52,500 miles to 54,999 miles	55,000 miles to 57,499 miles	57,500 miles to 59,999 miles	60,000 miles and over
Size	Ply								
6.00 x 16	6	\$0.0003967	\$0.0003747	\$0.0003549	\$0.0003372	\$0.0003211	\$0.0003065	\$0.0002932	\$0.0002810
6.00 x 17	6	.0004407	.0004162	.0003843	.0003746	.0003568	.0003405	.0003257	.0003122
6.00 x 20	6	.0004588	.0004333	.0004105	.0003900	.0003714	.0003545	.0003391	.0003250
6.00 x 20 (30 x 5)	8	.0005191	.0004902	.0004644	.0004412	.0004202	.0004011	.0003837	.0003677
6.50 x 16	6	.0004602	.0004347	.0004118	.0003912	.0003726	.0003556	.0003462	.0003260
6.50 x 17	6	.0004922	.0004649	.0004404	.0004184	.0003985	.0003804	.0003638	.0003487
6.50 x 20	6	.0005303	.0005093						

TABLE I—VEHICLES USING "TRUCK AND BUS" TIRES—Continued

Tires		42,500 miles to 44,999 miles	45,000 miles to 47,499 miles	47,500 miles to 49,999 miles	50,000 miles to 52,499 miles	52,500 miles to 54,999 miles	55,000 miles to 57,499 miles	57,500 miles to 59,999 miles	60,000 miles and over
Size	Ply								
7.50 x 17	8	\$0.0007831	\$0.0007396	\$0.0007006	\$0.0006656	\$0.0006339	\$0.0006051	\$0.0005788	\$0.0005547
7.50 x 18	8	.0008913	.0008418	.0007975	.0007576	.0007215	.0006887	.0006588	.0006313
7.50 x 18 (32 x 7)	10	.0011406	.0010858	.0010286	.0009772	.0009307	.0008884	.0008497	.0008143
7.50 x 20	8	.0009207	.0008696	.0008238	.0007826	.0007453	.0007115	.0006805	.0006522
7.50 x 20 (34 x 7)	10	.0011781	.0011127	.0010541	.0010164	.0009537	.0009104	.0008708	.0008345
7.50 x 20 (34 x 7)	12	.0013322	.0012582	.0011920	.0011324	.0010785	.0010295	.0009547	.0009437
7.50 x 24	8	.0010299	.0009727	.0009215	.0008754	.0008337	.0007958	.0007612	.0007295
7.50 x 24 (38 x 7)	10	.0013151	.0012420	.0011766	.0011178	.0010646	.0010162	.0009720	.0009315
8.25 x 15	10	.0012767	.0012058	.0011423	.0010852	.0010335	.0009865	.0009437	.0009043
8.25 x 15	12	.0014478	.0013673	.0012954	.0012306	.0011720	.0011187	.0010701	.0010255
8.25 x 18	10	.0012344	.0011658	.0011044	.0010492	.0009992	.0009538	.0009123	.0008743
8.25 x 20	10	.0012694	.0011989	.0011358	.0010790	.0010276	.0009809	.0009383	.0008992
8.25 x 20	12	.0014365	.0013567	.0012853	.0012210	.0011626	.0011100	.0010617	.0010175
8.25 x 22	10	.0013574	.0012820	.0012145	.0011538	.0010989	.0010489	.0010033	.0009615
8.25 x 24	10	.0014348	.0013551	.0012838	.0012196	.0011615	.0011087	.0010605	.0010163
9.00 x 15	10	.0013779	.0013013	.0012328	.0011712	.0011154	.0010647	.0010184	.0009760
9.00 x 15	12	.0015831	.0014951	.0014164	.0013456	.0012815	.0012233	.0011701	.0011213
9.00 x 18	10	.0014609	.0013798	.0013072	.0012418	.0011827	.0011289	.0010708	.0010348
9.00 x 20	10	.0013073	.0012436	.0011348	.0010821	.0010220	.0010647	.00101141	.0010677
9.00 x 20 (36 x 8)	12	.0017313	.0016351	.0015491	.0014716	.0014015	.0013378	.0012797	.0012263
9.00 x 22	10	.0015807	.0014929	.0014143	.0013434	.0012796	.0012215	.0011683	.0011197
9.00 x 24	10	.0016459	.0015554	.0014726	.0013990	.0013324	.0012718	.0012165	.0011658
9.00 x 24 (40 x 8)	12	.0018553	.0017522	.0016600	.0015770	.0015019	.0014336	.0013713	.0013142
10.00 x 15	10	.0017266	.0016307	.0015448	.0014676	.0013977	.0013342	.0012762	.0012230
10.00 x 15	12	.0017729	.0016744	.0015863	.0015070	.0014352	.0013700	.0013104	.0012558
10.00 x 15	14	.0018682	.0017644	.0016716	.0015880	.0015124	.0014436	.0013809	.0013233
10.00 x 18	12	.0018226	.0017213	.0016307	.0015492	.0014754	.0014084	.0013471	.0012910
10.50/11.00 x 18	10	.0019513	.0018429	.0017459	.0016586	.0015796	.0015078	.0014423	.0013822
10.00 x 20	12	.0018732	.0017691	.0016760	.0015922	.0015164	.0014475	.0013845	.0013268
10.00 x 20 (38 x 9)	14	.0022129	.0020900	.0019860	.0018810	.0017914	.0017100	.0016357	.0015675
10.00 x 22	12	.0019685	.0018591	.0017613	.0016732	.0015935	.0015211	.0014550	.0013943
10.00 x 24	12	.0020247	.0019122	.0018116	.0017210	.0016390	.0015645	.0014965	.0014342
11.00 x 19	14	.0021485	.0020291	.0019223	.0018262	.0017392	.0016602	.0015880	.0015218
11.00 x 20	12	.0022073	.0020847	.0019749	.0018762	.0017869	.0017056	.0016315	.0015635
11.00 x 20	14	.0026089	.0024040	.0023343	.0022176	.0021210	.0020160	.0019283	.0018480
11.00 x 22	12	.0023393	.0022093	.0020931	.0019884	.0018937	.0018076	.0017290	.0016570
11.00 x 24	12	.0024442	.0023084	.0021869	.0020776	.0019787	.0018887	.0018066	.0017313
12.00 x 18	14	.0025379	.0023969	.0022707	.0021572	.0020545	.0019611	.0018758	.0017977
12.00 x 20	12	.0029031	.0027418	.0025975	.0024676	.0023501	.0022433	.0021457	.0020563
12.00 x 20	16	.0031320	.0029120	.0029634	.0028152	.0026811	.0025593	.0024480	.0023460
12.00 x 22	14	.0030268	.0028587	.0027082	.0025728	.0024503	.0023389	.0022372	.0021440
12.00 x 24	14	.0031221	.0029487	.0027935	.0026538	.0025274	.0024125	.0023077	.0022115
12.00 x 24	16	.0035647	.0033667	.0031895	.0030300	.0028857	.0027545	.0026348	.0025250
13.00 x 20	16	.0040005	.0037782	.0035794	.0034004	.0032385	.0030913	.0029569	.0028337
13.00 x 24	16	.0043793	.0041360	.0039183	.0037224	.0035451	.0033840	.0032369	.0031020
14.00 x 20	16	.0044355	.0041891	.0039686	.0037702	.0035907	.0034275	.0032784	.0031418
14.00 x 24	16	.0047452	.0044816	.0042457	.0040334	.0038413	.0036667	.0035073	.0033612
33 x 5	8	.005393	.005093	.004825	.004584	.004366	.004167	.003986	.003820
42 x 9	14	.0023906	.0022578	.0021389	.0020320	.0019352	.0018473	.0017670	.0016932

TABLE II—VEHICLES USING "PASSENGER-CAR" OR "MOTORCYCLE" TIRES

[Rates per tire mile to be used in calculating maximum prices for tire mileage. By classes of average tire life experience]

Tires		12,499 miles and under	12,500 miles to 14,999 miles	15,000 miles to 17,499 miles	17,500 miles to 19,999 miles	20,000 miles to 22,499 miles	22,500 miles to 24,999 miles	25,000 miles to 27,499 miles	27,500 miles to 29,999 miles	30,000 miles and over
Size	Ply									
4.50 x 12	6	\$0.0006880	\$0.0007744	\$0.0006453	\$0.0005531	\$0.0004840	\$0.0004302	\$0.0003872	\$0.0003520	\$0.0003227
4.00 x 15	6	.0008420	.0008736	.0005613	.0004811	.0004210	.0003742	.0003368	.0003062	.0002807
5.00 x 15	6	.0011300	.0009040	.0007533	.0006457	.0005650	.0005022	.0004520	.0004109	.0003767
6.50 x 15	6	.0018110	.0014488	.0012073	.0010349	.0009055	.0008049	.0007244	.0006585	.0006037
15 ¹	6	.0028360	.0022688	.0018907	.0016206	.0014180	.0012604	.0011344	.0010313	.0009453
7.00 x 15	6	.0020120	.0016096	.0013413	.0011497	.0010660	.0008942	.0008048	.0007316	.0006707
8.25 x 15	6	.0028960	.0023168	.0019307	.0016549	.0014480	.0012871	.0011584	.0010531	.0009653
5.00 x 16	6	.0011100	.0008880	.0007400	.0006343	.0005550	.0004933	.0004440	.0004036	.0003700
5.50 x 16	6	.0013500	.0010800	.0009000	.0007714	.0006750	.0006000	.0005400	.0004909	.0004500
6.00 x 15	6	.0015310	.0012248	.0010207	.0008749	.0007655	.0006804	.0006124	.0005567	.0005103
6.25 x 16	6	.0016970	.0013576	.0011313	.0009697	.0008485	.0007542	.0006788	.0006171	.0005657
6.50 x 16	6	.0018380	.0014824	.0012353	.0010589	.0009265	.0008236	.0007412	.0006738	.0006177
7.00 x 16	6	.0020570	.0016456	.0013713	.0011754	.0010285	.0009142	.0008228	.0007480	.0006857
7.50 x 16	6	.0025940	.0020752	.0017298	.0014823	.0012970	.0011529	.0010376	.0009433	.0008647
8.25 x 16	6	.0030470	.0024376	.0020313	.0017411	.0015235	.0013542	.0012188	.0011080	.0010157
5.25/5.50 x 17	6	.0013990	.0011192	.0009327	.0007994	.0006995	.0006218	.0005596	.0005087	.0004663
6.00 x 17	6	.0016140	.0012912	.0010760	.0009223	.0008070	.0007173	.0006456	.0005869	.0005380
6.50 x 17	6	.0016550	.0013240	.0011033	.0009457	.0008275	.0007356	.0006620	.0006018	.0005517
7.00 x 17	6	.0021950	.0017560	.0014633	.0012543	.0010975	.0009756	.0008780	.0007982	.0007317
7.50 x 17	6	.0029470	.0023576	.0019647	.0016840	.0014735	.0013098	.0011788	.0010716	.0009823
5.25/5.50 x 18	6	.0012600	.0010080	.0008400	.0007200	.0006300	.0005600	.0005040	.00044582	.0004200
6.00 x 18	6	.0017380	.0013904	.0011587	.0009931	.0008690	.0007724	.0006952	.0006320	.0005793
6.50 x 18	6	.0021290	.0017032	.0014193	.0012160	.0010645	.0009462	.0008516	.0007742	.0007097
7.00 x 18	6	.0022830	.0018264	.0015120	.0013046	.0011415	.0010147	.0009132	.0008302	.0007610
7.50 x 18	6	.0031230	.0024984	.0020820	.0017846	.0015615	.0013880	.0012492	.0011356	.0010410
4.75/5.00 x 19	6	.0011610	.0009288	.0007740	.0006634	.0005805	.0005160	.0004644	.0004222	.0003870
6.50 x 19	6	.0023620	.0018896	.0015747	.0013497	.0011810	.0010498	.0009448	.0008589	.0007873
7.00 x 19	6	.0023900	.0019120	.0015933	.0013657	.0011960	.0010622	.0009560		

TABLE II—VEHICLES USING "PASSENGER-CAR" OR "MOTORCYCLE" TIRES—Continued

Tires		12,499 miles and under	12,500 miles to 14,999 miles	15,000 miles to 17,499 miles	17,500 miles to 19,999 miles	20,000 miles to 22,499 miles	22,500 miles to 24,999 miles	25,000 miles to 27,499 miles	27,500 miles to 29,999 miles	30,000 miles and over
Size	Ply									
7.00 x 21	6	\$0.0024880	\$0.0019904	\$0.0016587	\$0.0014217	\$0.0012440	\$0.0011058	\$0.0009952	\$0.0008047	\$0.0006293
4.00 x 18	4	.0008350	.0006680	.0005367	.0004771	.0004175	.0003711	.0003340	.0003036	.0002753
4.50 x 18	4	.0009000	.0007200	.0006000	.0005143	.0004500	.0004000	.0003600	.0003273	.0003000
4.50 x 21	4	.0008770	.0007816	.0006713	.0005583	.0004885	.0004312	.0003908	.0003563	.0003257
80 x 3 1/2	4	.0008320	.0006656	.0005547	.0004754	.0004160	.0003698	.0003328	.0003025	.0002773
6.00/6.50 x 18	4	.0017510	.0014008	.0011673	.0010006	.0008755	.0007782	.0007004	.0006367	.0005837
8.25 x 16	4	.0025300	.0020249	.0016367	.0014457	.0012650	.0011244	.0010120	.0009200	.0008433

Effective date

This regulation shall become effective July 2, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 26th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10323; Filed, June 26, 1943;
2:38 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RPS 63; Amdt. 12]

RETAIL PRICES FOR NEW RUBBER TIRES AND TUBES

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

Section 1315.101a is amended to read as follows:

§ 1315.101a Transactions not covered by this schedule—(a) Leasing or renting. The maximum price for any supplying of tire mileage shall be determined according to Maximum Price Regulation No. 414, Tire Mileage, as now or hereafter amended. The maximum price for any other leasing or renting of new rubber tires or tubes shall be determined according to Maximum Price Regulation No. 165, as Amended, Services, as now or hereafter amended.

(b) Termination sales under tire mileage contracts. The maximum price for any termination sale or transfer of new rubber tires or tubes under a tire mileage contract shall be determined according to Maximum Price Regulation No. 414, Tire Mileage, as now or hereafter amended.

This amendment shall become effective July 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10317; Filed, June 26, 1943;
2:38 p. m.]

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

*8 F.R. 2110, 2663, 4332, 5746, 7597.

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RPS 66, as Amended; Amdt. 3]

RETREADED AND RECAPPED RUBBER TIRES AND THE RETREADING AND RECAPPING OF RUBBER TIRES

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

Section 1315.1202 is amended to read as follows:

§ 1315.1202 Transactions not covered by this schedule—(a) Leasing or renting. The maximum price for any supplying of tire mileage shall be determined according to Maximum Price Regulation No. 414—Tire Mileage, as now or hereafter amended. The maximum price for any other leasing or renting of retreaded or recapped tires shall be determined according to Maximum Price Regulation No. 165, as Amended—Services, as now or hereafter amended.

(b) Termination sales under tire mileage contracts. The maximum price for any termination sale or transfer of retreaded or recapped tires under a tire mileage contract shall be determined according to Maximum Price Regulation No. 414—Tire Mileage, as now or hereafter amended.

This amendment shall become effective July 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10333; Filed, June 26, 1943;
2:38 p. m.]

PART 1338—SILK AND SILK PRODUCTS

[Correction to Amdt. 2 to MPR 274*]

WOMEN'S SILK HOSIERY

In the table in § 1338.102 (b) (Table No. 2), the figure "4.20" for item 8 (e), being the price for thirds of silk combination hosiery, 51 gauge and higher, is corrected to read "5.20."

This correction is effective as of June 23, 1943.

*7 F.R. 8803, 8948; 8 F.R. 3174, 7381.

*7 F.R. 9951, 10378, 10791; 8 F.R. 8512.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10323; Filed, June 26, 1943;
2:42 p. m.]

PART 1382—HARDWOOD LUMBER

[Rev. MPR 97; Amdt. 5]

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 respects:

1. In § 1382.101 (a) the last sentence is amended to read as follows:

The maximum f. o. b. mill prices are set forth in Appendices A and B.

2. Section 1382.102 (b) is amended to read as follows:

(b) What products are covered. (1) This regulation covers all Southern hardwood lumber, whether the grades, sizes and specifications are specifically named in the price tables in Appendices A and B or not. All grade terms have the meaning given in the "Rules for the Measurement and Inspection of Hardwood Lumber," issued by the National Hardwood Lumber Association, effective January 1, 1943.

(2) This regulation covers all lumber produced from the following botanical species, and processed into lumber at mills located in the Southern hardwood region: sap sweet gum and red sweet gum (*Liquidambar styraciflua*), tupelo (*Nyssa aquatica*), black gum (*Nyssa sylvatica*), tough ash (*Fraxinus americana*), yellow poplar (*Liriodendron tulipifera*), beech (*Fagus americana*), sycamore (*Platanus occidentalis*), soft maple (*Acer rubrum*); and the botanical species included in the genera of red oak and white oak (*Quercus*), magnolia (*Magnolia*), elm (*Ulmus*), cottonwood (*Populus*), willow (*Salix*), hackberry (*Celtis*), hickory (*Hicoria*), basswood (*Tilia*), ash (*Fraxinus*), and all other hardwood species.

*8 F.R. 142, 3530, 5177, 5479.

(3) The Southern hardwood area is described by exact boundary lines in Appendix C.

(4) Some of the things which this regulation does not cover are: glued stock, moulding, risers, step treads, thresholds, hand rails, bevel and drop siding, flooring, switch, cross and mine ties, mine material, navy oak ship stock (see Maximum Price Regulation 281), small dimension stock, and lath.

3. In § 1382.106 (a), the first sentence is amended to read as follows:

Southern hardwood lumber, sold on special grades or specifications or with special services or other extras not specifically mentioned in Appendices A and B, is nevertheless subject to this regulation.

4. In § 1382.112 (b) (2), (3), (5), (6), (7), (8), (9), (10), (11), (12), (13), (15), (16), (17), (25), (26), (27), (28) and (29), the prices of No. 2 Common and No. 3 Common are amended; and in § 1382.112 (b) (23) and (24), the prices of No. 2A Common, No. 2B Common and No. 3 Common, are amended, all to read as set forth below:

(2) ASH (OTHER THAN TOUGH ASH)

Thickness (inch)	No. 2 Common	No. 3 Common
1	\$28	\$17
1 $\frac{1}{4}$	29	18
1 $\frac{1}{2}$	30	18
2	30	19
2 $\frac{1}{4}$	30	
3	31	

(3) BASSWOOD

	\$29	\$17
1		

(5) COTTONWOOD

	\$21	
1 $\frac{1}{2}$	24	
2 $\frac{1}{2}$	27	
3 $\frac{1}{2}$	31	\$17
1	33	18
1 $\frac{1}{4}$	33	18
1 $\frac{1}{2}$	33	18
2	33	19
1 (13" and wider)		
1 $\frac{1}{4}$ (13" and wider)		

(6) SOFT ELM

	\$19	
1 $\frac{1}{2}$	22	
2 $\frac{1}{2}$	24	
3 $\frac{1}{2}$	28	
1	29	\$17
1 $\frac{1}{4}$	29	18
1 $\frac{1}{2}$	30	18
2	30	19
2 $\frac{1}{2}$	30	
3	31	

(7) BLACK GUM—QUARTERED

	\$30	\$17
1	31	18
1 $\frac{1}{4}$	31	18
1 $\frac{1}{2}$	33	19
2	33	
2 $\frac{1}{2}$	38	
3	41	

(8) BLACK GUM—PLAIN

Thickness (inch)	No. 2 Common	No. 3 Common
$\frac{5}{8}$	\$19	
$\frac{3}{4}$	21	
1	28	\$17
$1\frac{1}{4}$	30	18
$1\frac{1}{2}$	30	18
2	33	19

(9) RED GUM—QUARTERED

	\$34	\$17
1	35	18
$1\frac{1}{4}$	35	18
$1\frac{1}{2}$	39	19
2		
$2\frac{1}{2}$		
3		

(10) RED GUM—PLAIN

	\$23	
$\frac{5}{8}$	28	
$\frac{3}{4}$	34	\$17
1	34	18
$1\frac{1}{4}$	34	18
$1\frac{1}{2}$	38	19
2		

(11) SAP GUM—QUARTERED

	\$30	\$17
1	31	18
$1\frac{1}{4}$	31	18
2	35	19
$2\frac{1}{2}$	38	
3	43	

(12) SAP GUM—PLAIN

	\$21	
$\frac{5}{8}$	23	
$\frac{3}{4}$	28	\$17
1	29	18
$1\frac{1}{4}$	29	18
$1\frac{1}{2}$	29	18
2	32	19
1 (13" and wider)		
1 $\frac{1}{4}$ (13" and wider)		

(13) HACKBERRY

	\$28	\$17
1	29	18
$1\frac{1}{4}$	30	18
$1\frac{1}{2}$	30	19
2	30	
$2\frac{1}{2}$	31	
3		

(15) MAGNOLIA

	\$36	\$17
1	38	18
$1\frac{1}{4}$	38	18
$1\frac{1}{2}$	39	19
2	40	
$2\frac{1}{2}$	41	
3		

(16) SOFT MAPLE—WHAD

	\$20	
$\frac{5}{8}$	23	
$\frac{3}{4}$	26	
1	30	\$17
$1\frac{1}{4}$	32	18
$1\frac{1}{2}$	32	18
2	35	19
$2\frac{1}{2}$	35	
3	36	

(17) SOFT MAPLE—WHND

Thickness (inch)	No. 2 Common	No. 3 Common
$\frac{5}{8}$	\$20	
$\frac{3}{4}$	23	
1	26	
$1\frac{1}{4}$	30	\$17
$1\frac{1}{2}$	32	18
2	32	18
$2\frac{1}{2}$	35	19
3	36	

(23) YELLOW POPLAR—QUARTERED

Thickness (inch)	No. 2A Common	No. 2B Common	No. 3 Common
1	\$35	\$29	\$17
$1\frac{1}{4}$	38	30	18
$1\frac{1}{2}$	39	30	18
2	41	33	19

(24) YELLOW POPLAR—PLAIN

	\$21	\$18	
$\frac{5}{8}$	28	19	
$\frac{3}{4}$	35	29	\$17
1	38	30	18
$1\frac{1}{4}$	39	30	18
$1\frac{1}{2}$	41	33	19
2			

(25) SYCAMORE—QUARTERED

	\$30	
$\frac{5}{8}$	30	
$\frac{3}{4}$	35	
1	35	\$17
$1\frac{1}{4}$	35	18
$1\frac{1}{2}$	35	18
2	35	19

(26) SYCAMORE—PLAIN

	\$19	
$\frac{5}{8}$	21	
$\frac{3}{4}$	28	\$17
1	30	18
$1\frac{1}{4}$	30	18
$1\frac{1}{2}$	33	18
2	33	19

(29) WILLOW

	\$30	\$17
1	31	18
$1\frac{1}{4}$	31	18
$1\frac{1}{2}$	31	18
2	31	19

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5. Section 1382.112 (b) (32) is amended to read as follows:

(32) CONSTRUCTION BOARDS

No. 1 Construction boards (Rough, random widths) -----	\$34.00
No. 2 Construction boards (Rough, random widths) -----	28.00
No. 3 Construction boards (Rough, random widths) -----	17.00

NOTE: For construction boards machined to dressed widths as set out in NHLA Rules for the Measurement and Inspection of Hardwood Lumber issued January 1, 1943, \$1.00 per M' BM may be added in addition to the appropriate allowance for machining as established in this regulation. This addition, however, may be made only when the purchaser specifies, and the seller furnishes, stock meeting this requirement.

6. Section 1382.112 (b) (35) and (36) are added to read as follows:

(35) WHITE OAK OR RED OAK—STRUCTURAL STOCK OR SOUND SQUARE EDGE

Size (inches)	Lengths (feet)						
	10 to 16	18	20	22	24	26	28
2 x 6.....	\$43	\$46	\$50	\$54	\$59	\$65	\$73
2 x 8.....	43	46	50	54	59	65	73
2 x 10.....	45	48	52	56	61	67	75
2 x 12.....	49	52	56	60	65	71	79
2 x 14.....	53	56	60	64	69	75	83
2 x 16.....	58	61	65	69	74	80	88
3 x 6.....	43	46	50	54	59	65	73
3 x 8.....	43	46	50	54	59	65	73
3 x 10.....	45	48	52	56	61	67	75
3 x 12.....	49	52	56	60	65	71	79
3 x 14.....	53	56	60	64	69	75	83
3 x 16.....	58	61	65	69	74	80	88
4 x 6.....	43	46	50	54	59	65	73
4 x 8.....	43	46	50	54	59	65	73
4 x 10.....	45	48	52	56	61	67	75
4 x 12.....	49	52	56	60	65	71	79
4 x 14.....	53	56	60	64	69	75	83
4 x 16.....	58	61	65	69	74	80	88
6 x 6.....	43	46	50	54	59	65	73
6 x 8.....	45	48	52	56	61	67	75
6 x 10.....	47	50	54	58	63	69	77
6 x 12.....	49	52	56	60	65	71	79
6 x 14.....	53	56	60	64	69	75	83
6 x 16.....	58	61	65	69	74	80	88
8 x 8.....	45	48	52	56	61	67	75
8 x 10.....	47	50	54	58	63	69	77
8 x 12.....	49	52	56	60	65	71	79
8 x 14.....	53	56	60	64	69	75	83
8 x 16.....	58	61	65	69	74	80	88
10 x 10.....	47	50	54	58	63	69	77
10 x 12.....	49	52	56	60	65	71	79
10 x 14.....	53	56	60	64	69	75	83
10 x 16.....	58	61	65	69	74	80	88
10 x 18.....	63	66	70	74	79	85	93
12 x 12.....	50	53	57	61	66	72	80
12 x 14.....	55	58	62	66	71	77	85
12 x 16.....	60	63	67	71	76	82	90
12 x 18.....	66	69	73	77	82	88	96
12 x 20.....	72	75	79	83	88	94	102
14 x 14.....	56	59	63	67	72	78	86
14 x 16.....	62	65	69	73	78	84	92
14 x 18.....	68	71	75	79	84	90	98
14 x 20.....	75	78	82	86	91	97	105
14 x 22.....	83	86	90	94	99	105	113
14 x 24.....	92	95	99	103	106	114	122
14 x 26.....	102	105	109	113	118	124	132
14 x 28.....	113	116	120	124	129	135	143
16 x 16.....	69	72	76	80	85	91	99
16 x 18.....	76	79	83	87	92	98	106
16 x 20.....	84	87	91	95	100	106	114
16 x 22.....	92	95	99	103	108	114	122
16 x 24.....	101	104	108	112	117	123	131
16 x 26.....	111	114	118	122	127	133	141
16 x 28.....	122	125	129	133	138	144	152
18 x 18.....	83	86	90	94	99	105	113
18 x 20.....	91	94	98	102	107	113	121
18 x 22.....	100	103	107	111	116	122	130
18 x 24.....	110	113	117	121	126	132	140
18 x 26.....	121	124	128	132	137	143	151
18 x 28.....	133	136	140	144	149	155	163

Notes on White Oak or Red Oak—Structural Stock or Sound Square Edge

Random widths; in 2", 3" and 4" thicknesses—\$43.00.

Free of heart; in 2", 3" and 4" thicknesses—add \$6.00 to maximum price for same thickness, width and length in above schedule.

Prices for specific sizes not in schedule:

The maximum price for material of a length not included in this schedule shall be determined by adding to the maximum price for the next shorter length the pro-

portionate amount of the difference between the maximum price of such next shorter length and the maximum price of the next longer length.

In the case of any item for which the thickness or the width is not included in the schedule, the maximum price shall be the maximum price for the material of the next greater thickness or width.

The maximum prices set forth above supersede the maximum prices for like material authorized for individual sellers under the special pricing provisions of this regulation.

(36) WHITE OAK OR RED OAK—FREIGHT CAR STOCK, COMMON DIMENSION, MINE CAR LUMBER

Size (inches)	Lengths (feet)						
	10 to 16	18	20	22	24	26	28
2 x 6.....	\$50	\$55	\$61	\$67	\$74	\$83	\$95
2 x 8.....	50	55	61	67	74	83	95
2 x 10.....	53	57	63	69	77	86	98
2 x 12.....	58	63	69	75	82	91	103
2 x 14.....	64	68	74	80	88	97	109
2 x 16.....	70	75	81	87	95	104	116
3 x 6.....	50	55	61	67	74	83	95
3 x 8.....	50	55	61	67	74	83	95
3 x 10.....	53	57	63	69	77	86	98
3 x 12.....	58	63	69	75	82	91	103
3 x 14.....	64	68	74	80	88	97	109
3 x 16.....	70	75	81	87	95	104	116
4 x 6.....	48	55	60	65	71	78	88
4 x 8.....	48	55	60	65	71	78	88
4 x 10.....	50	58	62	67	73	80	90
4 x 12.....	55	62	67	72	78	85	95
4 x 14.....	59	67	72	77	83	90	100
4 x 16.....	65	73	78	83	89	96	106
6 x 6.....	48	55	60	65	71	78	88
6 x 8.....	50	58	62	67	73	80	90
6 x 10.....	53	60	65	70	76	83	92
6 x 12.....	53	60	65	70	76	83	92
6 x 14.....	55	62	67	72	78	85	95
8 x 8.....	50	58	62	67	73	80	90
8 x 10.....	53	60	65	70	76	83	92
8 x 12.....	55	62	67	72	78	85	95
8 x 14.....	59	67	72	77	83	90	100
8 x 16.....	65	73	78	83	89	96	106
10 x 10.....	53	60	65	70	76	83	92
10 x 12.....	55	62	67	72	78	85	95
10 x 14.....	59	67	72	77	83	90	100
10 x 16.....	65	73	78	83	89	96	106
10 x 18.....	71	79	84	89	95	102	112
12 x 12.....	56	64	68	73	79	86	96
12 x 14.....	62	70	74	79	85	92	102
12 x 16.....	67	76	80	85	91	98	108
12 x 18.....	74	83	88	92	98	106	115
12 x 20.....	81	90	95	100	106	113	122
14 x 14.....	63	71	76	80	86	94	103
14 x 16.....	69	78	83	88	94	101	110
14 x 18.....	76	85	90	95	101	108	118
14 x 20.....	84	94	98	103	109	116	126
14 x 22.....	93	103	108	113	119	126	136
14 x 24.....	103	114	119	124	130	137	146
14 x 26.....	114	126	131	136	142	149	158
14 x 28.....	127	139	144	149	155	162	172
16 x 16.....	77	86	91	96	102	109	119
16 x 18.....	85	95	100	104	110	118	127
16 x 20.....	94	104	109	114	120	127	137
16 x 22.....	103	114	119	124	130	137	146
16 x 24.....	113	125	130	134	140	148	157
16 x 26.....	124	137	142	146	152	160	169
16 x 28.....	137	150	155	160	166	173	182
18 x 18.....	93	103	108	113	119	126	136
18 x 20.....	102	113	118	122	128	136	145
18 x 22.....	112	124	128	133	139	146	156
18 x 24.....	123	136	140	145	151	158	163
18 x 26.....	136	149	154	158	164	172	181
18 x 28.....	149	163	168	173	179	186	196

Notes on White Oak or Red Oak—Freight Car Stock, Common Dimension, Mine Car Lumber

Random widths; in 2" and 3" thicknesses—\$50.00.

Free of heart; in 2" and 3" thicknesses—add \$8.00 to maximum price for same thickness, width and length in above schedule.

Prices for specific sizes not in schedule:

The maximum price for material of a length not included in this schedule shall be determined by adding to the maximum price

for the next shorter length the proportionate amount of the difference between the maximum price of such next shorter length and the maximum price of the next longer length.

In the case of any item for which the thickness or the width is not included in the schedule, the maximum price shall be the maximum price for the material of the next greater thickness or width.

The maximum prices set forth above supersede the maximum prices for like material authorized for individual sellers under the special pricing provisions of this regulation.

7. Section 1382.112 (c) (3) is amended to read as follows:

(3) The term "dunnage" as used above means lumber of any hardwood species, of standard widths and lengths, but poorer in quality than the lowest standard grade in the particular species.

8. Section 1382.112 (d) is amended to read as follows:

(d) *Deduction for green.* For lumber shipped in a "green" condition, deduct from the maximum prices for air-dried lumber established in this Appendix "A", 10 per cent of the maximum price for rough, air-dried material in the same specifications. This deduction, however, shall not apply to the prices for material contained in subparagraphs (35) and (36) of paragraph (b) above.

For the purposes of this paragraph (d), hardwood lumber shall be considered to be "green" unless it has been stacked on the yard for air-drying.

A purchaser may waive any requirement as to moisture content, in which case, if the lumber has been stacked on the yard, the air-dried price shall be applicable, regardless of the moisture content, but if the lumber has not been stacked on the yard for air-drying the "green" price shall be applicable.

9. Section 1382.112 (f) is amended to read as follows:

(f) *Mill working additions.*

	Less than 1", 1" and 1 1/4" thick	1 1/2" to 3" thick
Resawing 1 line.....	\$3.00	\$2.50
Resawing 2 lines.....	5.50	4.50
Surfacing 1 or 2 sides.....	2.50	2.25
Surfacing 2 sides and Resawing.....	5.00	4.25
Resawing and Surfacing 1 or 2 Sides.....	5.50	4.75
Surfacing 3 or 4 sides, or 1 side and 1 edge.....	4.00	3.50

10. Section 1382.113 is redesignated § 1382.114 and the heading amended, and a new § 1382.113 is added, all to read as set forth below:

§ 1382.113 *Appendix B: Maximum prices for Southern hardwood lumber in "standard special" grades and items—*

(a) *Standard special widths and lengths.* The maximum f. o. b. mill price for 1,000 feet of Southern hardwood lumber in the species and in the "standard special" widths and lengths listed below shall be as follows:

(1) STANDARD SPECIAL WIDTHS AND LENGTHS—ALL HARDWOOD SPECIES (EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPHS (2) AND (3) BELOW).

Maximum additions to maximum prices estab- lished in § 1882.112 for lumber in corre- sponding standard grades and same thick- nesses.	\$2.00
Width and/or length	Grade
10' or 6" and wider; regular lengths 8" and longer.....	No. 1 Common and Selects or No. 1 Common; No. 2 Common; No. 3 Common.
10' and longer; or 12' and longer.....	No. 1 Common and Selects or No. 1 Common; No. 2 Common; No. 3 Common.
All 14' to 16' or all one length 10' to 14'	No. 2 Common; No. 3 Common.
All 16'.....	No. 2 Common; No. 3 Common.
8" and wider; standard lengths.....	No. 1 Common and Better.....
10" and wider; standard lengths.....	No. 1 Common and Better.....
12" and wider; standard lengths.....	No. 1 Common and Better.....
All 10' to 16' or all 10'	No. 1 Common and Better.....
All 12' to 16'.....	No. 1 Common and Better.....
All 12' and 14'—or all 12'	No. 1 Common and Better.....
All 14' and 16' or all 14'	No. 1 Common and Better.....
All 16'.....	No. 1 Common and Better.....
8" and wider; standard lengths.....	No. 1 Common and Better.....
10" and wider; standard lengths.....	No. 1 Common and Better.....
12" and wider; standard lengths.....	No. 1 Common and Better.....
All one additional inch over 12' and wider than 12" and wider.....	No. 1 Common and Better.....
All one width than 12" and wider.....	No. 1 Common and Better.....
Ship Plank.....	No. 1 Common and Better.....

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width and wider.

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Widths	Grade	Maximum additions to maximum prices established in \$1282.12 for lumber in corresponding standard grades and same thicknesses	\$4.00 5.00 5.50 6.00 6.50 7.00 8.00 9.00 10.00 12.00 14.00 15.00
7" and wider; standard lengths	No. 1 Common and Better.....		
8" and wider; standard lengths	No. 1 Common and Better.....		
9" and wider; standard lengths	No. 1 Common and Better.....		
10" and wider; standard lengths	No. 1 Common and Better.....		
11" and wider; standard lengths	No. 1 Common and Better.....		
12" and wider; standard lengths	No. 1 Common and Better.....		
13" and wider; standard lengths	No. 1 Common and Better.....		
14" and wider; standard lengths	No. 1 Common and Better.....		
15" and wider; standard lengths	No. 1 Common and Better.....		
17" and wider; standard lengths	No. 1 Common and Better.....		
18" and wider; standard lengths	No. 1 Common and Better.....		
20" and wider; standard lengths	No. 1 Common and Better.....		

(b) *Additions and adjustments.* The provisions of paragraphs (d), (e), (f), and (g) of § 1382.112 (Appendix A), relative to deductions for green, and to kiln drying, mill working, and miscellaneous additions, are applicable to the price schedules set forth in paragraph (a) above.

(c) *Effect on special prices.* The

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. 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

§ 1405.1 *Maximum prices for ferromanganese and manganese alloys and metals.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Revised Maximum Price Regulation No. 138, (Ferromanganese and Manganese Alloys and Metal), which is annexed hereto and made a part hereof, is hereby

Issued this 26th day of June 1943.
PRENTISS M. BROWN,
Administrator

<p>[F. R. Doc. 43-10325; Filed, June 26, 1943; 2:42 p. m.]</p> <p><u>PART 1405—FERRO ALLOYS</u></p> <p>[Rev. MPR. 138]</p>	<p>PERROMANGANESE AND MANGANESE ALLOYS</p> <p>PERROMANGANESE AND MANGANESE ALLOYS</p>	<p>Sec. 1 Maximum prices for high carbon ferro-manganese</p> <p>2 Maximum prices for ferromanganese</p>
	<p>CONTENTS</p>	
		<p>REVISED MAXIMUM PRICE REGULATION 138— FERROMANGANESE AND MANGANESE ALLOYS AND METAL</p>

Maximum Price Regulation No. 138 is revised and amended to read as follows: In the judgment of the Price Administrator, the maximum prices established furnace ferromanganese, silicon manganese and manganese metal.

Sec.
 3 Maximum prices for spiegeleisen.
 4 Charges for packing.
 5 Charges for grinding.
 6 Sales to the United States or any agency thereof.
 7 Maximum prices for the conversion of manganese ore into ferromanganese.
 8 Applicability of regulation.
 9 Records and reports.
 10 Adjustable pricing.
 11 Applications for adjustment.
 12 Petitions for amendment.
 13 Prohibition against dealing in ferromanganese and manganese alloys and metal at prices above the maximum.
 14 Enforcement.
 15 Definitions.

SECTION 1. *Maximum prices for high carbon ferromanganese*—(a) *Grades*. For the purposes of this regulation there shall be two grades of high carbon ferromanganese: (1) Standard and (2) Sub-standard.

Standard grade high carbon ferromanganese must conform to the following specifications:

	Percent
Manganese	75.00 Minimum
Carbon	7.50 Maximum
Phosphorus	0.50 "
Silicon	1.25 "
Sulphur	0.05 "

Any high carbon ferromanganese which does not meet these specifications is classified as sub-standard.

Hereafter, standard grade high carbon ferromanganese and sub-standard grade high carbon ferromanganese are called "Standard ferromanganese," and "Sub-standard ferromanganese," respectively.

(b) *Maximum prices for standard ferromanganese*. The maximum prices for standard ferromanganese shall be determined by using the base analysis, the base contract prices, and the premiums and penalties, where applicable, set out below:

Base analysis—78 to 82 percent manganese

[Maximum base prices per gross ton]

Contract prices	Crushed sizes								65 to 100 M x D	150 or 200 M x D
	Lump	2" x D	1" x D	1/2" x D	1/4" x D	8M x D	20M x D	48M x D		
Carload lots:										
Bulk	\$135.00	\$137.00	\$137.50	\$138.00	\$139.00	\$140.00	\$141.00	\$144.00	\$156.00	\$159.00
Domestic packing	141.00	143.00	143.50	144.00	145.00	146.00	147.00	150.00	152.00	155.00
Gross ton lots:										
Domestic packing	145.00	149.00	150.00	151.00	152.00	153.00	155.00	161.00	167.00	176.00
Less than gross ton lots:										
Domestic packing	148.50	153.50	156.50	159.50	162.50	165.50	170.50	184.50	198.50	208.50

Premiums.—\$1.70 for each 1% of manganese in excess of 82%.

Penalties.—\$1.70 for each 1% of manganese below 78%. These premiums and penalties shall be applied pro rata to variations of a fraction of 1%.

(c) *Terms*.—(1) *Basing points*. For all sellers, except those listed below, the maximum prices set out above shall be f. o. b. railroad cars Baltimore, Philadelphia, or New York, whichever is most favorable to the buyer. For Tennessee Products Corporation, the maximum prices shall be f. o. b. railroad cars Rockdale or Rockwood, Tennessee, whichever is the shipping point. For Sloss-Sheffield Steel and Iron Company, the maximum prices shall be f. o. b. railroad cars Birmingham, Alabama.

(2) *Credit and discount*. No charge shall be made for extension of credit

when payment is made within 30 days of date of invoice and the maximum price shall be reduced by 1/2% for payment within 10 days of invoice.

(3) *Spot sales*. Spot prices are the same as contract prices.

(d) *Packing for ocean shipment*. For packing suitable for ocean shipment the following additions may be made to the maximum contract, bulk, prices:

\$10.00 per gross ton for 50 gal. drums or barrels, or

\$13.00 per gross ton for 30 gal. drums or barrels.

(e) *Maximum prices for substandard ferromanganese*. The maximum price for substandard ferromanganese shall be determined by deducting \$10.00 per gross ton from the appropriate base con-

tract price for standard ferromanganese. The same premiums, penalties and terms shall apply as for standard ferromanganese.

Example: The maximum carload, bulk, price for substandard ferromanganese containing 70% manganese would be \$135.00 per gross ton, less \$10.00, less \$13.60 unitage, or \$111.40 per gross ton.

SEC. 2 *Maximum prices for briquets, electric furnace ferromanganese, silicomanganese and manganese metal*. The maximum prices for briquets, electric furnace ferromanganese, silicomanganese and manganese metal shall be determined by using the following base contract prices for the various grades and sizes, and the premiums, where applicable, set out below:

(a) **MAXIMUM BASE CONTRACT PRICES FOR DELIVERIES IN EASTERN ZONE**

[These prices are for carload lots, bulk, f. o. b. shipping point with freight allowed to destination]

FERROMANGANESE

[Per pound of contained manganese]

Grades	Crushed sizes								65 to 100 M x D	150 or 200 M x D
	Lump	2" x D	1" x D	1/2" x D	1/4" x D	8M x D	20M x D	48M x D		
Medium carbon:										
Mn 80-85%, C 1.50% max.	\$0.1450	\$0.1450	\$0.1475	\$0.1475	\$0.1500	\$0.1500	\$0.1525	\$0.1575	\$0.1675	\$0.1775
Si 1.50% or 2.50% max.										
Low carbon:										
Mn 80-85%, C 10% Si 1 or 2%	.2300	.2300	.2325	.2225	.2350	.2375	.2400	.2450	.2550	.2650
Mn 80-85%, C 15% Si 1 or 2%	.2200	.2200	.2225	.2225	.2250	.2275	.2300	.2350	.2450	.2550
Mn 80-85%, C 30% Si 1 or 2%	.2100	.2100	.2125	.2125	.2150	.2175	.2200	.2250	.2350	.2450
Mn 80-85%, C 50% Si 1 or 2%	.2000	.2000	.2025	.2025	.2050	.2075	.2100	.2150	.2250	.2350
Mn 80-85%, C 75% Si 7%	.1600	.1600	.1625	.1625	.1650	.1675	.1700	.1750	.1850	.1950
Low iron:										
Mn 85-90%, Fe 2.00% Max.	.1040	.1065	.1065	.1065	.1065	.1090	.1115	.1115	.1115	.1140
C 7.00% Max.										

SILICOMANGANESE

[Per pound of material, gross weight]

Mn 65-70%, C 3% app., Si 12-14%	\$0.0530	\$0.0535	\$0.0540	\$0.0545	\$0.0550	\$0.0550	\$0.0550	\$0.0575	\$0.0575	\$0.0600
Mn 65-70%, C 2 1/2% max., Si 14-18%	.0555	.0560	.0565	.0570	.0575	.0575	.0600	.0600	.0625	.0625
Mn 65-70%, C 2% max., Si 16-20%	.0580	.0585	.0590	.0595	.0600	.0600	.0625	.0625	.0650	.0650
Mn 65-70%, C 1 1/2% max., Si 17-20%	.0605	.0610	.0615	.0620	.0625	.0625	.0650	.0650	.0675	.0675
Mn 65-70%, C 1% max., Si 20-25%	.0630	.0635	.0640	.0645	.0650	.0650	.0675	.0675	.0700	.0700

FEDERAL REGISTER, Tuesday, June 29, 1943

(a) MAXIMUM BASE CONTRACT PRICES FOR DELIVERIES IN EASTERN ZONE—Continued

BRIQUETS

[Per pound of briquet, gross weight]

Standard ferromanganese: Wt. 3 lb., Mn 2 lb.	\$0.0605									
Silicomanganese: Wt. 3½ lb., Mn 2 lb. Si ½ lb.	.0680									

MANGANESE METAL

[Per pound of metal, gross weight]

Mn 96-98%, Fe 2% max.	\$0.3960	\$0.3960	\$0.3960	\$0.3985	\$0.4010	\$0.4035	\$0.4060	\$0.4110	\$0.4210	\$0.4310
Mn 96-97%, Fe 2.5% max.	.3560	.3560	.3560	.3585	.3610	.3635	.3660	.3710	.3810	.3910
Electrolytic Mn 99.9% min.			.3760							

(b) PREMIUMS WHICH MAY BE ADDED TO MAXIMUM BASE CONTRACT PRICES WHERE APPLICABLE

	Ferromanganese (per lb. Mn cont.)			Silico- manganese	Briquets	Manganese metal per lb. metal		
	Medium carbon	Low carbon	Low iron			Per lb. briquet	2% & 2.50% iron grade	Electrolytic grade
(1) Spot sales	\$0.0025	\$0.0025	\$0.0025	\$0.0025	\$0.0025	\$0.0025	\$0.02	
(2) Packing:								
(i) Domestic	.0040	.0040	.0040	.0035	.0025	.0040	\$0.0040	
(ii) Ocean shipment 50 gal. containers	.0055	.0055	.0055	.0045	.0045	.0045	.0045	
(iii) Ocean shipment 30 gal. containers	.0070	.0070	.0070	.0060	.0060	.0060	.0060	
(3) Quantities, gross weight:								
(i) Less than carload down to 2000 lbs. inclusive						.0025		.0200
(a) Lump, 2" x D, 1" x D	.0030		.0025	.0030				
(b) ½" x D, ¾ x D, 8M x D, 20M x D	.0080	.0025	.0050	.0045		.0050		
(c) 48M x D, 65 to 100M x D, 150 or 200M x D	.0180	.0075	.0075	.0175		.0100		
(ii) Less than 2000 lbs.						.0050		.0040
(a) Lump, 2" x D, 1" x D	.0050	.0025	.0050	.0050				
(b) ½" x D, ¾" x D, 8M x D, 20M x D	.0150	.0075	.0075	.0100		.0100		
(c) 48M x D, 65 to 100M x D, 150 or 200M x D	.0375	.0225	.0125	.0175		.0260		
(4) Sales for delivery, central zone:								
(i) Carload lots	.0030	.0030	.0030	.0025	.0025	.0025	.0025	
(ii) Less than carload lots	.0100	.0100	.0100	.0100	.0100	.0100	.0100	
(5) Sales for delivery, western zone:								
(i) Carload lots	.0125	.0150	.0150	.0055	.0055	.0055	.0055	.0055
(ii) Less than carload lots	.0200	.0200	.0200	.0200	.0200	.0200	.0305	.0305

(c) Credit. On sales of briquets, electric furnace ferromanganese, silicomanganese and manganese metal, no charge shall be made for extension of credit when payment is made within 30 days of date of invoice.

SEC. 3. Maximum prices for spiegeleisen. (a) The maximum prices for spiegeleisen shall be determined by using the base contract prices for various grades and sizes, set out below:

[Maximum base contract prices per gross ton of material f. o. b. Palmerton, Pennsylvania]

Contract prices	Crushed sizes								65 to 100 M x D	150 or 200 M x D	
	Lump	2" x D	1" x D	½" x D	¼" x D	8M x D	20M x D	48M x D			
<i>Mn 16-19%, Si 1% Max.</i>											
Carload lots:											
Bulk	\$35.00	\$37.50	\$38.00	\$39.00	\$40.00	\$41.00	\$42.00	\$47.00	\$52.00	\$55.00	
Domestic packing	41.00	43.50	44.00	45.00	46.00	47.00	48.00	53.00	58.00	61.00	
Gross ton lots:											
Domestic packing	42.50	48.50	52.50	56.50	58.50	59.50	60.50	67.50	97.50	112.50	
Less than gross ton lots:											
Domestic packing	47.50	59.50	67.50	75.50	82.50	87.50	97.50	107.50	172.50	197.50	
<i>Mn 19-21%, Si 1% Max.</i>											
Carload lots:											
Bulk	36.00	38.50	39.00	40.00	41.00	42.00	43.00	48.00	53.00	56.00	
Domestic packing	42.00	44.50	45.00	46.00	47.00	48.00	49.00	54.00	59.00	62.00	
Gross ton lots:											
Domestic packing	43.50	49.50	53.50	57.50	59.50	60.50	61.50	68.50	98.50	113.50	
Less than gross ton lots:											
Domestic packing	48.50	60.50	68.50	76.50	83.50	88.50	98.50	108.50	173.50	198.50	
<i>Mn 19-21%, Si 4% Approx.</i>											
Carload lots:											
Bulk	38.00	40.50	41.00	42.00	43.00	44.00	45.00	50.00	55.00	58.00	
Domestic packing	44.00	46.50	47.00	48.00	49.00	50.00	51.00	56.00	61.00	64.00	
Gross ton lots:											
Domestic packing	45.50	51.50	55.50	59.50	61.50	62.50	63.50	70.50	100.50	115.50	
Less than gross ton lots:											
Domestic packing	50.50	62.50	70.50	78.50	85.50	90.50	100.50	110.50	175.50	200.50	
<i>Mn 26-28%, Si 1% Max.</i>											
Carload lots:											
Bulk	49.50	52.00	52.50	53.50	54.50	55.50	56.50	61.50	66.50	69.50	
Domestic packing	55.50	58.00	58.50	59.50	60.50	61.50	62.50	67.50	72.50	75.50	
Gross ton lots:											
Domestic packing	57.00	63.00	67.00	71.00	73.00	74.00	75.00	82.00	112.00	127.00	
Less than gross ton lots:											
Domestic packing	62.00	74.00	82.00	90.00	97.00	102.00	112.00	122.00	187.00	212.00	

(b) *Terms*—(1) *Spot sales*. Spot prices are the same as contract prices.

(2) *Credit and discount*. No charge shall be made for the extension of credit when payment is made within 30 days, and the prices set out above shall be reduced by $\frac{1}{2}\%$ for payment within 10 days of date of invoice.

(c) *Packing for ocean shipment*. For packing suitable for ocean shipment the following additions may be made to the maximum contract, bulk, prices:

\$10.00 per gross ton for 50 gal. drums or barrels, or
\$13.00 per gross ton for 30 gal. drums or barrels.

SEC. 4. *Charges for packing*. (a) The domestic packing of all grades of ferromanganese and manganese alloys and metal, which is covered by the packing premiums in the price tables above, is packing in drums or barrels of 30 to 50 gallons capacity, which are suitable for domestic shipment. Charges for packing for ocean shipment, when requested by the buyer, may be made as provided in the price tables above.

(b) In the case of packing in smaller containers than those listed, charges may be made as follows:

(1) The highest charge which the seller made for such packing on a delivery made by him during January, February, or March 1942. (This packing charge need not have been billed separately.); or

(2) If the seller cannot make this determination on the basis of a delivery, then the highest charge which the seller quoted for such packing during January, February, or March 1942. (This packing charge need not have been quoted separately.); or

(3) If the seller cannot determine his maximum charge for such packing under either of the above provisions, then a charge to be approved by the Administrator. This charge shall be reported within 15 days after delivery and, pending approval, such charge may be paid and received subject to adjustment between the parties if the charge is disapproved. A charge once reported and approved need not thereafter be reported by the same seller.

Reports called for by this provision shall be made by letter addressed to the Non-Ferrous Metals Branch, Office of Price Administration, Washington, D. C., and the charge reported may be approved or disapproved by a letter signed by the Price Executive of the Non-Ferrous Metals Branch. When a charge is disapproved by letter, the Administrator will issue a formal order to the same effect if within 30 days the party reporting such charge for approval requests him to do so.

(c) *Packing expenses on sales to procurement agencies*. On sales and deliveries of ferromanganese or manganese alloy or metal to a procurement agency of the United States the charges for packing, which are provided above, may be added to the maximum price and Supplementary Order No. 34¹ shall not apply to any sale or delivery of ferromanganese or manganese alloy or metal.

SEC. 5. *Charges for grinding*. (a) Standard grinding for ferromanganese and manganese alloys and metals shall be that specified above in the price schedules for the different grades. All other grinding shall be considered special grinding and may be charged for as follows:

(1) Grinding to a size larger than or intermediate between standard sizes for the particular grade: The price listed for the next smaller size.

(2) Grinding to a mesh smaller than any listed for the particular grade or to special specifications which include a bottom screen size as well as a top screen size:

(i) The highest charge which the seller made for such grinding and sizing on a delivery made by him during January, February, or March 1942 (This grinding and sizing charge need not have been billed separately.); or

(ii) If the seller cannot make this determination on the basis of a delivery, then the highest charge which the seller quoted for such grinding and sizing during January, February, or March 1942 (This grinding and sizing charge need not have been quoted separately.); or

(iii) If the seller cannot determine his maximum charge for such grinding and sizing under either of the above provisions, then a charge to be approved by the Administrator. This charge shall be reported within 15 days after delivery and, pending approval, such charge may be paid and received subject to adjustment between the parties if the charge is disapproved. A charge once reported and approved need not thereafter be reported by the same seller.

Reports called for by this provision shall be made by letter addressed to the Non-Ferrous Metals Branch, Office of Price Administration, Washington, D. C., and the charge reported may be approved or disapproved by a letter signed by the Price Executive of the Non-Ferrous Metals Branch. When a charge is disapproved by letter, the Administrator will issue a formal order to the same effect if within 30 days the party reporting such charge for approval requests him to do so.

SEC. 6. *Sales to the United States or any agency thereof*—(a) *Spot premiums*. No spot premium may be added on any sale or delivery of ferromanganese or manganese alloy or metal to the United States or any agency thereof.

(b) *Drawbacks*. The maximum prices set forth above for ferromanganese and manganese alloys and metals shall be adjusted downward upon any sale to the United States or an agency thereof for shipment outside the United States.

(1) If the ferromanganese or manganese alloy or metal sold is made from dutiable ore and the import duty thereon has not been paid at the time of shipment by the seller or is made from other ore which has been substituted for such dutiable ore in a bonded warehouse, or

(2) If the seller will have a claim by substitution or otherwise for a drawback of duty by reason of the shipment of the

ferromanganese or manganese alloy or metal to a destination outside the United States.

In the case of standard ferromanganese this downward adjustment shall be in the amount of \$10.00 per gross ton. In the case of any other ferromanganese, or of any manganese alloy or metal, this downward adjustment shall be in an amount equal to the amount of the drawback less the expense incurred in obtaining such drawback. However, no downward adjustment of maximum price shall be required if the seller, having a claim to a drawback of import duty, assigns or transfers his claim to such drawback to the governmental agency making the purchase of ferromanganese or manganese alloy or metal.

SEC. 7. *Maximum prices for the conversion of manganese ore into ferromanganese*. (a) Any person, herein referred to as the converter, who, on or after July 1, 1943, enters into a contract with another person who agrees to furnish the converter with manganese ore or authorizes the converter to purchase ore for his account, under which the converter agrees, for a stated fee, to convert such ore, or ore of its equivalent grade, into ferromanganese, shall submit a certified copy of such contract to the Non-Ferrous Metals Branch, Office of Price Administration, Washington, D. C. Any converter who entered into such a contract between April 28, 1942 and July 1, 1943 shall likewise submit a certified copy if he has not heretofore done so. No fees and other charges to be paid to the converter for the conversion of manganese ore into ferromanganese shall be paid or received until such fees and other charges have been approved by the Office of Price Administration unless they are paid and received pursuant to a contract entered into on or before April 28, 1942. Approval or disapproval shall be by a letter signed by the Price Executive of the Non-Ferrous Metals Branch. In approving or disapproving contracts for the conversion of manganese ore into ferromanganese, the Office of Price Administration will take account of the fees and other charges which were or would have been made on April 28, 1942. Where a conversion contract is disapproved by letter, the Administrator will issue a formal order to the same effect if within 30 days any party to the contract requests him to do so.

If a conversion contract is amended or modified it shall be considered to be a new contract.

(b) When manganese ore, furnished by or purchased for the account of another party, is converted by any person into ferromanganese (1) pursuant to a contract entered into on or before April 28, 1942, or (2) pursuant to a contract entered into after April 28, 1942 and approved by the Office of Price Administration, the fees and other charges paid and received shall not exceed those which are provided for by the terms of the contract.

SEC. 8. *Applicability of regulation*—(a) *Geographical*. The maximum prices established by this regulation shall apply

to the forty-eight states and the District of Columbia.

(b) *Export sales.* The maximum price at which any person may export ferromanganese and manganese alloys and metals shall be determined in accordance with the provisions of the Second Revised Maximum Export Regulation,² issued by the Office of Price Administration.

(c) *Import sales and sales of imported ferromanganese and manganese alloys and metals.* Neither this regulation nor the General Maximum Price Regulation³ shall apply to the importation of ferromanganese and manganese alloys and metal. This regulation shall apply, however, to the sale of all ferromanganese and manganese alloys and metal after they shall have been imported into the forty-eight states and the District of Columbia.

(d) *Relation to General Maximum Price Regulation.* This regulation supersedes the General Maximum Price Regulation as to sales and deliveries which are covered by, or expressly excluded from, this regulation.

SEC. 9. *Records and reports.* (a) On and after July 1, 1943, every person making a purchase or sale of ferromanganese or manganese alloy or metal shall keep for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942 remains in effect, complete and accurate records of each such purchase or sale showing (1) the date thereof; (2) the name and address of the buyer and the seller; (3) the quantity and analysis of each grade and size purchased or sold; (4) the date of delivery of each shipment; and (5) the price paid or received.

(b) Persons subject to this regulation shall submit such reports, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942, as the Office of Price Administration may from time to time require.

SEC. 10. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 11. *Applications for adjustment.* (a) *When available.* The Office of Price Administration may, by order, adjust any maximum price established by this regulation whenever it finds, from an application for adjustment or on its own motion, that the price impedes or threatens to impede any seller's production of ferromanganese or manganese alloy or metal, and that the seller's production is essential for the prosecution of the war.

(b) *Principal considerations.* In considering whether production is impeded or threatened, although other relevant factors may be considered, principal consideration will be given to the over-all profit or loss of the seller before income or excess profits taxes. Wherever possible the seller's future annual earnings before income and excess profits taxes as estimated by the Office of Price Administration on the basis of actual current earnings, will be compared with the seller's average profit or loss before income and excess profits taxes for his four fiscal years beginning on or after January 1, 1936, adjusted for changes in invested capital (here called "base profit"). Where the seller was not in business during a part or all of this base period, or where the base profit is lower than the base profit which the Office of Price Administration considers adequate for a business of the type and size conducted by the seller, a profit which the Office of Price Administration considers adequate will be used in lieu of the base profit. In addition, consideration will be given to the seller's revenue from the grade or grades of ferromanganese or manganese alloy or metal on which he seeks price adjustment and to his total revenue from all other sources.

(c) *Amounts of adjustment.* Increases in price will be permitted in an amount which the Office of Price Administration considers sufficient to avoid the impeding of production or the threat of impeding production.

(d) *Form of application.* An original and one copy of an application for adjustment must be filed with the Office of Price Administration, Washington, D. C. It is suggested that, before filing an application for adjustment under the provisions of this section, the seller obtain from the Non-Ferrous Metals Branch, Office of Price Administration, Washington, D. C., a statement of the specific information that will be necessary in order that his application may receive prompt action.

SEC. 12. *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 the Revised Procedural Regulation No. 1,⁴ issued by the Office of Price Administration.

SEC. 13. *Prohibition against dealing in ferromanganese and manganese alloy and metal at prices above the maximum.* (a) On and after July 1, 1943, regardless of any contract, agreement, or other obligation, no person shall sell or deliver ferromanganese and manganese alloy

and metal and no person in the course of trade or business shall buy or receive ferromanganese or manganese alloy and metal at prices higher than the maximum prices set out in this regulation; and no person shall agree, offer, solicit or attempt to do any of the foregoing.

(b) Any practice or device which is an attempt to get the effect of a price higher than the maximum without actually charging a higher price is prohibited and is as much a violation of this regulation as an outright excessive price. This applies to devices involving commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings and the like.

(c) Prices lower than those set out in this regulation may be charged, demanded, paid or offered.

SEC. 14. *Enforcement.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) No war procurement agency, nor any contracting or paying finance officer thereof, shall be subject to any liability, civil or criminal, imposed by this regulation or the Emergency Price Control Act of 1942, as amended. "War procurement agency" includes the War Department, the Navy Department, the United States Maritime Commission, the Lend-Lease Section in the Procurement Division of the Treasury Department, or any agency of the foregoing.

SEC. 15. *Definitions.* (a) When used in this regulation the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Ferromanganese" means an alloy consisting principally of manganese and iron, which (i) conforms to the specifications of standard high carbon ferromanganese set out in section 1, or (ii) is a substandard high carbon ferromanganese, or (iii) conforms to one of the analyses for medium or low carbon ferromanganese or low iron ferromanganese set out in section 2. It likewise includes ferromanganese briquettes.

(3) "Standard ferromanganese" means a high carbon ferromanganese which conforms to the specifications set out in section 1.

(4) "Manganese alloy" means silicomanganese and spiegeleisen.

(5) "Silicomanganese" means an alloy consisting principally of manganese, silicon and iron, which conforms to one of the analyses for silicomanganese set out in section 2. It likewise includes silicomanganese briquettes.

(6) "Spiegeleisen" means an alloy consisting principally of manganese and iron, which conforms to one of the analyses for spiegeleisen set out in section 3.

² 8 F.R. 4132, 5987, 7662.

³ 8 F.R. 3096, 3440, 4347, 4486, 4724, 4848, 4974, 6047, 6962.

⁴ 7 F.R. 8961; 8 F.R. 3313, 3533, 6178.

(7) "Manganese metal" means a material containing a minimum of 95% manganese and a maximum of 2.5% iron.

(8) "Contract price" means that price determined by a written contract calling for delivery or deliveries of an estimated amount at some future date or dates within a specified period of time, not less than three months.

(9) "Spot price" means the price for a single or isolated sale for delivery within three months.

(10) "Gross ton" means 2,240 pounds.

(11) "Carload lots" means not less than the minimum quantity which may be shipped by the seller to the particular buyer at the carload tariff rate.

(12) "Freight" means the charge for transportation not in excess of the charge made by railroads and includes the federal tax on such railroad transportation charge.

(13) "Eastern Zone" includes Mississippi River points and all area east of the Mississippi River.

(14) "Central Zone" includes all the area west of the Mississippi River (not including Mississippi River points on the west side of the River), and east of a line formed by the western boundaries of the States of New Mexico, Colorado, Wyoming, and the extension of the western boundary of Wyoming directly north to the Canadian border.

(15) "Western Zone" includes the States of California, Oregon, Washington, Arizona, Nevada, Utah, Idaho, and that portion of Montana west of a line formed by the extension of the western boundary of Wyoming north to the Canadian border.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this regulation.

This regulation shall become effective July 1, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 26th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10321; Filed, June 26, 1943;
2:40 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16, Amdt. 9 to Supp. 1]

MEATS, FATS, FISH AND CHEESES

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

Ration Order 16 is amended in the following respects:

1. Section 1.1 (a) (1) and the definition of "Meat" in section 24.1 (a) are

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

¹ 8 F.R. 6446, 6614, 6620, 6687, 6840, 6960, 6961, 7115, 7268, 7281, 7381, 7455, 7491, 7589, 8357, 8540.

amended by adding at the end of each the following:

Meat does not include a carcass, or any part of a carcass, which is condemned as unfit for human food by an authorized federal, State or local government inspector, and which is either plainly marked to indicate that it has been so condemned or is denatured or otherwise destroyed for food purposes as may be required by law.

2. Section 30.2 is amended by inserting between the word "Epididymes" and the words "Lymph glands" the words "Hog lungs".

This amendment shall become effective July 2, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562 and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 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 26th day of June, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10328; Filed, June 26, 1943;
2:36 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16, Amdt. 9 to Supp. 1]

MEAT, FATS, FISH AND CHEESES

Section 1407.3027 (f) is amended by adding the following:

P-----	June 27, 1943 to July 31, 1943
Q-----	July 4, 1943 to July 31, 1943
R-----	July 11, 1943 to July 31, 1943
S-----	July 18, 1943 to July 31, 1943

This amendment shall become effective June 26, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729; 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 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, and Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 26th day of June, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10327; Filed, June 26, 1943;
2:36 p. m.]

PART 1426—WOOD PRESERVATION AND PRIMARY FOREST PRODUCTS

[Rev. MPR 324²]

FENCE POSTS

Maximum Price Regulation 324 is redesignated Revised Maximum Price Regulation 324 and is revised and amended to read as follows:

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith

² 8 F.R. 2027, 3367.

and has been filed with the Division of the Federal Register.*

§ 1426.201 *Maximum prices for fence posts.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and by Executive Order 9250, Revised Maximum Price Regulation No. 324, Fence Posts, which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1426.201, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

REVISED MAXIMUM PRICE REGULATION 324— FENCE POSTS

ARTICLE I—SCOPE OF THE REGULATION

Sec.

1. Sales of fence posts at over-ceiling prices prohibited.
2. Purpose and coverage of this regulation.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

3. How to figure maximum prices.
4. Tables of maximum prices.
5. Transportation addition.
6. Special sizes and grades of listed species.
7. Treated posts.

ARTICLE III—SPECIFIC DUTIES AND PRIVILEGES AND PROHIBITED PRACTICES

8. Display of maximum prices.
9. Prohibited practices.
10. Adjustable pricing.
11. Petitions for amendment.
12. Records.
13. Enforcement.
14. Licensing.

Article I—Scope of the Regulation

SECTION 1. *Sales of fence posts at over-ceiling prices prohibited.* (a) On and after July 2, 1943, regardless of any contract or other obligation, no person shall sell or deliver, and no person shall buy or receive in the course of trade or business, any fence posts covered by this regulation at prices higher than the maximum prices fixed by this regulation and no person shall agree, offer, or attempt to do any of these things.

(b) Prices lower than the maximum prices, may, of course, be charged and paid.

SEC. 2. *Purpose and coverage of this regulation.* (a) One purpose of this revision is to list specific maximum prices for all the principal species. (These posts, when produced in the areas named, will be called the "listed species".)

However, there are some other species which are not listed, but which are sometimes handled. Therefore, the second purpose of this revision is to enable the retailer to find his maximum price for any fence post, listed or unlisted, without looking at any other regulation.

Accordingly, this regulation now covers:

(1) Sales to consumers of all fence posts, listed or unlisted. (A consumer is anyone, including an industrial user, who actually uses the posts to support fencing.)

(2) Sales to retailers (and other non-consumers) of the following "listed species":

(i) Northern white cedar (*Thuja occidentalis*), produced in the states of Michigan, Minnesota, and Wisconsin.

(ii) Yellow pine, including shortleaf pine (*Pinus echinata*), loblolly pine

(*Pinus taeda*), slash pine (*Pinus caribaea*), or longleaf pine (*Pinus palustris*), and any other species commercially known as Southern yellow pine, produced at any point in the United States.

(iii) Arkansas red cedar (*Juniperus virginiana*) produced in Arkansas.

(iv) Tennessee red cedar (*Juniperus virginiana*) produced in Tennessee, Missouri, Oklahoma, Louisiana, Alabama, Kentucky, Virginia, Georgia, North Carolina, South Carolina, West Virginia, Indiana, and Ohio.

(v) Texas mountain cedar (*Juniperus mexicana* and *Juniperus pinchotii*) produced in Texas and Oklahoma.

(vi) Black locust (*Robinia pseudoacacia*) produced in Arkansas.

(vii) All species of oak (*Quercus*) produced in Arkansas.

(viii) Western red cedar (*Thuja plicata*) produced in Oregon, Washington, Idaho, and Montana.

(ix) Redwood (*Sequoia sempervirens*) produced in California.

(b) Round or split, peeled or unpeeled, treated or untreated, fence posts and stakes are included in the term "fence posts", as used in this regulation.

(c) All posts priced in this regulation must be of sound live timber free of decay, splits, large or numerous knots, or knot holes, etc., that would impair their strength or durability, except other grades specifically priced in the tables of section 4.

Article II—Maximum Prices and Terms of Sale

SEC. 3. How to figure maximum prices.
(a) (1) On sales to retailers and other non-consumers (except as provided in subparagraph (2)) the maximum price for a post of the listed species is the price in the tables in section 4 below. As to unlisted species, the General Maximum Price Regulation² applies.

(2) On sales by a distributor to a retailer, the maximum prices for untreated posts, shown in section 4, may be increased 15 percent, *Provided*, (i) The sale is in less-than-carload quantity, and (ii) the distributor's stock from which the sale is made is maintained outside the normal production area of the species sold.

NOTE: Retailers buying posts under this provision and reselling to consumers are still limited to resale prices determined according to paragraph (b) of this section.

(b) On sales to consumers, no matter who the seller is, the maximum price is as follows:

(1) The maximum price in the tables in section 4 below (or, for unlisted species, the maximum price under the General Maximum Price Regulation of the producer or the person from whom the posts are bought) plus

(2) The transportation addition described in section 5, (except: in the case of unlisted species, use actual inbound transportation cost) plus

(3) A mark-up of 33 1/3 percent (except: for yellow pine posts treated or untreated, use 25 percent). Apply this percentage mark-up to the total of (1) and (2).

(c) It will be necessary, on the sale of unlisted species to a consumer, to ask the person from whom the posts were bought what his General Maximum Price Regulation maximum price is. In all sales of unlisted species to consumers, the final maximum price arrived at should be reported to the Lumber Branch, Office of Price Administration, Washington, D. C. If it is not disapproved within 30 days of receipt of the report, it is approved.

SEC. 4. Table of maximum prices. (a) Maximum prices on sales to retailers and other nonconsumers are set out in the tables below, for the listed species. The prices in the tables are f. o. b. cars at concentration yard or other loading-out point in the producing area. (If a delivered price is to be quoted, see section 5 for the permitted transportation addition.)

TABLE 1—NORTHERN WHITE CEDAR

Species: Peeled white cedar (*Thuja occidentalis*) produced in Michigan, Minnesota, and Wisconsin.

Basing points: Gemmell, Minnesota; Rexton, Michigan; Rhinelander, Wisconsin

[F. O. b. loading-out point]

Diameter at small end (except on quarters which are measured by width of flat side)	Length	Price each post	Estimated weights (lbs. per post)
7" to 9" Quarters	7'	\$0.14	17
Over 9" to 10" Quarters	7'	.18	22
5" Halves	7'	.17	17
6" Halves	7'	.19	22
7" Halves	7'	.21	30
5" Halves	8'	.22	22
6" Halves	8'	.25	27
7" Halves	8'	.28	37
5" Halves	10'	.40	27
6" Halves	10'	.50	37
4" Round	6'	.19	14
5" Round	6'	.21	25
6" Round	6'	.23	40
2" Round	7'	.11	10
3" Round	7'	.17	17
4" Round	7'	.24	24
5" Round	7'	.27	35
6" Round	7'	.30	50
7" Round	7'	.35	65
8" Round	7'	.50	75
3" Round	8'	.17	28
4" Round	8'	.25	35
5" Round	8'	.32	45
6" Round	8'	.40	60
7" Round	8'	.50	75
8" Round	8'	.80	90
6" Round	9'	.50	68
4" Round	10'	.47	45
5" Round	10'	.60	55
6" Round	10'	.68	75
7" Round	10'	.90	90
8" Round	10'	1.30	125
4" Round	12'	.60	55
5" Round	12'	.70	75
6" Round	12'	.80	90
7" Round	12'	1.40	110
8" Round	12'	1.95	135
4" Round	14'	.75	70
5" Round	14'	.90	85
6" Round	14'	1.20	110

1. Additions for selected stock: All diameters, eight feet long, turning stock posts, add \$0.10 each. All diameters, ten feet long, turning stock posts, add \$0.20 each.

2. For unpeeled posts deduct 1/8 per lineal foot.

TABLE 2—YELLOW PINE

Species: Shortleaf pine (*Pinus echinata*), Loblolly pine (*Pinus taeda*), Slash pine (*Pinus caribaea*), Longleaf pine (*Pinus palustris*), and any other species commercially known as yellow pine produced at any point in the United States.

Basing points: Brewton, Alabama, when produced east of the Mississippi River. Shreveport, Louisiana, when produced west of the Mississippi River.

Yellow Pine Post Untreated, Clean Peeled
[F. o. b. loading-out point]

Diameter at small end	Length	Price each post	Estimated weights (lbs. per post)
2 1/2" Round	6'	\$0.055	12
3" Round	6'	.105	16
3 1/2" Round	6'	.11	22
4" Round	6'	.115	27
4 1/2" Round	6'	.125	33
5" Round	6'	.13	47
6" Round	6'	.14	65
2 1/2" Round	6 1/2'	.09	13
3" Round	6 1/2'	.11	18
3 1/2" Round	6 1/2'	.115	23
4" Round	6 1/2'	.125	29
4 1/2" Round	6 1/2'	.14	36
5" Round	6 1/2'	.145	51
6" Round	6 1/2'	.16	70
2 1/2" Round	7'	.095	14
3" Round	7'	.115	19
3 1/2" Round	7'	.12	25
4" Round	7'	.135	32
4 1/2" Round	7'	.15	39
5" Round	7'	.17	54
6" Round	7'	.19	75
7" Round	7'	.21	105
2 1/2" Round	8'	.11	15
3" Round	8'	.135	23
3 1/2" Round	8'	.145	31
4" Round	8'	.155	36
4 1/2" Round	8'	.17	50
5" Round	8'	.18	62
6" Round	8'	.24	90
7" Round	8'	.45	119
8" Round	8'	.50	151
6" Round	9'	.31	100
7" Round	9'	.50	133
8" Round	9'	.61	169
9" Round	9'	.72	210
2 1/2" Round	10'	0.14	10
3" Round	10'	.15	32
3 1/2" Round	10'	.175	39
4" Round	10'	.215	53
5" Round	10'	.23	63
6" Round	10'	.24	83
7" Round	10'	.37	113
8" Round	10'	.60	151
9" Round	10'	.70	189
10" Round	10'	.80	231
2 1/2" Round	12'	.16	24
3" Round	12'	.18	40
3 1/2" Round	12'	.215	47
4" Round	12'	.255	63
5" Round	12'	.27	77
6" Round	12'	.31	99
7" Round	12'	.47	135
2 1/2" Round	14'	.19	28
3" Round	14'	.23	45
3 1/2" Round	14'	.255	55
4" Round	14'	.295	74
5" Round	14'	.33	88
6" Round	14'	.39	115
7" Round	14'	.57	160
4" Halves	6'	.075	15
4 1/2" Halves	6'	.085	18
5" Halves	6'	.085	22
5 1/2" Halves	6'	.09	27
6" Halves	6'	.10	34
4" Halves	6 1/2'	.085	16
4 1/2" Halves	6 1/2'	.095	20
5" Halves	6 1/2'	.095	24
5 1/2" Halves	6 1/2'	.095	29
6" Halves	6 1/2'	.105	33
4" Halves	7'	.09	17
4 1/2" Halves	7'	.10	22
5" Halves	7'	.10	26
5 1/2" Halves	7'	.105	31
6" Halves	7'	.12	40
7" Face Quarters	8'	.10	20
8" Face Quarters	8'	.105	25
9" Face Quarters	8'	.11	30
10" Face Quarters	8'	.12	36
6" Halves	8'	.14	45
7" Face Quarters	6'	.065	22
8" Face Quarters	6'	.08	31
9" Face Quarters	6 1/2'	.07	24
10" Face Quarters	6 1/2'	.09	33
7" Face Quarters	7'	.075	26
8" Face Quarters	7'	.10	37
9" Face Quarters	8'	.085	30
10" Face Quarters	8'	.125	44

1. On all sales to an intervening seller except one selling to the consumer the maximum prices shown in this Table II must be reduced by at least 10 percent.

TABLE 3—ARKANSAS RED CEDAR

Species: Red Cedar (*Juniperus virginiana*) produced in Arkansas.
Basing point: Flippin, Arkansas.

[F. o. b. loading-out point]

Diameter at small end (except on quarters which are measured by width of flat side)	Length	Price each post	Estimated weights (lbs. per post)
2" Round Unpeeled	4'	\$0.0675	7
2" Round Unpeeled	6 1/2'	.10	11.5
2 1/2" Round Unpeeled	6 1/2'	.13	17.5
3" Round Unpeeled	6 1/2'	.16	23
3 1/2" Round Unpeeled	6 1/2'	.19	28.5
4" Round Unpeeled	6 1/2'	.22	35
4 1/2" Round Unpeeled	6 1/2'	.25	40
5" Round Unpeeled	6 1/2'	.28	46
2" Round Unpeeled	7'	.115	14
3" Round Unpeeled	7'	.185	25
4" Round Unpeeled	7'	.245	38
5" Round Unpeeled	7'	.41	52
6" Round Unpeeled	7'	.62	75
3" Round Unpeeled	8'	.25	30
4" Round Unpeeled	8'	.325	44
5" Round Unpeeled	8'	.53	57
6" Round Unpeeled	8'	.75	86
7" Round Unpeeled	8'	1.11	126
8" Round Unpeeled	8'	1.41	172
3" Round Unpeeled	10'	.38	39
4" Round Unpeeled	10'	.50	52
5" Round Unpeeled	10'	.70	75
6" Round Unpeeled	10'	.95	115
3" Round Unpeeled	12'	.51	48
4" Round Unpeeled	12'	.65	69
5" Round Unpeeled	12'	.90	98
6" Round Unpeeled	12'	1.20	144
3" Round Unpeeled	14'	.66	55
4" Round Unpeeled	14'	.80	92
5" Round Unpeeled	14'	1.13	121
#3 Splits, Over 7" to 9", Incl. Cir.	6 1/2'	.10	12
#2 Splits, Over 8" to 11", Incl. Cir.	6 1/2'	.13	14
#1 Splits, Over 11" to 13", Incl. Cir.	6 1/2'	.16	21
Extra Splits, Over 13" to 15", Incl. Cir.	6 1/2'	.18	35
Double Extra Splits, Over 15" to 18", Incl. Cir.	6 1/2'	.21	40
Halves 4" Face	6 1/2'	.14	14
Halves 5" Face	6 1/2'	.17	21
Halves 6" Face	6 1/2'	.20	35
#3 Splits & Rounds 2" Diameter	6 1/2'	.095	12
#2 Splits & Rounds 2 1/2" Diameter	6 1/2'	.125	14
#1 Splits & Rounds 3" Diameter	6 1/2'	.155	21
3" Top Hewn four sides	6 1/2'	.195	21
3 1/2" Top Hewn four sides	6 1/2'	.23	25
4" Top Hewn four sides	6 1/2'	.26	34
4 1/2" Top Hewn four sides	6 1/2'	.295	40
5" Top Hewn four sides	6 1/2'	.31	52
3" Top Hewn four sides	7'	.23	24
4" Top Hewn four sides	7'	.315	37
5" Top Hewn four sides	7'	.51	52
4" Top Hewn four sides	8'	.43	41
5" Top Hewn four sides	8'	.76	57
6" Top Hewn four sides	8'	.85	86
4" Top Hewn four sides	10'	.71	57
5" Top Hewn four sides	10'	.85	86

TABLE 4—TENNESSEE RED CEDAR

Species: Red Cedar (*Juniperus virginiana*) produced in Tennessee, Missouri, Oklahoma, Louisiana, Alabama, Kentucky, Virginia, Georgia, North Carolina, South Carolina, West Virginia, Indiana, and Ohio.
Basing Point: Murfreesboro, Tennessee.

[F. o. b. loading-out point]

Diameter at small end (except on quarters which are measured by width of flat side)	Length	Price each post	Estimated weights (lbs. per post)
2" Round	6 1/2'	\$0.08	10
2 1/2" Round	6 1/2'	.12	15
3" Round	6 1/2'	.14	20
4" Round	6 1/2'	.23	30
5" Round	6 1/2'	.29	40
2" Round	7'	.085	12
2 1/2" Round	7'	.13	17
3" Round	7'	.155	22
4" Round	7'	.25	33
5" Round	7'	.39	45
6" Round	7'	.67	65
3" Round	8'	.20	26
4" Round	8'	.33	38
5" Round	8'	.46	50
6" Round	8'	.74	75
7" Round	8'	1.24	110
8" Round	8'	1.57	150
6" Round	9'	.98	88
7" Round	9'	1.42	130
8" Round	9'	1.84	160
10" Round	10'	.43	45
12" Round	12'	.53	60
14" Round	14'	1.11	100
16" Round	16'	1.63	150
18" Round	18'	2.50	170
12" Round	12'	.90	85
14" Round	14'	1.28	125
16" Round	16'	1.77	170
18" Round	18'	2.50	170
20" Round	20'	3.1	170
22" Round	22'	4.2	170
24" Round	24'	5.3	170
26" Round	26'	6.4	170
28" Round	28'	7.5	170
30" Round	30'	8.6	170
32" Round	32'	9.7	170
34" Round	34'	10.8	170
36" Round	36'	11.9	170
38" Round	38'	13.0	170
40" Round	40'	14.1	170
42" Round	42'	15.2	170
44" Round	44'	16.3	170
46" Round	46'	17.4	170
48" Round	48'	18.5	170
50" Round	50'	19.6	170
52" Round	52'	20.7	170
54" Round	54'	21.8	170
56" Round	56'	22.9	170
58" Round	58'	24.0	170
60" Round	60'	25.1	170
62" Round	62'	26.2	170
64" Round	64'	27.3	170
66" Round	66'	28.4	170
68" Round	68'	29.5	170
70" Round	70'	30.6	170
72" Round	72'	31.7	170
74" Round	74'	32.8	170
76" Round	76'	33.9	170
78" Round	78'	35.0	170
80" Round	80'	36.1	170
82" Round	82'	37.2	170
84" Round	84'	38.3	170
86" Round	86'	39.4	170
88" Round	88'	40.5	170
90" Round	90'	41.6	170
92" Round	92'	42.7	170
94" Round	94'	43.8	170
96" Round	96'	44.9	170
98" Round	98'	46.0	170
100" Round	100'	47.1	170
102" Round	102'	48.2	170
104" Round	104'	49.3	170
106" Round	106'	50.4	170
108" Round	108'	51.5	170
110" Round	110'	52.6	170
112" Round	112'	53.7	170
114" Round	114'	54.8	170
116" Round	116'	55.9	170
118" Round	118'	57.0	170
120" Round	120'	58.1	170
122" Round	122'	59.2	170
124" Round	124'	60.3	170
126" Round	126'	61.4	170
128" Round	128'	62.5	170
130" Round	130'	63.6	170
132" Round	132'	64.7	170
134" Round	134'	65.8	170
136" Round	136'	66.9	170
138" Round	138'	68.0	170
140" Round	140'	69.1	170
142" Round	142'	70.2	170
144" Round	144'	71.3	170
146" Round	146'	72.4	170
148" Round	148'	73.5	170
150" Round	150'	74.6	170
152" Round	152'	75.7	170
154" Round	154'	76.8	170
156" Round	156'	77.9	170
158" Round	158'	79.0	170
160" Round	160'	80.1	170
162" Round	162'	81.2	170
164" Round	164'	82.3	170
166" Round	166'	83.4	170
168" Round	168'	84.5	170
170" Round	170'	85.6	170
172" Round	172'	86.7	170
174" Round	174'	87.8	170
176" Round	176'	88.9	170
178" Round	178'	90.0	170
180" Round	180'	91.1	170
182" Round	182'	92.2	170
184" Round	184'	93.3	170
186" Round	186'	94.4	170
188" Round	188'	95.5	170
190" Round	190'	96.6	170
192" Round	192'	97.7	170
194" Round	194'	98.8	170
196" Round	196'	99.9	170
198" Round	198'	101.0	170
200" Round	200'	102.1	170
202" Round	202'	103.2	170
204" Round	204'	104.3	170
206" Round	206'	105.4	170
208" Round	208'	106.5	170
210" Round	210'	107.6	170
212" Round	212'	108.7	170
214" Round	214'	109.8	170
216" Round	216'	110.9	170
218" Round	218'	112.0	170
220" Round	220'	113.1	170
222" Round	222'	114.2	170
224" Round	224'	115.3	170
226" Round	226'	116.4	170
228" Round	228'	117.5	170
230" Round	230'	118.6	170
232" Round	232'	119.7	170
234" Round	234'	120.8	170
236" Round	236'	121.9	170
238" Round	238'	123.0	170
240" Round	240'	124.1	170
242" Round	242'	125.2	170
244" Round	244'	126.3	170
246" Round	246'	127.4	170
248" Round	248'	128.5	170
250" Round	250'	129.6	170
252" Round	252'	130.7	170
254" Round	254'	131.8	170
256" Round	256'	132.9	170
258" Round	258'	134.0	170
260" Round	260'	135.1	170
262" Round	262'	136.2	170
264" Round	264'	137.3	170
266" Round	266'	138.4	170
268" Round	268'	139.5	170
270" Round	270'	140.6	170
272" Round	272'	141.7	170
274" Round	274'	142.8	170
276" Round	276'	143.9	170
278" Round	278'	145.0	170
280" Round	280'	146.1	170
282" Round	282'	147.2	170
284" Round	284'	148.3	170
286" Round	286'	149.4	170
288" Round	288'	150.5	170
290" Round	290'	151.6	170
292" Round	292'	152.7	170
294" Round	294'	153.8	170
296" Round	296'	154.9	170
298" Round	298'	156.0	170
300" Round	300'	157.1	170
302" Round	302'	158.2	170
304" Round	304'	159.3	170
306" Round	306'	160.4	170
308" Round	308'	161.5	170
310" Round	310'	162.6	170
312" Round	312'	163.7	170
314" Round	314'	164.8	170
316" Round	316'	165.9	170
318" Round	318'	167.0	170
320" Round	320'	168.1	170
322" Round	322'	169.2	170
324" Round	324'	170.3	170
326" Round	326'	171.4	170
328" Round	328'	172.5	170
330" Round	330'	173.6	170
332" Round	332'	174.7	170
334" Round	334'	175.8	170
336" Round	336'	176.9	170
338" Round	338'	178.0	170
340" Round	340'	179.1	170
342" Round	342'	180.2	170
344" Round	344'	181.3	170
346" Round	346'	182.4	170
348" Round	348'	183.5	170
350" Round	350'	184.6	170
352" Round	352'	185.7	170
354" Round	354'	186.8	170
356" Round	356'	187.9	170
358" Round	358'	189.0	170
360" Round	360'	190.1	170
362" Round	362'	191.2	170
364" Round	364'	192.3	170
366" Round	366'	193.4	170
368" Round	368'	194.5	170
370" Round	370'	195.6	170
372" Round	372'	196.7	170
374" Round	374'	197.8	170
376" Round	376'	198.9	170
378" Round	378'	199.0	170
380" Round	380'	200.1	170
382" Round	382'	201.2	170
384" Round	384'	202.3	170
386" Round	386'	20	

TABLE 7—TEXAS MOUNTAIN CEDAR
Species: Cedar (*Juniperus mexicana* and *Juniperus*
pinchotii).
Basing point: Marble Falls, Texas.
[F. o. b. loading-out point]

Diameter at small end (except on quarters which are measured by width of flat side)	Length	Price each post	Estimated weight (lbs. per post)
2" #2 Round or Wire Posts	6 1/2'	\$0.055	12.5
2 1/2" #2 Round or Wire Posts	6 1/2'	.07	18
3" #2 Round or Wire Posts	6 1/2'	.09	25
3 1/2" #2 Round or Wire Posts	6 1/2'	.13	30
4" #2 Round or Wire Posts	6 1/2'	.16	40
5" #2 Round or Wire Posts	6 1/2'	.19	50
6" #2 Round or Wire Posts	6 1/2'	.20	60
2" #1 Round or Yard Posts	6 1/2'	.07	12.5
2 1/2" #1 Round or Yard Posts	6 1/2'	.08	18
3" #1 Round or Yard Posts	6 1/2'	.11	25
3 1/2" #1 Round or Yard Posts	6 1/2'	.155	30
4" #1 Round or Yard Posts	6 1/2'	.18	40
5" #1 Round or Yard Posts	6 1/2'	.21	50
6" #1 Round or Yard Posts	6 1/2'	.24	60
3" #1 Round or Corral Posts	7'	.15	30
3 1/2" #1 Round or Corral Posts	7'	.185	40
4" #1 Round or Corral Posts	7'	.21	45
5" #1 Round or Corral Posts	7'	.24	55
6" #1 Round or Corral Posts	7'	.265	65
3" #1 Round or Corral Posts	8'	.185	40
3 1/2" #1 Round or Corral Posts	8'	.23	45
4" #1 Round or Corral Posts	8'	.28	50
5" #1 Round or Corral Posts	8'	.34	65
6" #1 Round or Corral Posts	8'	.42	80
7" to 9" Incl. #1 Round or Corral Posts	8'	.72	160
10" to 12" Incl. #1 Round or Corral Posts	8'	.85	200
4" #1 Round or Corral Posts	10'	.40	75
5" #1 Round or Corral Posts	10'	.51	95
6" #1 Round or Corral Posts	10'	.60	110
7" to 9" Incl. #1 Round or Corral Posts	10'	.95	165
10" to 12" Incl. #1 Round or Corral Posts	10'	1.45	225
4" #1 Round or Corral Posts	12'	.60	90
5" #1 Round or Corral Posts	12'	.75	110
6" #1 Round or Corral Posts	12'	.85	130
7" to 9" Incl. #1 Round or Corral Posts	12'	1.10	175
4" #1 Round or Corral Posts	14'	.85	120
5" #1 Round or Corral Posts	14'	1.00	150
6" #1 Round or Corral Posts	14'	1.30	180
7" to 9" Incl. #1 Round or Corral Posts	14'	1.75	225

TABLE 8—WESTERN RED CEDAR
Species: Red cedar (*Thuja plicata*).
Basing Point: Sandpoint, Idaho.
[F. o. b. loading-out point]

Diameter at small end (except on quarters which are measured by width of flat side)	Length	Price per 100 pcs.	Estimated weight (lbs. per post)
4" Split	6 1/2'	\$15.00	14
5" Split	6 1/2'	16.00	18
6" Split	6 1/2'	18.00	25
4" Split	7'	17.00	15
5" Split	7'	18.00	20
6" Split	7'	20.00	30
7" Split	7'	22.00	45
4" Round	7'	31.00	24
5" Round	7'	38.00	35
6" Round	7'	42.00	50
7" Round	7'	48.00	65
4" Round	8'	34.00	35
5" Round	8'	42.00	45
6" Round	8'	46.00	55
7" Round	8'	54.00	75
8" Round	8'	66.00	90
4" Round	10'	40.00	45
5" Round	10'	50.00	55
6" Round	10'	55.00	75
7" Round	10'	65.00	100
8" Round	10'	80.00	125
4" Round	12'	52.00	85
5" Round	12'	61.00	75
6" Round	12'	70.00	90
4" Round	14'	56.00	85
5" Round	14'	70.00	85
6" Round	14'	84.00	110

TABLE 9—NO. 1 SPLIT REDWOOD POSTS—ROUGH GREEN

[As per paragraph 158, Standard Specifications for Grades of California Redwood Lumber]

Basing point: Scotia, California.
[F. o. b. loading-out point]

Size	Length	Price per post	Estimated weight (lbs. per post)
3" x 4"	6 1/2'	\$0.23	24
3" x 4"	7'	.23	26
4" x 5"	7'	.35	44
4" x 5"	8'	.36	50

TABLE 10—NO. 1 SPLIT REDWOOD STAKES—ROUGH GREEN

[As per paragraph 169, Standard Specifications for Grades of California Redwood Lumber]

Basing Point: Scotia, California.
[F. o. b. loading-out point]

Size	Length	Price per M pieces	Estimated weight (lbs. per M pieces)
2" x 2"	3'	\$35.00	3325
2" x 2"	4'	45.00	4450
2" x 2"	5'	60.00	5550
2" x 2"	6'	70.00	6650
2" x 2"	7'	90.00	7775
2" x 2"	8'	100.00	8900
2" x 2"	9'	120.00	10,000
2" x 2"	10'	135.00	11,100
2" x 2"	12'	150.00	12,200
2" x 3"	6'	100.00	10,000
2" x 3"	7'	120.00	11,650

SEC. 5. *Transportation addition.* (a) The transportation addition referred to above in section 3 (b) shall be computed from the applicable basing point specified in the heading of each table. In the case of Northern white cedar and yellow pine,

(1) When the sale is made to a retailer or other non-consumer, the basing point is the one nearest the shipper's loading-out point, or

(2) When the sale is to a consumer, the basing point is the one nearest the retailer in a sale by a retail yard, or nearest the consumer in a sale by any other person. By "nearest" basing point is meant the one producing the cheapest freight rate.

For example, a concentration yard operator in computing a delivered price to a retailer must use the basing point nearest the concentration yard. The retailer, selling to consumers, on the other hand, must use the basing point nearest the retail yard in arriving at his maximum price.

(b) The addition shall be figured as follows:

(1) When the estimated weights in the tables of section 4 are used, the weight times the carload freight rate from the applicable basing point to the actual destination is the maximum permissible addition, even if the estimated weights are higher than the actual weights.

(2) When estimated weights are not used, the maximum addition for transportation is the actual weight times the rate from the applicable basing point.

SEC. 6. *Special specifications of listed species.* Sizes, grades, or specifications of fence posts of the species and from the areas given in the headings of the tables, but not specifically priced above, are nevertheless subject to this regulation. Maximum prices for such posts shall be determined as follows:

(a) The maximum price shall bear the October 1941 relationship between the special item to be priced and the most similar size or grade on which a specific maximum price is established in the tables. This relation should be determined as it existed in October 1941 or in the first month before that in which sales of both items were made, and the price difference between the two items should be added to or subtracted from the maximum price in the price tables for the comparable item.

This tentative maximum price shall be submitted to the Lumber Branch, Office of Price Administration, Washington, D. C., within 10 days of the use of the price, together with copies of the invoices of the sales which were used to determine it. If, within 30 days after receipt of the request for approval, the Office of Price Administration does not act on it, the price shall be considered approved and shall thereafter be the maximum price of that item for that seller. Pending approval or action by the Office of Price Administration, the seller may deliver the item and receive payment for it, subject to the condition that a refund will be made if the price is in excess of that finally approved by the Office of Price Administration.

(b) For any size, grade, or specification which cannot be priced under paragraph (a) of this section, the maximum price shall be the price established by the Lumber Branch, Office of Price Administration, Washington, D. C., after full facts have been submitted in support of any request for the establishment of a maximum price. This maximum price may be established by a letter or telegram.

SEC. 7. *Treated posts.* The maximum prices for treated posts of the listed species shall be the maximum price established by the General Maximum Price Regulation for each seller plus an addition to cover any increased white or untreated post cost resulting from the maximum prices of this regulation. The amount of this addition shall be determined by each seller in the following manner:

Subtract the highest untreated post price, f. o. b. loading-out point, paid in March 1942 by this seller of treated posts, from the maximum prices established in this regulation for the same size or grade of untreated post. Add the difference to the seller's established price under the General Maximum Price Regulation for the treated post. (If the seller of treated

posts did not buy white posts in March 1942 he should use his buying price in the first month prior to March 1942 in which he purchased white posts.) If the maximum prices on untreated posts in this regulation are not higher than the seller's highest March purchase price, the maximum price of the treated post under this regulation shall remain what it was under the General Maximum Price Regulation.

Article III—Specific Duties and Privileges and Prohibited Practices

SEC. 8. Display of maximum prices. Any person selling fence posts to consumers shall display in a manner plainly visible to and understandable by the purchasing public the maximum prices permitted under this regulation. The display shall be headed "Ceiling Prices" and shall list the prices by diameter and length.

SEC. 9. Prohibited practices. Any practice which gets the effect of a higher-than-ceiling price without actually raising the price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings, and the like.

SEC. 10. Adjustable pricing. A price may be made adjustable to the maximum price in effect at the time of delivery. It may not be made adjustable to a maximum price in effect later than the date of delivery, except by special authorization. The Lumber Branch of the Office of Price Administration, Washington, D. C., may issue this authorization, by letter, telegram or general order, when an amendment to this regulation is pending, as the result either of a petition for amendment or of a formal industry advisory committee recommendation.

SEC. 11. 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. 1,¹ issued by the Office of Price Administration.

SEC. 12. Records. Any person, other than a consumer, who buys or sells 200 or more fence posts in any one month, must keep for a period of two years records of items sold, names and addresses of buyers, date of sale, and price.

SEC. 13. Enforcement. Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 14. Licensing. The provisions of Supplementary Order No. 18 (§ 1395.22),² licensing persons selling lumber, lumber products, or building materials, are applicable to every person, except producers, making sales of fence posts for which maximum prices are established by this regulation. This order, in brief, provides that a license is necessary, ex-

cept for producers, to make sales under this regulation. A license is automatically granted to all sellers making these sales. It is not necessary to apply specifically for the license, but a registration may later be required. The Emergency Price Control Act of 1942, as amended, and Supplementary Order 18 tell the circumstances under which licenses may be suspended. The license cannot be transferred.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This regulation shall become effective July 2, 1943.

Issued this 26th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10320; Filed, June 26, 1943;
2:40 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 165, as Amended,¹ Amdt. 24]

AUTOMOTIVE VEHICLE MAINTENANCE SERVICES

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

Section 1499.101 (c) (4) is amended to read as follows:

(4) Automotive vehicles (including but not limited to automobiles, busses, motorcycles, semi-trailers, tractors, trailers, and trucks)—lubrication, maintenance, painting, rental, repair, storage (including but not limited to dead storage and parking) towing, washing or other servicing of (including but not limited to maintenance, rental or repair of accessories or parts such as batteries, ra-

dios, tires, or tubes, but not including any supplying of tire mileage or servicing of tires and tubes that is covered by Maximum Price Regulation No. 414—Tire Mileage, and including but not limited to pick-up and delivery and mounting and demounting of tires and use of loaned tires and tubes, but not including retreading or recapping of tires or any service rendered in connection with a sale of tires or tubes or with the retreading or recapping of tires): *Provided*, That in the case of any of the foregoing services for which a charge is authorized by any rationing order or rationing regulations issued by the Office of Price Administration, the maximum price hereunder shall be the highest price authorized by such rationing order or regulations.

This amendment shall become effective July 2, 1943.

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

Issued this 26th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10318; Filed, June 26, 1943;
2:38 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 395,¹ Amdt. 1]

MAXIMUM PRICES IN THE VIRGIN ISLANDS OF THE UNITED STATES

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

Section 14 is added to read as follows:

SEC. 14. Table II: Maximum prices for shell eggs. (a) Maximum prices for locally produced eggs in the Virgin Islands of the United States:

Grade	Municipality of St. Croix			Municipalities of St. Thomas & St. John	
	Sales at wholesale	Sales at retail		Sales at wholesale	Sales at retail
		Per dozen	Less than dozen		
A.....	\$0.57	\$0.66	\$0.06 for one..... \$0.11 for two.....	(1)	\$0.72 \$0.06 for each.
B.....	0.46	0.55	\$0.05 for one..... \$0.14 for three.....	(1)	0.60 \$0.05 for each.
Grade C (Pullet).....	(1)	0.44	\$0.04 for one..... \$0.11 for three.....	(1)	0.48 \$0.04 for each.
Select.....	0.68	0.77	\$0.07 for one..... \$0.13 for two.....	(1)	0.84 \$0.07 for each.
Ungraded.....	(1)	0.60	\$0.05 for one.....	(1)	0.60 \$0.05 for each.

* The wholesale price is subject to agreement between buyer and seller, but in no event may the price exceed the maximum retail price for the grade.

(1) Persons located in St. Croix may sell locally produced eggs at wholesale to persons located outside St. Croix at prices not exceeding the maximum prices at wholesale in effect in St. Croix.

(b) Maximum prices for imported eggs in the Virgin Islands of the United States:

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

¹ 7 F.R. 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10619, 10718, 11010; F.R. 1060, 3324, 4782, 5681, 5755, 5938, 6364, 8506.

(1) Unbroken eggs imported into the Virgin Islands of the United States from Anegada, Tortola, and all other islands of the West Indies not belonging to the United States:

Sales at Wholesale:	Sales at Retail (per dozen)
(1)	\$0.76

² The wholesale price is subject to agreement between buyer and seller, but in no event may the price exceed the maximum retail price for the grade.

³ 8 F.R. 6621.

(2) All other unbroken eggs imported into the Virgin Islands of the United States:

Sales at retail. Importer's direct cost per dozen plus 13 cents per dozen.

Importers other than sellers at retail shall supply the purchaser with a statement of the direct cost of the eggs to the importer.

(c) Maximum prices for cracked eggs shall be computed by deducting the customary price differentials from the maximum prices for unbroken eggs of the same grade.

(d) When used in this Table II the term:

(1) "Sale at retail" means a sale to an ultimate consumer or to an industrial or commercial user.

(2) "Sale at wholesale" means a sale by any person who buys the commodity and resells it, without substantially

changing its form, to any person other than an ultimate consumer or an industrial or commercial user.

(3) "Eggs" or "shell eggs" means the eggs of the fowl known as the domestic or barnyard hen.

(4) "Locally produced eggs" means eggs produced in the Virgin Islands of the United States.

(5) "Imported eggs" means eggs imported from outside the Virgin Islands of the United States.

(6) "Direct cost to the seller" means the price which the seller paid for the commodity, less discounts allowed to the seller plus all costs of shipment actually incurred by the seller:

Provided, That in computing the costs of shipment incurred by the seller, war risk insurance costs shall not exceed the amount represented by the charge for war risk insurance by the War Shipping Administration on an identical shipment.

	Minimum net weight per dozen (ounces)	Other characteristics
Grade A	24	
Grade B	20	Of good quality, clean, uncracked, systematically sorted and grouped into eggs of approximately uniform size.
Grade C (Pullet)	16	
Select	28	
Ungraded	Not definite	Of good quality, uncracked, but not necessarily thoroughly cleaned or systematically sorted and grouped into eggs of approximately uniform size.
"Cracked"	Not definite	Saleable eggs, the shells of which are fractured.

This amendment shall become effective July 10, 1943.

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

Issued this 26th day of June, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10331; Filed, June 26, 1943;
2:37 p. m.]

made in writing to the Petroleum Branch of the Office of Price Administration, Washington, D. C., and shall contain the same information as is required for an application under § 1340.159 (b) (7).

This amendment shall become effective June 26, 1943.

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

Issued this 26th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10329; Filed, June 26, 1943;
2:37 p. m.]

PART 1340—FUEL

[RPS 88, ¹ Amdt. 111]

PETROLEUM AND PETROLEUM PRODUCTS

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

Section 1340.159 (b) (16) is added to read as follows:

(16) Notwithstanding any other provisions of paragraph (b) above, when waste lubricating oil or re-refined lubricating oil is sold for use as fuel oil, a seller may not charge and a buyer may not pay a price therefor until a maximum price has been approved in writing by the Office of Price Administration. Applications for such approval must be

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

¹8 F.R. 3718, 3841, 3845, 4130, 4131, 4252, 4334, 4783, 4840, 4918, 5386, 6044, 6120, 6543, 6617, 6673, 6849, 7199, 7264, 7350, 7382, 7489, 8184, 8377.

grain fermentation butyl alcohol and normal grain fermentation butyl acetate at the maximum prices in effect at the time of such delivery or agreement to deliver, subject to upward adjustment in accordance with any action taken by the Office of Price Administration after delivery and before August 31, 1943.

This amendment shall become effective as of July 1, 1943.

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

Issued this 26th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10330; Filed, June 26, 1943;
2:37 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

CALCASIEU RIVER HIGHWAY BRIDGE, LAKE CHARLES, LA.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), the following special regulations are prescribed to govern the operation of the State of Louisiana highway bridge crossing the Calcasieu River at Lake Charles, Louisiana.

§ 203.509 Calcasieu River, La.; State of Louisiana highway bridge, in Lake Charles, La. (a) The owner or agency controlling the bridge shall not be required to open the drawspan between the hours of 6:00 a. m. and 7:00 a. m. and between the hours of 5:00 p. m. and 6:00 p. m. Vessels of the United States Government, or vessels such as fire tugs and other vessels, desiring passage because of an emergency during the closed periods, shall sound four distinct blasts of a whistle, horn or megaphone. When weather conditions prevent hearing the sound signals, such vessel shall signal for opening by raising and lowering in a vertical plane a number of times, a lighted lantern at night and a flag by day.

(b) These regulations are supplemental to the rules and regulations to govern the operation of drawbridges crossing "All navigable waterways of the United States discharging their waters into the Atlantic Ocean south of and including Chesapeake Bay and the Gulf of Mexico, excepting the Mississippi River and its tributaries." (28 Stat. 362; 33 U.S.C. 499) [Spec. Regs. 14 June 1943 (CE 823 (Calcasieu R. — Lake Charles, La. — Mi. 43.5) — SPEKH)]

[SEAL] H. B. LEWIS,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 43-10254; Filed, June 26, 1943;
9:21 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service,
Federal Security Agency

[Amtd. 7]

PART 12—INTERSTATE QUARANTINE

SHIPMENT OF SHAVING OR LATHER BRUSHES

Pursuant to the provisions of section 3 of the act of February 15, 1893, 27 Stat. 450, as amended (42 U.S.C. 92), § 12.14 of the Interstate Quarantine Regulations of the United States, 42 CFR 12.1, etc., is hereby amended to read as follows:

§12.14 Shipment of shaving or lather brushes. No person, firm, or corporation shall offer for shipment in interstate traffic, and no common carrier shall accept for shipment or shall transport in interstate traffic, any shaving or lather brush manufactured after the effective date of this amendment unless manufactured in accordance with the following methods:

(a) Shaving or lather brushes shall be made only from hair or bristles known to be free from anthrax spores.

(b) To insure that such hair or bristles are free from anthrax spores each manufacturer of shaving or lather brushes shall secure a permit from the United States Public Health Service certifying that his plant has been inspected by a representative of the United States Public Health Service and that the following plant procedures and measures of effective sterilization for all hair and bristles used by him in the manufacture of shaving or lather brushes are carried out either in the manufacturer's plant or in another plant:

(1) Sterilization of hair or bristles used in the manufacture of shaving brushes is accomplished by exposure to steam under pressure at a minimum temperature of 118° C. for 70 minutes or at a minimum temperature of 120° C. for 60 minutes. Steam temperatures are measured at the lowest point in the autoclave near the exhaust line by both an indicating thermometer and a recording thermometer of design and accuracy approved by the United States Public Health Service. The temperature shown by the recording thermometer is checked by the autoclave operator against the temperature shown by the indicating thermometer, and the reading of the indicating thermometer is entered permanently on the recording thermometer chart for each sterilization. The recording thermometer is kept adjusted so as at no time to read higher than the indicating thermometer.

Hair or bristles during the process of sterilization in the autoclave are tied in unwrapped bundles whose maximum diameter does not exceed 2½ inches, or are placed untied in the autoclave in a manner approved by the United States Public Health Service. Bundles of hair or bristles are placed in racks in the autoclave in single layers, and successive layers are not in contact.

(2) In lieu of the procedure given in paragraph (1) the following sterilization method may be used for badger hair:

The hair is sterilized by boiling in water at a temperature of 100° C. for 3 hours. The hair is placed loose in racks for boil-

ing or in loosely tied bundles not exceeding 2½ inches in maximum diameter. An indicating thermometer is available for observing temperature of the water during the sterilization. At the beginning of boiling and at hourly intervals thereafter the temperature of the water is taken and time and temperature noted in a record book for each sterilization.

(3) Sterilized hair and bristles are stored apart from unsterilized hair and bristles in clean containers and the lot of hair or bristles from each sterilization is labeled with the date, method of sterilization used, and the name and location of the establishment in which sterilized. Permanent records of this information, the recording thermometer, charts for each steam sterilization and the time-temperature record for each boiling sterilization are kept.

(4) Mixing machines, equipment, and fixtures used for handling or processing sterilized hair or bristles are not used for handling or processing hair or bristles which have not been sterilized.

(5) All shaving or lather brushes are marked permanently with the name of the manufacturer or with an identifying mark registered with the United States Public Health Service.

(c) Amendment No. 6 to the Interstate Quarantine Regulations of the United States as amended on April 22, 1943, is hereby rescinded, and § 12.14 as theretofore existing shall remain in force until the effective date hereof.

(d) This section as amended shall become effective on November 1, 1943, except paragraph (c) which shall become effective immediately.

[SEAL] THOMAS PARRAN,
Surgeon General.

JUNE 24, 1943.

Approved: June 25, 1943.

PAUL V. McNUTT,
Administrator,
Federal Security Agency.

[F. R. Doc. 43-10359; Filed, June 28, 1943;
11:18 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the
InteriorLAKE GUERNSEY RECREATIONAL DEMON-
STRATION PROJECT LANDS, WYO.

ORDER TRANSFERRING ADMINISTRATION

Order transferring administration of Lake Guernsey Recreational Demonstration Project Lands, Wyoming, from the National Park Service to the Bureau of Reclamation.

Pursuant to the authority contained in the act of June 6, 1942 (Public Law 594, 77th Cong., 2d sess.), *It is ordered*, That, subject to existing leases, licenses, and easements, the following described lands within the Lake Guernsey Recreational Demonstration Project in the County of Platte, State of Wyoming, together with the improvements thereon, now administered by the National Park Service, are hereby transferred to the Bureau of

Reclamation for administration and use by the said Bureau in connection with the Guernsey Reservoir, Wyoming:

SIXTH PRINCIPAL MERIDIAN

T. 27 N., R. 66 W.,
Sec. 5, N½ SW¼;
Sec. 7, SE¼ NE¼, and E½ SE¼;
Sec. 8, SW¼ NW¼;
Sec. 15, NW¼ SE¼;
Sec. 22, E½ NE¼, and NE¼ SE¼,
Sec. 28, N½ SE¼, and NE¼, except a right-of-way of the Chicago, Burlington and Quincy Railroad, described as follows: A strip of land 200 feet in width whose center line is described as follows: Beginning at a point on the north line of section 28, 2,070 feet east of the north quarter corner, said point being on a curve whose tangent at this point bears South 49 degrees 2 minutes East; thence along a 2 degree curve to the right for a distance of 52.7 feet; thence along a spiral to the right for a distance of 200 feet; thence South 46 degrees 00 minutes East for a distance of about 1,230 feet to a point on the east line of section 28, said excepted tract containing 6.8 acres, more or less.

Dated: June 7, 1943.

HAROLD L. ICKES,
Secretary of the Interior.

Approved: June 8, 1943.

FRANKLIN D ROOSEVELT
The White House.

[F. R. Doc. 43-10342; Filed, June 28, 1943;
10:16 a. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

[General Order 6, Revised, Supp. 1]

PART 305—INSURANCE

WAR RISK CARGO, HULL AND CREW INSURANCE
Correction

The following changes should be made in the document appearing on page 8723 of the issue for Friday, June 25, 1943. In the sixth line of paragraph (b) (v) of Clause 1 of the Facultative Policy as set forth in § 305.22, "government" should read "governmental". In the next to the last line of paragraph (d) of Clause 1 of the "Warshipopencargo" policy form as set forth in § 305.118, "sall" should read "shall".

TITLE 49—TRANSPORTATION AND
RAILROADSChapter I—Interstate Commerce
Commission

[Service Order 131-A]

PART 97—ROUTING OF TRAFFIC
FLOOD CONDITIONS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of June, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 131 of June 16, 1943, and good cause appearing therefor: *It is ordered*, That:

§ 97.8 *Flood conditions.* Effective at 12:01 p. m., June 26, 1943, this section is hereby vacated and set aside.

It is further ordered. That copies of this order and direction be served upon the Canadian National Railways and Grand Trunk Railway, the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 43-10363; Filed, June 28, 1943;
11:25 a. m.]

Chapter II—Office of Defense Transportation

[General Permit ODT 17-25]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—EXCEPTIONS, PERMITS, AND EXEMPTIONS

RETAIL DELIVERIES OF CUT FLOWERS

§ 521.2901 *Retail deliveries of cut flowers.* (a) Any motor carrier may operate a motor truck, for the purpose of making retail deliveries of cut flowers, between the same points of origin and destination once during any calendar week, or twice when the destination point is a hospital: *Provided*, That in performing such operations the motor carrier shall comply with the following conditions:

(1) Each package or lot of flowers so delivered shall exceed forty-two (42) inches in combined length (i. e., the distance in a straight line between the ends of the package or lot) and girth (i. e., the distance around the package or lot at the thickest portion) or shall weigh more than three pounds.

(2) The motor carrier shall reduce the mileage operated by his motor trucks in the retail delivery of cut flowers, in each calendar month and in respect of each operating unit, to an amount that is 70 per cent less than the motor truck mileage he operated in that operating unit, in the retail delivery of cut flowers, during the corresponding calendar month of 1941.

(3) The motor carrier shall not make more than one retail delivery of cut flowers to the same person during any calendar week.

(b) Any motor carrier engaging in the retail delivery of cut flowers and complying with the conditions prescribed in paragraph (a) above shall be relieved, to the extent therein provided, from the provisions of paragraph (b) of § 501.75 (limiting the number of motor truck operations), subparagraph (1) of paragraph (a) of § 501.76 and

Appendix No. 2 (limiting the frequency of deliveries weekly), and subparagraph (3) of paragraph (a) of § 501.76 (specifying the size and weight of goods for delivery) of General Order ODT 17, as amended.

(E.O. 8989, 9156; 6 F.R. 6725, 7 F.R. 3349; General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623, 8 F.R. 8278, 8377)

This General Permit ODT 17-25 shall become effective on June 26, 1943.

Issued at Washington, D. C., this 25th day of June 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-10261; Filed, June 26, 1943;
10:45 a. m.]

[General Permit ODT 17-26]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—EXCEPTIONS, PERMITS, AND EXEMPTIONS

RETAIL DELIVERIES OF PROPERTY SOLD BY PERSONAL SOLICITATION OR FROM MOTOR TRUCKS

§ 521.2902 *Retail deliveries of property sold by personal solicitation or from motor trucks operated on established delivery routes or within established delivery areas—(a) General outline.* Motor carriers engaged in making retail deliveries of property sold by personal solicitation, or sold from motor trucks, are authorized by this General Permit to make call backs, and to make retail deliveries regardless of the size or weight of the property delivered, if the motor carrier performs such operations (1) only on or within established delivery routes or areas, (2) on only one day in each two calendar weeks on each route or within each area, and (3) if no more than ten per centum (10%), by weight, of the property to be delivered by each truck on any day consists of commodities of which the retail delivery is limited to once in each calendar week by § 501.76 of General Order ODT 17, as amended. The operations authorized by this permit are optional. Any carrier choosing not to make call backs or deliveries allowed hereby need not conform his operations to the terms of this permit. His operations, in such event, will be governed by the requirements of General Order ODT 17, as amended.

(b) *Call backs and retail deliveries allowed on certain conditions.* Any motor carrier may operate motor trucks for the purpose of selling property therefrom at retail and of soliciting or taking orders for such sale of property to be delivered by truck at some future date, and may make retail deliveries of property so ordered or sold regardless of the size or weight of such property: *Provided*, That in performing such operations the motor carrier shall comply with the following conditions:

(1) Motor trucks used for such purpose shall be operated only on delivery routes or within delivery areas established by such carrier in accordance with

paragraph (a) of § 501.75 of General Order ODT 17, as amended.

(2) The motor carrier shall operate for such purpose no more than one day in each period of two consecutive calendar weeks on each route or within each delivery area.

(3) No motor truck shall be operated for such purpose if more than ten per centum (10%), by weight, of the property to be delivered by that truck on that day consists of any commodity or commodities, the retail delivery of which is limited to once in each calendar week by § 501.76 of General Order ODT 17, as amended.

(c) *Relief from certain provisions of General Order ODT 17, as amended.* Any motor carrier operating motor trucks for the purposes described, and complying with the conditions prescribed, in paragraph (b) above shall be relieved to the extent therein provided, from the provisions of paragraph (b) of § 501.68 (prohibiting any call back), and subparagraph (3) of paragraph (a) of § 501.76 (specifying minimum size or weight of goods for retail delivery), of General Order ODT 17, as amended.

(E.O. 8989, 9156; 6 F.R. 6725, 7 F.R. 3349; General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623, 8 F.R. 8278, 8377)

This General Permit ODT 17-26 shall become effective on June 26, 1943.

Issued at Washington, D. C., this 26th day of June 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-10352; Filed, June 28, 1943;
11:09 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

Subchapter Q—Alaska Commercial Fisheries

SALMON TRAPS

PART 211—PRINCE WILLIAM SOUND AREA FISHERIES

Effective only through December 31, 1943, § 211.12 is hereby amended as follows:

§ 211.12 *Areas open to salmon traps.* Paragraphs (f), (n), and (r) are hereby suspended, and paragraphs (a) and (bb) are amended to read as follows:

(a) Knight Island, (1) from a point on the southeast coast at 60 degrees 9 minutes 50 seconds north latitude southerly to Point Helen, and (2) from a point at the entrance to Little Bay at 60 degrees 10 minutes 45 seconds north latitude, 147 degrees 49 minutes 35 seconds west longitude, northerly to a point at 60 degrees 11 minutes 15 seconds north latitude, 147 degrees 50 minutes 40 seconds west longitude.

(bb) Montague Island: Northern coast from a point at 60 degrees 21 minutes 00 seconds north latitude, 147 degrees 11 minutes 32 seconds west longitude to a point at 60 degrees 21 minutes 41 seconds north latitude, 147 degrees 9 minutes 47 seconds west longitude.

PART 222—SOUTHEASTERN ALASKA AREA, ICY STRAIT DISTRICT, SALMON FISHERIES

Effective only through December 31, 1943, § 222.16 is hereby amended as follows:

§ 222.16 *Areas open to salmon traps*, paragraph (m) is hereby suspended, and paragraphs (b), (k), and (1) are amended to read as follows:

(b) *Inian Islands*: Along the coast (1) within 2,500 feet of a point at 58 degrees 16 minutes 18 seconds north latitude, 136 degrees 20 minutes 27 seconds west longitude, and (2) within 2,500 feet of a point on the northwestern island at 58 degrees 15 minutes 34 seconds north latitude, 136 degrees 23 minutes 35 seconds west longitude.

(k) *Mainland*: Along the coast on the east side of *Excursion Inlet* (1) from 58 degrees 17 minutes 18 seconds north latitude southward to 135 degrees 16 minutes 30 seconds west longitude, and (2) from a point at 58 degrees 13 minutes 30 seconds north latitude southward to 135 degrees 8 minutes 31 seconds west longitude.

(1) *Chichagof Island*: Northeastern coast from 135 degrees 20 minutes west longitude to 135 degrees 11 minutes 11 seconds west longitude.

PART 223—SOUTHEASTERN ALASKA AREA, WESTERN DISTRICT, SALMON FISHERIES

Effective only through December 31, 1943, § 223.19 is hereby amended as follows:

§ 223.19 *Areas open to salmon traps*, paragraph (i) and (j) are amended to read as follows:

(i) *Mansfield Peninsula*: West coast (1) from a point at 58 degrees 12 minutes north latitude southward to 58 degrees 10 minutes 45 seconds north latitude, and (2) from 58 degrees 9 minutes 37 seconds north latitude to the southern extremity of the Peninsula at the north side of the entrance to *Hawk Inlet*.

(j) *Admiralty Island*: West coast (1) from 58 degrees 38 minutes 7 seconds north latitude to 58 degrees 38 minutes 45 seconds north latitude, (2) from 57 degrees 40 minutes 47 seconds north latitude to 57 degrees 43 minutes 45 seconds north latitude, (3) from 57 degrees 50 minutes 2 seconds north latitude to 57 degrees 51 minutes 7 seconds north latitude, (4) from 57 degrees 54 minutes 30 seconds north latitude to 57 degrees 55 minutes 30 seconds north latitude, and (5) from 57 degrees 58 minutes north latitude to 58 degrees 2 minutes 7 seconds north latitude.

(Sec. 1, 44 Stat. 752; 48 U.S.C. 221)

OSCAR L. CHAPMAN,
Assistant Secretary.

JUNE 19, 1943.

[F. R. Doc. 48-10343; Filed, June 28, 1943;
10:09 a. m.]

Notices

DEPARTMENT OF STATE.

PUBLIC NOTICE OF TRADE-AGREEMENT NEGOTIATIONS WITH PARAGUAY

Pursuant to section 4 of an act of Congress approved June 12, 1934, entitled "an Act to Amend the Tariff Act of 1930", as extended by Public Law 66, approved June 7, 1943, and to Executive Order 6750, of June 27, 1934, I hereby give notice of intention to negotiate a trade agreement with the Government of Paraguay.

All presentations of information and views in writing and applications for supplemental oral presentation of views with respect to the negotiation of such agreement should be submitted to the Committee for Reciprocity Information in accordance with the announcement of this date issued by that Committee concerning the manner and dates for the submission of briefs and applications, and the time set for public hearing.

CORDELL HULL,
Secretary of State.

JUNE 23, 1943.

[F. R. Doc. 48-10335; Filed, June 26, 1943;
3:33 p. m.]

Committee for Reciprocity Information.

TRADE-AGREEMENT NEGOTIATIONS WITH PARAGUAY

NOTICE OF HEARING BEFORE COMMITTEE FOR RECIPROCITY INFORMATION

Closing date for submission of briefs, July 23, 1943; closing date for application to be heard, July 23, 1943; public hearings open, August 4, 1943.

The Committee for Reciprocity Information hereby gives notice that all information and views in writing, and all applications for supplemental oral presentation of views, in regard to the negotiation of a trade agreement with the Government of Paraguay, of which notice of intention to negotiate has been issued by the Secretary of State on this date, shall be submitted to the Committee for Reciprocity Information not later than 12 o'clock noon, July 23, 1943. Such com-

munications should be addressed to "The Chairman, Committee for Reciprocity Information, Tariff Commission Building, Eighth and E Streets NW., Washington 25, D. C."

A public hearing will be held, beginning at 10 a. m. on August 4, 1943, before the Committee for Reciprocity Information, in the hearing room of the Tariff Commission in the Tariff Commission Building, where supplemental oral statements will be heard.

Six copies of written statements, either typewritten or printed, shall be submitted, of which one copy shall be sworn to. Appearance at hearings before the Committee may be made only by those persons who have filed written statements and who have within the time prescribed made written application for a hearing, and statements made at such hearings shall be under oath.

By direction of the Committee for Reciprocity Information this 23d day of June 1943.

EDWARD YARDLEY,
Secretary.

JUNE 23, 1943.

LIST OF PRODUCTS ON WHICH THE UNITED STATES WILL CONSIDER GRANTING CONCESSIONS TO PARAGUAY

NOTE: The rates of duty indicated are those now applicable to products of Paraguay. Where the rate is one which has been reduced pursuant to a previous trade agreement by 50 percent (the maximum permitted by the Trade Agreements Act) it is indicated by the symbol MR. Where an item has been bound free of duty in a previous trade agreement, it is indicated by the symbol B.

For the purpose of facilitating identification of the articles listed, reference is made in the list to the paragraph numbers of the tariff schedules in the Tariff Act of 1930 or of the sections of the Internal Revenue Code. The descriptive phraseology is, however, in several cases limited to a narrower field than that covered by the numbered tariff paragraph. In such cases only the articles covered by the descriptive phraseology of the list will come under consideration for the granting of concessions.

In the event that articles which are at present regarded as classifiable under the descriptions included in the list are excluded therefrom by judicial decision or otherwise prior to the conclusion of the agreement, the list will nevertheless be considered as including such articles.

United States Tariff Act of 1930 paragraph	Description of article	Present rate of duty	Symbol
85.	Maté, natural and uncompounded, but advanced in value or condition by shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to proper packing and the prevention of decay or deterioration pending manufacture, not containing alcohol.	5% ad val.	MR
38.	Extracts, dyeing and tanning, not containing alcohol: Quebracho Urunday.	7½% ad val.	MR
53.	Oils, vegetable: Castor.	15½% ad val.	MR
58.	Oils, distilled or essential, not containing alcohol, and not specially provided for: Guaiac wood oil.	3¢ per lb.	MR
701.	Essence of Guayacan (<i>Caesalpinia melanocarpa</i> Criseb.).	12½% ad val.	MR
705.	Tallow.	12½% ad val.	MR
706.	Extract of meat, including fluid.	14¢ per lb.	MR
	Meats, prepared or preserved, not specially provided for (except meat pastes other than liver pastes, packed in air-tight containers weighing with their contents not more than 3 ounces each).	7½¢ per lb.	MR
		3¢ per lb., but not less than 20% ad val.	MR in part. ¹

¹ Maximum reduction in specific rate in trade agreements with Argentina and Uruguay, effective November 15, 1941 and January 1, 1943, respectively. *Ad valorem* rate is that provided for by the Tariff Act of 1930.

United States Tariff Act of 1930 paragraph	Description of article	Present rate of duty	Symbol
802.....	Rum, in containers holding each one gallon or less.....	\$2.50 per proof gal.....	MR
1530 (a).....	Hides and skins of cattle of the bovine species (except hides and skins of the India water buffalo imported to be used in the manufacture of rawhide articles), raw or uncurled, or dried, salted, or pickled.	5% ad val.....	MR
1602.....	Maté, natural and uncompounded and in a crude state, not advanced in value or condition by shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to proper packing and the prevention of decay or deterioration pending manufacture, not containing alcohol.	Free.....	B
1625.....	Blood, dried, not specially provided for.	Free.....	B
1627.....	Bones: Crude, steamed, or ground; bone dust, bone meal, and bone ash; and animal carbon suitable only for fertilizing purposes.	Free.....	B
1670.....	Dyeing or tanning materials, whether crude or advanced in value or condition by shredding, grinding, chipping, crushing, or any similar process, not containing alcohol:	Free.....	B
	Quebracho wood.....	Free.....	B
1681.....	Bark of currupay (<i>Piptadenia rigida</i> Benth.).....	Free.....	B
	Furs and fur skins, not specially provided for, undressed:		
	Fox (other than silver or black fox).....	Free.....	B
	Otter.....	Free.....	B
	Ocelot.....	Free.....	B
	Wildcat.....	Free.....	B
	Nutria.....	Free.....	B
	Jaguar.....	Free.....	B
1685.....	Tankage of a grade used chiefly for fertilizers, or chiefly as an ingredient in the manufacture of fertilizers.	Free.....	B
1688.....	Hair of horse and cattle (including calf), cleaned or uncleared, drawn or undrawn, but unmanufactured, not specially provided for.	Free.....	B
1693.....	Hoofs, unmanufactured.	Free.....	B
1694.....	Horns and parts of including hornstrips and tips, unmanufactured.	Free.....	B
1731.....	Oils, distilled or essential, not containing alcohol:		
	Lemon-grass.....	Free.....	B
	Pettigrain.....	Free.....	B
1755.....	Sausage casings, weasands, intestines, bladders, tendons, and integuments, not specially provided for.	Free.....	B
1765.....	Skins of all kinds, raw, and hides not specially provided for:		
	Deer skins, raw.....	Free.....	B
	Carpincho.....	Free.....	B
	Wild pig and wild hog.....	Free.....	B
1780.....	Tankage, unfit for human consumption.....	Free.....	B
Internal Revenue Code section	Description of article	Present rate of import tax	Symbol
2491 (a).....	Tallow, fatty acids derived from tallow, and salts of the foregoing; all the foregoing, whether or not refined, sulphonated, sulphated, hydrogenated, or otherwise processed.	1½¢ per lb. and 3¢ per lb.	MR in part ¹

¹ The rate of import tax on tallow was reduced from 3¢ per lb. to 1½¢ per lb. in the trade agreements with Argentina and Uruguay, effective November 15, 1941 and January 1, 1943, respectively. The rate of tax on the other items is that provided for by section 2491 (a) of the Internal Revenue Code.

[F. R. Doc. 43-10334; Filed, June 26, 1943; 3:33 p. m.]

TREASURY DEPARTMENT.

Fiscal Service; Bureau of the Public Debt.

[1943 Dept. Circ. 716]

1½ PERCENT TREASURY NOTES OF SERIES A-1947

I. OFFERING OF NOTES

JUNE 28, 1943.

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for notes of the United States, designated 1½ percent Treasury Notes of Series A-1947. The amount of the offering is \$2,500,000,000, or thereabouts.

II. DESCRIPTION OF NOTES

1. The notes will be dated July 12, 1943, and will bear interest from that date at the rate of 1½ percent per annum, payable on a semiannual basis on September 15, 1943, and thereafter on March 15 and September 15 in each year until the principal amount becomes payable. They will mature September 15, 1947, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes shall be subject to all Federal taxes, now or hereafter imposed. The notes 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 notes will be accepted at par during such time and under such rules and regulations as shall be prescribed or approved by the Secretary of the Treasury in payment of income and profits taxes payable at the maturity of the notes.

4. The notes will be acceptable to secure deposits of public moneys.

5. Bearer notes with interest coupons attached will be issued in denominations of \$500, \$1,000, \$5,000, \$10,000, \$100,000 and \$1,000,000. The notes will not be issued in registered form.

6. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Subscribers must agree not to sell or otherwise dispose of their subscriptions, or of the securities which may be allotted thereon, prior to the closing of the subscription books. 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. Others than banking institutions will not be permitted to enter subscriptions except for their own account. Subscriptions from banks and trust companies for their own account will be received without deposit. Subscriptions from all others must be accompanied by payment of 2 percent of the amount of notes applied for.

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 notes applied for, and to close the books as to any or all subscriptions at any time without notice; and any action ² a may take in these respects shall be final. Subject to these reservations, subscriptions for amounts up to and including \$100,000 will be allotted in full, and subscriptions for amounts over \$100,000 will be allotted on an equal percentage basis, to be publicly announced. Allotment notices will be sent out promptly upon allotment.

IV. PAYMENT

1. Payment at par and accrued interest, if any, for notes allotted hereunder must be made or completed on or before July 12, 1943, or on later allotment. In every case where payment is not so completed, the payment with application up to 2 percent of the amount of notes applied for shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make payment by credit for notes allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its district.

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 notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

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. 43-10262; Filed, June 26, 1943; 10:46 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

FARMERS ELEVATOR SERVICE

ORDER SUPPLEMENTING PREVIOUS ORDER

In the matter of the registration of the Farmers Elevator Service Company, Ralston, Iowa, as a bona fide and legitimate farmers' cooperative organization.

The above-named registrant having certified to the Division that the farmers' cooperative organization listed below is a member of registrant and a bona fide and legitimate farmers' cooperative organization:

It is ordered, That the list attached to the order herein dated September 5, 1941, as amended, be, and it is hereby further amended to include therein the name of the farmers' cooperative organization listed below:

Name: *Address*
Farmers Cooperative Elevator
Co. _____ Holmes, Iowa.

Dated: June 25, 1943.

[SEAL] DAN H. WHEELER,
Director.[F. R. Doc. 43-10348; Filed, June 28, 1943;
11:11 a. m.]

[Docket Nos. 1698-FD, 1788-FD]

SOUTHERN COAL CO., INC.

ORDER REINSTATING REGISTRATION AS A
DISTRIBUTOR

In the Matter of Southern Coal Company, Inc. registered distributor, Registration No. 8561, respondent.

The registration of the above-named respondent as a distributor having been suspended for a period of thirty (30) days from May 23, 1943, by orders of the Director in the above-entitled matters dated May 8, 1943; and

Requests for reinstatement accompanied by proper affidavits in compliance with § 304.15 of the Rules and Regulations for Registration of Distributors and the terms and provisions of said orders dated May 8, 1943, having been duly filed with the Bituminous Coal Division on June 18, 1943;

Now, therefore, it is ordered, That the registration of the said Southern Coal Company, Inc., as a distributor be, and the same hereby is, reinstated effective as of June 23, 1943.

Dated: June 25, 1943.

[SEAL] DAN H. WHEELER,
Director.[F. R. Doc. 43-10349; Filed June 28, 1943;
11:11 a. m.]

[Docket No. A-2031]

DISTRICT BOARD 19

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF

In the matter of the petition of District Board No. 19 for the establishment of price classifications and minimum prices for the coals of the Echeta Mine.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was filed with this Division by

the above-named party, requesting the establishment of temporary price classifications and minimum prices for the coals of the Echeta Mine, Mine Index No. 245, of the Echeta Coal Company in Sub-district 8 in District No. 19.

Petitioner requests the temporary establishment of the price classifications and minimum prices set forth in its petition, stating that until strip mining operations are fully developed at the Echeta Mine, the trackage and loading facilities completed and freight rates established, only temporary price classifications and minimum prices should be established therefor, and that subsequently petitioner will furnish definite information and an analysis as the basis for the establishment of permanent price classifications and minimum prices.

Petitioner proposes that the same price classifications and minimum prices be established for the coals of the Echeta Mine in the respective size groups for shipment by rail as are presently in effect for comparable and analogous coals produced in Sub-district 7 of District No. 19. Although the Echeta Mine is actually located in Sub-district 8, nevertheless, the temporary relief proposed by petitioner appears to be proper for the coals of the Echeta Mine.

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 therefore ordered, That pending further order temporary relief is granted as follows: Commencing forthwith, the schedule of effective minimum prices for District No. 19 for all shipments is supplemented to include the price classifications and minimum prices set forth in the schedule marked Supplement R annexed hereto 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 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.

Dated: June 25, 1943.

[SEAL] DAN H. WHEELER,
Director.[F. R. Doc. 43-10350; Filed, June 28, 1943;
11:11 a. m.]

[Docket No. A-2034]

R. F. KIRKWOOD

NOTICE OF AND ORDER FOR HEARING AND ORDER
GRANTING TEMPORARY RELIEF

In the matter of the petition of R. F. Kirkwood for the establishment of price classifications and minimum prices and change in shipping point for the coals of Mine Index No. 1295, in District No. 13.

The original petition in the above-entitled matter which was filed with the Division by R. F. Kirkwood, a code member, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requests a change in the shipping point and the establishment in certain size groups of temporary price classifications and minimum prices for the coals produced by Tucker Mine No. 15, Mine Index No. 1295 of R. F. Kirkwood in District No. 13 for shipments by rail, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing; for shipment to all railroads and for exclusive use of railroads; and for shipment by railroad, applicable to all coal sold for steamship vessel fuel; and that pending a hearing of this request a temporary order be issued granting such relief; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; no petitions of intervention have 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;

Now, therefore, it is ordered, That, pending further order temporary relief be, and the same hereby is granted as follows: Commencing forthwith the schedule of effective minimum prices for District No. 13 for all shipments except truck is supplemented to include the price classifications, minimum prices and other matter set forth in the schedule marked Supplement R annexed hereto and made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division 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 ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on August 3, 1943, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, N. W., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Travis Williams, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be ad-

FEDERAL REGISTER, Tuesday, June 29, 1943

mitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before July 29, 1943.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of R. F. Kirkwood, a code member, for the establishment of Drummond, Alabama, in lieu of Sumiton, Alabama, as the rail shipping point for the coals of the Tucker No. 15 Mine, Mine Index No. 1295, of R. F. Kirkwood, in District No. 13 and for the establishment for the coals of the said mine in Size Groups 6, 12, 13, 17, 18, 20, 22 and 26, of the same price classifications and minimum prices as are applicable to the coals of Mine Index No. 1369, in District No. 13, in these respective size groups for shipments by rail for all uses except blacksmithing.

Dated: June 25, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-10351; Filed, June 28, 1943;
11:11 a. m.]

General Land Office.

[Public Land Order 140]

FLORIDA

ORDER ENLARGING CHASSAHOWITZKA
NATIONAL WILDLIFE REFUGE

By virtue of the authority vested in the President and in order to effectuate further the purposes of the Migratory Bird Conservation Act, 45 Stat. 1222 (U.S.C., Title 16, secs. 715-715r), and pursuant to Executive Order No. 9337 of April 24, 1943, *It is ordered as follows:*

Subject to valid existing rights, the public lands within the following-described areas in Florida are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and are added to and reserved as a part of the Chassahowitzka National Wildlife Refuge, established under the provisions of the aforesaid Migratory Bird Conservation Act:

TALLAHASSEE MERIDIAN

Tps. 20 and 21 S., Rs. 16 and 17 E.

The areas described aggregate 54,421.81 acres, including 413.55 acres of public land and 54,007.76 acres of nonpublic land.

The reservation made by this order supersedes, as to any of the above-described lands affected thereby, the gen-

eral withdrawal for classification and other purposes made by Executive Order No. 6964 of February 5, 1935, as amended.

ABE FORTAS,
Acting Secretary of the Interior.

JUNE 15, 1943.

[F. R. Doc. 43-10344; Filed, June 28, 1943;
10:09 a. m.]

IDAHO

MODIFICATION OF GRAZING DISTRICTS

Under and pursuant to the authority vested in me by the provisions of the act of June 28, 1934 (48 Stat. 1269; 43 U.S.C., sec. 315 et seq.), as amended, commonly known as the Taylor Grazing Act, the following-described lands now embraced in Idaho Grazing District No. 3 are hereby excluded from Grazing District No. 3 and added to Idaho Grazing District No. 5:

BOISE MERIDIAN

T. 5 S., R. 25 E.
Secs. 12 to 16, inclusive, secs. 21 to 28, inclusive, and secs. 33 to 36, inclusive.
T. 6 S., R. 25 E.
Secs. 1 to 4, inclusive, secs. 9 to 16, inclusive, secs. 21 to 28, inclusive, and secs. 33 to 36, inclusive.
T. 7 S., R. 25 E.
Secs. 1, 12, 13, 24, 25, and 36.
T. 8 S., R. 25 E.
Secs. 1, 12, 13, 24, and 25.
T. 5 S., R. 26 E.
Secs. 2, 3, 10, 11, 13, 14, 15, secs. 22 to 27, inclusive, and secs. 34, 35, and 36.
Tps. 6 to 8 S., R. 26 E.
T. 9 S., R. 26 E., that part north of Snake River.
T. 5 S., R. 27 E.
Secs. 18 and 19;
Secs. 28 to 35, inclusive.
Tps. 6 to 8 S., R. 27 E.
T. 9 S., R. 27 E., that part north of Snake River.
T. 8 S., R. 28 E.
Secs. 4 to 9, inclusive, secs. 16 to 21, inclusive, and secs. 28 to 33, inclusive.
T. 9 S., R. 28 E.
Secs. 4 to 9, inclusive, sec. 18 and those parts of secs. 16, 17, 19, 20, and 21 north of the Snake River.

ABE FORTAS,
Acting Secretary of the Interior.

JUNE 19, 1943.

[F. R. Doc. 43-10345; Filed, June 28, 1943;
10:09 a. m.]

Solid Fuels Administration for War.

[Order 1837]

CRESCENT MINING CO.

ORDER TERMINATING GOVERNMENT POSSESSION
AND CONTROL

JUNE 25, 1943.

Thomas Moore, Operating Manager for the United States for the Crescent No. 2 Mine of Crescent Mining Company, Evansville, Indiana, has advised that operations at that mine have ceased, and that the mine has been closed down.

The possession and control by the Government of the aforesaid mine are no longer required for the furtherance of the war program.

Having so determined, I hereby order and direct that possession and control of

the aforesaid mine by the Government and the appointment of Thomas Moore, as Operating Manager for the United States for such mine be, and until further order, are hereby, terminated.

I further order and direct that prior to resumption of mining operations at the aforesaid mine, immediate notice of such fact shall be sent by the management to the Solid Fuels Administrator for War, Department of the Interior, Washington, D. C.

Nothing herein is intended to mean that the Government of the United States or its officials has assumed or is hereby assuming liability for any claims by or on behalf of the mining company by reason of the possession and control of the aforesaid mine under Executive Order No. 9340 of May 1, 1943, or arising out of acts performed during the period of such possession and control.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 43-10341; Filed, June 28, 1943;
10:08 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

CHEMICAL, PETROLEUM, COAL PRODUCTS
AND ALLIED INDUSTRIES

MINIMUM WAGE RECOMMENDATION

Notice of hearing on the minimum wage recommendation of Industry Committee No. 60 for the Chemical, Petroleum and Coal Products, and Allied Manufacturing Industries.

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 May 12, 1943, by Administrative Order No. 193, appointed Industry Committee No. 60 for the Chemical, Petroleum and Coal Products, and Allied Manufacturing Industries, 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. 60, on June 9, 1943 pursuant to section 8 (d) recommended a minimum wage rate for the Chemical, Petroleum and Coal Products, and Allied Manufacturing Industries and duly adopted a report containing such recommendation and reasons therefor and filed such report with the Administrator on June 9, 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. 60 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 pur-

poses 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. 60 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 Chemical, Petroleum and Coal Products, and Allied Manufacturing Industries (as defined in Administrative Order No. 193) who is engaged in commerce or in the production of goods for commerce.

II. The definition of the Chemical, Petroleum and Coal Products, and Allied Manufacturing Industries as set forth in Administrative Order No. 193, issued May 12, 1943, is as follows:

The manufacture or packaging of basic chemicals, chemical products, and products made from petroleum, coal or natural gases.

(a) It includes, but without limitation, heavy, industrial, and fine chemicals; plastics; explosives and pyrotechnics; rayon and other synthetic fibers; wood distillation and naval stores; fertilizers; soap and glycerin; candles; glue and gelatin; essential oils; nitrated, sulphonated and similarly processed oils; paints, varnishes, pigments, dyes, and printing ink; drug grinding; insecticides and fungicides; manufactured gases; petroleum refining; coke and coke-oven products; asphalt and tar paving and building materials; and allied products.

(b) *Provided, however,* That the definition shall not include:

(1) Wood preserving, and any mining, quarrying or other extractive operations.

(2) The rendering and refining of marine and animal fats and oils.

(3) Any operations of a public utility.

(4) Any product included in the Metal, Plastics, Machinery, Instrument, and Allied Industries (as defined in Administrative Order No. 173) or in the Drug, Medicine, and Toilet Preparations Industry, the Converted Paper Products Industry, the Cottonseed and Peanut Crushing Industry, or the Vegetable Fats and Oils Industry as defined in the wage orders for such industries.

III. The full text of the report and recommendation of Industry Committee No. 60 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.

New York, New York, Parcel Post Building, 341 Ninth Avenue.

Philadelphia, Pennsylvania, 1216 Widener Building, Chestnut and Juniper Streets.

Richmond, Virginia, 215 Richmond Trust Building.

Atlanta, Georgia, Fifth Floor, Carl Witt Building, 249 Peachtree Street, N. E.

Columbia, South Carolina, Federal Land Bank Building, Hampton and Marion Streets.

Birmingham, Alabama, 1007 Comer Building.

Jackson, Mississippi, 404 Deposit Guaranty Bank Building, 102 Lamar Street.

Cleveland, Ohio, 4090 Main Post Office, West Third and Prospect Avenue.

Detroit, Michigan, David Stott Building, 1150 Griswold Street.

Hartford, Connecticut, Department of Labor and Factory Inspection, 357 State Office Building.

Newark, New Jersey, Essex Building, 31 Clinton Street.

Pittsburgh, Pennsylvania, Clark Building, Liberty Avenue and Seventh Street.

Baltimore, Maryland, 401-411 Old Town Building, Gay and Fallsway Streets.

Raleigh, North Carolina, North Carolina Department of Labor, Salisbury and Edenton Streets.

Jacksonville, Florida, 456 New Post Office Building.

New Orleans, Louisiana, 916 Union Building.

Nashville, Tennessee, 509 Medical Arts Building.

Cincinnati, Ohio, 1312 Traction Building, Fifth and Walnut Streets.

Chicago, Illinois, 1200 Merchandise Mart, 222 West North Bank Drive.

Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.

St. Louis, Missouri, 316 Old Customs House, 815 Olive Street.

Dallas, Texas, Rio Grande National Building, 1100 Main Street.

San Francisco, California, 800 Humboldt Bank Building, 785 Market Street.

Kansas City, Missouri, 3000 Fidelity Building, 911 Walnut Street.

Denver, Colorado, 300 Chamber of Commerce Building, 1726 Champa Street.

Los Angeles, California, 417 H. W. Hellman Building, Spring and Fourth Streets.

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 July 15, 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. 60 should be approved or disapproved.

V. Any interested person supporting or opposing the recommendation of Industry Committee No. 60 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 July 12, 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. 60.

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. 60 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 Chemical, Petroleum and Coal Products, and Allied Manufacturing Industries 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 Chemical, Petroleum and Coal Products, and Allied Manufacturing Industries, prepared by the Economics Branch, Wage and Hour and Public Contracts Divisions, United States Department of Labor, June 1943.

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or 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 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 on 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 18th day of June, 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 48-10119; Filed, June 24, 1943;
9:12 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates 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, Division 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 and order or regulations, 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 EFFECTIVE DATES

Single Pants, Shirts, and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Division of the Apparel Industry

Abbeville Shirt Company, Inc., Abbeville, South Carolina; Military shirts, civilian dress shirts; 35 learners (E); effective June 28, 1943, expiring December 28, 1943.

Ackley Uniform Company, 704 Washington Avenue, St. Louis, Missouri; Cotton uniforms; 6 learners (T); effective June 23, 1943, expiring June 23, 1944.

Joseph Adelson & Sons, 911 First Avenue, Asbury Park, New Jersey; Ladies' silk, rayon, and cotton lingerie; 5 learners (T); effective June 24, 1943, expiring June 24, 1944.

Anneville Products Company, Inc., Richland, Pennsylvania; Ladies' slips and gowns, multifilament cloth; 10 learners (T); effective June 28, 1943, expiring June 28, 1944.

Archbald Sewing Company, Cherry Street, Archbald, Pennsylvania; Children's dresses; 10 percent (T); effective June 25, 1943, expiring June 25, 1944.

M. Bass, 1213 Main Street, Los Angeles, California; Skirts; 3 learners (T); effective June 25, 1943, expiring June 25, 1944.

Bayly Manufacturing Company, 2000 Arapahoe Street, Denver, Colorado; Cotton work clothing, overalls, pants and shirts; 10 percent (T); effective June 28, 1943, expiring June 28, 1944.

L. Brod and Company, 315 North Twelfth Street, Philadelphia, Pennsylvania; Ladies' and children's blouses; 10 percent (T); effective June 30, 1943, expiring June 30, 1944.

Dorsa Dresses, Inc., 24 N. Spanish Street, Cape Girardeau, Missouri; Dresses; 50 learners (E); effective June 24, 1943, expiring December 24, 1943.

Elder Manufacturing Company, Dexter, Missouri; Boys' and youth's slacks; 10 percent (T); effective June 23, 1943, expiring June 23, 1944.

Ely & Walker Dry Goods Company, Quincy, Illinois; Cotton shirts, rayon dresses; 10 percent (T); effective June 24, 1943, expiring June 24, 1944.

Empire Manufacturing Company, Candler Street, Winder, Georgia; Work clothes; 10 percent (T); effective June 25, 1943, expiring June 25, 1944.

Frances Gee Garment Company, Richmond, Missouri; Uniforms, utility dresses; 25 learners (E); effective June 30, 1943, expiring December 30, 1943.

Ideal Shirt Company, Main Street, Sykesville, Pennsylvania; Cotton & woolen shirts; 10 learners (T); effective June 26, 1943, expiring June 26, 1944.

Abe Kahn-Halbreich Company, Front & Hellam, Wrightsville, Pennsylvania; Children's wash dresses; 10 percent (T); effective June 23, 1943, expiring June 23, 1944.

Lansdale Clothing Company, Green & Blain Streets, Lansdale, Pennsylvania; Men's wool, cotton, and rayon trousers; 10 percent (T); effective June 30, 1943, expiring June 30, 1944.

Laurel Underwear Company, R. D. #2, Pottstown, Pennsylvania; Children's and ladies' rayon underwear, men's and boys' cotton polos' and men's jackets; six learners (T); effective June 25, 1943; expiring June 25, 1944.

Lehigh Valley Shirt Company, Inc., 428 Union Street, Allentown, Pennsylvania; Shirts; 10 learners (T); effective June 24, 1943, expiring June 24, 1944.

S. Liebovitz & Sons, Inc., Roseto, Pennsylvania; Men's cotton shirts; 5 learners (T); effective July 3, 1943, expiring July 3, 1944.

Joseph Reisner, 802 Main Street, Dickson City, Pennsylvania; Children's cotton dresses; 7 learners (T); effective June 23, 1943, expiring June 23, 1944.

D. R. South Company, 117 W. Plane Street, Bethel, Ohio; Pants; 6 learners (T); effective June 23, 1943, expiring June 23, 1944.

Well Styled Shirt Company, Inc., 424 Park Avenue, Perth Amboy, New Jersey; Men's cotton shirts; 3 learners (T); effective June 26, 1943, expiring June 26, 1944.

Gloves Industry

Clark Brothers, 17 Maple Avenue, Saratoga Springs, New York; Knit fabric gloves; 15 learners (A. T.); effective June 24, 1943, expiring October 26, 1943.

Clark Brothers, 20 Elm Street, Glens Falls, New York; Knit fabric gloves; 25 learners (A. T.); effective June 24, 1943, expiring October 29, 1943.

Templeton Glove Company, Midway Place, Fonda, New York; Knit fabric gloves; 5 learners (T); effective June 30, 1943, expiring June 30, 1944.

Hosiery Industry

Egg Harbor Knitting Mills, Inc., Egg Harbor City, New Jersey; Full-fashioned hosiery; 1 learner (T); effective June 22, 1943, expiring June 22, 1944.

J. Z. Erwin Hosiery, Inc., South Main Street, Graham, North Carolina; Full-fashioned rayon and cotton hosiery; 5 learners (T); effective June 30, 1943, expiring June 30, 1944.

Excel Hosiery Mills, Inc., Union, South Carolina; Seamless hosiery; 10 percent (A. T.); effective June 24, 1943, expiring December 24, 1943.

Gilman Hosiery, Box 164, Franklin, New Hampshire; Seamless hosiery; 2 learners (T); effective June 23, 1943, expiring June 23, 1944.

Marion Hosiery Mills, 117 W. Court Street, Marion, North Carolina; Seamless hosiery; 10 percent (A. T.); effective June 28, 1943, expiring December 28, 1943.

Rambo & Regar Inc., Main Below Ford St., Norristown, Pennsylvania; Seamless hosiery; 75 learners (E); effective June 28, 1943, expiring December 28, 1943. (This certificate replaces the one issued to you effective April 26, 1943 and terminating November 5, 1943.)

S & F Hosiery Mills, Inc., Dayton, Tennessee; Full-fashioned hosiery; 5 learners (A. T.); effective June 24, 1943, expiring January 18, 1944.

Knitted Wear Industry

Carbon Knitwear Company, East Mauch Chunk, Pennsylvania; Ladies' wool sweaters; 5 learners (T); effective June 30, 1943, expiring June 30, 1944.

Telephone Industry

Commonwealth Telephone Company, 45 Owen Street, Forty Fort, Dallas Pennsylvania; to employ learners as commercial switchboard operators at its Dallas, Pennsylvania exchange, located at 15 Church Street, Dallas, Pennsylvania; effective June 24, 1943, expiring June 24, 1944.

Textile Industry

Covington Mills, Covington, Georgia; Cotton; 3 percent (T); effective June 23, 1943, expiring June 23, 1944.

Green River Mills, Inc., Tuxedo, North Carolina; Cotton textile; 6 percent (A. T.); effective June 24, 1943, expiring December 24, 1943.

Grove Silk Company, 150 East Grove Street, Scranton, Pennsylvania; Silk, rayon, nylon & cotton; 3 percent (T); effective June 24, 1943, expiring June 24, 1944.

Manetta Mills, Lando, South Carolina; Cotton blankets, cotton and wool mixed blankets; 3 percent (T); effective June 28, 1943, expiring June 28, 1944.

Marietta Silk Company, Inc., 533 Broad Street, Waverly, New York; Rayon textiles; 3 learners (T); effective June 23, 1943, expiring June 23, 1944.

Mechanicsburg Silk Company, Cumberland Co., Mechanicsburg, Pa.; Rayon yarn; 5 learners (T); effective June 26, 1943, expiring June 26, 1944.

Morrilton Cotton Mills Company, Morrilton, Arkansas; Heavy cotton duck; 3 percent (T); effective June 24, 1943, expiring June 24, 1944.

New City Mills, Inc., Newton, North Carolina; Cotton; 30 learners (A. T.); effective June 28, 1943, expiring December 28, 1943.

Piedmont Silk Mills, Inc., Bruce Street & Oakland Avenue, Greensboro, North Carolina; Rayon hosiery yarn; 10 learners (A. T.); effective June 23, 1943, expiring December 23, 1943.

Signed at New York, N. Y. this 26th day of June 1943.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 43-10357; Filed, June 28, 1943;
11:21 a. m.]

LEARNER EMPLOYMENT CERTIFICATE

REVERSAL OF CANCELLATION

Notice of the reversal of an order cancelling a special certificate to employ learners at subminimum wage rates.

Notice is hereby given of my findings and determination dated June 22nd, 1943 reversing on reconsideration an order of October 14, 1942, cancelling a special certificate to employ learners at subminimum wage rates issued to the Stein-Way Clothing Company of Erwin, Tennessee. The special certificate issued to the company for the period from February 9, 1942 to February 9, 1943, is hereby affirmed.

Signed at New York, New York this 22d day of June 1943.

ISABEL FERGUSON,
Authorized Representative
of the Administrator.

[F. R. Doc. 43-10358; Filed, June 28, 1943;
11:21 a. m.]

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

MITCHELL CLOTHING CO. AND MAYER'S CLOTHING CO.

ORDER SUSPENDING LICENSE

Louis H. Mitchell, having appeared in connection with alleged violations of Regulation W of the Board of Governors of the Federal Reserve System (hereinafter called the "Board"), and having waived notice and opportunity for hearing before the Board and consented to the issuance of this order for the suspension of his license, and having agreed that:

1. He was at all times mentioned herein and now is engaged in the business of making instalment sales and charge sales of listed articles through stores which he owns and operates under the following trade names in the following places:

Mitchell Clothing Company, 615 North Seventh Street, St. Louis, Missouri.

Mitchell Clothing Company, 115 Collinsville Avenue, East St. Louis, Illinois.

Mitchell Clothing Company, 1316 Nineteenth Street, Granite City, Illinois.

Mayer's Clothing Company, 622 Delmar Boulevard, St. Louis, Missouri.

Mayer's Clothing Company, 111 Collinsville Avenue, East St. Louis, Illinois.

2. He duly filed the registration statement required by the Board's Regulation W and was at all times mentioned herein and now is subject to such regulation.

3. Before and after October 6, 1942, and continuing through May 17, 1943, he pursued a course of dealing in contravention of Regulation W and negligently failed to comply with same. Such negligent violations include (a) using charge accounts as a means of circumventing the down payment requirements of the regulation, (b) improper and inadequate preparation and delivery of statements of transaction, (c) accepting insufficient down payment on installment sales, (d) granting longer terms than permissible on instalment sales, (e) selling listed articles in defaulted charge accounts, and (f) selling listed articles in accounts which purported to be charge accounts but were in fact instalment accounts; and

The said Louis H. Mitchell having further agreed that during the period of suspension of his license under this order he will close all of the aforesaid stores and

discontinue all sales including those for cash; that upon resumption of business following the termination of this suspension period, he will conform his business to the requirements of the regulation; and that he will not in any manner in his future solicitations or advertisements for business indicate or imply that he will grant terms which would be in contravention of the regulation:

Accordingly, the Board having considered the consent, representations, and agreements of the party named, and under authority of section 5 (b) of the Act of October 6, 1917, as amended, and the Executive Order of the President No. 8843 (6 F.R. 4035), hereby orders:

1. That the license of said Louis H. Mitchell, issued pursuant to the Board's Regulation W be and the same is hereby suspended for the period commencing at 12:01 a. m. on July 4, 1943, and ending at 12:01 a. m. July 12, 1943, unless said period is sooner terminated by the Board: *Provided*, That this order, during the suspension period, shall not prohibit (a) the carrying on of regular office and accounting work, (b) the receipt of any payments through the mails or through the normal and usual collection facilities which have heretofore been maintained off the premises of said stores, and (c) the making of payments of any obligations, including obligations to employees for salaries or wages.

2. Any terms used in this order that are defined in Regulation W shall have the meaning therein given them.

By order of the Board of Governors of the Federal Reserve System this 24th day of June, 1943.

[SEAL]

CHESTER MORRILL,
Secretary.

[F. R. Doc. 43-10255; Filed June 26, 1943;
9:15 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. SA-80]

ACCIDENT OCCURRING NEAR ADEL, GA.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 29335 which occurred near Adel, Georgia, on June 22, 1943.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said Act, in the above-entitled proceeding, that hearing is hereby assigned to be held on Friday, July 2, 1943, at 9:30 AM (EWT) at Moody Field, Adel, Georgia.

Dated at Washington, D. C., Saturday, June 26, 1943.

ALLEN P. BOURDON,
Presiding Officer.

[F. R. Doc. 43-10364; Filed, June 28, 1943;
11:37 a. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. G-476 and G-465]

NORTHERN NATURAL GAS COMPANY

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

JUNE 22, 1943.

Upon consideration of Division F of the application filed by Northern Natural

Gas Company on May 4, 1942, (formerly docketed under No. G-280) insofar as it seeks permanent authorization under section 7 of the Natural Gas Act, as amended, for the installation, construction, and operation of the facilities described in paragraph (a), below (now docketed under No. G-476); and

Upon consideration of the application filed by Northern Natural Gas Company on April 15, 1943, for authority under section 7 of the Natural Gas Act, as amended, to install, construct, and operate the facilities described in paragraph (b), below (Docket No. G-465); and

It appearing to the Commission that:

(a) By its order of September 3, 1942, as modified by order of December 29, 1942, the Commission, pending its determination of Division F of the application of May 4, 1942, for a permanent certificate, temporarily authorized the installation, construction, and operation of the following facilities:

(i) A 1,000 horsepower compressor unit, with the required accessories, at applicant's Sublette, Kansas, compressor station;

(ii) A 1,300 horsepower compressor unit, with the required accessories, at applicant's Bushton, Kansas, compressor station;

(iii) An 800 horsepower compressor unit, with the required accessories, at applicant's Hooper, Nebraska, compressor station;

(iv) A loop line of 20- and 24-inch steel pipe about 6.2 miles long extending in a southwesterly direction from the inlet side of the Sublette, Kansas, compressor station adjacent to and approximately parallel with applicant's 20-inch main transmission line;

(b) By its application of April 15, 1943, the applicant seeks authority to install, construct, and operate:

(i) One additional 1,000 horsepower compressor unit at its Skellytown compressor station located in Carson County, Texas; and

(ii) A 24-inch loop line, approximately 25.1 miles long, extending from its Bushton compressor station in Rice County, Kansas, in a southwesterly direction, across the Arkansas River, to a point in the Southeast Quarter of Section 32, Township 20 South, Range 12 West, Barton County, Kansas;

(c) The applications involve additions to applicant's facilities said to be required in order to enable the applicant to maintain its present capacity, and the proceedings thereon may be consolidated for hearing;

The Commission orders that:

(A) The proceedings on the applications of Northern Natural Gas Company in Docket Nos. G-476 and G-465 be and they hereby are consolidated for the purposes of a public hearing;

(B) A public hearing be held commencing on July 15, 1943, at 9:45 a. m. (e. w. t.), in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW, Washington, D. C., respecting the matters involved and the issues presented in this proceeding;

(C) Interested State commissions may participate in this hearing as provided in § 67.4 of the provisional rules of practice and regulations under the Natural Gas Act.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43-10256; Filed, June 26, 1943;
9:21 a. m.]

[Docket No. G-480]

NORTHERN NATURAL GAS COMPANY

NOTICE OF APPLICATION

JUNE 26, 1943.

On June 25, 1943, Northern Natural Gas Company filed an application for authority under section 7 of the Natural Gas Act, as amended, to acquire and operate the facilities of its wholly owned subsidiary, Argus Natural Gas Company, which facilities are used for supplying gas to the distribution systems located in Cimarron, Copeland, Dodge City, Elkhart, Ensign, Fowler, Garden City, Hugo-ton, Meade, Montezuma, Moscow, Plains, Rolla, Satanta and Sublette, all in the State of Kansas, and to certain main line industrial customers. The application states that when these facilities are acquired, they will become a part of applicant's interstate natural gas transmission system. It is further stated in the application that, upon acquisition of the facilities by the applicant, the present service will be maintained by applicant. The industrial customers presently served by Argus Natural Gas Company will be retained by that company and will not be served directly from the pipe line system.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43-10346; Filed, June 28, 1943;
10:09 a. m.]

[Docket No. G-398]

UNITED GAS PIPE LINE COMPANY

ORDER FIXING DATE OF HEARING

JUNE 25, 1943.

Upon consideration of the application filed by United Gas Pipe Line Company on June 19, 1942, as amended June 21, 1943, for authority under section 7 of the Natural Gas Act, as amended, to construct and operate a 12½ inch pipe line approximately 18 miles long extending from the De Large gas field in Terrebonne Parish, Louisiana, in a northeasterly direction to connect with the applicant's existing Lirette-Mobile pipe line at a point in Terrebonne Parish, Louisiana, together with a metering station, a regulating station, and a dehydration plant, which facilities are to be located at the De Large field terminus of the proposed line; The Commission orders that:

(A) A public hearing be held commencing on July 8, 1943, at 9:45 a. m. (e. w. t.), in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C., respecting the matters involved and the issues presented in this proceeding;

(B) Interested State Commissions may participate in this hearing as provided in § 67.4 of the provisional rules of practice and regulations under the Natural Gas Act.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43-10354; Filed, June 28, 1943;
11:21 a. m.]

[Docket No. G-445]

UNITED GAS PIPE LINE COMPANY
ORDER FIXING DATE OF HEARING

JUNE 25, 1943.

It appearing to the Commission that:

(a) On September 24, 1941, United Gas Pipe Line Company (hereinafter referred to as "applicant") filed an application in Docket No. G-216 for authority, under section 7 (b) of the Natural Gas Act, to remove and relocate certain facilities used in the sale of natural gas by the applicant, in accordance with its Rate Schedule FPC No. 4, to Peoples Gas Company for resale in the Cities of Fort Arthur, Nederland, and Port Neches, Texas;

(b) After a public hearing at which the applicant, the Railroad Commission of Texas, Peoples Gas Company, and the City of Port Arthur, Texas, participated, the Commission issued its Opinion No. 71 and order of January 20, 1942, denying the applicant permission to remove or abandon the aforesaid facilities;

(c) On February 5, 1943, the applicant filed a new application under section 7 (b) of the Natural Gas Act, (Docket No. G-445) stating that its aforesaid sale of natural gas to Peoples Gas Company was discontinued on February 21, 1942; that no deliveries of gas have been made by applicant to Peoples Gas Company since that date, that the facilities described in the new application, formerly used in making such sales, have not been used by applicant since February 21, 1942, in serving the public in any manner, and requesting authority to remove or sell in place such facilities; The Commission orders that:

(A) A public hearing be held commencing on July 8, 1943, at 9:55 a. m. (e. w. t.), in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, NW., Washington, D. C., respecting the matters involved and the issues presented in this proceeding;

(B) Interested State Commissions may participate in this hearing as provided in § 67.4 of the provisional rules of practice and regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.[F. R. Doc. 43-10355; Filed, June 28, 1943;
11:21 a. m.]

[Docket No. G-478]

UNITED GAS PIPE LINE COMPANY
ORDER FIXING DATE OF HEARING

JUNE 25, 1943.

Upon consideration of the application filed by United Gas Pipe Line Company on June 21, 1943, for authority, under section 7 of the Natural Gas Act, as amended, to acquire from Willmut Gas & Oil Company and to operate an 8 1/2 inch pipe line approximately 84 miles long extending from a point in Jackson gas field in Rankin County, Mississippi, to the south bank of the Bowie River, near Hattiesburg in Forrest County, Mississippi, and to construct and operate about 4.4 miles of 8 1/2 inch pipe line to

connect the southern terminus of the above-described line to be acquired with applicant's existing Jackson-Mobile pipe line; The Commission orders that:

(A) A public hearing be held commencing on July 8, 1943, at 10:05 a. m. (e. w. t.), in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C., respecting the matters involved and the issues presented in this proceeding;

(B) Interested State Commissions may participate in this hearing as provided in § 67.4 of the provisional rules of practice and regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.[F. R. Doc. 43-10356; Filed, June 28, 1943;
11:21 a. m.]

FOREIGN-TRADE ZONES BOARD.

[Order 9]

TRANSFER OF FOREIGN-TRADE ZONE
OPERATIONS

APPROVAL OF APPLICATION

In the matter of the application of the City of New York for authority to transfer Foreign-trade zone operations from Pier #84, to Pier #53, North River, Borough of Manhattan, during the present emergency.

Pursuant to the authority contained in the Act of June 18, 1934, (48 Stat. 998; 19 U. S. C. 81-a-81-u), the Foreign-Trade Zones Board has adopted the following order which is promulgated for the information and guidance of all concerned:

Upon application of the City of New York, dated June 14, 1943, through its Mayor, F. H. LaGuardia, the Foreign-Trade Zones Board herewith approves the City's request that Pier #53, North River, Manhattan and adjacent upland be designated as a suitable site where temporary zone operations shall be carried on during the present emergency and during this period of temporary occupancy will be deemed within Foreign-Trade Zone #1: *Provided*, The City of New York segregate this area and the structure thereon to comply with the requirements of the Collector of Customs of the Port of New York: *And provided further*, The City of New York file with the Foreign-Trade Zones Board, a description by metes and bounds of the temporary zone area covered by Pier #53, North River, Manhattan.

Foreign-Trade Zone privileges authorized on Pier #84, N. R. under Order #8, dated March 23, 1942, are withdrawn, effective on the date that all goods currently stored thereon have been removed.

This order is effective June 23, 1943.

[SEAL] JESSE H. JONES,
Chairman.[F. R. Doc. 43-10371; Filed, June 28, 1943;
11:46 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Special Permit 20 Under Service Order 123]

MISSOURI PACIFIC RAILROAD COMPANY
REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

The Missouri Pacific Railroad Company (Guy A. Thompson, trustee), or connection, but not both, to re-ice once in transit after the first or initial icing Art. 21653 and Art. 18688 containing potatoes from Fleming Newton, Jacksonville, Texas, consigned Baldwin Pope Marketing Co., St. Louis, Missouri.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 25th day of June 1943.

HOMER C. KING,
Director, Bureau of Service.[F. R. Doc. 43-10263; Filed, June 26, 1943;
11:15 a. m.]

[Special Permit 1 Under Service Order 133]

UNION PACIFIC RAILROAD CO., ET AL.

ICING OF VEGETABLES IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Union Pacific Railroad Company or connection to initially ice or reice with both bunker and top or body ice FGEX 35164, loaded with vegetables and other perishables, destined Sioux Falls, South Dakota; also for the Chicago, Burlington & Quincy Railroad Company to initially ice or reice with both bunker and top or body ice PFE 5837, loaded with vegetables and other perishables, destined Woodlawn, Nebraska; also for the Missouri Pacific Railroad Company (Guy A. Thompson, trustee) to initially ice or reice with both bunker and top or body ice MDT 17132, loaded with vegetables and other perishables, destined Camp Phillips, Kansas, originating beyond or at Kansas City, Missouri.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

FEDERAL REGISTER, Tuesday, June 29, 1943

Issued at Washington, D. C., this 24th day of June, 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-10264; Filed, June 26, 1943;
11:15 a. m.]

[Special Permit 21 Under Service Order 123]

LOUISVILLE AND NASHVILLE RAILROAD CO.

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

The Louisville and Nashville Railroad Company to reice once in transit after the first or initial icing ART 21093 containing potatoes from Morrilton, Arkansas, consigned Edward H. Anderson Co., Owensboro, Kentucky, and reconsigned to Hopkinsville, Kentucky.

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 26th day of June, 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-10360; Filed, June 28, 1943;
11:25 a. m.]

[Special Permit 22 Under Service Order 123]

COMMON CARRIER BY RAILROAD

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Any common carrier by railroad to reice once after the first or initial icing ART 21938, ART 21022, ART 18524, ART 72609, and FGE 18705 containing potatoes originating Arkansas points destined to, or now on, Chicago Produce Terminal, Chicago, Illinois, consigned Piowaty Fruit Co., Chicago: *Provided*, Contents meet Canadian import requirements: *And further provided*, That the ultimate destinations are Canadian points.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 26th day of June, 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-10361; Filed, June 28, 1943;
11:25 a. m.]

[Special Permit 2 Under Service Order 133]

UNION PACIFIC RAILROAD CO.

ICING OF VEGETABLES IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Union Pacific Railroad Company to initially ice or reice with both bunker and top or body ice PFE 29560, loaded with vegetables in mixed lots, destined Fort Riley, Kansas; also for the Missouri Pacific Railroad Company (Guy A. Thompson, Trustee) to initially ice or reice with both bunker and top or body ice PFE 62202, loaded with vegetables in mixed lots, destined Camp Phillips, Kansas, originating beyond or at Kansas City, Missouri.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 25th day of June, 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-10362; Filed, June 28, 1943;
11:25 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 3, Revised-32]

POWELL BROTHERS TRUCK LINES, INC., AND
FRISCO TRANSPORTATION COMPANY

COORDINATED OPERATIONS BETWEEN CLINTON
AND SPRINGFIELD, MISSOURI

Upon consideration of the application for authority to coordinate operations as common carriers by motor vehicle in the transportation of property between Clinton and Springfield, Missouri, filed with the Office of Defense Transportation by Powell Brothers Truck Lines, Inc., hereinafter designated as Powell, Springfield, Missouri and Frisco Transportation Company, a corporation, hereinafter designated as Frisco, Springfield, Missouri, as governed by § 501.9 of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), and

It appearing that such coordination is necessary in order to assure maximum utilization of the facilities, services and equipment and to conserve and prudently utilize vital equipment, materials and supplies of the carriers, and to provide for the prompt and continuous

movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. Powell shall:

(a) Suspend the transportation of shipments originating at or routed through Kansas City, Missouri and destined to Clinton and intermediate points between Clinton and Springfield on Missouri State Highway 13, and divert such shipments, at its terminal at Kansas City, to Frisco;

(b) Suspend the transportation of shipments originating at or routed through Springfield and destined to Clinton and intermediate points between Clinton and Springfield on Missouri State Highway 13, and divert such shipments, at its terminal at Springfield, to Frisco; and

(c) Suspend transportation of shipments originating at Clinton and intermediate points between Clinton and Springfield on Missouri State Highway 13.

2. Frisco shall accept, transport and deliver to destinations all shipments diverted to it in accordance with this order pursuant to the lawfully applicable rates, charges, rules and regulations of the diverting carrier.

3. Except as may be otherwise provided by agreement between the carriers, or prescribed by the Interstate Commerce Commission or by appropriate State regulatory body, the division of revenues derived from the transportation performed pursuant to this order shall be as determined by the Office of Defense Transportation.

4. The records of the carriers shall be available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The provisions of this order shall not be so construed or applied as to require either carrier named herein to perform any service beyond its transportation capacity, or to permit either carrier to alter its legal liability to any shipper. In the event compliance with any term of this order would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of either carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

6. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to such regulatory body or bodies for

special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

7. Contractual arrangements made between carriers to effectuate the terms of this order shall not extend beyond the effective period of this order.

8. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised—32", and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

9. This order shall become effective July 5, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 28th day of June 1943.

JOSEPH B. EASTMAN,
Director,

Office of Defense Transportation.

[F. R. Doc. 43-10353; Filed, June 28, 1943;
11:09 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Administrative Exception Order 47 Under
RO 1A]

TIRE RATIONING

SALES OF EMERGENCY TIRES BY DEFENSE SUPPLIES CORPORATION

Defense Supplies Corporation has in its various warehouses located throughout the United States between two and three million tires which require repair and cannot be recapped. Defense Supplies Corporation has requested the authorization of this Office to transfer these tires to dealers in amounts of not less than 25 or more than 200 tires per dealer outlet. The tires received by the dealers are to be sold to persons holding certificates authorizing the acquisition of Grade III tires. Defense Supplies Corporation has designated these tires as "emergency" tires and they will be branded on the sidewall with the figure "0". They will be sold to dealers at a price not to exceed fifty cents each.

Section 803 (d) of Ration Order 1A provides that no dealer or manufacturer shall transfer to a consumer a tire that is in need of repair. Although the tires held by Defense Supplies Corporation are in need of repair, many of the tires are in such poor condition that a waste of rubber would result if they were repaired with so-called permanent repairs. However, these tires can be made serviceable by the use of temporary repairs such as boots, inner liners, etc. In many instances, these temporary repairs can be made by consumers. Thus, in view of the shortage of tire repairmen and the need for expeditious distribution of these tires, it is in the interest of the mileage rationing program to distribute these tires, without repair, to eligible users.

It is the opinion of the Deputy Administrator in Charge of Rationing that permitting dealers to transfer to Grade III certificate holders the "emergency" tires even though they are in need of repair will neither impair nor defeat the effectiveness or policy of Ration Order 1A and an exception to or waiver or variance of any provision setting forth standards of eligibility or need is not involved.

It is therefore ordered, That pursuant to the provisions of section 807 (f) of Ration Order 1A, Defense Supplies Corporation is hereby authorized to transfer without certificate to dealers the tires designated by them as "emergency" tires in amounts of not less than 25 or more than 200 tires per dealer outlet, provided these tires are branded on the sidewall with the figure "0".

It is further ordered, That the Rubber Manufacturers Association of America, Inc., as agent for Defense Supplies Corporation, shall forward a copy of the shipping order for such transfer to the OPA Regional Office for the area in which the dealer is located within five days after the shipment.

It is further ordered, That upon receipt of the tires they shall be inspected by the dealer and within ten days thereafter the dealer shall notify the OPA District Office in writing of the number of tires which are scrap and which he desires to dispose of as such. These tires shall be segregated and held by him (for inspection by the Office of Price Administration) for a period of not less than thirty days after the forwarding of the notification to the District Office.

It is further ordered, That a dealer acquiring branded tires pursuant to this order may transfer these tires to consumers in exchange for certificates authorizing the acquisition of a Grade III tire even though the tires are in need of repair.

This order shall become effective June 25, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 507, 421 and 429, 77th Cong.; WPB Dir. No. 1, 7 F.R. 562, E.O. 9125, 7 F.R. 2719)

Issued this 25th day of June 1943.

PAUL M. O'LEARY,
Deputy Administrator,
In Charge of Rationing.

[F. R. Doc. 43-10238; Filed, June 25, 1943;
4:21 p. m.]

[Order 1 Under MPR 122]

GEORGE B. NEWTON COAL CO.

ORDER OF REVOCATION

Order 1 under Maximum Price Regulation No. 122—Solid Fuels Delivered from Facilities Other Than Producing Facilities—Dealers; Docket No. 3122-8.

An opinion accompanying this order of revocation has been issued simultaneously herewith and filed with the Division of the Federal Register.

Order No. 1 under Maximum Price Regulation No. 122 is hereby revoked.

This order of revocation shall become effective June 25, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10246; Filed, June 25, 1943;
4:17 p. m.]

Regional Office Orders.

[Region I Order G-22]

FLUID MILK IN VERMONT

Order No. G-22 under § 1499.18 (c) of the General Maximum Price Regulation, § 1351.807 of Maximum Price Regulation No. 280—Prices for Specific Food Products, and § 1351.408 of Maximum Price Regulation No. 329—Purchases of Milk from Producers for Resale as Fluid Milk.

For reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, as amended by Amendment 33, by § 1351.807 of Maximum Price Regulation No. 280 and by § 1351.408 of Maximum Price Regulation No. 329, *It is hereby ordered*:

(a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation and § 1351.803 of Maximum Price Regulation No. 280 for fluid milk sold or delivered in the localities in the State of Vermont listed in paragraph (a) (2) of this order, and established by § 1351.402 of Maximum Price Regulation No. 329 for fluid milk bought or received from producers in Region I for ultimate resale as fluid milk in such localities, are modified so that the maximum prices for such fluid milk shall be the prices (in cents) specified in the applicable schedule below:

(1) For the purposes of paragraph (a) of this order certain localities in the State of Vermont have been allocated among eight zones as defined below, and the maximum prices (in cents) for standard milk sold or delivered in such localities shall be as follows:

PRICE ZONE 1

Quantity (bottles)	Retail delivered	Retail over counter	Wholesale	Dealer-to-dealer
Qt.	15	15	13	12
2 Qt.	28	28	25	23
Pint	9	8	7	7
1/2 Pt.	7	4 1/2	4	4

PRICE ZONE 2

Qt.	14 1/2	14 1/2	12 1/2	11 1/2
2 Qt.	27	27	24	22
Pint	8	7	6 1/2	6 1/2
1/2 Pt.	6	4	4	4

PRICE ZONE 3

Qt.	14	14	12	11
2 Qt.	26	26	23	21
Pint	8	7	6	5 1/2
1/2 Pt.	6	4	3 1/2	3 1/2

PRIZE ZONE 4

Quantity (bottles)	Retail delivered	Retail over counter	Whole-sale	Dealer-to-dealer
Qt.	13½	13½	11½	10½
2 Qt.	25	25	22	20
Pt.		7	6	6
½ Pt.		6	4	3½

PRICE ZONE 5

Qt.	13	13	11	10
2 Qt.	24	24	21	19
Pt.		7	6	5½
½ Pt.		6	4	3½

PRICE ZONE 6

Qt.	12½	12½	10½	9½
2 Qt.	23	23	20	18
Pt.		7	6	5½
½ Pt.		6	4	3½

PRICE ZONE 7

Qt.	12	12	10	9
2 Qt.				
Pt.		7	6	5½
½ Pt.		5	3½	3

(2) The Price Zones into which certain localities in the State of Vermont are allocated for the purposes of paragraph (a) of this order shall be as follows, references being to Market Areas as defined by the Vermont Milk Control Board in its last orders effective before the date of issuance of this order:

(i) Price Zone 1 shall include:

Burlington market area: (For milk with a butterfat content of more than 4%)—Winooski, Winooski Park, Burlington, Shore Line and Summer resorts from north end of Malletts Bay in Colchester to southerly boundary of Bartletts Bay and congested area in South Burlington.

Springfield market area: (For milk with a butterfat content of more than 4%)—The Town of Springfield.

(ii) Price Zone 2 shall include:

Rutland market area: (For milk with a butterfat content of more than 4%)—Rutland City, Rutland Town, Center Rutland.

(iii) Price Zone 3 shall include:

Derby market area: (For milk with a butterfat content of 4.5% or more)—The township of Derby including the incorporated villages of Derby and Derby Line.

Enosburg Falls market area: (For milk with a butterfat content of 4.5% or more)—Incorporated village of Enosburg Falls.

Essex Junction market area: (For milk with a butterfat content of 4.5% or more)—the village of Essex Junction.

Johnson market area: (For milk with a butterfat content of 4.5% or more)—The village of Johnson, incorporated.

Lyndonville market area: (For milk with a butterfat content of 4.5% or more)—The village of Lyndonville and the township of Lyndon.

Newport market area: (For milk with a butterfat content of 4.5% or more)—City of Newport and the Newport Country Club.

Richford market area: (For milk with a butterfat content of 4.5% or more)—The incorporated village of Richford.

St. Albans market area: (For milk with a butterfat content of 4.5% or more)—The city of St. Albans and the township of St. Albans.

Barre market area: The city of Barre; Town of Barre, including East Barre, South Barre, Graniterville; the village of Foxville in the Town of Williamstown; and the Montpelier road to Dodge Crossing.

Bellows Falls market area: Incorporated village of Bellows Falls, Saxtons River, East Parish, and North Westminster.

Bennington market area: The town of Bennington and such parts of the town of Shaftsbury as lie within the limits of the villages of North Bennington and Shaftsbury.

Brattleboro market area: The town of Brattleboro.

Burlington market area: (For milk with a butterfat content of 4% or less)—Winooski, Winooski Park, Burlington, Shore Line and Summer resorts from north end of Malletts Bay in Colchester to southerly boundary of Bartletts Bay and congested area in South Burlington.

Montpelier market area: City of Montpelier, Barre road to Dodge Bridge, Worcester road including village of Wrightsville, East Montpelier Village to Plainfield line and Burlington road to Middlesex line.

Northfield market area: The Town of Northfield.

St. Johnsbury market area: The incorporated village and the Township of St. Johnsbury.

Springfield market area: (For milk with a butterfat content of 4% or less) the Town of Springfield.

Waterbury market area: All of the town of Waterbury, Duxbury, beginning at Winooski Creek Bridge extending to and including Duxbury Corner to Crossett Hill turn by Demeritt Saw Mill, then to Moretown town line near South Main Street Bridge and in Moretown to include all of the area adjacent to Duxbury Corner and extending in Middlesex to Buck Bridge.

White River Junction market area: Town of Hartford, Town of Norwich, that part of the town of Hartland known as District #4.

Windsor market area: Town of Windsor, Village of Windsor, Town of Hartland excepting District #4.

(iv) Price Zone 4 shall include:

Rutland market area: (For milk with a butterfat content of 4% or less)—Rutland City, Rutland Town, Center Rutland.

(v) Price Zone 5 shall include:

Barton market area: Incorporated Village of Barton and summer cottages immediately adjacent to Crystal Lake.

Bethel market area: The Whitcomb School District.

Bradford market area: The incorporated village of Bradford.

Brandon Market Area: The village of Brandon as far north on Route 7 as Pine Hill Cemetery; out Tucker road as far as and including T. Davidson's farm; out Champlain Street as far as the overpass; down Pearl Street as far as the village dump; down Carver Street as far as and including Harry Dundon's farm; through the Jones Pond District as far south on Route 7 as and including Pate's Tourist Home; residence along Golf Course road from Goodnow's to Mrs. Edward's inclusive; from Mrs. Edward's residence across to the Catholic cemetery to the Forestdale-Brandon road; all residences on Seminary Hill.

Bristol market area: Village of Bristol to Dawes Corners, west to Richardson Place but not including Richardson Place, east to Rocky Dale, north to schoolhouse at Gold Grounds.

Cavendish and Ludlow market areas: Township of Cavendish including the incorporated village of Proctorsville and the village of Cavendish; the incorporated village of Ludlow, and the Township of Ludlow.

Chelsea market area: The Fire District of the Village of Chelsea.

Chester market area: Chester Fire District No. 1 and Fire District No. 2, including on the Andover Road the farm of John Arcott.

Derby market area: (For milk with a butterfat content of less than 4.5%)—The township of Derby, including the incorporated villages of Derby and Derby Line.

Enosburg Falls market area: (For milk with a butterfat content of less than 4.5%)—Incorporated village of Enosburg Falls.

Essex Junction market area: (For milk with a butterfat content of less than 4.5%)—The village of Essex Junction.

Fairlee market area: The town of Fairlee.

Gilman market area: The village of Gilman including the road leading north as far as Ida Bell's farm; south to the James Grant farm; west to Irwin Power's farm and east to the Connecticut River.

Hardwick market area: The incorporated village of Hardwick and the village of Mackville.

Island Pond market area: The village of Island Pond and the town of Brighton.

Jeffersonville market area: The incorporated villages of Cambridgeboro and Jeffersonville and the village of Cambridge Junction.

Johnson market area: (For milk with a butterfat content of less than 4.5%)—The village of Johnson incorporated.

Lyndonville market area: (For milk with a butterfat content of less than 4.5%)—The village of Lyndonville and the township of Lyndon.

Manchester market area: The town of Manchester.

Middlebury market area: The township of Middlebury and that portion of the town of Weybridge from Gorham's Corner through Pulp Mill Bridge to Seymour Street.

Morrisville market area: The township of Morrisville and the township of Hyde Park excluding North Hyde Park Village.

Newport market area: (For milk with a butterfat content of less than 4.5%)—City of Newport and the Newport Country Club.

North Troy market area: Including all the territory within the boundary of the North Troy Corporation.

Orleans market area: The incorporated village of Orleans.

Pittsford market area: Pittsford Village bounded as follows: On the north by farm of J. B. Candon, Main Route #7; on the east by what is known as the Plains and Pittsford Furnace; on the west by Otter Creek and on the south by Hudson School House.

Plainfield market area: The incorporated village of Plainfield.

Randolph market area: The village of Randolph.

Richford market area: (For milk with a butterfat content of less than 4.5%)—The incorporated village of Richford.

Richmond market area: Incorporated village of Richmond and village of Jonesville.

Rochester market area: North Boundary—Bean Bridge; South Boundary—Severy Bridge; East Boundary—Brooks Street to village reservoir; also Bethel Mountain road to Pearl Sander's house. Also including that part of Rochester Village lying west of the River on the west of said Village.

St. Albans market area: (For milk with a butterfat content of less than 4.5%)—The city of St. Albans and the township of St. Albans.

Stowe market area: Village of Stowe including lower village; Waterbury road as far as Karl Moody Farm; Morrisville road as far as E. C. Scribner place; West Branch road

as far as Leon McCutcheon; on the North road to Jeffersonville up to and including Barnes Camp; Stowe Hollow as far as Will Rollin's; Moscow Road as far as Collin's Place so-called.

Vergennes market area: The City of Vergennes.

Wallingford market area: Village of Wallingford and, to be specific, a radius of two miles with the True Temper Inn as a center.

Williamstown market area: The Fire District of the village of Williamstown.

Wilmington market area: The incorporated village of Wilmington and all intervening territory within the following limits: From the Averill stand corner on the Brattleboro Road to West Street at the barn and garage of the Forest and Stream Club, and from the Crafts' Farm on the north to the top of Castle Hill on the south.

Woodstock market area: The town of Woodstock.

(vi) Price Zone 6 shall include:

All localities not listed in Price Zones 1, 2, 3, 4, 5, and 7 of this order and situated south of a line commencing at a point which is the northwest corner of the Town of Charlotte and running easterly along the northerly boundary lines of the towns of Charlotte and Hinesburg to a point which is the northeast corner of said town of Hinesburg; thence southerly along the eastern boundary line of the town of Hinesburg to a point where the northerly boundary line of the town of Huntington intersects with the easterly boundary line of the town of Hinesburg; thence easterly along the northerly boundary line of the town of Huntington to a point where the northerly boundary line of the town of Huntington intersects with the westerly boundary line of the town of Duxbury; thence northerly along the westerly boundary line of the town of Duxbury to the northwesterly corner of said town of Duxbury; thence easterly along the northerly boundary lines of the towns of Duxbury, Moretown, Berlin, and Barre to the northwest corner of Orange County; thence easterly along the northerly boundary line of Orange County to a point which is the northeasterly corner of Orange County.

(vii) Price Zone 7 shall include:

Milton market area: The area bounded by the limits of the village of Milton and, in certain directions extending to and including the following points along the cement road to the airport, and the St. Albans road to Jim Manley's, the Miltonboro road to John Larocque's, the south road to McMullen's Crossing; meaning to include all intervening territory within the aforesaid bounds.

Montgomery market area: The Villages of Montgomery and Montgomery Center.

Westmore market area: On the east side of the lake south to and including Trail's End; east on the Long Pond road to Gerald Perkin's farm and on the East Hill road to Charles Shover farm and M. LaCrosse farm; north to the Brownington and Barton lines; west around the lake including all the camps up to and including Irving Robinson's and back from the lake to Len Woodard's farm.

(viii) Price Zone 8 shall include:

All localities not listed in Price Zones 1, 2, 3, 4, 5 and 7 of this order situated north of the line described in Price Zone 6 of this order.

(3) The maximum prices for fluid milk bought and received from producers in Region I for ultimate resale as fluid milk in the areas and localities listed and described in Price Zones 1, 2, 3, 4, 5, 6, 7, and 8 of this order shall be as follows:

Market area	Price to producers (per quart.)
Brattleboro	\$3.95
Bellows Falls, Cavendish-Ludlow, Chester, Springfield, White River Junction, Windsor, Woodstock	3.79
Barre, Barton, Bennington, Bethel, Bradford, Brandon, Bristol, Burlington, Chelsea, Derby, Enosburg Falls, Essex Junction, Fairlee, Gilman, Hardwick, Island Pond, Jeffersonville, Johnson, Lyndonville, Manchester, Middlebury, Montpelier, Morrisville, Newport, North Troy, Northfield, Orleans, Pittsford, Plainfield, Randolph, Richford, Rochester, Rutland, St. Albans, St. Johnsbury, Vergennes, Wallingford, Waterbury, Williamstown, Wilmington, and localities south of the line described in Price Zone 6 of this order	3.56
Milton, Montgomery, Richford, Stowe, and Westmore	3.32
All localities north of the line described in Price Zone 6 of this order	3.26

(4) The above retail prices for standard milk shall be the maximum prices for sales for home consumption by producers, dealers, producer-dealers and stores, whether sold for cash or on credit, and whether sold on the premises or delivered to the consumer. The above retail prices shall also be the maximum prices for sales of standard milk by hotels, restaurants, soda fountains, bars, cafes, caterers, or other similar eating establishments for other than home consumption: *Provided*, That if the maximum retail prices of any such seller as established under § 1499.2 of the General Maximum Price Regulation are higher than those set forth above, the maximum retail prices so established under such regulation shall be such seller's maximum prices.

(5) The above wholesale prices for standard milk shall be the maximum prices for sales in containers of the sizes listed, in any quantity, to stores, hotels, restaurants, hospitals, schools and other incidental wholesale trade, and to religious and fraternal organizations and institutions and government agencies, and also for sales averaging eight or more quarts daily to boarding houses, tourist lodges serving meals, and wayside stands.

(6) The above dealer-to-dealer maximum prices shall be the maximum prices for sales by dealers or producer-dealers to other dealers or producer-dealers.

(7) For milk sold in paper containers, not more than one cent per container may be added to applicable prices set forth herein.

(8) The maximum prices fixed in this order for standard milk shall be applicable whether the milk is pasteurized or raw, except that where pasteurized milk is delivered by a dealer in a market other than the one in which his principal place of business is located, his maximum price for such milk shall be the maximum price for such milk in the market in which his principal place of business is located if such price is higher than that in the market in which he delivered the milk.

(9) In the Burlington market area and the Springfield market area no milk

with a butterfat content of 4% or less shall be sold at prices in excess of those provided in the schedule above for Price Zone 3, and no milk with a butterfat content of more than 4% shall be sold at prices in excess of those provided in the schedule above for Price Zone 1.

(10) In the Rutland market area no milk with a butterfat content of 4% or less shall be sold at prices in excess of those provided in the schedule above for Price Zone 4, and no milk with butterfat content of more than 4% shall be sold at prices in excess of those provided in the schedule above for Price Zone 2.

(11) In the Derby, Enosburg Falls, Essex Junction, Johnson, Lyndonville, Newport, Richford, and St. Albans market areas, no milk with a butterfat content of less than 4.5% shall be sold at prices in excess of those provided in the schedule above for Price Zone 5, and no milk with a butterfat content of 4.5% or more shall be sold at prices in excess of those provided in the schedule above for Price Zone 3.

(12) All other customary deposit charges and price differentials which any seller had in effect during the base period for special milk, including but not limited to Grade A milk, flavored milk, trade marked milk, and milk of specially high or low butterfat content, may be added to or must be subtracted from, as the case may be, the maximum prices for standard milk as fixed in this order. The base period to be used for computing all such differentials shall be:

(i) For sales of fluid milk subject to the General Maximum Price Regulation, March 1942.

(ii) For sales of fluid milk subject to Maximum Price Regulation 280, the period September 28, 1942, to October 2, 1942, inclusive.

(iii) For purchases of fluid milk from producers subject to Maximum Price Regulation 329, January 1943.

(13) The maximum prices for single pints sold at retail in combination with one or more quarts, or when quarts are not available, shall be no more than one-half of the above retail quart prices.

(14) Where the total bill at the time of sale, if sold for cash, or at the end of any billing period if sold on credit, comes out at a fraction of a cent, the seller may charge the next higher cent.

(b) Each milk distributor selling milk subject to this order to purchasers for purposes of resale shall promptly notify such purchasers in writing of the maximum prices permitted by this order for sales by the distributor and by such purchasers, and of the requirement that such maximum prices for sales at retail be posted by such purchaser (if a retailer) in accordance with the provisions of section 13 of the General Maximum Price Regulation.

(c) All previous Region I price orders affecting the Maximum prices of fluid milk sold in the State of Vermont are superseded by this Region I Order No. G-22, including:

(1) Region I Price Order 3 under § 1499.18 (c) of the General Maximum Price Regulation—Fluid Milk in Bennington, Vermont.

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(2) Region I Price Order 4 under § 1499.18 (c) of the General Maximum Price Regulation—Fluid Milk in Montpelier and Barre, Vermont.

(3) Region I Price Order 5 under § 1499.18 (c) of the General Maximum Price Regulation—Fluid Milk in St. Albans and Swanton, Vermont.

(4) Region I Price Order 11 under § 1499.18 (c) of the General Maximum Price Regulation and § 1351.807 of Maximum Price Regulation 280—Fluid Milk in Vermont.

(d) This order may be revoked, amended, or corrected at any time.

(e) This order shall become effective April 7, 1943 at 12:01 A. M.

Issued this 6th day of April, 1943.

K. B. BACKMAN,
Regional Administrator,
Region I.

[F. R. Doc. 43-10178; Filed, June 25, 1943;
9:40 a. m.]

[Region I Order G-22, Amdt. 1]

FLUID MILK IN VERMONT

Amendment 1 to Region I Order No. G-22 under § 1499.18 (c) of the General Maximum Price Regulation, § 1351.807 of Maximum Price Regulation No. 280—Prices for Specific Food Products, and § 1351.408 of Maximum Price Regulation No. 329—Purchases of Milk from Producers for Resale as Fluid Milk.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, as amended by Amendment 33, by § 1351.807 of Maximum Price Regulation No. 280 and by § 1351.408 of Maximum Price Regulation No. 329, *It is hereby ordered*, That paragraph (a) (1) be amended and that paragraph (f) be added to read as set forth below:

(a) * * *

(1) For the purposes of paragraph (a) of this order certain localities in the State of Vermont have been allocated among eight zones as defined below, and the maximum prices (in cents) for standard milk sold or delivered in such localities shall be as follows:

PRICE ZONE 1

Quantity	Retail delivered	Retail over counter	Whole-sale	Dealer-to-dealer
Qt. bottles.....	15	15	13	12
2 qt. bottles.....	28	28	25	23
Pt. bottles.....	9	8	7	
½ pt. bottles.....	7	4½	4	
Bulk, per qt.....		12		

PRICE ZONE 2

Qt. bottles.....	14½	14½	12½	11½
2 qt. bottles.....	27	27	24	22
Pt. bottles.....	8	7	6½	
½ pt. bottles.....	6	4	4	
Bulk, per qt.....		11½		

PRICE ZONE 3

Quantity	Retail delivered	Retail over counter	Whole-sale	Dealer-to-dealer
Qt. bottles.....	14	14	12	11
2 qt. bottles.....	26	26	23	21
Pt. bottles.....	8	7	6	5½
½ pt. bottles.....	6	4	4	3½
Bulk, per qt.....		11		

PRICE ZONE 4

Quantity	13½	13½	11½	10½
Qt. bottles.....	25	25	22	20
2 qt. bottles.....	24	24	21	19
Pt. bottles.....	7	6	6	5½
½ pt. bottles.....	6	4	4	3½
Bulk, per qt.....		10½		

PRICE ZONE 5

Quantity	13	13	11	10
Qt. bottles.....	24	24	21	19
2 qt. bottles.....	7	6	6	5½
Pt. bottles.....	6	4	4	3½
Bulk, per qt.....		10		

PRICE ZONE 6

Quantity	12½	12½	10½	9½
Qt. bottles.....	23	23	20	18
2 qt. bottles.....	7	6	6	5½
Pt. bottles.....	6	4	4	3½
Bulk, per qt.....		9½		

PRICE ZONE 7

Quantity	12	12	10	9
Qt. bottles.....	22	22	20	18
2 qt. bottles.....	7	6	6	5½
Pt. bottles.....	5	3½	3	
½ pt. bottles.....		9		

PRICE ZONE 8

Quantity	11½	11½	9½	8½
Qt. bottles.....	21	21	19	17
2 qt. bottles.....	6	5	5	5
Pt. bottles.....	5	3½	3	
½ pt. bottles.....		8½		

* * * * *

(f) Amendments to Region I Order No. G-22 shall become effective as follows:

(1) Amendment 1 shall become effective May 24, 1943, at 12:01 a. m.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 22d day of May 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-10179; Filed, June 25, 1943;
9:42 a. m.]

[Region I Order G-26]

FIREWOOD IN VERMONT

Order No. G-26 under § 1499.18 (c) of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, as amended by Amendment 33, *It is hereby ordered*:

(a) Maximum prices for firewood. For firewood sold and delivered in the

State of Vermont the maximum prices established by the General Maximum Price Regulation are modified, so that the maximum prices for firewood sold or delivered in the State of Vermont in the transactions listed below shall be the prices (in dollars and cents) specified in paragraph (d) hereof.

(b) *Evasion.* (1) The price limitations set forth in this Order No. G-26 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 firewood in the State of Vermont, alone or in conjunction with any other commodity or by way of commission, service, transportation, or any other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding or otherwise.

(2) The maximum prices established in this Order No. G-26 shall not be increased by any charges for the extension of credit or by any decrease in the time customarily allowed for payment, and shall be decreased for prompt payment to the same extent that the price would have been decreased for prompt payment on March 1, 1942.

(c) *Definitions.* The definitions set forth in section 302 of the Emergency Price Control Act, as amended, and in section 20 of the General Maximum Price Regulation shall apply to the terms used in this order except when the context otherwise requires and except that the terms listed below shall be construed as follows:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or the legal successor or representative of any of the foregoing and includes the United States, or any government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Firewood" means any wood prepared and intended for consumption as fuel.

(3) *Hardwood cordwood.* (i) "First quality hardwood cordwood" means any cordwood containing only straight sticks of body wood cut from beech, birch, maple, hickory and oak trees and similar species and not containing any large knots, crotches or decay. Such sticks must be at least three (3) inches in diameter.

(ii) "Second quality hardwood cordwood" means any cordwood cut from any deciduous tree which does not meet the requirements set forth in the definition of first quality hardwood cordwood in paragraph (c) (3) (i) above. Second quality hardwood cordwood may contain sticks of knotty, crotched or heart rotted character.

(4) "Softwood cordwood" means all cordwood other than hardwood cordwood.

(5) "A cord" shall contain 128 cubic feet of wood. A cord of 16 inch wood shall contain the equivalent of three piles of wood 4 feet high, 8 feet long and 16 inches wide. A cord of 12 inch wood shall contain the equivalent of four piles

of wood 4 feet high, 8 feet long and 12 inches wide. No cord of wood of any length shall contain less than 128 cubic feet of wood. This order does not recognize the terms, "a run", or "stove cord", except as they apply to that proportion of a cord of wood containing 128 cubic feet.

(6) "Fitted wood" shall be cordwood firewood suitable for stove use, sawed and split to buyer's order.

(7) "Slab wood" means the refuse, except sawdust and bark not adhering to the wood, from sawing any logs.

(8) "Wood waste" means edging, bobbin wood, clippings, and any other wooden material, except sawdust and slab wood, produced in the course of milling or manufacturing wood.

(9) "Cordwood" means any firewood so prepared that at least 80% consists of cleft wood or merchantable body wood in the round of desirable species.

(10) "Delivered" means deposited on or at premises designated by the buyer.

(11) "Kindling wood" shall mean any hardwood or softwood, including waste

wood, split and prepared so as to be primarily used to start or kindle a fire.

(d) *Maximum prices for firewood sold or bought in the State of Vermont.* (1) On and after the effective date of this Order No. G-26 no person shall sell or deliver, and no person shall buy or receive any firewood in the State of Vermont at prices higher than the maximum prices set forth in paragraph (d) of this order.

(2) In sales of fitted wood two dollars (\$2.00) per cord may be added to the maximum prices for cordwood listed in Table I below.

(3) The classifications of firewood listed herein in Table I of paragraph (d) may be mixed but the maximum prices of each sale of mixed firewood shall be the maximum price for the classification in the mixture having the lowest established maximum price.

(4) In sales of unseasoned or green firewood the seller shall deduct ten (10) percent from the maximum price established for that grade and quantity of firewood in Table I below.

TABLE I—MAXIMUM PRICES FOR FIREWOOD

	In the woods per cord	At road-side per cord	At mill per cord	At retail yard per cord	Delivered at consumer's premises					
					Per cord cut 24"	Per cord cut 16"	Per cord cut 12"	Per cord 4 ft.	Per cubic ft. in baskets or containers piled 9 cubic ft. or less	Per cubic ft. closely packed and in quantity of more than 9 cubic ft.
First quality hardwood cordwood 4 ft.	\$7.00	\$9.00	-----	\$11.00	-----	-----	-----	\$11.00	-----	-----
First quality hardwood cordwood under 4 ft.	-----	11.00	-----	13.00	\$15.00	\$15.00	\$16.00	-----	-----	-----
Softwood cordwood and second quality hardwood cordwood 4 ft.	3.00	5.00	-----	7.00	-----	-----	-----	7.00	-----	-----
Softwood cordwood and second quality hardwood under 4 ft.	-----	7.00	-----	9.00	10.00	10.00	11.00	-----	-----	-----
Hardwood slabwood 4 ft. or over	-----	-----	\$4.00	5.00	-----	-----	-----	6.00	-----	-----
Hardwood slabwood under 4 ft.	-----	-----	5.50	11.00	12.00	12.00	14.00	-----	-----	-----
Softwood slabwood 4 ft. or over	-----	-----	3.00	4.50	-----	-----	-----	5.00	-----	-----
Softwood slabwood under 4 ft.	-----	-----	3.50	8.00	9.00	9.00	10.00	-----	\$0.13	\$0.11
Softwood kindling	-----	-----	-----	-----	-----	-----	-----	-----	.17	.15
Hardwood kindling	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----

(e) The provisions of this order shall be applicable throughout the State of Vermont.

(f) Vermont Price Order No. 1, being superseded by this Order G-26, is hereby revoked.

(g) This order may be revoked, amended or corrected at any time.

This order shall become effective June 14, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 8th day of June 1943.

K. B. BACKMAN,
Regional Administrator,
Region I.

[F. R. Doc. 43-10181; Filed, June 25, 1943;
9:39 a. m.]

(a) This order shall apply to all retail dealers operating in Marion County, Indiana, for the sale and delivery of any solid fuels for domestic use within said county.

(b) All retail dealers operating in Marion County, Indiana, may add an amount not in excess of 30¢ per ton to their maximum prices, as established under Revised Maximum Price Regulation No. 122, as amended, for each size, kind, and quality of solid fuel sold and delivered for domestic use within said county.

This amendment shall become effective June 3, 1943.

Issued June 3, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4691)

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43-10239; Filed, June 25, 1943;
4:18 p. m.]

[Region IV Order G-1 Under Temporary
MPR 29]

CERTAIN LISTED VEGETABLES IN ATLANTA
REGIONAL AREA

Order No. G-1 under Temporary Maximum Price Regulation No. 29; modification of prices of certain listed vegetables in the Atlanta Regional Area; (formerly General Order No. 1).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator for Region IV of the Office of Price Administration by § 1439.304 (c) of Temporary Maximum Price Regulation No. 29, as amended, and by Revised General Order No. 32, as amended, *It is hereby ordered:*

(a) The purpose of this order is to establish maximum prices for the following fresh vegetables hereinafter referred to as "listed commodities" when such vegetables are produced or sold in the Atlanta Regional Area which shall include the states of Alabama, Florida, Georgia, North Carolina, Mississippi, South Carolina, Tennessee and Virginia:

(1) Lettuce.

(2) Spinach.

(b) *Maximum "country shipper" prices.* (1) The maximum price which a "country shipper" may charge or receive for a "listed commodity" f. o. b. "country shipping point" shall be the price set forth in Schedule A of this order.

(2) The "country shipper" means any person, including a farmer, who grades, sacks or loads "listed commodities", whether or not on board common or contract carriers, and who makes sales and deliveries whether for his own account or for the joint account of himself and another, directly to wholesalers, retailers, commercial, industrial or institutional users.

(3) "Country shipping point" means the first place in or near the producing

[Region III Amdt. 1 to Order G-4 Under
MPR 122]

SOLID FUELS IN MARION COUNTY, INDIANA

Amendment No. 1 to Order No. G-4 under Maximum Price Regulation No. 122; Adjustment of maximum prices of solid fuels sold and delivered in Marion County, Indiana.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122: *It is hereby ordered*, That paragraph (a) and paragraph (b) of said order No. G-4 under Maximum Price Regulation No. 122 be amended to read as set forth below:

area where the "listed commodity" is loaded for shipment.

(4) The prices set forth in the following Schedule A are f. o. b. "country shipping point" as that term is defined in this order but apply only to "country shipping points" located within the Atlanta Regional Area. The "country shipping point" prices set out in this Schedule A shall apply, regardless of quantity sold.

(5) *Schedule A.*

THE MAXIMUM "COUNTRY SHIPPING POINT" PRICES

Listed commodity	Unit	Maximum price
Spinach (all fresh).	Bushel hamper (minimum net weight 20 pounds).	\$1.65 per hamper.
	In units other than bushel hamper.	8.25 cents per pound net weight.
Lettuce (iceberg type).	4-5 dozen L. A. standard crate.	\$5.75 per crate.
	6 dozen L. A. standard crate.	\$4.75 per crate.
	2 dozen $\frac{1}{2}$ L. A. standard crate.	\$2.88 per crate.
	3 dozen $\frac{1}{2}$ L. A. standard crate.	\$2.38 per crate.
Big Boston type.	$\frac{1}{4}$ bushel hamper.	\$3.90.

(c) *Maximum "terminal seller" and "car lot distributor" prices.* (1) The maximum price which a "terminal seller" or "car lot distributor" may charge or receive for a "listed commodity" shall be the actual cost to such "terminal seller" or "car lot distributor" of the "listed commodity" multiplied by 1.035: *Provided*, That such maximum price shall not exceed the "country shipping point" price established by Schedule A hereof plus "freight" from the "country shipping point" from which the "listed commodity" was shipped to the "terminal seller" or "car lot distributor" multiplied by 1.035.

(2) "Terminal seller" or "car lot distributor" shall be any person who receives or purchases "listed commodities" either for his own account or for the account of another person, and who customarily sells ex-track, ex-truck or ex-shipping shed at the terminal market, and who does not customarily warehouse or deliver beyond the terminal market area.

(3) The "freight" which may be added to the "country shipping point" price in determining the maximum price of a "terminal seller" or a "car lot distributor" shall mean the freight on the particular quantity of the "listed commodity" calculated on car lot rail freight rates (including icing the car when required) from the "country shipping point" of origin to "terminal seller's" or "car lot distributor's" point of sale.

(d) *Maximum wholesale prices.* (1) Any wholesaler shall determine prices on Wednesday, April 28, 1943, and on each succeeding Wednesday while this order shall remain in effect for each "listed commodity". Such determination shall be made before the wholesaler commences sales on such calculation date and the price so established shall remain the wholesaler's maximum price until the next calculation date.

(2) Each wholesaler shall determine his maximum price as follows:

(i) Determine whether he be a "service wholesaler", "retailer-owned-cooperative wholesaler" or "cash and carry wholesaler".

(ii) Determine whether he be a "first wholesaler" or "second or subsequent wholesaler".

(iii) Ascertain from Schedule B the appropriate multiplier to be used by a wholesaler of his type.

(iv) Multiply "cost" (as set forth below) by the appropriate multiplier from Schedule B.

(3) In determining his maximum price a wholesaler shall determine "cost" as follows:

(i) If he be a "first wholesaler" his cost shall be the net invoice cost from his supplier if that be a delivered price, or such cost plus actual freight (including icing of car when required) if his supplier's price is an f. o. b. price for the largest single purchase of the "listed commodity" made by such wholesaler during the 7-day period preceding the calculation date on which he is determining prices: *Provided*, That no such cost figure shall exceed his supplier's ceiling price as determined under this order: *And provided further*, That if any such wholesaler purchased the particular "listed commodity" from a person in a transaction not covered by this order, his cost figure shall not in any event exceed the maximum shipping point price provided in Schedule A plus car load freight from the "country shipping point" of origin to such wholesaler's receiving point.

(ii) If he be a "second or subsequent wholesaler" his cost shall be the cost of the "first wholesaler" who sold the particular lot of the "listed commodity" on which he is determining his maximum price. *Provided*, That any wholesaler who sells to another wholesaler shall state on his invoice his net cost and the amount of freight paid by him, and provided further that no wholesaler shall purchase or receive a "listed commodity" from another wholesaler until he shall have secured information as to the first wholesaler's cost.

(4) When used in this order:

(i) A "service wholesaler" shall mean a wholesaler, not retailer-owned, who distributes vegetables for resale to retailers, or to commercial, industrial or institutional users, and who customarily delivers to purchasers.

(ii) A "retailer-owned cooperative wholesaler" shall mean either a non-profit organization or a corporation of which 51% or more of the capital stock is owned by its retail customers, and which distributes vegetables.

(iii) A "cash and carry wholesaler" shall mean a wholesaler, not retailer-owned, who distributes vegetables for resale to retailers, or to commercial, industrial or institutional users, and one who does not customarily deliver to purchasers.

(iv) "First wholesaler" shall mean the first wholesaler, whether "service," "retailer-owned cooperative" or "cash and carry" who sells a particular lot of a "listed commodity."

(v) "Second or subsequent wholesaler" shall mean any wholesaler who

purchases a "listed commodity" from another wholesaler.

(5) *Schedule B.*

WHOLESALE MULTIPLIERS IN DETERMINING MAXIMUM PRICES UNDER THIS ORDER

FIRST WHOLESALER

"Service wholesaler"	1.175
"Retailer-owned cooperative wholesaler"	1.095
"Cash and carry wholesaler"	1.095

SECOND WHOLESALER

"Service wholesaler"	1.29
"Retailer-owned cooperative wholesaler"	1.20
"Cash and carry wholesaler"	1.20

(e) *Maximum "trucker" prices.* (1) The maximum price which a trucker may charge or receive for a "listed commodity" shall be the actual cost to such trucker of the "listed commodity" multiplied by 1.095, and provided further that if a trucker purchases the particular "listed commodity" directly from a farmer, he shall, in determining his maximum price, use as the "country shipping point" the rail head nearest, by road, to the farm on which the particular listed commodity was grown and, in determining "freight", the trucker shall compute same on the basis of car lot freight rate (including icing the car when required) from the "country shipping point" so determined to the trucker's point of sale.

(f) *Calculations.* All sellers, when they compute their maximum prices, shall compute them for the unit of sale which they wish to use. If this unit is different than the unit upon which their purchase price was determined, they shall first compute the net cost to them of the unit which they wish to sell, and then apply their mark-up, as provided hereinabove, in this order.

In figuring such prices, all sellers shall carry their figures out to the second decimal place. Sales by such sellers of single units where a fractional cost of one-half cent or more is involved may adjust the price upward to the nearest cent, and where the fractional cent is less than one-half, they shall adjust the price down to the nearest cent. In sales of more than one unit, the actual maximum price shall be multiplied by the number of units, and if any fractional cent results, they may be adjusted up or down, as above stated.

(g) *General provisions.* (1) If any person in Region IV sells a quantity of a listed commodity which was grown outside of Region IV, he may determine the maximum price according to the mark-up formula established in this order, using as his cost the actual cost to him of the largest single purchase of such commodity during the appropriate period: *Provided*, That the first person located in Region IV, who sells such commodity grown outside Region IV, shall not take as his cost any price which exceeds the ceiling price of his supplier, if that be a delivered price, or such ceiling price plus freight (including car icing if required) if that be an f. o. b. price.

(2) Whenever used in this order "largest single purchase" shall mean the purchase of the greatest quantity of the particular "listed commodity" which was

received by the seller at his customary receiving point during the seven days before the day on which the maximum price must be calculated. In calculating his maximum price after the effective date of this order, a seller who made no purchases during the seven days before any calculation date shall, on that calculation date, use as his "largest single purchase" in determining the calculated net cost his most recent purchase.

(h) *Exempt sales.* All sales of "listed commodities" exempt by Temporary Maximum Price Regulation No. 29 in its present form or as it may be hereafter amended, or by any maximum price regulation which may specifically supersede such Temporary Maximum Price Regulation No. 29, are exempt from this order and furthermore sales or deliveries by a farmer of a "listed commodity" direct to an ultimate consumer shall be exempt from the provisions of this order and shall remain subject to the provisions of Temporary Maximum Price Regulation No. 29 or other applicable regulation of the Office of Price Administration to the extent therein covered.

(i) *Records.* Every seller subject to this order shall keep all records upon which he calculated any maximum price, "cost" or "largest single purchase" under this order, whether currently in effect or not, which records shall be kept for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

(j) *Relationship between this order, Temporary Maximum Price Regulation No. 29 and adjustment orders issued under Temporary Maximum Price Regulation No. 29 in Region IV.* Unless the context otherwise requires, all transactions subject to this order shall remain subject to all the provisions of Temporary Maximum Price Regulation 29, to other maximum price regulation which may specifically supersede such Temporary Maximum Price Regulation No. 29, and this order shall supersede any and all adjustment orders issued by any office of the Office of Price Administration within Region IV, whether Regional, State or District.

(k) *Effective period of this order.* This order shall remain in effect for so long as Temporary Maximum Price Regulation No. 29, or any maximum price regulation which specifically replaces such Temporary Maximum Price Regulation No. 29, shall be effective: *Provided*, That this order may be revoked, amended or corrected at any time.

This order shall become effective with respect to all "country shipper", "terminal seller", "car lot distributor" and "trucker" sales at 12:01 a. m. on Saturday, April 24, 1943, and with respect to other transactions at 12:01 a. m. on Wednesday, April 28, 1943.

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

Issued this 22d day of April 1943.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 43-10240; Filed, June 25, 1943;
4:20 p. m.]

[Region IV Amdt. 1 to Order G-1 Under
Temporary MPR 29]

CERTAIN LISTED VEGETABLES IN ATLANTA
REGIONAL AREA

Amendment No. 1 to Order No. G-1 (formerly General Order No. 1) under Temporary Maximum Price Regulation No. 29; modification of prices of certain listed vegetables in the Atlanta Regional Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator for Region IV of the Office of Price Administration by § 1439.304 (c) of Temporary Maximum Price Regulation No. 29, as amended, and by Revised General Order No. 32, as amended, *It is hereby ordered:*

Paragraph (e) *Maximum "trucker" prices* is amended as set forth below:

(e) *Maximum "trucker" prices.* (1) The maximum price which a trucker may charge or receive for a "listed commodity" shall be the actual cost to such trucker of the "listed commodity" multiplied by 1.095: *Provided*, That such maximum price shall not exceed the "country shipping point" price established by Schedule A hereof, plus "freight" from the "country shipping point" of origin, multiplied by 1.095: *And provided further*, That if a trucker purchases the particular "listed commodity" directly from a farmer, he shall, in determining his maximum price, use as the "country shipping point" the rail head nearest, by road, to the farm on which the particular "listed commodity" was grown and, in determining "freight", the trucker shall compute same on the basis of car lot freight rate (including icing the car when required) from the "country shipping point" so determined to the trucker's point of sale.

(2) A "trucker" shall be any person who purchases for his own account a "listed commodity" in a producing area, transports same to market by truck and resells to wholesalers or retailers ex-truck.

(3) The "freight" which may be added to the "country shipping point" price in determining the maximum price of a "trucker" shall mean the freight on the particular quantity of the listed commodity calculated on car lot rail freight rates (including icing the car when required) from the "country shipping point" of origin to the trucker's point of sale.

(4) Any wholesaler purchasing a "listed commodity" from a trucker shall, for purposes of determining his maximum prices, treat the trucker as a "first wholesaler" and therefore compute his maximum price under this order as if he were a "second or subsequent wholesaler."

This Amendment No. 1 to General Order No. 1 under Temporary Maximum Price Regulation No. 29 shall become effective as of 12:01 a. m. Saturday, April 24, 1943.

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

Issued this 24th day of April 1943.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 43-10241; Filed, June 25, 1943;
4:18 p. m.]

[Region VII Order G-1 Under Temporary
MPR 28]

CERTAIN VEGETABLES IN NEW MEXICO

Order No. G-1 under Temporary Maximum Price Regulation No. 28—Certain Perishable Fruits and Vegetables; adjustment of maximum prices of tomatoes, carrots, snap beans and peas and cabbage for the State of New Mexico.

For the reasons set forth in an opinion issued simultaneously with this order and under authority vested in the New Mexico State Director of the Office of Price Administration by § 1439.253 (c) of Temporary Maximum Price Regulation No. 28 and by General Order No. 32, *It is hereby ordered:*

(a) The maximum prices established by Temporary Maximum Price Regulation No. 28 for sales of tomatoes, cabbage, carrots, snap beans and peas delivered to retailers and to institutional users within the State of New Mexico are adjusted to conform to the following prices:

- (1) Tomatoes, 70% or better U. S. #1—\$6.25 per Los Angeles lug.
- (2) Cabbage—7½ cents per pound.
- (3) Bulk carrots in lots of 50 pounds or more—4½ cents per pound.
- (4) Bulk carrots in lots of less than 50 pounds—5 cents per pound.
- (5) Carrots in standard bunches—65 cents per dozen bunches.
- (6) Pole peas, U. S. No. 1—22 cents per pound.
- (7) Snap beans—\$7.00 per standard hamper.

(8) Where the seller delivers to a point located more than twenty miles from an established place of business maintained by the seller in New Mexico, the seller may add to each of the foregoing maximum prices an amount no greater than the seller's price differential between sales delivered at such point and sales delivered in the immediate locality of the seller's place of business during the period February 18, 1943 to February 22, 1943.

(b) The maximum prices established by Temporary Maximum Price Regulation No. 28 for sales at retail of tomatoes, cabbage, carrots, snap beans and peas within the State of New Mexico are adjusted to conform to the following prices:

- (1) Prices for class 1, class 2 and class 3 retailers:

- (i) Cabbage—11 cents per pound.
- (ii) Pole peas—33 cents per pound.
- (iii) Bulk carrots—7 cents per pound.
- (iv) Bunch carrots—8 cents per bunch.
- (v) Snap beans—35 cents per pound.
- (vi) Tomatoes—31 cents per pound.

- (2) Prices for class 4 and class 5 retailers:

- (i) Cabbage—10 cents per pound.
- (ii) Pole peas—31 cents per pound.
- (iii) Bulk carrots—6 cents per pound.
- (iv) Bunch carrots—7 cents per bunch.
- (v) Snap beans—35 cents per pound.
- (vi) Tomatoes—31 cents per pound.

FEDERAL REGISTER, Tuesday, June 29, 1943

(3) The foregoing classes of retailers are the classes defined in and determined pursuant to Maximum Price Regulation No. 268.

(c) This order may be revoked, amended or corrected at any time.

(d) Except as herein modified, the provisions of Temporary Maximum Price Regulation No. 28 shall remain in full force and effect.

(e) Lower prices than those established hereunder may be charged.

(f) This order unless earlier revoked or replaced, shall expire at 12 o'clock midnight, April 24, 1943.

(g) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

This order shall become effective at 12 noon, March 25, 1943.

Issued this 24th day of March 1943.

HUBERT Y. ATHERTON,
Acting State Director.

[F. R. Doc. 43-10293; Filed, June 26, 1943;
12:04 p. m.]

[Region VII Amdt. 1 to Order G-1 Under
Temporary MPR 28]

CERTAIN VEGETABLES IN NEW MEXICO

Amendment No. 1 to Order No. G-1 Temporary Maximum Price Regulation No. 28 (formerly General Order No. G-1)—Certain Perishable Fruits and Vegetables adjustment of maximum prices of tomatoes, carrots, snap beans, peas and cabbage for the State of New Mexico.

For the reasons set forth in an opinion issued simultaneously with this amendment, and under the authority vested in the New Mexico State Director of the Office of Price Administration by § 1439.253 (c) of Temporary Maximum Price Regulation No. 28, and by General Order No. 32, it is hereby ordered that paragraph (b) of Order No. G-1 under Temporary Maximum Price Regulation No. 28 be revoked.

This amendment to Order No. G-1 shall be effective April 22, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 21st day of April 1943.

S. M. GRAF,
State Director.

[F. R. Doc. 43-10294; Filed, June 26, 1943;
12:04 p. m.]

[Region VII Order G-1 Under Temporary
MPR 29]

SPINACH IN NEW MEXICO

Order No. G-1 under Temporary Maximum Price Regulation No. 29—Certain Perishable Fruits and Vegetables; adjustment of maximum prices of spinach for the State of New Mexico.

For the reasons set forth in an opinion issued simultaneously with this order and under authority vested in the New Mexico State Director of the Office of

Price Administration by § 1439.304 (c) of Temporary Maximum Price Regulation No. 29 and by General Order No. 32, *It is hereby ordered:*

(a) The maximum prices established by Temporary Maximum Price Regulation No. 29 for sales of spinach delivered to retailers and to institutional users within the State of New Mexico are adjusted to conform to the following price:

(1) Spinach, \$2.40 per 20 pound bushel.

(2) Where the seller delivers to a point located more than 20 miles from an established place of business maintained by the seller in New Mexico, the seller may add to the foregoing maximum price an amount no greater than the seller's price differential between sales delivered at such point and sales delivered in the immediate locality of the seller's place of business during the period February 20, 1943 to February 24, 1943.

(b) The maximum prices established by Temporary Maximum Price Regulation No. 29 for sales at retail of spinach are adjusted to conform to the price of 17 cents per pound.

(c) This order may be revoked, amended or corrected at any time.

(d) Except as herein modified, the provisions of Temporary Maximum Price Regulation No. 29 shall remain in full force and effect.

(e) Lower prices than those established hereunder may be charged.

(f) This order unless earlier revoked or replaced, shall expire at 12 o'clock midnight, April 24, 1943.

(g) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

This order shall become effective at noon, March 25, 1943.

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

Issued this 24th day of March 1943.

HUBERT Y. ATHERTON,
Acting State Director.

[F. R. Doc. 43-10295; Filed, June 26, 1943;
12:04 p. m.]

[Region VII Amdt. 1 to Order G-1 Under
Temporary MPR 29]

SPINACH IN NEW MEXICO

Amendment No. 1 to Order No. G-1 under Temporary Maximum Price Regulation No. 29 (formerly General Order No. 1)—Certain Perishable Fruits and Vegetables; adjustment of maximum prices of spinach for the State of New Mexico.

For the reasons set forth in an opinion issued simultaneously with this amendment, and under the authority vested in the New Mexico State Director of the Office of Price Administration by § 1439.304 (c) of Temporary Maximum Price Regulation No. 29, and by General Order No. 32, it is hereby ordered that paragraph (b) of Order No. G-1 under Temporary Maximum Price Regulation No. 29 be revoked.

This amendment to Order No. G-1 shall be effective April 22, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 21st of April 1943.

S. M. GRAF,
State Director.

[F. R. Doc. 43-10296; Filed, June 26, 1943;
12:05 p. m.]

[Region VII Order G-2 Under Temporary
MPR 29]

HEAD LETTUCE IN NEW MEXICO

Order No. G-2 under Temporary Maximum Price Regulation No. 29 (formerly General Order No. 2)—Certain Perishable Fruits and Vegetables; adjustment of maximum prices of head lettuce for the State of New Mexico.

For the reasons set forth in an opinion issued simultaneously with this order and under authority vested in the New Mexico State Director of the Office of Price Administration by § 1439.304 (c) of Temporary Maximum Price Regulation No. 29 and by General Order No. 32, *It is hereby ordered:*

(a) The maximum prices established by Temporary Maximum Price Regulation No. 29 for sales of lettuce delivered to retailers and to institutional users within the state of New Mexico are adjusted to conform to the following prices:

Size in terms of pack per standard crate:	Price per doz.
4 dozen	\$1.85
5 dozen	1.45
6 dozen	1.20

(3) Where the seller delivers to a point located more than 20 miles from an established place of business maintained by the seller in New Mexico, the seller may add to the foregoing maximum prices an amount no greater than the seller's price differential between sales delivered at such point and sales delivered in the immediate locality of the seller's place of business during the period February 20, 1943 to February 24, 1943.

(b) The maximum prices established by Temporary Maximum Price Regulation No. 29 within the State of New Mexico for sales at retail of head lettuce are adjusted to conform to the price of 16 cents per pound if sold by the pound, and, if sold by the head, are adjusted to conform to the following prices:

Size in terms of pack per standard crate:	Price per head
4 dozen	\$0.19
5 dozen	.15
6 dozen	.13

(c) Except as herein modified, the provisions of Temporary Maximum Price Regulation No. 29 shall remain in full force and effect.

(d) This order may be revoked, amended or corrected at any time, and unless earlier revoked or replaced shall expire at 12 o'clock midnight, April 24, 1943. Individual Order No. 1 under Temporary Maximum Price Regulation No. 29 is hereby revoked.

(c) Lower prices than those established hereunder may be charged.

(f) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

This order shall become effective at 10 A. M., April 9, 1943.

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

Issued this 9th day of April 1943.

S. M. GRAF,
State Director.

[F. R. Doc. 43-10297; Filed, June 26, 1943;
12:05 p. m.]

[Region VII Amdt. 1 to Order G-2 Under
Temporary MPR 29]

HEAD LETTUCE IN NEW MEXICO

Amendment No. 1 to Order No. G-2 under Temporary Maximum Price Regulation No. 29—Certain Perishable Fruits and Vegetables; adjustment of maximum prices of head lettuce for the State of New Mexico.

For the reasons set forth in an opinion issued simultaneously with this amendment, and under the authority vested in the New Mexico State Director of the Office of Price Administration by § 1439-304 (c) of Temporary Maximum Price Regulation No. 29, and by General Order No. 32, *It is hereby ordered*, That paragraph (b) of Order No. G-2 under Temporary Maximum Price Regulation No. 29 be revoked.

This amendment to Order G-2 shall be effective April 22, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 21st day of April 1943.

S. M. GRAF,
State Director.

[F. R. Doc. 43-10298; Filed, June 26, 1943;
12:05 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-19, 54-34, 54-76]

GENERAL GAS & ELECTRIC CORPORATION ET AL.

ORDER RECONVENING PROCEEDINGS, NOTICE OF FILING OF PLAN SUBMITTED AND ORDER OF CONSOLIDATION AND HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of June, 1943.

In the matter of General Gas & Electric Corporation, File Nos. 59-19, 54-34; and Trustees of Associated Gas and Electric Corporation with respect to a Plan of Divestment of Assets, Simplification of Corporate Structure and Equitable Distribution of Voting Power of General Gas & Electric Corporation, File No. 54-76.

The Commission having heretofore issued its notice of and order for hearing, pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935, directed to General Gas & Electric Corporation, a registered holding company, which order, among other things, directed respondent to show cause why its corporate structure should not be simplified, its voting power equitably distributed among its security holders, and it should not be ordered forthwith to proceed to effect its dissolution (Holding Company Act Releases Nos. 2545 and 3766); and

General Gas & Electric Corporation having filed a plan of recapitalization, pursuant to section 11 (e) of the Act, which plan, among other things, proposed a reclassification of the present Prior Preferred Stock, Cumulative Preferred Stock, and Class A Common Stock of General Gas & Electric Corporation (a more detailed description of such plan having been set forth in the order of the Commission setting the date for a public hearing thereon, Holding Company Act Release No. 2598); and

The Commission, having consolidated the section 11 (b) (2) proceedings and the said section 11 (e) proceedings (Holding Company Act Release No. 2599); public hearings having from time to time been held on such consolidated matters and the hearings now being in recess subject to call; and

The Trustees of Associated Gas and Electric Corporation, a registered holding company and parent of General Gas & Electric Corporation, having filed a "Plan of Divestment of Assets, Simplification of Corporate Structure and Equitable Distribution of Voting Power of General Gas & Electric Corporation", pursuant to section 11 (e) of the Act, proposing that such plan be considered as an amendment superseding the plan filed by General Gas & Electric Corporation hereinbefore referred to; and

It appearing appropriate to the Commission that the proceedings instituted pursuant to section 11 (b) (2) of the Act be reconvened for the purpose of affording an opportunity to the parties and any interested persons to complete the presentation of evidence on such proceedings; and

It further appearing appropriate that notice be given of the filing by the trustees of Associated Gas and Electric Corporation of the plan submitted by them;

Notice is hereby given that a "Plan of Divestment of Assets, Simplification of Corporate Structure and Equitable Distribution of Voting Power of General Gas & Electric Corporation" (the Plan) has been filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, by Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation (Trustees or Agecorp), a registered holding company.

All interested persons are referred to said Plan which is on file at the offices of this Commission for a full statement of the transactions and terms proposed therein which are summarized as follows:

The Trustees propose that their plan be considered as an amendment superseding the above mentioned plan filed by General Gas & Electric Corporation.

The plan filed by the Trustees is predicated upon the prior or simultaneous consummation of transactions affecting certain subsidiaries of Gengas. These transactions include:

(a) The consolidation of Lexington Water Power Company into South Carolina Electric & Gas Company and the accompanying issuance to Gengas of 123,776 shares (substantially the entire issue) of 5% preferred stock, \$50 par value, of the resulting company. Applications-declarations under the Act covering these transactions have been approved and permitted to become effective (Holding Company Act Release No. 4354).

(b) The merger of Sanford Gas Company, Santa Fe Land Company, and Florida Public Service Company into Florida Power Corporation, and the acquisition by Florida Power Corporation from Gengas of the common stock of Georgia Power and Light Company. Applications-declarations covering these transactions are presently pending with this Commission (File No. 70-641). In connection with these transactions, if approved, Gengas would receive in exchange for its present stock holding in the companies and the payment of \$300,000 in cash 3,000,000 shares, the entire issue, of common stock of the resulting Florida Power Corporation.

The Plan represents that as at December 31, 1942, the claims against Gengas and liquidation preference of the outstanding securities of Gengas are:

Claims	Principal amount	Held by	
		Estate of Agecorp	Others ¹
Contingent tax liability	\$2,500,000.00	\$2,500,000.00	
Open account	485,826.82	485,826.82	
6% Convertible obligation, due March 1, 1963	737,500.00	737,500.00	
Accrued interest on open account and 6% convertible obligation, due March 1, 1963			
4% Interest bearing scrip due December 30, 1942 and accrued interest	220,198.68	220,198.68	
Dividends withheld on \$5 prior preferred stock	1,151,189.78 139,440.00	1,151,189.78 139,440.00	
Total claims	5,234,155.28	5,234,155.28	

¹ Public claims totaling \$147,496.46 are not affected by this Plan as they are being currently paid upon presentation.

Securities	Total liquidating preference including dividends ¹	Applicable to	
		Estate of Age-corp	Others
Preferred stocks:			
\$5 prior preferred stock and scrip	\$8,312,447.92	\$2,934,160.00	\$3,378,287.92
\$6 cum. pf'd. stock, series A	53,310,472.50	51,649,471.25	1,661,001.25
\$6 cum. pf'd. stock, series B	45,083,412.50	43,977,083.75	1,106,328.75
\$7 cum. pf'd. stock, series A	3,743,882.18	3,412,530.63	331,351.55
\$7 cum. pf'd. stock, series B	2,523.75		2,523.75
\$8 cum. pf'd. stock, series A	2,410,805.30	2,191,981.00	218,824.30
Total pf'd. stocks	110,863,544.15	104,165,226.63	6,698,317.52
Common stocks:			
Class A stock and scrip	24,578,462.22	13,109,560.62	11,468,901.60
Class B stock and scrip	15,235,000.00	15,184,926.12	50,073.88
	39,813,462.22	28,294,486.74	11,518,975.48

¹ Dividend arrears included aggregate \$39,802,069.15, of which \$37,897,416.63 is applicable to the Estate of Age-corp and \$1,422,652.52 to others.

By its terms the prior preferred stock is entitled to cumulative dividends of \$5 per share, per annum, and in liquidation to \$100 per share and accrued dividends in priority to all other classes of stock. The cumulative preferred stocks are entitled to cumulative dividends at the specified rates and in liquidation to \$100 per share and accrued dividends. The Class A common stock is entitled to a non-cumulative dividend of thirty cents per share per year after provision for dividends on the prior and cumulative preferred stocks. The Class A common stock is also entitled to an equal distribution per share with the Class B common stock after provision for the Class B common stock of a dividend of thirty cents per share per year. In liquidation the Class A common stock, after \$100 per share and accrued dividends have been paid on the prior preferred and cumulative preferred stocks, is entitled to receive \$5 per share, and also to participate equally with the Class B common stock on a share for share basis, after the Class B common stock has received \$5 per share.

As at December 31, 1942, the voting power was so distributed among the security holders of Gengas that 17.71% was applicable to the cumulative preferred stocks and 82.29% was applicable to the common stock, Class B. By the terms of Gengas' charter, all voting power is normally lodged with the common stock, Class B. After dividend arrears of four full quarters (and until all arrears are paid) the cumulative preferred stock votes share for share with the common stock, Class B. After dividend arrears of eight full quarters (and until all arrears are paid), the prior preferred stock votes share for share with all other stock entitled to vote at that time.

A balance sheet for Gengas as of December 31, 1942, appended to the plan, states the total book value of the assets of Gengas at \$32,699,587.82 (this figure does not purport to represent present realizable values).

The plan indicates that as at the same date the total liquidating preference of the Prior Preferred Stock, including dividend arrears, was \$8,312,448, and the total liquidating preference of the Cumulative Preferred Stock, including dividend arrears, was \$104,551,096. The

plan recites that "any distribution of assets of Gengas among its security holders * * * in accordance with the terms of the securities * * * would at most fully cover the claims of prior preferred stockholders and, to some extent, those of cumulative preferred stockholders, but that Gengas' common stock Class A and B would have no value whatsoever". However, "the Trustees recognize that it has been claimed that the public holders of Gengas cumulative preferred and common stocks are entitled, by analogy to the principles announced by the Supreme Court of the United States in the case of *Taylor v. Standard Gas & Electric Co.*, 306 U. S. 307 (the so-called 'Deep Rock Oil' case), to the benefits of a total or partial subordination of the interests of the Agecorp Estate, and thus of the creditors of Ageco and Agecorp, in Gengas securities". The plan provides for the compromise of all issues between the public holders of the securities of General Gas & Electric Corporation on the one hand and the trustees of Associated Gas and Electric Corporation, the trustee of Associated Gas and Electric Company and their subsidiaries, on the other, by according the public holders of the securities of General Gas & Electric Corporation the following treatment:

1. The public holders of the \$5 prior preferred stock of General Gas & Electric Corporation are to be given two shares of the 5% preferred stock, \$50 par value, of the new South Carolina Electric & Gas Company for each share of \$5 prior preferred stock of General Gas & Electric Corporation now held "with appropriate adjustment, in cash or fractional shares of new South Carolina preferred stock at par, at the option of Gengas (General Gas & Electric Corporation), for unpaid dividends at the rate of 5% per annum to the effective date of the Plan."

2. The public holders of the \$6, \$7, and \$8 dividend series, cumulative preferred stock of General Gas & Electric Corporation are to receive for each such share held two shares of new South Carolina preferred stock "with appropriate adjustments in cash or fractional shares of new South Carolina preferred stock at par, at the option of Gengas (General Gas & Electric Corporation), for unpaid dividends at contract rates from September 15, 1936, to the effective date of the plan."

3. The public holders of common stock, Class A and Class B, of General Gas & Electric Corporation are to be divided into two groups, one consisting of those who acquired

their holdings on or prior to October 31, 1932, or who are the personal representatives, legatees, distributees, or statutory successors of such holders, and the other consisting of those who have acquired their holdings subsequent to October 31, 1932. The former is to receive for each share of common stock, Class A or B, presently held, one and one-half shares of common stock of the new Florida Power Corporation. The latter is to receive for each share of common stock, Class A or B, presently held, one-half share of common stock of the new Florida Power Corporation. No fractional shares of common stock of the new Florida Power Corporation are to be issued, but scrip, not entitled to dividends, voting rights, or any other stockholders' rights, is to be issued in lieu thereof. This scrip, when combined with other scrip aggregating one or more full shares, may be exchanged for such shares. All scrip not exchanged for shares is to become void after one year from the effective date of the plan. It is proposed that General Gas & Electric Corporation, with the approval of the Securities and Exchange Commission, is to designate a bank or trust company to which present holders of the common stock, Class A or B, may submit their stock certificates within a period to be fixed by order of the Securities and Exchange Commission, together with satisfactory proof that they are holders of the first class. Upon the expiration of such period all stock certificates not submitted are to be conclusively presumed, for purposes of participation under the plan, to have been acquired by their holders subsequent to October 31, 1932.

Upon the distribution of the assets of General Gas & Electric Corporation to its public security holders, as above described, it is stated that there will remain no claims against General Gas & Electric Corporation except those held by the Trustees of Associated Gas and Electric Corporation.

The remaining assets of Gengas will consist of the balance of the new common stock of Florida Power Corporation, if any, not distributed pursuant to the plan, the common stock of the new South Carolina Electric & Gas Company, and holdings in Tide Water Power Company, Eastern Shore Public Service Company (Del.) and Virginia Public Service Company, unless there has been previous disposition of such interests. The plan indicates that it is the intention of Trustees to have Gengas dispose of these interests. An application-declaration embracing the disposition of Eastern Shore Public Service Company (Del.) has been filed with this Commission (Holding Company Act Release No. 4277).

Upon the effective date of the plan, an entire issue of new common stock of Gengas is to be issued to Trustees in exchange for all existing indebtedness and stockholdings in Gengas held by Trustees.

The consummation of the plan is made contingent upon:

(a) Approval of the plan by the Securities and Exchange Commission in proceedings under section 11 (e) of the Act;

(b) The entry by a court of competent jurisdiction of an appropriate decree finding the plan fair and equitable, and directing its consummation, including, without limiting the generality of the foregoing, the delivery of releases by Gengas to Ageco, Agecorp, and their subsidiaries of any claims which may exist at the effective date of this plan in

favor of Gengas, except the right on the part of Gengas and its stockholders to receive the securities and assets distributable pursuant to this plan.

(c) An appropriate determination by the Treasury Department as to the tax consequences of the various transactions required for consummation of the plan which, in the opinion of the Agecorp Trustees, shall not be unduly burdensome.

(d) Approval by the United States District Court for the Southern District of New York, in the pending proceedings under Chapter X of the Bankruptcy Act effecting Agecorp, of the action of the Trustees of Agecorp in accepting the treatment provided by the plan as so approved with respect to the securities and claims against Gengas held by the Agecorp Estate.

The plan further provides that any party in interest may apply to the Securities and Exchange Commission in the proceedings to be held regarding the plan for an allowance of reasonable compensation for services rendered and reimbursement for proper costs and expenses incurred in connection with the plan and proceedings thereon. Allowances made by the Securities and Exchange Commission upon such applications shall be paid out of the "remaining assets" of General Gas & Electric Corporation.

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 plan and that such plan should not be approved except pursuant to further order of this Commission:

It further appearing to the Commission that it is inappropriate to consider the plan, not joined in by Gengas, as an amendment to the plan previously filed by Gengas, but rather that the proceedings on the plan filed by Trustees involve questions of law and fact common to the proceedings heretofore held on the plan filed by Gengas (File No. 54-34) and to the proceedings pursuant to section 11 (b) (2) of the Act heretofore instituted against Gengas (File No. 59-19), and concerning which consolidated public hearings have been held heretofore, and that accordingly the proceeding with respect to the plan filed by the Trustees should be consolidated with the former consolidated proceedings:

It is ordered, That the proceedings with respect to said plan filed by the Trustees pursuant to section 11 (e) of the Act and the pending proceedings in File Nos. 59-19 and 54-34, be, and the same hereby are, consolidated.

It is further ordered, That a hearing in the consolidated proceedings be held under the applicable provisions of the Act and rules promulgated thereunder, on the ninth day of August, 1943, at 10 a. m., e. w. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated at such time by the hearing room clerk in room 318. All persons desiring to be heard or wishing to participate otherwise in the proceedings should notify the

Commission in the manner provided by Rule XVII of its rules of practice on or before August 7, 1943.

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 matters. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under section 18 (c) of said Act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented in the consolidated proceeding, at the outset of the hearing particular attention shall be directed to the issues heretofore set forth in connection with the 11 (b) (2) proceedings and to the following matters and questions:

The nature and extent of the claims against Gengas based upon its outstanding securities, or otherwise, the relative rank of such claims, and particularly whether and to what extent, if any, the claims held by the Trustees should be subordinated to any of the claims publicly held.

It is further ordered, That the issues presented by the plan shall be considered subsequently and in this connection that initial attention shall be directed to the following:

Whether or not the plan (or any other plan for the reorganization of Gengas) in providing for different treatment of public holders of Gengas common stock Class A and B, depending upon the date of their acquisitions of their holdings, is fair and equitable.

It is further ordered, That thereafter, without limiting the scope of the issues presented in the consolidated proceeding, attention will be directed to the following matters and questions:

1. Whether the plan as proposed or as modified is necessary to effectuate the provisions of section 11 (b) of the Act and is, in all respects, fair and equitable to the persons affected thereby, including:

(a) Whether, as to the \$5 prior preferred stock of Gengas publicly held, it is fair and equitable that such holders receive two shares of the new 5% preferred stock of South Carolina Electric & Gas Company for each share of \$5 prior preferred stock of Gengas presently held by them and, further, whether it is fair and equitable that the adjustments for unpaid dividends be in cash or fractional shares of the new preferred stock of South Carolina Electric & Gas Company, at the option of Gengas;

(b) Whether, as to the \$6, \$7, and \$8 dividend series preferred stock publicly held, it is fair and equitable that such holders receive two shares of the new 5% preferred stock of South Carolina Electric & Gas Company for each share of \$6, \$7 and \$8 dividend series preferred stock of Gengas presently held by them and, further, whether it is fair and equitable that dividend arrears on the stocks presently held be provided for only the period from September 15, 1936, and that whatever dividend adjustments

are made be in cash or fractional shares of the new 5% preferred stock of South Carolina Electric & Gas Company at the option of Gengas;

(c) In the event that it is determined to be fair and equitable to distinguish between public holders of the Class A and B common stock of Gengas on the basis of the date of their acquisitions, whether it is fair and equitable that holders acquiring before the specified date receive one and one-half shares of common stock of the new Florida Power Corporation for each share of Gengas Class A or B common stock now held, and that holders acquiring subsequent to the specified date receive one-half share of common stock of the new Florida Power Corporation for each share of Gengas Class A or B common stock now held;

2. Whether the provisions for the consummation of the plan are fair and equitable and in accordance with applicable law.

3. Whether the provisions of the plan for the allowance and payment of fees and expenses incurred in connection with its consummation, and all transactions incident thereto, are appropriate.

4. Generally, whether the proposed plan and all transactions incidental thereto are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the Act and the rules thereunder, or, if not, whether and what modifications or terms and conditions should be required or imposed to satisfy the statutory standards.

It is further ordered, That notice of this hearing be given to trustees and Gengas and to all other interested persons; said notice to be given to trustees and Gengas by registered mail and to all other interested persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for the releases issued under the Public Utility Holding Company Act of 1935 and by publication in the FEDERAL REGISTER.

It is further ordered, That Gengas give notice of this hearing by mailing to each of its public security holders (insofar as the identity of such security holders is known or available to Gengas) to his last known address, at least fifteen days prior to the date of this hearing, a copy of this order.

It is further ordered, That jurisdiction be and is hereby reserved to separate, whether for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions, or matters hereinbefore set forth or which may arise in this proceeding, or to consolidate with these proceedings other filings or matters pertaining to said consolidated proceedings, or to take such other action as may appear conducive to an orderly, prompt, and economical disposition of the matters involved.

By the Commission.

[SEAL]

ORVAL L. DUBoIS,
Secretary.

[F. R. Doc. 43-10299; Filed, June 26, 1943;
12:55 p. m.]

[File No. 70-734]

EAST MISSOURI POWER COMPANY

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 24th day of June, 1943.

East Missouri Power Company, a subsidiary of Arkansas-Missouri Power Corporation, a registered holding company, having filed an application and declaration pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the general rules and regulations promulgated thereunder, regarding its proposal to redeem, pay and retire, on or before July 1, 1943 all outstanding shares of its 7% cumulative preferred stock consisting of 850 shares, par value \$100 per share, at the redemption price thereof amounting to \$105 per share plus the amount of all accrued and unpaid dividends thereon to July 1, 1943, such redemption to be made at the office of St. Louis Union Trust Company, St. Louis, Missouri upon surrender for cancellation in proper form of the certificates representing such shares; and

Said application and declaration having been filed on the 31st day of May, 1943, and notice of said filing having been duly given in the manner and form prescribed by Rule U-23 under said Act, and the Commission not having received a request for a hearing with respect to said application and declaration within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of sections 10 and 12 (c) and Rule U-42 are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application and to permit said declaration to become effective;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that the said application be and the same is hereby granted and that the said declaration be and the same is hereby permitted to become effective forthwith.

By the Commission.

[SEAL]

ORVAL L. DUBois,
Secretary.

[F. R. Doc. 43-10300; Filed, June 26, 1943;
12:55 p. m.]

[File Nos. 54-67, 59-64]

PEOPLES LIGHT AND POWER CO., ET AL.

NOTICE OF FILING AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 25th day of June 1943.

In the matter of Peoples Light and Power Company and Subsidiary Companies; File No. 54-67 and Peoples Light and Power Company, California Public Service Company, Texas Public Service Farm Company, West Coast Power Company and Western States Utilities Company; File No. 59-64.

The Commission having on March 9, 1943 (Holding Company Act Release No. 4159), instituted proceedings under Sections 11 (b) (1) and 11 (b) (2) of the Public Utility Holding Company Act of 1935 against Peoples Light and Power Company ("Peoples"), a registered holding company and its subsidiaries; and the said proceedings having been consolidated with an application heretofore filed by Peoples pursuant to section 11 (e) of said Act for approval of a plan for compliance with sections 11 (b) (1) and 11 (b) (2) of said Act; hearings having been held with respect of such consolidated proceedings and having been adjourned subject to call of the trial examiner;

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Peoples in the form of an amendment designated as Amendment No. 6 to the aforementioned application for approval of a Plan. All interested persons are referred to said document which is on file in the office of the Commission for a full statement of the transactions therein proposed which may be summarized as follows:

Peoples proposes to sell to Gerald L. Schlessman, a non-affiliated purchaser of Denver, Colorado ("buyer") all of the outstanding 2,500 shares of no par value common stock of Western States Utilities Company ("Western") for \$142,500 in cash subject to certain adjustments provided in the agreement between the parties dated May 25, 1943. Western owns and operates plants or systems for the distribution of electric energy in the municipalities of Malad City, Idaho and Cokeville, Wyoming and for the distribution of electric energy and water in Winnemucca, Nevada. No fees or commissions are proposed to be paid anyone in connection with the proposed sale. Expenses of the sale are estimated as not to exceed \$500. Peoples contemplates the application of the proceeds to (1) the purchase of the properties and/or capital stocks of one or more gas public utility operating companies doing business in the State of Texas and/or to such other purposes as may be approved by this Commission.

Peoples having requested that the Commission make a preliminary determination of the retainability of Western under section 11 (b) (1) and that an order be entered specifying such action (including the divestment of such assets) as may be required in the light of such determination and that such order conform with the requirements of sections 371 (b), 371 (f) and 1808 (f) of the Internal Revenue Code; and

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 in respect to such matters and that said declaration shall not become effective except pursuant to further order of this Commission;

It is ordered, That the proceedings in this matter be reconvened and a hearing under the the applicable provisions of said Act and the Rules of the Commission thereunder be held on July 13, 1943, at 10 o'clock a. m., e. w. t., at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pa. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. All persons desiring to be heard or otherwise wishing to participate in the proceedings should notify the Commission in the manner provided by the rules of practice, Rule XVII, on or before July 10, 1943;

It is further ordered, That notice of this hearing be given to the declarant and buyer and all other persons, such notice to be given to the declarant, buyer and to the mayors of the municipalities of Malad City, Idaho, Cokeville, Wyoming and Winnemucca, Nevada by registered mail and to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued by the Public Utility Holding Company Act of 1935, and by publication in the FEDERAL REGISTER.

It is further ordered, That Charles S. Lobinger or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings at such time. The officer so designated to preside at such hearing is hereby authorized to exercise all power granted to the Commission under section 18 (c) of said Act and to the Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of the issues, particular attention will be directed at such hearing to the following matters:

(1) Whether its interest in Western is retainable by Peoples as an additional integrated public utility system under section 11 (b) (1) of the Act and whether the Commission should order the divestment of such interest under said section.

(2) Whether the divestment of Western is necessary or appropriate to the integration or simplification of Peoples holding company system and is necessary or appropriate to effectuate the provisions of section 11 (b) of said Act;

(3) Whether the consideration for the sale of the securities of Western is reasonable and fair and bears a fair relation to the sums invested in, or the earning capacity underlying the securities to be sold; and

(4) Whether competitive conditions have been maintained in the negotiation of the proposed sale; and

(5) Generally whether in any respect the proposed transaction is detrimental to the public interest or to the interests of investors or consumers or will tend to circumvent any provisions of the Act or the rules, regulations or orders promulgated thereunder.

By the Commission.

[SEAL]

ORVAL L. DUBois,
Secretary.

[F. R. Doc. 43-10338; Filed, June 28, 1943;
10:08 a. m.]

[File No. 54-75, 70-726]

COMMONWEALTH AND SOUTHERN CORPORATION (DELAWARE)
ORDER PERMITTING DECLARATION TO BECOME
EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 24th day of June 1943.

The Commonwealth & Southern Corporation, a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 11 and 12 (c) thereof, and Rule U-46 promulgated thereunder, regarding the declaration and payment of a proposed dividend of \$3 per share on the outstanding preferred stock; payment of said dividend to be made on the 28th day after approval by this Commission to stockholders of record at the close of business on the 14th day after approval; and

A public hearing having been held after appropriate notice, the Commission having considered the record in this matter and having made and filed its findings and opinion herein;

It is ordered, That the aforesaid declaration be and hereby is permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations and subject to the further condition that Commonwealth accompany the dividend checks with a statement indicating that the dividend is being paid out of capital.

By the Commission.

[SEAL]

ORVAL L. DUBois,
Secretary.

[F. R. Doc. 43-10337; Filed, June 28, 1943;
10:08 a. m.]

[File No. 70-749]

SOUTH CAROLINA ELECTRIC & GAS COMPANY
NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of June 1943.

Notice is hereby given that an application has been filed pursuant to the Public Utility Holding Company Act of 1935 by South Carolina Electric & Gas Company, a subsidiary of General Gas & Electric Corporation, a registered holding company, which, in turn, is a subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company;

All interested persons are referred to said application, which is on file in the offices of the Commission, for a statement of the transactions therein proposed which are summarized as follows:

South Carolina Electric & Gas Company proposes to issue \$20,000,000 principal amount of First Mortgage Bonds, dated July 1, 1943, and maturing July 1, 1973, for the purpose of refunding the following bonds which will be outstanding (based on amounts outstanding on May 31, 1943, as shown by the books of the respective companies) after the con-

solidation and merger of Lexington Water Power Company and the South Carolina Electric & Gas Company, which merger is expected to become effective July 26, 1943:

Broad River Power Company (now South Carolina Electric & Gas Company) First and Refunding Mortgage 5% Bonds, Series A, due September 1, 1954	\$8,361,500.00
Divisional Lien — The Parr Shoals Power Company First Mortgage 5% Sinking Fund Bonds due April 1, 1952 (exclusive of \$1,641,000 held in treasury and in sinking fund)	1,359,000.00
Issues of Lexington Water Power Company Assumed: First Mortgage 5% Bonds, Series due January 1, 1968	10,213,300.00
5½% Convertible Sinking Fund Debentures due January 1, 1958	186,700.00
	20,120,500.00

General Gas & Electric Corporation owns the following bonds of the issues which are to be refunded:

\$391,000 principal amount of Broad River Power Company (now South Carolina Electric & Gas Company) First and Refunding Mortgage 5% Bonds, Series due 1954.
\$650,000 principal amount of Lexington Water Power Company First Mortgage 5% Bonds, Series due 1965.

General Gas & Electric Corporation has informed the Company that the cost to it of these bonds (based on the average cost of all bonds of these issues owned at any time by General Gas & Electric Corporation) is as follows:

\$391,000 Broad River Power Company 5's 1954	\$364,138.30
\$650,000 Lexington Water Power Company 5's 1965	683,020.00
	1,047,158.30

The proceeds, exclusive of accrued interest, from the sale of the proposed bonds are to be applied, to the extent sufficient, as follows (assuming the principal amount of indebtedness outstanding as of July 15, 1943, and the call premiums in effect on July 31, 1943) and to the extent that the proceeds are not sufficient for such purposes the Company will pay the balance out of other available cash:

- To the redemption at 102½% of the principal amount of \$8,361,500 aggregate principal amount of Broad River Power Company First and Refunding Mortgage Gold Bonds, Series A, due September 1, 1954 (exclusive of accrued interest) \$8,591,441
- To the redemption at 105% of the principal amount of \$1,359,000 aggregate principal amount of The Parr Shoals Power Company First Mortgage Five Per Cent Sinking Fund Gold Bonds, due April 1, 1952 (exclusive of accrued interest) 1,426,950
- To the redemption of 105% of the principal amount of \$10,213,300 aggregate principal amount of Lexington Water Power Company First Mortgage 5% Gold Bonds, Series due 1968 (exclusive of accrued interest) 10,723,965

(4) To the redemption at 102½% of the principal amount of \$186,700 aggregate principal amount of Lexington Water Power Company 5½% Convertible Sinking Fund Gold Debentures, due January 1, 1953 (exclusive of accrued interest) \$191,368
(5) To the payment of the expenses of this financing 150,000
(6) To the payment of estimated accrued interest from the date of closing to the date of the respective redemption or prepayment dates of the debt securities to be retired (based on closing date of July 31, 1943) 137,373
Total 21,221,097

Accrued interest to the date of closing on the securities to be retired will be paid by the Company out of its other available funds.

The order of this Commission relating to the consolidation and merger of Lexington Water Power Company into South Carolina Electric & Gas Company (File No. 70-591) granting the application, as amended, and permitting the declaration, as amended, to become effective contained a condition forbidding the Company, subject to the further order of this Commission, to declare or pay dividends on its common stock except out of earnings realized subsequent to the effective date of the consolidation and merger and then only if the balance in earned surplus is not reduced below \$2,297,604.

As a result of the proposed financing the Company proposes to charge to its earned surplus account the following sums:

Premium on the bonds and debentures called	\$813,223.75
Duplicate interest	137,873.00
Unamortized debt discount and expense on bonds called	1,087,217.62

Based on the Company's pro forma balance sheet reflecting the consolidation and merger the earned surplus would be \$2,752,596.34 and after the charges proposed as a result of the financing will be approximately \$715,000. Therefore under the conditions imposed by the Commission in case File No. 70-591 no common dividends could be paid for approximately two years.

As part of the proposed transaction the Company has applied for rescission of the restriction against the payment of dividends to the extent of the requirement that dividends on the common stock can be paid only if its earned surplus be not reduced below \$2,297,604.

The application indicates that the Company proposes to offer the bonds for competitive bidding pursuant to Rule U-50 promulgated under the Public Utility Holding Company Act of 1935.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to such matters and that the application shall not be granted except pursuant to further order of the Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on July 12, 1943, at

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10 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Street, Philadelphia, Pennsylvania, in such room as the hearing room clerk in room 318 will at that time advise. At such hearing cause shall be shown why such application shall be granted. Any person desiring to be heard or otherwise participate in the proceedings should file with the Secretary of the Commission, on or before the 8th day of July, 1943, his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

It is further ordered. That Richard Townsend, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at 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 the application otherwise to be considered in these proceedings, particular attention will be directed at the hearing to the following matters and questions:

1. Whether it is in the public interest and the interest of investors and consumers and in conformity with the applicable provisions of the Act to grant the application.

2. Whether it is appropriate in the public interest and for the protection of investors to rescind the condition heretofore imposed on South Carolina Electric & Gas Company regarding common stock dividends.

3. Whether the price of the bonds to be acquired from General Gas & Electric Corporation is fair and reasonable.

4. Whether all fees in connection with the proposed transactions are fair and reasonable.

5. Whether and to what extent it is appropriate in the public interest or for the protection of investors and consumers to impose terms and conditions with respect to the proposed transactions.

6. Generally, whether the proposed transactions meet the appropriate provisions of the Act and Rules and Regulations promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBoIS,
Secretary.

[F. R. Doc. 43-10340; Filed, June 28, 1943;
10:08 a. m.]

[File No. 812-325]

AFFILIATED FUND, INC.

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 26th day of June, A. D. 1943.

Affiliated Fund, Inc., a registered open-end investment company, having filed

an application pursuant to the provisions of section 6 (c) of the Investment Company Act of 1940 for an order exempting it from the provisions of section 18 of said Act so as to permit the refunding of outstanding debentures by the issuance of new debentures bearing the same maturity dates:

It is ordered. Pursuant to section 40 (a) of said Act, that a hearing on the aforesaid application be held on July 8, 1943, at 10:00 A. M., e. w. t., in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania.

It is further ordered. That Willis E. Monty, Esquire, shall preside at the hearing on such application. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBoIS,
Secretary.

[F. R. Doc. 43-10339; Filed, June 28, 1943;
10:08 a. m.]

WAR SHIPPING ADMINISTRATION.

VESSEL GLOUCESTER

DETERMINATION OF OWNERSHIP

Notice of determination of War Shipping Administrator with respect to the vessel Gloucester, Official Number 217662, pursuant to section 3 (b) of the Act approved March 24, 1943 (Public Law 17, 78th Congress, 1st session).

Notice is given that pursuant to section 3 (b) of Public Law 17, 78th Congress, the following determination has been made:

Whereas on October 17, 1942, the title to the vessel Gloucester, Official Number 217662, (including all spare parts appertaining thereto, whether aboard or ashore) was requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the Act approved March 24, 1943 (Public Law 17, 78th Congress, 1st session), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, or just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the Act of June 6, 1941 (Public Law 101, Seventy-Seventh Congress), is not required by the United States, and after

such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking: *Provided, however,* That no such determination shall be made with respect to any vessel after the expiration of a period of two months after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner.

and

Whereas just compensation for the said vessel has not been determined by the Administrator, War Shipping Administration, and no part thereof has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, its spare parts and appurtenances, is not required by the United States; and

Whereas, by mutual agreement between the Administrator, War Shipping Administration, and Michael N. Cavaliotis of 154 Nassau Street, New York, New York, the former owner of said vessel, the former owner has consented to the determination by the Administrator that the use rather than the title of the said vessel, its spare parts and appurtenances, shall be deemed to have been requisitioned as of the date of the original taking thereof, namely, October 17, 1942; and the parties have also mutually agreed that such requisition for use shall be terminated and the said vessel redelivered to the former owner "as is, where is" under the terms and conditions set forth in that certain letter dated June 17, 1943, from the War Shipping Administration to the said Michael N. Cavaliotis;

Now, therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above-quoted provision of law, do determine that the ownership of said vessel, its spare parts and appurtenances, is not required by the United States, and that the requisition of the above-mentioned vessel, its spare parts and appurtenances, on October 17, 1942, shall, from and after the date of publication hereof in the FEDERAL REGISTER, be deemed to have been, for all purposes, requisition of the use rather than of the title of said vessel, its spare parts and appurtenances, as of the date of the original taking, namely, October 17, 1942, and on the conditions hereinbefore set forth; and

It is further determined that the requisition of the use of said vessel be terminated effective as of the date of publication hereof in the FEDERAL REGISTER, and that the said vessel be redelivered to the former owner, namely, Michael N. Cavaliotis of 154 Nassau Street, New York, New York, subject to the conditions hereinbefore set forth.

Dated: June 26, 1943.

[SEAL] E. S. LAND,
Administrator.

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10:57 a. m.]