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Washington, Tuesday, July 27, 1943

The President

EXECUTIVE ORDER 9363

REDISTRIBUTING CERTAIN FUNCTIONS OF THE SECRETARY OF WAR AND THE JUDGE ADVOCATE GENERAL WITH RESPECT TO CERTAIN COURT-MARTIAL CASES

WHEREAS the burden of duties upon the Secretary of War and the Judge Advocate General is becoming increasingly heavy because of the pressure of war conditions; and

WHEREAS the national security and defense, the successful prosecution of the war, and the more efficient administration by the principal officials of the War Department and the Judge Advocate General of their respective offices will be facilitated if certain functions, duties, and powers are exercised by appropriate principal or subordinate officials of the War Department, and other officers of the Judge Advocate General's Department as the case may be.

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and the laws of the United States, particularly by Title I of the First War Powers Act, 1941, approved December 18, 1941 (55 Stat. 838), and as President of the United States and Commander in Chief of the Army of the United States, it is hereby ordered as follows:

1. Subject to such regulations as the Secretary of War may prescribe, the Under Secretary of War and the Assistant Secretary of War are authorized, respectively, to exercise and perform all functions, duties, and powers conferred upon the Secretary of War or the Acting Secretary of War by Article of War 50½ as amended.

2. Subject to such regulations as the Secretary of War may prescribe, the Assistant Judge Advocate General in charge of military justice matters is authorized to exercise and perform all functions, duties, and powers conferred upon the Judge Advocate General by Article of War 46 and by the second, third, fourth, and fifth paragraphs of Article of War 50½.

3. There are hereby transferred to the Under Secretary of War, the Assistant Secretary of War, and the Assistant Judge Advocate General in charge of military justice matters such functions, duties and powers of the Secretary of War and the Judge Advocate General as may be necessary to effectuate the provisions of this order; but nothing contained in this order shall be deemed to limit or restrict the power and right on the part of the Secretary of War or the Judge Advocate General, in their discretion, to exercise or perform any of the functions, duties, or powers heretofore possessed by or vested in them.

4. The functions, duties, and powers herein transferred or delegated may be exercised and performed by the officials to whom such transfers and delegations are made without the necessity of any signature, approval, ratification, or other act by higher authority, except to the extent required by such regulations as may be prescribed by the Secretary of War; and all officers, officials, and employees of the United States, including disbursing, accounting, and auditing officers, shall give the same effect to any acts of those to whom transfers and delegations are made hereunder as if done by the person or persons in whom the functions, duties, and powers were vested prior to such transfers and delegations.

FRANKLIN D ROOSEVELT.

THE WHITE HOUSE,
July, 23, 1943.

[F. R. Doc. 43-11871; Filed, July 23, 1943; 3:21 p. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration

[FDO 42-1]

PART 1460—FATS AND OILS

REPORTS ON CONSUMPTION AND APPLICATIONS FOR QUOTA EXEMPTIONS

Pursuant to the authority vested in me by Food Distribution Order 42, as amended, dated July 10, 1943 (8 F.R. 9483), and to effectuate the purposes of said order, *It is hereby ordered*, as follows:

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THE PRESIDENT

REGULATIONS AND NOTICES

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FEDERAL REGISTER

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§ 1460.19 *Reports on consumption of fats and oils and applications for quota exemptions.* (a) Every person subject to the quota restrictions prescribed by § 1460.1 (b) of Food Distribution Order 42, as amended, and Schedule A annexed thereto, shall, on or before July 31, 1943, file a report of his consumption of fats and oils in each quarter of 1940 and 1941, with the Chief, Fats and Oils Branch,

Food Distribution Administration, War Food Administration, Washington 25, D. C., Ref: FD–42. Such report shall be filed on Form FDO–42–1 in accordance with instructions printed on such form. Form FDO–42–1 may be obtained from the Chief, Fats and Oils Branch, Food Distribution Administration, War Food Administration, Washington 25, D. C., Ref: FD–42.

(b) Any person required to file Form FDA–478 under the provisions of § 1460.1 (b) (5) (iii) of Food Distribution Order 42, as amended, shall file in lieu thereof Form FDA–523. Unless otherwise ordered by the Director, Form FDA–523 shall be filled out in triplicate and filed with the Chief of the Fats and Oils Branch, Food Distribution Administration, War Food Administration, Washington 25, D. C., on or before the 15th day of the month following the month in which the fats or oils were used for which exemptions are claimed, except that applications for June 1943 exemptions will be received until July 31, 1943. Form FDA–523 may be obtained from the regional offices of the Food Distribution Administration.

(c) The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(d) This order shall become effective 12:01 a. m. e. w. t., July 27, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 42, 8 F.R. 9483)

Issued this 23d day of July 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43–11888; Filed, July 24, 1943; 11:13 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service

Subchapter D—Nationality Regulations

[General Order C–28, Supp. 7]

VARIOUS PROVISIONS OF NATIONALITY REGULATIONS

JULY 14, 1943.

Pursuant to the authority conferred by sections 327 and 705 of the Nationality Act of 1940 as amended (54 Stat. 1150, 56 Stat. 182, 8 U.S.C. 727, 1005); section 37 (a) of the Act of June 28, 1940 (54 Stat. 675; 8 U.S.C. 458); § 90.1 of Title 8, Chapter I, Code of Federal Regulations (8 F.R. 8735); and all other authority conferred by law, the following amendments to Title 8, Chapter I, Code of Federal Regulations, are hereby prescribed:

PART 324—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: CHILDREN

The following sentence is added to § 324.4 (6 F.R. 232, 5800):

If the child is unable to sign its name, the photographs and certificate of naturalization shall be signed by the petitioning citizen parent, parents, or guardian, as may be appropriate, and the signature shall read "(insert name of petitioning parent, parents, or guardian) in behalf of (insert name of naturalized child)".

PART 330—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZD: FORMER UNITED STATES CITIZENS

Section 330.6 (6 F.R. 234) is amended to read as follows:

§ 330.6 *Person who lost citizenship of the United States through service in one of the Allied Armies during the first or second World War.* A person who, while a citizen of the United States and during the first or second World War, entered the military or naval service of any country at war with a country with which the United States was or is at war, who lost citizenship of the United States by reason of any oath or obligation taken for the purpose of entering such service, or by reason of entering or serving in such armed forces, and who intends to reside permanently in the United States, may be naturalized by taking the oath of renunciation and allegiance specified in section 335 of the Nationality Act of 1940. For the purposes of this section, the second World War shall be deemed to have commenced on September 1, 1939, and shall continue until such time as the United States shall cease to be in a state of war. Such oath may be taken before any naturalization court, and any person described in this section who has lost United States citizenship during the second World War may also take the oath before any diplomatic or consular officer of the United States abroad. Application to take such oath before the court shall be made on Form N–409, which shall be executed in triplicate. The original of Form N–409 shall be retained by the clerk of court as the court record, and the duplicate and triplicate shall be forwarded to the appropriate district director or divisional director. The district director or divisional director shall forward the duplicate and triplicate Form N–409 to the Commissioner, who will transmit one copy to the Department of State. The taking of such oath before a diplomatic or consular officer abroad shall be in accordance with such regulations as may be prescribed by the Department of State. Any person who has been naturalized a citizen of the United States under this section may make application for a certificate of naturalization in the manner provided in Part 378. (Secs. 323 [as amended by the Act of April 2, 1942, 56 Stat. 198, 8 U.S.C. 723], 335, 54 Stat. 1149, 1157, 8 U.S.C. 723, 735)

PART 334—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: VETERANS OF THE UNITED STATES ARMED FORCES

The headnote of § 334.1 (6 F.R. 6750) is amended to read as follows:

§ 334.1 *Veterans who have served in the United States armed forces for three years; exemptions and fees.*

The following new sections are added to Part 334:

§334.6 *Veterans who have served in the United States military or naval forces after April 5, 1917, and before November 12, 1918, or after April 20, 1898, and before July 5, 1902, or on the Mexican Border in the regular Army or National Guard from June 1916 to April 1917.* Any person not a citizen of the United States who was a member of the military or naval forces of the United States at any time after April 5, 1917, and before November 12, 1918, or at any time after April 20, 1898, and before July 5, 1902, or who served on the Mexican Border as a member of the regular Army or National Guard from June 1916 to April 1917 may be naturalized subject to the provisions of §§ 334.7 to 334.11 of this part. (Sec. 323a, 56 Stat. 1041; 8 U.S.C. 723a)

§ 334.7 *Limitations.* No person shall be naturalized under § 334.6 of this part: (1) Who is an alien ineligible to citizenship, (2) who during the period specified in § 334.6 or thereafter was separated from the military or naval forces or the National Guard under other than honorable conditions, (3) who was a conscientious objector who performed no military duty whatever or refused to wear the uniform, or (4) who was discharged during the periods specified in § 334.6, or thereafter, from the military or naval forces on account of his alienage. Naturalization may be granted under § 334.6 at any time within one year after December 7, 1942. (Sec. 323a, 56 Stat. 1041, 8 U.S.C. 723a)

§ 334.8 *Exemptions and fees.* An alien within § 334.6 may be naturalized upon compliance with all the requirements of the naturalization laws, with the following exceptions: (1) no declaration of intention shall be required; (2) no certificate of arrival shall be required unless the applicant's admission to the United States was subsequent to March 3, 1924; (3) no residence within the jurisdiction of the court shall be required and but two years' residence in the United States immediately prior to the filing of the petition, pursuant to a lawful admission for permanent residence, shall be required in lieu of the five-year period of residence within the United States and the six months' period of residence within the State; and (4) no fee shall be collected for the issuance of a certificate of arrival and no fee shall be collected by the clerk of the naturalization court for making, filing, or docketing the petition or for issuing a certificate of naturalization if the issuance of such certificate is authorized by the naturalization court. (Sec. 323a, 56 Stat. 1041, 8 U. S. C. 723a)

§ 334.9 *Certificate of arrival.* If an applicant for naturalization under § 334.6 entered the United States after March 3, 1924, a certificate of arrival shall be issued in accordance with § 363.1 of this title and shall be filed with and made a part of the petition for naturalization, at the time the petition is filed. If the entry occurred after June 29, 1906, but prior to March 4, 1924, a verification of lawful entry on Form I–404 shall be requested of the appropriate port, but no certificate of arrival will be issued and the Form I–404 will be associated only with the triplicate copy of the petition. If the entry occurred on or

prior to June 29, 1906, the applicant shall submit satisfactory evidence that he entered the United tSates as claimed. If the applicant alleges entry into the United States after June 29, 1906, and prior to July 1, 1924, and his lawful admission is not presumable under § 110.38 of this title, and no record of his lawful entry for permanent residence can be found, he shall be advised to apply for registry in accordance with the provisions of Part 362. (Sec. 323a, 56 Stat. 1041, 8 U. S. C. 723a)

§ 334.10 *Proof of service; verification of petition.* An applicant to file a petition for naturalization under § 334.6 shall produce proof of his service in the military or naval forces of the United States or the National Guard, in the form of an honorable discharge or a statement from the records of the executive department having custody of the records of his service. Verification of the authenticity of his honorable discharge, or any other alleged fact of his service may, if considered necessary or advisable, be made from official records. The petition shall be verified by the affidavits of at least two credible witnesses, citizens of the United States, each of whom shall state in his affidavit that he has personally known the petitioner for that portion of the required period of residence concerning which such witness is able to testify, and that during all such time the petitioner was a person of good moral character, attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the United States. The verifying witnesses shall also testify at the final hearing unless excused as provided in § 373.2 of this title. Depositions may be used to prove any portion of the required period of residence and the good moral character, attachment to the principles of the Constitution of the United States and disposition to the good order and happiness of the United States of the petitioner during such period. (Secs. 323a, 334 (b), 56 Stat. 1041, 54 Stat. 1156, 8 U.S.C. 723a, 734)

§ 334.11 *Procedure.* An application to file a petition for naturalization under § 334.6 of this part shall be made on Form N–400 and the petition for naturalization shall be made on Form N–405. There shall be attached to the original of every such petition an affidavit of the petitioner on Form N–421, sworn to befor the clerk of court or a member of the Service. Appropriate amendments shall be made on Form N–421 to show that the petition is filed under section 323a of the Nationality Act of 1940. In paragraph 2 on Form N–421, there shall be inserted the following allegation:

During or subsequent to the period of my service shown in paragraph one above, I have never been separated from the military or naval forces of the United States or the National Guard under other than honorable conditions nor discharged from the military or naval forces of the United States on account of my alienage. I was not a conscientious objector who performed no military duty whatever or refused to wear a uniform.

Form N–421 shall be filed with and made a part of the petition for naturalization at the time such petition is filed. The duplicate and triplicate executed copies of Form N–421 shall be attached to the duplicate and triplicate petitions for naturalization, respectively. (Secs. 323a, 332, 56 Stat. 1041, 54 Stat. 1154, 8 U.S.C. 723a, 732)

PART 335—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: ALIEN ENEMIES

Part 335 of this title is amended:

By changing the headnote of § 335.3 (6 F.R. 6450) to read: "*Final hearing of petition; notice by clerk of court; effect of objection; waiver of notice.*"

By inserting next after the figures "335.2" in the first sentence the words "and who has not been granted a waiver of the ninety days' notice as provided in paragraph (b) of this section".

By designating the present text of § 335.3, as amended above, by paragraph (a).

By adding a new paragraph (b) as follows :

(b) The Commissioner may, in his discretion, waive the ninety days' notice required by paragraph (a) of this section. Such waiver may be granted at any time after the petition has been filed and either before or after the clerk's notice has been given and the ninety-day period has commenced. If a petitioner requests a waiver of the ninety days' notice or if a field officer sees fit to recommend such a waiver, the case shall be investigated in accordance with § 335.4 and submitted by the district director to the Commissioner with an appropriate recommendation. In any petition in which such notice is waived, the Commissioner shall cause the clerk of court to be notified to that effect, and one copy of the waiver will be filed with the original petition for naturalization, one copy with the duplicate petition in the Central Office, and one copy with the triplicate petition in the field office file. (Sec. 326, 703, 54 Stat. 1150, 56 Stat. 182, 8 U.S.C. 726, 1003)

The following new parts are added to Subchapter D:

PART 347—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: PUERTO RICANS

Sec.
347.1 Declaration of allegiance to the United States.
347.2 Procedure.
347.3 Disposition; fee; certificate of naturalization.

AUTHORITY: §§ 347.1 to 347.3, inclusive, issued under sec. 327, 54 Stat. 1150, 8 U.S.C. 727; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 C.F.R. 90.1. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 347.1 *Declaration of allegiance to the United States.* A person born in Puerto Rico of alien parent or parents, who was eligible to become a citizen of the United States by making a declaration of allegiance to the United States under section 5 of the Act of March 2, 1917, and under section 5 (a) of said Act, as amended by section 2 of the Act of March 4, 1927, and who did not exercise such privilege, may become a citizen of the United States by making the declaration provided for by the foregoing Acts at any time on or after January 13, 1941. Such declaration of allegiance must be filed in the United States District Court for the District of Puerto Rico. (Sec. 5, 39 Stat. 953, Sec. 5 (a), 44 Stat. 1418, 47 Stat. 158, Sec. 322, 54 Stat. 1148, 8 U.S.C. 5, 5 (a), 722)

§ 347.2 *Procedure.* (a) The declaration of allegiance specified in § 347.1 of this part shall be made on Form N–330. There shall be set forth in that Form all the facts connected with the declarant's birth and residence in Puerto Rico, and due proof of such facts shall be submitted. The declarant also shall furnish three photographs of himself as described in § 364.1 of this title.

(b) The declaration of allegiance shall be verified by the affidavits of two witnesses, citizens of the United States, who shall appear in person at the time the declaration is filed with the court. Each of such witnesses shall state in his affidavit that he personally knows the declarant to be permanently residing in Puerto Rico and that the declarant is a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States, and that in his opinion the declarant is in every way qualified to be a citizen of the United States.

(c) The oath of renunciation and allegiance as prescribed by section 335 of the Nationality Act of 1940, shall be administered to the declarant in open court. (Secs. 322 and 335, 54 Stat. 1148, 1157; 8 U.S.C. 722, 735)

§ 347.3 *Disposition; fee; certificate of naturalization.* The declarations of allegiance described in this Part shall be numbered consecutively by the clerk of court in the same sequence of numbers as the petitions for naturalization, as described in § 370.6 of this title. The original declaration of allegiance shall be retained by the clerk of court, and the duplicate and triplicate thereof forwarded to the Commissioner of Immigration and Naturalization at the end of the month and shall be included in the clerk's report on Form N–4. The declarant shall pay a fee of $5 to the clerk of court at the time the declaration is filed, and upon taking the oath of renunciation and allegiance shall be entitled to a certificate of naturalization. The certificate of naturalization shall be issued by the clerk of court in the manner described in Part 377 of this title. (Secs. 337 (b) (d) (f) and 342 (a) (2), 54 Stat. 1158, 1161; 8 U.S.C. 737, 742)

PART 348—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: VIRGIN ISLANDERS

Sec.
348.1 Renunciation of Danish allegiance.
348.2 Form and procedure for renouncing Danish allegiance; fee.
348.3 Citizenship of United States; when acquired; certificate not authorized in certain cases.

Sec.
348.4 Naturalization laws applicable to alien residents of the Virgin Islands of the United States.

AUTHORITY: §§ 348.1 to 348.4, inclusive, issued under sec. 327, 54 Stat. 1150; 8 U.S.C. 727; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 348.1 *Renunciation of Danish allegiance.* Any Danish citizen who resided in the Virgin Islands of the United States on January 17, 1917, and in those Islands, Puerto Rico, or the United States on February 25, 1927, and who had preserved Danish citizenship by making the declaration prescribed in Article VI of the Convention proclaimed January 25, 1917, betweer the United States and Denmark, may renounce his Danish citizenship before any court of record regardless of whether such court is authorized to exercise naturalization jurisdiction. (Sec. 1 (a), 44 Stat. 1234, 8 U.S.C. 5b (a); Art. VI, 39 Stat. 1711)

§ 348.2 *Form and procedure for renouncing Danish allegiance; fee.* The form for the declaration of renunciation of Danish citizenship shall be designed and prescribed by the court of record in which the Danish citizen desires to renounce such allegiance. The usual procedural requirements of the Nationality Act of 1940 do not apply to the proceedings described in § 348.1 and this section. The fee shall be fixed by the court or the clerk thereof in which the renunciation is made in accordance with law and the rules of such court, and no accounting therefor is required to be made to the Immigration and Naturalization Service. (Sec. 1 (a), 44 Stat. 1234; 8 U.S.C. 5b (a))

§ 348.3 *Citizenship of United States; when acquired; certificate not authorized in certain cases.* Immediately upon making the declaration of renunciation as described in §§ 348.1 and 348.2 of this part, the declarant becomes a citizen of the United States. No certificate of naturalization or of citizenship shall be issued to any person obtaining, or who has obtained, citizenship solely under section 1 of the Act of February 25, 1927, conferring citizenship upon certain inhabitants of the Virgin Islands of the United States. (Sec. 1, 44 Stat. 1234, 47 Stat. 158, 336; 8 U.S.C. 5b)

§ 348.4 *Naturalization laws applicable to alien residents of the Virgin Islands of the United States.* Aliens, other than those described elsewhere in this part, who are residing in the Virgin Islands of the United States and who wish to become naturalized as citizens of the United States shall comply with the provisions of the naturalization laws. Residence in the Virgin Islands of the United States shall be regarded as residence in the United States within the meaning of the Nationality Act of 1940. A preliminary application to file a declaration of intention or a petition for naturalization by a resident of the Virgin Islands of the United States shall be made upon preliminary naturalization Form N–300 or N–400, respectively, in accordance with §§ 365.1 and 370.1 of this Title, and submitted to the District Director of Immigration and Naturalization, San Juan, Puerto Rico. (Sec. 101 (d), 54 Stat. 1137; 8 U.S.C. 501)

PART 363—CERTIFICATE OF ARRIVAL

The last sentence of § 363.1 (6 F.R. 242) is amended to read as follows:

Such certificates of arrival shall be issued only on Form N–210, N–215, N–220, N–225, or N–230, whichever is applicable.

PART 378—CERTIFICATE OF NATURALIZATION FOR VETERAN OF FIRST OF SECOND WORLD WAR ALLIED FORCES

The title of Part 378 is amended to read as follows: "Part 378—Certificate of Naturalization for Veteran of First or Second World War Allied Forces".

PART 382—NATURALIZATION PAPERS REPLACED; NEW CERTIFICATE IN CHANGED NAME

The first sentence of § 382.4 (6 F.R. 249) is amended to read as follows:

An investigation of the facts shall be made by the field service before an application on Form N–565 or N–575 is forwarded to the Central Office, except in those cases where a declaration of intention is about to expire by reason of the seven-year limitation. In such cases the applications may be forwarded to the Central Office and the required investigation conducted as soon thereafter as practicable but in any event before delivery of the new declaration of intention.

The following section is added to Part 382:

§ 382.6 *Replacement of evidence of naturalization under section 317 (b) of the Nationality Act of 1940.* A naturalized citizen woman, within § 330.3 of this Title, whose certified copy of the proceedings prescribed by that section has been lost, mutilated, or destroyed, may apply for a new certified copy in lieu thereof. Such application shall be made on Form N–565, addressed to the Commissioner. The applicant shall execute and forward the Form N–565 with the required fee of $1, in accordance with § 382.3, except that no photographs will be required. The application shall be handled in accordance with the provisions of § 382.4. If the application is approved, there shall be issued a certified, positive photostat of the record of the proceeding filed in the Central Office, whether such record be a duplicate of Form N–408 or a copy of the proceedings which took place at an embassy, legation, or consulate. If the applicant's name has been changed after naturalization, by order of court or by marriage, and appropriate documentary evidence of such change is submitted with the application, the certification of the positive photostat shall show both the name in which the proceedings were had and the changed name. Such an applicant shall use Form N–565 and the required fee shall be $1. The procedure described in this section may be followed even though the naturalization proceedings took place at an embassy, legation, or consulate. In such cases, it will not be necessary that verification of the alleged naturalization proceedings be made by the field office. (Secs. 341 (b) (d) (e), 342 (b) (4), 54 Stat. 1161; 8 U.S.C. 741, 742)

PART 383—CERTIFICATION OF NATURALIZATION RECORDS OR INFORMATION

The following new section is added to Part 383:

§ 383.6 *Replacement of evidence of oath of renunciation and allegiance under Act of June 25, 1936, as amended by Act of July 2, 1940.* A citizen woman, within § 330.2 of this title, whose certified copy of the proceedings prescribed by that section has been lost, mutilated, or destroyed, may apply for a new certified copy in lieu thereof. Such application shall be made on Form N–585, addressed to the Commissioner. The applicant shall fill out properly, sign, make oath to, and forward the Form N–585 to the district director having administrative supervision over the territory in which she resides. The application shall be accompanied by the statutory fee of $1.50, in accordance with § 383.4. No photographs will be required. The application shall be handled in compliance with the applicable provisions of § 382.4 of this title. If the application is approved, there shall be issued a certified, positive photostat of the record of the proceedings filed in the Central Office, whether such record be the duplicate of Form N–415 (or Form 2234) or a copy of the proceedings conducted at an embassy, legation, or consulate. If the applicant's name has been changed after the taking of the oath by order of court or by marriage and if appropriate documentary evidence of such change is submitted with the application, the certification shall show both the name in which the proceedings were had and the changed name. The procedure described in this section may be followed even though the proceedings took place at an embassy, legation, or consulate. In such cases it will not be necessary that verification of the alleged

record of restoration of citizenship rights be made by the field office. (Sec. 342 (b) (9), 54 Stat. 1162; 8 U.S.C. 742)

EARL G. HARRISON,
Commissioner of Immigration and Naturalization.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 43-11872; Filed, July 23, 1943; 1:55 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4761]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BERTHA M. URBAN

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., of respondent's "Lakota" fruit-juice product, or any other similar product, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondent's said product, which advertisements represent, directly or through inference, that respondent's product has any therapeutic value or beneficial effect in the treatment of migraine or sick headache, high blood pressure, abdominal pains, or ulcers; or that the use of said product will remove the cause of migraine headache or relieve the pain and discomfort associated with such condition; or that said product has any therapeutic value in the treatment of constitpation; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C, sec 45b) [Cease and desist order, Bertha M. Urban, Docket 4761, July 21, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of July, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, testimony and other evidence in support of and in opposition to the allegations of said complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence, and brief filed in support of the complaint; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Bertha M. Urban, her agents, representatives, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution of her fruit-juice product designated "Lakota," or any other product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents directly or through inference that respondent's product has any therapeutic value or beneficial effect in the treatment of migraine or sick headache, high blood pressure, abdominal pains, or ulcers; or that the use of said product will remove the cause of migraine headache or relieve the pain and discomfort associated with such condition; or that said product has any therapeutic value in the treatment of constipation.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act, of respondent's product, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon her of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which she has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-11885; Filed, July 24, 1943; 11:09 a. m.]

[Docket No. 3747]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

PROGRESS TAILORING COMPANY, ET AL.

§ 3.6 (i) *Advertising falsely or misleadingly—Free goods or service:* § 3.6 (ee) *Advertising falsely or misleadingly—Terms and conditions:* § 3.72 (e) *Offering deceptive inducements to purchase or deal—Free goods:* § 3.72 (n 10) *Offering deceptive inducements to purchase or deal—Terms and conditions:* § 3.80 (i) *Securing agents or representatives falsely or misleadingly—Terms and conditions.* In connection with offer, etc., in commerce, of wearing apparel and other similar items of merchandise, and among other things, as in order set forth, (1) using the term "free" or any other term of similar import or meaning to designate, describe, or refer to wearing apparel or other items of merchandise which are furnished as compensation for services rendered; or (2) using the term "free" or any other term of similar import or meaning to describe or refer to linings, trimmings, or other portions of garment, and the price of which is included in the price of the entire garment; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Progress Tailoring Company, et al., Docket 3747, July 20, 1943]

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Plant and equipment:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Size.* In connection with offer, etc., in commerce, of wearing apparel and other similar items of merchandise, and among other things, as in order set forth, using a pictorial representation of a building, in advertising or in any other manner, which inaccurately portrays or misrepresents the size or extent of respondents' business or the comparative volume of business transacted by the respondents; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Progress Tailoring Company, et al., Docket 3747, July 20, 1943]

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Retailer as wholesale or jobber:* § 3.6 (r) *Advertising falsely or misleadingly—Prices—Retail or selling as wholesale, jobbing or discounted, etc.* In connection with offer, etc., in commerce, of wearing apparel and other similar items of merchandise, and among other things, as in order set forth, (1) representing directly or by implication that respondents are selling their garments at manufacturers' prices or at prices which save the purchaser the cost or profit of the retailer or middleman; or (2) representing that respondents are wholesale tailors or that their garments are supplied to purchasers at wholesale prices or that respondents are engaged in any business other than the sale of garments at retail; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b)

[Cease and desist order, Progress Tailoring Company, et al., Docket 3747, July 20, 1943]

§ 3.6 (g 5) *Advertising falsely or misleadingly—Fictitious affidavits:* § 3.72 (c 5) *Offering deceptive inducements to purchase or deal—Fictitious affidavits.* In connection with offer, etc., in commerce, of wearing apparel and other similar items of merchandise, and among other things, as in order set forth, using reproductions of any fictitious affidavit in advertising material or in any other manner; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112, 15 U.S.C., sec. 45b) [Cease and desist order, Progress Tailoring Company, et al., Docket 3747, July 20, 1943]

In the Matter of Progress Tailoring Company, a Corporation, Trading Under Its Own Name and Also as J. C. Field & Son; Stone-Field Corporation, a Corporation; W. Z. Gibson, Inc., a Corporation; Pioneer Tailoring Company, a Corporation; and Certified Tailoring Company, a Corporation

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of July, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondents, testimony and other evidence in support of and in opposition to the allegations of said complaint taken before trial examiners of the Commission theretofore duly designated by it, report of the trial examiners upon the evidence, briefs filed in support of the complaint and in opposition thereto, and oral argument of counsel; and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Progress Tailoring Company, a corporation, trading under its own name and also as J. C. Field & Son; Stone-Field Corporation, a corporation; W. Z. Gibson, Inc., a corporation; Pioneer Tailoring Company, a corporation; and Certified Tailoring Company, a corporation, and their respective officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution of wearing apparel and other similar items of merchandise in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the term "free" or any other term of similar import or meaning to designate, describe, or refer to wearing apparel or other items of merchandise which are furnished as compensation for services rendered.

2. Using the term "free" or any other term of similar import or meaning to describe or refer to linings, trimmings, or other portions of garment, and the price of which is included in the price of the entire garment.

3. Using a pictorial representation of a building, in advertising or in any other manner, which inaccurately portrays or misrepresents the size or extent of respondents' business or the comparative volume of business transacted by the respondents.

4. Representing directly or by implication that respondents are selling their garments at manufacturers' prices or at prices which save the purchaser the cost or profit of the retailer or middleman.

5. Representing that respondents are wholesale tailors or that their garments are supplied to purchasers at wholesale prices or that respondents are engaged in any business other than the sale of garments at retail.

6. The use of reproductions of any fictitious affidavit in advertising material or in any other manner.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 43-11884; Filed, July 24, 1943; 11:09 a. m.]

[Docket No. 2979]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ASSOCIATED LABORATORIES, INC. ET AL.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., in commerce, of respondent's "Kelp-A-Malt Tablets", or any other similar product, representing, directly or by implication, through use of words, pictorial representations, or both, (1) that the use of respondent's product will enable persons who are weak, emaciated, thin, or underweight to overcome such conditions; (2) that a well-proportioned body, or shapeliness of form or figure, can be acquired through the use of said product; (3) that the use of said product will enable persons who are tired or run down to overcome such conditions or recover or regain health, strength, or vigor; or (4) that said product possesses any therapeutic value in the treatment of sour or acid stomach, gas, or indigestion; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Associated Laboratories, Inc., et al., Docket 2979, July 20, 1943]

In the Matter of Associated Laboratories, Inc., a corporation, trading as Allied Laboratories, Kelp-A-Malt Company, and Seedol Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of July, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer and amended answer of respondent, testimony and other evidence taken before trial examiners of the Commission theretofore duly designated by it, reports of the trial examiners upon the evidence and the exceptions to such reports, briefs in support of and in opposition to the complaint, and oral argument; and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Associated Laboratories, Inc., a corporation, trading as Allied Laboratories, Kelp-A-Malt Company, and Seedol Company, or trading under any other name, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's product designated "Kelp-A-Malt Tablets," or any other product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from representing, directly or by implication, through the use of words, pictorial representations, or both:

1. That the use of respondent's product will enable persons who are weak, emaciated, thin, or underweight to overcome such conditions.

2. That a well-proportioned body, or shapeliness of form or figure, can be acquired through the use of said product.

3. That the use of said product will enable persons who are tired or run down to overcome such conditions or recover or regain health, strength, or vigor.

4. That said product possesses any therapeutic value in the treatment of sour or acid stomach, gas, or indigestion.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 43-11939; Filed, July 26, 1943; 11:02 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Tax

[T. D. 5286]

PART 30—REGULATIONS UNDER THE EXCESS PROFITS TAX ACT OF 1940

NONTAXABLE INCOME FROM CERTAIN MINING AND TIMBER OPERATIONS

In order to conform Regulations 109 [Part 30, Title 26, Code of Federal Regulations, 1941 Sup.] to section 209 (c) and (d) of the Revenue Act of 1942 (Public Law 753, 77th Congress), approved October 21, 1942, such regulations are amended by inserting immediately after § 30.734–5, as added by Treasury Decision 5212, approved January 12, 1943, the following:

SEC. 209. NONTAXABLE INCOME FROM EXEMPT EXCESS OUTPUT OF MINING AND TIMBER OPERATIONS AND FROM BONUS INCOME OF MINES, ETC. (Revenue Act of 1942, Title II.)

* * * * *

(c) *Nontaxable income.* Subchapter E of Chapter 2 is amended by inserting after section 734 the following new section:

SEC. 735. NONTAXABLE INCOME FROM CERTAIN MINING AND TIMBER OPERATIONS.

(a) *Definitions.* For the purposes of this section, section 711 (a) (1) (I), and section 711 (a) (2) (K)—

(1) *Producer.* The term "producer" means a corporation which extracts minerals from a mineral property, or cuts logs from a timber block, in which an economic interest is owned by such corporation.

(2) *Mineral unit.* The term "mineral unit" means a unit of metal, coal, or nonmetallic substance in the minerals recovered from the operation of a mineral property.

(3) *Timber unit.* The term "timber unit" means a unit of timber recovered from the operation of a timber block.

(4) *Excess output.* The term "excess output" means the excess of the mineral units or the timber units for the taxable year over the normal output.

(5) *Normal output.* The term "normal output" means the average annual mineral units, or the average annual timber units, as the case may be, recovered in the taxable years beginning after December 31, 1935, and not beginning after December 31, 1939 (hereinafter called "base period"), of the person owning the mineral property or the timber block (whether or not the taxpayer). The average annual mineral units or timber units shall be computed by dividing the aggregate of such mineral units or timber units for the base period by the number of months for which the mineral property or the timber block was in operation during the base period and by multiplying the amount so ascertained by twelve. In any case in which the taxpayer establishes, under regulations prescribed by the Commissioner with the approval of the Secretary, that the operation of any mineral property or any timber block is normally prevented for a specified period each year by physical events outside the control of the taxpayer, the number of months during which such mineral property or timber block is regularly in operation during a taxable year shall be used in computing the average annual mineral units, or timber units, instead of twelve. Any mineral property, or any timber block, which was in operation for less than six months during the base period shall, for the purposes of this section, be deemed not to have been in operation during the base period.

(6) *Mineral property.* The term "mineral property" means a mineral deposit, the development and plant necessary for the extraction of the deposit, and so much of the surface of the land as is necessary for purposes of such extraction.

(7) *Minerals.* The term "minerals" means ores of the metals, coal, and such nonmetallic substances as abrasives, asbestos, asphaltum, barytes, borax, building stone, cement rock, clay, crushed stone, feldspar, fluorspar, fuller's earth, graphite, gravel, gypsum, limestone, magnesite, marl, mica, mineral pigments, peat, potash, precious stones, refractories, rock phosphate, salt, sand, silica, slate, soapstone, soda, sulphur, and talc.

(8) *Timber block.* The term "timber block" means an operation unit existing as of December 31, 1941, which includes all the taxpayer's timber which would logically go to a single given point of manufacture, but shall not include any operation unit acquired after December 31, 1941.

(9) *Normal unit profit.* The term "normal unit profit" means the average profit for the base period per mineral unit for such period, determined by dividing the net income with respect to minerals recovered from the mineral property (computed with the allowance for depletion computed in accordance with the basis for depletion applicable to the current taxable year) during the base period by the number of mineral units recovered from the mineral property during the base period.

(10) *Estimated recoverable units.* The term "estimated recoverable units" means the estimated number of units of metal, coal, or nonmetallic substances in the estimated recoverable minerals from the mineral property at the end of the taxable year plus the excess output for such year. All estimates shall be subject to the approval of the Commissioner, the determinations of whom, for the purposes of this section, shall be final and conclusive.

(11) *Exempt excess output.* The term "exempt excess output" for any taxable year means a number of units equal to the following percentages of the excess output for such year:

100 per centum if the excess output exceeds 50 per centum of the estimated recoverable units;

95 per centum if the excess output exceeds 33⅓ but not 50 per centum of the estimated recoverable units;

90 per centum if the excess output exceeds 25 but not 33⅓ per centum of the estimated recoverable units;

85 per centum if the excess output exceeds 20 but not 25 per centum of the estimated recoverable units;

80 per centum if the excess output exceeds 16⅔ but not 20 per centum of the estimated recoverable units;

60 per centum if the excess output exceeds 14⅔ but not 16⅔ per centum of the estimated recoverable units;

40 per centum if the excess output exceeds 12½ but not 14⅔ per centum of the estimated recoverable units;

30 per centum if the excess output exceeds 10 but not 12½ per centum of the estimated recoverable units;

20 per centum if the excess output exceeds 5 but not 10 per centum of the estimated recoverable units.

(12) *Unit net income.* The term "unit net income" means the amount ascertained by dividing the net income (computed with the allowance for depletion) from the coal or iron ore or the timber recovered from the coal mining property, iron mining property, or timber block, as the case may be, during the taxable year by the number of units of coal or iron ore, or timber, recovered from such property in such year.

(b) *Nontaxable income from exempt excess output* (1) *General rule.* For any taxable year for which the excess output of mineral property which was in operation during the base period exceeds 5 per centum of the estimated recoverable units from such property, the nontaxable income from exempt excess output for such year shall be an amount equal to the exempt excess output for such year multiplied by the normal unit profit, but such amount shall not exceed the net income (computed with the allowance for depletion) attributable to the excess output for such year.

(2) *Coal and iron mines.* For any taxable year, the nontaxable income from exempt excess output of a coal mining or iron mining property which was in operation during the base period shall be an amount equal to the excess output of such property for such year multiplied by one-half of the unit net income from such property for such year, or an amount determined under paragraph (1), whichever the taxpayer elects in accordance with regulations prescribed by the Commissioner with the approval of the Secretary.

(3) *Timber properties.* For any taxable year, the nontaxable income from exempt excess output of a timber block which was in operation during the base period shall be an amount equal to the excess output of such property for such year multiplied by one-half of the unit net income from such property for such year.

(c) *Nontaxable bonus income.* The term "nontaxable bonus income" means the amount of the income derived from bonus payments made by any agency of the United States Government on account of the production in excess of a specified quota of a mineral product or of timber the exhaustion of which gives rise to an allowance for depletion under section 23 (m), but such amount shall not exceed the net income (computed with the allowance for depletion) attributable to the output in excess of such quota.

(d) *Rule in case income from excess output includes bonus payment.* In any case in which the income attributable to the excess output includes bonus payments (as provided in subsection (c)), the taxpayer may elect, under regulations prescribed by the Commissioner with the approval of the Secretary, to receive either the benefits of subsection (b) or subsection (c) with respect to such income as is attributable to excess output above the specified quota.

(d) *Retroactive exclusion of nontaxable bonus income.* The amendments made by this section inserting section 711 (a) (1) (I), section 711 (a) (2) (K), and section 735 (c), to the extent that they relate to nontaxable bonus income, shall be applicable to taxable years beginning after December 31, 1940.

SEC. 201. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1942, Title II.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1941.

§ 30.735–1 *General rule.* Section 735 provides specific rules for the computation of nontaxable income from exempt excess output and of nontaxable bonus income which are excluded in the computation of excess profits net income of a producer of minerals, or a producer of logs or lumber from a timber block, as defined in such section. Nontaxable income from exempt excess output is excluded in the computation of excess profits net income for years beginning after December 31, 1941; nontaxable bonus income is excluded in the computation of excess profits net income for years beginning after December 31, 1940.

§ 30.735–2 *Definitions.* For the purposes of section 735, section 711 (a) (1) (I), and section 711 (a) (2) (K):

(a) *Producer.* The term "producer" means a corporation which extracts

minerals from a mineral property, or cuts logs from a timber block, in which an economic interest is owned by such corporation. Although section 711 (a) (1) (I) and section 711 (a) (2) (K) exclude certain nontaxable income in the computation of excess profits net income in the case of a producer of logs or lumber, a producer of lumber is not within the provisions of this subsection unless such corporation is also a producer of the logs from which such lumber is sawed. An economic interest is possessed in every case in which the taxpayer has acquired, by investment, any interest in minerals in place or standing timber and secures, by any form of legal relationship, income derived from the severance and sale of the mineral or timber, to which it must look for a return of its capital. A taxpayer which has no capital investment in the mineral deposit or standing timber does not possess an economic interest merely because, through a contractual relation to the owner, it possesses a mere economic advantage derived from production. Thus, an agreement between the owner of an economic interest and another entitling the latter to purchase the product upon production or to share in the net income derived from the interest of such owner does not convey an economic interest. The mere ownership of the development and plant necessary to the extraction of the minerals in place or the felling and logging of the timber is not an economic interest for the purposes of section 735. Thus, a corporation which owns the equipment necessary to the extraction of minerals or the logging of timber and which acts as an independent contractor or as an agent in extracting minerals or timber, receiving as consideration a portion of the net income from the property, but which does not own an economic interest in the mineral property or timber block is not a producer within the provisions of this subsection. However, the owner of the economic interest in the mineral property or timber block and from which the mineral or timber is being extracted by the independent contractor or the agent is the producer within the provisions of this subsection.

(b) *Mineral unit.* The term "mineral unit" means a unit of metal, coal, or nonmetallic substance in the minerals recovered from the operation of a mineral property. A mineral unit does not mean the number of units of minerals as defined in paragraph (g) of this section but refers to the units of metal, coal, or nonmetallic substances contained in such minerals. If a corporation extracts from the same mineral property two or more minerals containing different metals, coal, or nonmetallic substances, or if two or more metals, coal, or nonmetallic substances are contained in the same mineral extracted by a corporation from a mineral property, a determination of mineral units must be made with respect to each type of metal, coal, or nonmetallic substance contained in such minerals. A unit is any designation of quantity, such as ton, pound, quart, ounce, kilogram, gram, etc., customarily used by the taxpayer as a standard of measurement.

(c) *Timber unit.* The term "timber unit" means a unit of timber recovered from the operation of a timber block. It does not mean the units of lumber, boards, or other wood products sawed from the timber, but refers to the actual logs felled prior to processing at the sawmill. The fact that more than one species of timber is cut by a taxpayer from a timber block shall not be taken into account and a timber unit shall not be established with respect to each species of timber. A unit is any designation of quantity such as board feet measure, log scale, cords, or other units customarily used by the taxpayer as a standard of measurement.

(d) *Excess output.* The term "excess output" means the excess of the mineral units or the timber units for the taxable year over the normal output. If the taxpayer operated two or more mineral properties or two or more timber blocks, the excess output shall be determined with respect to each such mineral property and each such timber block and shall not be computed upon the basis of the aggregate of the mineral properties or timber blocks owned by the taxpayer. If two or more metals, coal, or nonmetallic substances are contained in the minerals extracted from a mineral property, the determination of the excess output of mineral products extracted from such mineral property for an excess profits tax taxable year shall be made with respect to each separate type of metal, coal, or nonmetallic substance, i. e., the amount by which the mineral units of each type for the taxable year exceeds the normal output of such type. The excess output of a mineral property from which minerals are extracted containing two or more types of metals, coal, or nonmetallic substances shall not be made upon an aggregate basis, i. e., the amount by which the aggregate of all types of mineral units for the taxable year exceeds the aggregate of the normal output of all such types.

The mineral units for an excess profits tax taxable year shall be the number of units of metal, coal, or nonmetallic substances in the minerals recovered from a mineral property during the taxable year, which would be used in computing the allowance for depletion for the purposes of chapter 1 if the depletion of the mineral property were computed without regard to discovery value or percentage depletion. See § 19.23 (m)-2, of Regulations 103.

The timber units for an excess profits tax taxable year shall be the number of units of timber felled during the year, which is used in the computation of the depletion allowance for the purposes of chapter 1. See § 19.23 (m)-21, of Regulations 103. However, no timber felled or logs cut from standing timber acquired after December 31, 1941, shall be considered in determining the number of timber units for the taxable year.

(e) *Normal output.* The term "normal output" means the average annual mineral units, or the average annual timber units, as the case may be, recovered in the taxable years beginning after December 31, 1935, and not beginning after December 31, 1939 (referred to in §§ 30.735-1 through 30.735-5 as the base period) of the person owning the mineral property or the timber block, whether or not such person is the taxpayer claiming relief under section 711 (a) (1) (I) or section 711 (a) (2) (K), and section 735. A person includes an individual, a trust, estate, partnership, company, or corporation. See section 3797. If the mineral property or timber block was not owned by the taxpayer for the entire base period, the taxpayer must, in its first excess profits tax return in which the benefits of section 711 (a) (1) (I) or section 711 (a) (2) (K), and section 735 are claimed, state the name and address of each person owning the mineral property or timber block during the base period and submit evidence establishing the mineral units or the timber units recovered from the mineral property or timber block by such other person during the period of its ownership, and the number of months in such period.

In any case in which two or more metals, coal, or nonmetallic substances are contained in the minerals recovered from a mineral property, a normal output shall be computed with respect to each type of metal, coal, or nonmetallic substance in such minerals.

The average annual mineral units or timber units shall be computed by dividing the aggregate of the mineral units of each type of metal, coal, or nonmetallic substance or the aggregate of the timber units for the base period by the number of months for which the mineral property or timber block was in operation during the base period and by multiplying the amount so ascertained by twelve. In any case in which the taxpayer establishes that the operation of a mineral property or a timber block is normally prevented for a specified period each year by physical events outside the control of the taxpayer, the number of months during which such mineral property or timber block is regularly in operation during a taxable year shall be used in computing the average annual mineral units, or timber units, instead of twelve. If any excess profits tax taxable year for which excess output is computed for the purposes of section 735 is a taxable year of less than twelve months, the number of months in such year, in lieu of twelve and in lieu of the number of months specified in the preceding sentence (if less than such number of months), shall be used in computing the average annual mineral units or timber units.

The mineral units for a taxable year in the base period shall be the number of units of each type of metal, coal, or nonmetallic substance in the minerals recovered from a mineral property during the taxable year, which would be used in computing the depletion allowance for the purposes of chapter 1 if the depletion of the mineral property were computed without regard to discovery value or percentage depletion. See § 19.23 (m)-2, of Regulations 103. The timber units for a taxable year shall

be the number of units of timber felled during the year used in the computation of the depletion allowance for the purposes of chapter 1. See § 19.23 (m)-21, of Regulations 103.

Any mineral property, or any timber block, which was in operation for less than six months during the base period shall, for the purposes of section 735, be deemed not to have been in operation during the base period. Such months need not be consecutive months.

(f) *Mineral property.* The term "mineral property" means a mineral deposit, the development and plant necessary for the extraction of the deposit, and so much of the surface of the land as is necessary for the purposes of such extraction. The term "mineral deposit" refers to the minerals in place. The taxpayer's interest in each separate mineral property is a separate "property." If the mineral deposit in which a taxpayer owns an economic interest extends beyond the boundaries of a single tract or parcel of land a separate mineral property exists with respect to each tract or parcel of land into which the mineral deposit extends. Where two or more mineral properties are included in a single tract or parcel of land, the taxpayer's interest in such mineral properties may be considered to be a single "property", provided such treatment is consistently followed.

(g) *Minerals.* The term "minerals" means ores of the metals, coal, and such nonmetallic substances as abrasives, asbestos, asphaltum, barytes, borax, building stone, cement rock, clay, crushed stone, feldspar, fluorspar, fuller's earth, graphite, gravel, gypsum, limestone, magnesite, marl, mica, mineral pigments, peat, potash, precious stones, refractories, rock phosphate, salt, sand, silica, slate, soapstone, soda, sulphur, and talc.

(h) *Timber block.* The term "timber block" means an operation unit existing as of December 31, 1941, which includes all the taxpayer's timber which would logically go to a single given point of manufacture, but shall not include any operation unit acquired after December 31, 1941. In those cases in which the point of manufacture is at a considerable distance, or in which the logs or other products will probably be sold in a log or other market, the block may be a logging unit which includes all of the taxpayer's timber which would logically be removed by a single logging development.

(i) *Normal unit profit.* The term "normal unit profit" means the average profit for the base period per mineral unit for such period, determined by dividing the net income with respect to minerals recovered from the mineral property (computed with the allowance for depletion determined in accordance with the basis for depletion, cost basis depletion, discovery value depletion, or percentage depletion, applicable to the current taxable year) during the base period by the total number of mineral units recovered from the mineral property during the base period.

If two or more metals, coal, or nonmetallic substances are contained in the minerals extracted from a mineral property, a normal unit profit shall be established for each class of mineral unit. The normal unit profit for each class of mineral unit shall be determined by dividing the net income with respect to such type of metal, coal, or nonmetallic substance in the minerals recovered from the mineral property during the base period by the total number of mineral units of such class for the base period.

(1) *Net income.* Net income with respect to minerals recovered from the mineral property (computed with the allowance for depletion) means the "gross income from the property" as defined in subparagraph (2) of this subsection less the allowable deductions attributable to the mineral property with respect to which exempt excess output is computed and the allowable deductions attributable to the processes listed in subparagraph (2) insofar as they relate to the product of such property, including overhead and operating expenses, development costs properly charged to expense, depreciation, taxes, losses sustained, and including the allowance for depletion. The allowance for depletion shall be computed in accordance with the provisions of section 23 (m) and section 114 (b) and the regulations thereunder. The allowance for depletion for each year during the base period shall, for the purposes of section 735, be computed upon the same basis used in computing the allowance for depletion during the excess profits tax taxable year beginning after December 31, 1941, for which the benefits of section 735 are claimed. Thus, if during the base period the taxpayer computed the allowance for depletion with respect to a mineral property upon the cost basis, and if during each excess profits tax taxable year, for which the benefits of section 735 are claimed, the taxpayer computes the allowance for depletion based upon a percentage of income, the allowance for depletion for each year in the base period shall be recomputed as a percentage of income under the law applicable to each such year. In cases where the taxpayer engages in activities in addition to mineral extraction and to the processes listed in subparagraph (2), deductions for depreciation, taxes, general expenses, and overhead, which cannot be directly attributed to any specific activity, shall be fairly apportioned between (*a*) the mineral extraction and the processes listed in subparagraph (2) and (*b*) the additional activities, taking into account the ratio which the operating expenses directly attributable to the mineral extraction and the processes listed in subparagraph (2) bear to the operating expenses directly attributable to the additional activities. If more than one mineral property is involved, the deductions apportioned to the mineral extraction and the processes listed in subparagraph (2) shall, in turn, be fairly apportioned to the several properties, taking into account their relative production.

If two or more metals, coal, or nonmetallic substances are contained in the minerals extracted from a mineral property, a net income with respect to each type of metals, coal, or nonmetallic substance shall be established. Such net income shall be the gross income with respect to such type minus the allowable deductions for such year attributable to such type. The allowable deductions for any taxable year attributable to each type of metal, coal, or nonmetallic substance shall be computed as follows: There shall be determined an amount which bears the same ratio to the total allowable deductions (not including the allowance for depletion) attributable to the mineral property from which the minerals containing such type of metal, coal, or nonmetallic substance has been recovered, as the gross income from such type of metal, coal, or nonmetallic substance bears to the total gross income from such property. To this amount shall be added the allowance for depletion computed with respect to such type of metal, coal, or nonmetallic substance.

(2) *Gross income from the property.* For the purposes of section 735 the term "gross income from the property" for any year in the base period means the amount for which the taxpayer sold the crude mineral product (the product in the form in which it emerges from the mine) of the mineral property in the immediate vicinity of the mine, but, if the product was transported or processed (other than by processes excepted below) before sale, it means the representative market or field price (as of the date of sale) of crude mineral product of like kind and grade before such transportation or processing. If there was no such representative market or field price (as of the date of sale), then there shall be used in lieu thereof the representative market or field price of the first marketable product resulting from any process or processes (or, if the product in its crude state was merely transported, the price for which sold) minus the costs and proportionate profits attributable to the transportation and the processes not listed below. The processes excepted are as follows:

(i) In the case of coal: Cleaning, breaking, sizing, and loading at the mine for shipment;

(ii) In the case of sulphur: Pumping to vats, cooling, breaking, and loading at the mine for shipment;

(iii) In the case of iron ore, ball and sagger clay or rock asphalt, and ores which are customarily sold in the form of the crude mineral product—sorting or concentrating to bring to shipping grade, and loading at the mine for shipment; and

(iv) In the case of lead, zinc, copper, gold, silver, or fluorspar ores and ores which are not customarily sold in the form of the crude mineral product—crushing, concentrating (by gravity or flotation), and other processes to the extent to which they do not beneficiate the product in greater degree (in relation to the crude mineral product on the one hand and the refined product on the other) than crushing and concentrating (by gravity or flotation).

In case any of the excepted processes were not applied in the immediate vicinity of the mining district in which the mine is located, costs incurred for transportation to the processing location and,

if transported by taxpayer, the proportionate profits attributable to transportation should be subtracted from the sale price of the product to determine "gross income from the property."

There shall be excluded in determining the "gross income from the property", for each year in the base period, an amount equal to any rents or royalties which were paid or incurred by the taxpayer in respect of the property and were not otherwise excluded from the "gross income from the property". If royalties in the form of bonus payments were paid in respect of the property in a taxable year in the base period or any prior years, or if advanced royalties were paid in respect of the property in any taxable year ending prior to December 31, 1939, the amount excluded from "gross income from the property" for a taxable year in the base period on account of such payments shall be an amount equal to that part of such payments which is allocable to the product sold during the taxable year.

If the taxpayer paid rents, royalties, or bonuses with respect to the mineral property during the base period, and in an excess profits tax taxable year for which the benefits of section 735 are claimed owns an economic interest in such property which does not require the payments of rents, royalties, or bonus payments, the amount of such rents, royalties, and bonuses paid during the base period shall, for the purposes of section 735, not be deducted in the computation of the gross income from the property. If the taxpayer paid rents, royalties, or bonuses with respect to the mineral property during the base period and in an excess profits tax taxable year for which the benefits of section 735 are claimed pays rents, royalties, or bonuses in amounts different from those paid during the base period because of a change in its economic interest, the gross income from the property during the base period shall be recomputed as if the new contractual terms pursuant to which the new rents, royalties, or bonuses are paid had been in effect during the base period. If the economic interest of the taxpayer during the base period was such that it did not pay rents, royalties, or bonuses, but such interest has changed so that during the excess profits tax taxable year for which the benefits of section 735 are claimed the taxpayer pays rents, royalties, or bonuses, the gross income from the property during the base period shall be recomputed as if the contractual agreement pursuant to which rents, royalties, or bonuses are paid during the excess profits tax taxable year were in full force and effect during the base period. If the economic interest of a person other than the taxpayer in the mineral property during any year in the base period was different from the economic interest of the taxpayer in the excess profits tax taxable year for which the benefits of section 735 are claimed, the gross income of such person from the property during such base period year shall be recomputed as if its economic interest in the mineral property were the same as the economic interest of the taxpayer in the excess profits tax taxable year for which the benefits of section 735 are claimed.

If two or more metals, coal, or nonmetallic substances are contained in the minerals extracted from a mineral property, the gross income from such property shall be allocated to each type of metal, coal, or nonmetallic substance for which a separate mineral unit is established. If the gross income from the property is determined by excluding the costs and proportionate profits attributable to transportation and to the processes not listed above, or if such gross income is an amount different from the gross proceeds received from the sale of the minerals, the gross income attributable to each type of metal, coal, or nonmetallic substance shall be an amount which bears the same ratio to the gross income from the property which the gross proceeds received from the sale of such type of metal, coal, or nonmetallic substance in the minerals bears to the total gross proceeds received from the sales of all such types.

(j) *Estimated recoverable units.* The term "estimated recoverable units" means the estimated number of units of metal, coal, or nonmetallic substances in the estimated recoverable minerals from the mineral property at the end of the excess profits tax taxable year for which the benefits of section 735 are claimed plus the excess output for such year. If the number of recoverable units of metal, coal, and nonmetallic substances in the minerals in the property have been previously estimated for the prior year or years, and if there has been no known change in the facts upon which the prior estimate was based, the number of recoverable units of metal, coal, and nonmetallic substances in the minerals in the property as of the taxable year will be the number remaining from the prior estimate. Thus, the recoverable units estimated to remain at the end of a taxable year shall be computed, generally, as the estimated recoverable units as of the beginning of the taxable year minus the output for the year. In any case in which it is ascertained either by the taxpayer or the Commissioner as the result of operations or development work prior to the close of the taxable year that the remaining recoverable mineral units are materially greater or less than the number remaining from the prior estimate, the estimate of the remaining recoverable units shall be revised and the revised estimate will be used for the purposes of computing exempt excess output under the provisions of section 735 (a) (11) and § 30.735–2 (k) unless a change in the facts requires another revision. Regardless of the method of determining the estimated number of units of metal, coal, or nonmetallic substances in the estimated recoverable minerals from the mineral property at the end of the excess profits tax taxable year, the estimated recoverable units for the purposes of section 735 shall be the number of such units plus the excess output for such year. The estimated number of units of metal, coal, or nonmetallic substances in the estimated recoverable minerals means the metal, coal, or nonmetallic substance content of the minerals, and not the estimated recoverable units of the minerals which are the ores of the metals, coal, or nonmetallic substances. The estimated recoverable units from any mineral property shall be determined with respect to each type of metal, coal, or nonmetallic substance in the estimated recoverable minerals and shall not be determined as the aggregate of all classes of mineral units attributable to all such types of metal, coal, or nonmetallic substances. As to the determination of the estimated recoverable units of mineral products, see § 19.23 (m)–9 of Regulations 103.

All estimates of recoverable units of metal, coal, and nonmetallic substances in the estimated recoverable minerals from the mineral property shall be subject to the approval of the Commissioner, and the determinations of the Commissioner for the purposes of section 735 shall be final and conclusive.

(k) *Exempt excess output.* The term "exempt excess output" for any taxable year means a number of units equal to the following percentages of the excess output for such year:

100 percent if the excess output exceeds 50 percent of the estimated recoverable units;

95 percent if the excess output exceeds 33⅓ but not 50 percent of the estimated recoverable units;

90 percent if the excess output exceeds 25 but not 33⅓ percent of the estimated recoverable units;

85 percent if the excess output exceeds 20 but not 25 percent of the estimated recoverable units;

80 percent if the excess output exceeds 16⅔ but not 20 percent of the estimated recoverable units;

60 percent if the excess output exceeds 14⅔ but not 16⅔ percent of the estimated recoverable units;

40 percent if the excess output exceeds 12½ but not 14⅔ percent of the estimated recoverable units;

30 percent if the excess output exceeds 10 but not 12½ percent of the estimated recoverable units;

20 percent if the excess output exceeds 5 but not 10 percent of the estimated recoverable units.

Since the excess output and the estimated recoverable units, in the case of a mineral property from which are extracted minerals containing two or more types of metal, coal, or nonmetallic substances, shall be determined with respect to the mineral units comprising the excess output and the mineral units contained in the estimated recoverable units for each separate type of metal, coal, or nonmetallic substance, the percentage which the excess output is of the estimated recoverable units shall be based upon the excess output and the estimated recoverable units of each separate type and shall not be computed with respect to the aggregate of all classes of mineral units. The percentage so determined with respect to each separate type of metal, coal, or nonmetallic substance shall then be multiplied by the excess output of such type of metal, coal, or nonmetallic substance in the minerals recovered from the mineral property, and the product of the two shall be con-

sidered the exempt excess output of that type of metal, coal, or nonmetallic substance.

(1) *Unit net income.* The term "unit net income" means the amount of net income per mineral unit of coal or iron or per timber unit for any excess profits tax taxable year for which the benefits of section 735 are claimed. It is ascertained by dividing the net income (computed with the allowance for depletion used in computing net income for the purposes of chapter 1 for such year) from the coal or iron ore, or the timber, recovered during the taxable year from the coal mining property, the iron mining property, or the timber block, as the case may be, by the number of mineral units contained in the coal or iron ore recovered from such coal or iron mining property or by the number of timber units recovered from such timber block, in such year.

For the purposes of section 735 (a) (12) and section 735 (b) (2), the term "coal mining property" means the aggregate of all tracts or parcels of land containing coal deposits in which economic interests were owned, and from which coal was extracted, by the taxpayer at any time after the beginning of the base period (excluding, however, any tract or parcel of land in which an economic interest was acquired, and from which coal was extracted, by any other person subsequent to the last date of ownership and operation by the taxpayer) to the extent that the coal extracted therefrom by the taxpayer was processed at a single preparation plant, regardless of whether the economic interest in one such tract or parcel of land differed from that in another.

For the purposes of section 735 (a) (12) and section 735 (b) (2), the term "iron mining property" means the aggregate of all tracts or parcels of land containing iron ore deposits in which economic interests were owned, and from which iron ore was extracted, by the taxpayer at any time after the beginning of the base period (excluding, however, any tract or parcel of land in which an economic interest was acquired, and from which iron ore was extracted, by any other person subsequent to the last date of ownership and operation by the taxpayer) to the extent that such tracts or parcels of land were operated by the taxpayer as an operation unit, regardless of whether the economic interest in one tract or parcel of land differed from that in another.

The net income (computed with the allowance for depletion) from the coal or the iron ore recovered from the coal mining property or the iron mining property during an excess profits tax taxable year for which the benefits of section 735 (b) (2) are claimed shall be the net income from the coal mining property or iron mining property from which such coal or iron ore is recovered, computed in a manner similar to that described in § 30.735–2 (i) with respect to a mineral property as if such coal mining property or iron mining property were a mineral property, except that the amount of depletion allowed in the computation of such net income shall be computed according to sections 23 (m) and 114, and the regulations thereunder.

The determination of net income from a timber block for an excess profits tax taxable year must be made with respect to each timber block separately and cannot be made with respect to the aggregate of the timber blocks owned by the taxpayer. Net income from a timber block includes only income which is attributable to that portion of the operation unit which was in existence on December 31, 1941; net income attributable to any standing timber acquired after December 31, 1941, and which after such date has become a part of the timber block existing on December 31, 1941, must be excluded. Net income from timber recovered from a timber block (computed with the allowance for depletion) means the net income attributable to timber and logging operations, not including transportation of the logs to the log or other market. That portion of the taxpayer's net income attributable to transportation or to manufacturing or remanufacturing, if the taxpayer which is a producer of logs from a timber block carries its operations beyond the logging stage, must be eliminated. If the taxpayer is engaged in activities in addition to timber and logging operations, the net income attributable to timber recovered from a timber block shall be computed as follows:

(1) *Net income.* Net income from timber recovered from a timber block (computed with the allowance for depletion) means the gross income from the timber block as defined in (2) of this paragraph, less the allowable deductions attributable to the timber block with respect to which exempt excess output is computed and the allowable deductions attributable to timbering and logging operations, but not including transportation of the logs to the log or other market, insofar as they relate to logs cut by the taxpayer from the timber block, including overhead and operating expenses, development costs properly charged to expense, depreciation, taxes, losses sustained, and including the allowance for depletion. The allowance for depletion shall be that used in computing net income for the purposes of chapter 1 for the taxable year. In cases where the taxpayer engages in activities in addition to timbering and logging operations, including in such additional activities transportation of the logs to the log or other market, deductions for depreciation, taxes, general expenses, and overhead which cannot be directly attributed to any specific activity shall be fairly apportioned between (i) the timber and logging operations, and (ii) the additional activities, taking into account the ratio which the operating expenses directly attributable to the timber and logging operations bear to the operating expenses directly attributable to the additional activities. If more than one timber block is involved, the deductions apportioned to the timber and logging operations shall, in turn, be fairly apportioned to the several timber blocks, taking into account their relative production.

(2) *Gross income from the timber block.* Gross income from the timber block for any excess profits tax taxable year beginning after December 31, 1941, means the amount for which the taxpayer sold the timber or the logs in the immediate vicinity of the timber block, but if the logs were transported or processed or manufactured or remanufactured before sale, it means the representative market or field price (as of the date of sale) of logs of like kind and grade before such transportation, processing, manufacture, or remanufacture. If there was no such representative market or field price (as of the date of sale), then there shall be used in lieu thereof the representative market or field price of the first marketable product resulting from any processing, manufacture, or remanufacture (or, if the logs were merely transported, the price for which sold) minus the costs and proportionate profits attributable to the transportation and the processes, manufacture, and remanufacture.

In all cases there shall be excluded in determining the gross income from the timber block an amount equal to any rents or royalties which were paid or incurred by the taxpayer in respect of the timber block and are not otherwise excluded from the gross income from the timber block. If royalties in the form of bonus payments have been paid in respect of the timber block in the taxable year or any prior years or if advanced royalties have been paid in respect of the property in any taxable year ending prior to December 31, 1939, the amount excluded from gross income from the timber block for the current taxable year on account of such payments shall be an amount equal to that part of such payments which is allocable to the product sold during the taxable year. If advanced royalties have been paid in respect of the timber block in any taxable year ending on or after December 31, 1939, the amount excluded from gross income from the timber block for the current taxable year on account of such payments shall be an amount equal to the deduction for such taxable year taken on account of such payments pursuant to the rules provided in § 19.23 (m)–10 (e) with respect to advanced royalties paid in the case of mineral properties.

§ 30.735–3 * *Nontaxable income from exempt excess output.* Nontaxable income from exempt excess output is excluded in the computation of excess profits net income for excess profits tax taxable years beginning after December 31, 1941, under section 711 (a) (1) (I) if the taxpayer uses the excess profits credit based on income or under section 711 (a) (2) (K) if the taxpayer uses the excess profits credit based on invested capital, and is determined as follows:

(a) *General rule.* If with respect to any excess profits tax taxable year beginning after December 31, 1941, the excess output of a mineral property which was in operation during the base period exceeds 5 percent of the estimated recoverable units from such mineral property, computed as provided in § 30.735–2 (j), the nontaxable income

from exempt excess output shall be an amount equal to the exempt excess output for such year (computed under § 30.735–2 (k)) multiplied by the normal unit profit (computed under §30.735–2 (i)). In no event shall the amount of nontaxable income from exempt excess output exceed the net income (computed with the allowance for depletion) attributable to the excess output for such year. The net income attributable to excess output shall be that percentage of the net income from the mineral property which the excess output for the taxable year is of the total output for the taxable year. The net income from the mineral property shall be computed in accordance with the rules provided in § 30.735–2 (i) for the computation of net income from the mineral property for a taxable year in the base period.

If mineral units are determined for two or more types of metals, coal, or nonmetallic substances, the nontaxable income shall be determined with respect to the exempt excess output of each type of metal, coal, or nonmetallic substance. In no event shall nontaxable income from exempt excess output be determined with respect to any such type unless the mineral property was in operation during the base period and unless the excess output of such type exceeds 5 percent of the estimated recoverable units of such type of metal, coal, or nonmetallic substance in the mineral property.

If the minerals recovered from a mineral property contain two or more types of metals, coal, or nonmetallic substances, the nontaxable income from exempt excess output of such property for a taxable year shall be the aggregate of the nontaxable incomes from exempt excess output of each type of metal, coal, or nonmetallic substance. The nontaxable income from exempt excess output of each type of metal, coal, or nonmetallic substance shall be an amount equal to the exempt excess output of such type of metal, coal, or nonmetallic substance (see § 30.735–2 (k)) multiplied by the normal unit profit for such type (see § 30.735–2 (i)). The nontaxable income from exempt excess output attributable to each type of metal, coal, or nonmetallic substance shall not exceed the net income (computed with the allowance for depletion) attributable to the excess output of such type for the taxable year. The net income attributable to the excess output of each type of mineral unit shall be determined as follows: The net income attributable to the mineral property for the taxable year shall be fairly allocated to each type of metal, coal, or nonmetallic substance contained in the minerals recovered from the mineral property in such year in accordance with the principles set forth in § 30.735–2 (i). The amount so allocated shall be divided by the total number of mineral units of such type of metal, coal, or nonmetallic substance for the taxable year, and the amount so determined shall be multiplied by the excess output of the mineral units of such type, determined in accordance with § 30.735–2 (d), for the year.

The provisions of this paragraph may be illustrated by the following examples:

Example (1) Assume that the taxpayer, which is on the calendar year basis, owns a mineral property from which is extracted a mineral containing one nonmetallic substance. The total output of such property during the four calendar years in the base period, the first of which began in 1936, was 416,000 tons and the aggregate of the net incomes for such years (including the allowance for depletion computed upon the same basis as for the year 1942) was $1,248,000. The normal output is 104,000 tons and the normal unit profit is $3 per ton. During 1942 minerals containing 200,000 tons of the nonmetallic substance were extracted from the property at a unit profit of $3.50 per ton. The net income for such year was $700,000. As of December 31, 1942, it is estimated that 1,000,000 tons of the nonmetallic substance remained in the mineral property. The amount of nontaxable income from exempt excess output to be excluded in the computation of excess profits net income for 1942 is $57,600, computed as follows:

1. Normal output (tons)	104,000
2. Output for 1942 (tons)	200,000
3. Excess output for 1942 (tons)	96,000
4. Estimated recoverable units for 1942 (1,000,000 tons plus item 3)	1,096,000
5. Percentage which item 3 is of item 4	8.8%
6. Percentage of item 3 to be used in computing exempt excess output	20%
7. Exempt excess output for 1942 (tons) (item 3 times item 6)	19,200
8. Normal unit profit (per ton)	$3
9. Nontaxable income from exempt excess output (item 8 times item 7, but not in excess of item 12)	$57,600
10. Net income for 1942	$700,000
11. Unit net income for 1942 (per ton) (item 10 divided by item 2)	$3.50
12. Net income attributable to excess output for 1942 (item 3 times item 11)	$336,000

Example (2). Corporation A, which is on the calendar year basis, owns a mineral property from which it extracts minerals containing gold and silver. For each of the four taxable years in the base period it recovered 250,000 tons of a $7.75 ore, *i. e.*, minerals assaying 10 ounces of silver and .05 ounces of gold per ton, the price of silver being $.60 per ounce and of gold being $35 per ounce during such period. The output of silver for each base period year was 2,500,000 ounces, and of gold was 12,500 ounces. The gross income for each base period year was $1,937,500, constituting $1,500,000 attributable to silver and $437,500 attributable to gold. Allowable deductions including the smelter charges for each year, but excluding the allowance for depletion, amounted to $1,000,000. Of the amount of such deductions, $774,193.55 represented the amount allocable to silver production $\left(\frac{1,500,000}{1,937,500} \text{ times } \$1,000,000\right)$ and $225,806.45 represented the amount allocable to gold production

$$\left(\frac{437,500}{1,937,500} \text{ times } \$1,000,000\right).$$

The net income from the mineral property (computed without the allowance for depletion) was $725,806.45 attributable to silver and $211,693.55 attributable to gold. The allowance for percentage depletion computed with respect to silver mining was $225,000 (15 percent of $1,500,000 but not in excess of 50 percent of $725,806.45); the allowance for such depletion computed with respect to gold mining was $65,625 (15 percent of $437,500 but not in excess of 50 percent of $211,693.55). In 1942, 320,000 tons of ore were extracted from the mineral property. The character of the ore encountered had changed so that in 1942 it was $11.375 ore, *i. e.*, minerals which assayed 15 ounces of silver and .025 ounces of gold to the ton, the price of silver being $.70 per ounce and the price of gold $35 per ounce. The total output of silver for 1942 was 4,800,000 ounces; the total output of gold was 8,000 ounces. The gross income for 1942 was $3,640,000, consisting of $3,360,000 attributable to silver and $280,000 attributable to gold. Allowable deductions including the smelter charges for the year, but excluding the allowance for depletion, amounted to $1,280,000. Of the amount of such deductions, $1,181,538.46 represented the amount allocable to silver production

$$\left(\frac{3,360,000}{3,640,000} \text{ times } \$1,280,000\right).$$

and $98,461.54 represented the amount allocable to gold production

$$\left(\frac{280,000}{3,640,000} \text{ times } \$1,280,000\right).$$

The net income from the mineral property (computed without the allowance for depletion) was $2,178,461.54 attributable to silver and $181,538.46 attributable to gold. The allowance for percentage depletion computed with respect to silver mining was $504,000 (15 percent of $3,360,000 but not in excess of 50 percent of $2,178,461.54); the allowance for such depletion computed with respect to gold mining was $42,000 (15 percent of $280,000 but not in excess of 50 percent of $181,538.46). It is estimated that as of December 31, 1942, there were 19,200,000 units of silver, and 32,000 units of gold remaining in the mineral property. There is no nontaxable income from exempt excess output of gold since the normal output exceeds the 1942 output of that metal. The nontaxable income from exempt excess output of silver is $138,220.80, computed as follows:

	Silver	Gold
1. Normal output (ounces):		
a. Silver (10,000,000 divided by 4)	2,500,000	
b. Gold (50,000 divided by 4)		12,500
2. Output for 1942 (ounces)	4,800,000	8,000
3. Excess output (item 1a or 1b, minus item 2)	2,300,000	0
4. Estimated recoverable units as of Dec. 31, 1942 (ounces):		
a. Silver (19,200,000 plus 2,300,000)	21,500,000	
b. Gold (32,000 plus 0)		32,000
5. Percentage which item 3 is of item 4a or 5b (percent)	10.7	
6. Percentage of item 3 to be used in computing exempt excess output (percent)	30	
7. Exempt excess output (ounces) (item 3 times item 6)	690,000	
8. Normal unit profit per ounce (item 17)	$0.20032	$11.6854
9. Nontaxable income from exempt excess output (item 7 times item 8) but not in excess of item 24	$138,220.80	

	Silver	Gold
NORMAL UNIT PROFIT		
10. Gross income from the mineral property for each base period year	$1,500,000.00	$437,500.00
11. Allowable deductions (excluding allowance for depletion) for each base period year	$774,193.55	$225,806.45
12. Net income from the mineral property (excluding allowance for depletion) for each base period year	$725,806.45	$211,693.55
13. Allowance for percentage depletion	$225,000.00	$65,625.00
14. Net income from the mineral property for each base period year	$500,806.45	$146,068.55
15. Aggregate net income from the mineral property for the base period	$2,003,225.80	$584,274.20
16. Aggregate mineral units recovered during base period (ounces)	10,000,000	50,000
17. Normal unit profit (item 15 divided by item 16)	$.00232	$11.68548
NET INCOME ATTRIBUTABLE TO EXCESS OUTPUT		
18. Gross income from the mineral property for 1942	$3,360,000.00	$280,000.00
19. Allowable deductions (excluding allowance for depletion) for 1942	$1,181,538.46	$98,461.54
20. Net income from the mineral property (excluding allowance for depletion) for 1942	$2,178,461.54	$181,538.46
21. Allowance for percentage depletion	$504,000.00	$42,000.00
22. Net income from the mineral property for 1942	$1,674,461.54	$139,538.46
23. Unit net income for 1942 (item 22 divided by item 2)	$.348846	$17.4423
24. Net income attributable to excess output (item 3 times item 23)	$802,345.80	0

If income attributable to a strategic mineral as defined in section 731 is exempt from the excess profits tax pursuant to the provisions of such section, nontaxable income from exempt excess output of such strategic mineral shall not be computed for the purposes of section 735 (b) (1) or of section 711 (a) (1) (I) or section 711 (a) (2) (K). The portion of gross income and allowable deductions attributable to such strategic mineral shall be excluded from the net income from the mineral property in determining the net income attributable to other metals or nonmetallic substances in the minerals recovered from such mineral property for the base period and for the excess profits tax taxable year for which the benefits of section 735 are claimed.

(b) *Coal and iron mines.* With respect to any excess profits tax taxable year beginning after December 31, 1941, the nontaxable income from exempt excess output of a coal mining or an iron mining property which was in operation during the base period shall be whichever of the following amounts the taxpayer elects:

(1) An amount equal to the excess output of such coal mining or iron mining property, determined under this subsection, for such year multiplied by one-half of the unit net income determined under § 30.735–2 (1) from such property for such year, or

(2) An amount determined under § 30.735–3 (a).

In order to elect the amount provided in (1) of this paragraph, the excess output of the coal mining property or iron mining property (as defined in § 30.735–2 (1)) which was in operation during the base period need not exceed 5 percent of the estimated recoverable units in such property. As to the election with respect to the amount provided in (2) of this paragraph, see section 735 (b) (1) and § 30.735–3 (a).

For the purposes of the computation of the amount described in (1) of this paragraph for an excess profits tax taxable year:

A coal mining property or an iron mining property (as defined in § 30.735–2 (1)) shall be considered to have been in operation during the base period if any part of such property was in operation for six months or more during the base period.

The excess output of a coal mining property or an iron mining property which was in operation during the base period shall be computed upon the basis of the coal mining property or the iron mining property and shall be the excess of the aggregate of the mineral units extracted from such coal mining or iron mining property during the taxable year over the normal output of such property. The normal output of a coal mining property or an iron mining property shall be computed with respect to such property in a manner similar to that described in § 30.735–2 (e) with respect to a mineral property, as if such coal mining property or iron mining property were a mineral property.

The election pursuant to section 735 (b) and this subsection shall be made in the excess profits tax return, filed on or before the last day required by law for the filing of such return, for the taxable year for which the benefits of section 735 are claimed. The last day required by law for the filing of such return includes the last day of the period of any extension of time granted for such filing. Such election must be made for each excess profits tax taxable year for which the benefits of section 735 (b) (2) are claimed. An election made with respect to a taxable year to compute nontaxable income from exempt excess output pursuant to the provisions of section 735 (b) (2) and § 30.735–3 (b) (1) does not preclude the taxpayer from electing for a subsequent year to compute nontaxable income pursuant to the provisions of section 735 (b) (1) and § 30.735–3 (a) provided the taxpayer satisfies the requirements there provided, and vice versa. For any excess profits tax taxable year for which an election is made under section 735 (b) (2) and this subsection, such election shall be made by the taxpayer by attaching to its excess profits tax return a statement showing the method of computation and the amount of nontaxable income from exempt excess output elected under the provisions of section 735 (b) (2) and this paragraph. If the taxpayer has failed so to elect or desires to change its election, such election or change in election may, subject to the approval of the Commissioner, be made by the taxpayer filing with the Commissioner of Internal Revenue, Washington, D. C., within the period of limitations for the filing of claims for credit or refund with respect to the year or years involved, a notice of its election or change in election accompanied by a recomputation of its income and excess profits taxes for such years. If the recomputation results in an overpayment for any of such years, the taxpayer should file a claim for refund on Form 843 in accordance with the provisions of section 322.

The provisions of this subsection may be illustrated by the following example:

Example. Assume that during the taxable year 1942 a corporation owned several tracts of land containing coal deposits which it had operated for more than six months during the base period. During the taxable year 1942, the coal extracted by the taxpayer from such land was processed at a single preparation plant, so that for the purposes of the computation provided by (1) of this paragraph such land constitutes a coal mining property. The normal output of the coal mining property was 350,000 tons. The output for the calendar year 1942 was 450,000 tons. The net income from the coal mining property during 1942 was $103,500. Assume that for the year 1942, the corporation elected to compute an amount of nontaxable income from exempt excess output of the coal mining property under the rule prescribed by (1) of this paragraph rather than under (2) of this paragraph. Such amount of nontaxable income from exempt excess output would be $11,500, computed as follows:

1.	Normal output (tons)	350,000
2.	Output for 1942 (tons)	450,000
3.	Excess output (tons) (item 2 less item 1)	100,000
4.	Net income from coal extracted from coal mining property in 1942	$103,500
5.	Unit net income per ton for 1942 (item 4 divided by item 2)	$.23
6.	Nontaxable income from exempt excess output computed pursuant to section 735 (b) (2) and without regard to section 735 (b) (1) (item 3 times one-half of item 5)	$11,500

(c) *Timber properties.* With respect to any excess profits tax taxable year beginning after December 31, 1941, the nontaxable income from exempt excess output of a timber block which was in operation during the base period shall be an amount equal to the excess output of such timber block for such year, determined under § 30.735–2 (d), multiplied by one-half of the unit net income from such timber block for such year, determined under § 30.735–2 (1).

The provisions of this paragraph may be illustrated by the following example:

Example. Assume that the normal unit output of a timber block operated by corporation T during the base period was 20,000,000 board feet log scale. The output of timber units for the taxable year 1942 was 32,000,000 board feet log scale and the net income attributable to the timber block, and to timber and logging operations not including transportation, was $320,000 The nontaxable income from exempt excess output of the timber block for 1942 is $60,000, computed as follows:

1.	Normal output (M board feet log scale)	20,000
2.	Timber units for 1942 (M board feet log scale)	32,000
3.	Excess output (M board feet log scale)	12,000
4.	Net income from timber block for 1942	$320,000
5.	Unit net income per M board feet log scale for 1942 (item 4 divided by item 2)	$10
6.	Nontaxable income from exempt excess output computed pursuant to section 735 (b) (3) (item 3 multiplied by one-half of item 5)	$60,000

§ 30.735–4 *Nontaxable bonus income.* With respect to excess profits tax taxable years beginning after December 31, 1940, the term "nontaxable bonus income" means the amount of the income derived from bonus payments made by any agency of the United States Government on account of the production in excess of certain specified quotas of a mineral product or of timber, if the exhaustion of the mineral property or the timber block from which such product or timber was recovered gives rise to an allowance for depletion under section 23 (m). Such amount, however, shall not exceed the net income (computed with the allowance for depletion) attributable to the output in excess of the quota. Such net income so attributable shall be an amount which bears the same ratio to the net income from the mineral property, computed as provided in § 30.735–2 (i), or the net income from the timber block, computed as provided in § 30.735–2 (1), as the output in excess of the quota bears to the total number of mineral units or timber units produced for the taxable year. If two or more metals, coal, or nonmetallic substances are contained in the minerals recovered from a mineral property, nontaxable bonus income must be determined with respect to each such metal, coal, or nonmetallic substance, and net income from the property must be allocated fairly between each type of metal, coal, or nonmetallic substance. In the case of any such bonus paid with respect to any such type of metal, coal, or nonmetallic substance the nontaxable bonus income shall not exceed the net income attributable to the output in excess of the specified quota of such type. Such net income shall be an amount which bears the same ratio to the net income attributable to such type of metal, coal, or nonmetallic substance as the output in excess of the quota established for such type bears to the number of mineral units of such type produced for the taxable year.

The provisions of this section may be illustrated by the following example:

Example. Corporation C, which is on the calendar year basis, owns a mineral property from which is extracted copper ore. For each of the four years in the base period, it extracted 200 tons of ore a day, or 73,000 tons per year; the ore assayed 60 pounds of copper to the ton. The annual base period output of copper was 4,380,000 pounds, and the price received by corporation C per ton of ore was $7.20. Gross income for each base period year was therefore $525,600. Allowable deductions, including the smelter charges but exclusive of percentage depletion, amounted to $385,000. Net income from the mineral property, without regard to the allowance for depletion, was $140,600. Percentage depletion for each such year amounted to $70,300 (15 percent of $525,600 but not in excess of 50 percent of $140,600). For 1942, corporation C recovered 110,000 tons of ore, which assayed 50 pounds of copper to the ton, from the mineral property. The 1942 output of copper was therefore 5,500,000 pounds. The ceiling price established by the War Production Board and the Office of Price Administration for copper was $.12 per pound. With respect to corporation C, a 1942 quota of 4,000,000 pounds of copper was established and a bonus of $.05 per pound was paid for above-quota production. Gross income received by corporation C for 1942 was $735,000 and included a bonus payment of $75,000 (1,500,000 times $.05). Allowable deductions, including the smelter charges but exclusive of percentage depletion, amounted to $579,700. Net income from the property, without regard to the allowance for depletion, was $155,300. Percentage depletion amounted to $77,650 (15 percent of $735,000 but not in excess of 50 percent of $155,300). As of December 31, 1942, it was estimated that 35,000,000 pounds of copper remained in the minerals in the mineral property. Since the excess output for 1942 did not exceed 5 percent of the estimated recoverable units for 1942, nontaxable income from exempt excess output is not authorized by section 735 (b) (1). The amount of nontaxable bonus income for 1942 is $21,177, computed as follows:

1.	Normal output (pounds) (17,520,000 divided by 4)	4,380,000
2.	Output for 1942 (pounds)	5,500,000
3.	Excess output for 1942 (pounds) (item 2 minus item 1)	1,120,000
4.	Estimated recoverable units for 1942 (pounds) (35,000,000 plus item 3)	36,120,000
5.	Percentage which item 3 is of item 4	3.1%
6.	Gross income for 1942 from the mineral property	$735,000
7.	Allowable deductions (excluding depletion)	$579,700
8.	Net income from the mineral property (excluding depletion)	$155,300
9.	Less percentage depletion	$77,650
10.	Net income for 1942 from the mineral property	$77,650
11.	Unit net income for 1942 (item 10 divided by item 2)	$.014118
12.	Quota for 1942 (pounds)	4,000,000
13.	Above-quota production for 1942 (pounds) (item 2 minus item 12)	1,500,000
14.	Net income attributable to above-quota production (item 13 times item 11)	$21,177
15.	Bonus payments received	$75,000
16.	Nontaxable bonus income (item 14 or item 15, whichever is the lesser)	$21,177

If income attributable to a strategic mineral as defined in section 731 is exempt from excess profits tax pursuant to the provisions of such section, nontaxable bonus income attributable to such strategic mineral shall not be computed for the purposes of section 735 (c) or of section 711 (a) (1) (I) or section 711 (a) (2) (K). The portion of gross income and allowable deductions attributable to such strategic mineral shall be excluded from the net income from the mineral property in determining the net income attributable to other metals or nonmetallic substances in the minerals recovered from such mineral property for the base period and for the excess profits tax taxable year for which the benefits of section 735 are claimed.

§ 30.735–5 *Rule in case income from excess output includes bonus payment.* The nontaxable income for any excess profits tax taxable year beginning after December 31, 1941, attributable to exempt excess output pursuant to the provisions of section 735 (b) (1), (2), or (3) may include nontaxable bonus payments, as provided in section 735 (c). In such case, the taxpayer may elect to compute its nontaxable income attributable to the output in excess of the established quota as nontaxable income from exempt excess output pursuant to the appropriate provision of section 735 (b) and § 30.735–3 or as nontaxable bonus income pursuant to section 735 (c) and § 30.735–4. Such election shall be made in the excess profits tax return filed prior to the last day required by law for the filing of such return for the taxable year for which the benefits of section 735 are claimed. The last day required by law for the filing of the return includes the last day of the period of any extension granted for such filing. The election provided in section 735 (d) must be made for each excess profits tax taxable year for which income attributable to excess output includes bonus payments. An election made with respect to one excess profits tax taxable year to receive the benefits of nontaxable bonus income under section 735 (c) does not preclude the taxpayer from electing for a subsequent year to receive the benefits of nontaxable income from exempt excess output under section 735 (b), and vice versa. For any excess profits tax taxable year for which an election is made under section 735 (d) and this section, such election shall be made by the taxpayer by attaching to its excess profits tax return a statement showing the method of computation and the amount of nontaxable income from exempt excess output under section 735 (b) or of nontaxable bonus income under section 735 (c), whichever the taxpayer elects to exclude under section 711 (a) (1) (I) or section 711 (a) (2) (K) in the computation of excess profits net income. If the taxpayer has failed so to elect or desires to change its election, such election or change in election may, subject to the approval of the Commissioner, be made in an amended return filed by the taxpayer within the period of limitations for the filing of claims for credit or refund.

The provisions of this section may be illustrated by the following example:

Example. Corporation P, which is on the calendar year basis, owns a mineral property from which is extracted minerals containing lead and silver. For each taxable year in the base period, 10,000 tons of ore, assaying 100 pounds of lead and 10 ounces of silver to the ton, were extracted from the mineral property. The output of lead for each base period year was 1,000,000 pounds; the output of

silver was 100,000 ounces. Assume that the market price obtained by such corporation for lead for such period was $.05 per pound and that the market price obtained for silver was $.70 per ounce. The gross income for each year in the base period was $120,000, consisting of $50,000 received for lead and $70,000 for silver. Allowable deductions for each year, including the smelter charges but excluding th allowance for depletion, amounted to $40,000. Of the amount of such deductions, $16,666.67 represented the amount allocable to lead production $\left(\frac{50,000}{120,000} \text{ times } \$40,000\right)$ and $23,333.33 represented the amount allocable to silver production $\left(\frac{70,000}{120,000} \text{ times } \$40,000\right)$. The net income from the mineral property (computed without the allowance for depletion) was $33,333.33 attributable to lead, and $46,666.67 attributable to silver. The allowance for percentage depletion computed with respect to lead mining was $7,500 (15 percent of $50,000 but not in excess of 50 percent of $33,333.33); the allowance for such depletion computed with respect to silver mining was $10,500 (15 percent of $70,000 but not in excess of 50 percent of $46,666.67). In 1942, 20,000 tons of ore were extracted from the mineral property. The quality of the ore had deteriorated so that it assayed 80 pounds of lead and 8 ounces of silver to the ton. For 1942, therefore, the total output of lead was 1,600,000 pounds, and the total output of silver was 160,000 ounces. The ceiling price of lead was $.06½ per pound; a quota of 900,000 pounds of lead was established by the War Production Board and the Office of Price Administration with respect to the taxpayer and a bonus of $.02¾ per pound was paid to the taxpayer with respect to production in excess of such quota. The price of silver obtained by taxpayer was $.70 per ounce. The gross income for 1942 was $235,250 consisting of $123,250 attributable to lead and $112,000 attributable to silver. The bonus payments received by the taxpayer with respect to above-quota production of lead, included in gross income attributed to lead, amounted to $19,250 (700,000 pounds of lead times $.02¾ per pound). Allowable deductions for the year, including the smelter charges but excluding the allowance for depletion, amounted to $80,000. Of the amount of such deductions, $41,912.86 represented the amount allocable to lead production $\left(\frac{123,250}{235,250} \text{ times } \$80,000\right)$ and $38,087.14 represented the amount allocable to silver production $\left(\frac{112,000}{235,250} \text{ times } \$80,000\right)$. The net income from the mineral property (computed without the allowance for depletion) was $81,337.14 attributable to lead and $73,912.86 attributable to silver. The allowance for percentage depletion computed with respect to lead mining was $18,487.50 (15 percent of $123,250 but not in excess of 50 percent of $81,337.14); the allowance for such depletion computed with respect to silver mining was $16,800 (15 percent of $112,000 but not in excess of 50 percent of $73,912.86). It is estimated that as of December 31, 1942, there were 6,500,000 pounds of lead and 510,000 ounces of silver remaining in the mineral property. For 1942 the amount of nontaxable income from exempt excess output of lead was $3,099.60, the amount of nontaxable bonus income from lead was $19,250, and the amount of nontaxable income from exempt excess output of silver was $6,510.06.

Since the amount of nontaxable bonus income with respect to the output of lead which exceeds the established quota and which also constitutes excess output, *i. e.*, 600,000 pounds, was $16,500 (item 33 in the following computation) and exceeded $3,099.60 representing the nontaxable income from exempt excess output of lead, corporation P elected under section 735 (d) to exclude $16,500 with respect to such 600,000 pounds in the computation of excess profits net income. With respect to the remaining portion of its output in excess of the established quota, *i. e.*, 100,000 pounds, corporation P excluded nontaxable bonus income of $2,750 (item 34) in the computation of excess profits net income pursuant to section 735 (c).

COMPUTATION

		Lead	Silver
1.	Normal output:		
	a. Lead (pounds) (4,000,000 divided by 4)	1,000,000	
	b. Silver (ounces) (400,000 divided by 4)		100,000
2.	Output for 1942	1,600,000	160,000
3.	Excess output (item 2, minus item 1a or 1b)	600,000	60,000
4.	Estimated recoverable units as of December 31, 1942:		
	a. Lead (pounds) (6,500,000 plus 600,000)	7,100,000	
	b. Silver (ounces) (510,000 plus 60,000)		570,000
5.	Percentage which item 3 is of item 4a or 4b	8.45%	10.53%
6.	Percentage of item 3 to be used in computing exempt excess output	20%	30%
7.	Exempt excess output (item 3 times item 6)	120,000	18,000
8.	Normal unit profit (item 17)	$.02583	$.36167
9.	Nontaxable income from exempt excess output (item 7 times item 8) but not in excess of item 24	$3,099.60	$6,510.06

NORMAL UNIT PROFIT

10.	Gross income from the mineral property for each base period year	$50,000.00	$70,000.00
11.	Allowable deductions (excluding allowance for depletion) for each base period year	$16,666.67	$23,333.33
12.	Net income from the mineral property (excluding allowance for depletion) for each base period year	$33,333.33	$46,666.67
13.	Allowance for percentage depletion	$7,500.00	$10,500.00
14.	Net income from the mineral property for each base period year	$25,833.33	$36,166.67
15.	Aggregate net income from the mineral property for the base period	$103,333.32	$144,666.68
16.	Aggregate mineral units recovered during the base period	4,000,000	400,000
17.	Normal unit profit (item 15 divided by item 16)	$.02583	$.36167

NET INCOME ATTRIBUTABLE TO EXCESS OUTPUT

18.	Gross income from the mineral for 1942	$123,250.00	$112,000.00
19.	Allowable deductions (excluding allowance for depletion) for 1942	$41,912.86	$38,087.14
20.	Net income from the mineral property (excluding allowance for depletion) for 1942	$81,337.14	$73,912.86
21.	Allowance for percentage depletion	$18,487.50	$16,800.00
22.	Net income from the mineral property for 1942	$62,849.64	$57,112.86
23.	Unit net income for 1942 (item 22 divided by item 2)	$.03928	$.35696
24.	Net income attributable to excess output for 1942 (item 3 times item 23)	$23,568.00	$21,417.60

Nontaxable Bonus Income:		*Lead*
25.	Quota established for 1942 (pounds)	900,000
26.	Total output for 1942 (pounds)	1,600,000
27.	Above-quota output (pounds)	700,000
28.	Bonus payments received (item 27 times $.02¾)	$19,250
29.	Net income attributable to above-quota output (item 27 times item 23)	$27,496
30.	Nontaxable bonus income (item 28 or item 29, whichever is the lesser)	$19,250

Computation of nontaxable income from exempt excess output and from bonus payments with respect to 1942 excess output in excess of quota:

31.	Item 3 or item 27, whichever is the lesser	600,000
32.	Nontaxable income from exempt excess output computed with respect to item 31 (item 9)	$3,099.60
33.	Nontaxable bonus income computed with respect to item 31 (item 31 times $.02¾)	$16,500.00

Computation of nontaxable income from exempt excess output and from bonus payments with respect to 1942 excess output in excess of quota—Continued.

34.	Nontaxable bonus income computed with respect to above-quoted output in excess of 600,000 pounds, *i. e.*, 100,000 times $.02¾ (item 30 minus item 33)	$2,750.00

(Sec. 62 of the Internal Revenue Code (53 Stat. 32; 26 U.S.C., 62) as made applicable by sec. 729 (a) of the Internal Revenue Code (54 Stat. 789; 26 U.S.C., 729 (a)) and sec. 209 (c) and (d) of the Revenue Act of 1942 (Pub. Law 753, 77th Cong.))

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: July 22, 1943.

D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 43-11847; Filed, July 23, 1943; 11:57 a. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 803—GENERAL ORDERS

WAGES OF NON-PROFIT HOSPITAL EMPLOYEES

General Order No. 26 is hereby amended to read as follows:

§ 803.26–a *General Order No. 26–A.* (a) Adjustments in the wages or salaries of employees engaged in rendering hospital services and employed by a non-profit organization which maintains and operates a hospital will be deemed approved without submission to the Board, providing that such adjustments do not raise the wages or salaries beyond the minimum non-inflationary going rates for similar occupational groups in the labor market area.

(b) Monthly reports of such adjustments shall be submitted by each such organization to the National War Labor Board's Division of Review and Analysis, together with such information and data as the said Division or the Board may from time to time require.

(c) Such adjustments shall be subject to the National War Labor Board's ultimate right of review on its own initiative, but any modification or reversal thereof will not be retroactive.

(E.O. 9250, 7 F.R. 7871)

Adopted: July 21, 1943.

L. GARRISON,
Executive Director.

[F. R. Doc. 43–11883; Filed, July 24, 1943; 9:39 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[War Production Board Reg. 3]

INTERPRETATIONS OF REGULATIONS AND ORDERS OF THE WAR PRODUCTION BOARD

§ 903.02 *War Production Board Regulation No. 3.*—(a) *Purpose.* The purpose of this regulation is to establish rules governing the issuance of interpretations of regulations and orders of the War Production Board. No interpretations shall be deemed to be official or binding upon the War Production Board unless issued in accordance with this regulation.

(b) *Two classes of official interpretations.* By "published interpretation" is meant an official interpretation which has been published in the FEDERAL REGISTER. In the usual case, interpretations will be so published only when the interpretation is of wide general interest. By "unpublished interpretation" is meant any other interpretation issued pursuant to this Regulation. Unpublished interpretations are issued to one or more individuals and interpret a regulation or order with respect to individual transactions or operations not believed to be of general interest.

(c) *Authority to issue interpretations.* (1) Published interpretations will be issued only in the name of the Chairman or the Executive Vice Chairman of the War Production Board, or in the name of the War Production Board, countersigned or attested by the Executive Secretary or the Recording Secretary.

(2) Unpublished interpretations will be issued only (i) in the same form as published interpretations, or (ii) over the signature of the General Counsel, the Solicitor, an assistant general counsel, regional attorney or deputy regional attorney of the War Production Board.

(d) *Effect of interpretations.* (1) A published interpretation shall have the same force and effect as the regulation or order interpreted, regardless of whether a particular individual has actual knowledge of the published interpretation.

(2) An unpublished interpretation shall be binding only upon persons having actual knowledge thereof.

(3) In the event of conflict between a published and an unpublished interpretation the published interpretation shall prevail.

(E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176)

Issued this 22d day of July 1943.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 43–11873; Filed, July 23, 1943; 4:54 p. m.]

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 327; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

PART 942—COTTON LINTERS AND HULL FIBRE

[General Preference Order M–12, as Amended July 24, 1943]

Section 942.1 *General Preference Order M–12* is hereby amended to read:

§ 942.1 *General Preference Order M–12*—(a) *Definitions.* (1) "Cotton linters" means the residual fibres removed by mechanical process from cottonseed and produced in three qualities commonly referred to as "mill runs", "first cuts" and "second cuts".

(2) "First cuts" means those linters resulting from the first delinting of cottonseed by a mill that makes more than one delinting.

(3) "Second cuts" means all those cotton linters resulting from all delinting of cottonseed subsequent to the first.

(4) "Mill runs" means all those cotton linters resulting from the delinting of cottonseed by a mill that makes only one delinting.

(5) "Hull fibre" means the fibres removed by mechanical process from cottonseed hulls.

(6) "Motes" means the fibrous waste materials resulting principally from the moting operation of linter machines.

(7) "Chemical cotton pulp" means pulp manufactured by chemically purifying cotton linters or hull fibre, sometimes described as "cotton linter pulp" or "cottonseed hull shavings pulp".

(8) "Mill" means any plant producing cotton linters, hull fibre or motes.

(b) *Restrictions on delivery and use.* (1) No producer of cotton linters shall deliver to any person other than Commodity Credit Corporation that portion of his production of cotton linters manufactured after July 31, 1943 which War Production Board may direct him in writing to deliver to Commodity Credit Corporation. The basis for determining the portion to be delivered for chemical use shall be the same for each producer.

(2) No producer of hull fibre shall deliver hull fibre produced after July 31, 1943 to any person other than a producer of chemical cotton pulp.

(3) Commodity Credit Corporation shall deliver cotton linters produced after July 31, 1943 only to such persons in such amounts and from such sources as may from time to time be designated in writing by War Production Board.

(4) Producers of chemical cotton pulp shall use cotton linters and hull fibre only in the manufacture of chemical cotton pulp.

(5) The delivery of cotton linters and hull fibre acquired or produced prior to August 1, 1943, shall be subject to the restrictions with respect thereto imposed by General Preference Order M–12 as in effect prior to August 1, 1943.

(c) *Production of cotton linters, hull fibre and motes.* (1) Each producer of cotton linters, hull fibre or motes shall comply with such written directions as may be given from time to time by War Production Board with respect to the delinting operations of his mill. Such directions shall be based primarily upon insuring that each mill shall be so operated that it shall produce cotton linters or hull fibre in such quantities and of such quality as shall be suitable for use by producers of chemical cotton pulp.

(2) First cuts, second cuts, mill runs, hull fibre and motes shall be baled separately.

(d) *Special permits.* Special written authorization for delivery of cotton linters and hull fibre may be granted by War Production Board upon application of any person affected by this order in the following cases, among others:

(1) To permit delivery of cotton linters to agencies of the United States Government.

(2) To permit delivery of cotton linters obtained by the delinting of cottonseed used for planting purposes.

(e) *Imports.* The importation of cotton linters, if any, shall be made in conformity with the provisions of General Imports Order M–63, as amended from time to time.

(f) *Applications and reports.* In addition to such other reports as may be required from time to time by War Production Board:

(1) Each person producing cotton linters, hull fibre or motes, except from the delinting of planting seed, shall file Form WPB–166, (formerly Form PD–110), in the manner prescribed therein on or before September 5, 1943 and on or before the 5th day of each month thereafter.

(2) Each delinter of planting seed shall make application on Form WPB–2146 (formerly Form PD–768) for permission to sell any cotton linters produced as a result of his operations.

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

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

(3) *Violations.* Any person who 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.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C., Ref.: M–12.

This amendment shall take effect August 1, 1943.

Issued this 24th day of July 1943.

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

[F. R. Doc. 43–11890; Filed, July 24, 1943; 11:12 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Interpretation 5 of Priorities Regulation 1]

EFFECT OF ASSIGNMENT OF A RATED ORDER OR CONTRACT ON SEQUENCE OF DELIVERY

The following interpretation is issued with respect to Priorities Reg. 1.

When a rated contract is assigned, the rating remains applicable to the contract as assigned if, but only if, the assignee uses the material covered by the contract for substantially the same purpose for which the rated contract was placed.

Examples. (1) The Navy places a rated order with A and A extends the rating to B. Later the Navy and A cancel the contract and the Navy enters into a new contract with C for delivery of the same product at the same time and applies the same rating to it. A assigns to C his contract with B. The rating which A had extended to B remains valid as of the time it was extended by A, and B must honor it in making delivery to C.

(2) A steel mill places an order for a repair part rated AA–1 under CMP Regulation No. 5. The steel mill finds that it does not need the part but another steel mill needs the same and asks the first mill to assign its contract for the part. The second mill could also apply a AA–1 rating to the delivery. However, it prefers to use the first mill's rating so as to come ahead of the orders which have been placed since the first mill placed its order. The second mill may not make this use of the rating, since the rated order was placed for the repair of the first mill's facilities and the purpose of the order has thus been changed.

(3) The War Production Board assigns a rating on a PD–1A certificate to a textile manufacturer to buy some textile machinery. He places an order with a machinery manufacturer and applies the rating to the order. He decides he does not need the machinery but finds another textile producer who does need the machinery and is willing to purchase the same from him. He therefore assigns the contract for the machinery to the second textile producer. The rating does not apply to the delivery to the second producer since it was assigned by the War Production Board only for the purpose of filling a specific need shown by the first textile producer.

Issued this 24th day of July 1943.

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

[F. R. Doc. 43–11891; Filed, July 24, 1943; 11:12 a. m.]

PART 3133—PRINTING AND PUBLISHING

[Interpretation 1 to Limitation Order L–240]

PRINT PAPER

The following interpretation is issued with respect to Limitation Order L–240.

"Print paper", as used in this order, includes paper reclaimed wholly or partly from white or printed waste, as well as new paper made from virgin fibers.

Issued this 24th day of July 1943.

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

[F. R. Doc. 43–11889; Filed, July 24, 1943; 11:12 a. m.]

PART 1010—SUSPENSION ORDERS

[Revocation of Suspension Order S–138]

M. PASHELINSKY & SONS

M. Pashelinsky & Sons appealed from Suspension Order S–138, issued on the 7th day of November, 1942. The Chief Compliance Commissioner denied the appeal on February 18, 1943. However, at that time, the Chief Compliance Commissioner indicated that the matter should be submitted to him three months later for further consideration as to fixing a date for the termination of the suspension order. On May 18, 1943, after such further consideration, the Chief Compliance Commissioner directed that Suspension Order S–138 be terminated as of July 15, 1943. In view of the foregoing; *It is hereby ordered*, That:

(a) Suspension Order S–138 be, and the same hereby is, revoked.

Issued this 24th day of July 1943.

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

[F. R. Doc. 43–11928; Filed, July 24, 1943; 4:54 p. m.]

PART 1010—SUSPENSION ORDERS

[Correction to Suspension Order S–366]

RICHTER METALCRAFT CORPORATION

Suspension Order No. S–366, as issued on July 13, 1943, inadvertently stated in the second paragraph: "This constituted a violation of Order L–65 as amended September 30, 1943." It should have read: "This constituted a violation of Limitation Order L–65 originally issued March 30, 1942 and amended April 9 1942."

Issued this 24th day of July 1943.

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

[F. R. Doc. 43–11927; Filed, July 24, 1943; 4:54 p. m.]

PART 1137—CLOSURES AND ASSOCIATED ITEMS

[General Limitation Order L–68, as Amended July 26, 1943]

§ 1137.1 *General Limitation Order L–68*—(a) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* In this order:

(1) "Zinc" means zinc metal which has been produced by any electrolytic, electro-thermic, or fire refining process. It shall include zinc dust (for Sheradizing only), scrap zinc, zinc metal produced from scrap and any alloy in the composition of which the percentage of zinc metal by weight equals or exceeds the percentage of all other metals. "Zinc" does not include such metal used as a protective coating applied to any of the items covered by this order.

(2) "Stainless steel" means corrosion or heat resistant alloy iron or alloy steel containing 10% or more of chromium with or without nickel and/or other alloying elements.

(3) "Process" means to cut, punch or stamp out, or to cast on or otherwise attach to tape.

(4) "Preferred order" means any purchase order, contract, or subcontract, in hand at the time of processing, from or for the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration. The exceptions in this order relating to preferred orders shall apply only for a material, and only to the extent, required by the applicable specifications.

(c) *Restrictions on manufacture of slide fasteners.* No person shall process

any metal in the manufacture of slide fasteners or parts thereof, except in accordance with the following requirements:

(1) Copper or copper base alloy may be used as permitted by Order M–9–c by appeals or otherwise.

(2) Zinc, zinc base alloy or carbon steel, or stainless steel where required for corrosion or non-magnetic properties, may be used to fill preferred orders and to fill orders in hand at the time of processing for skirt and dress placket fasteners for use in uniforms of the Nurses' Corps or women's divisions of the Army or Navy of the United States in accordance with the applicable specifications.

(3) Carbon steel acquired from the stocks of the Steel Recovery Programs may be used without restriction, except that the quantity processed for slide fasteners during any calendar quarter shall not exceed 66⅔% of the average quarterly poundage of all metals used by such person for such purpose during the year ending June 30, 1941, and except that slide fasteners of the separating type shall not exceed 27 inches in metal length.

(d) *Salvage of slide fasteners.* Slide fastener chain or slide fasteners produced in filling orders as provided in paragraph (c) (1) or (c) (2), above, which do not conform with the specifications governing such orders, may be salvaged, sold or delivered, only as specifically authorized by the War Production Board. Applications for such authorization shall contain a statement:

(1) That the slide fasteners to be salvaged or made therefrom have been offered for sale to and refused by the Philadelphia Quartermaster Depot and the Navy Bureau of Supplies and Accounts, accompanied by a copy of such offers and refusals;

(2) Of the total by weight of such chain and slide fasteners with respect to which such authorization is sought; and

(3) Of the total by weight of slide fasteners delivered in accordance with paragraph (c) (1) or (c) (2), above, and accepted during the period in which the chain or slide fasteners for which such authorization is sought were accumulated.

This reporting requirement has been approved by the Bureau of the Budget under the Federal Reports Act of 1942.

(e) *Restrictions on manufacture of hooks and eyes and brassiere hooks.* No person shall process any metal in the manufacture of hooks and eyes or brassiere hooks, except in accordance with the following requirements:

(1) Zinc or zinc base alloy may be used to fill preferred orders.

(2) Carbon steel may be used without restriction, except that the quantity processed for hooks and eyes and brassiere hooks during any calendar quarter shall not exceed the average quarterly poundage of all metals used by such person for such purpose during the year ending June 30, 1941.

(f) *Restrictions on manufacture of sew-on, machine-attached or riveted snap fasteners.* No person shall process any metal in the manufacture of sew-on, machine-attached or riveted snap fasteners, except in accordance with the following requirements:

(1) Copper or copper base alloy may be used as permitted by Order M–9–c by appeals or otherwise.

(2) Zinc or zinc base alloy may be used to fill preferred orders.

(3) Carbon steel may be used without restriction, except that the quantity processed for sew-on, machine-attached and riveted snap fasteners during any calendar quarter shall not exceed the average quarterly poundage of all metals used by such person for such purpose during the year ending June 30, 1941.

(g) *Restrictions on manufacture of metal buttons.* No person shall process any metal in the manufacture of buttons or parts thereof, except in accordance with the following requirements:

(1) Copper or copper base alloy may be used as permitted by Order M–9–c by appeals or otherwise.

(2) Zinc or zinc base alloy may be used to fill preferred orders.

(3) Carbon steel may be used to manufacture buttons for delivery to or for the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration, and to manufacture open top buttons for work clothing, consisting of not more than two pieces exclusive of the tack or fastener and limited to 22 ligne fly buttons of plain design and 27 ligne buttons with wreath design for the remainder of the garment.

(h) *Restrictions on manufacture of certain other items.* No person shall process any metal other than carbon steel in the manufacture of suspender clasps or trouser trimmings. No person shall process any metal in the manufacture of

(1) Buckles, corset clasps or boning, garter clasps, hose supporters, slides, slide-loops, clothing trim or ornaments, or parts thereof, or

(2) Eyelets, grommets, and grommet washers, loops, rivets, burrs or tacks, for use on wearing apparel,

except in accordance with the following requirements:

(i) Copper or copper base alloy may be used as permitted by Order M–9–c by appeals or otherwise.

(ii) Zinc or zinc base alloy may be used to fill preferred orders for such products, to manufacture eyelets for use in Class I and Class II garments as defined in Limitation Order L–90 as amended from time to time and to manufacture grommets and grommet washers for use on tents, flys, tarpaulins, work aprons and hospital equipment.

(iii) Carbon steel may be used to manufacture buckles for use in overalls, overall suits, dungarees and waterproof shoes; corset clasps and boning; eyelets, garter clasps; hose supporters, rivets; burrs; tacks; and loops, slides and slide-loops for work clothing in one size not exceeding 1⅞ inches for men's work clothing and in one size not exceeding 1¾ inches for boys' work clothing.

(i) *General restrictions on manufacture, delivery and use.* No manufacturer of an item covered by this order shall manufacture it and no manufacturer or dealer therein shall sell or deliver it knowing or having reason to believe that it will be sold, delivered or used contrary to the purposes and requirements specified in this order. No person shall commercially buy, accept or use any such item contrary to the purpose and requirements specified in this order.

(j) *General exceptions.* The restrictions of this order shall not apply to

(1) The sale, delivery or use of parts, manufactured prior to April 1, 1942, for the repair or reconditioning of used slide fasteners.

(2) Any item covered by this order, necessary for use in safety equipment as defined and permitted by Limitation Order L–114, as amended from time to time.

(3) The use of carbon steel from inventory processed before August 15, 1942 in the manufacture of buckles, buttons and clothing trim and ornaments, if such manufacture takes place in establishments located in groups 3 or 4 of the labor market areas as may be, from time to time, designated by the War Manpower Commission.

(4) The use of carbon steel to manufacture products for delivery to or for the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration, notwithstanding the limitations on the uses of carbon steel provided in paragraphs (c) (3), (e), (f), and (h) above.

(k) *Fair distribution of products.* It is hereby declared to be the policy of the War Production Board that items covered by this order shall be distributed equitably and that no person shall discriminate, in the acceptance or filling of orders, sales or deliveries, as between customers who meet his established prices, terms, and conditions of sale. Upon complaint of any person or without such complaint, the War Production Board may investigate any case of supposed failure of any person to distribute his product equitably, and may issue such instructions as are necessary to obtain equitable distribution. Any instructions pursuant to this paragraph to be valid must be in writing.

(l) *Records.* Each manufacturer of an item covered by this order shall preserve for at least two years complete and accurate records of inventories and receipts of each metal and alloy used, and of the production, deliveries and inventories of each such item, classified according to the metal or alloy from which each such item was manufactured. The record-keeping provisions of this paragraph have been approved by the Bureau of the Budget under the Federal Reports Act of 1942.

(m) *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.

(n) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to War Production Board, Textile, Cloth-

ing and Leather Division, Washington 25, D. C., Ref. L-68.

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

Issued this 26th day of July 1943.

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

[F. R. Doc. 43-11967; Filed, July 26, 1943; 11:29 a. m.]

PART 1213—SAFETY EQUIPMENT

[Limitation Order L-114 as Amended July 26, 1943]

The fulfillment of requirements for the defense of the United States has created shortages in the supplies for the war effort, for private account and for export, of materials entering into the production of safety equipment; and the following order is deemed necessary and appropriate in the public interest and to promote the war effort:

§ 1213.1 *General Limitation Order L-114*—(a) *Definitions.* For the purposes of this order:

(1) "Safety equipment" means equipment and devices designed to promote safety or to prevent or reduce accidents, injuries, occupational hazards or diseases, including, but not by way of limitation, the following articles: guards, goggles, shields, safety cans, oily waste cans, harnesses, headgear, belts, shoes, safety clothing, masks, respirators, inhalators, resuscitating apparatus, hazard measuring devices, protective creams, treads, and warning signs. The term shall not include any automotive or traffic equipment or devices.

(2) "Hazard measuring devices" means devices or instruments designed to detect, indicate, measure or record the presence of poisonous or combustible gases or other harmful substances in the atmosphere for the purpose of promoting safety or preventing or reducing occupational accidents, diseases and hazards of all types. The term shall not include "industrial instruments" as defined in Limitation Order L-134, nor "laboratory equipment" as defined in Limitation Order L-144.

(b) *Restrictions on use of scarce materials.* Except as provided in paragraph (c) below, or upon specific authorization of the War Production Board, no person shall incorporate in the manufacture of safety equipment, or in any component part thereof, or sell, deliver, rent, purchase, accept delivery of, or obtain any safety equipment or parts thereof, in which there is incorporated or used, any of the following materials: aluminum, asbestos cloth, chromium, copper, copper base alloys, nickel, corrosion resisting steel, alloy steel, tin, synthetic plastics, magnesium, rubber or synthetic rubber, neoprene, or elastic fabric, as defined in Conservation Order M-174.

(c) *General exceptions.* Paragraph (b) shall not apply to safety equipment assembled or manufactured:

(1) Prior to May 5, 1942, or from parts which were finished and ready for assembly on said date, provided such safety equipment is delivered to fill purchase orders bearing preference ratings of A-10 or higher, or

(2) From materials to the extent permitted in Appendix A hereof, or

(3) For delivery to or for the account of, the Army or Navy of the United States, the Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics or the government of any country entitled to deliveries under the Act of Congress of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), provided, and to the extent that the materials designated in paragraph (b) are necessary for efficient functioning and required endurance of safety equipment intended for use:

(i) In or on completed vehicles, aircraft, or ships, or

(ii) Outside of continental United States, or in Alaska, or

(iii) In the protection of military or naval personnel while not engaged in production, maintenance, or repair.

(4) Any order or contract from any agency or government mentioned in paragraph (c) (3) requiring the incorporation or use of scarce materials designated in paragraph (b) shall constitute a representation that the conditions exist under which such scarce materials may be incorporated or used within the terms of this order. Said representation may be relied on by the person with whom the purchase order or contract is placed, his sub-contractors, and suppliers.

(d) *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.

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

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

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

(h) *Violations.* Any person who 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.

(i) *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.

(j) *Communications.* All reports required to be filed hereunder and all other communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Safety and Technical Equipment Division, Washington 25, D. C., Ref.: L-114.

(k) *Effect of other orders.* With respect to the use of the materials named herein for incorporation in the products named herein, or in component parts thereof, this order shall be subject to all other orders to conserve specific raw materials (M orders), and all orders providing for a preference rating in deliveries, or for allocation, as are now or may hereafter be in effect.

Issued this 26th day of July 1943.

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

APPENDIX A

NOTE: Paragraph (2) (1) added; paragraph (4) amended July 26, 1943.

Pursuant to the provisions of paragraph (b) of the above order, the following materials may be used to the extent indicated:

(1) Asbestos cloth in protective clothing, for industrial operations involving intense heat or handling of hot objects, or for firefighting.

(2) Copper or copper base alloys, other than nickel silver, when essential to the proper functioning of:

(a) Eyelets, rivets, and fasteners worn on the person and required to be non-corrosive or non-sparking; and eyelets having a diameter of 1/16 inch or less for safety equipment where steel eyelets in available sizes cannot be used.

(b) Frames, side screen binders and temples for spectacle type goggles.

(c) Valves, unions, ferrules, tubing, connections, housings, non-sparking fittings, fastenings, gaskets, pins, probe tubes, orifices, regulators and bearings, for respirators, gas masks or hazard measuring devices through which explosive, toxic, or corrosive gases, dusts or fumes may pass.

(d) Valves, tubing, manifolds, chambers, gaskets, discs, breaker valves, unions, connections, mouthpieces, orifices and facepiece parts on safety equipment through which oxygen or air under pressure is conducted.

(e) Conductors of electricity for safety devices and appliances.

(f) Lens retaining rings and fittings on gas mask facepieces.

(g) Exhalation and inhalation valve inserts and angle tubes for gas masks, air line respirator and breathing apparatus, face and mouth pieces.

(h) Tubing and fittings in hazard measuring devices.

(i) Screen for mask type goggles or hoods but not including side screens on spectacle type or molded goggles.

(j) Bridge clips for molded goggles.
(k) Cylinders, valves, tubing and regulators for compressed air, mechanical guarding devices.
(l) Internal valve mechanisms of safety filling cans with flexible pouring spouts, provided that the net weight of copper base alloy shall not exceed two ounces per can and that such alloy shall not be used in screens (or parts thereof) designed for non-flash-back or strainer purposes.

(3) Nickel in:
(a) Nickel silver for pad inserts for nose pads on spectacle type goggles, but not to exceed 10% in such alloy.
(b) Nickel silver for the following, but not to exceed 10% nickel in such alloy:
(i) Valve inserts for respirators.
(ii) Reducing, admission, dilution, check and safety valve pins, stems, plungers, inserts, screws, spiders, sleeves, yokes and bearings on gas masks, breathing apparatus, or hazard measuring devices.
(c) Leaded nickel silver for goggle frame screws and rivets but not to exceed 18% nickel in such alloy.
(d) Nickel plating for:
(i) Spectacle type goggles until, but not after, November 30, 1943.
(ii) Safety and admission valves, saliva tubes and mouthpieces for oxygen breathing apparatus; facepiece check valve bodies for inhalators; and check valves for hose masks; to the extent necessary for the efficient functioning of the named parts.
(e) Nickel silver for end pieces and guard arms on spectacle type goggles, but not to exceed 10% nickel in such alloy.

(4) Alloy steel in:
(a) Oxygen cylinders for breathing apparatus and inhalators, to the extent required to meet the specifications of the Interstate Commerce Commission.
(b) Foot guards and toe guards (where the use of any less critical material is not practicable), to the extent necessary to provide adequate protection against impact injuries, provided that only NE 8630 or a lower grade steel may be used.

(5) Tin in solder as permitted by Conservation Order M-43, as amended from time to time.
(6) Synthetic plastics in:
(a) Protective hats and caps.
(b) Face shields.
(c) Goggle frames.
(d) Lenses and laminated glass.
(e) Respirator and gas mask parts.
(f) Mounting panels, rheostats, connections, plugs, and insulation in cases, for hazard measuring devices when necessary for efficient operation.
(g) Safety clothing.
(h) Salt tablet dispensers.
(i) Machine guards.
(j) Goggle headbands.
(7) Rubber as permitted under Supplementary Order M-15-b, as amended from time to time.
(8) Synthetic rubber on specific authorization of the War Production Board.
(9) Elastic fabric in safety equipment to the extent necessary for efficient functioning and required endurance, except that when elastic fabric is used in headbands for the following safety equipment it shall not exceed the lengths specified hereafter:
(a) Cup type goggles—21 inches.
(b) Respirators—12 inches when crude or synthetic rubber is used; to the extent necessary for efficient functioning and required endurance when reclaimed or scrap rubber is used.
(10) Aluminum in machine guards (where the use of any less scarce material is not practicable): *Provided,* That proper authorization to use aluminum is obtained pursuant to application under paragraph (d) of Supplementary Order M-1-i.

[F. R. Doc. 43-11968; Filed, July 26, 1943; 11:29 a. m.]

PART 3042—PILCHARD

[Revocation of General Preference Order M-206]

Section 3042.1 *General Preference Order M-206* is hereby revoked. This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said order or any amendment thereto.

Issued this 26th day of July 1943.

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

[F. R. Doc. 43-11969; Filed, July 26, 1943; 11:30 a. m.]

PART 3058—USED CONSTRUCTION EQUIPMENT

[Limitation Order L-196, as Amended July 26, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of rubber and other materials used in the production of construction equipment 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:

§ 3058.1 *Limitation Order L-196*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(b) *Inapplicability of this order.* This order shall not apply to the Army, Navy, Maritime Commission or War Shipping Administration. Paragraphs (d) and (e) shall not apply to any person who has acquired used construction equipment for export outside the continental limits of the United States or to any person who is a farmer as defined in this order.

(c) *Definitions.* (1) "Person" means any individual, partnership association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not, except those excluded by paragraph (b) hereof.

(2) "Construction equipment" means any of those products listed in Schedule A attached hereto and made a part of this order.

(3) "Used" when applied to construction equipment, means any construction equipment which has been delivered to an ultimate consumer.

(4) "Continental limits of the United States" means the forty-eight states of the United States and the District of Columbia.

(5) "Farmer" means a person who engages in farming as a business, by raising crops, livestock, bees or poultry. It also includes a custom operator who uses farm supplies in performing services for farmers. It does not include a person who merely has a "victory garden" or raises food or other agricultural products entirely for his own use.

(d) *Registration of used construction equipment.* Any person owning used construction equipment purchased prior to October 1, 1942, shall on or before October 31, 1942, register such equipment by completing, signing and returning by mail WPB Form 1159 to Used Construction Equipment Regional Specialist in the War Production Board Regional Office in the region in which such equipment is located.

(e) *Registration of change of status of used construction equipment.* Within one week after any used construction equipment (1) is moved from the project on which it is being used; (2) becomes idle after completing its work on that project even if not moved from the project; (3) not being on a project is put into use on a project; or (4) has had its ownership changed, any person owning such equipment shall register such change of status by completing, signing and returning by mail WPB Form 1333 or such other form as may be in the future specified by the War Production Board to Used Construction Equipment Regional Specialist in the War Production Board Regional Office in the region in which such equipment is located.

(f) *Restrictions on exports.* (1) On and after January 16, 1943, no person, other than the Army, Navy, Maritime Commission, War Shipping Administration or their authorized agents, shall export used construction equipment outside the Continental limits of the United States unless specifically authorized by the War Production Board.

(2) Application for permission to export shall be made in quadruplicate on Form PD-556 to the War Production Board, Washington 25, D. C., Ref.: L-196. Such applications when approved by the War Production Board and returned to the applicant shall constitute an authorization to export.

(3) Nothing in this order shall eliminate the necessity of an applicant obtaining an export license from the Office of Export Control, Board of Economic Warfare where required.

(g) *Records.* All persons affected by this order shall keep and preserve for not less than two (2) years accurate and complete records concerning the movement of used construction equipment from projects.

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

(i) *Violations.* Any person who 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) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by addressing a letter to the War Production Board Regional Office in the region in which the equipment is located 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, if any, as it deems appropriate by the amendment of this order or otherwise.

(k) *Communications.* All communications concerning this order shall be addressed to Used Construction Equipment Regional Specialist in the War Production Board Regional Office in the region in which the equipment is located.

Issued this 26th day of July 1943.

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

SCHEDULE A

NOTE: Schedule A amended in its entirety July 26, 1943.

1. Angledozers [2] and modifications thereof.
2. Batchers,[1] construction material.
3. Batching plants, construction type, portable.
4. Batching plants,[1] construction type, stationary as one unit.
5. Bins, construction materials, portable (over 20 cubic yard capacity).
6. Bins,[1] construction material, stationary (over 20 cubic yard capacity).
7. Brooms,[2] contractors rotary.
8. Buckets,[2] clamshell.
9. Buckets,[2] concrete.
10. Buckets,[2] dragline.
11. Buckets,[2] orange peel.
12. Buckets,[2] scraper (bottomless) for dragline operation.
13. Buggies & carts, concrete, power propelled.
14. Bulldozers [2] and modifications thereof.
15. Concrete surfacing machines, highway type.
16. Cranes, crawler mounted power.
17. Cranes, rubber tired mounted power.
18. Cranes,[2] tractor mounted power and modifications thereof.
19. Crushers,[1] jaw and roll, portable type.
20. Crushing plants, portable type.
21. Derricks,[1] guy, contractors and material handling, stationary type.
22. Derricks,[1] stiff leg, contractors and material handling, stationary type.
23. Discs, road, wheel mounted type and harrow type for construction work.
24. Distributors, bituminous.
25. Ditchers, blade.
26. Ditchers, ladder.
27. Ditchers, wheel.
28. Draglines, see Cranes.
29. Draglines,[1] slack line.
30. Draglines, walking.
31. Dredges [1] & dredge equipment, except mining.
32. Drilling machines, rock, portable mounted.
33. Dryers,[1] construction aggregate.
34. Earth boring machines,[2] vertical auger type (except post hole diggers).
35. Excavators, see power shovels.
36. Finegraders and subgraders, self-propelled type.
37. Finishers, bituminous paving.
38. Finishers, concrete paving.
39. Forms, concrete road.
40. Graders, blade and pull type, earth moving.
41. Graders, elevating, earth moving.
42. Graders, self-propelled, earth moving.
43. Hammers, pile.
44. Heaters and circulators, tank car.
45. Hoists,[1] contractors and material handling exceeding 6000 pounds line pull at 250 FPM line speed or exceeding 1,300,600 foot pounds effort based on second wrap of cable.
46. Hoppers, portable concrete.
47. Jacks, mud.
48. Loaders, portable bucket (other than coal loaders and mining loaders).
49. Loaders, portable snow.
50. Maintainers, road and shoulder.
51. Mixers, agitator, concrete truck type with or without elevating towers.
52. Mixers,[1] concrete construction (7 cu. ft. capacity and larger).
53. Pavers, concrete.
54. Plants, asphalt, including travel mix type.
55. Plants, bituminous patch, hot or cold mixer type, 10 ton per hour capacity or more.
56. Plants, stabilizing.
57. Plows, cable laying.
58. Plows, snow (rotary and blower types).
59. Power control units for tractors [2] (both cable and hydraulic).
60. Pumps, concrete, except for well cementing.
61. Pumps,[1] dewatering & supply, larger than 90 thousand gallons per hour.
62. Rippers, road.
63. Rollers, road, pneumatic tired.
64. Rollers, road, tandem.
65. Rollers, road, portable.
66. Rollers, road, three wheeled.
67. Rollers, tamping and sheepsfoot.
68. Scarifiers, complete machines, not attachments.
69. Scrapers, carrying or hauling, both drawn and self-propelled.
70. Screening plants, portable type.
71. Shovels, power, crawler mounted (2½ yard capacity and smaller).
72. Shovels, power rubber mounted.
73. Shovels, power, tractor mounted.
74. Sprayers, maintenance units, bituminous material (over 300 gal. capacity).
75. Spreaders, concrete, paving.
76. Sweepers, street, motor pick-up.
77. Towers, concrete placing.
78. Towers, material elevating.
79. Tractors, crawler or track-laying type, including attached equipment.
80. Washing and screening plants, portable type.
81. Wagons, contractors, crawler.
82. Winches,[2] track-laying tractor mounted.

[1] If these items are permanently inbuilt as part of a complete stationary operating plant such as a mine, quarry, or sand and gravel plant and cannot be removed as a separate unit without destroying the operating continuity of such a plant, they need not be reported.

[2] If these items are used as attachments to any single operating unit of equipment, such as a crane or a tractor, they may be reported as attachments to the operating units, but spare or standby items must be reported separately.

[F. R. Doc. 43-11970; Filed, July 26, 1943; 11:29 a. m.]

PART 3274—MACHINE TOOLS AND INDUSTRIAL SPECIALTIES [1]

[General Preference Order E-5-a as Amended July 26, 1943]

GAGES AND PRECISION MEASURING HAND TOOLS

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

§ 3274.41 [1] *General Preference Order E-5-a*—(a) *Definitions.* For the purpose of this order:

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

(2) "Producer" means any person who is engaged in the manufacture of gages or precision measuring hand tools.

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

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

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

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

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

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

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

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

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

(6) "Gages and precision measuring hand tools" means those tools which are used to determine whether a product meets required dimensional specifications, excluding those gages specified on

[1] Formerly Part 1252, § 1252.2.

Exhibit A attached hereto and excluding devices made of wood.

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

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

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

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

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

(2) (i) Purchases made by approved employees prior to August 15, 1943 bearing a preference rating of AA-2X or higher, accompanied by a certification by the approved employee and an authorized official of his employer (which employer must be an approved user) signed either manually or as provided in Priorities Regulation 7, substantially as follows:

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

---

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

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

Name of Approved Employee

Position: ----------

Name and Address of Approved User

Authorized Signature

(ii) Deliveries to an approved employee prior to August 15, 1943, of gages and precision measuring hand tools which are required by him as a condition to retaining or obtaining employment with an approved user are hereby assigned the same preference rating as is assigned to such approved user's purchase of maintenance, repair and operating supplies by CMP Regulation 5 or CMP Regulation 5A. (For example: Deliveries to an approved employee of gages and precision measuring hand tools required in his employment in a plant manufacturing ammunition are assigned a preference rating of AA-1, this being the same rating assigned to his employer (an approved user) by Schedule I of CMP Regulation 5.) After August 15, 1943, employees requiring gages and precision measuring hand tools will be expected to obtain them in accordance with the procedure contained in Direction 9 to CMP Regulation 5.

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

(iv) A person who receives a purchase order rated and endorsed in accordance with paragraph (b) (2) of this order may extend the rating to the extent permitted by Priorities Regulation No. 3 (using the endorsement therein specified) and accompanying such endorsement with the symbol EHT and a statement substantially in the same form as set forth in paragraph (b) (1) of this order.

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

(3) Purchases by any employee of gages or precision measuring hand tools rated pursuant to Direction 9 to CMP Regulation 5 and accompanied by the joint employer-employee certification therein provided for.

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

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

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

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

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

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

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

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

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

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

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

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

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

(n) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable provisions of the regulations of the War Pro-

duction Board, as amended from time to time.

Issued this 26th day of July 1943.

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

EXHIBIT A

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

EXHIBIT B

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

[F. R. Doc. 43-11971; Filed, July 26, 1943; 11:30 a. m.]

PART 3274—MACHINE TOOLS AND INDUSTRIAL SPECIALTIES

[Limitation Order L-302, as Amended July 26, 1943]

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 assembly 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 not permitted by the schedule attached hereto 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 July 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 stee' 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	3/16", 1/4", 5/16", 3/8", 7/16", 1/2", 9/16", 5/8", 3/4", 7/8", 1", 1 1/8", 1 1/4".
BBB coil chain	Present manufacture	Self-colored or galvanized	3/16", 1/4", 5/16", 3/8", 7/16", 1/2", 9/16", 5/8", 3/4", 7/8", 1", 1 1/8", 1 1/4"
High test chain	Present manufacture	Tumbled only to remove burs.	1/4", 5/16", 3/8", 7/16", 1/2", 5/8", 3/4", 7/8", 1", 1 1/8", 1 1/4", 1 3/8", 1 1/2", 1 5/8", 1 3/4", 1 7/8", 2".
Alloy steel chain	Present manufacture	Tumbled only to remove burs.	3/8", 1/2", 9/16", 5/8", 3/4", 7/8", 1", 1 1/8", 1 1/4".
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, #9/0.
Heel coil chain	5/8" x 2" (Pattern No. 130) and 3/4" x 2 1/2" (Pattern No. 131)	Bright	5/16".
Passing link chain	Present manufacture	Self-colored or bright	#2/0, #4/0.
Side chain	In accordance with Limitation Order L-201, paragraph (d).		In accordance with Limitation Order L-201, paragraph (b).

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)
3/8	1 7/8	1 3/8	1 1/16	9/16
1/2	2 5/8	1 3/4	1 5/16	1 1/16
5/8	2 29/32	2 1/4	1 19/32	1 5/16
3/4	3 1/2	2 5/8	1 15/16	1 1/16
7/8	3 15/16	3	2 1/8	1 5/16
1	4 9/16	3 5/16	2 1/2	1 1/4
1 1/8	5 1/16	3 11/16	2 3/4	1 3/8
1 1/4	5 9/16	4 1/16	3	1 3/4
1 3/8	6 5/16	4 5/8	3 1/2	1 13/16
1 1/2	6 15/16	4 15/16	3 7/8	1 7/8
1 5/8	7 5/16	5 7/16	4 1/4	2 1/8
1 3/4	8 5/16	5 13/16	4 3/4	2 1/4
1 7/8	9 1/16	6 5/16	5 1/4	2 1/2
2	9 13/16	6 11/16	5 3/4	2 5/8
2 1/8	10 9/16	7 1/16	6 1/4	2 3/4
2 1/4	11 5/16	7 9/16	6 3/4	3
2 3/8	11 13/16	7 15/16	6 7/8	3 1/4
2 1/2	12 1/16	8 5/16	7	3 1/4

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, 7/16", 1/2", 9/16", 5/8", 3/4".
Finish: Self-colored.

Railroad Safety Chains

Shall be made from proof coil chain; trade sizes: 1/2", 9/16", 5/8", 3/4", 7/8", 1", 1 1/8", 1 1/4".
Finish: Self-colored.

Railroad Switch Chains

Shall be made from proof coil chain; trade sizes: 5/8", 3/4", 7/8", 1".
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: 5/16".
Blade size: 3/8" x 1 1/4" x 6" to 6 1/2".

Ring Dogs

Style C, round ring, plain point.
Finish: Self-colored.
Ring size: 3/8" x 3".
Blade size: 3/8" x 1 1/4" x 6" to 6 1/2".

Log Chains

Shall be made from proof coil chain; trade sizes: 1/4", 5/16", 3/8", 1/2".

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: 1/4", 5/16", 3/8", 7/16", 1/2".

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: 5/16", 3/8".

Wagon tongue or pole chain: Regular pattern; exact sizes: 5/16", 3/8".

Wagon stretcher chain: Regular pattern; exact sizes: 5/16", 3/8".

Wagon lock chain: Straight link; exact sizes: 5/16", 3/8".

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 15/64" side chain. End links are limited to six, and their dimensions shall be as follows: 1/4" (exact size) x 1/2" x 2 1/2" (inside). Ring dimensions shall be 5/16" (exact size) x 1 3/4" (inside). This size trace chain may be made in the following lengths: 6 1/2', 7', 7 1/2'

(b) Body links shall be made of 9/32" side chain. End links are limited to six, and their dimensions shall be as follows: 9/32" (exact size) x 1/2" x 2 1/2" (inside). Ring dimensions shall be 11/32" (exact size) x 1 3/4" (inside). This size trace chain may be made in the following lengths: 7', 7 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 26".

Cart back chains: As presently manufactured.

Hobble chains: Coast pattern; size No. 2; length 10"; Dee size 1 3/4".

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: 1½", 1¾", 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 4½'), #3/0 (length 5'), #5/0 (length 5½'), #7/0 (length 6'). Open ring pattern #2/0 only, in 3', 3½', and 4½' lengths.

Halter chains: Regular pattern, in sizes #1/0 and #3/0; 4½' 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—3/16" x 1", 7/32" x 1¼" (trade size 10–3), ¼" x 1¼" (trade size 10–2), 9/32" x 1¼" (trade size 10–1), 5/16" x 1½", 3/8" x 2", ½" x 2½"; side open pattern—5/8" x 2½".

"C" links: Plain pattern, bright finish; size ½" x 2½".

Cold shuts: No. 1 and No. 3 patterns, finish self-colored; sizes as required.

TABLE IV—WELDLESS COIL CHAIN

Weldless coil chair 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 (safe 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) and Class 4b, flat link (short pitch) chain.	#31, #33, #35, #12, #9½, #91, #8, #7, #3, #113, #330, #350, #4–0 Special, #210, #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 4½' 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. 43–11972; Filed, July 26, 1943; 11:29 a. m.]

PART 3282—MISCELLANEOUS CHEMICALS

[Allocation Order M–340]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of the chemicals subject to this order 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:

§ 3282.1 *Allocation Order M–340*—(a) *Definitions.* (1) "Subject chemical" means any chemical listed in Appendix A, as therein defined.

(2) "Producer" means any person engaged in the production of any subject chemical and includes a person who imports any subject chemical or has it produced for him pursuant to toll agreement.

(3) "Distributor" means any person who buys any subject chemical for the purpose of resale without further processing and without changing the form thereof.

(4) "Supplier" means a producer or distributor.

(b) *Restrictions on deliveries.* (1) On and after the applicable effective date stated in Appendix A, no supplier shall deliver a subject chemical to any person except as specifically authorized or directed in writing by War Production Board. No person shall accept delivery of a subject chemical which he knows or has reason to believe is delivered in violation of this order.

(2) Authorizations or directions as to deliveries to be made by suppliers in each calendar month will generally be issued by War Production Board prior to the beginning of such month, but may be issued at any time. They will normally be issued on Form PD–602 which is to be filed by the supplier with War Production Board as explained in paragraph (g) below.

(3) If a supplier is authorized or directed by War Production Board to deliver a subject chemical to any specific customer or group of customers, but is unable to make the delivery either because of receipt of notice of cancellation or otherwise, the subject chemical shall revert to inventory, and shall not be delivered, or used, without further instructions.

(c) *Exceptions for small deliveries.* (1) Specific authorization in writing of War Production Board is not required for delivery by any supplier to any person in any calendar month of a subject chemical in a quantity not exceeding the quantity stated in Column 3 of Appendix B.

(2) The aggregate quantity of a subject chemical which any supplier may deliver in any calendar month pursuant to paragraph (c) (1), shall not exceed the quantity which War Production Board shall in writing specifically authorize or direct such supplier to deliver in such month under paragraph (c) (1), on application made by such supplier (in the normal case on Form PD–602 filed pursuant to paragraph (g) hereof).

(d) *Exceptions for deliveries for other reasons.* Specific authorization in writing of War Production Board is not required for delivery of a subject chemical by any supplier to any other person for a purpose stated in Column 4 of Appendix B.

(e) *Restrictions on use.* (1) On and after the applicable effective date stated in Appendix A, no supplier shall use a subject chemical except as specifically authorized or directed in writing by War Production Board.

(2) Each person who with an order for a subject chemical furnishes a certificate required by paragraph (f) shall use the subject chemical delivered on such order only as specified on such certificate except as otherwise specifically authorized or directed in writing by War Production Board.

(3) War Production Board may from time to time issue directions with respect to the use or uses which may or may not be made of a subject chemical to be delivered to, or then in inventory of, the prospective user.

(f) *Supplier to obtain from customer a certificate of use.* No supplier shall in any calendar month (beginning in the case of each subject chemical with the calendar month following the month in which the order becomes effective as to that chemical as stated in Appendix A) deliver to any person a greater quantity of such subject chemical than is stated in Column 3 of Appendix B, unless he shall have received from such person a certificate as to the use for which such person is ordering such subject chemical. Such certificate must be received by the supplier not later than the 15th day of the month preceding the month in which delivery is to be made. It need not be filed with War Production Board. A supplier must not deliver a subject chemical where he knows or has reason to believe the purchaser's certificate is false, but in the absence of such knowledge or reason to believe, he may rely on the certificate.

(g) *Applications by suppliers for leave to deliver or use.* (1) Each supplier re-

quiring authorization to make delivery of, or to use, a subject chemical during any calendar month shall file application on or before the 20th day of the preceding month. The application should be made on Form PD–602 in the manner set forth in the general instructions appearing on that form, subject to the special instructions contained in Appendix D. If there is an inconsistency between the general and special instructions, the special instructions must be followed.

(2) War Production Board may issue to any supplier other and further directions with respect to preparing and filing Form PD–602.

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

(2) *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.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, 25 D. C. Ref: M–340.

Issued this 26th day of July 1943.

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

APPENDIX A

Chemicals subject to this order. (1) "Acetaldol" means the chemical known by that name and by the names aldol, beta hydroxy butyric aldehyde, oxybutanol, 3-hydroxy butanal.

Effective date—August 1, 1943. Comes in the following grades: no grades.

(2) "ST–115" means the preparation known by that trade name, as defined and specified in Appendix to Regulation No. 3 (1942 Revision) of the Bureau of Internal Revenue.

Effective date—August 1, 1943. Comes in the following grades: no grades.

(3) "Dehydrol-O" means the chemical known by that trade name, as defined and specified in Appendix to Regulations No. 3 (1942 Revision) of the Bureau of Internal Revenue.

Effective date—August 1, 1943. Comes in the following grades: no grades.

(4) "G. C.–78" means the chemical known by that trade name.

Effective date—August 1, 1943. Comes in the following grades: no grades.

APPENDIX B

1	2	3	4
Name of chemical	Unit of measure	Maximum quantity deliverable to any one person in any calendar month without specific authorization, and without certificate required by paragraph (f).	Purpose for which delivery may be made without specific authorization, regardless of quantity. (See par. (d).)
(1) Acetaldol	Gallon	54 gallons	None.
(2) ST–115	Gallon	54 gallons	None.
(3) Dehydrol-O	Gallon	54 gallons	None.
(4) G. C.–78	Gallon	54 gallons	None.

APPENDIX C

CUSTOMER'S CERTIFICATE OF INTENDED USE

The undersigned purchaser hereby certifies to War Production Board and to his supplier, pursuant to Order No. M–340, that the _____ (specify subject chemical) ordered for delivery in _____, 194__, Month will be used by him for the manufacture or preparation of the following product(s), and that such product(s), on the basis of order(s) filed with the undersigned, will be put to the following end use(s):

	Gallons	Primary product	End use
(A)			
(B)			

_____
Name of purchaser

_____ By _____ _____
Date Duly authorized official Title

Instructions for customer's certificate. (1) The certificate shall be signed by an authorized official of the purchaser, either manually or as provided in Priorities Regulation No. 7.

(2) Where a purchaser wishes to receive more than the exempted quantity of each of two or more subject chemicals, a separate certificate shall be obtained as to each.

(3) The purchaser will specify under "Primary product", the exact product or products in the manufacture or preparation of which the subject chemical will be used or incorporated. Distributors ordering the subject chemical for resale as such will specify "Resale". If purchase is for inventory, state "inventory".

(4) Under "End use", purchaser will specify the ultimate or end use to which the primary product will be put. He will also indicate whether civilian, Lend-Lease, other export or military, and if the product is for uses falling in two or more such categories, the percentage falling in each. Also, he will give contract numbers in the case of military use or Lend-Lease, and in the case of export, export license numbers. A distributor ordering the subject chemical for resale as such will leave blank the "End Use" column.

APPENDIX D

SPECIAL INSTRUCTIONS FOR SUPPLIER'S FORM PD–602

(1) *Obtaining forms.* Copies of Form PD–602 may be obtained at local field offices of the War Production Board.

(2) *Number of copies.* Prepare an original and three copies. File original and two copies with War Production Board, Chemicals Division, Washington 25, D. C., Ref.: M–340, retaining the third copy for your files. The original filed with the War Production Board shall be manually signed by a duly authorized official.

(3) *Separate set for each chemical.* Where the supplier's application relates to deliveries of two or more subject chemicals, he will file a separate set of Form PD–602 for each.

(4) *Information at top of form.* In the heading, under "Name of Material", specify the subject chemical to which the Form PD–602 relates; under "Grade", specify grade stated in Appendix A, or if no grade specified, leave blank; under "WPB Order No.", specify "M–340"; indicate month and year during which deliveries covered by the application are to be made; under "Unit of Measure", specify unit of measure stated in Column 2 to Appendix B; under name of company, specify your name and the address of the plant or warehouse from which shipment will be made.

(5) *Listing of customers.* In Column 1 (except for small orders as explained in (7) below) list the name of each customer from whom an order for delivery of the subject chemical during the applicable month has been received. If it is necessary to use more than one sheet to list customers, number each sheet in order and show the grand total on last sheet which is the only one that need be certified.

(6) *Primary product and end use.* In Column 1–a (except for small orders as explained in (7) below), specify the product or products in the manufacture or preparation of which the subject chemical will be used by your customer, the end use to which such product or products will be put, and military or Lend-Lease contract numbers, and export license numbers, all as indicated by the certificate obtained under paragraph (f) of this order. The quantity of the subject chemical used in the manufacture or preparation of each primary product for each product use shall be shown separately. If the subject chemical ordered by a customer is for two or more uses, indicate each use separately and indicate the quantity of the subject chemical ordered for each use.

(7) *Small orders.* The supplier need not list the name of any customer to whom he is to deliver in the applicable month a quantity of the subject chemical not exceeding the maximum quantity (indicated in Column 3 of Appendix B) which he is permitted to deliver to any one person in any calendar month without specific authorization. Also, in the case of any such delivery, he need not show the name of the product or the end use. Instead, he must write in Column 1 "Total small order deliveries (estimated)" and in Column 4, must specify the total estimated quantity of the subject chemical to be delivered on such orders.

(8) *Use by producers.* A producer requiring permission to use a part or all of his own production of the subject chemical shall list his own name as customer in Column 1 on Form PD–602, specifying quantity required

and product manufactured. Written approval of War Production Board on such Form PD-602 shall constitute authority to the producer to use the subject chemical in the quantity and for the purposes indicated in such approved form.

(9) *Table II.* Each producer will report production, deliveries and stocks as required by Table II, Columns 9 to 16, inclusive. Distributors will fill out only Columns 10, 12 and 13. Producers and distributors will show in Column 8 Grade, as stated in Appendix A, or if no Grade is there specified, will leave Column 8 blank.

[F. R. Doc. 43-11974; Filed, July 26, 1943; 11:30 a. m.]

PART 3291—CONSUMERS DURABLE GOODS[1]

[Limitation Order L-64, as Amended July 26, 1943]

CASKETS, SHIPPING CASES AND BURIAL VAULTS

§ 3291.245[1] *General Limitation Order L-64*—(a) *Definitions.* For the purposes of this order:

(1) "Casket" means a container in which it is intended to place a human corpse for interment.

(2) "Burial vault" means a container in which it is intended to place a casket containing a human corpse for interment, and shall include burial boxes.

(3) "Shipping case" means a container in which it is intended to place a casket containing a human corpse for shipment and to which handles have been been attached in accordance with railroad shipping regulations.

(4) "Manufacturer" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons whether incorporated or not, engaged in the production, upholstering, finishing or lining of caskets, shipping cases or burial vaults or parts made specifically for incorporation into caskets, shipping cases or burial vaults.

(5) "Metal liner" means a metal container which is inserted into a wooden casket or burial box in order to provide hermetical sealing.

(6) "Metal" means metal or metallic substances in any form except metallic substances contained in powders, sprays, paints and pastes (see Conservation Orders M-1-g and M-9-c-3).

(7) "Joining hardware" means screws, hinges, nails, tacks, catches, escutcheons, bolts, arms and attaching plates for handles, devices for removable handles and other small hardware for joining and similar essential purposes, but does not include lid (panel) supports, top supports, lid irons to hold the foot lid in place on the ogee, hand hold covers, apron support and throw out devices, lid (panel) braces, eyelets and fasteners for attaching interior linings and corner body braces.

[1] Formerly Part 1125, § 1125.1.

(8) "Handle hardware" means hardware attached to the outside of a casket or shipping case for carrying purposes, but does not include arms and attaching plates for handles, and devices for removable handles.

(9) "Design" means the construction essentials of a casket which distinguish that casket from another casket. For the purposes of this order, two or more caskets identical in every respect other than species of wood, size, handle hardware, interior linings, upholstery, textile coverings or color of wood finishes shall be considered one design. Two or more caskets identical in every respect but containing different contours of moldings, pilasters or corners shall be considered two or more designs.

(10) "Preferred order" means any order, contract or subcontract placed by or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration.

(b) *Restrictions on production of caskets.* (1) No manufacturer shall process, fabricate, work on or assemble any metal for use in the production of caskets, or process, fabricate, work on or assemble any caskets containing any metal, except

(i) Handle hardware for caskets consisting of

(*a*) Assemblies of bars, ears, arms or tips containing antimony, lead, aluminum or zinc which were completely fabricated and assembled prior to March 28, 1942; and

(*b*) Handle arms containing antimonial lead fabricated on or after March 28, 1942 in compliance with the provisions of Conservation Order M-38-c, as amended, or any appeal granted under that order, provided, that not more than three pounds shall be used per casket;

(ii) Nameplates manufactured from secondary antimonial lead weighing not more than 14 ounces; and

(iii) Iron or steel contained in

(*a*) Any part, the manufacture or assembly of which has been specifically authorized by the granting of an appeal from this order, or from any other order provided that such authorization was granted after June 30, 1942;

(*b*) Lid (panel) supports, top supports, lid irons to hold the foot lid in place on the ogee, hand hold covers, apron support and throw out devices, lid (panel) braces, and corner body braces, which were completely fabricated prior to March 3, 1943;

(*c*) Handle hardware for caskets consisting of assemblies of bars, ears, arms and tips which were completely fabricated and assembled prior to September 24, 1942;

(*d*) Joining hardware not exceeding three pounds per casket whether or not the casket contains handle hardware assemblies or antimonial lead handle arms of the types specified in paragraphs (b) (1) (i) and (b) (1) (iii) (*c*) of this order, *Provided,* That, not more than 14 ounces of iron or steel are contained in handle arms and attaching plates, and *Further provided,* That, not more than one catch each is used on head lid (panel) and foot of top of basic or half couch caskets, nor more than two catches are used on hinged top caskets, nor more than one set of spring fasteners are used on a basic casket.

(2) On and after May 1, 1943, no manufacturer shall

(i) Cut a portion out of the body of the casket so as to make a dropside style;

(ii) Cut the ogee top so as to make a full couch style;

(iii) Cut panels on basic and half couch caskets except at center of panel or two inches or less off center of panel in length;

(iv) Use backing strips or filler strips on base moldings;

(v) Attach handles on the ends of a casket;

(vi) Use any interior fitting except what is known as basic or regular, half couch or hinged top fittings; or

(vii) Process or fabricate parts for elliptic end caskets.

(3) On and after May 1, 1943, no manufacturer shall process, fabricate, work on, assemble, finish or upholster any caskets, or parts for caskets, which do not conform to the specifications contained in Schedule A attached to this order, except that

(i) Plastic caskets produced from molds or forms completed prior to March 3, 1943 need not conform to the specifications on size of caskets contained in Schedule A but shall conform to all other specifications contained in Schedule A, and

(ii) Caskets produced on or before June 30, 1943 from parts fully fabricated prior to May 1, 1943, need not conform to the specifications on content of lumber and dimensions of caskets contained in Schedule A, but shall conform to all other specifications contained in Schedule A. The restrictions contained in paragraph (b) (4) of this order shall not apply to caskets produced pursuant to the provisions of this paragraph (b) (3) (ii).

(4) Except as provided in paragraph (b) (3) (ii) of this order, on and after May 1, 1943, no manufacturer shall process, fabricate, work on or assemble more designs of caskets than the following:

(i) Twelve designs of adult caskets (five feet six inches or more in inside bottom length);

(ii) One design of children's caskets (less than five feet six inches in inside bottom length);

(iii) One additional institution or hospital design (including both children and adults' sizes);

(iv) One design of still born containers; and

(v) Any other designs specifically authorized by the War Production Board pursuant to an application for permission to manufacture, fabricate or assemble substitute designs in place of designs produced on or after May 1, 1943.

(c) *Restrictions on production of metal liners.* (1) No manufacturer shall process, fabricate, work on or assemble any metal for use in the production of metal liners or produce any metal liners containing any metal, except

(i) Lead to be used for gaskets;

(ii) Lead to be used for soldering purposes, provided that such lead shall not contain more than 21% of tin by weight;

(iii) Any iron or steel, the manufacture or assembly of which has been specifically authorized by the granting of an appeal prior to March 3, 1943;

(iv) Not more than fifty pounds per metal liner of iron and steel or galvanized steel not exceeding 26 standard gauge in thickness, provided that any manufacturer who possessed in his inventory prior to March 28, 1942, iron and steel, galvanized steel, terne sheet, or copper bearing steel exceeding 26 standard gauge in thickness may use more than fifty pounds of such steel per metal liner.

(2) No person shall use a metal liner except when hermetical sealing is required

(i) To comply with federal, state or local government laws and regulations for the transportation or interment of a human corpse; or

(ii) In fulfillment of preferred orders.

(3) On and after March 3, 1943, no manufacturer or jobber shall sell or otherwise dispose of a metal liner to any person unless such person furnishes the manufacturer or jobber with a certificate in substantially the following form, manually signed by that person or his authorized agent:

CERTIFICATION

The undersigned purchaser hereby certifies to ----------, (name of seller) ----------, and (address) to the War Production Board that the metal liners received by reason of this sale will be used by the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration or to comply with federal, state or local government laws and regulations which require hermetic sealing for the transportation or interment of a human corpse.

---------- (Name of Purchaser)

---------- (Address)

By ---------- (Signature of Purchaser or duly authorized agent)

---------- (Date)

(d) *Restriction on the production of shipping cases.* (1) Except in fulfillment of preferred orders, no manufacturer shall process, fabricate, work on or assemble any metal for use in the production of shipping cases, or process, fabricate, work on or assemble any shipping cases containing any metal except iron and steel in

(i) Joining hardware not exceeding two pounds per shipping case; and

(ii) Handle hardware not exceeding three and one-half pounds per shipping case.

(2) No manufacturer shall use more than one coat of nitrocellulose lacquer, either spray or brush, on joining hardware or handle hardware for shipping cases.

(3) On an dafter May 1, 1943, except in fulfillment of preferred orders, no manufacturer shall process, fabricate, work on or assemble any shipping case, or parts for shipping cases, which do not conform to the specifications contained in Schedule A, attached to this Order.

(e) *Restrictions on production of burial vaults.* (1) No manufacturer shall process, fabricate, work on or assemble any metal for use in the production of burial vaults, or process, fabricate, work on or assemble any burial vaults containing any metal, except:

(i) Iron and steel contained in joining hardware or small devices for handling concrete vaults: *Provided*, That the total amount of iron and steel does not exceed two pounds per burial vault; and

(ii) Iron and steel for reinforcing purposes not exceeding 15 pounds for a concrete vault.

(2) No manufacturer shall use more than one coat of nitrocellulose lacquer, either spray or brush, on joining hardware for burial vaults.

(3) No manufacturer shall procure or acquire any iron and steel for use as reinforcing material in the production of concrete burial vaults except wire mesh of 10 gauge or heavier wire with openings of 16 square inches or larger, produced from iron or steel in the form of rerolled rail stock, "top cuts" or discarded steel. Such wire mesh shall not be procured or acquired in a greater amount than is necessary for 60 days' production of concrete vaults.

(4) A manufacturer of concrete burial vaults may sell iron and steel for use as reinforcing material in the production of concrete burial vaults to other manufacturers of concrete burial vaults, and any such sale shall be expressly permitted within the terms of paragraph (c) (3) of Priorities Regulation No. 13.

(5) On and after May 1, 1943, except in fulfillment of preferred orders, no manufacturer shall process, fabricate, work on or assemble any burial vaults or parts for burial vaults which do not conform to the specifications contained in Schedule A attached to this order.

(f) *Restrictions on use and transfer of caskets which exceed the dimensions specified in Schedule A.* On and after June 1, 1943, no manufacturer or jobber shall sell, deliver or otherwise dispose of a casket which exceeds the dimensions specified in Schedule A attached to this order to any person unless such person furnishes the manufacturer or jobber with a certification in substantially the following form, manually signed by that person or his authorized agent, except:

(1) Caskets assembled prior to June 30, 1943 from parts fabricated prior to May 1, 1943, or

(2) Caskets assembled pursuant to an appeal granted after June 30, 1943: *Provided*, That the caskets specified above in paragraphs (f) (1) and (f) (2) do not exceed 78 inches in length and 23 inches in width inside dimensions.

CERTIFICATION

The undersigned purchaser hereby certifies to ---------- ---------- Name of seller Address and to the War Production Board that:

(1) He is familiar with the specifications for caskets contained in Schedule A of L–64, and

(2) This casket will be used for a body of such size that no casket produced in conformance with the dimensions specified in Schedule A of L–64 will be adequate.

---------- Name of Purchaser

---------- Address

By ---------- (Signature of purchaser or duly authorized agent)

NOTE: Certification amended July 26, 1943.

A manufacturer or jobber may rely upon such certification unless he knows or has reason to believe it to be false.

NOTE: The following paragraphs (g) through (o), formerly (f) through (n), were redesignated May 1, 1943.

(g) *Avoidance of excessive inventories.* No manufacturer shall accumulate for use in the manufacture of caskets, metal liners, shipping cases and burial vaults inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production of caskets, metal liners, shipping

cases and burial vaults as permitted by this order.

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

(i) *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.

(j) *Reports.* (1) Each manufacturer affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(2) Within 5 days after May 1, 1943, each manufacturer of caskets shall file with the War Production Board a catalogue illustration, photograph, snap shot (post card size) or sketch of each design which he proposes to produce under paragraph (b) (4) showing the casket closed and no lining, except that head lid lining may be shown. Each design shall be identified by the factory catalogue number or other distinguishing identification which may be placed on the reverse side of each illustration submitted, together with the manufacturer's name and address.

(k) *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.

(l) *Appeal.* Any appeal from the provisions of this order must be made on Form PD–500 and must be filed with the field office of the War Production Board of the district in which is located the plant to which the appeal relates.

(m) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington D. C., Ref.: L–64.

(n) *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.

(o) *Applicability of other orders.* In so far as any other order heretofore or hereafter issued by the War Production Board limits the use of any material in the production of caskets, metal liners, shipping cases or burial vaults to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein.

Issued this 26th day of July 1943.

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

SCHEDULE A

NOTE: "Caskets: Restrictions on linings, covering materials, pillows and foot rolls" amended July 26, 1943

Restrictions on size	Maximum dimensions (shown in inches)					Maximum inside dimensions of wood burial vaults and shipping cases used with caskets specified (shown in inches)			Net amount of lumber which may be contained in finished product (shown in board feet)		
	Length		Width		Height						
	Inside bottom edge	Overall outside length	Inside top edge	Overall outside width	Overall outside height	Length	Width	Depth	Casket specified	Burial box	Shipping case
Institution caskets	75	81	22	24¾	16	84	26½	17	46	65	69
Octagon and flaring square caskets without base and rail moldings	75	81	22	24¾	20	84	26½	21	55	71	75
Octagon and flaring square caskets with base and rail moldings	75	81	22	26½	20	84	28½	21	63	73	77
Vertical square caskets	75	81	22	26½	20	84	28½	21	67	73	77

Burial boxes and shipping cases exceeding these dimensions may be produced for plastic or extra size caskets provided that such caskets are not produced in violation of any rule, regulation or order of the War Production Board. No manufacturer shall produce or accumulate extra size caskets in excess of the minimum amount necessary to satisfy demands made pursuant to paragraph (f) of this order. Extra size caskets, burial vaults and shipping cases may contain an additional net amount of lumber of 2½ board feet for each three inches of additional length and three board feet for each two inches of additional width.

Extra size caskets may be made in only three designs in addition to an institution or hospital casket design and shall be produced in multiples of three inches additional length and two inches in additional width.

A tolerance of one-half inch in length and one-fourth inch in width is permitted from the specifications of caskets and burial boxes contained in this schedule.

	Caskets	Burial vaults and shipping cases
Restrictions on lumber, laminated lumber and plywood.	Not more than 1" thick before milling operations, except: (1) 1¼" before milling operations for ogee molding provided no backing strip is used on ogee. (2) 2" before milling operations for combined side and base or rail molding.	Not more than 1" thick before milling operations. Not more than 1 thickness of wood on any part, except: (1) top battens not exceeding 3" in width and 1" in thickness. (2) corner cleats not exceeding 2½" in width and 1" in thickness, and (3) 2 skids not exceeding 1" in width and thickness, respectively.
Finishing restrictions	Not more than: One coat of stain. One coat of wood filler, and One coat of sealing primer. Not more than: Two coats of varnish or similar coating material for transparent finishes or Two coats of varnish or similar coating material for artificial grain finishes or Two coats of enamel for opaque finishes. Not more than: Two different colors of transparent finishes for each species of wood used, and Two different colors of opaque finishes for each design. Two colors of artificial grain finishes may be used in place of transparent finishes, if desired.	Not more than 1 coat of varnish, paint or similar coating material. No nitro-cellulose lacquers.
Restrictions on linings, covering materials, pillows and foot rolls.	No material for covering or lining a casket which contains silk or wool, except woolen broadcloth with 100% fine noils, waste reprocessed or reused wool filling and 100% cotton warp. No materials in counter linings (upholstery) except cotton fabric. Maximum quantities of rayon lining materials per casket: 9 yards with hinged top fitting, 7 yards with half couch fitting and 5¼ yards with basic fitting. A manufacturer may increase the amount of yards used in the above fittings by 10% when used in extra size caskets. No rayon lining material in the foot half of basic or half couch caskets. No rayon materials as a bed covering in any casket. No aprons on basic caskets. No plus effects on lids (panels) or ogees on any casket. No foot rolls in any casket nor more than 1 pillow in any casket.	Not applicable.

[F. R. Doc. 43–11973; Filed, July 26, 1943; 11:29 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Gen. RO 11,[1] Amdt. 2]

REPLACEMENT OF RATIONED FOODS USED IN PRODUCTS ACQUIRED BY DESIGNATED AGENCIES

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

General Ration Order 11 is amended in the following respects:

1. Section 5.8 is added to read as follows:

SEC. 5.8 *Registration under Rationing Order 3 or Ration Orders 13 or 16 not required in certain cases.* (a) A person who has a contract with or an order from a designated agency for the manufacture of products containing rationed food to be acquired by the designated agency, and who will use all or part of the rationed food in manufacturing such products, and who is not otherwise required to register as an industrial user under Rationing Order 3 or Ration Orders 13 or 16, is not required to register as an industrial user under those orders to obtain an advance of or use the rationed food under this order.

2. Section 5.9 is added to read as follows:

SEC. 5.9 *This order governs whenever inconsistent with Rationing Order 3 or Ration Orders 13 or 16.* (a) If any provision of this order is inconsistent with the provisions of Rationing Order 3 or Ration Orders 13 or 16, the provisions of this order shall govern, and shall supersede the provisions of those orders to the extent that they are inconsistent.

This amendment shall become effective July 29, 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; WPB Supp. Dir. 1-E, 7 F.R. 2965; WPB Supp. Dir. 1-M, 7 F.R. 8234; WPB Supp. Dir. 1-R, 7 F.R. 9684; 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 23d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11865; Filed, July 23, 1943; 2:44 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 220,[2] Amdt. 11]

RUBBER COMMODITIES: BICYCLE 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 1315.1568 (b) is revoked.

This amendment shall become effective July 29, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-11870; Filed, July 23, 1943; 2:47 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 403,[1] Amdt. 1]

RUBBER COMMODITIES PURCHASED FOR GOVERNMENTAL USE: BICYCLE 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.*

Maximum Price Regulation 403 is amended in the following respects:

1. Section 20 (c) (4) to (19) inclusive are redesignated section 20 (c) (5) to (20) respectively.

2. Section 20 (c) (4) is added to read as follows:

(4) Bicycle tires and tubes (except those covered by Maximum Price Regulation 415—Certain Federal Government Purchases of New Rubber Tires and Tubes.)

This amendment shall become effective July 29, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-11867; Filed, July 23, 1943; 2:48 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 435]

NEW BICYCLE TIRES AND TUBES

In the judgment of the Price Administrator, it is necessary and proper to establish specific and uniform maximum prices for new bicycle tires and tubes.

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 is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1315.17 *Maximum prices for new bicycle tires and tubes.* 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, Maximum Price Regulation No. 435 (New Bicycle Tires and Tubes), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1315.17 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 435—NEW BICYCLE TIRES AND TUBES

CONTENTS

SECTION 1. *Prohibition against dealing in new bicycle tires and tubes at prices above the maximum.* On and after July 29, 1943, regardless of any contract or other obligation, no person shall sell or deliver any new bicycle tire or tube, and no person shall buy or receive any new bicycle tire or tube in the course of trade or business, at a price which is higher than the maximum price fixed by this regulation; 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 any government, or any of its political subdivisions (except the United States or any agency there-

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

[1] 8 F.R. 9008, 9625.

[2] 7 F.R. 8282, 8936, 8948, 11111; 8 F.R. 1584, 2667, 4130, 3942, 5809, 6043, 7497.

[1] 8 F.R. 7498, 8837.

of), 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) *Commodities covered.* This regulation applies to all new bicycle tires and tubes of all brands and types, made in whole or in part of rubber, and to all new rim strips generally recognized by the trade as being for use with bicycle tires and tubes. "Bicycle tires and tubes" include all tires and tubes generally recognized by the trade as being usable on bicycles even though the particular tires or tubes are for use on other articles. "New" as applied to bicycle tires and tubes and rim strips means commodities which are generally recognized by the trade as being salable as new and which have never been put to their intended use. Used bicycle tires and tubes and rim strips are covered by the General Maximum Price Regulation.[1] However, in no case shall the maximum price of a used bicycle tire, tube or rim strip exceed the maximum price set by this regulation for such item new. "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.

(b) *Transactions covered.* Except as provided in paragraph (c), this regulation applies to all sales and deliveries of bicycle tires and tubes and rim strips covered by this regulation. This regulation also applies to the mounting of a tire, tube or rim strip on the wheel of a bicycle in connection with the sale or delivery of the tire, tube or rim strip.

(c) *Specific exemptions from the regulation.* This regulation does not apply to the following sales and deliveries of bicycle tires and tubes and rim strips:

(1) Sales and deliveries to the United States or any agency thereof.

(2) Any sale or delivery to a bicycle manufacturer for the original equipment of bicycles, made pursuant to a war order as defined in Maximum Price Regulation No. 403[2]—Certain Rubber Commodities Purchased for Governmental Use.

(3) Any sale or delivery where the price charged is a price for the entire bicycle.

(d) *Relation to other regulations.* Except as provided in sections 10 and 13 and paragraph (f) of Appendix D hereof, this regulation supersedes any other regulation issued by the Office of Price Administration, including Maximum Price Regulation No. 220[3] and the General Maximum Price Regulation, including §§ 1499.13 (b) and 1499.14 thereof, as to commodities and transactions covered by this regulation.

(e) *Geographical applicability of this regulation.* This regulation applies in the District of Columbia, the 48 states, and in the territories and possessions of the United States.

SEC. 4. *Federal and state taxes.* The federal excise tax on rubber tires and tubes is included in the maximum prices set by this regulation, and no amount may be added to the maximum prices on account of such tax. Any other tax upon, or incident to, the sale, delivery, processing, or use of new bicycle tires or 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. 5. *Credit.* The maximum prices established by this regulation shall not be increased by any charges for the extension of credit, unless the seller during March, 1942, required payment of a separately stated additional charge for the extension of credit, by purchasers of the same class on sales of new bicycle tires or tubes or rim strips, and the amount charged for the extension of credit is not in excess of the charge the seller had in effect during March, 1942, for extension of credit involving the same amount and term.

SEC. 6. *Transportation charges.* No seller shall require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs incurred in the delivery of new bicycle tires and tubes, than the seller required purchasers of the same class to pay during March, 1942, on deliveries of new bicycle tires and tubes.

SEC. 7. *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 bicycle tires or tubes, alone or in conjunction with any other commodity or by way of commission, service, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

SEC. 8. *Petitions for amendment.* Any person seeking a modification of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.[4]

SEC. 9. *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.

SEC. 10. *Marking or posting of maximum prices by retailers.* Every person offering to sell new bicycle tires or tubes at retail shall mark or post the maximum prices of such new bicycle tires or tubes in accordance with the provisions of § 1499.13 (a) of the General Maximum Price Regulation.

SEC. 11. *Sales slips and receipts.* Any seller who has customarily furnished purchasers with invoices, sales slips, receipts, or similar evidence of purchase shall continue to do so. Upon request from a purchaser any seller, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, the quantity of each brand and size of new bicycle tires and tubes sold, and the price charged therefor.

SEC. 12. *Records.*—(a) *Of sales*—(1) *At retail.* Every person making sales at retail subject to this regulation of new bicycle tires or tubes must continue to keep, as to such retail sales, records of the same kind as he customarily kept showing the prices actually charged by him after the effective date of this regulation.

(2) *Other than retail.* Every person making sales subject to this regulation of new bicycle tires or tubes other than sales at retail shall keep, as to such non-retail sales, for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each such sale showing the date thereof, the name and address of the buyer, the price received, and the quantity of each brand and size of new bicycle tires and tubes sold.

(b) *Of purchases*—(1) *By retailers.* Every seller of new bicycle tires and

[1] 8 F.R. 3096, 3849, 4347, 4486, 4774, 4978, 4848, 6047, 6962, 8511, 9025.

[2] 8 F.R. 7498, 8837.

[3] 7 F.R. 8282, 8936, 8948, 11,111; 8 F.R. 1584, 2667, 4130, 3942, 5809, 6043, 7497.

[4] 7 F.R. 8961, 3313, 3533, 6173.

tubes who makes all of his sales of such articles at retail must continue to keep, as to all of his purchases of bicycle tires or tubes subject to this regulation, records of the same kind as he customarily kept showing the prices actually paid by him after the effective date of this regulation.

(2) *Other persons.* Every seller of new bicycle tires and tubes other than retailers who are subject to subparagraph (1) shall keep, as to all of his purchases of bicycle tires and tubes subject to this regulation, for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each such purchase showing the date thereof, the name and address of the seller, the price paid, and the quantity of each brand and size of new bicycle tires and tubes purchased.

SEC. 13. *Licensing: Applicability of the registration and licensing provisions of the General Maximum Price Regulation.* The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this regulation selling new bicycle tires or tubes at wholesale or retail. When used in this section the terms "selling at wholesale" and "selling at retail" have the definitions given to them by §§ 1499.20 (p) and 1499.20 (o), respectively, of the General Maximum Price Regulation.

SEC. 14. *Sales for export.* The maximum price at which a person may export any new bicycle tires or tubes shall be determined in accordance with the Second Revised Maximum Export Price Regulation.[5]

SEC. 15. *Enforcement.* (a) Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(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.

SEC. 16. *Definitions.* (a) When used in this regulation the term:

"Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for bicycle tires, tubes or rim strips for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas or for different quantities or grades or under different conditions of sale.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

Appendix A: Maximum prices for sales and deliveries to jobbers, to brand owners, and to bicycle manufacturers—(a) *Maximum prices for sales and deliveries of manufacturers' brands to jobbers*—(1) *Applicability of this paragraph*—(i) *Brands covered.* The maximum prices to jobbers fixed by this paragraph apply to brands of the manufacturers listed in Table IA or Table IIA. The Firestone Tire and Rubber Co., The B. F. Goodrich Co. and Seiberling Rubber Co. are not listed in those tables but are covered by Appendix B.

(ii) *Definitions of jobber.* The maximum prices fixed by this paragraph apply to sales and deliveries to jobbers. "Jobber" as used in this regulation means any seller of bicycle tires or tubes of the class to which the brand owner offered bicycle tires or tubes during October, 1941, at the prices which he had in effect to jobbers. In determining whether or not a seller is in that class, the criteria to be applied are those which the brand owner had in effect during October, 1941, for determining which of his buyers were offered bicycle tires or tubes at such jobber prices.

(2) *Balloon and lightweight tires and tubes of the brands listed in Table IA or Table IIA.* The maximum price for any sale or delivery to a jobber of balloon or lightweight bicycle tires of the brands listed in Table IA shall be the price set forth in Table IA, reduced by any discounts required by subparagraph (5). The maximum price for any sale or delivery to a jobber of balloon or lightweight bicycle tubes of the brands listed in Table IIA shall be the price set forth in Table IIA, reduced by any discounts required by subparagraph (5).

(3) *Single-tube tires.* The maximum price for any sale or delivery to a jobber of single-tube bicycle tires of any brand of one of the manufacturers listed in Table IA or Table IIA (whether the brand is listed in the tables or not) shall be the price set forth in Table IIIA, reduced by any discounts required by subparagraph (5).

(4) *Rim strips.* The maximum price for any sale or delivery to a jobber of any rim strips of one of the manufacturers listed in Table IA or Table IIA shall be 5 cents each, reduced by any discounts required by subparagraph (5).

(5) *Discounts to jobbers.* The following percentage discounts shall be given on all sales to jobbers by American Tire Factories, Inc., Carlisle Tire and Rubber Co., Fisk Bicycle Tires—Division of U. S. Rubber Co., Gillette Bicycle Tires—Division of U. S. Rubber Co., The Goodyear Tire and Rubber Co., Inc., The Pharis Tire and Rubber Co., and United States Rubber Co.:

Cash discount	Annual volume bonus for current year	
	Percent	Volume
2%-10 prox.	3	$5,000 to $7,499
	4	$7,500 to $9,999
	5	$10,000 to $19,999
	7½	$20,000 and over

Any other seller shall extend to jobbers a cash discount which is at least as large as the smallest cash discount which he had in effect to jobbers during March, 1942.

(6) *Brands not otherwise covered.* The maximum price for any sale or delivery to a jobber of any bicycle tires or tubes which are not covered by Appendix B and which are not covered by any other provision of this paragraph (a) shall be whichever of the following two prices is less:

(i) The price which the seller had in effect on the same brand and size of tire or tube to purchasers of the same class on October 15, 1941, increased by 14.3 percent for tires and by 11.8 percent for tubes, or

(ii) The brand owner's list price on the same brand and size of tire or tube which was in effect to purchasers of the same class on October 15, 1941, increased by 14.3 percent for tires and by 11.8 percent for tubes.

(b) *Maximum prices for sales and deliveries by manufacturers to brand owners*—(1) *Applicability of this paragraph.* The maximum prices fixed by this paragraph apply to sales and deliveries by any manufacturer to any brand owner of bicycle tires and tubes of brands owned by such purchaser and of any rim strips.

(2) *Sales not on a jobber basis and not under cost-plus contracts*—(i) *Applicability of this subparagraph.* This subparagraph does not apply to sales or deliveries to any purchaser who bought his own brands of bicycle tires and tubes from the manufacturer during October, 1941, on a jobber basis or under a cost-

[5] 8 F.R. 4132, 5987, 7662.

plus contract or who now buys such tires and tubes from the manufacturer under a cost-plus contract. It does apply to any other purchaser buying his own brands.

(ii) *Balloon and lightweight tires.* The maximum price for any sale or delivery, to which this subparagraph applies, of balloon or lightweight bicycle tires by a manufacturer to the brand owner of the tires shall be as follows: For sizes 20 x 2.125, 24 x 2.125, 26 x 2.125 and 26 x 2.25 (motor bike) the maximum price shall be the net price, including federal excise tax, which the manufacturer had in effect to the same purchaser on the same brand and size of tire on October 15, 1941, increased by 29.5 percent. For the lightweight tire, size 26 x 1.25, the maximum price shall be the same as the maximum price under this subdivision for the lowest priced brand sold to the same purchaser by the same seller in the 26 x 2.125 size. For the lightweight tire, size 26 x 1.375, the maximum price shall be 2.22 percent higher than the maximum price under this subdivision for the lowest priced brand sold to the same purchaser by the same seller in the 26 x 2.125 size.

(iii) *Balloon and lightweight tubes.* The maximum price for any sale or delivery, to which this subparagraph applies, of balloon or lightweight bicycle tubes by a manufacturer to the brand owner of the tubes shall be as follows: For sizes 26 x 2.125 and 26 x 2.25 (motor bike) the maximum price shall be the net price, including federal excise tax, which the manufacturer had in effect to the same purchaser on the same brand and size of tube on October 15, 1941, increased by 19.6 percent. For sizes 26 x 1.25, 26 x 1.25–1.375 and 26 x 1.375 the maximum price shall be the same as the maximum price under this subdivision for the lowest priced brand sold to the same purchaser by the same seller in the 26 x 2.125 size. For size 24 x 2.125 the maximum price shall be the same as the maximum price under this subdivision for the same or the comparable brand sold to the same purchaser by the same seller in the 26 x 2.125 size.

(iv) *Single-tube tires.* The maximum price for any sale or delivery, to which this subparagraph applies, of single-tube bicycle tires by a manufacturer to the brand owner of the tires shall be calculated as follows: Determine under (ii) the maximum price for the 26 x 2.175 balloon tire (standard or volume tire and not premium tire) sold by the manufacturer to the same brand owner and increase that figure by the following percentage to get the maximum price for the single-tube tire:

Size	Ply	Percentage
26 x 1.50	2	26.7
26 x 1.50	3	49.2
28 x 1.50	2	30.0
28 x 1.50	3	52.1

(v) *Rim strips.* The maximum price for any sale or delivery, to which this subparagraph applies, of rim strips by a manufacturer to a brand owner shall be whichever of the following two prices is less:

(*a*) 5 cents each, or

(*b*) The net price, including federal excise tax, which the manufacturer had in effect to the same purchaser on October 15, 1941, or if the manufacturer had no price in effect on October 15, 1941, to the same purchaser, the highest price, including federal excise tax, which the manufacturer had in effect on October 15, 1941, to a purchaser of the same class.

(3) *Sales on a jobber basis.* This subparagraph applies to sales to any purchaser who bought his own brands of bicycle tires and tubes from the manufacturer during October, 1941, on a jobber basis. Such a purchaser bought on a jobber basis if the price he paid was determined by using or applying discounts to the price list which the manufacturer had in effect to jobbers for comparable tires and tubes. The maximum price for any sale or delivery by a manufacturer to such a brand owner of bicycle tires or tubes of the brand owner's brand shall be the same as the maximum price to jobbers under paragraph (a) for whichever one of the manufacturers' own brands is most comparable in physical quality to the tires or tubes being priced. The maximum price of rim strips under this subparagraph shall be determined according to subparagraph (2) (v).

(4) *Sales under cost-plus contracts—*(i) *Sales to purchasers who purchased under a cost-plus contract during October 1941.* This subdivision applies to sales to any purchaser who bought his own brands of bicycle tires and tubes from the manufacturer during October, 1941, under a cost-plus contract. The maximum price for any sale or delivery by a manufacturer to such a brand owner of bicycle tires or tubes of the brand owner's brand or of any rim strips shall be calculated according to the procedure in subparagraph (2). The net price, including federal excise tax, which the manufacturer had in effect to the same purchaser on October 15, 1941, shall be deemed to be the price, including federal excise tax, for the quarter beginning October 1, 1941, and ending December 31, 1941, after deducting the annual percentage of all rebates or adding the annual percentage of all additional collections.

(ii) *Sales to purchasers who did not purchase under a cost-plus contract during October, 1941.* This subdivision applies to sales to any purchaser under a cost-plus contract where the purchaser did not buy his own brands of bicycle tires and tubes from the manufacturer during October, 1941, under a cost-plus contract. The maximum price for any sale or delivery by a manufacturer to such a brand owner of bicycle tires or tubes of the brand owner's brand or of any rim strips shall be the highest maximum price established by subdivision (i) of this subparagraph (4) for a sale by the manufacturer to a purchaser who bought his own brands of bicycle tires and tubes from the manufacturer during October, 1941, under a cost-plus contract.

(c) *Maximum prices for sales and deliveries to bicycle manufacturers for the original equipment of bicycles—*(1) *Applicability of this paragraph.* The maximum prices fixed by this paragraph apply to sales and deliveries of bicycle tires, tubes and rim strips to bicycle manufacturers for the original equipment of bicycles. This paragraph applies to all such original equipment sales and deliveries except those made pursuant to war orders. This paragraph does not apply to any sale or delivery of bicycle tires, tubes, and rim strips for the original equipment of bicycles, made pursuant to a war order as defined in Maximum Price Regulation No. 403—Certain Rubber Commodities Purchased For Governmental Use.

(2) *Maximum prices.* The maximum price for any sale or delivery to which this paragraph applies of tire, tube and rim strip assemblies shall be the highest net price which the seller had in effect to the same purchaser during March, 1942, for original equipment sales involving tires and tubes of the same brand as those now being priced. If the seller had no price in effect to the same purchaser during March, 1942, for original equipment sales of the same brands, the maximum price shall be a price, in line with the maximum prices under this paragraph, specifically authorized by the Office of Price Administration, Washington, D. C., upon application in writing by the seller for such an authorization.

TABLE IA—MAXIMUM PRICES [1] FOR SALES AND DELIVERIES OF MANUFACTURERS' BRANDS OF BALLOON AND LIGHTWEIGHT BICYCLE TIRES TO JOBBERS

[Maximum price per pair]

Manufacturer and brand	Sizes					
	20 x 2.125	24 x 2.125	26 x 1.25	26 x 1.375 and 26 x 1.25–1.375	26 x 2.125	All other sizes
American Tire Factories, Inc.						
American Clipper					$2.40	
American Roadster					2.40	
Fisk Bicycle Tires—Division of U. S. Rubber Co.						
Fisk Victor	$2.29	$2.34			2.40	
Fisk Airflight		2.67	$2.40	$2.45	2.73	
Gillette Bicycle Tires—Division of U. S. Rubber Co.						
Gillette Bear	2.29	2.34			2.40	
Gillette Extra Heavy Duty	3.11					
Gillette Lightweight			2.40	2.45		
Gillette Special Service		2.84			2.89	
The Goodyear Tire & Rubber Co., Inc.:						
G-3 All Weather	2.29	2.34			2.40	
Deluxe All Weather		2.67			2.73	
Lightweight			2.40	2.45		
The Mansfield Tire & Rubber Co.:						
Black Beauty					2.45	
Mansfield Giant Lynx		2.67			2.73	
Mansfield Lightweight			2.45	2.50		
Pennsylvania Rubber Co.:						
Pennsylvania		2.73			2.78	
Pennsylvania Lightweight				2.86		
Pennsylvania Olympic		2.40			2.45	
The Pharis Tire & Rubber Co.:						
Rib gripper-Deluxe Lightweight			2.40	2.45		
Roadgripper	2.29	2.34			2.40	
Roadgripper Dart	2.29	2.34			2.40	
Roadgripper Deluxe		2.67			2.73	
Roadgripper Motor Bike	3.14				3.25	
Roadgripper Victory	2.29	2.34			2.40	
Raleigh Cycle Distributors:						
Dunlop Champion				3.30		$2.64
Dunlop Road Racing Pressure						4.94
Dunlop Triple Rhino						3.00
Dunlop War Grade			3.00			
United States Rubber Co.:						
U. S. Chain 400	2.29	2.34			2.40	
U. S. Chain 500	2.29	2.34			2.40	
U. S. Chain 42			2.40	2.45		
U. S. Chain 83						2.45
U. S. Royal Touring			2.40	2.45		
U. S. Royal Master (and U. S. Royal Master E. A. 3—Foreign)	2.62	2.67	2.40	2.45	2.73	
U. S. Royal Master Heavy Duty	3.11					
U. S. Motor Bike						5.07

[1] Paragraph (a) (5) in Appendix A requires the deduction of certain discounts from these prices.

TABLE IIA—MAXIMUM PRICES [1] FOR SALES AND DELIVERIES OF MANUFACTURERS' BRANDS OF BALLOON AND LIGHTWEIGHT BICYCLE TUBES TO JOBBERS

[Maximum price per pair]

Manufacturer and brand	Sizes				
	20x2.125	24x2.125	26x1.25, 26x1.375 and 26x1.25–1.375	26x2.125	All other sizes
Carlisle Tire and Rubber Co.:					
Carlisle Standard		$1.23		$1.23	
Carlisle Extra Heavy		1.91		1.91	
Continental Rubber Works:					
Vitalic		1.29		1.29	
Fisk Bicycle Tires—Division of U. S. Rubber Co.:					
Fisk Airflight	$1.17	1.23	$1.23	1.23	
Gillette Bicycle Tires—Division of U. S. Rubber Co.:					
Gillette Ambassador	1.17	1.23	1.23	1.23	
The Goodyear Tire and Rubber Co., Inc.:					
Goodyear	1.17	1.23	1.23	1.23	
The Mansfield Tire and Rubber Co.:					
Mansfield Superior		1.25	1.25	1.28	
Pennsylvania Rubber Co., Inc.:					
Pennsylvania		1.34	1.34	1.37	
The Pharis Tire and Rubber Co.:					
Pharis	1.17	1.23	1.23	1.23	
Raleigh Cycle Distributors:					
Dunlop			2.10		$2.10
United States Rubber Co.:					
U. S. Red Fox (and U. S. Red Fox E.A.3—Foreign)	1.17	1.23	1.23	1.23	1.17
U. S. Motor Bike					1.34

[1] Paragraph (a) (5) in Appendix A requires the deduction of certain discounts from these prices.

TABLE IIIA—MAXIMUM PRICES[1] FOR SALES AND DELIVERIES OF MANUFACTURERS' BRANDS OF SINGLE-TUBE BICYCLE TIRES TO JOBBERS

Size	Ply	Maximum price per pair
26 x 1.50	2	$3.04
26 x 1.50	3	3.58
28 x 1.50	2	3.12
28 x 1.50	3	3.65

[1] Paragraph (a) (5) in Appendix A requires the deduction of certain discounts from these prices.

Appendix B: Maximum prices for sales and deliveries to wholesalers and to retailers of brands of Firestone, Goodrich, Seiberling, Tru-Test and Western Tire Auto Stores (a) *Applicability of this appendix.* This appendix applies to all brands of bicycle tires and tubes of The Firestone Tire and Rubber Co., The B. F. Goodrich Co., Seiberling Rubber Co., Tru-Test Marketing and Merchandising Corp. and Western Tire Auto Stores, and to any rim strips of those 5 companies. It applies to sales and deliveries by any person including the brand owner, if the sales and deliveries are of the type covered by this appendix. This appendix applies to sales and deliveries to all retailers and wholesalers. "Retailers" and "wholesalers" as used in this appendix include all wholesale purchasers except those mentioned in the following sentence. It does not apply to sales and deliveries at retail to the consumer, or to bicycle manufacturers for the original equipment of bicycles, or to the brand owner from the manufacturer.

(b) *Brands of Firestone, Goodrich and Seiberling*—(1) *Balloon and lightweight tires and tubes.* The maximum price for any sale or delivery to a retailer or wholesaler of balloon or lightweight bicycle tires or tubes of the brands listed in the table in this subparagraph shall be calculated by deducting the percentage discount required by subparagraph (4) from the price set forth in the following table:

Manufacturer	Price per pair					
	Brand of tire	Sizes		Brand of tube	Sizes	
		26 x 1.375 and 26 x 1.25–1.375	26 x 2.125		26 x 1.25, 26 x 1.375 and 26 x 1.25–1.375	26 x 2.125
The Firestone Tire & Rubber Co.	High Speed	----------	$3.13	Firestone Champion.	$1.50	$1.54
The Firestone Tire & Rubber Co.	Champion	$3.20	3.50	----------	----------	----------
The B. F. Goodrich Co.	Silvertown	3.44	3.79	Goodrich	1.68	1.72
The B. F. Goodrich Co.	Standard	----------	3.37	----------	----------	----------
Seiberling Rubber Co.	Seiberling	----------	3.28	Seiberling	1.64	1.64
Seiberling	Safety	----------	3.71	----------	----------	----------

The price set forth in this table is the maximum price in only those cases where there is no discount required under subparagraph (4). In no case shall the maximum price to a retailer or wholesaler be more than the price set forth in this table.

(2) *Single-tube tires.* The maximum price for any sale or delivery to a retailer or wholesaler of single-tube bicycle tires of any brand of The Firestone Tire and Rubber Co., The B. F. Goodrich Co., or Seiberling Rubber Co. shall be calculated by deducting the percentage discount required by subparagraph (4) from the price set forth in the following table:

Size	Ply	Price per pair
26 x 1.50	2	$4.05
26 x 1.50	3	4.77
28 x 1.50	2	4.16
28 x 1.50	3	4.87

The price set forth in this table is the maximum price in only those cases where there is no discount required under subparagraph (4). In no case shall the maximum price to a retailer or wholesaler be more than the price set forth in this table.

(3) *Rim strips.* The maximum price for any sale or delivery to a retailer or wholesaler of any rim strips of The Firestone Tire and Rubber Co., The B. F. Goodrich Co. or Seiberling Rubber Co. shall be calculated by deducting the percentage discount required by subparagraph (4) from a price of 6⅔ cents each. The price of 6⅔ cents each is the maximum price in only those cases where there is no discount required under subparagraph (4). In no case shall the maximum price to a retailer or wholesaler be more than 6⅔ cents each.

(4) *Discounts to retailers and wholesalers.* The percentage discount required by this subparagraph and to be used in calculating maximum prices under this paragraph applies to any seller of bicycle tires or tubes or of rim strips of The Firestone Tire and Rubber Co., The B. F. Goodrich Co. or Seiberling Rubber Co., including those manufacturers themselves. The discount which must be deducted is the same percentage discount which the seller had in effect for the tire, tube or rim strip to purchasers of the same class on March 16, 1942, from the list price which he had in effect to retailers on that date. If the seller had net prices in effect to purchasers of the same class on March 16, 1942, instead of percentage discounts, the percentage discount to be deducted shall be calculated for the tire, tube or rim strip by expressing the net price in effect on March 16, 1942, to purchasers of the same class as a percentage of the list price which was in effect to retailers on that date. If there was no such discount or lower net price in effect on March 16, 1942, no discount is required here.

(c) *Brands of Tru-Test and Western Tire Auto Stores*—(1) *Balloon and lightweight tires and tubes.* The maximum price for any sale or delivery to a retailer or wholesaler of balloon or lightweight bicycle tires or tubes of the brands listed in the table in this subparagraph shall be calculated by deducting the percentage discount required by subparagraph (4) from the price set forth in the following table:

Brand owner	Price per pair				
	Brand of tire	Sizes		Brand of tube	Sizes	
		24 x 2.125	26 x 2.125		24 x 2.125	26 x 2.125
Tru-Test	Tru-Test Deluxe	----------	$4.80	Tru-Test	----------	$2.50
Western Tire Auto Stores	Western Flash	$4.00	4.20	Western Flash	$2.30	2.30

(2) *Single-tube tires.* The maximum price for any sale or delivery to a retailer or wholesaler of single-tube bicycle tires of any brand of Tru-Test or Western Tire Auto Stores shall be calculated by deducting the percentage discount required by subparagraph (4) from the price set forth in the following table:

Size	Ply	Price per pair
26 x 1.50	2	$6.08
26 x 1.50	3	7.16
28 x 1.50	2	6.24
28 x 1.50	3	7.30

(3) *Rim strips.* The maximum price for any sale or delivery to a retailer or wholesaler of any rim strips of Tru-Test or Western Tire Auto Stores shall be calculated by deducting the percentage discount required by subparagraph (4) from a price of 10 cents each.

(4) *Discounts to retailers and wholesalers.* The percentage discount required by this subparagraph and to be used in calculating maximum prices under this paragraph applies to any seller of bicycle tires or tubes or of rim strips of Tru-Test or Western Tire Auto Stores, including those brand owners themselves. The dis-

count which must be deducted is the same percentage discount which the seller had in effect for the tire, tube or rim strip to purchasers of the same class on March 16, 1942, from the retail list price which was in effect on that date. If the seller had net prices in effect to purchasers of the same class on March 16, 1942, instead of percentage discounts, the percentage discount to be deducted shall be calculated for the tire, tube or rim strip by expressing the net price in effect on March 16, 1942, to purchasers of the same class as a percentage of the retail list price which was in effect on that date.

(d) *Brands not otherwise covered.* The maximum price for any sale or delivery to a retailer or wholesaler of any bicycle tires or tubes which are not covered by any other provision of this Appendix but which are of brands of one of the five brand owners covered by this Appendix shall be whichever of the following two items is less:

(1) the price which the seller had in effect on the same brand and size of tire or tube to purchasers of the same class on October 15, 1941, increased by 14.3 percent for tires and by 11.8 percent for tubes, or

(2) the brand owner's list price on the same brand and size of tire or tube which was in effect to purchasers of the same class on October 15, 1941, increased by 14.3 percent for tires by 11.8 percent for tubes.

Appendix C: Maximum prices for sales and deliveries to retailers.—(a) *Applicability of this appendix.*—(1) *Brands covered.* The maximum prices to retailers fixed by this appendix apply to brands of the brand owners listed in Table IC or Table IIC. The Firestone Tire and Rubber Co., The B. F. Goodrich Co., Seiberling Rubber Co., Tru-Test Marketing and Merchandising Corp., and Western Tire Auto Stores are not listed in those tables but are covered by Appendix B.

(2) *Definition of retailer.* The maximum prices fixed by this appendix apply to sales and deliveries to retailers. "Retailer" as used in this regulation means any seller of bicycle tires or tubes of the class to which the brand owner offered bicycle tires or tubes at dealer prices (prices for sales to retailers) during October, 1941, or of the class existing during October, 1941, which the brand owner has set up as being those who should properly be charged dealer prices. In determining whether or not a seller is in such a class, the criteria to be applied are those which the brand owner had in effect during October, 1941, for determining which buyers should be offered bicycle tires or tubes at dealer prices.

(b) *Balloon and lightweight tires and tubes of the brands listed in Table IC or Table IIC.* The maximum price for any sale or delivery to a retailer of balloon or lightweight bicycle tires of the brands listed in Table IC shall be calculated by deducting the percentage discount required by paragraph (f) from the price set forth in Table IC. The maximum price for any sale or delivery to a retailer of balloon or lightweight bicycle tubes of the brands listed in Table IIC shall be calculated by deducting the percentage discount required by paragraph (f) from the price set forth in Table IIC.

(c) *Single-tube tires.* The maximum price for any sale or delivery to a retailer of single-tube bicycle tires of any brand of one of the brand owners listed in Table IC or Table IIC (whether the brand is listed in the tables or not) shall be calculated by deducting the percentage discount required by paragraph (f) from the price set forth in Table IIIC.

(d) *Rim strips.* The maximum price for any sale or delivery to a retailer of any rim strips of one of the brand owners listed in Table IC or Table IIC shall be 6⅔ cents each less the percentage discount required by paragraph (f).

(e) *Brands not otherwise covered.* The maximum price for any sale or delivery to a retailer of any bicycle tires or tubes which are not covered by Appendix B and which are not covered by any other provision of this Appendix C shall be whichever of the following two prices is less:

(1) The price which the seller had in effect on the same brand and size of tire or tube to purchasers of the same class on October 15, 1941, increased by 14.3 percent for tires and by 11.8 percent for tubes, or

(2) The brand owner's list price which was in effect to purchasers of the same class on October 15, 1941, increased by 14.3 percent for tires and by 11.8 percent for tubes.

(f) *Discounts to retailers.* The discount which must be deducted is the cash and quantity discount that the seller had in effect for the tire, tube or rim strip to purchasers of the same class on March 16, 1942. If there was no such cash or quantity discount in effect on March 16, 1942, no discount is required here.

TABLE IC—MAXIMUM PRICES [1] FOR SALES AND DELIVERIES OF BALLOON AND LIGHTWEIGHT BICYCLE TIRES TO RETAILERS

[Maximum price per pair]

Brand owner and brand	Sizes					
	20 x 2.125	24 x 2.125	26 x 1.25	26 x 1.375 and 26 x 1.25–1.375	26 x 2.125	All other sizes
American Tire Factories, Inc.:						
American Clipper					$3.20	
American Roadster					3.20	
Arnold, Schwinn and Co., Inc., Whirlwind				$3.20		
Atlas Supply Co., Atlas					3.36	
Belknap Hardware and Manufacturing Co., Belknap-Louisville		$3.49			3.61	
The W. Bingham Co., Speed-King					3.28	
Chicago Cycle Supply Co.:						
Chicyco Bulldog		3.07			3.13	
Chicyco Super Service					3.76	
Coast to Coast Stores:						
Safeflex					3.04	
Super Safeflex					3.68	
Columbus Cycle and Sporting Goods Co.:						
Super Roadmaster					2.87	
Super Value	$2.68	2.68			2.68	
Fisk Bicycle Tires—Division of U. S. Rubber Co.:						
Fisk Victor	3.05	3.12			3.20	
Fisk Airflight		3.56	$3.20	3.27	3.64	
Gamble-Skogmo, Inc.:						
Crest Standard				3.16	3.06	
Super Crest					3.62	
Gillette Bicycle Tires—Division of U. S. Rubber Co.:						
Gillette Bear	3.05	3.12			3.20	
Gillette Extra Heavy Duty	4.15					
Gillette Lightweight			3.20	3.27		
Gillette Special Service		3.79			3.85	
The Goodyear Tire and Rubber Co., Inc.:						
G–3 All-Weather	3.05	3.12			3.20	
Deluxe All-Weather		3.56			3.64	
Lightweight			3.20	3.27		
Hibbard, Spencer, Bartlett and Co.:						
Hibbard Champion					2.81	
Hibbard Tru-Value Deluxe					3.67	
Louisville Cycle and Supply Co., Locyco Speedway	2.72	2.78			2.85	
The Mansfield Tire and Rubber Co.:						
Black Beauty					3.24	
Mansfield Giant Lynx D. T		3.56			3.64	
Mansfield Lightweight D. T				3.31		

[1] Paragraph (f) in Appendix C requires the deduction of certain discounts from these prices.

TABLE IC—MAXIMUM PRICES [1] FOR SALES AND DELIVERIES OF BALLOON AND LIGHTWEIGHT BICYCLE TIRES TO RETAILERS—Continued

[Maximum price per pair]

Brand owner and brand	Sizes					
	20 x 2.125	24 x 2.125	26 x 1.25	26 x 1.375 and 26 x 1.25–1 375	26 x 2.125	All Other Sizes
Pennsylvania Rubber Co., Inc.:						
Pennsylvania		$3. 61			$3. 68	
Pennsylvania Olympic		3. 18			3. 24	
Pennsylvania Lightweight				$3. 31		
The Pharis Tire and Rubber Co.:						
Ribgripper Deluxe Lightweight			$3. 20	3. 27		
Roadgripper	$3. 05	3. 12			3. 20	
Roadgripper Dart	3. 05	3. 12			3. 20	
Roadgripper Deluxe		3. 56			3. 64	
Roadgripper Motor Bike	4. 19				4. 33	
Roadgripper Victory	3. 05	3. 12			3. 20	
Progressive Cycle and Auto Supply Co., Inc., Comet					3. 31	
Raleigh Cycle Distributors:						
Dunlop Champion				4. 40		$3. 52
Dunlop Road Racing High Pressure						6. 59
Dunlop Triple Rhino						4. 00
Dunlop War Grade			4. 00			
Simplex Manufacturing Co., Simplex						4. 27
United States Rubber Co.:						
U. S. Chain 400	3. 05	3. 12			3. 20	
U. S. Chain 500	3. 05	3. 12			3. 20	
U. S. Chain 42			3. 20	3. 27		
U. S. Chain 83						3. 27
U. S. Royal Touring			3. 20	3. 27		
U. S. Royal Master (and U. S. Royal Master E. A. 3-Foreign)	3. 49	3. 56	3. 20	3. 27	3. 64	
U. S. Master Heavy Duty	4. 15					
U. S. Motor Bike						6. 76
Vulco Manufacturing Co.						
Red Line Champion Victory					2. 80	
Red Line Champion DeLuxe					3. 64	
Red Line Champion Motorbike					4. 33	
Western Auto Supply Co. (Kansas City):						
Davis DeLuxe		3. 04			3. 04	
Davis DeLuxe Safety Grip					3. 14	
Davis Safety Grip				3. 11		
Western Auto Supply Co. (Los Angeles):						
Western Giant Double Duty				3. 07	3. 47	
Western Giant Traveller					3. 00	

[1] Paragraph (f) in Appendix C requires the deduction of certain discounts from these prices.

TABLE IIC—MAXIMUM PRICES [1] FOR SALES AND DELIVERIES OF BALLOON AND LIGHTWEIGHT BICYCLE TUBES TO RETAILERS

[Maximum price per pair]

Brand owner and brand	Sizes				
	20 x 2.125	24 x 2.125	26 x 1.25, 26 x 1.375 and 26 x 1 25–1.375	26 x 2.125	All other sizes
Arnold, Schwinn and Co., Inc.:					
Schwinn			$1. 64		
Atlas Supply Co.					
Atlas		$1. 06		$1. 06	
Belknap Hardware and Manufacturing Co.:					
Belknap		1. 67		1. 67	
Carlisle Tire and Rubber Co.:					
Carlisle Standard		1. 64		1. 64	
Carlisle Extra Heavy		2. 55		2. 55	
Chicago Cycle Supply Co.:					
Chicyco Red Skin		1. 33		1. 33	
Coast to Coast Stores:					
Safe-Flex				1. 64	
Columbus Cycle & Sporting Goods Co.:					
Roadmaster	$1. 47	1. 47		1. 47	
Continental Rubber Works:					
Vitalic		1. 69		1. 69	
Fisk Bicycle Tires—Division of U. S. Rubber Co.:					
Fisk Airflight	1. 56	1. 64	1. 64	1. 64	
Gamble-Skogmo, Inc.:					
Super Crest			1. 59	1. 63	
Gillette Bicycle Tires—Division of U. S. Rubber Co.:					
Gillette Ambassador	1. 56	1. 64	1. 64	1. 64	
The Goodyear Tire & Rubber Co., Inc.:					
Goodyear	1. 56	1. 64	1. 64	1. 64	
Hibbard, Spenser, Bartlett & Co.:					
Hibbard Champion				1. 64	
Hibbard Tru-Value DeLuxe				1. 67	
Louisville Cycle & Supply Co.:					
Locyco Speedway				1. 28	
The Mansfield Tire and Rubber Co.:					
Mansfield Superior		1. 66	1. 66	1. 70	
Pennsylvania Rubber Co., Inc.:					
Pennsylvania		1. 79	1. 79	1. 83	

[1] Paragraph (f) in Appendix C requires the deduction of certain discounts from these prices.

TABLE IIC—MAXIMUM PRICES [1] FOR SALES AND DELIVERIES OF BALLOON AND LIGHTWEIGHT BICYCLE TIRES TO RETAILERS—Continued

[Maximum price per pair]

Brand owner and brand	Sizes				
	20 x 2.125	24 x 2.125	26 x 1.25, 26 x 1.375 and 26 x 1.25-1.375	26 x 2.125	All other sizes
The Pharis Tire and Rubber Co.:					
Pharis	$1.56	$1.64	$1.64	$1.64	
Raleigh Cycle Distributors:					
Dunlop			2.80		$2.80
Simplex Manufacturing Co.:					
Simplex					1.40
United States Rubber Co.:					
U. S. Red Fox (and U. S. Red Fox E. A. 3-Foreign)	1.56	1.64	1.64	1.64	1.56
U. S. Motor Bike					1.79
Western Auto Supply Co. (Kansas City):					
Davis DeLuxe		1.40	1.40	1.44	
Western Auto Supply Co. (Los Angeles):					
Blue Ribbon		1.61		1.65	
Jumbo				2.03	

[1] Paragraph (f) in appendix C requires the deduction of certain discounts from these prices.

TABLE IIIC—MAXIMUM PRICES [1] FOR SALES AND DELIVERIES OF SINGLE-TUBE BICYCLE TIRES TO RETAILERS

Size	Ply	Maximum price per pair
26 x 1.50	2	$4.05
26 x 1.50	3	4.77
28 x 1.50	2	4.16
28 x 1.50	3	4.87

[1] Paragraph (f) in Appendix C requires the deduction of certain discounts from these prices.

Appendix D: Maximum prices for sales and deliveries at retail—(a) *Applicability of this appendix.* The maximum retail prices fixed by this appendix apply to all brands of all brand owners. Maximum prices are fixed by this appendix for all sales and deliveries at retail. "At retail" as used in this regulation means sales and deliveries for use by the purchaser and not for resale. A maximum price is also fixed by this appendix for the mounting of a tire, tube or rim strip on the wheel of a bicycle in connection with the sale or delivery of the tire, tube or rim strip.

(b) *Balloon and lightweight tires and tubes of the brands listed in Table ID or Table IID.* The maximum price for any sale or delivery at retail of balloon or lightweight bicycle tires of the brands listed in Table ID shall be the price set forth in Table ID. The maximum price for any sale or delivery at retail of balloon or lightweight bicycle tubes of the brands listed in Table IID shall be the price set forth in Table IID.

(c) *Single-tube tires.* The maximum price for any sale or delivery at retail of single-tube bicycle tires of any brand of one of the brand owners listed in Table ID or Table IID (whether the brand is listed in the tables or not) shall be the price set forth in Table IIID.

(d) *Rim strips.* The maximum price for any sale or delivery at retail of any rim strips of one of the brand owners listed in Table ID or Table IID shall be 10 cents each.

(e) *Brands not otherwise covered.* The maximum price for any sale or delivery at retail of any bicycle tires or tubes which are not covered by any other provision of this appendix shall be whichever of the following two prices is less:

(1) The retail price which the seller had in effect on the same brand and size of tire or tube on October 15, 1941, increased by 14.3 percent for tires and by 11.8 percent for tubes, or

(2) The brand owner's retail list price on the same brand and size of tire or tube which was in effect on October 15, 1941, increased by 14.3 percent for tires and by 11.8 percent for tubes.

(f) *Mounting charges.* The maximum price for mounting a tire, tube and rim strip on the wheel of a bicycle in connection with the sale or delivery of the tire, tube and rim strip shall be 25¢ for a front wheel and 50¢ for a rear wheel. If the rear wheel is equipped with any special attachments or if the bicycle is of foreign manufacture, the maximum price for mounting a tire, tube and rim strip on the rear wheel shall be determined in accordance with the pricing provisions of Maximum Price Regulation No. 165, as Amended—Services. The mounting charge may be added to the maximum price for the tire, tube or rim strip wherever the mounting service is performed by the seller in connection with the sale or delivery of such article.

TABLE ID—MAXIMUM PRICES FOR SALES AND DELIVERIES AT RETAIL OF BALLOON AND LIGHTWEIGHT BICYCLE TIRES

[Maximum price for each tire]

Brand owner and brand	Sizes					
	20 x 2.125	24 x 2.125	26 x 1.25	26 x 1.375 and 26 x 1.25–1.375	26 x 2.125	All other sizes
American Tire Factories, Inc.:						
American Clipper					$2.40	
American Roadster					2.40	
Arnold, Schwinn and Co., Inc.:						
Schwinn Whirlwind				$2.40		
Atlas Supply Co.:						
Atlas					2.55	
Belknap Hardware and Manufacturing Co.:						
Belknap-Louisville		$2.60			2.65	
The W. Bingham Co.:						
Speed King					2.40	
Chicago Cycle Supply Co.:						
Chicyco Bulldog		2.30			2.35	
Chicyco Super Service					2.85	
Coast to Coast Stores:						
Safe-Flex					2.30	
Super Safe-Flex					2.75	
Columbus Cycle & Sporting Goods Co.:						
Super Roadmaster					2.15	
Super Value	$2.00	2.00			2.00	
The Firestone Tire & Rubber Co.:						
High Speed					2.35	
Champion				2.40	2.55	
Fisk Bicycle Tires—Division of U. S. Rubber Co.:						
Fisk Victor	2.30	2.35			2.40	
Fisk Airflight		2.70	$2.40	2.45	2.75	
Gamble-Skogmo, Inc.:						
Crest Standard				2.10	1.95	
Super Crest					2.50	
Gillette Bicycle Tires—Division of U. S. Rubber Co.:						
Gillette Bear	2.30	2.35			2.40	
Gillette Extra Heavy Duty	3.10					
Gillette Lightweight			2.40	2.45		
Gillette Special Service		2.85			2.90	
The B. F. Goodrich Co.:						
Standard					2.35	
Silvertown				2.40	2.75	
The Goodyear Tire & Rubber Co., Inc.:						
G-3 All Weather	2.30	2.35			2.40	
DeLuxe All-Weather		2.70			2.75	
Lightweight			2.40	2.45		
Hibbard, Spencer, Bartlett & Co.:						
Hibbard Champion					2.10	
Hibbard Tru-Value Deluxe					2.75	
Louisville Cycle & Supply Co.:						
Locyco Speedway	2.05	2.10			2.15	
The Mansfield Tire & Rubber Co.:						
Black Beauty					2.40	
Mansfield Giant Lynx D. T.		2.70			2.75	
Mansfield Lightweight D. T.			2.40	2.45		
Montgomery Ward & Co.:						
Riverside Mate (retail stores)		2.05			2.05	
Riverside Mate (mail order)		[1] 1.80			[1] 1.80	
Riverside DeLuxe (retail store)		2.45			2.45	
Lite Wate (retail stores)				2.10		
Lite Wate (mail order)				[1] 1.85		
Pennsylvania Rubber Co., Inc.:						
Pennsylvania		2.70			2.75	
Pennsylvania Lightweight				2.45		
Pennsylvania Olympic		2.35			2.40	
The Pep Boys (Philadelphia):						
Belnord Super Service					1.70	
Cornell Clipper					1.95	
The Pep Boys (California):						
Belnord Super Service					1.95	
The Pharis Tire and Rubber Co.:						
Ribgripper DeLuxe Lightweight			2.40	2.45		
Roadgripper	2.30	2.35			2.40	
Roadgripper Dart	2.30	2.35			2.40	
Roadgripper DeLuxe		2.70			2.75	
Roadgripper Motor Bike	3.15				3.25	
Roadgripper Victory	2.30	2.35			2.40	
Progressive Cycle & Automobile Supply Co., Inc.:						
Comet					2.40	
Raleigh Cycle Distributors:						
Dunlop Champion				3.30		$2.65
Dunlop Racing High Pressure						4.95
Dunlop Triple Rhine						3.00
Dunlop War Grade			3.30			
Sears Roebuck & Co.:						
Allstate Crusader (retail stores)	1.70	1.70			1.75	
Allstate Crusader (mail order)	[1] 1.70	[1] 1.70			[1] 1.75	
Allstate (retail stores)	2.05	2.05			2.15	
Allstate (mail order)	[1] 2.05	[1] 2.05			[1] 2.15	
Allstate Lightweight (retail stores)			1.75	1.80		
Allstate Lightweight (mail order)			[1] 1.75	[1] 1.80		

[1] The postage may be added to the price on mail order sales.

TABLE ID—MAXIMUM PRICES FOR SALES AND DELIVERIES AT RETAIL OF BALLOON AND LIGHTWEIGHT BICYCLE TIRES—Continued

[Maximum price for each tire]

Brand owner and brand	Sizes					
	20 x 2.125	24 x 2.125	26 x 1.25	26 x 1.375 and 26 x 1.25-1.375	26 x 2.125	All other sizes
Seiberling Rubber Co.:						
Seiberling					$2.40	
Seiberling Safety					2.75	
Simplex Manufacturing Co.:						
Simplex						$3.25
Tru-Test Marketing and Merchandising Corp.:						
Tru-Test DeLuxe					2.40	
United States Rubber Co.:						
U. S. Chain 400	$2.30	$2.35			2.40	
U. S. Chain 500	2.30	2.35			2.40	
U. S. Chain 42			$2.40	$2.45		
U. S. Chain 83						2.45
U. S. Royal Touring			2.40	2.45		
U. S. Royal Master (and U. S. Royal Master E. A. 3-Foreign)	2.65	2.70	2.40	2.45	2.75	
U. S. Royal Master Heavy Duty	3.10					
U. S. Motor Bike						5.10
Vulco Manufacturing Co.:						
Red Line Champion Victory					2.10	
Red Line Champion DeLuxe					2.75	
Red Line Champion Motor Bike					3.25	
Western Auto Supply Co. (Kansas City):						
Davis DeLuxe		2.05			2.05	
Davis DeLuxe Safety Grip					2.35	
Davis Safety Grip				2.10		
Western Auto Supply Co. (Los Angeles):						
Western Giant Double Duty				1.85	2.05	
Western Giant Traveler					1.80	
Western Tire Auto Stores:						
Western Flash		2.00			2.10	

TABLE IID—MAXIMUM PRICES FOR SALES AND DELIVERIES AT RETAIL OF BALLOON AND LIGHTWEIGHT BICYCLE TUBES

[Maximum price for each tube]

Brand owner and brand	Sizes				
	20 x 2.125	24 x 2.125	26 x 1.25, 26 x 1.375 and 26 x 1.25-1.375	26 x 2.125	All other sizes
Arnold, Schwinn and Co., Schwinn			$1.25		
Atlas Supply Co., Atlas		$0.80		$0.80	
Belknap Hardware and Manufacturing Co., Belknap		1.25		1.25	
Carlisle Tire and Rubber Co.					
Carlisle Standard		1.25		1.25	
Carlisle Extra Heavy		1.90		1.90	
Chicago Cycle Supply Co., Chicyco Red Skin		1.00		1.00	
Coast to Coast Stores, Safe-Flex				1.15	
Columbus Cycle Co., Roadmaster	$1.10	1.10		1.10	
Continental Rubber Works, Vitalic		1.25		1.25	
The Firestone Tire and Rubber Co., Champion			1.15	1.20	
Fisk Bicycle Tires—Division of U. S. Rubber Co., Fisk Airflight	1.20	1.25	1.25	1.25	
Gamble-Skogmo, Inc., Super Crest			1.00	1.00	
Gillette Bicycle Tires—Division of U. S. Rubber Co., Gillette Ambassador	1.20	1.25	1.25	1.25	
The B. F. Goodrich Co., Goodrich			1.10	1.15	
The Goodyear Tire and Rubber Co., Inc., Goodyear	1.20	1.25	1.25	1.25	
Hibbard, Spencer, Bartlett and Co.:					
Hibbard Champion				1.25	
Hibbard Tru-Value DeLuxe				1.25	
Louisville Cycle and Supply Co., Locyco Speedway				.95	
The Mansfield Tire and Rubber Co., Mansfield Superior		1.25	1.25	1.25	
Montgomery Ward and Co.					
Riverside (retail stores)		1.10		1.10	
Riverside (mail order)		[1] 1.90		[1] 1.90	
Lite Wate (retail stores)			1.05		
Lite Wate (mail order)			[1] 1.90		
Pennsylvania Rubber Co., Inc., Pennsylvania		1.35	1.35	1.40	
The Pep Boys (Philadelphia):					
Belnord				.85	
Cornell				1.00	
The Pep Boys (California), Belnord				.95	
The Pharis Tire and Rubber Co., Pharis	1.20	1.25	1.25	1.25	
Raleigh Cycle Distributors, Dunlop			2.10	2.10	$2.10

[1] The postage may be added to the price on mail-order sales.

TABLE IID—MAXIMUM PRICES FOR SALES AND DELIVERIES AT RETAIL OF BALLOON AND LIGHTWEIGHT BICYCLE TUBES—Continued

[Maximum price for each tube]

Brand owner and brand	Sizes				
	20 x 2.125	24 x 2.125	26 x 1.25, 26 x 1.375 and 26 x 1.25–1.375	26 x 2.125	All other sizes
Sears Roebuck and Co.:					
Allstate (retail stores)	$0.90	$0.95	$0.95	$0.95	
Allstate (mail order)	1.75	1.80	1.80	1.80	
Seiberling Rubber Co., Seiberling			1.25	1.25	
Simplex Manufacturing Co., Simplex					$1.15
Tru-Test Marketing and Merchandising Corp., Tru-Test				1.25	
United States Rubber Co.:					
Red Fox (and U. S. Red Fox E. A. 3-Foreign)	1.20	1.25	1.25	1.25	1.20
Motor Bike					1.35
Western Auto Supply Co. (Kansas City), Davis DeLuxe		1.00	1.00	1.00	
Western Auto Supply Co. (Los Angeles):					
Blue Ribbon		.80		.85	
Jumbo				1.00	
Western Tire Auto Stores, Western Flesh		1.15		1.15	

[1] The postage may be added to the price on mail order sales.

TABLE IIID—MAXIMUM PRICES FOR SALES AND DELIVERIES AT RETAIL OF SINGLE-TUBE BICYCLE TIRES

Size	Ply	Maximum price for each tire
26 x 1.50	2	$3.04
26 x 1.50	3	3.58
28 x 1.50	2	3.12
28 x 1.50	3	3.65

Effective date. This regulation shall become effective in the District of Columbia and the 48 states July 29, 1943. This regulation shall become effective in the territories and possessions of the United States September 6, 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 23d day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-11866; Filed, July 23, 1943; 2:47 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A,[1] Amdt. 42]

TIRES, TUBES, RECAPPING AND CAMELBACK

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

Ration Order No. 1A is amended in the following respects:

1. Sections 1315.501 (d) and 1315.1003 (b) are hereby revoked.

2. Section 1315.607 is amended to read as follows:

§ 1315.607 *Form of certificates to be issued*—(a) *By a Board.* The Board may issue a certificate on OPA Form R-2 (Revised) to an applicant who has established need and eligibility under this Ration Order No. 1A.

(b) *By a District Director.* (1) A District Director may issue a certificate on OPA Form R-2 (Revised) to a dealer who is eligible for an allotment of tires, tubes or camelback under Ration Order No. 1A.

(2) A District Director may issue a certificate on OPA Form R-53 authorizing an applicant to acquire an allotment of recappable carcasses or repairable tires.

3. Section 1315.609 is amended to read as follows:

§ 1315.609 *Execution and issuance of certificates.* The Board shall issue certificates on OPA Form R-2 (Revised) authorizing the acquisition of tires, tubes or recapping service. The District Director shall issue certificates to dealers on OPA Form R-2 (Revised) authorizing the acquisition of allotments of tires, tubes or camelback. Separate certificates authorizing the acquisition of tires, tubes, camelback and recapping service shall be issued. No certificate shall be valid unless all parts are signed by the issuing officer who may be either a member of the Board, the District Director or a clerk designated by the Board or District Director to act as issuing officer.

4. Section 1315.610 (b) (1) is amended to read as follows:

(1) If the certificate indicates that a tire or tube being replaced must be turned in, the applicant shall, before acquiring from a dealer any tire or tube in exchange for the certificate, turn in the tire or tube to be replaced to such dealer, except in the case of purchase by mail or tires withdrawn from a public warehouse. In such cases, the applicant shall deliver the replaced tires or tubes to a dealer within five (5) days after the acquisition of the replacements. The provisions of this subparagraph shall not apply to a government agency forbidden by law to make such disposition.

5. Section 1315.610 (c) is amended to read as follows:

(c) *Signing of certificates.* The applicant or his agent shall sign all parts of the certificate in accordance with the instructions thereon, prior to acquiring the tires, tubes, recapping services or camelback specified thereon. The same person shall sign all parts 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, no authorized tire inspector and no dealer shall act as agent of the applicant in signing these certificates. However, in the case of purchase by mail the dealer may sign Parts B and D of OPA Form R-2 (Revised) in behalf of the certificate holder provided the certificate holder has signed Part A.

6. Section 1315.611 (b) is amended to read as follows:

(b) Certificate to be completed. No dealer, warehouseman or manufacturer shall transfer tires, tubes or camelback until both he and the applicant have properly signed and executed the certificate in accordance with the instructions thereon.

7. Section 1315.804 (d) (1) is amended to read as follows:

(1) *Allotment.* A camelback dealer or manufacturer may, in exchange for a certificate (OPA Form R-2 (Revised) or OPA Form R-10 (Revised)), transfer camelback to a recapper.

8. Section 1315.1003 (a) (3) is amended to read as follows:

(3) *Part C.* Part C of OPA Form R-12 (Revised) shall be retained by the transferor as his record.

This amendment shall become effective July 29, 1943.

(Pub. Law No. 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

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.

Issued this 23d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11868; Filed, July 23, 1943; 2:45 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A,[1] Amdt. 43]

TIRES, TUBES, RECAPPING AND CAMELBACK

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

Ration Order No. 1A is amended in the following respects:

1. Section 1315.201 (a) (43) is added to read as follows:

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

[1] 7 F.R. 9160, 9392, 9724.

[1] 7 F.R. 9160, 9392, 9724.

(43) "Mileage contract" means an agreement under which tires and tubes are leased to consumers for compensation based on the number of miles the tires and tubes are driven.

2. Section 1315.201 (a) (44) is added to read as follows:

(44) "Truck tire board" means a war price and rationing board to which an OPA tire examiner has been specifically assigned and which has been designated to serve exclusively in a specified area emergency reserve applicants or applicants for truck tires, new truck tubes or recapping services.

3. The text of § 1315.302 is amended to read as follows:

§ 1315.302 *Jurisdiction of war price and rationing boards.* A war price and rationing board shall have jurisdiction, subject to the provisions of paragraph (c) of this section and of § 1315.303, to receive and act upon applications with respect to:

4. Section 1315.302 (a) is amended to read as follows:

(a) A vehicle normally stationed or garaged within the area served by the board.

5. Section 1315.303 is amended to read as follows:

§ 1315.303 *Jurisdiction of plant area and truck tire boards*—(a) *Plant area boards.* A plant area board or other board designated by the Office of Price Administration to serve the workers in specified industrial or extractive establishments shall have jurisdiction to receive and act upon applications with respect to a passenger automobile, where the applicant works at the establishment which the board has been designated to serve, unless the current gasoline ration for the automobile was issued by the war price and rationing board having jurisdiction over the area in which such automobile is normally garaged or stationed at the time application under this order is made.

(b) *Truck tire boards.* A truck tire board shall have jurisdiction to receive and act upon applications:

(1) For truck tires, new truck tubes or recapping services for a vehicle normally stationed or garaged in the area served by the board.

(2) For truck tires, new truck tubes or recapping services for a vehicle temporarily located within the area served by the board if such vehicle requires truck tires, new truck tubes or recapping services immediately for its continued operation and application cannot practicably be made to the board normally having jurisdiction.

(3) To establish, increase or replenish an emergency reserve of tires and new tubes, if:

(i) The applicant is a State and has its seat of government within the area served by the board; or

(ii) The applicant, other than a State, has its principal place of business within the area served by the board.

(4) For truck tires, new truck tubes or recapping services by a person engaged in the business of towing house trailers if the applicant has his principal office within the area served by the board.

(5) For new truck tubes for use solely in recapping, if the mold for which the new tubes are sought is located within the area served by the board.

6. Section 1315.507 (e) is amended to read as follows:

(e) *Inspection and proof of sale.* (1) An emergency reserve applicant must accompany his application with a certification by an inspector on OPA Form R–21 (in duplicate) for each tire or tube to be replaced or recapped.

(2) After an application has been filed with a truck tire board, the tires or tubes to be replaced shall be examined by an OPA tire examiner. If the OPA tire examiner determines that tires or tubes are in need of replacement, he shall (on OPA Form R–21) approve their inspection and authorize their transfer to a dealer. Upon such approval by an OPA tire examiner, prior to the issuance of a certificate, the applicant shall transfer the tires or tubes to a dealer and file with the Board a proof of such disposition on OPA Form R–21.

The provisions of this subparagraph shall not apply to tires and tubes leased under a mileage contract.

(3) If the applicant is not subject to the jurisdiction of a truck tire board the tires or tubes to be replaced must be turned in to a dealer as provided in § 1315.610 (b).

7. Section 1315.806 (g) (2) is amended by adding thereto the following paragraph:

The provisions of this subparagraph shall not apply to tires leased under a mileage contract.

This amendment shall become effective July 29, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp, Dir. No. 1Q, 7 F.R. 9121)

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.

Issued this 23d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–11869; Filed, July 23, 1943; 2:46 p. m.]

PART 1347—PAPER, PAPER PRODUCTS AND RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 359[1] Amdt. 3]

CERTAIN CONVERTED PAPER PRODUCTS

Certain converted paper products, including plates, dishes, spoons and forks and liquid-tight cylindrical 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.*

1. Section 1347.563 (a) (12) is amended to read as follows:

(12) "Groundwood plates and dishes" includes all plates and dishes made from paperboard whose principal component is mechanical pulp.

2. In § 1347.563 (a) (34), "Zone A" is amended to read "Zone A"[1].

3. In § 1347.563 (a) (38), "Zone 2"[2] is amended to read "Zone 2"[2].

4. Appendix A (b) (1) is amended to read as follows:

MAXIMUM PRICE PER THOUSAND UNITS[1]

Diameter (inches)	Basis weight 65 to 85 lb.	Deep, extra deep, western deep plates basis weight 65 to 85 lb.	Basis weight 56 to 65 lb.	Flat cake circles basis weight 65 to 85 lb.
4¼			.88	
5	1.78	1.91		1.74
5¾	1.91			
6	1.91	1.91	1.76	2.26
7	2.51	2.78	2.30	2.51
7½	2.76			
8	3.01	3.55	2.75	3.01
8½		3.81		
9	3.46	4.01	3.14	3.46
10	4.71	5.20		4.25
10¾	4.71			

[1] See Note 1 above.

5. In Appendix A (c) (1), Footnote 1 is amended to read as follows:

[1] See Note 1 above.

6. The head-note in Appendix B is amended to read as follows:

Appendix B: Manufacturers' maximum delivered prices in quantities of less than 200,000 units for white lined paperboard, groundwood paperboard, molded woodpulp and wood food dishes.

7. Appendix B (a) is amended to read as follows:

(a) *Maximum price per thousand for less than 200,000 units.*

Size and number of dish	Material from which manufactured			
	White lined paperboard		Groundwood paperboard	Wood or woodpulp
25	[1] 1.69	1.61	1.53	1.52
50	[1] 1.97	1.87	1.78	1.80
100	[1] 2.46	2.34	2.22	2.22
200	[1] 3.12	2.96	2.81	2.81
300	[1] 5.36	5.09	4.84	4.08
500				4.60
1000	[1] 14.74	14.00	13.30	13.30

[1] Applies to "Diamond Brand" sold by Berst-Forster-Dixfield Company.

8. Appendix C (a) (3) is amended to read as follows:

(3) *Quantity discounts.* An amount not less than the following discounts for quantity purchases (any assortment of spoons and forks) shall be deducted from the maximum prices established in paragraph (a) of this appendix.

5 to 24 gross packages 5%
25 gross packages and over 10%

This amendment shall become effective July 29, 1943.

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

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11860; Filed, July 23, 1943; 2:44 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 292,[1] Amdt. 4]

SALES OF CITRUS FRUITS BY PACKERS; BROKERS, AUCTION MARKETS, TERMINAL SELLERS AND INTERMEDIATE SELLERS

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 1351.1404 (j) is added to read as follows:

(j) *Imported citrus fruits.* For each unit of citrus fruits (in boxes, lugs, crates or other containers) imported from any country, the maximum price per each such unit at any terminal market or any other wholesale receiving point shall be the maximum delivered price for the most similar variety of domestic citrus fruits.

For example, the grapefruit imported into this country from the Isle of Pines is most similar to grapefruit grown in the interior of the State of Florida. Thus, white seedless grapefruit imported from the Isle of Pines between March 1 and the end of the 1943 season would be priced in the same manner as Item 9 of Table B of this regulation; i. e., for grapefruit packed, wrapped in standard wooden boxes, the price would be $2.73, packed unwrapped $2.62 and so on.

This amendment shall become effective July 29, 1943.

(Pub. Laws 421 and 729; 77th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4631)

Issued this 23d day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-11861; Filed, July 23, 1943; 2:44 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[2] Amdt. 49]

MEAT, 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. The head-note of section 6.10 is amended to read as follows: *"A retailer may sell at lower point value foods in imminent danger of spoilage."*

2. The last sentence of section 6.10 (a) is deleted.

This amendment shall become effective July 29, 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 23d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11862; Filed, July 23, 1943; 2:46 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR,[1] Amdt. 2]

USED BICYCLE TIRES, TUBES AND RIM STRIPS

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 6.20 is added to read as follows:

SEC. 6.20 *Used bicycle tires, tubes and rim strips.* The maximum prices for used bicycle tires, tubes and rim strips shall be those established by the General Maximum Price Regulation, except that in no case shall the maximum price of a used bicycle tire, tube or rim strip exceed the maximum price set for such item new by Maximum Price Regulation 435—New Bicycle Tires and Tubes.

This amendment shall become effective July 29, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-11863; Filed, July 23, 1943; 2:48 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 79 Under SR 15 to GMPR]

HARRY A. BLADES

Order No. 79 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3-3235.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1379 *Adjustment of maximum prices for contract carrier services by Harry A. Blades, of 76 Ninth Avenue, New York, New York.* (a) Harry A. Blades, of 76 Ninth Avenue, New York, New York, may sell and deliver contract carrier services at prices not to exceed 25¢ per cwt. for shipments from New York, New York, to Philadelphia, Pennsylvania, and at prices not to exceed 32¢ per cwt. for shipments from New York, New York, to York, Pennsylvania.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 79 (§ 1499.1379) may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 79 (§ 1499.1379) shall become effective July 24, 1943.

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

Issued this 23d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11864; Filed, July 23, 1943; 2:46 p. m.]

PART 1340—FUEL

[MPR 121,[1] Amdt. 21]

MISCELLANEOUS SOLID FUELS DELIVERED FROM PRODUCING FACILITIES: PETROLEUM COKE

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 1340.248 (a) (2) is amended by inserting after the words "petroleum coke" the phrase "when sold by a distributor for use as fuel".

This amendment shall become effective as of July 12, 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 July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11892; Filed, July 24, 1943; 11:14 a. m.]

PART 1415—PROTECTIVE COATINGS

[Rev. MPR 180,[2] Amdt. 2]

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 11 (a) is amended by adding the following subparagraphs:

(4) For a seller who maintained the practice, during the period October 1, 1941 to January 15, 1942, of passing on to the buyer transportation costs on a sale of less than 100 pounds, the maximum price for a sale of less than 100 pounds shall be the same as the maximum price in subparagraphs (1), (2), or

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

[1] 8 F.R. 135, 543, 3367, 2869, 6134.

[2] 8 F.R. 3591, 3715, 3949, 4137, 4350, 4423, 4721, 4784, 4893, 4967, 5172, 5318, 5567, 5679, 5739, 5819, 5847, 6046, 6138, 6181, 6446, 6614, 6620, 6687, 6840, 6960, 6961, 7115, 7263, 7281, 7455, 7492, 8357, 8540, 8614, 8844, 8869, 8844, 9025, 9014, 9024.

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025.

[1] 7 F.R. 3237, 3939, 4483, 5941, 6002, 6386, 8587, 8521, 8938, 8948, 10529; 8 F.R. 1895, 2756, 4179, 5757, 6261, 6959, 6957, 7599, 8065.

[2] 8 F.R. 6053, 8842.

(3), but f. o. b. seller's shipping point, rather than delivered.

(5) For a sale of 100 pounds or more where the buyer requests a mode of delivery more expensive than that by the common carrier having the lowest rate for transportation from point of shipment to destination, the maximum price shall be the maximum price in subparagraphs (1), (2), or (3), plus the increase in transportation costs represented by the difference in transportation costs between the common carrier having the lowest rate and the carrier specified by the buyer for delivery of the particular quantity involved.

This amendment shall become effective July 30, 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 July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11893; Filed, July 24, 1943; 11:15 a. m.]

PART 1427—MAGNESIUM

[MPR 302,[1] Amdt. 2]

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 1427.16, Note 1 (c), is amended by striking out the proviso at the end of the paragraph so that paragraph (c) of Note 1, as amended, will read as follows:

(c) Magnesium scrap shall not be deemed to be segregated, whether in the form of solids or in the form of borings, turnings or other machinings, unless it consists of one alloy only and is so identified, handled and kept free from contamination as to conform to chemical specifications issued by the American Society for Testing Materials for the type of material from which it is generated (such as ASTM Designation B-80-41T, Sand Castings.)

2. Section 1427.17, Note 1, is amended by striking from the table of specifications for Class A ingot, the alloy listed as "Nos. 4 and 17 combined."

This amendment shall become effective July 30, 1943.

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

Issued this 24th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11894; Filed, July 24, 1943; 11:16 a. m.]

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

[1] 8 F.R. 609, 8842.

PART 1499—COMMODITIES AND SERVICES

[Order 587 Under § 1499.3 (b) of GMPR]

S. L. BLACK

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is ordered:*

§ 1499.2125 *Approval of a maximum price for sales at retail of a new garbage can manufactured from old oil and grease drums by S. L. Black.* (a) S. L. Black, 3339 Oakdale Street, Houston, Texas, may sell and deliver at retail its new garbage can manufactured from old oil and grease drums at a price no higher than $3.50 per unit.

(b) This Order No. 587 may be revoked or amended by the Price Administrator at any time.

This Order No. 587 shall become effective on the 26th day of July 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 July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11899; Filed, July 24, 1943; 11:16 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14, Amdt. 4]

GUANIDINE CARBONATE

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

A new section 4.9 is added to read as follows:

SEC. 4.9 *Guanidine carbonate.* The following maximum prices are established for sales of guanidine carbonate by any producer thereof, f. o. b. such producer's shipping point, containers included:

	Per pound
Carload lots	$0.57
1 ton to carload	.58
1 barrel to 1 ton	.585
50 lbs. to 1 barrel	.635
Less than 50 lbs	.735

This amendment shall become effective July 30, 1943.

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

Issued this 24th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11895; Filed, July 24, 1943; 11:15 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Supp. Service Reg. 16,[1] Under MPR 165,[2] Amdt. 2]

LOGGING 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.*

Supplementary Service Regulation No. 16 is amended by the addition of a new paragraph (d) to § 1499.666, as follows:

(d) *Grading and scaling on the West Coast.* (1) The maximum fee or price for the service of grading and scaling logs in the states of Oregon and Washington, west of the crest of the Cascade Mountains, shall be $0.13 per thousand feet, log scale, plus $0.01 per thousand feet for each different brand in the raft in excess of one.

(2) Traveling and incidental expenses which are necessarily incurred by the scalers in performing the service may be paid in addition to the fees set forth in paragraph (1) above.

(3) The maximum prices established in this section may not be adjusted under any of the adjustment provisions of § 1499.114 of Maximum Price Regulation No. 165.

This amendment shall become effective on the 30th day of July 1943.

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

Issued this 24th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11896; Filed, July 24, 1943; 11:15 a. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 188,[1] Amdt. 17]

CONSUMERS' GOODS: BURIAL CASKETS AND INNERSEALERS

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

The following products are added to § 1499.167, Appendix B, as set forth below:

§ 1499.167 *Appendix B.* * * *

Burial caskets and innersealers.

This amendment shall become effective July 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 24th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11897; Filed, July 24, 1943; 11:15 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. Order 56,[1] Under § 1499.3 (b) of GMPR]

N. D. Q. SPECIALTY CORPORATION

For the reasons set forth in an opinion issued simultaneously herewith, *It is or-*

[1] 8 F.R. 8750.

[2] 7 F.R. 4734, 5028, 5567, 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10619, 10718, 11010; 8 F.R. 1060, 3324, 4782, 5681, 5755, 5933, 6364, 8506, 8873.

[1] 7 F.R. 5872, 7967, 8943, 8948, 10155; 8 F.R. 537, 1815, 1980, 3105, 3788, 3850, 4140, 4931, 5759, 7107, 8751, 8754.

dered, That Order No. 568, issued under § 1499.3 (b) of the General Maximum Price Regulation is hereby amended to read as follows:

§ 1499.2106 *Authorization of maximum prices governing sales of "Cereal Coated Marshmallow Chicks", a confectionery item, manufactured by N. D. Q. Specialty Corporation, Brooklyn, New York.* (a) That on and after the 26th day of July, 1943, the N. D. Q. Specialty Corporation of Brooklyn, New York, may sell its "Cereal Coated Marshmallow Chicks" in boxes containing 120 items and having a minimum net weight of 3 lbs. 3 ounces to the following classes of customers at the indicated maximum prices:

	Per box
(1) To jobbers	$0.68
(2) To syndicate and chain stores	.70
(3) To variety stores, department stores and retail confectioners	.72

The above prices are delivered prices within the five boroughs of New York City and are F. O. B. Brooklyn, New York, when shipments are made elsewhere.

(b) That jobbers of N. D. Q. Specialty Corporation's "Cereal Coated Marshmallow Chicks" shall establish a maximum delivered price not in excess of 85 cents per box of 120 items.

(c) That retailers of N. D. Q. Specialty Corporation's "Cereal Coated Marshmallow Chicks" shall establish a maximum price not in excess of 1 cent per item.

(d) That N. D. Q. Specialty Corporation shall mail or otherwise supply to its purchasers at the time of or prior to the first delivery to such purchasers, the applicable written notice as follows:

(1) To jobbers:

The Office of Price Administration has authorized us to sell our "Cereal Coated Marshmallow Chicks" packed 120 to a box at a minimum net weight of 3 pounds and 3 ounces per box to jobbers at the maximum price of 68¢ per box. Jobbers are authorized to establish a maximum delivered price not in excess of 85¢ per box. Our price is the delivered price within the five boroughs of New York City and F. O. B. Brooklyn, New York, when shipments are made elsewhere.

(2) To syndicate and chain stores:

The Office of Price Administration has authorized us to sell our "Cereal Coated Marshmallow Chicks" packed 120 to a box at a minimum net weight of 3 pounds and 3 ounces per box to syndicate and chain stores at the maximum price of 70¢ per box. Retailers are authorized to establish a price not in excess of 1¢ per item. Our price is the delivered price within the five boroughs of New York City and F. O. B. Brooklyn, New York, when shipments are made elsewhere.

(3) To variety stores, department stores and retail confectioners:

The Office of Price Administration has authorized us to sell our "Cereal Coated Marshmallow Chicks" packed 120 to a box at a minimum net weight of 3 pounds and 3 ounces per box to variety stores, department stores and retail confectioners at a maximum price of 72¢ per box. Retailers are authorized to establish a price not in excess of 1¢ per item. Our price is the delivered price within the five boroughs of New York City and F. O. B. Brooklyn, New York when shipments are made elsewhere.

(e) That N. D. Q. Specialty Corporation for a period of at least ninety days, shall place in or on each 120 item box distributed through a jobber a notice as follows:

The Office of Price Administration has authorized jobbers to sell this 120 item box having a minimum net weight of 3 pounds and 3 ounces to retailers at a maximum delivered price of 85¢ per box. Retailers are authorized to establish a price not in excess of 1¢ per item.

(f) This revised order may be revoked or amended at any time by the Office of Price Administration.

(g) This Revised Order No. 568 shall become effective July 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 24th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11898; Filed, July 24, 1943; 11:14 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 403,[1] Amdt. 2]

CERTAIN RUBBER COMMODITIES PURCHASED FOR GOVERNMENTAL USE

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 403 is amended in the following respects:

1. Section 5 (b) is amended to read as follows:

(b) *Maximum prices for commodities not containing materials purchased from a war procurement agency*—(1) *Applicability of this paragraph.* This paragraph (b) is applicable to any commodity covered by this section which does not contain materials purchased from a war procurement agency of the United States. When used in this paragraph the term "war procurement agency" means the War Department, the Department of the Navy, the United States Maritime Commission, the Lend-Lease Section of the Procurement Division of the Treasury Department, or any agency of any of the foregoing.

(2) *Maximum prices.* The maximum manufacturers' price of any commodity covered by this paragraph which does not contain any synthetic or substitute rubber or balata shall be the base price determined in accordance with subparagraph (3). The maximum manufacturers' price of any commodity covered by this paragraph which contains any synthetic or substitute rubber or balata shall be determined as follows: The manufacturer shall first determine the base price. This base price shall be determined in accordance with subparagraph (3) of this paragraph. The manufacturer shall then determine his maximum price by subtracting from that base price a differential which reflects the difference between the price of synthetic or substitute rubber or balata in effect on January 1, 1943, and the price for that material in effect on June 1, 1943. This differential shall be determined in accordance with subparagraph (4) of this paragraph.

(3) *Base price.* The base price is the first applicable of the following prices:

(i) The highest price at which the manufacturer during April, 1943, delivered, or if no delivery was made, at which he offered to deliver during that month a commodity which is the same as the commodity being priced to a purchaser of the same class.

(ii) The highest price at which the manufacturer during April, 1943, delivered, or if no delivery was made, at which he offered to deliver during that month a commodity which is the same as the commodity being priced to a purchaser of a different class, adjusted to reflect the manufacturer's customary differential between the two classes of purchasers.

(iii) The last price at which the manufacturer during the period May 1, 1942, to March 31, 1943, inclusive, delivered, or if no delivery was made, at which he offered to deliver during that period a commodity which is the same as the commodity being priced to a purchaser of the same class.

(iv) The last price at which the manufacturer during the period May 1, 1942, to March 31, 1943, inclusive, delivered, or if no delivery was made, at which he offered to deliver during that period a commodity which is the same as the commodity being priced to a purchaser of a different class, adjusted to reflect the manufacturer's customary differential between the two classes of purchasers.

(4) *Differential for synthetic or substitute rubber or balata.* (i) The differential for synthetic or substitute rubber or balata which must be subtracted from the base price in the case where the manufacturer compounds the synthetic or substitute rubber or balata contained in the commodity shall be determined as follows: The manufacturer shall first determine the amount of each type of synthetic or substitute rubber or balata required to produce the commodity. The manufacturer shall then multiply this amount by the difference between the price of the synthetic or substitute rubber or balata in effect to him January 1, 1943, and the price for that material in effect to him on June 1, 1943. The resulting figure is the differential.

(*a*) If the manufacturer customarily sold several sizes, styles or compounds at the same price to the same class of purchasers he shall use the same differential for all sizes, styles or compounds that he sold at the same price to the same class of purchasers. This differential shall be calculated in the manner just set forth, except that in applying that method the manufacturer shall use the method he customarily used in April, 1943, to arrive at a uniform price. If the

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

[1] 8 F.R. 7498, 8837.

manufacturer had no such customary method, he shall use as a basis for calculating the differential the size, style or compound of which he sold the largest quantity during the period May 1, 1942, to April 30, 1943, inclusive.

(b) Where the manufacturer during the period January 1, 1943, to April 30, 1943, inclusive, reduced the price of the commodity being priced in order to reflect the decreased cost of synthetic or substitute rubber or balata occurring after January 1, 1943, he may subtract the amount by which he reduced his selling price to reflect that decreased cost from the differential determined in accordance with the provisions of this subdivision. If the amount by which the manufacturer reduced his selling price during the period January 1, 1943, to April 30, 1943, inclusive, to reflect the decreased cost of synthetic or substitute rubber or balata exceeds the differential required to be deducted by this subdivision (i), the manufacturer's maximum price shall be the base price determined in accordance with subparagraph (3).

(ii) The differential for synthetic or substitute rubber or balata which must be subtracted from the base price in the case where the manufacturer did not compound the synthetic or substitute rubber or balata contained in the commodity shall be determined as follows: The manufacturer shall first determine the price for the material or part purchased by him which contains the synthetic or substitute rubber or balata, in accordance with paragraph (c) (2) (i) of section 6. The manufacturer shall then deduct from that price the first price at which the material or part containing the synthetic or substitute rubber or balata was sold to him after June 17, 1943, or the maximum price for the sale of that material or part on June 17, 1943, whichever is the lower. The resulting figure is the differential.

2. Section 5 (c) is redesignated section 5 (d).

3. Section 5 (c) is added to read as follows:

(c) *Maximum prices for commodities containing materials purchased from a war procurement agency.* This paragraph is applicable to commodities that contain materials purchased from a war procurement agency. The term "war procurement agency" is defined in paragraph (b) (1) of this section. The maximum manufacturer's price of any commodity covered by this paragraph shall be determined as follows: The manufacturer shall first determine the price of the commodity in accordance with the provisions of paragraph (b) of this section. The manufacturer shall then determine the maximum price by adding to or subtracting from this price a differential. This differential shall be determined by multiplying the estimated quantity of the material used in the production of the commodity being priced by the difference between the price of the material determined in accordance with paragraph (c) (2) (i) of section 6 and the net price the manufacturer pays the war procurement agency for the material.

4. Section 6 (c) (2) (iii) is added to read as follows:

(iii) Notwithstanding any other provision of this subparagraph (2), the price for any material purchased from a war procurement agency shall be the actual cost of the material to the manufacturer. The term "war procurement agency" is defined in paragraph (b) (1) of section 5.

5. Section 8a is added to read as follows:

SEC. 8a. *Fractions of a cent.* Notwithstanding any other provisions of this regulation, maximum prices determined under this regulation shall be adjusted to the nearest fraction of a cent that the manufacturer customarily used during April, 1943, in pricing commodities in the same line.

6. Section 20 (b) is amended to read as follows:

(b) The following personnel equipment:

(1) Bags and bag linings, including but not limited to: clothing, delousing, food, rifle, sleeping and water sterilizing bags.
(2) Blankets.
(3) Diving suits and equipment.
(4) Dust mask and respirator parts.
(5) Flying suits.
(6) Gas and oxygen mask parts.
(7) Goggles.
(8) Industrial life suits.
(9) Jungle hammocks and jungle hammock covers.
(10) Life belts.
(11) Life rafts.
(12) Life preservers.
(13) Life saving suits.
(14) Life vests.
(15) Mattresses.
(16) Parachute parts and equipment.
(17) Parts of helmets.
(18) Tents.

7. Section 20 (c) is amended to read as follows:

(c) The following miscellaneous items and parts:

(1) Airplane de-icers and de-icer hose.
(2) Ammunition case liners.
(3) Anti-vesicant or decontamination gloves.
(4) Balloons for weather or radio observations.
(5) Bicycle tires and tubes (except those covered by Maximum Price Regulation 415—Certain Federal Government Purchases of New Rubber Tires and Tubes).
(6) Boats, inflatable.
(7) Bullet sealing hose.
(8) Eyeshields for gun sights.
(9) Flotation bags and bladders.
(10) Fuel tanks and cells.
(11) Gas bags.
(12) Inflation tubes.
(13) Jettison tanks.
(14) Landing boats.
(15) Lifebuoys.
(16) Parts of hearing devices and radio head sets.
(17) Pneumatic floats and valves.
(18) Pontons.
(19) Sea rescue balloons.
(20) Solid and bogie wheels.
(21) Tank treads, blocks and tracks.
(22) Tarpaulins.
(23) Waterproof maps.
(24) Waterproof sails.

This amendment shall become effective July 30, 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 July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11904; Filed, July 24, 1943; 2:32 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 378,[1] Amdt. 3]

MIXED FEEDS FOR ANIMALS AND POULTRY

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

Section 5 (a) (3) (i) is amended to read as follows:

(i) Those commodities listed in section 2.3 (m) and (n) of Revised Supplementary Regulation No. 1 of the General Maximum Price Regulation as exempt from said regulation.

This amendment shall become effective July 30, 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 July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11905; Filed, July 24, 1943; 2:30 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 11,[2] Amdt. 73]

FUEL OIL RATIONING REGULATIONS

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

Ration Order No. 11 is amended in the following respects:

1. Section 1394.5151 (a) (9) is amended to read as follows:

(9) For the non-occupational use of a boat, or for the use of a boat for pleasure cruising, guiding parties, conducting or chartering boats for fishing parties or fishing other than commercial fishing or to procure fish as necessary food, in the area mentioned in paragraph (f) of § 1394.5402. A ration for the non-occupational use of a boat, however, may be issued or used:

2. Section 1394.5653 (c) is amended by substituting the phrase "Class 1, 2, 4, 5 and 6 coupon sheets" for the phrase "Class 1 and Class 2 coupon sheets".

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

[1] 8 F.R. 5810, 5648.

[2] 7 F.R. 8480, 8809, 8897, 9316, 9396, 9492, 9427, 9430, 9621, 9784, 10153, 10081, 10379, 10530, 10531, 10780, 10707, 11118, 11071; 8 F.R. 165, 237, 437, 369, 374, 535, 439, 444, 607, 608, 977, 1203, 1316, 1235, 1282, 1681, 1636, 1859, 2194, 2432, 2598, 2781, 2871, 2720, 2887, 3106, 3521, 3628, 3733, 3848, 3948, 4255, 4137, 4350, 4784, 4850, 5678, 6064, 6262, 6950, 7588, 6137, 9059.

3. Section 1394.5851 (a) (3) is amended by inserting the phrase "Florida.—Dade, Monroe" beneath the phrase "Sub-Zone 22".

This amendment shall become effective on July 30, 1943.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89 and 507, 77th Cong.; Pub. Law 421, 77th Cong.; W.P.B. Directive No. 1, 7 F.R. 562; Supp. Directive No. 1–0, as amended, 7 F.R. 8416; E.O. 9125, 7 F.R. 2719)

Issued this 24th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–11906; Filed, July 24, 1943; 2:33 p. m.]

PART 1426—WOOD PRESERVATION AND PRIMARY FOREST PRODUCTS

[Rev. MPR 324,[1] Amdt. 1]

FENCE POSTS

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. 324 is amended in the following respects:

1. Section 2 (a) (2) (iii) is amended to read as follows:

(iii) Arkansas red cedar (Juniperus virginiana) produced in Arkansas, Louisiana, Oklahoma, and Missouri.

2. Section 2 (a) (2) (iv) is amended to read as follows:

(iv) Tennessee red cedar (Juniperus virginiana) produced in Tennessee, Alabama, Kentucky, Virginia, Georgia, North Carolina, South Carolina, West Virginia, Indiana, and Ohio.

3. Section 4, the paragraph designation "(a)" is deleted.

4. Section 4, Table 3, in the table heading, the description of "Species" is amended to read: "Species: Red cedar (Juniperus virginiana) produced in Arkansas, Louisiana, Oklahoma, and Missouri."

5. Section 4, Table 4, the description of "Species" is amended by deleting the words "Missouri, Oklahoma, Louisiana,"

6. Section 9 is amended by adding a sentence to read as follows: "Sellers must maintain cash discounts and credit terms no less favorable to buyers than the cash discounts and credit terms they allowed on October 1, 1941; except that a discount larger than 2 percent is not regarded as a cash discount under this rule."

This amendment shall become effective July 30, 1943.

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

Issued this 24th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–11907; Filed, July 24, 1943; 2:30 p. m.]

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

[1] 8 F.R. 8869.

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 2–1]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN CERTAIN EASTERN STATES

In the judgment of the Regional Administrator of Region II, the prices of food and beverages sold for immediate consumption in the States of New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia, 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 Regional Administrator of Region II, 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 Regional Administrator of Region II 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 Regional Administrator of Region II hereby issues this Restaurant Maximum Price Regulation No. 2–1, establishing, in general, as maximum prices for food and drink sold for immediate consumption in the areas mentioned above the prices prevailing therefor during the seven-day period beginning April 4, 1943, and ending April 10, 1943.

§ 1448.101 *Maximum prices for food and drink sold for immediate consumption.* Under the authority vested in the Regional Administrator of Region II by the Emergency Price Control Act of 1942, as amended, Executive Order 9250, Executive Order 9328, and General Order No. 50 issued by the Office of Price Administration, Restaurant Maximum Price Regulation No. 2–1 (Food and Drink Sold for Immediate Consumption) which is annexed hereto and made a part hereof, is issued.

AUTHORITY: § 1448.101 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

RESTAURANT MAXIMUM PRICE REGULATION NO. 2–1—FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION

CONTENTS

SECTION 1. *Sales at higher than maximum prices prohibited.* If you own or operate a restaurant, hotel, bar, cafe, club, delicatessen, soda fountain, boarding house, or any other eating or drinking place, you must not offer or sell any "food item" (including any beverage) or "meal" at a price higher than the maximum 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 maximum prices.

SEC. 2. *How you figure maximum prices for food items and meals you offered in the seven-day period from April 4, 1943 to April 10, 1943.* Your maximum price for any food item or meal which you offered in the seven-day period beginning Sunday, April 4, 1943, and ending Saturday, April 10, 1943, is the highest price at which you offered the same food item or meal in that seven-day period.

SEC. 3. *How you figure maximum prices for food items and meals you did not offer in the seven-day period.* You must figure your maximum price for a food item or meal which you did not offer during the seven-day period as follows:

(a) If you offered the same food item or meal at any time during the four weeks from March 7 to April 3, 1943, inclusive, and if you have adequate records of the prices you then charged, take as your maximum price the highest price at which you offered that food item or meal during that four-week period.

(b) If you did not offer the food item or meal during the five-week period from March 7 to April 10, 1943, inclusive, or if you do not have adequate records of prices charged prior to the seven-day period you must proceed as follows:

(1) Determine the cost of the raw food which you use in preparing the new food item or meal.

(2) From the food items and meals for which you have already established maximum prices, choose a food item or meal which currently has a raw food

cost equal to or less than the new food item or meal.

(3) Take as your maximum price for the new food item or meal your maximum price for the food item or meal chosen for comparison. The food item or meal chosen for such comparison should be of the same class as the new food item or meal. (See sections 20 and 21 for definitions and classes of food items and meals). If, however, you have no food item or meal of the same class, you may use for comparison the most similar food item or meal of another class having a food cost equal to or less than your food cost for the new food item or meal. "Currently" as used herein means current on the day you figure your price.

(c) If you are unable to determine a maximum price for a new food item or meal according to paragraphs (a) or (b), then your maximum price is a price which is in line with your maximum prices for other food items or meals in the next higher cost range. A price is "in line" if the customer receives as much value for his money from the one item or meal as from the other. In comparing values, quality, size of portions, and the margin over food cost, are the things that count. A price established under this paragraph must always be lower than the price for the food item or meal used as the basis for computing the "in line" price.

(d) Once your maximum price for a food item or meal has been fixed, it may not be changed, except as provided in section 4.

SEC. 4. *How you figure your prices for seasonal items.* First, determine your maximum price for a "seasonal food item" (defined in section 20 (e)) 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 maximum 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 maximum price according to this rule provided the maximum price was based upon estimated average raw food cost of the item for the entire season.

SEC. 5. *No maximum price for any food item or meal to be higher than the highest maximum price for a food item or meal of the same class offered in the five-week period beginning March 7, 1943, and ending April 10, 1943.* Under no circumstances are you permitted to charge a higher price for a food item or a meal than your highest maximum price for food items or meals of the same class offered in such five-week period.

The provisions of this section shall not apply to seasonal dessert specialties specified in section 21 (a), class 25.

SEC. 6. *Holiday differentials.* Notwithstanding the provisions of the foregoing section, any proprietor who has, customarily, in the regular course of his business, charged higher prices for food items or meals on holidays, such as New Year's Eve, Thanksgiving Day, Labor Day, etc., may continue to maintain his customary differentials.

SEC. 7. *Substitution of food items in meals.* If you have already determined your maximum 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 maximum 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 maximum price in accordance with the rules established by section 3.

SEC. 8. *Prohibition against manipulation of meal offerings.* You must not manipulate your meal offerings in a manner which will force your customers to spend more for meals than they did during the seven-day period. Among other things you must not

(a) Reduce the number of meals offered at prices equal to or below your "middle price" for meals of the same class served on any day during the seven-day period without making a corresponding reduction in the number of meals offered at prices above that middle price. By "middle price" is meant the price most nearly at the mid-point of your price range for meals of the same class. (Note that Sunday meals and week-day meals are meals of different classes.)

(b) Fail to offer at least as many different meals at (or below) the lowest price charged by you for meals of the same class on any day you select in the seven-day period, as you did on that day.

SEC. 9. *Evasion.* (a) You must not evade the provisions of this regulation by any scheme or device whatsoever. Some, but not all practices which will be regarded as evasive are:

(1) Dropping food items from meals, deteriorating quality or reducing quantity without making appropriate reductions in price. For any change in quantity or quality resulting in a cost saving, you shall reduce your maximum price by an amount which is proportionate to the saving in cost. (You must maintain a raw food cost ratio at least equal to such ratio prior to the deterioration or reduction);

(2) Withdrawing the offer, or increasing the price of any meal ticket, weekly rate, or other arrangement by which customers may buy food items or meals at less than the prices they must pay when purchasing by item or meal;

(3) Increasing any cover, minimum, bread-and-butter, service, corkage, entertainment, check-room, parking or other special charges, or increasing any additional charge for the sale of a food item or meal to be consumed off the premises, or making such charges when they were not in effect in the seven-day period except that a cover or minimum charge in effect during the seven-day period may be increased in accordance with customary practice, where it was the practice to vary the charge in accordance with the type of entertainment offered and the increase does not cause the charge to go above the highest charge made during the last twelve-month period;

(4) Discontinuing a no-tipping practice without a compensating reduction in your maximum prices;

(5) 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 during the seven-day period, except that you may refuse to sell coffee unless a customer also purchases another food item;

(6) 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, when added together, total more than the table d'hote price for the complete meal or give your customers less value for their money.

(b) You will not be considered evading the provisions of this regulation, however, if you do any of the following things, even though you did not do any of these things during the seven-day period:

(1) You may limit your customers to one cup of coffee per meal.

(2) You may limit your customers to one pat of butter per meal.

(3) You may reduce the quantity, or eliminate altogether, condiments (such as catchup, 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) You may 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, but not less than, one teaspoonful, except that less may be served if your available supply is not adequate.

You may not, however, make the curtailment authorized in the foregoing subparagraphs and furnish the curtailed item at an additional charge. For example, if during the seven-day 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. 10. *Rules for proprietors not in operation during the seven-day period.* (a) If you acquire another's business subsequent to the effective date of this regulation and continue the business in the same place, you are subject to the same maximum prices and duties as the previous proprietor. Prior to acquiring another's business, however, you may apply to your OPA District Office for permission to price under paragraph (b) or (c) of this section. If such permission is granted it may be subject to such conditions as the Office of Price Administration deems necessary.

(b) If you were not in operation during the seven-day period, you must fix maximum prices in line with the maximum prices of the nearest eating or drinking place of the same type as yours. If the maximum prices so fixed are too high and threaten to have an inflationary effect on the price of food or drink, the Office of Price Administration may issue an order requiring you to reduce your maximum prices. You are subject to the record requirements of section 12 and

the posting requirements of section 13 immediately upon the opening of your place.

(c) If you cannot price under paragraphs (a) or (b) above, you must apply for a price to your OPA District Office. Your application must be filed ten days prior to the date you plan to commence operations and present the following information:

(1) Your name and address.

(2) A brief description of your business and the manner of operation.

(3) A list of showing the prices you propose to charge and, if you are a seasonal operator, the prices you charged during your last season.

(4) The date when you plan to commence operations.

(5) The names of two establishments similar to yours.

You may charge the prices listed if they are not disapproved by the Office of Price Administration prior to the date specified for the commencement of operations. That Office may, at any time, after proper investigation and hearing, establish such maximum prices for your business as it deems proper.

SEC. 11. *Taxes.* If in the seven-day 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. 12. *Records*—(a) *Filing of menus.* General Order No. 50 required you to file with your war price and rationing board on or before May 1, 1943, a signed copy of each menu or list of your prices in effect during the seven-day period beginning Sunday, April 4, 1943, and ending Saturday, April 10, 1943. If you have not already filed, you must do so immediately. Failure to do so will also constitute a violation of this regulation.

(b) *Filing by proprietors not in operation during the seven-day period.* The proprietor of an eating or drinking place which was not open during the seven-day period (including newly-opened places) shall file menus or a price list in accordance with paragraph (a) above, except that (1) the filing shall be for the seven-day period beginning with the first Sunday that place is open after April 4, 1943 and (2) the filing shall be made within three weeks of such first Sunday.

(c) *Records of the seven-day period.* You must make available for examination by any person during ordinary business hours a copy of each menu used by you in the seven-day period from April 4–10, 1943, or if you are a new proprietor, in the seven-day period referred to in paragraph (b) above. If you did not use menus, or if your menus were incomplete, you must make available for such examination a list of the highest prices you charged in such seven-day period.

(d) *Customary records.* You must preserve all your existing records relating 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.

(e) *Future records.* Beginning with the effective date of this regulation, you must keep, for examination by the Office of Price Administration, two copies of each menu 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. Proprietors who operate a number of eating or drinking places in the same city which have customarily been subject to central control may keep the records required by this paragraph for those places at a central office or the principal place of business within the city.

SEC. 13. *Posting.* (a) Beginning August 2, 1943, each menu must have clearly and plainly written on or attached to it the following statement:

All prices are our ceiling prices, or below. By OPA regulation, our ceilings are based on our highest prices from April 4 to 10, 1943. Our menus or price lists for that week are available for your inspection.[1]

If you do not use menus, you must post the above statement at a place where it can easily be read by your customers.

(b) If you do not use menus, you must post your prices for food items and meals currently offered by you at a place or places where they can easily be read by your customers.

SEC. 14. *Operation of several places.* If you own or operate more than one eating or drinking place, you must do everything required by this regulation for each place separately.

SEC. 15. *Relation to other maximum price regulations.* The provisions of this regulation shall supersede other regulations, including the General Maximum Price Regulation, now or hereafter issued by the Office of Price Administration, insofar as they establish maximum prices for meals and food items sold by eating and drinking places. However, a price charged during the seven-day period of this regulation shall not become a maximum price under this regulation if it exceeded the maximum price established by another regulation applicable at that time. In such case the lawful maximum price applicable at that time shall be the maximum price hereunder.

SEC. 16. *Geographical application.* This Restaurant Maximum Price Regulation No. 2–1 applies to the States of New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia.

SEC. 17. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses, provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 18. *Exempt sales.* Sales by the following eating or drinking places are specifically exempt from the provisions of this regulation:

(a) Eating and drinking places operated in connection with special church, Sunday school and other religious occasions.

(b) Hospitals, except for food items and meals served to persons other than the patients when a separate charge is made for such food items and meals.

(c) Eating and drinking places located on board common carriers (when operated as such), including railroad dining cars, club, bar and buffet cars, and peddlers aboard railroad cars traveling from station to station.

SEC. 19. *Adjustments.* (a) The Office of Price Administration may adjust the maximum prices for any eating establishment under the following circumstances:

(1) The establishment is operating under such hardship as to cause a substantial threat to the continuance of its operations.

(2) It is determined with reasonable certainty that such discontinuance will result in serious inconvenience to consumers in that they will either be deprived of all restaurant service or will have to turn to other establishments that present substantial difficulties as to distance, hours of service, selection of meals or food items offered, capacity, or transportation; and

(3) By reason of such discontinuance, the same meals or food items will cost the customers of the eating establishment as much as or more than the proposed adjusted prices.

(b) If you are the proprietor of an eating establishment which satisfies the requirements specified above, you may apply for an adjustment of your maximum prices by submitting to your OPA District Office a statement setting forth:

(1) Your name and address.

(2) A description of your eating establishment including: type of service rendered (such as cafeteria, table service, etc.), classes of meals offered (such as breakfast, lunch and dinner), number of persons served per day during the most recent thirty-day period,[2] and such other information that may be useful in classifying your establishment.

(3) The reasons why your customers will be seriously inconvenienced if you discontinue operations.

(4) The names and addresses of the three nearest eating places of the same type as yours.

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[1] If you were not in operation during the seven-day period from April 4 to April 10, 1943, substitute the following statement:

"All prices are our celing prices, or below. By OPA regulation, our ceilings as a new proprietor are in line with competitive prices from April 4 to 10, 1943. Our menus or price lists for our first week of operation are available for your inspection."

[2] In counting the number of persons served, anyone who was served more than once is to be counted separately for each occasion he was served.

(5) A list showing your present maximum prices and your requested, adjusted prices.

(6) A profit and loss statement for your restaurant business for the most recent three-month accounting period, and a copy of your last income tax return if one was filed separately for your restaurant business.

Applications for adjustment under this section may be acted upon by any district office that has been authorized to do so by order of the Regional Administrator.

SEC. 20. *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 five-course dinner, a club breakfast, and a blue-plate 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. See section 21B for "classes of meals".

(c) "Offered" means offered for sale for consumption in or about the eating or drinking place, 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.

Food items, otherwise identical, are not the same for the purpose of establishing maximum prices under sections 2 and 3, when they are items in different classes. (See section 21 (a) for "classes of food items".) For example: lamb chops offered a la carte for dinner or lunch are in class 13 while if offered for breakfast, they are in class 4.

(e) "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.

(f) 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. 21. *Classes of food items and meals.* (See definition of "food item" and "meal" contained in section 20.)

(a) *The classes of food items.* For the purposes of this regulation there shall be thirty-six 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, except alcoholic 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 as served as a main course or appetizer course in a meal).
23. Desserts: cakes, cookies, pies, pastries, and other baked goods.
24. Desserts: ice creams, sherbets, water ices, including combinations with syrups, creams, fruits and nuts.
25. Desserts: seasonal dessert specialties such as watermelon and cantaloupe.
26. Desserts: all others, including fruits, pudding and cheese.
27. Cold sandwiches: including garnishings, salads and vegetables.
28. Hot sandwiches: including garnishings, salads and vegetables.
29. All other food items served in a meal including mints and preserves.
30. Beverage foods, including coffee, cocoa, chocolate, tea and milk.

BEVERAGES

31. Non-alcoholic beverages, including sparkling and mineral waters.
32. Alcoholic malt beverages, including beer and ale.
33. Wines, including sparkling wines.
34. Liquors, including whiskeys, gins and brandies.
35. Cordials, including fruit liqueurs.
36. All other alcoholic beverages.

(b) *The classes of meals.* For purposes of this regulation there shall be thirteen classes of meals, namely: breakfast, lunch, tea, dinner and supper during week days, and breakfast, lunch, tea, dinner and supper on Sundays, children's breakfast, lunch and dinner.

SEC. 22. *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 establishment or 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 Regional Administrator, such action is necessary or desirable 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. 23. *Licensing.* The licensing and registration provisions of sections 15 and 16 of the General Maximum Price Regulation shall apply to every person making sales subject to this regulation. Sections 15 and 16 provide, in brief, that a license is required of all persons selling at retail commodities for which maximum prices are established. A license is 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 for which maximum prices are established. No person whose license is suspended may sell any such commodity during the period of suspension.

SEC. 24. *Revocation and amendment.* (a) This regulation may be revoked, amended or corrected at any time.

(b) You may petition for an amendment of any provision of this regulation (including a petition pursuant to Supplementary Order No. 28) by proceeding in accordance with Revised Procedural Regulation No. 1, except that the petition shall be filed with and acted upon by the Regional Administrator.

This regulation shall become effective July 26, 1943.

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

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

Issued this 19th day of July 1943.

SYLVAN L. JOSEPH,
Regional Administrator.

[F. R. Doc. 43-11908; Filed, July 24, 1943; 2:33 p. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 5-1]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN PULASKI COUNTY, ARKANSAS

In the judgment of the Arkansas District Director the prices of food and beverages sold for immediate consumption in Pulaski County, Arkansas, 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 Arkansas District Director, 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 Arkansas District Director 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 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 herewith delegated by the President pursuant to the Acts of Congress approved October 2, 1942, entitled "An Act to aid in stabilizing the cost of living" (H. R. 7565), 77th Congress, 2d Session, and under the authority of Executive Order 9250, Executive Order 9328, and the Emergency Price Control Act of 1942, the Arkansas District Director, hereby issues this Restaurant Maximum Price Regulation 5–1 establishing as the maximum prices for food and drink sold for immediate consumption in Pulaski County, Arkansas, the prices prevailing therefor during the seven-day period beginning April 4, 1943, and ending April 10, 1943.

§ 1448.401 *Maximum prices for food and drink sold for immediate consumption.* Under the authority vested in the Arkansas District Director by the Emergency Price Control Act of 1942, as amended, Executive Order 9250, Executive Order 9328, General Order No. 50, and Region 5 Order of Delegation under Revised General Order No. 32 and Other Authority, Restaurant Maximum Price Regulation No. 5–1 (Food and Drink sold for Immediate Consumption) which is annexed hereto and made a part thereof, is hereby issued.

AUTHORITY: § 1448.401 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681.

RESTAURANT MAXIMUM PRICE REGULATION NO. 5–1—FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION

CONTENTS

SECTION 1. *Sales at higher than ceiling prices prohibited.* If you own or operate a restaurant, hotel, cafe, delicatessen, soda fountain, boarding house, or any other eating or drinking place, you must not offer or sell any "food item" (including any beverage) or "meal" at a price higher than the ceiling 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 and meals you offered in the seven-day period from April 4, 1943, to April 10, 1943.* Your ceiling price for any food item or meal which you offered in the seven-day period beginning Sunday, April 4, 1943, and ending Saturday, April 10, 1943, is the highest price at which you offered the same food item or meal in that seven-day period.

SEC. 3. *How you figure ceiling prices for food items and meals you did not offer in the seven-day period.* You must figure your ceiling price for a food item or meal which you did not offer during the seven-day period as follows:

(a) If you offered the same food item or meal at any time during the four weeks from March 7 to April 3, 1943, inclusive, and if you have adequate records of the prices you then charged, take as your ceiling price the highest price at which you offered that food item or meal during that four-week period.

(b) If you did not offer the food item or meal during the five-week period from March 7 to April 10, 1943, inclusive, or if you do not have adequate records of prices charged prior to the seven-day period you must proceed as follows:

(i) Choose from the food items and meals for which you have already determined a ceiling price, a food item or meal of the same class as the new food item or meal. The amount you currently pay for the food used in preparing the food item or meal so chosen must be equal to or less than the amount you pay for the food used in preparing the new food item or meal. If you have no food item or meal of the same class, choose the most similar food item or meal having a food cost equal to or less than your food cost for the new item. "Currently", as used herein, means current on the day you figure your price.

(ii) Take as your ceiling price for the new food item or meal your ceiling price for the food item or meal chosen for comparison.

(c) Once your ceiling price for a food item or meal has been fixed, it may not be changed.

SEC. 4. *No ceiling price for any food item or meal to be higher than the highest ceiling price for a food item or meal of the same class in the base period.* Under no circumstances are you permitted to charge a higher price for a food item or a meal than;

(a) Your highest ceiling price for food items or meals of the same class offered in the seven-day period; or

(b) The last price at which you sold the same food item or meal prior to April 4, 1943, provided you first file with the appropriate War Price and Rationing Board a menu or certified copy of a record showing the last price charged.

Example 1. If your highest ceiling price for any soup offered by you during the seven-day period is 10 cents, you may not offer any other soup at a higher price than 10 cents.

Example 2. You served sirloin steak in March at $1.00. You did not serve sirloin steak during the base period. The highest price at which you can now serve sirloin steak is $1.00.

SEC. 5. *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. 6. *Prohibition against discontinuing meals at certain prices.* You must not now discontinue offering meals at prices comparable to those charged by you in the seven-day period if by your doing so your customers would actually have to pay more than they did in the seven-day period. You will be in violation of this rule unless

(a) You continue to offer meals at different prices representative of the range of prices at which you offered meals of the same class during the seven-day period, and unless

(b) You continue to offer half of the different meals in each class at a price equal to or below the middle price for meals of that class offered in the base period, and unless

(c) You continue to offer at least as many different meals at or below the lowest price charged by you for meals of the same class on any day that you select in the seven-day period, as you did on that day.

Example: If you select Friday, April 9, 1943, to determine the lowest price and the number of week-day meals offered at that price, and if on that day you offered six week-day dinners, of which two were priced at 35¢, and one each at 50¢, 75¢, 90¢, $1.00, you must continue to offer two week-day dinners at 35¢. Note that Sunday meals and week-day meals are meals of a different class.

SEC. 7. *Evasion.* You must not evade the provisions of this regulation by any scheme or device, including:

(a) Dropping food items from meals, 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.

(b) Withdrawing the offer, or increasing the price, of any meal ticket, weekly rate, or other arrangement by which customers may buy food items or meals at less than the prices they must pay when purchasing by item or meal;

(c) Increasing any cover, minimum, bread-and-butter, service, corkage, entertainment, check-room, parking or other special charges, or making such charges when they were not in effect in the seven-day period;

(d) Requiring as a condition of sale of an item or meal the purchase of other items or meals, 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 when added together total more than the table d'hote price for the complete meal or give your customers less value for their money.

Example 1. If you customarily offered fish on table d'hote dinners at 75¢, you may not now offer fish a la carte and refuse to offer it on a table d'hote dinner priced at 75¢.

Example 2. If you offered table d'hote dinners during the base period at 65¢ to $1.05 which included dessert and beverage, you may now offer the same food item excluding dessert and beverage at 45¢ to 85¢, providing you also offer dessert and beverage to be served with the meals at prices which do not total more than 20¢.

(f) You will not be considered evading the provisions of this regulation, however, if you do any of the following things, even though you did not do any of these things during the seven-day period:

(1) You may limit your customers to one cup of coffee per meal.

(2) You may limit your customers to one pat of butter per meal.

(3) You may reduce the quantity, or eliminate altogether, condiments (such as catchup, 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) You may reduce the amount of sugar served with each cup of coffee or tea, but not less than one teaspoonful.

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 seven-day 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. 8. *Rules for new proprietors.* (a) If you acquire another's business subsequent to the effective date of this regulation and continue the business in the same place, you are subject to the same ceiling prices and duties as the previous proprietor. Prior to acquiring another's business, however, you may apply to the Office of Price Administration for permission to price under paragraph (b) of the section. The application must show that you contemplate substantial capital investment in, or material change in the type of operation of, the business after it is acquired; and give the name and prices of the nearest eating or drinking place of the same type. If such permission is granted it may be subject to such conditions as the Office of Price Administration deems necessary.

(b) If you open an eating or drinking place after the seven-day period, you must fix ceiling prices in line with the ceiling prices of the nearest eating or drinking place of the same type as yours. If the ceiling prices so fixed are too high and threaten to have an inflationary effect on the price of food or drink, the Office of Price Administration may issue an order requiring you to reduce your ceiling prices. You are subject to the record requirements of section 10 and the posting requirements of section 11 immediately upon the opening of your place.

SEC. 9. *Taxes.* If in the seven-day 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. 10. *Records.* You must observe all the record keeping requirements of General Order No. 50. This order requires, among other things, that you do the following:

(a) *Customary records.* You must preserve all your existing records relating 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 seven-day period.* You must make available for examination by any person during ordinary business hours a copy of each menu used by you in the seven-day period. If you did not use menus, you must prepare in duplicate and make available for such examination a list of the highest prices you charged in the seven-day period.

(c) *Filing by new proprietors.* The proprietor of an eating or drinking place which was not open during all of the seven-day period (including newly-opened places) shall file menus or a price list in accordance with paragraph (a), (of General Order 50) except that (1) the filing shall be for the seven-day period beginning with the first Sunday that place is open after April 4, 1943, and (2) the filing shall be made within three weeks of such first Sunday.

(d) *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. Proprietors who operate a number of eating or drinking places which have customarily been subject to central control may keep the records required by this paragraph at its main office or principal place of business.

SEC. 11. *Posting.* (a) Beginning May 3, 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 based on our highest prices from April 4, 1943, to April 10, 1943. Records of these prices are available for your inspection.

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 near the cashier's desk, if any, or, if none, in such location that the customer can easily read same at the time of purchase.

(b) If you made menus available to customers in the seven-day period, you should continue to make them available.

(c) Cafeterias must post the selling prices for all items.

SEC. 12. *Operation of several places.* If you own or operate more than one eating or drinking place, you must do everything required by this regulation for each place separately.

SEC. 13. *Relation to other maximum price regulations.* The provisions of this regulation shall not apply to any sale for which a maximum price is established by any other regulation, including the General Maximum Price Regulation, now or hereafter issued by the Office of Price Administration.

SEC. 14. *Geographical application.* This Restaurant Maximum Price Regulation No. 5–1 applies to Pulaski County, Arkansas.

SEC. 15. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses, provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 16. *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 five-course dinner, a club breakfast, and a blue-plate 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) "Eating and drinking place" shall include any place, establishment or location, whether temporary or permanent, from which any food item or meal is sold, except those which are specifically exempted in section 17 thereof. It shall include by way of example, but not by way of limitation, such movable places where food is dispensed as field kitchens, lunch wagons, "hot dog" carts, etc. A "Boarding house" is an establishment where more than two persons not related to the owner or operator receives meals and lodging for compensation.

(f) 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. 17. *Exempt sales.* Sales by the following eating or drinking places are specifically exempt from the provisions of this regulation:

(a) Eating and drinking places located on church premises and also any sales of food and beverages by churches, Sunday schools and other religious organizations unless such sales are made as a regular business.

(b) Hospitals, except for food items and meals served to persons other than the patients when a separate charge is made for such food items and meals.

(c) Eating and drinking places (when operated as such) located on board common carriers, including railroad dining cars, club, bar and buffet cars, and peddlers aboard railroad cars traveling from station to station.

(d) Bona fide private clubs insofar as such clubs sell only to members and bona fide guests of members. Whenever such clubs sell to persons other than members or bona fide guests of members, such clubs shall be considered for all sales an eating or drinking place within the meaning of this regulation.

SEC. 18. *Classes of food items and meals.* (See definition of "food Item" and "meal" contained in section 16).

(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 as served as a main course or appetizer course in a meal)
23. Desserts: cakes, cookies, pies, pastries and other baked goods
24. Desserts: ice creams, 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 liqueurs
35. All other alcoholic beverages

(b) *The classes of meals.* For purposes of this regulation there shall be thirteen classes of meals, namely, breakfast, lunch, tea, dinner and supper during week days, and breakfast, lunch, tea, dinner and supper on Sundays, children's breakfast, lunch and dinner.

(c) *Legal holidays.* Your ceiling prices for food items or meals served on those days designated legal holidays by Federal law may be same as your Sunday ceiling prices for such establishment.

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 establishment or 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 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 No. 9250 and 9328.

SEC. 20. *Revocation.* This regulation may be revoked, amended or corrected at any time. This regulation shall become effective July 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of July 1943.

ROBERT P. HALL,
Arkansas District Director.

[F. R. Doc. 43–11909; Filed, July 24, 1943; 2:35 p. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 5–1, Amdt. 1]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN PULASKI COUNTY, ARKANSAS

A statement of the considerations involved in the issuance of this Amendment No. 1 to Restaurant Maximum Price Regulation 5–1, Food and Drink Sold for Immediate Consumption in Pulaski County, Arkansas has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Restaurant Maximum Price Regulation 5–1 is amended in the following respects:

1. Section 11 (a) is amended to read: "Beginning July 8, 1943," instead of "Beginning May 3, 1943."

2. The effective date provision of the regulation is amended to read as follows:

This regulation shall become effective July 8, 1943.

This amendment No. 1 shall become effective July 5, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued at Little Rock, Arkansas, this 5th day of July 1943.

ROBERT P. HALL,
Arkansas District Director.

[F. R. Doc. 43–11910; Filed, July 24, 1943; 2:37 p. m.]

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

PART 1358—TOBACCOS

[MPR 441]

FLUE-CURED TOBACCO; 1943 CROP

A statement of the considerations involved in the issuance of this maximum price regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

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 comply with the requirements of the Emergency Price Control Act of 1942 as amended, Executive Order Nos. 9250 and 9328 and effectuate the purposes of said act and orders.

§ 1358.254 *Maximum prices for flue-cured tobacco; 1943 crop.* Pursuant to 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 No. 441. (Flue-cured tobacco; 1943 crop) which is annexed hereto and made a part hereof is hereby issued.

AUTHORITY: § 1358.254 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 NO. 441—FLUE-CURED TOBACCO; 1943 CROP

CONTENTS

SECTION 1. *Prohibition against purchasing flue-cured tobacco above maximum prices.* On and after July 27, 1943 regardless of any contract, agreement, lease or obligation no person shall buy or receive and no person shall agree, offer, solicit or attempt to buy or receive any flue-cured tobacco of the 1943 crop on the loose leaf auction markets or direct from growers at prices higher than the prices fixed by this regulation. Lower prices than those established by this regulation may be paid or offered.

SEC. 2. *Maximum prices for flue-cured tobacco of the 1943 crop.* During the period beginning July 27, 1943 and ending with the close of the last flue-cured tobacco market, the weighted average purchase price paid by any buyer for flue-cured tobacco of the 1943 crop shall not exceed $41.00 per cwt. for loose leaf tobacco, or $5.00 per cwt. for "farm scrap" tobacco.

Amounts paid for "farm" and "auction" scrap tobacco as defined in this regulation shall not be used in computing the weighted average purchase price for loose leaf tobacco.

NOTE: All buyers are warned that in paying more than $41.00 per cwt. for loose leaf tobacco, they do so at their peril, and inability to buy tobacco at lower prices in order to reduce their weighted average purchase prices to the maximum weighted average purchase price fixed by this regulation will not constitute a defense to a charge of violating this regulation.

SEC. 3. *Exempt transactions.* Purchases of flue-cured tobacco for resale in substantially the same form on the loose leaf markets are exempt from the provisions of this regulation provided that such flue-cured tobacco is actually resold in substantially the same form on the loose leaf markets.

SEC. 4. *Petitions for amendment.* Persons seeking any general amendment to this regulation may file petitions for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[1] issued by the Office of Price Administration.

SEC. 5. *Evasion.* The price limitations set forth herein shall not be evaded, whether by direct or indirect methods in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to flue-cured tobacco, alone or in conjunction with any other commodity or by the way of commission, service, transportation, or other charge or discount, premium or other privilege or other trade understanding or otherwise.

SEC. 6. *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) Persons who have any evidence of any violation of this regulation or any price schedule, regulation or order issued by the Office of Price Administration; or any acts or practices which constitute such a violation are urged to communicate with the nearest district, State, or regional office of the Office of Price Administration or its principal office in Washington, D. C.

SEC. 7. *Reports.* On or before January 2, 1944, every buyer of flue-cured tobacco shall file with the Office of Price Administration, Washington, D. C. a statement showing separately for loose leaf and farm scrap flue-cured tobacco of the 1943 crop, the total pounds purchased and the total amount paid.

SEC. 8. *Definitions.* (a) When used in this regulation the term:

(1) "Person" includes 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) "Flue-cured tobacco" means U. S. types 11a, 11b, 12, 13 and 14, as classified in Regulatory Announcement No. 18 of the Bureau of Agricultural Economics of the United States Department of Agriculture.

(3) "Weighted average purchase price" means the total purchase price paid for all flue-cured tobacco of the 1943 crop, divided by the total number of pounds of such flue-cured tobacco purchased during such period.

(4) "Farm scrap" means any loose, tangled, untied, and unstemmed tobacco salvaged as a by-product in harvesting, stripping, classing, and tying on the farm and consisting chiefly of barn and strip-house floor sweepings and very inferior quality leaves discarded by growers for auction marketing purposes on account of being badly broken or burnt, badly worm-eaten, or badly field burnt or diseased.

(5) "Auction scrap" means any loose, untied, and unstemmed tobacco consisting entirely of floor sweepings, loose and tangled leaves, or portions of leaves which accumulated from unavoidable droppings or breakage in careful handling of tobacco on auction warehouse floors and which consists exclusively of such tobacco salvaged as a by-product of auction marketing and which does not include any tobacco purchased at auction marketing and which does not include any tobacco purchased at auction or purchased directly or indirectly from growers.

(b) Unless the context otherwise requires the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

SEC. 9. *Geographical applicability.* The provisions of this regulation shall be applicable to the forty-eight states of the United States and the District of Columbia.

This regulation shall become effective July 27, 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 24th day of July 1943.

PRENTISS M. BROWN,
Administrator.

Approved:

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-11913; Filed, July 24, 1943; 3:01 p. m.]

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

[1] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[Rev. MPR 239,[1] Amdt. 7]

LAMB AND MUTTON CARCASSES AND CUTS AT WHOLESALE AND RETAIL

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. 239 is amended in the following respects:

1. Section 1364.155 (a) is amended to read as follows:

(a) *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.

2. Section 1364.160 (a) (5) is amended to read as follows:

(5) "Hotel supply house" means a separate selling establishment which is not physically attached to a packing or slaughtering plant, packer's branch house, wholesaler's or other selling establishment; which is engaged in the fabrication of meat cuts and in the sale of hotel supply cuts (fabricated meat cuts), variety meats, edible by-products and sausage to purveyors of meals; and which during the period September 15, 1942, through December 15, 1942, sold to purveyors of meals, other than war procurement agencies, not less than 70 percent of the total weight volume of meat, variety meats, edible by-products or sausage sold by it.

3. Section 1364.160 (a) (11) is added to read as follows:

(11) "Purveyor of meals" means:

(i) Any restaurant, hotel, cafe, cafeteria or establishment which purchases meats and where meals, food portions or refreshments are served for a consideration;

(ii) The War Shipping Administration of the United States;

(iii) Any person operating an ocean going vessel engaged in the transportation of cargo or passengers in foreign, coastwise or inter-coastal trade, to the extent that meat is delivered to him as ship's stores for consumption aboard such vessel;

(iv) Any hospital, asylum, orphanage, prison or other similar institution, which is operated by any federal, state, or local government agency thereof.

4. Section 1364.168 is amended to read as follows:

§ 1364.168 *Limitation on volume of sales to purveyors of meals; records and reports.* (a) No hotel supply house, packing or slaughtering plant, packer's branch house, wholesaler's or other selling establishment shall sell and deliver to purveyors of meals during any three-month period beginning June 1, September 1, December 1, or March 1, a volume of hotel supply cuts (fabricated meat cuts) of all kinds in excess of 70 percent of the total volume by weight of all kinds (e. g. lamb, mutton, pork, beef, veal, sausage, hamburger, etc.) and type (e. g. fresh, frozen, cured, smoked, cooked, canned, dried, etc.) of meats, variety meats (e. g. liver, tongue, kidneys, etc.), edible by-products, and all other processed meat items not specifically set forth herein, sold and delivered by such selling establishment from September 15, 1942, through December 15, 1942, to purveyors of meals.

(b) Each hotel supply house, packer or slaughtering plant, packer's branch house, wholesaler's or other selling establishment may sell and deliver to purveyors of meals during the three-month period from June 1, to August 31, a volume of hotel supply cuts (fabricated meat cuts) of all kinds not in excess of 70 percent of the total volume by weight of all kinds (e. g. lamb, mutton, pork, beef, veal, sausage, hamburger, etc.) and type (fresh, frozen, cured, smoked, cooked, dried, canned or otherwise processed) of meats, variety meats (e. g. liver, tongue, kidney, etc.) and edible by-products and all other processed meat items not specifically set forth herein, sold and delivered to purveyors of meals by such selling establishment from June 1, 1942, through August 31, 1942.

(c) Not later than the tenth day following each three-month period ending August 31, November 30, February 28 or 29, or May 31, each separate selling establishment making sales to purveyors of meals pursuant to the provisions of paragraph (c) of §§ 1364.176 to 1364.183, inclusive, shall file with the nearest district or state office of the Office of Price Administration a statement showing, for such three-month period, the total volume by weight of all kinds of hotel supply cuts (fabricated meat cuts), including lamb, mutton, veal and pork sold and delivered during such period to purveyors of meals: *Provided*, That no such report need be filed under this paragraph if the similar report required by § 1364.415 (b) of Revised Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts—or by § 1364.22a of Revised Maximum Price Regulation No. 148—Dressed Hogs and Wholesale Pork Cuts—is filed in lieu thereof.

(d) Any person who violates any provision of this section may, in addition to any other penalty provided by law, be prohibited by administrative suspension order from receiving, selling, using, or otherwise disposing of any rationed meats or other rationed products. Such suspension order shall be issued for such period as in the judgment of the Administrator or such person as he may designate for that purpose is necessary and appropriate in the public interest or to promote the national security.

(e) This section is issued under the authority vested in the Administrator by Executive Order No. 9125, issued by the President on April 3, 1942; Directive No. 1 and Supplementary Directive No. 1–M of the War Production Board, issued on January 24, 1942, and September 12, 1942, respectively; Executive Order No. 9280, issued by the President on December 5, 1942; and Food Directives No. 1, No. 3, No. 5, No. 6 and No. 7 issued by the Secretary of Agriculture.

5. Section 1364.170 (b) (2) is amended to read as follows:

(2) For wrapping lamb or mutton carcasses or wholesale cuts in (i) an inner covering of 45-lb. or heavier natural kraft, crinkled paper, waxed, or a stockinette of a construction of yarn, 8/1; number of plies, 1; wales per inch 15; courses per inch, 14; and (ii) in an outer covering of unsized muslin, 40 inch, 48 to 44 construction, 3¾ yards to pound weight, securely sewed, as stipulated by Army or Navy specifications for export shipment, there may be added actual cost for direct material and labor not to exceed $1.00 per hudredweight.

6. Section 1364.170 (b) (3) is added to read as follows:

(3) For dressing or wrapping lamb or mutton carcasses in two stockinettes, or in kraft paper or in other special wrapping not covered elsewhere in this regulation, involving an additional cost in excess of ten cents on sales to the war procurement agencies, or to persons operating ocean going vessels engaged in the transportation of cargo and passengers, as ship stores for consumption aboard such vessel, there may be added actual cost for direct material and labor not to exceed $0.25 per hundredweight.

7. An item is added to § 1364.170 (e) to read as follows:

Grade:	*Addition, per cwt.*
* * * * *	
R mutton	$0.60

8. Section 1364.177 (c) (1) is redesignated § 1364.177 (c) (1) (i) and is amended to read as follows:

(i) The Zone 2, 3 and 4 prices per hundredweight for hotel supply cuts sold by a hotel supply house to purveyors of meals are as follows:

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

[1] 7 F.R. 10688; 8 F.R. 3589, 4786, 7679, 8677, 9066.

Item	Lamb				Mutton	
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade H
Leg—oven prepared	$39.00	$37.75	$35.50	$32.75	$22.00	$20.50
Leg—boned, rolled and tied	42.50	40.75	38.50	35.50	23.75	22.25
Loin—flank on—kidney and suet out	38.75	34.25	27.75	22.75	16.50	14.25
Loin—flank off, kidney and suet out	43.50	38.25	30.25	23.75	17.00	14.75
Loin chops	46.00	40.00	31.75	25.25	17.75	15.25
Loin—boned, rolled and tied	50.50	44.25	35.25	28.25	21.50	18.25
Hotel rack—rib chops—regular	40.25	36.75	31.00	25.50	17.75	15.25
Hotel rack—rib chops, 8th to 12th ribs, inclusive	41.50	37.75	31.75	26.25	18.25	15.50
Hotel rack—rib chops, 5th to 7th ribs, inclusive	35.00	32.25	27.50	22.75	15.50	13.50
Hotel rack—chine removed, blade bone out	41.25	38.50	33.00	27.75	18.00	15.75
Yoke—boned, rolled and tied	(1)	(1)	(1)	(1)	11.25	9.75
Yoke—boneless stew	27.25	26.50	25.50	23.50	11.50	10.00
Shoulder—boned, rolled and tied	33.75	33.00	32.00	30.25	13.00	10.75
Shoulder—regular stew, bone in	26.50	25.75	24.75	23.00	10.25	9.00
Shoulder—boneless stew	34.25	33.00	31.75	29.50	13.00	10.75
Breast and shank—regular stew, bone in	12.25	12.25	12.25	11.00	7.00	7.00
Breast—regular stew, bone in	12.25	12.25	12.25	11.00	7.00	7.00
Shanks for braising or regular stew—bone in	13.25	13.25	13.25	12.00	7.50	7.50

[1] Not permitted to be sold and/or delivered in this grade.

9. Section 1364.177 (c) (1) (ii) is added to read as follows:

(ii) The Zone 2, 3 and 4 prices per hundredweight for hotel supply cuts sold by a packing or slaughtering plant, packing branch house, wholesaler or other selling establishment to purveyors of meals are as follows:

Item	Lamb				Mutton	
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M
Leg—oven prepared	$36.25	$35.00	$33.00	$30.50	$20.50	$19.25
Leg—boned, rolled and tied	39.50	37.75	35.75	33.00	22.00	20.50
Loin-flank on, kidney and suet out	36.50	32.25	26.00	21.25	15.25	13.25
Loin-flank off, kidney and suet out	40.75	35.50	28.00	22.50	15.75	13.50
Loin chops	42.00	36.75	29.00	23.00	16.25	14.00
Loin—boned, rolled and tied	47.00	41.00	32.50	26.25	19.75	16.75
Hotel rack—rib chops—regular	27.25	34.00	28.75	23.50	16.25	14.00
Hotel rack—rib chops, 8th to 12th ribs, inclusive	38.00	34.75	29.25	24.00	16.75	14.25
Hotel rack—rib chops, 5th to 7th ribs, inclusive	33.25	30.75	26.25	21.75	14.75	12.75
Hotel rack—chine removed, blade bone out	38.50	35.75	30.75	25.75	16.75	14.75
Yoke—boned, rolled and tied	(1)	(1)	(1)	(1)	10.50	9.00
Yoke—boneless stew	25.25	24.50	23.75	21.75	10.50	9.00
Shoulder—boned, rolled and tied	31.50	30.50	29.75	28.00	12.00	9.75
Shoulder—regular stew, bone in	24.75	24.00	23.00	21.50	10.60	8.50
Shoulder—boneless stew	32.00	30.75	29.50	27.50	12.00	9.75
Breast and shank—regular stew, bone in	11.50	11.50	11.50	10.25	6.50	6.50
Breast—regular stew, bone in	11.50	11.50	11.50	10.25	6.50	6.50
Shanks for braising or regular stew, bone in	12.50	12.50	12.50	11.25	7.00	7.00

[1] Not permitted to be sold and/or delivered in this grade.

This amendment shall become effective as to the amendments made in § 1364.170 (b) on July 19, 1943, and as to all other changes made herein on July 29, 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 July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11914; Filed, July 24, 1943; 3:01 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Special Direction ODT 7, Revised-1]

PART 522—DIRECTION OF TRAFFIC MOVEMENT—EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SUBPART I—MOVEMENT OF TRAFFIC IN RAILWAY TANK CARS

Pursuant to the provisions of §§ 502.102 and 502.103 of General Order ODT 7, Revised (7 F.R. 10484), *It is hereby ordered*, That:

§ 522.900 *Permit required for transportation of certain commodities.* (a) Unless authorized by a general or a special permit issued by the Office of Defense Transportation,

(1) No person shall load or cause to be loaded in any tank car any commodity other than a commodity named on Schedule A hereto attached;

(2) No person shall offer for shipment, receive, accept delivery of, or retain in his possession any loaded tank car containing any commodity other than a commodity named on Schedule A; and

(3) No carrier shall accept for shipment, forward, or transport any loaded tank car containing any commodity other than a commodity named on Schedule A.

(b) Application for permit shall be made in writing to the Section of Tank Car Service, Division of Petroleum and other Liquid Transport, Office of Defense Transportation, Washington, D. C., and shall be in such form and contain such information as the Office of Defense Transportation shall require.

(c) The provisions of this special direction shall not apply to a tank car containing any commodity consigned by or to the Army, Navy, or Marine Corps.

(d) Nothing contained herein shall be so construed or applied as to revoke, modify, or restrict any of the provisions of General Order ODT 7, Revised, or of General Assignment Order ODT 7, Revised-1, or to relieve any carrier or other person from complying therewith.

This Special Direction ODT 7, Revised-1 shall become effective July 24, 1943.

(E.O. 8989, 6 F.R. 6725; Gen. Order ODT 7, Revised, 7 F.R. 10484)

Issued at Washington, D. C., this 24th day of July, 1943.

JOSEPH B. EASTMAN,
Director, Office of Defense Transportation.

By A. V. BOURQUE,
Associate Director,
Division of Petroleum and Other Liquid Transport.

SCHEDULE A—LIST OF COMMODITIES ESSENTIAL TO WAR PRODUCTION

Acetalydehyde
Acetic Anhydride
*Acetone
Acids
Acrylonitrile
*Alcohols
Aluminum chloride
Aluminum sulfate
Ammonical liquor or aqua ammonia
Ammonium nitrate liquor
Ammonia sulphide
Ammonium thiocyanate liquor
Amyl acetate
Amyl chloride
Anhydrous ammonia
Aniline oils
Anti-freezing compounds
Apple juice
Arsenic
Arsenic trichloride (Chloride)
Arsenical compounds, N. O. S.
**Asphalt
**Aviation gasoline (of Octane No. 87, 91 and 100) and its component parts, such as:
Alkylate
Aromatic fractions for aviation
Aviation base stocks
Butylene
Codimer
Isobutane
Isobutylene
Iso octane
Isopentane (pentane)
Hydrocodimer
Benzol (benzene)
**Butadiene
**Butanes
**Butenes
Butyl acetate
Butyl aldehyde
Butyraldehyde
Butylamines.
Butyl lactate
Calcium chloride, liquid
Calcium hypochlorite (chlorinated lime)
Carbonate of potash—liquid
Carbon dioxide, liquefied
Carbon bisulfide (carbon disulfide)
Carbon tetrachloride
Castor oil
Caustic potash (potassium hydroxide)
*Caustic soda (sodium hydroxide)
Chemicals, other, shipped as "chemicals NOIBN"
Chlorine, liquid
Chlorobenzol (Monochlorobenzol)
Chloroform
Coal tar pitch

Coconut oil (copra)
Copper Naphthenate
Core compound, foundry
Corn oil
*Corn syrup (glucose)
Cottonseed oil
Cotton softener
Creosote oil
Creosote-Tar solution
Cresol
Crude tar oil
Crude naphthalene
Crude tar acid
**Cumene (isopropylbenzene or isopropylbenzine)
Cyanide of Sodium Liquor
Cyanogen Sludge
Diacetone
Dibutyl, diethyl, dimethyl, or dioctyl phthalate
Dichlorodifluoromethane
Dichloromonofluoromethane
Dichlorotetrafluoromethane
Diethyl sulphate
Diethylene glycol
Dimethylaniline
Dinitrochlorobenzol
Diphenyl
Diphenylamine
Dye-intermediates
Ester gums
Ether (ethyl, dichloroethyl, or isopropyl)
Ethyl acetate
Ethyl chloride
Ethylamines
Ethylene bromide or dibromide
Ethylene chlorohydrin
Ethylene dichloride
Ethylene glycol
Ethylene oxide
Ethyl methyl ketone (methyl ethyl ketone)
Evaporated tankwater
Fatty acid esters
Fatty acid pitch
Fertilizer ammoniating solution
Fish or sea animal oil
Formaldehyde, liquid
Formamide
Furfural
Gas drip oil, including crude
Grease (inedible animal)
Glycerine
Hydrogen dioxide or peroxide
*Hydrol (corn sugar final molasses)
Ink, printing
Insecticides
Iron acetate (iron liquor)
Iron chloride (ferric)
Iron sulphate solution
Isobutyl acetate
Isoprene
Isopropyl acetate
Lard
Lard oil
Latex
**Lead tetraethyl
Lead and napthenic acid compound
Lignin liquor
Lime, chlorinated
Lime and sulfur solution
Linseed oil
**Liquefied petroleum gases
Liquid paint drier
Manganese sulphate in solution
Methanol
Methyl acetate
Methyl acetone
Methyl chloride
Methyl formate
Methyl isobutyl ketone
Methylene chloride
*Molasses (beet, blackstrap, invert, edible and molasses residuum)
Monofluorotrichloromethane
Murumuru oil
Mustard seed oil
Milk
Naptha
Naptha solvent
Napthalene, including crude
Neutral oil
Nitrobenzol
Nitrocellulose solution
Nitrogen fertilizer solution (including crude)
Nylon salt solution
Oil foots or sediment
Oiticica oil
Oleic acid (red oil)
Olive oil
Orthodichlorobenzol
Oxygen, liquid
Oil tar
Oil tar acid
Paint oil compounded
Paint, lacquer, varnish gum resin, or pyroxylin plasticizers or solvents
Paint, lacquer, or varnish, increasing reducing, removing or thinning compounds
Paints, stains, varnishes or lacquers
Palm oil
Paraffin wax, chlorinated
Paraldehyde
Peanut oil
Perchloroethylene
**Petroleum, crude
**Petroleum products (not otherwise listed)
Phenol (carbolic acid)
Phosphorous
Phosphorus oxychloride
Phosphorous trichloride
Pickles
Pinene
Pine oils
Pitch, pine tar
Pitch, rosin
Plasticizers
Pork fat, rendered
Potassium chlorate, wet
Powder, smokeless, in water
Preservatives, wood
**Propanes
Proprietary anti-freeze preparations
Propylene dichloride
Propylene glycol
Pulp mill liquid
Pyridine
Pyroxylin solution
Pyroxylin waterproofing liquid
Rapeseed oil
Resin
Rosin, synthetic
Road tar
Rosin
Rosin oil
Rosin liquor
Rosin size
Rubber solvent
Soap stock
Sodium aluminate
Sodium bichromate
Sodium bisulphite
Sodium chromate solution
Sodium hydrosulfide liquid (sodium sulphydrate)
Sodium, metallic
Sodium nitrite
Sodium hypochlorite
Sodium phenolates
Sodium silicates
Sodium sulfide, liquid
Sodium sulfite
Soy sauce
Soyabean oil
Spent tannin liquor
Stearine
Steepwater
Strontium nitrate liquid
Styrene
Sugar, liquid or invert
Sulphur chloride
Sulfur dioxide, anhydrous
Sulphate, black liquor skimmings
Sunflower oil
Tall oil
Tallow
Tanning Extracts, liquid
Tar, coal
Tar, pine
Tar, wood (hardwood tar)
Tetrachloroethane
Toluol (Toluene)
Trichlorobenzol
Trichloroethylene
Tricresyl phosphate
Tucum oil
Tung oil (chinawood oil)
Turpentine, including crude
Turpentine, oil (spirits of turpentine; turps)
Unfinished alcohol
Unfinished grain spirits (suitable only for redistillation)
Vinegar
Vinegar stock
Vinyl acetate
Water, not including mineral, flavored or phosphated
Water gas tar
Weed killing compounds, N. O. S.
Xylol (xylene)
Zinc chloride, liquid
Zinc resinates
Zinc sulfate, liquid

Commodities marked "*" are subject to the provisions both of this Special Direction and of Haulage Conservation Order T-1, as amended, issued by the War Production Board. Commodities marked "**" are subject to the provisions both of this Special Direction and of such orders of the Petroleum Administrator for War as may designate the quantity and kind of petroleum to be shipped and received by those engaged in the petroleum industry.

[F. R. Doc. 43-11900; Filed, July 24, 1943; 11:18 a. m.]

[Special Direction ODT 7, Revised-2]

PART 522—DIRECTION OF TRAFFIC MOVEMENT—EXCEPTIONS, PERMITS, AND SPECIAL DIRECTIONS

SUBPART I—MOVEMENT OF TRAFFIC IN RAILWAY TANK CARS

Pursuant to the provisions of §§ 502.102 and 502.103 of General Order ODT 7, Revised (7 F.R. 10484), *It is hereby ordered*, That:

§ 522.901 *Loading of tank cars.* Unless authorized by a general or a special permit issued by the Office of Defense Transportation, no person shall offer for shipment and no carrier shall accept for shipment, forward, or transport any tank car containing any commodity unless the commodity is loaded in such tank car in accordance with one of the following requirements:

(a) With a quantity which equals or exceeds in weight the marked capacity (not "load limit") in pounds, which is stencilled on such tank car or is shown under the heading "capacity" in the Official Railway Equipment Register, Alternate Agent M. A. Zenobia, I. C. C., R. E. R. No. 267, supplements thereto or reissues thereof; or

(b) With a quantity equal to the maximum amount that may be loaded in such tank car in accordance with the "Regulations for transportation of Explosives and other Dangerous Articles" adopted by the Interstate Commerce Commission by order of August 16, 1940, effective January 7, 1941, in Docket No. 3666, as amended, pursuant to the provisions of Title 18, sec. 383, U. S. Code, as published in Agent W. S. Topping's Freight Tariff No. 4, I.C.C. No. 4, supplements thereto or reissues thereof; or

(c) With a quantity equal to the maximum amount thereof that may be

loaded in such tank car without resulting in the overflow of such commodity due to expansion occasioned by rising temperatures or heating requirements; or

(d) With a quantity which occupies all of the load carrying space of such tank car, including that portion of the dome thereof to the level of the rod handle or wheel controlling the outlet valve, or to the bottom of the safety valve flange.

§ 522.902 *Communications.* Communications concerning this special direction should be addressed to the Section of Tank Car Service, Division of Petroleum and Other Liquid Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Special Direction ODT 7, Revised–2."

This Special Direction ODT 7, Revised–2 shall become effective July 31, 1943.

(E.O. 8989, 6 F.R. 6725; Gen. Order ODT 7, Revised, 7 F.R. 10484)

Issued at Washington, D. C., this 24th day of July 1943.

A. V. BOURQUE,
Associate Director, Division of Petroleum and Other Liquid Transport.

[F. R. Doc. 43–11901; Filed, July 24, 1943; 11:18 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket A–1977]

W. D. CORLEY, JR.

ORDER DISMISSING PETITION

In the matter of the petition of W. D. Corley, Jr., code member in District No. 17, for a reduction in the effective minimum price for "Bone Coal" produced from the Corley No. 6 Mine.

A petition having been filed by the above-named party requesting a reduction from $2.50 per ton to $1.25 per ton in the minimum price for waste bone coal resulting from washing new coal produced from Corley No. 6 Mine, Mine Index No. 23, located in District No. 17 and petitioner having requested by communication dated July 13, 1943, that the petition be dismissed;

Now, therefore, it is ordered, That the above designated petition be, and the same hereby is, dismissed.

Dated: July 24, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43–11941; Filed, July 26, 1943; 11:07 a. m.]

[Docket B–375]

FLAT CREEK COAL CO.

NOTICE OF FILING APPLICATION FOR DISPOSITION OF COMPLIANCE PROCEEDING WITHOUT FORMAL HEARING

Notice is hereby given that an application for disposition of the above-entitled matter without formal hearing pursuant to § 301.132 of the Rules of Practice and Procedure before the Bituminous Coal Division (the "Division"), was filed with the Division on June 24, 1943 and was amended on July 7, 1943, by Flat Creek Coal Company, the above-named Code Member (the "Code Member").

Said application, as amended, was submitted with respect to a written complaint filed with the Division on March 8, 1943, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act") by the Bituminous Coal Producers Board for District No. 9, complainant, alleging that the Code Member had wilfully violated the Bituminous Coal Code and rules and regulations thereunder, as more fully described in said complaint.

In said application, as amended, the Code Member:

1. Admits that it is a Code Member operating the Flat Creek Mine, Mine Index No. 30, located in Hopkins County, Kentucky, in District No. 9.

2. Admits that it wilfully committed the violations as alleged in the complaint, and which were set forth in detail in paragraphs 1 and 2 of the Notice of and Order for Hearing, published in the FEDERAL REGISTER on June 10, 1943.

3. Consent to the issuance of an order directing it to cease and desist from further violations of the Code and regulations thereunder, and to the entry of an order revoking and cancelling its Code Membership upon the basis of the admitted violations.

4. Agrees that it will pay a tax upon the basis of the admitted violations in the amount of $33.38 as a condition precedent to the restoration of its Code Membership.

5. Represents that, to the best of its knowledge and belief, it has not committed any violations of the Code or rules and regulations thereunder other than the foregoing admitted violations.

6. Agrees to execute any and all instruments necessary to dispose of this proceeding in the event that the application, as amended, is granted.

7. States extenuating circumstances with respect to the admitted violations in substance as follows:

a. That the 50.35 tons of coal referred to in Paragraph 1 in the Notice of and Order for Hearing was sold and invoiced at less than the minimum price by reason of its billing clerk not securing correct information from the mine prior to invoicing the coal. Information as to billing was transmitted from the mine to the office of the code member by an inadequate rural telephone service, which probably accounted for the violation.

b. As to the transactions referred to in paragraph 2 of the Notice of and Order for Hearing (except the sale referred to in paragraph (a) above) the minimum price of the coal invoiced was in each case equal to or in excess of the minimum price of the size shipped and the purchasers were not deceived or misled by the erroneous sizes shown on the invoices. The erroneous invoicing was done through inadvertence, oversight, and lack of familiarity with the regulations.

All interested parties may, if they desire to do so, file with the Division recommendations or requests for informal conferences with respect to said application as amended, within fifteen (15) days from the date of publication of this notice.

Dated: July 24, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43–11942; Filed, July 26, 1943; 11:07 a. m.]

CERTAIN PETITIONS

ORDER DISMISSING PETITIONS

In the matter of certain petitions filed under section 4 II (d) of the Bituminous Coal Act of 1937. Docket Nos. A-2033, A-2045, A-2050, A-2053, A-2058, A-2063, A-2064, A-2069, A-2079.

Original petitions in each of the above-mentioned dockets, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, were duly filed with this Division requesting various types of relief. The matters involved in each of said petitions require either that public hearings be held or that extended investigations be conducted in order that all factors may be considered necessary to a proper and final determination.

Since the Bituminous Coal Act of 1937 will cease to be in effect at 12:01 a. m. August 24, 1943, and since insufficient time remains prior to that time within which to make appropriate disposition of the said dockets, and to take action necessary to complete a determination in each of them, it appears appropriate that each of said petitions herein should be dismissed.

Now, therefore, it is ordered, That each of the petitions in the above-mentioned dockets be, and the same hereby is, dismissed.

Dated: July 24, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43–11943; Filed, July 26, 1943; 11:07 a. m.]

[Docket No. 36FD]

VALIER COAL CO.

ORDER AMENDING ORDER

In the matter of the application of Valier Coal Company for exemption of all coal produced by it and delivered to the Chicago, Burlington & Quincy Railroad Company and applicant's employes from the provisions of section 4 and the first paragraph of section 4–a of the Bituminous Coal Act of 1937.

On May 21, 1943, 8 F.R. 6855, an order was issued denying the application for exemption requested by applicant, Valier Coal Company, and it appears that on June 28, 1943 applicant filed an application for an extension of the effective date of said order dated May 21, 1943, to July 31, 1943, which application was granted by Order Extending Effective Date of Denial of Application for Exemption, dated June 11, 1943.

On July 12, 1943, the applicant filed with the Division an Amended and Supplemental Application for Extension of Effective Date of Order of May 21, 1943

as Amended, in which it requested a further extension of the effective date of said order of denial of exemption up to and including August 24, 1943 for the reason that the Bituminous Coal Act of 1937 will expire by limitation on August 24, 1943; that District Board 10 has advised applicant that it might reasonably be expected to require several weeks to conclude action on applicant's petition to said board and reasonable minimum prices on coal furnished by applicant to Chicago, Burlington & Quincy Railroad Company as set forth in the prior application for extension filed June 28, 1943 and that it is doubtful if necessary proceedings could be had and prices established before the date of expiration of said Act.

It appearing to the Director that good cause has been shown for the extension requested, and that such request is reasonable, I believe that the requested relief is appropriate and that the third paragraph of the Order Denying Application of Valier Coal Company for Exemption dated May 21, 1943, 8 F.R. 6855, should accordingly be amended to read as follows:

It is hereby further ordered, That effective midnight, August 23, 1943, the application of Valier Coal Company is denied.

It is so ordered.

Dated: July 22, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-11944; Filed, July 26, 1943; 11:07 a. m.]

Bureau of Reclamation.

COLUMBIA BASIN PROJECT, WASH.

FIRST FORM RECLAMATION WITHDRAWAL

JULY 9, 1943.

The SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 26, 1936 (49 Stat. 1976), it is recommended that the following described land be withdrawn from public entry under the first form of withdrawal as provided in section 3 of the Act of June 17, 1902 (32 Stat. 388).

COLUMBIA BASIN PROJECT

WILLAMETTE MERIDIAN, WASHINGTON

T. 21 N., R. 26 E., sec. 22, SE¼SW¼.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: July 16, 1943.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

JULY 20, 1943.

[F. R. Doc. 43-11929; Filed, July 26, 1943; 9:57 a. m.]

BEAR RIVER STORAGE PROJECTS, WYO.

FIRST FORM RECLAMATION WITHDRAWAL

JUNE 14, 1943.

The SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 28, 1934 (48 Stat. 1269), as amended, it is recommended that the following described lands be withdrawn from public entry under the first form of withdrawal, as provided in section 3 of the Act of June 17, 1902 (32 Stat. 388), and that Departmental Order of October 31, 1936 establishing Wyoming Grazing District No. 4, be modified and made subject to the withdrawal effected by this order.

BEAR RIVER STORAGE PROJECTS

SIXTH PRINCIPAL MERIDIAN, WYOMING

Hobble Reservoir Site

T. 27 N., R. 118 W.,
Sec. 3, lots 5, 6, S½NE¼.
T. 28 N., R. 118 W.,
Sec. 34, lot 4, NE¼SE¼, S½SE¼.

Ashby Reservoir Site

T. 28 N., R. 118 W.,
Sec. 27, lots 1, 3, 4, Tr. 57 D, 57 H, 57 I, NE¼SE¼, S½SE¼;
Sec. 28, lot 6, Tr. 63 A, 63 B, 63 C;
Sec. 34, lots 1, 2, 5, 6, Tr. 70 A, 70 B.

Thomas Fork Reservoir Site

T. 28 N., R. 119 W.,
Sec. 19, E½;
Sec. 20, NW¼, S½S½;
Sec. 25, NW¼, N½SW¼, SW¼SW¼;
Sec. 26, N½NE¼, SE¼NE¼, NW¼, SE¼;
Sec. 27, E½NE¼, W½NW¼, S½;
Sec. 34, NE¼.

Woodruff Narrows Reservoir Site

T. 17 N., R. 120 W.,
Sec. 6, lots 11, 12, 14, 15, 16, 17;
Sec. 8, lots 1, 2, 3, 4;
Sec. 18, lots 5, 10, 11;
Sec. 20, lots 5, 6, 7, 8.
T. 18 N., R. 120 W.,
Sec. 16, SE¼;
Sec. 20, S½;
Sec. 22, W½, SE¼;
Sec. 26;
Sec. 28, NE¼, S½;
Sec. 30, lots 7, 8, 9, 10, E½NE¼, E½SW¼, SE¼;
Sec. 32, NE¼, E½NW¼, SW¼.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: June 18, 1943.

ARCHIE D. RYAN,
Acting Director of the Grazing Service.

I concur: July 7, 1943.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

JULY 13, 1943.

[F. R. Doc. 43-11930; Filed, July 26, 1943; 9:57 a. m.]

COLORADO RIVER STORAGE PROJECT

FIRST FORM RECLAMATION WITHDRAWAL

Correction

In F.R. Doc. 43-11813 appearing on page 10370 of the issue for Saturday, July 24, 1943, the third entry for the Echo Park Reservoir Site, Sixth Principal Meridian, Colorado, should read:

T. 6 N., R. 103 W.,
Sec. 15, NW¼NE¼, W½NE¼SE¼.

The fourth line of the land description for the Dewey Reservoir Site, Ute Meridian, Colorado, should read, "Sec. 8, lot 3, N½NE¼, SW¼NE¼, NW¼,".

In F.R. Doc. 11812 appearing on page 10370 the twelfth line of the land description for the Split Mountain Reservoir Site, Salt Lake Meridian, Utah, should read, "Sec. 3, lots 1 and 4, S½N½, S½;".

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order 768]

ALLOCATION OF FUNDS FOR LOANS

JULY 15, 1943.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Alaska 4-3003G2 Kodiak	$100,000
Iowa 4-3031C2 Grundy	22,000
Minnesota 4-3061C2 Freeborn	50,000
Mississippi 4-3028F3 Hancock	25,000
Missouri 4-3028C2 Barton	20,000
Tennessee 4-3001H2 Meigs	29,000
Wisconsin 4-3041D2 Vernon	20,000

HARRY SLATTERY,
Administrator.

[F. R. Doc. 43-11966; Filed, July 26, 1943; 11:24 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order 208]

WHOLESALING, WAREHOUSING, AND OTHER DISTRIBUTION INDUSTRIES

APPOINTMENT OF INDUSTRY COMMITTEE

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, L. Metcalfe Walling, Administrator of the Wage and

Hour Division, United States Department of Labor, do hereby appoint and convene for the Wholesaling, Warehousing, and Other Distribution Industries (as such industry is defined in paragraph 2) Industry Committee No. 63 composed of the following representatives:

For the public:
Willard L. Thorp, Chairman, New York, N. Y.
James K. Pollock, Ann Arbor, Mich.
H. C. Nixon, Nashville, Tenn.
Royal E. Montgomery, Ithaca, N. Y.
Philip Taft, Providence, R. I.
Louis A. Wood, Eugene, Oreg.
Edward Everett Hale, Austin, Tex.
For the employers:
Robert M. Adair, Columbus, Ohio.
Eugene Foley, Newark, N. J.
James Shikany, Minneapolis, Minn.
Joseph Timberlake, Columbia, S. C.
John L. Wilkinson, Charlotte, N. C.
Arthur P. Care, Los Angeles, Calif.
Henry Morgen, Chicago, Ill.
For the employees:
Bjorne Halling, Washington, D. C.
Harold Gibbons, St. Louis, Mo.
David Kaplan, Washington, D. C.
Joseph Tobin, New York, N. Y.
Ace Delosado, San Francisco, Calif.
Rudy M. Coulter, Lafayette, Ind.
Boris Shishkin, Seminary, Va.

Such representatives have been chosen with due regard to the geographical regions in which such industry is carried on.

2. For the purpose of this order the term "wholesaling, warehousing, and other distribution industries" means: The wholesaling, warehousing, and other distribution of commodities.

a. It includes, but without limitation, the activities of jobbers, textile converters, industrial distributors, mail order and retail selling establishments, brokers and agents, public warehouses, and physically segregated wholesaling and selling departments of other than selling and warehousing establishments (including the activities of any employees in such establishments who are engaged exclusively in selling products purchased for resale).

b. *Provided, however,* That there shall not be included any activity in connection with selling and warehousing which is covered by any wage order or by any administrative order appointing an industry committee.

3. The definition of the wholesaling, warehousing, and other distribution industries covers all occupations which are necessary to the distribution and warehousing of commodities, including packing, storing, shipping, and trucking, and clerical and maintenance occupations; *Provided, however,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

4. Any person who, in the opinion of the committee, having a substantial interest in the proceeding and who is prepared to present material pertinent to the question under consideration, may, with the approval of the committee, appear on his own behalf or on behalf of any other person. Moreover, any interested person may submit in writing pertinent data to the committee either through the Administrator or through the chairman of the committee.

5. The industry committee herein created shall meet at 10:00 a. m. on August 17, 1943 in the Victoria Room of the Hotel Victoria, New York, New York, and, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, shall proceed to investigate conditions in the industry and recommend to the Administrator minimum wage rates for all employees thereof who, within the meaning of said Act, are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by virtue of the provisions of section 13 (a) and employees coming under the provisions of section 14.

Signed at New York, New York, this 20th day of July 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-11874; Filed, July 24, 1943; 9:26 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. FDC-40]

WINE INSTITUTE OF CALIFORNIA

ORDER CANCELLING HEARING

In the matter of a public hearing for the purpose of receiving evidence relating to a proposal that regulations be promulgated limiting the use of monochoracetic acid in wines.

A Notice of Hearing having heretofore been published in the FEDERAL REGISTER on June 18, 1943 (8 F.R. 8382) that a hearing would be held in the above-entitled matter, on August 3, 1943, upon an application of the Wine Institute of California, representing a substantial portion of the interested industry, proposing that regulations be promulgated limiting the quantity of monochloracetic acid in wines to .05 percent of the finished product; and

The attorneys for the Wine Institute of California and other interested parties having signified their lack of readiness, and requested an adjournment of such hearing to November, 1943; and

It appearing that substantial doubt exists whether a hearing could be had before the spring of 1944 by reason of the probable engagement of a number of witnesses in the production of wine from the 1943 vintage for the balance of the production season extending to the spring of 1944; and

It appearing to my satisfaction that it would be burdensome both to the Food and Drug Administration and to the applicant and other interested parties to engage in preparation for such hearing by reason of the uncertainty of the availability of witnesses; and

It appearing further that it would be in the public interest to vacate the Notice of Hearing heretofore referred to and the grant of such hearing to the Wine Institute of California; *It is hereby ordered,* That such Notice of Hearing dated June 15, 1943, and published in the FEDERAL REGISTER on June 18, 1943 (8 F.R. 8382), is hereby cancelled;

It is further ordered, That the grant of a hearing upon the application of the Wine Institute of California, dated June 15, 1942, is hereby revoked, without prejudice to the filing of an application de novo by the Wine Institute of California or any other person or persons representing a substantial portion of the wine industry.

Dated: July 23, 1943.

[SEAL] PAUL V. MCNUTT,
Federal Security Administrator.

[F. R. Doc. 43-11965; Filed, July 26, 1943; 11:21 a. m.]

Social Security Board.

IDAHO

CERTIFICATION TO INDUSTRIAL ACCIDENT BOARD

The Industrial Accident Board of the State of Idaho having duly submitted to the Social Security Board, pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, as amended, the Idaho unemployment compensation law; and

The Social Security Board having considered the provisions of said law to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 1602 of the Internal Revenue Code;

The Board hereby finds that:

(1) Said law provides for a pooled fund as defined in section 1602 (c) (2) of the Internal Revenue Code; and

(2) Reduced rates of contributions under said law to such pooled fund are allowable only in accordance with the provisions of section 1602 (a) (1) of the Internal Revenue Code.

Pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, the Board hereby directs that the foregoing findings be certified to the Industrial Accident Board of the State of Idaho.

SOCIAL SECURITY BOARD,
[SEAL] A. J. ALTMEYER,
Chairman.

JULY 16, 1943.

Approved: JULY 22, 1943.

PAUL V. MCNUTT,
Administrator.

[F. R. Doc. 43-11963; Filed, July 26, 1943; 11:21 a. m.]

MARYLAND

CERTIFICATION TO UNEMPLOYMENT COMPENSATION BOARD

The Unemployment Compensation Board of the State of Maryland having duly submitted to the Social Security Board, pursuant to the provisions of section 1602 (b) (3) of the Internal

Revenue Code, as amended, the Maryland unemployment compensation law; and

The Social Security Board having considered the provisions of said law to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 1602 of the Internal Revenue Code;

The Board hereby finds that:

(1) Said law provides for a pooled fund as defined in section 1602 (c) (2) of the Internal Revenue Code; and

(2) Reduced rates of contributions under said law to such pooled fund are allowable only in accordance with the provisions of section 1602 (a) (1) of the Internal Revenue Code.

Pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, the Board hereby directs that the foregoing findings be certified to the Unemployment Compensation Board of the State of Maryland.

[SEAL] SOCIAL SECURITY BOARD,
A. J. ALTMEYER, *Chairman.*

JULY 20, 1943.

Approved: JULY 22, 1943.
PAUL V. MCNUTT,
Administrator.

[F. R. Doc. 43-11962; Filed, July 26, 1943; 11:21 a. m.]

MAINE

CERTIFICATION TO UNEMPLOYMENT COMPENSATION COMMISSION

The Unemployment Compensation Commission of the State of Maine having duly submitted to the Social Security Board, pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, as amended, the Maine unemployment compensation law; and

The Social Security Board having considered the provisions of said law to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 1602 of the Internal Revenue Code;

The Board hereby finds that:

(1) Said law provides for a pooled fund as defined in section 1602 (c) (2) of the Internal Revenue Code; and

(2) Reduced rates of contributions under said law to such pooled fund are allowable only in accordance with the provisions of section 1602 (a) (1) of the Internal Revenue Code.

Pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, the Board hereby directs that the foregoing findings be certified to the Unemployment Compensation Commission of the State of Maine.

[SEAL] SOCIAL SECURITY BOARD.
A. J. ALTMEYER,
Chairman.

JULY 20, 1943.

Approved: JULY 22, 1943.
PAUL V. MCNUTT,
Administrator.

[F. R. Doc. 43-11964; Filed, July 26, 1943; 11:21 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4506]

CALLAWAY MILLS

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of July, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U.S.C.A., section 41) and (49 Stat. 1526, U.S.C.A., section 13, as amended).

It is ordered, That John W. Norwood, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, August 9, 1943, at ten o'clock in the forenoon of that day (central standard time), Hearing Room, Troup County Office Building, Hines Street, LaGrange, Georgia.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence with his conclusions of fact and law and his recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-11886; Filed, July 24, 1943; 11:09 a. m.]

[Docket No. 4744]

TENNESSEE TUFTING COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22d day of July, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U.S.C.A., section 41), and (49 Stat. 1526, U.S.C.A. section 13, as amended).

It is ordered, That John W. Norwood, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, August 16, 1943, at 10 o'clock in the forenoon of that day (central standard time), in Room 245, U. S. Courthouse, Nashville, Tennessee.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence with his conclusions of fact and law and his recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-11887; Filed, July 24, 1943; 11:09 a. m.]

[Docket No. 5013]

NATIONAL BISCUIT COMPANY

COMPLAINT AND NOTICE

Complaint

The Federal Trade Commission, having reason to believe that the party respondent named in the caption hereof, and hereinafter more particularly designated and described, since June 19, 1936, has been and is now violating the provisions of subsection (a) of section 2 of the Clayton Act (U.S.C. Title 15, sec. 13), as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issued its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent National Biscuit Company is a corporation organized and existing under and by virtue of the laws of the State of New Jersey, with its principal office and place of business located at 449 West 14th Street, New York, New York.

PAR. 2. Respondent corporation is now, and has been since June 19, 1936, engaged in the business of processing, manufacturing, offering for sale, selling and distributing bakery packaged food products in all parts of the United States. Among the products manufactured and sold by the respondent in the various states of the United States are biscuits, crackers, and cakes. The respondent manufactures and sells approximately 500 different varieties of such bakery packaged food products. Respondent by volume of sales is the largest producer and distributor of bakery packaged food products in the United States. The production of the respondent's products is carried on in 46 plants owned and operated by it, located in 25 states of the United States and in the District of Columbia.

Respondent maintains and operates 252 branch sales offices or agencies for the distribution of its products and ships its products from one or more of its plants to such sales offices or agencies, from which they are distributed as hereinafter stated. Some of said sales offices or agencies are located in states other than the states in which the plants serving them are located, and in such cases, respondent's goods are transported across state lines from plant to sales office or agency

In the various trade areas respondent distributes its products from its plants or sales offices or agencies, or both, by trucks

owned by respondent and operated by employed driver-salesmen. The respondent employs approximately 300 such driver-salesmen who make sales and truck deliveries to the respondent's various customers. Such driver-salesmen operate the respondent's trucks from the various plants or sales offices or agencies over certain specified routes, some of which cross state lines. Each driver-salesman is employed to solicit business and to take orders for and sell respondent's products to customers and prospective customers located along his route, as well as to transport and deliver such products to such customers. Such driver-salesmen in the ordinary course of their employment receive and accept from customers orders for respondent's products to be delivered later, and as a result of such orders, do at a subsequent time transport and deliver such products to such customers. Respondent sells its products direct and through such sales offices or agencies to corporate chain retail grocery stores, voluntary and cooperative chain retail grocery stores and voluntary and cooperative wholesale chains, independent retailers, and wholesale grocery jobbers.

The respondent causes such bakery products, when sold by it to its various customers, to be transported from its various places of business located in the various states of the United States and in the District of Columbia to such customers. Some such customers are located in states other than the state where the respondent's products are manufactured or stored, and in such cases, the respondent causes such products to be shipped from its sales office or agency or plant located in such state across state lines to such customers. Others of respondent's customers are located in the states in which respondent has its places of business.

Respondent's business is one which is managed, controlled and directed from its principal office in New York, N. Y., and which is operated with the objective of marketing its products through the channels of commerce in all parts of the United States to retailers who sell to the consuming public.

There is and has been at all times mentioned a continuous course of trade and commerce in said products between respondent's producing plants or sales offices or agencies and the purchasers of such products, some of which are located in states other than the state in which the respondent's producing plants or sales offices or agencies are located, as aforesaid. Respondent is engaged in interestate commerce and the transactions involved in the practices charged in this complaint as being unlawful are transactions in the course of such commerce.

PAR. 3. In the course and conduct of its business, as aforesaid, respondent is now and has been in substantial competition with other corporations and with individuals and partnerships engaged in the business of processing, manufacturing, offering for sale, selling and distributing bakery packaged food products in the United States.

Many of respondent's customers are competitively engaged with each other and with the customers of the respondent's competitors in the resale of bakery packaged food products within the trading areas in which the respondent's said customers, respectively, offer for sale and sell the said products purchased from the respondent.

PAR. 4. In the course and conduct of its business as aforesaid since June 19, 1936, respondent has been and is now discriminating in price between different purchasers buying said products by selling them to some of its customers at higher prices than it sells products of like grade and quality to other customers who are competitively engaged in the resale of said products within the United States with customers receiving the lower prices.

The respondent grants and allows to all of its customers a regular trade discount of 5% to be deducted from the invoice price and a cash discount of 1% if the invoice is paid within a specified time. The price discriminations herein alleged and those hereinafter set forth are in the form of discriminatory additions to the regular trade discount of 5% and the cash discount of 1%.

PAR. 5. The respondent has discriminated in price by the use of a so-called headquarters quantity discount schedule, whereby it has sold to some customers at higher prices than it has sold goods of like grade and quality to other customers who are in competition with them in the resale of said products within the United States. The so-called "headquarters discount" schedule includes two series of graduated discounts, one of which is governed by the customer's total purchase per month, and the other by the customer's average monthly purchase per retail store. The "headquarters discount" schedule used by respondent is more particularly described as follows:

(a) Respondent grants to some of its "chain store" customers who are engaged in the resale of bakery packaged food products of like grade and quality in competition with other of respondent's customers who do not receive it, a 1% "headquarters discount" on purchase of $750 or more but less than $5,000 per month, regardless of the average monthly purchases of the individual retail food stores owned, controlled or affiliated with the "chain store" customers receiving such discount.

An additional ½ of 1% discount is granted to such customers if the individual retail grocery stores owned, controlled or affiliated with them have an average individual store purchase of the respondent's products of $15 per month but less than $25.

An additional 1% discount is granted to such customers if the individual retail grocery stores owned, controlled or affiliated with them have an average individual store purchase of the respondent's products of $25 per month but less than $35.

An additional 1½% discount is granted to such customers if the individual retail grocery stores owned, controlled or affiliated with them have an average individual store purchase of the respondent's products of $35 per month or over.

To customers whose aggregate monthly purchases amount to less than $750 per month of the respondent's various commodities, the respondent does not and has not granted or allowed any discount whatsoever to such customers.

(b) The respondent grants and allows to some of its "chain store" customers who are engaged in the resale of bakery packaged food products of like grade and quality in competition with other of respondent's customers who do not receive it, a 2% "headquarters discount" on purchases of $5,000 or more but less than $10,000 per month, regardless of the average monthly purchases of the individual retail grocery stores owned, controlled or affiliated with such "chain store" customers receiving the discount.

An additional ½ of 1% discount is granted to such customers if the individual retail grocery stores owned, controlled or affiliated with them have an individual average purchase of the respondent's products of $25 per month, but less than $35.

An additional 1% discount is granted to such customers if the individual retail grocery stores owned, controlled or affiliated with them have an average individual purchase of the respondent's products of $35 or more per month.

(c) The respondent grants and allows to some of its "chain store" customers who are engaged in the resale of bakery packaged food products of like grade and quality in competition with other of respondent's customers who do not receive it, a 3% "headquarters discount" on purchases of $10,000 or more but less than $150,000 per month, regardless of the average monthly purchases of the individual retail grocery stores owned, controlled or affiliated with such "chain store" customers receiving the discount.

An additional ½ of 1% discount is granted to such customers if the individual retail grocery stores owned, controlled or affiliated with them have an average monthly purchase of the respondent's products of $30 but less than $40 per month.

An additional 1% discount is granted to such customers if the individual retail grocery stores owned, controlled or affiliated with them have an average monthly purchase of the respondent's products of $40 but less than $50 per month.

An additional 1½% discount is granted to such customers if the individual retail grocery stores owned, controlled or affiliated with them have an average monthly purchase of the respondent's products of $50 or over per month.

(d) The respondent grants and allows to some of its "chain store" customers who are engaged in the resale of bakery packaged food products of like grade and quality in competition with other of respondent's customers who do not receive it, a 3½% "headquarters discount" on purchases of $150,000 or more per month, regardless of the average monthly purchases of the individual retail grocery stores owned, controlled or affiliated with

such "chain store" customers receiving the discount.

An additional ½ of 1% discount is granted to such customers if the individual retail grocery stores owned, controlled or affiliated with them have an average monthly purchase of the respondent's products of $30 but less than $40 per month.

An additional 1% discount is granted to such customers if the individual retail grocery stores owned, controlled or affiliated with them have an average monthly purchase of the respondent's products of $40 a month or over.

PAR. 6. In addition to the discriminations effected by the aforementioned "headquarters discounts" respondent discriminates in price between different purchasers of its products who are in competition with each other by making lower prices on bakery packaged food products to some customers based upon the total quantity or volume sold and delivered to all of the separate branches or outlets of the said customers, although separate delivery is made to the several branches or outlets of such customers if and when such total quantity or volume amounts to certain required minima during a single month, without regard to the quantity or volume delivered to the respective branches or outlets of such customers.

PAR. 7. The effect of the discrimination in price generally alleged in Paragraph Four hereof, and of the discriminations specifically set forth in Paragraphs Five and Six hereof, has been or may be substantially to lessen competition in the line of commerce in which the purchasers receiving and those denied the benefits of such discriminatory prices are engaged, and to injure, destroy or prevent competition between purchasers receiving the benefit of said discriminatory prices and those to whom they are denied. The effect also has been or may be to tend to create a monopoly in those purchasers receiving the benefit of said discriminatory prices in said line of commerce in the various localities or trade areas in the United States where said favored customers and their disfavored competitors are engaged in business.

Such discriminations in price by respondent between different purchasers of commodities of like grade and quality in interstate commerce, in the manner and form aforesaid, are in violation of the provisions of subsection 2 (a) of section 1 of said Act of Congress approved June 19, 1936, entitled "An Act to amend section 2 of an Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes', approved October 15, 1914, as amended U. S. C. Title 15, sec. 13, and for other purposes."

Wherefore, the premises considered, the Federal Trade Commission on this 20th day of July 1943, issues its complaint against said respondent.

Notice

Notice is hereby given you, National Biscuit Company, respondent herein, that the 27th day of August, A. D., 1943, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

> In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.
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> * * * * *
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> Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.
>
> If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.
>
> Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIII.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 20th day of July, A. D. 1943.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 43-11940; Filed, July 26, 1943; 11:02 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Service Order 138]

NEW YORK CENTRAL RAILROAD COMPANY

REROUTING OF FREIGHT TRAFFIC BETWEEN ST. FRANCISVILLE, ILL., AND VINCENNES, IND.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23d day of July, A. D. 1943.

It appearing that, due to a track washout caused by flood conditions between St. Francisville, Illinois, and Vincennes, Indiana, on The New York Central Railroad Company, this carrier by railroad is unable to transport the traffic offered to it; in the opinion of the Commission an emergency exists requiring immediate action to best promote the service in the interest of the public and the commerce of the people;

It is ordered, That: (a) *Flood condition; rerouting of freight traffic.* Effective at once and until further order of the Commission The New York Central Railroad Company is hereby directed to forward freight traffic routed over its lines between St. Francisville, Illinois, and Vincennes, Indiana, by routes most available to expedite its movement and prevent congestion, without regard to the routing thereof made by shippers or by carriers from which the traffic is received, or to the ownership of cars, and that all rules, regulations, and practices of said carriers with respect to car service are hereby suspended and superseded only as conflicting with the directions hereby made: *Provided*, That the billing covering all cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Rates to be applied.* Inasmuch as the routing of traffic pursuant to this order is deemed to be due to carriers' disability, the rates applicable to traffic routed pursuant to this order shall be the same as would have applied had the shipments moved as originally routed.

(c) *Division of rates.* In executing the orders and directions of the Commission provided for in this order the common carriers involved shall proceed without reference to contracts, agreements, or arrangements now existing between them with reference to the divisions of the rates of transportation applicable to said traffic; such divisions shall be, during the time this order remains in force, voluntarily agreed upon by and between said carriers; and upon failure of the carriers to so agree, said divisions shall be hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That copies of this order and direction shall be served upon The New York Central Railroad Company, 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 order 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.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-11902; Filed, July 24, 1943; 11:47 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

COMMON CARRIERS OF PASSENGERS BY BUS

RECOMMENDATION FOR JOINT ACTION PLANS

In order to assure maximum utilization of the facilities, services, and equipment of common carriers by motor vehicle for the preferential transportation of troops and materials of war and to prevent shortages in motor vehicle equipment necessary for such transportation, as contemplated by section 6 (8) of the Interstate Commerce Act; to conserve and providently utilize vital equipment, material and supplies; 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, the Office of Defense Transportation, by General Order ODT 11, as amended, (7 F.R. 4389, 11099), authorizes common carriers of passengers by bus in intercity service to formulate and submit for consideration plans for joint action designed to accomplish any of the above stated purposes by one or more of the following methods:

(a) Pooling or joint use of equipment or other facilities;

(b) Pooling or division of traffic, service, or revenues;

(c) Alternation or staggering of schedules between any two or more points;

(d) Mutual honoring of one another's tickets at the option of the passenger.

General Order ODT 11, as amended, provides that the order shall not be construed to authorize carriers to engage in joint action by any of the methods described in the order unless directed so to do by specific order of the Office of Defense Transportation.

If the Office of Defense Transportation determines that any such plan will contribute substantially to the accomplishment of the purposes above stated, the Office of Defense Transportation orders carriers submitting any such joint action plan to place that plan in operation. The order is confined to one or more of the specific methods above enumerated, and expressly provides that all contractual arrangements made by the carriers to effectuate the joint plan shall not extend beyond the effective period of the order.

It is recommended that the Chairman of the War Production Board find and certify under section 12, Public Law No. 603, 77th Congress (56 Stat. L. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with any such order is requisite to the prosecution of the war.

Issued at Washington, D. C., this 20th day of July 1943.

JOSEPH B. EASTMAN,
Director, Office of Defense Transportation.

[F. R. Doc. 43-11933; Filed, July 26, 1943; 10:45 a. m.]

OSWEGO MILK COUNCIL, INC., OSWEGO, N. Y.

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials, and supplies (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 8377), eleven members of Oswego Milk Council, Inc., listed in Appendix A hereto, have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery of milk and related articles by motor vehicle in the Oswego area of New York State.

Duplicate and parallel transportation service in connection with distribution of milk and related articles in the Oswego area of New York State results in considerable wasteful operation of motor vehicles. All of the milk distributors in that area, members of the Oswego Milk Council, Inc., have agreed to participate in the proposed plan, with the exception of a single distributor, who is not opposed to the plan. The participants pledge complete obedience to specified provisions of General Orders ODT 6 and 17, as amended. Delivery service for retail customers will not start before 7:30 o'clock a. m. Retail deliveries will be made only on four days in each week, provided that no two retail deliveries will be made on the same or consecutive days. Trucks will be fully loaded and rerouted to reduce mileage to a minimum. Participants will exchange out-lying customers and will discontinue service where the mileage cost of delivery is unwarranted, provided affected customers will be able to secure adequate supplies from other sources. Adoption of the plan will reduce present mileage approximately 45 percent and release manpower now used for relief driving.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under Section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 21st day of July 1943.

JOSEPH B. EASTMAN,
Director, Office of Defense Transportation.

APPENDIX A

1. Best Ice Cream Co.
2. Flacks Dairy
3. Keegan Dairy
4. Ladd's Dairy
5. Larchmont Dairy
6. F. B. Lewis Dairy
7. Mi-T-Fine Dairy
8. O'Connor Dairy
9. Oswego Guernsey Dairy
10. Oswego Netherland Co., Inc.
11. Sivers Dairy

[F. R. Doc. 43-11932; Filed, July 26, 1943; 10:45 a. m.]

[Supp. Order ODT 3, Rev.-44]

AUSTGEN EXPRESS & STORAGE COMPANY ET AL.

COORDINATED OPERATIONS WITHIN THE CHICAGO, ILLIONIS, AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the carriers named in Appendix 1 hereof pursuant to General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), and General Order ODT 6A (8 F.R. 8757), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the carriers propose, by the plan, to coordinate their operations as common carriers of property by motor vehicle within an area comprised of the City of Chicago, Illinois, and a zone in Illinois, extending sixty (60) air miles from the boundaries of Chicago, and Lake and Porter Counties, Indiana, by establishing a Central Dispatching Office at Chicago, to which information concerning shipments and equipment will be reported and by means of which the motor trucks and equipment of the carriers will be dispatched within the area in such way as to produce increased lading and more efficient utilization of motor vehicles, and

It further appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services and equipment, and to conserve and providently 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. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall super-

[1] Filed as part of the original document.

sede any provisions of such plan that are in conflict therewith.

2. Each of the carriers shall forthwith 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 of such plan; 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.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require any carrier named herein to perform any service beyond its transportation capacity, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any 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.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Any carrier by motor vehicle duly authorized or permitted to engage in transportation as herein described and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C., for authorization to participate in the plan. A copy of every such application shall be served upon the person having charge of the Central Dispatching Office at Chicago, Illinois. Upon receiving such authorization, such carrier shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all the provisions and conditions of this order, in the same manner and degree as the carriers named herein.

8. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised–44," 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 22, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 22d day of July 1943.

JOSEPH B. EASTMAN,
Director, Office of Defense Transportation.

APPENDIX 1

1. Exon Motor Service, Libertyville, Illinois.
2. Co-Ordinated Transport, Inc., Chicago, Illinois.
3. J. A. Austgen, doing business as Austgen Express & Storage Co., Chicago, Illinois.
4. Kehe Motor Service, Arlington Heights, Illinois.
5. Liberty Trucking Co., Inc., Chicago, Illinois.
6. North Shore Motor Express Co., Inc., Chicago, Illinois.
7. Paine Motor Express, Woodstock, Illinois.
8. Downs Motor Express, McHenry, Illinois.
9. Gold Star Motor Service, Inc., Barrington, Illinois.
10. Krema Trucking Company, Inc., Chicago, Illinois.
11. E. J. Meyers Company, Chicago, Illinois.
12. C. W. Niedert, doing business as Niedert Motor Service, Inc., Des Plaines, Illinois.
13. O. K. Motor Service, Inc., Chicago, Illinois.
14. Fred Olson & Son Motor Service Co., Chicago, Illinois.
15. Roosevelt Cartage Company, Chicago, Illinois.
16. Service Cartage Co., Inc., Lemont, Illinois.
17. Robert L. Ashbaugh, doing business as Spee-Dee Motor Express, Steger, Illinois.
18. Wieringa Bros. Cartage Co., Chicago, Illinois.
19. Frank Kutzler, Jr., doing business as Kutzler Cartage, Waukegan, Illinois.
20. Pagoria Express Service, Inc., Chicago, Illinois.
21. Elgin Storage & Transfer Co., Elgin, Illinois.
22. Charles W. Petrie, doing business as Trans.t Freight Lines, Aurora, Illinois.
23. H. R. Plumer, doing business as Plumer's Motor Express, Chicago, Illinois.
24. Joseph T. Ryan, doing business as Joseph T. Ryan Cartage, Chicago, Illinois.
25. N. C. Sorenson Motor Express Co., Chicago, Illinois.
26. Webber Cartage Line, Inc., Waukegan, Illinois.
27. Mathew C. & Robert J. Welsh, doing business as Welsh Bros. Motor Service, Hammond, Indiana.
28. Enterprise Transfer Co., Chicago, Illinois.
29. Andrew Leoni, doing business as Leoni Motor Express, Chicago Heights, Illinois.
30. Lloyd Markel, doing business as Aurora Transfer Co., Aurora, Illinois.
31. Knox Motor Service, Inc., Rockford, Illinois.
32. Schiek Motor Express, Inc., Joliet, Illinois.
33. Joliet Warehouse & Transfer Co., Joliet, Illinois.

[F. R. Doc. 43–11938; Filed, July 26, 1943; 10:46 a. m.]

[Supplementary Order ODT 19–1]

INLAND WATERWAYS CORPORATION AND MARINE TRANSPORTATION COMPANY

OPERATIONS ON THE OHIO RIVER

Pursuant to the provisions of § 502.63 of General Order ODT 19 (7 F.R. 6499), *It is hereby ordered,* That:

1. Inland Waterways Corporation, St. Louis, Missouri, shall transport the tow of barges containing petroleum and petroleum products, now in its possession on the Mississippi River destined to Steubensville, Ohio, and which normally would be interchanged with Marine Transportation Company near Cairo, Illinois, on the Ohio River, to a point where towboats of the Marine Transportation Company are available to furnish power to transport such tow to point of destination.

2. Communications concerning this order should refer to "Supplementary Order ODT 19–1", and, unless otherwise directed, should be addressed to the Assistant Director in Charge of Water Transport, Office of Defense Transportation, Washington, D. C.

3. This order shall become effective forthwith, and shall remain in full force and effect for a period of thirty (30) days from the date of issuance.

Issued at Washington, D. C., this 24th day of July 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43–11960; Filed, July 26, 1943; 11:15 a. m.]

[Special Order ODT LB–13]

AKRON TRANSPORTATION COMPANY, AKRON, OHIO

CERTAIN OPERATIONS TO BE SUSPENDED AND ADJUSTED

Pursuant to Executive Orders 8989, 9156, and 9294, and in order to assure the orderly and expeditious movement of necessary passenger traffic and to conserve and providently utilize manpower and existing transportation facilities and service, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. Akron Transportation Company, Akron, Ohio, (hereinafter called "carrier"), in the transportation of passengers as a common carrier by bus in the city and suburbs of Akron, Ohio, shall not operate buses over:

(a) Those sections of its bus route described in the appendix hereto and designated as route 4 "York-Tallmadge" from the intersection of Howard Street and Main Street, over Main Street to York Street, over York Street to Dayton Street, and over Dayton Street to Glenwood Avenue, from the intersection of Fouse Avenue and Damon Street, over Damon Street to Evans Avenue, over Evans Avenue to Nevin Street, and over Nevin Street to Glenwood Avenue, and

from the intersection of Patterson Avenue and Tallmadge Avenue, over Tallmadge Avenue to Main Street, and over Main Street to York Street;

(b) Those sections of its bus route described in the appendix hereto and designated as route 6 "Goodyear Heights" from the intersection of Goodyear Boulevard and Honodle Avenue, over Goodyear Boulevard to Tonawanda Avenue, over Tonawanda Avenue to Sumatra Avenue, and over Sumatra Avenue to Honodle Avenue, and from the intersection of Malasia Road and Sumatra Avenue, over Sumatra Avenue to Hampton Road, over Hampton Road to Brittain Road, and over Brittain Road to Malasia Road;

(c) Those sections of its bus route described in the appendix hereto and designated as route 11 "Inman" from the intersection of Inman Street and Lovers Lane over Lovers Lane to Talbot Street, and from the intersection of Center Street and Buchtel Avenue, over Buchtel Avenue to Spicer Street, over Spicer Street to Carroll Street, and over Carroll Street to Brown Street;

(d) Those sections of its bus route described in the appendix hereto and designated as route 12 "Brown" from the intersection of Center Street and Buchtel Avenue, over Buchtel Avenue to Spicer Street, over Spicer Street to Carroll Street, and over Carroll Street to Brown Street, and from the intersection of Brown Street and Catawba Street, over Catawba Street to South Firestone Boulevard, over South Firestone Boulevard between Dresden Avenue and Aster Avenue, over Aster Avenue to Reed Street, and over Reed Street to Brown Street;

(e) That section of its bus route described in the appendix hereto and designated as route 14 "Waterloo" between the intersection of Long Street and Main Street, over Mair Street to Buchtel Avenue, over Buchtel Avenue to High Street, over High Street to Center Street, and over Center Street to Main Street;

(f) That section of its bus route described in the appendix hereto and designated as route 16 "Wooster-East" between the intersection of Battles Avenue and East Avenue, over East Avenue to California Avenue;

(g) Its bus route described in the appendix hereto and designated as route 17 "Long";

(h) That section of its bus route described in the appendix hereto and designated as route 18 "Thornton" from the intersection of Manchester Road and Clearview Avenue, over Manchester Road to Rothrock Avenue;

(i) That section of its bus route described in the appendix hereto and designated as route 19 "Euclid" from the intersection of Diagonal Road and Courtland Avenue, over Diagonal Road to Wooster Avenue, and over Wooster Avenue to a terminal east of Diana Avenue;

(j) That section of its bus route described in the appendix hereto and designated as route 24 "Cuyahoga" from the intersection of Howard Street and North Street, over North Street to Stuber Street, over Stuber Street to Elizabeth Park Boulevard, over Elizabeth Park Boulevard to Lods Street, over Lods Street to Turner Street, over Turner Street to Charles Street, over Charles Street to Howard Street, over Howard Street to Lods Street, and over Lods Street to Cuyahoga Street.

2. The carrier shall:

(a) Consolidate the remaining sections of its bus route described in the appendix hereto and designated as route 4 "York-Tallmadge" by operating buses from the intersection of Howard Street and Main Street, over Howard Street to Glenwood Avenue and over Glenwood Avenue to Dayton Street, from the intersection of Fouse Avenue and Damon Street, over Fouse Street to Iredell Street, over Iredell Street to Glenwood Avenue and over Glenwood Avenue to Tallmadge Avenue, and over Patterson Avenue between Glenwood Avenue and Tallmadge Avenue;

(b) Consolidate the remaining sections of its bus route described in the appendix hereto and designated as route 6 "Goodyear Heights" by operating buses over Honodle Avenue between Goodyear Boulevard and Sumatra Avenue, and over Malasia Road between Sumatra Avenue and Brittain Road;

(c) Consolidate the remaining sections of its bus route described in the appendix hereto and designated as route 11 "Inman" from the intersection of Center Street and Buchtel Avenue, over Sumner Street to Carroll Street and over Carroll Street to Brown Street;

(d) Consolidate the remaining sections of its bus route described in the appendix hereto and designated as route 12 "Brown" by operating buses from the intersection of Center Street and Buchtel Avenue, over Sumner Street to Carroll Street and over Carroll Street to Brown Street;

(e) Operate buses in service on its bus route described in the appendix hereto and designated as route 14 "Waterloo" between the intersection of Long Street and Main Street, over Long Street to High Street and over High Street to Main Street;

(f) Consolidate the remaining sections of its bus route described in the appendix hereto and designated as route 24 "Cuyahoga" by operating buses from the intersection of Howard Street and North Street over Howard Street to Cuyahoga Street, and over Cuyahoga Street to Lods Street.

3. As used herein the term "bus" means any rubber-tired vehicle used on the streets, highways, or other thoroughfares in the transportation of passengers.

4. The provisions of this order shall not be so construed or applied as to require the carrier to perform any transportation service the performance of which by it is not authorized or sanctioned by law. In the event compliance with any term of this order would conflict with the carrier's operating authority, the carrier forthwith shall apply to the appropriate regulatory body or bodies for such extension or modification of operating authority as may be requisite to compliance with the terms of this order, and the terms of this order shall be subject to the carrier obtaining such authority.

5. The carrier 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 shall likewise 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 one day's notice.

6. Communications concerning this order should be addressed to the Division of Local Transport, Office of Defense Transportation, Washington, D. C., Cleveland, Ohio, or Chicago, Illinois, and should refer to "Special Order ODT LB–13".

Paragraph numbered 2 shall become effective upon the carrier obtaining approval from the appropriate regulatory authority or authorities to institute the operations described therein. All other paragraphs and provisions shall become effective August 9, 1943. This order 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 26th day of July 1943.

JOSEPH B. EASTMAN,
Director, Office of Defense Transportation.

APPENDIX 1

DESCRIBING BUS ROUTES REFERRED TO THEREIN

Route 4—York-Tallmadge: From the intersection of Main Street and Exchange Street, on Main Street to York Street, on York Street to Dayton Street, on Dayton Street to Glenwood Avenue, on Glenwood Avenue to Fouse Avenue, on Fouse Avenue to Damon Street, on Damon Street to Evans Avenue, on Evans Avenue to Nevin Street, on Nevin Street to Glenwood Avenue, on Glenwood Avenue to Tallmadge Avenue, on Tallmadge Avenue to Main Street, on Main Street to York Street; also on Tallmadge Avenue from Glenwood Avenue to Brownstone Avenue.

Route 6—Goodyear Heights: From the intersection of Main Street and Exchange Street, on Exchange Street to Market Street, on Market Street to Goodyear Boulevard, on Goodyear Boulevard to Tonawanda Avenue, on Tonawanda Avenue to Sumatra Avenue, on Sumatra Avenue to Hampton Road, on Hampton Road to Brittain Road, on Brittain Road to Malasia Road, on Malasia Road to Goodyear Boulevard.

Route 11—Inman: From the intersection of Main and Exchange Streets, on Main Street to Mill Street, on Mill Street to Broadway, on Broadway to Center Street, on Center Street to Buchtel Avenue, on Buchtel Avenue to Spicer Street, on Spicer Street to Carroll Street, on Carroll Street to Brown Street, on Brown Street to South Street, on South Street to Johnston Street, on Johnston Street to Inman Street, on Inman Street to Lovers Lane, on Lovers Lane to Talbot Street.

Route 12—Brown: From the intersection of Main and Exchange Streets, on Main Street to Mill Street, on Mill Street to Broadway, on Broadway to Center Street, on Center Street to Buchtel Avenue, on Buchtel Avenue to Spicer Street, on Spicer Street to Carroll Street, on Carroll Street to Brown Street, on Brown Street to Catawba Street, on Catawba Street to South Firestone Boulevard, on South Firestone Boulevard to Dresden Avenue, on Dresden Avenue to South Firestone Boulevard, on South Firestone Boulevard to Aster Avenue, on Aster Avenue to Reed Street, on Reed Street to Brown Street.

Route 14—Waterloo: From the intersection of 30th and Waterloo Road, on Waterloo Road to Manchester Road, on Manchester Road to Wilbeth Road, on Wilbeth Road to Firestone Parkway, on Firestone Parkway to Emerling Avenue, on Emerling Avenue to Main Street, on Main Street to Buchtel Avenue, on Buchtel Avenue to High Street, on High Street to Center Street, on Center Street to Main Street, on Main Street to Buchtel Avenue.

Route 16—Wooster-East: From the intersection of Main Street and Exchange Street, on Exchange Street to Bowery Street, on Bowery Street to Wooster Avenue, on Wooster Avenue to East Avenue, on East Avenue to California Avenue.

Route 17—Long: From the intersection of Main Street and Exchange Street, on Main Street to Thornton Street, on Thornton Street to Boulevard, on Boulevard to South Street, on South Street to Princeton Street, on Princeton Street to Long Street, on Long Street to Lakeside Avenue.

Route 18—Thornton: From the intersection of Main Street and Exchange Street, on Exchange Street to Bowery Street, on Bowery Street to Thornton Street, on Thornton Street to Manchester Road, on Manchester Road to Rothrock Avenue.

Route 19—Euclid: From the intersection of Main Street and Exchange Street, on Exchange Street to Bowery Street, on Bowery Street to Chestnut Street, on Chestnut Street to Edgewood Avenue, on Edgewood Avenue to Euclid Avenue, on Euclid Avenue to Diagonal Road, on Diagonal Road to Wooster Avenue, on Wooster Avenue to a terminal east of Diana Avenue.

Route 24—Cuyahoga: From the intersection of Howard and Federal Streets, on Federal Street to Main Street, on Main Street to Mill Street, on Mill Street to Howard Street, on Howard Street to North Street on North Street to Stuber Street, on Stuber Street to Elizabeth Park Boulevard, on Elizabeth Park Boulevard to Lods Street, on Lods Street to Turner Street, on Turner Street to Charles Street, on Charles Street to Howard Street, on Howard Street to Lods Street, on Lods Street to Cuyahoga Street, on Cuyahoga Street to Uhler Avenue.

[F. R. Doc. 43-11961; Filed, July 26, 1943; 11:15 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 9 Under MPR 118]

PRODUCERS OF CERTAIN COTTON PRODUCTS

AUTHORIZATION OF MAXIMUM PRICES

Order No. 9 under § 1400.101 (b) (1) (iii) of Maximum Price Regulation No. 118—Cotton Products.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is ordered:*

(a) The maximum prices for the following cotton products shall be:

Reference No.	Producer	Style number and designation	Grey or finished description	Credit terms and freight allowances	Maximum prices, cents per linear yard	
					Grey goods	Finished goods
1	Edwards Manufacturing Co., Augusta, Maine.	No. 869, Insulation Foundation	80", 22½ x 15, 2.65 yards per pound (Finished).	Net 10 days		19.54
[1] 2	Brookside Mills, Knoxville, Tenn	No. 5536, Grey shelter tent duck	35¾", 60 x 60, 1.94 yards per pound (Grey).	2 percent ten days [2]	35.00	
3	York Manufacturing Co., Saco, Maine.	No. 2926-K, Grey Carded, 3-Harness Twill.	37", 136 x 64, 3.71 yards per pound (Grey).	Net 10 days	20.50	
[3] 4	Stevens Manufacturing Co., Burlington, N. C.	No. 574, Millburn Leno	60", 14 x 7, 4.00 yards per pound (Grey)	Net 10 days	15.25	

[1] The established maximum price in 2 above shall be discounted by 5% for seconds; 25% for 1 to 9.9 yard lengths, inclusive; 15% for 10 to 19.9 yard lengths, inclusive; and, 10% for 20 to 40 yard lengths, inclusive.
[2] The established maximum price in 4 above shall be discounted by 5% for seconds or for 20 to 40 yard lengths, inclusive.
[3] Freight allowed to destination not exceeding $1.00 per cwt.

(b) The maximum prices set forth in paragraph (a) shall apply f. o. b. mill.

(c) The maximum prices set forth in paragraph (a) are for fabrics made in accordance with the construction details on file with the Office of Price Administration for the particular style number and designation.

(d) The maximum prices set forth in paragraph (a) may be used by the producer as a base price from which to determine "in line" maximum prices for related types, styles and constructions of cotton products which cannot otherwise be priced under § 1400.101 of Maximum Price Regulation No. 118. If any determinations are made, the producer shall submit an appropriate report as required by the regulation.

(e) This Order No. 9 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 9 shall become effective on this 24th day of July, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11859; Filed, July 23, 1943; 2:44 p. m.]

[Amdt. 1 to Order 379 Under MPR 188]

NATIONAL PRESSURE COOKER CO., ET AL.

APPROVAL OF MAXIMUM PRICES

Amendment No. 1 to Order No. 379 under § 1499.159b of Maximum Price Regulation No. 188, Manufacturers' Maximum Prices for specified building materials and consumers' goods other than apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order Nos. 9250 and 9328, the schedule of maximum selling prices in paragraph (a) of Order No. 379 is amended to read as follows:

SCHEDULE OF MAXIMUM SELLING PRICES

	National	Wisconsin	Burpee	
			7-qt.	14-qt.
Manufacturer to jobber (f. o. b. factory)	$6.95	$7.45	$7.95	$9.60
Manufacturer to retailer (f. o. b. factory):				
In quantities of 2,000 or more	7.95	8.20	8.75	10.60
In quantities of 100 to 1,999	8.34	8.95	9.54	11.50
In quantities of less than 100	9.27	9.93	10.60	12.80
Jobber to retailer:				
Except in Far Western Zone	9.27	9.93	10.60	12.80
In Far Western Zone (f. o. b. seller's city)	9.67	10.33	11.00	13.30
Retailer to consumer:				
Except in Far Western Zone	13.90	14.90	15.90	19.20
In Far Western Zone	14.50	15.50	16.50	19.95

This amendment shall become effective on the 26th day of July 1943.

Issued this 24th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11903; Filed, July 24, 1943; 11:14 a. m.]

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC. UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on July 23, 1943.

Order Number and Name

MPR 120, Order 225, Pittsburgh & Erie Coal Co.
MPR 121, Order 18, Great Valley Anthracite Coal Co.
MPR 244, Order 30, Monroe Foundries Inc.
MPR 244, Order 31, Empire Foundry Co., Inc.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-11911; Filed, July 24, 1943; 2:58 p. m.]

[Order 241 Under MPR 188, Amdt. 1]

MANUFACTURER'S SALES OF SMALL QUANTITIES OF EXPERIMENTAL DRY CELL BATTERIES

ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 1 to Order No. 241 under § 1499.159b of Maximum Price Regulation No. 188 — Manufacturers' Maximum Prices for Specific Building Materials and Consumers' Goods other than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order Nos. 9250 and 9328, paragraph (b) of Order No. 241 is amended to read as follows:

(b) If the manufacturer's total sales of any model are greater than 800 units, this order does not apply.

Amendment No. 1 shall become effective on the 13th day of July 1943.

Issued this 12th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11931; Filed, July 12, 1943; 2:24 p. m.]

Regional, State and District Office Orders.

[Region I Order G-19 Under 18 (c)]

FLUID MILK IN NEW HAMPSHIRE

Order No. G-19 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. (Formerly General Order 19.) Fluid milk in New Hampshire.

For reasons set forth in an opinion accompanying this order and pursuant to 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, and by § 1351.807 of Maximum Price Regulation 280, and by § 1351.408 of Maximum Price Regulation 329, *It is hereby ordered:*

(a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation and by § 1351.803 of Maximum Price Regulation 280 for fluid milk sold and delivered in the New Hampshire localities listed in paragraph (d) of this order and by § 1351.402 of Maximum Price Regulation 329 for fluid milk bought or received from producers in New Hampshire localities listed in paragraph (d) of this order are modified so that the maximum prices for such fluid milk, in the transactions listed below, shall be the prices specified in the applicable schedules included in this order.

(b) For the purpose of this order, the localities in the State of New Hampshire are divided into seven zones, as defined in paragraph (d) of this order, and the maximum prices for standard and Grade A milk sold and delivered at retail and wholesale shall be as set forth in subparagraph (1) below, and the maximum prices per cwt. that may be paid to a producer in Region I for standard milk of 3.7% butterfat content bought or received from him for ultimate resale in any zone or part thereof, shall be the price set forth for such zone or part thereof, in subparagraph (2) below.

(1) *Maximum prices for retail and wholesale sales.*

Quantity	Retail		Wholesale	
	Standard	Grade A	Standard	Grade A
Zone 1:	*Cents*	*Cents*	*Cents*	*Cents*
Quarts	15½	17½	13½	15½
Pints			7½	8
Half pints			4	5
Bulk, per quart			12½	14½
Zone 2:				
Quarts	15	17	13	15
Pints			7	7½
Half pints			4	5
Bulk, per quart			12	14
Zone 3:				
Quarts	14½	16½	12½	14½
Pints			7	7½
Half pints			4	5
Bulk, per quart			11½	13½
Zone 4:				
Quarts	14	16	12	14
Pints			7	7½
Half pints			3½	4½
Bulk, per quart			11	13
Zone 5:				
Quarts	13½	15½	11½	13½
Pints			7	7½
Half pints			3½	4½
Bulk, per quart			10½	12½
Zone 6:				
Quarts	13	15	11	13
Pints			6	6½
Half pints			3½	4½
Bulk, per quart			10	12
Zone 7:				
Quarts	12	14	10	12
Pints			5½	6
Half pints			3	3¾
Bulk, per quart			9	11

(i) The above retail prices of milk shall be the maximum prices for sales for home consumption, with the exceptions noted herein. The retail prices for milk in bottles or paper containers shall be the maximum prices for such sales except that the maximum prices for sales averaging three quarts or over daily for the billing period shall be at least one cent per quart less than the above retail prices. The maximum price for single pints sold at retail in stores 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.

(ii) The above wholesale prices of milk shall be the maximum prices for sales in bottles or paper containers in any quantity to schools, stores, hotels, restaurants, and other similar trade where the product is resold, and to institutions and government agencies.

(iii) The above wholesale prices of bulk milk shall be the maximum prices for the delivery of 8 quarts of milk, or more, in 8-quart, or larger, cans to schools, stores, hotels, restaurants and other similar trade, where the product is resold, and to institutions and government agencies.

(iv) For milk sold in paper containers, one cent per container may be added to the applicable price set forth above.

(v) For Vitamin D milk, one cent per quart may be added to the applicable price set forth above for the milk to which the Vitamin D concentrate has been added.

(vi) *Pasteurized milk.* The maximum prices set above shall apply to pasteurized milk in any marketing area, as defined by the New Hampshire Milk Control Board (or if none, in any town, grant, location or purchase) in which more pasteurized milk was sold for consumption than raw milk during March, 1942, and any seller's maximum price for raw milk shall have the same differential as was then in effect for such seller. In any marketing area (or if none, in any town, grant, location, or purchase) in which more raw milk was sold for consumption than pasteurized milk during March, 1942, the maximum prices set above shall apply to raw milk, and any seller's maximum price for pasteurized milk shall have the same differential as was then in effect for such seller.

(vii) 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.

(2) *Maximum prices for milk bought or received from producers.*

Zone 1. For all milk marketing areas listed for Zone 1, paragraph (d) of this order. $4.10 if purchaser weighs and tests the milk. $4.15 if purchaser does not weigh and test the milk.

Zone 2. For all milk marketing areas listed for Zone 2, paragraph (d) of this order, $3.95.

Zone 3. For the following milk marketing areas. (25) Sanbornton, Gilford and Laconia; (59) Northfield and Tilton; (34) Franklin; (27) Tuftonboro and Wolfeboro; (51) Tamworth; Eaton, Madison, Freedom, Effingham and Ossipee: $3.72.

(23) Milford, Amherst, Wilton; (71) Merrimack; (79) Brookline; (75) Harrisville and Dublin; (41) Winchester; (66) Hillsborough; (42) Goffstown; (61) Allenstown and Pembroke; (81) Rollinsford; (69) So. Hampton; (7) Newfields and Newmarket; (13) Farmington: $3.95.

Zone 4. For the following milk marketing areas; and the town of Hinsdale:

(16) Berlin and Gorhan: $3.37.

(17) Lebanon; (30) Hanover; (40) Enfield: $3.49.

(11) Bristol; (29) Bridgewater and Hebron; (57) Plymouth, Ashland and Holderness; (25A) Alton, Moultonboro, Center Harbor, Meredith, New Durham; (28) Gilmanton; (15) Claremont; (73) Newport, Sunapee and New London; (49) Greenville: $3.72.

(87) Epping; (39) Raymond; (18) Peterborough; (50) New Ipswich; (78) Rindge; and the Town of Hinsdale: $3.95.

Zone 5. For the following milk marketing areas; and the Towns of Troy and Warner: (52) Milton, Wakefield, Brookfield, Middleton; (19) Conway: $3.49.

(67) Weare; (45) Antrim; (44) Hopkinton; (77) Epsom, Northwood and Strafford; (74) Pittsfield; (80) Belmont; (64) North Walpole; (36) Charlestown; (76) Rumney; and the Towns of Troy and Warner: $3.72.

(55) Danville: $3.84.

Zone 6. For the following milk marketing areas:

(43) Henniker; (14) Greenfield; (70) New Boston: $3.72.

(72) Woodstock, Lincoln, Thornton; (62) Franconia; (33) Lisbon; (83) Haverhill; (31) Bethlehem; (63) Carroll and Hart's Location; (60) Whitefield; (20) Lancaster; (35) Northumberland; (32) Littleton; (56) Campton; (85) Lyme: $3.49.

For the following localities not subject to N. H. Milk Control Board orders: Jefferson, Kilkenny, Stark, Randolph, Shelburne, Success and Milan: $3.37.

Zone 7. For the following milk marketing areas; and the following towns, grants and location: (21) Colebrook and Columbia; the following localities not subject to N. H. Milk Control Board orders: Stratford, Odell, Dummer, Cambridge, Millsfield, Errol, Dixville, Wentworth's Location, Dix's Grant, Dartmouth College Grant, Stewartstown, Clarksville, Academy Grant, Carlisle, Webster, Hubbard, Pittsburg, Gilmanton Academy Grant and Erving's Grant: $3.26.

(c) All customary differentials, other than those referred to in paragraph (b), including but not limited to Grade A milk, flavored milk, trade marked milk and milk of specially high or low butterfat content, which any seller (or purchaser from a producer) had in effect during the "base period," may be added to or must be subtracted from, as the case may be, the maximum prices for standard milk as fixed by this order. The base period for computing all such differentials shall be:

(1) For sales of fluid milk subject to the General Maximum Price Regulation—March 1942.

(2) For sales of fluid milk subject to Maximum Price Regulation 280, the period September 28, 1942 to October 2, 1942, inclusive.

(3) For purchases of fluid milk from producers subject to Maximum Price Regulation 329—January 1943.

(d) The zones into which the State of New Hampshire is divided for purposes of this order shall be as follows, references being to milk marketing areas as defined and numbered by the New Hampshire Milk Control Board in its last orders effective before the date of issuance of this order, and to certain other towns, grants, locations and purchases:

(1) Zone 1 shall include:

#1. The City of Concord, that part of Boscawen south of Indian Ledge, so-called, on the Daniel Webster Highway, Bow Mills and all residences along Grand View Road and all residences along Logging Hill Road for a distance of one and one-half miles from its junction with the Grand View Road in the Town of Bow.

#9. The City of Nashua and the Town of Hudson.

#47. The Town of Salem.

#48. The Towns of Hampstead and Atkinson.

#46. The Town of Plaistow.

#54. The Town of Newton.

#5. The Towns of Exeter, Fremont, Brentwood and Kingston.

#22. The Towns of Rye, North Hampton, Hampton, Hampton Falls and Seabrook.

#10. The City of Portsmouth and the Towns of Newcastle, Newington, Greenland and Stratham.

#4. The Town of Durham.

#8. The City of Dover.

#3. The City of Somersworth.

#6. The City of Rochester.

#24. The Town of Derry.

#86. The Town of Londonderry.

#38. (Manchester) Beginning at the intersection of the Daniel Webster Highway south and the road known as Porter Road in the Town of Bedford; westerly to the crossing of the Old Milford Railroad Boynton Street; thence along the old Manchester and Milford Railroad to Mast Road in the Town of Goffstown; thence northerly to the intersection of the Goffstown, Manchester and Hooksett boundary lines; thence northerly along the Goffstown-Hooksett boundary line to the intersection of the Dunbarton-Hooksett boundary line; thence northerly to the intersection of the Bow and Hooksett boundary line; thence northeasterly to the intersection of the Allenstown-Hooksett boundary line; thence easterly to the intersection of the Hooksett-Candia boundary line; thence southerly to the intersection of the Hooksett-Auburn boundary line, said point being the northeast corner of Manchester and the southeast corner of Hooksett, thence northeasterly to the Webster School in the Town of Auburn; thence southerly to the intersection of the Manchester-Auburn line at the Londonderry line; thence in a straight line to where Little Cohas Brook crosses the Manchester line; thence in a straight line to the point of beginning.

(2) Zone 2 shall include:

#2 The Town of Jaffrey.

#12. The City of Keene and the Towns of Marlboro and Swanzey.

(3) Zone 3 shall include:

#7. The Towns of Newmarket and Newfields.

#81 The Town of Rollinsford.

#69. The T wn of South Hampton.

#51. The Towns of Ossipee, Effingham, Freedom, Madison, Eaton and Tamworth.

#27. The Towns of Wolfeboro and Tuftonboro.

#25. The City of Laconia and the Towns of Sonbornton and Gifford and that part of Belmont which is within one mile of the shore of Lake Winnisquam, together with that part of Tilton between the Daniel Webster Highway and Lake Winnisquam.

#59. The Towns of Tilton and Northfield, exclusive of that part of Tilton heretofore included in Market Area #25.

#34. The City of Franklin.

#13. The Town of Farmington.

#61. The Towns of Pembroke and Allenstown.

#66. The Town of Hillsborough and that part of the Town of Deering which is within one mile of the Hillsborough-Deering Town Line.

#42. That part of the Town of Goffstown not included in Market Area #38, and that portion of the Village of Riverdale which is in the Town of Weare.

#41. The Town of Winchester.

#75. The Towns of Dublin and Harrisville.

#23. The Towns of Milford, Amherst and Wilton.

#71. The Town of Merrimack.

#79. The Town of Brookline.

(4) Zone 4 shall include:

#49. The Town of Greenville.

#87. The Town of Epping.

#39. The Town of Raymond.

#11. The Town of Bristol, exclusive of that part of the Town of Bristol, which is included in Market Area #29. (Newfound Lake Market Area.)

#29. The Towns of Hebron and Bridgewater an that part of Alexandria lying between the shore of Newfound Lake and an imaginary line parallel with and one-quarter mile westerly of the main road from Bristol to Hebron Village and that part of Bristol which lies between the western shore of said Lake and an imaginary line parallel with and one-quarter mile westerly from the main road from Bristol to Hebron Village. Also such part of Bristol which lies within one-quarter of a mile of the southern shore line of said Lake and also such part of Bristol within one-half mile of the easterly shore line of said Lake and all islands within said Lake.

#57. The Towns of Plymouth and Ashland and that part of the Town of Holderness as lies within three miles of the Plymouth-Holderness town line.

#18. The Town of Peterborough.

#50. The Town of New Ipswich.

#78. The Town of Rindge.

#25. The Towns of Alton, Moultonborough, Center Harbor, Meredith and that part of the Town of New Durham which is more than one mile north of State Highway No. 11, and the Town of Holderness except such portion of said town as lies within three miles of the Plymouth-Holderness town line.

#28. The Town of Gilmanton.

#15. The Town of Claremont.

#73. The Towns of Newport, Sunapee and New London.

#40. The Town of Enfield.

#30. The Town of Hanover.

#17. The Town of Lebanon.

#16. The City of Berlin and the Town of Gorhan and, not subject to any order of the N. H. Milk Control Board, the Town of Hinsdale.

(5) Zone 5 shall include:

#67. The Town of Weare with the exception of the Village of Riverdale.

#45. The Town of Antrim.

#44. The Town of Hopkinton.

#77. The Towns of Epsom, Northwood and Strafford.

#74. The Town of Pittsfield.

#52. The Towns of Milton, Wakefield, Brookfield and Middleton.

#80. The Town of Belmont with the exception of that part which is within one mile of the shore of Lake Winnisquam.

#19. The Town of Conway.

#64. That part of the Town of Walpole known as North Walpole and extending southerly from North Walpole Village to a distance of 500 feet southerly from Cold River.

#36. The Town of Charlestown.

#55. The Town of Danville.

#76. The Town of Rumney and the following towns, not subject to orders of the N. H. Milk Control Board—Troy and Warner.

(6) Zone 6 shall include:

#72. The Towns of Woodstock, Lincoln and Thornton.

#62. The Town of Franconia.

#33. The Town of Lisbon and that part of the Town of Landaff between the Lisbon-Landaff town line and the Boston & Maine new underpass.
#83. The Town of Haverhill and that part of the Town of Bath that is included in the Woodsville precint for school purposes.
#31. The Town of Bethlehem.
#63. The Town of Carroll and Hart's Location.
#60. The Town of Whitefield.
#20. The Town of Lancaster.
#35. The Town of Northumberland.
#32. The Town of Littleton.
#14. The Town of Greenfield.
#70. The Town of New Boston.
#43. The Town of Henniker.
#56. The Town of Campton.
#85. The Town of Lyme and the following localities not subject to N. H. Milk Control Board orders: Jefferson, Kilkenny, Stark, Randolph, Shelburne, Success and Milan.

(7) Zone 7 shall include:

#21—The Towns of Colebrook and Columbia; The following towns not subject to N. H. Milk Control Board orders: Stratford, Odell, Dummer, Cambridge, Millsfield, Errol, Dixville, Wentworth's Location, Dix's Grant, Dartmouth College Grant, Stewartstown, Clarksville, Academy Grant, Carlisle, Webster, Hubbard, Pittsburg, Gilmanton Grant.

(e) For standard and Grade A milk sold and delivered at retail and wholesale in any locality in the State of New Hampshire not listed in paragraph (d) of this order, and for standard milk of 3.7 butterfat content bought or received from producers in Region I for ultimate resale in any such locality, the maximum prices established by § 1499.2 of the General Maximum Price Regulation, § 1351.803 of Maximum Price Regulation 280 or by § 1351.402 of Maximum Price Regulation 329, as the case may be, are modified, so that the maximum prices shall be either:

1. The applicable maximum price as determined under § 1499.2 of the General Maximum Price Regulation, Section 1351.803 of Maximum Price Regulation 280, or Section 1351.402 of Maximum Price Regulation 329, as the case may be, or

2. The prices specified for localities in Zone 6 (six) as set forth in subparagraph (1) of paragraph (b) or, for such milk bought or received from such producers, $3.49 per cwt., as the case may be, whichever is higher.

(f) For standard and Grade A milk sold at retail by hotels, restaurants, soda fountains, bars, cafes, caterers, or other similar eating establishments for other than home consumption in any locality in the State of New Hampshire, the maximum prices established by § 1499.2 of the General Maximum Price Regulation are modified so that the maximum prices for such milk in pint or half-pint paper or glass containers shall be the applicable maximum prices determined under § 1499.2 of the General Maximum Price Regulation, plus one cent for each such pint or one-half pint.

(g) 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 § 1499.13 of the General Maximum Price Regulation.

(h) All previous Region I Price Orders affecting the maximum prices of fluid milk sold in New Hampshire are superseded by this Region I Order No. G–19, including Region I Price Order #8, as amended. (Redesignated as Order No. C–8 under § 1499.18 (c), as amended, of the General Maximum Price Regulation.)

(i) Unless the context otherwise requires, the definitions as set forth in the regulation which is applicable to any sale of any fluid milk under this Order, shall apply to the terms used herein with reference to such sale.

(j) This Order No. G–19 may be revoked, amended or corrected at any time.

(k) This Order No. G–19 shall become effective April 1, 1943, at 12:01 a. m.

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

Issued this 30th day of March 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43–11849; Filed, July 23, 1943; 11:45 a. m.]

[Region I Order G–19 Under 18 (c), Amdt. 1]

FLUID MILK IN NEW HAMPSHIRE

Amendment No. 1 to Order No. G–19 (formerly General Order No. 19) under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Fluid milk in New Hampshire.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator for Region I of the Office of Price Administration by § 1351.408 of Maximum Price Regulation 329, *It is hereby ordered*, That the subdivision designated as Zone 4 in paragraph (b) (2) be amended to read as set forth below:

(b) * * *
(2) * * *

Zone 4 for the following milk marketing areas; and the Town of Hinsdale:

(16)—Berlin and Gorham	$3.37
(17)—Lebanon; (30)—Hanover; (40)—Enfield	3.49
(11)—Bristol; (29)—Bridgewater and Hebron; (57)—Plymouth, Ashland and Holderness; (25A)—Alton, Moultonboro, Center Harbor, Meredith, New Durham; (28)—Gilmanton; (15)—Claremont; (73)—Newport, Sunapee and New London	3.72
(87)—Epping; (39)—Raymond; (18)—Peterborough; (50)—New Ipswich; (78)—Rindge; (49)—Greenville; and the Town of Hinsdale	3.95

This amendment to Order No. G–19 shall become effective April 27, 1943, at 12:01 a. m.

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

Issued this 26th day of April 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43–11850; Filed, July 23, 1943; 11:46 a. m.]

[Region I Order G–19 Under 18 (c), Amdt. 2]

FLUID MILK IN NEW HAMPSHIRE

Amendment 2 to Order No. G–19 (formerly General Order 19) under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Fluid milk in New Hampshire.

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 No. 33, by § 1351.807 of Maximum Price Regulation 280, and by § 1351.408 of Maximum Price Regulation 329, *It is hereby ordered*, That the subdivisions designated as Zone 3 and Zone 5 in paragraph (b) (2) be amended, that paragraph (f) be amended and that paragraph (1) be added, to read as set forth below:

(b) * * *
(2) * * *

Zone 3. For the following milk marketing areas:

(25) Sanbornton, Gilford and Laconia; (59) Northfield and Tilton; (34) Franklin; (27) Tuftonboro and Wolfeboro; (51) Tamworth, Eaton Madison, Freedom, Effingham and Ossipee; (19) Conway: $3.72.

(23) Milford, Amherst, Wilton; (71) Merrimack; (79) Brookline; (75) Harrisville and Dublin; (41) Winchester; (66) Hillsborough; (42) Goffstown; (61) Allenstown and Pembroke; (81) Rollinsford; (69) So. Hampton; (7) Newfields and Newmarket; (13) Farmington: $3.95.

* * * * *

Zone 5. For the following milk marketing areas; and the Towns of Troy and Warner:

(52) Milton, Wakefield, Brookfield, Middleton: $3.49.

(67) Weare; (45) Antrim; (44) Hopkinton; (77) Epsom, Northwood and Strafford; (74) Pittsfield; (80) Belmont; (64) North Walpole; (36) Charlestown; (76) Rumney; and the Towns of Troy and Warner: $3.72.

(55)—Danville: $3.84.

(f) *Special pricing*—(1) *Maximum prices for eating establishments.* For standard and Grade A milk sold at retail by hotels, restaurants, soda fountains, bars, cafes, caterers, or other similar eating establishments for other than home consumption in any locality in the State of New Hampshire, the maximum prices established by § 1499.2 of the General Maximum Price Regulation are modified so that the maximum prices for such milk in pint or half-pint paper or glass containers shall be the applicable maximum prices determined under § 1499.2 of the General Maximum Price Regulation, plus one cent for each such pint or one-half pint.

(2) *Maximum prices for fluid milk sold to and by "summer establishments."* Where fluid milk is delivered between June 1 and September 30, both dates inclusive, by a seller to a summer establishment, his maximum prices for retail and wholesale sales of such milk to such establishments, and the maximum prices of such establishment upon a resale of such milk by it, shall be (i) the maximum prices set forth in paragraph (b) (1) of this order for Zone 1 if such establishment is located in that part of New Hampshire south of a line formed by the

southern boundaries of the towns of Orford and Wentworth, the southern boundary and a portion of the eastern boundary of the town of Rumney, the southern boundary of the town of Campton, a portion of the western boundary, the southern boundary, and a portion of the eastern boundary of the town of Sandwich, the southern, southeastern and eastern boundaries of the town of Albany, the eastern boundary of Hales Location, a portion of the eastern and southern boundaries of the town of Bartlett, and the southern boundary of the town of Chatham, and (ii) the maximum prices set forth in paragraph (b) (1) of this order for Zone 2 if such establishment is located elsewhere in New Hampshire. "Summer establishment" shall include any retail store, hotel, boarding house, restaurant, camp, dwelling or other living or retail selling establishment which is not regularly occupied or operated, as the case may be, at any time during the year except for one or more periods between June 1 and September 30, both dates inclusive.

(1) Amendments to Order No. G–19 shall become effective as follows: (1) Amendment No. 1 shall become effective April 27, 1943, at 12:01 a. m.

(2) Amendment No. 2 shall become effective May 22, 1943, at 12:01 a. m.

(Pub. Laws 621 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 21st day of May 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43–11851; Filed, July 23, 1943; 11:46 a. m.]

[Region I, Order G–19 Under 18 (c), Amdt. 3]

FLUID MILK IN NEW HAMPSHIRE

Amendment 3 to Order G–19 under section 18 (c) of the General Maximum Price Regulation. Fluid milk in New Hampshire.

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 section 18 (c) of the General Maximum Price Regulation, as amended by Amendment No. 33, and by § 1351.807 of Maximum Price Regulation 280, *It is hereby ordered,* That paragraph (f) (2) be amended and that subparagraph (3) of paragraph (1) be added, to read as set forth below:

(f) * * *

(2) *Maximum prices for fluid milk sold to and by "summer establishments."* Where fluid milk is delivered between June 1 and September 30, both dates inclusive, by a seller to a summer establishment or to a person listed in subdivision (i) Appendix A hereof, the seller's maximum prices for retail and wholesale sales of such milk to such establishment or person, and the maximum prices of such establishment or person upon resale of such milk shall be (i) the maximum prices set forth in paragraph (b) (1) of this order for Zone 1 if such establishment or person's place of business is located in that part of New Hampshire south of a line formed by the southern boundaries of the towns of Orford and Wentworth, the southern boundary and a portion of the eastern boundary of the town of Rumney, the southern boundary of the town of Campton, a portion of the western boundary, the southern boundary, and a portion of the eastern boundary of the town of Sandwich, the southern, southeastern and eastern boundaries of the town of Albany, the eastern boundary of Hales Location, a portion of the eastern and southern boundaries of the town of Bartlett, and the southern boundary of the town of Chatham, and (ii) the maximum prices set forth in paragraph (b) (1) of this order for Zone 2 if such establishment or person's place of business is located elsewhere in New Hampshire. "Summer establishment" shall include any retail store, hotel, boarding house, restaurant, camp, dwelling or other living or retail selling establishment which is not regularly occupied or operated, as the case may be, at any time during the year except for one or more periods between June 1 and September 30, both dates inclusive.

(i) *Appendix A,* L. M. Jackson & Son, Bethlehem, New Hampshire; Bernardi's Market, Bethlehem, New Hampshire.

(3) Amendment No. 3 shall become effective June 1, 1943, at 12:01 a. m.

(Pub. Laws 421 and 729, 7th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 29th day of May 1943.

GORDON K. CREIGHTON,
Acting Regional Administrator.

[F. R. Doc. 43–11852; Filed, July 23, 1943; 11:46 a. m.]

[Region I Order G–19 Under 18 (c), Amdt. 4]

FLUID MILK IN NEW HAMPSHIRE

Amendment 4 to Order No. G–19 under section 18 (c) of the General Maximum Price Regulation. Fluid milk in New Hampshire.

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 section 18 (c) of the General Maximum Price Regulation, as amended by Amendment No. 33, by § 1351.807 of Maximum Price Regulation 280, and by § 1351.408 of Maximum Price Regulation 329, *It is hereby ordered* That subparagraphs (3) and (5) of paragraph (d) be amended, and that subparagraph (4) of paragraph (1) be added, to read as set forth below:

(d) * * *

(3) Zone 3 shall include:

#7. The Towns of Newmarket and Newfields.
#81. The Town of Rollinsford.
#69. The Town of South Hampton.
#51. The Towns of Ossipee, Effingham, Freedam, Madison, Eaton and Tamworth.
#19. The Town of Conway.
#27. The Towns of Wolfeboro and Tuftonboro.
#25. The City of Laconia and the Towns of Sanbornton and Gilford and that part of Belmont which is within one mile of the shore of Lake Winnisquam, together with that part of Tilton between the Daniel Webster Highway and Lake Winnisquam.
#59. The Towns of Tilton and Northfield, exclusive of that part of Tilton heretofore included in Market Area #25.
#34. The City of Franklin.
#13. The Town of Farmington.
#61. The Towns of Pembroke and Allentown.
#66. The Town of Hillsborough and that part of the Town of Deering which is within one mile of the Hillsborough-Deering Town Line.
#42. That part of the Town of Goffstown not included in Market Area #38, and that portion of the Village of Riverdale which is in the Town of Weare.
#41. The Town of Winchester.
#75. The Towns of Dublin and Harrisville.
#23. The Towns of Milford, Amherst and Wilton.
#71. The Town of Merrimack.
#79. The Town of Brookline.

* * * * *

(5) Zone 5 shall include:

#67. The Town of Weare with the exception of the Village of Riverdale.
#45. The Town of Antrim.
#44. The Town of Hopkinton.
#77. The Towns of Epsom, Northwood and Strafford.
#74. The Town of Pittsfield.
#52. The Towns of Milton, Wakefield, Brookfield and Middleton.
#80. The Town of Belmont with the exception of that part which is within one mile of the shore of Lake Winnisquam.
#64. That part of the Town of Walpole known as North Walpole and extending southerly from North Walpole Village to a distance of 500 feet southerly from Cold River.
#36. The Town of Charlestown.
#55. The Town of Danville.
#76. The Town of Rumney and the following towns, not subject to orders of the N. H. Milk Control Board: Troy and Warner.

(4) Amendment No. 4 shall become effective as of May 22, 1943, at 12:01 a. m.

Issued this 24th day of June 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43–11853; Filed, July 23, 1943; 11:46 a. m.]

[Region I, Order G–21 Under 18 (c)]

FLUID MILK IN MAINE

Order No. G–21 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Fluid milk in the State of Maine.

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 280, and by § 1351.408 of Maximum Price Regulation 329, *It is hereby ordered:*

(a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation and § 1351.803 of Maxi-

mum Price Regulation No. 280 for fluid milk sold or delivered in the localities in the State of Maine listed in section (a) (2) of this order, and by § 1351.402 of Maximum Price Regulation No. 329 for fluid milk bought and 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 specified in the applicable schedule below:

(1) *Maximum prices.* For the purposes of section (a) of this Order certain localities in the State of Maine have been allocated among ten Zones, as defined below, and the maximum prices for standard milk sold and delivered in such localities shall be as follows:

Price to producers (per cwt.)	Quantity	Other prices		
		Retail	Wholesale	Dealer to dealer
Zone 1: $4.10	Quart bottles	$0.155	$0.135	$0.125
	Pint bottles		.075	.065
	10 oz. bottles		.06	.05
	8 oz. bottles		.045	.04
	Bulk in cans (per qt.)		.125	
Zone 2: $3.90	Quart bottles	.155	.135	.125
	Pint bottles		.075	.065
	10 oz. bottles		.06	.05
	8 oz. bottles		.045	.04
	Bulk in cans (per qt.)		.125	
Zone 3: $3.79	Quart bottles	.15	.13	.12
	Pint bottles		.075	.065
	10 oz. bottles		.055	.045
	8 oz. bottles		.04	.0375
	Bulk in cans (per qt.)		.12	
Zone 4: $3.79	Quart bottles	.145	.125	.115
	Pint bottles		.075	.065
	10 oz. bottles		.055	.045
	8 oz. bottles		.04	.035
	Bulk in cans (per qt.)		.115	
Zone 5: $3.79	Quart bottles	.14	.12	.11
	Pint bottles		.07	.06
	10 oz. bottles		.05	.04
	8 oz. bottles		.035	.03
	Bulk in cans (per qt.)		.11	
Zone 6: $3.68	Quart bottles	.145	.125	.115
	Pint bottles		.075	.065
	10 oz. bottles		.055	.045
	8 oz. bottles		.04	.035
	Bulk in cans (per qt.)		.115	
Zone 7: $3.56	Quart bottles	.145	.125	.115
	Pint bottles		.075	.065
	10 oz. bottles		.055	.045
	8 oz. bottles		.04	.035
	Bulk in cans (per qt.)		.115	
Zone 8: $3.56	Quart bottles	.14	.12	.11
	Pint bottles		.07	.06
	10 oz. bottles		.05	.04
	8 oz. bottles		.035	.03
	Bulk in cans (per qt.)		.11	
Zone 9: $3.56	Quart bottles	.135	.115	.105
	Pint bottles		.065	.055
	10 oz. bottles		.05	.04
	8 oz. bottles		.035	.03
	Bulk in cans (per qt.)		.105	
Zone 10: $3.56	Quart bottles	.13	.11	.10
	Pint bottles		.065	.055
	10 oz. bottles		.05	.04
	8 oz. bottles		.035	.03
	Bulk in cans (per qt.)		.10	

(2) *Zones:* For purposes of section (a) of this order the allocation of localities in the State of Maine among the various Zones shall be as follows:

Androscoggin County:
- Lisbon Falls (a part of Lisbon) — Zone 3
- Auburn, Lewiston, Lisbon (except that part known as Lisbon Falls) — Zone 4
- Mechanic Falls, Poland — Zone 5
- The remainder of Androscoggin County — Zone 8

Aroostook County:
- Houlton, Mapleton, Presque Isle — Zone 6
- Blaine, Caribou, Fort Fairfield, Mars Hill — Zone 9
- The remainder of Aroostook County — Zone 10

Cumberland County:
- Cape Elizabeth, Falmouth, Portland, Scarboro, South Portland, Westbrook — Zone 2
- Brunswick, Harpswell — Zone 3
- Cumberland, Freeport, Gorham, Windham, Yarmouth — Zone 4
- The remainder of Cumberland County — Zone 8

Franklin County:
- Farmington, Jay, New Vineyard, Rangeley, Rangeley Pl., Sandy River Pl., Dallas Pl., Wilton — Zone 8
- The remainder of Franklin County — Zone 10

Hancock County:
- Bar Harbor, Ellsworth, Mt. Desert, Southwest Harbor, Tremont — Zone 8
- The remainder of Hancock County — Zone 9

Kennebec County:
- Augusta, Chelsea, Farmingdale, Gardiner, Hallowell, Manchester, Randolph, West Gardiner, Winthrop — Zone 6
- The remainder of Kennebec County — Zone 8

Knox County:
- Camden, Owls Head, Rockland, Rockport — Zone 7
- The remainder of Knox County — Zone 8

Lincoln County:
- Bristol, Damariscotta, New Castle, Nobleboro, Waldoboro — Zone 7
- The remainder of Lincoln County — Zone 8

Oxford County:
- Dixfield, Mexico, Peru, Rumford — Zone 4
- Oxford — Zone 5
- The remainder of Oxford County — Zone 8

Penobscot County:
- Bangor, Bradley, Brewer, Hampden, Milford, Old Town, Orono, Orrington, Veazie — Zone 8
- The remainder of Penobscot County — Zone 9

Piscataquis County:
- Entire County — Zone 9

Sagadahoc County:
- Bath, Topsham, West Bath, Woolwich — Zone 3
- Richmond — Zone 6
- The remainder of Somerset County — Zone 8

Somerset County:
- Anson, Bingham, Fairfield, Madison, Moscow, Skowhegan, Solon — Zone 8
- The remainder of Somerset County — Zone 9

Waldo County:
- Islesboro — Zone 8
- Belfast, Northport — Zone 9
- The remainder of Waldo County — Zone 10

Washington County:
- Baileyville, Calais, Eastport, Lubec, Pembroke, Perry, Trescott — Zone 8
- The remainder of Washington County — Zone 9

York County:
- Berwick, Eliot, Kittery, South Berwick, York — Zone 1
- Old Orchard and Old Orchard Pier — Zone 2
- Alfred, Biddeford, Kennebunk, Kennebunkport, North Berwick, North Kennebunkport, Saco, Sanford, Wells — Zone 3
- The remainder of York County — Zone 8

(b) The prices set in section (a) of this order are subject to the following qualifications:

(1) The above "Retail" prices shall include sales for home consumption by any person, whether sold for cash or on credit, and whether sold on the premises or delivered.

(2) The above "wholesale" prices shall include delivered sales to stores, schools, restaurants, hotels, institutions and government agencies, either for consumption or for resale to consumers.

(3) The above "dealer to dealer" prices shall include sales by dealers and producer-dealers to other dealers.

(4) The above "price to producers" fixed for each zone shall be applicable to fluid milk bought or received from producers in Region I for ultimate resale for human consumption as fluid milk in any locality in such zone.

(5) A deposit charge of not more than five cents per bottle may be made to and by stores purchasing milk in glass bottles for resale, such bottles to be redeemed at the same price as is thus charged.

(6) When sale is made at wholesale or retail in a paper container, an additional charge of not more than one cent per container may be made over and above the applicable prices specified in the respective schedules as set forth above.

(7) The maximum prices fixed in this order shall be applicable whether the milk is raw or pasteurized.

(8) All other customary 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 No. 329, January 1943.

(9) 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.

(c) 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 § 1499.13 of the General Maximum Price Regulation.

(d) Unless the context otherwise requires, the definitions set forth in the Regulation applicable to any sale of any fluid milk under this order shall apply to the terms used herein with reference to such sale.

(e) All previous Region I Price Orders affecting the maximum prices of fluid milk sold in Maine are superseded by this Region I Order Number G–21, including Region I Price Order 9 (redesignated as Order No. G–9) under § 1499.18 (c), as amended, of the General Maximum Price Regulation and § 1351.807 of Maximum Price Regulation 280—Fluid Milk in Maine—and Region I Price Order 2 (redesignated as Order No. G–2) under § 1499.73 (a) (1) (iv) of Supplementary Regulation 14—Fluid Milk in Lewiston, Auburn and part of Lisbon, Maine.

(f) This order may be revoked, amended or corrected at any time.

(g) This order shall become effective April 1, 1943, at 12:01 a. m.

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

Issued this 31st day of March 1943.

GORDON K. CREIGHTON,
Acting Regional Administrator.

[F. R. Doc. 43–11854; Filed, July 23, 1943; 11:47 a. m.]

[Region I Order G–21 Under 18 (c), Amdt. 1]

FLUID MILK IN MAINE

Amendment 1 to Order Number G–21 under § 1499.18 (c) of the General Maximum Price Regulation. Fluid milk in the State of Maine.

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 section 18 (c) of the General Maximum Price Regulation, as amended by Amendment 33, by § 1351.807 of Maximum Price Regulation 280, and by § 1351.408 of Maximum Price Regulation 329, *It is hereby ordered*, That section (a) (1) be amended by substituting the word "eleven" for the word "ten" in the first paragraph thereof, that a subdivision designated at Zone 11 be added to the schedule of prices in section (a) (1), that the subdivision designated as Hancock County in section (a) (2) be amended, that paragraph (10) of section (b) be added, and that section (h) be added, to read as set forth below:

(a) * * *

(1) *Maximum prices.* For the purposes of section (a) of this order certain localities in the State of Maine have been allocated among eleven zones, as defined below, and the maximum prices for standard milk sold and delivered in such localities shall be as follows:

Price to producers (per cwt)	Quantity	Other prices		
		Retail	Wholesale	Dealer to dealer
Zone 11: *	*	*	*	*
$4.02 (to producers on Mount Desert Island).	Quart bottles	$0.16	$0.14	$0.13
$3.56 (to producers elsewhere in region I).	Pint bottles	----------	.08	.07
	10 ounce bottles	----------	.065	.055
	8 ounce bottles	----------	.05	.045
	Bulk in cans (per quart)	----------	.13	----------

(2) * * *

Hancock County:	
Ellsworth	Zone 8.
Bar Harbor, Mount Desert, Southwest Harbor, Tremont	Zone 11.
Remainder of Hancock County	Zone 9.

(b) * * *

(10) Where fluid milk is delivered between June 1 and September 30, both dates inclusive, by a seller to a summer establishments, his maximum price for retail and wholesale sales of such milk to such establishment shall be the appropriate maximum price set forth in section (a) of this order for the zone in which the milk is sold or delivered, plus the customary differential in effect during the 1941 summer season between the seller's price to such establishment during such summer season and the seller's 1941 summer season price to year-round purchasers of the same type in the same distribution area. If the seller did not sell or offer to sell fluid milk to a particular summer establishment during the 1941 summer season, he shall establish his maximum price to such establishment by adding to the appropriate maximum price set forth in section (a) hereof the differential established as above for sales to the summer establishment, of the same type and located nearest to such summer establishment, to which he sold or offered to sell fluid milk during such season. If a seller is unable to establish his maximum price to a particular summer establishment in the foregoing manner, he shall take as his maximum price the maximum price established in the above manner by his most closely competitive seller of the same class for sales to the summer establishment of the same type and located nearest to such summer establishment, for which such competitor has established a maximum price in such manner. Any summer establishment which resells milk the maximum price for which has been established by this subsection may increase its maximum price therefor by the exact amount of the increase in the cost of such milk to it effected by this subsection. "Summer establishment" shall include any retail store, hotel, boarding house, restaurant, camp, dwelling or other living or retail selling establishment which is not regularly occupied or operated, as the case may be, at any time during the year except for one or more periods between June 1 and September 30, both dates inclusive. Not more than ten days after a seller has established a maximum price hereunder, he shall file a report with the appropriate War Price and Rationing Board setting forth such price, the area or summer establishments for sales to which it applies, and how it was computed.

* * * * *

(h) Amendments to Region I Order Number G–21 shall become effective as follows: (1) Amendment No. 1 shall become effective June 1, 1943, at 12:01 a. m.

Issued this 31st day of May 1943.

GORDON K. CREIGHTON,
Acting Regional Administrator.

[F. R. Doc. 43–11855; Filed, July 23, 1943; 11:47 a. m.]

[Region I Order G–21 Under 18 (c), Amdt. 2]

FLUID MILK IN MAINE

Amendment 2 to Order Number G–21 under § 1499.18 (c) of the General Maximum Price Regulation. Fluid milk in the State of Maine.

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 section 18 (c) of the General Maximum Price Regulation, as amended by Amendment 33, and by § 1351.807 of Maximum Price Regulation 280, *It is hereby ordered*, That subparagraph (10) of section (b) be amended, and that subparagraph (2) of section (h) be added, to read as set forth below:

(b) * * *

(10) Where fluid milk is delivered between June 1 and September 30, both dates inclusive, by a seller to a summer establishment, his maximum price for retail and wholesale sales of such milk to such establishment shall be the appropriate maximum price set forth in section (a) of this order for the zone in which the milk is sold or delivered, plus the customary differential in effect during the 1941 summer season between the seller's price to such establishment during such summer season and the seller's 1941 summer season price to

year-round purchasers of the same type in the same distribution area. If the seller did not sell or offer to sell fluid milk to a particular summer establishment during the 1941 summer season, he shall establish his maximum price to such establishment by adding to the appropriate maximum price set forth in section (a) hereof the differential established as above for sales to the summer establishment, of the same type and located nearest to such summer establishment, to which he sold or offered to sell fluid milk during such season. If a seller is unable to establish his maximum price to a particular summer establishment in the foregoing manner, he shall take as his maximum price the maximum price established in the above manner by his most closely competitive seller of the same class for sales to the summer establishment, of the same type and located nearest to such summer establishment, for which such competitor has established a maximum price in such manner. If a seller is unable to establish his maximum price to a particular summer establishment by any of the foregoing methods, and such establishment is located in a zone, established by section (a) of this order, other than the zone in which the seller's place of business is located, his maximum price to such establishment shall be the appropriate maximum price set forth in section (a) of this order (i) for the zone in which his place of business is located, or (ii) for the zone in which he delivered the milk, whichever is higher. Any summer establishment which resells milk the maximum price for which has been established by this subsection may increase its maximum price therefor by the exact amount of the increase in the cost of such milk to it effected by this subsection. "Summer establishment" shall include any retail store, hotel, boarding house, restaurant, camp, dwelling or other living or retail selling establishment which is not regularly occupied or operated, as the case may be, at any time during the year except for one or more periods between June 1 and September 30, both dates inclusive. Not more than ten days after a seller has established a maximum price hereunder, he shall file a report with the appropriate War Price and Rationing Board setting forth such price, the area or summer establishments for sales to which it applies, and how it was computed.

(h) * * *

Amendment 2 shall become effective June 3, 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 2d day of June 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-11856; Filed, July 23, 1943; 11:48 a. m.]

[Region I Order G-21 Under 18 (c), Amdt. 3]

FLUID MILK IN MAINE

Amendment 3 to Order No. G-21 under § 1499.18 (c) of the General Maximum Price Regulation. Fluid milk in the State of Maine.

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 section 18 (c) of the General Maximum Price Regulation, as amended by Amendment 33, by § 1351.807 of Maximum Price Regulation 280, and by § 1351.408 of Maximum Price Regulation 329, *It is hereby ordered* That section (a) (1) be amended by substituting the word "twelve" for the word "eleven" in the first paragraph thereof, that a subdivision designated as Zone 12 be added to the schedule of prices in section (a) (1), that the subdivision designated as Penobscot County in section (a) (2) be amended, and that subparagraph (2) of paragraph (h) be added, to read as set forth below:

(a) * * *

(1) *Maximum prices.* For the purposes of section (a) of this order certain localities in the State of Maine have been allocated among twelve zones, as defined below, and the maximum prices for standard milk sold and delivered in such localities shall be as follows:

Price to producers (per cwt.)	Quantity	Other prices		
		Retail	Wholesale	Dealer to dealer
*	*	*	*	*
Zone 12: $3.61 (f. o. b. Sherman Station); $3.56 (other purchases).	Qt. bottles	$0.145	$0.125	$0.115
	Pt. bottles		.075	.065
	10-oz. bottles		.055	.045
	8-oz. bottles		.04	.035
	Bulk in cans (per qt)		.115	

(2) * * *

Penobscot County:

Bangor, Bradley, Brewer, Hampden, Milford, Old Town, Orono, Orrington, Veazie ---------- Zone 8
Millinocket ---------- Zone 12
Remainder of Penobscot County ---------- Zone 9

* * * * *

(h) * * *

(2) Amendment No. 3 shall become effective June 15, 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 14th day of June 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-11857; Filed, July 23, 1943; 11:48 a. m.]

[Region I Order G-22 Under 18 (c), Amdt. 2]

FLUID MILK IN VERMONT

Amendment 2 to Region I Order Number G-22 under § 499.18 (c) of the General Maximum Price Regulation. Fluid Milk in the State of Vermont.

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 the first paragraph of section (a) (2) and subdivision (i) of section (a) (2) be amended, that subdivision (iii) of section (a) (12) be amended by inserting an inferior subdivision designated as "Fort Ethan Allen" between the inferior subdivisions designated as "Burlington Market Area" and "Montpelier Market Area", that section (a) (3) be amended, that section (a) (9) be amended, and that section (f) (2) be added, to read as set forth below:

(a) * * *

(2) The Price Zones into which certain localities in the State of Vermont are allocated for the purposes of section (a) of this order shall be as follows, references to Market Areas being to Market Areas 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 Mallets Bay in Colchester to southerly boundary of Bartletts Bay and congested area in South Burlington.

Fort Ethan Allen: (For milk with a butterfat content of more than 4%).

Springfield Market Area: (For milk with a butterfat content of more than 4%)—The Town of Springfield.

* * * * *

(iii) * * *

Fort Ethan Allen: (For milk with a butterfat content of 4% or less):

* * * * *

(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:

Price to producers (per cwt.)	*Market areas and localities*
$3.95	Brattleboro.
$3.79	Bellow Falls, Cavendish-Ludlow, Chester Springfield, White River Junction, Windsor, Woodstock.
$3.56	Barre, Barton, Bennington, Bethel, Bradford, Brandon, Bristol, Burlington, Chelsea, Derby, Enosburg Falls, Essex Junction, Fairlee, Fort Ethan Allen, 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 all other localities south of the line described in Price Zone 6 of this Order.

Price to producers (per cwt.)	*Market areas and localities*
$3.32	Milton, Montgomery, Richmond, Stowe, and Westmore.
$3.26	All other localities north of the line described in Price Zone 6 of this Order.

* * * * *

(9) In the Burlington Market Area, the Springfield Market Area, and Fort Ethan Allen, 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.

(f) * * *

(2) Amendment 2 shall become effective as of April 7, 1943, at 12:01 a. m.

Issued this 23d day of June 1943.

RICHARD H. FIELD,
Acting Regional Administrator.

[F. R. Doc. 43-11858; Filed, July 23, 1943; 11:48 a. m.]

[Oklahoma City, Order G-1 Under Gen. Order 50]

DOMESTIC MALT BEVERAGES IN OKLAHOMA CITY DISTRICT

Oklahoma City Order No. G-1 Under General Order No. 50. Filing of prices by restaurant and similar establishments: Delegation of authority to fix maximum prices. Price of domestic malt beverages sold by eating and drinking places in the Oklahoma City District.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Oklahoma City, Oklahoma, District Office of Region V of the Office of Price Administration by General Order No. 50, issued by the Administrator of the Office of Price Administration, and Region V Delegation Order dated April 13, 1943, *It is hereby ordered:*

SECTION 1. *What this order does.* In accordance with the provisions of General Order No. 50, this order establishes in section 9 hereof, "dollars and cents" maximum prices for certain beverage items offered for sale or sold by any "person" owning or operating an "Eating or Drinking Place" located in the Oklahoma City District, composed of the following counties in the State of Oklahoma:

Alfalfa, Atoka, Beaver, Beckham, Blaine, Bryan, Caddo, Canadian, Carter, Choctaw, Cimarron, Cleveland, Coal, Comanche, Cotton, Custer, Dewey, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Lincoln, Logan, Love, McClain, McCurtain, Major, Marshall, Murray, Noble, Oklahoma, Payne, Pontotoc, Pottawatomie, Pushmataha, Roger Mills, Seminole, Stephens, Texas, Tillman, Washita, Woods, Woodward.

SEC. 2. *What this order covers.* The beverage items to which this order applies are:

(a) Domestic malt beverages as defined in section 7 hereof, and commonly known as beer or ale.

SEC. 3. *Prohibition against sales of beverage items above maximum prices.* (a) On and after the effective date of this Order, regardless of any contract, agreement, lease, or other obligation:

(1) No person shall sell or deliver any beverage item subject to this Order at higher prices than the maximum prices set forth in this order.

(2) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

SEC. 4. *Posting*—(a) *Selling prices.* All persons subject to this order must post in the "Eating or Drinking Place," plainly visible to their customers, their selling prices for the beverage items listed in section 9 hereof, at or near the place where the beverage item is offered for sale.

(b) *Maximum prices.* All persons subject to this order must post in a conspicuous place in the "Eating or Drinking Place" a list of the "dollars and cents" maximum prices of the beverage items offered for sale, so that such list will be plainly visible to their customers.

SEC. 5. *Applicability of General Order No. 50.* This order is subject to all the provisions of General Order No. 50 which are hereby made a part of this order.

SEC. 6. *Applicability of General Maximum Price Regulation.* The following sections of the General Maximum Price Regulation, as well as amendments thereto, shall be applicable to all "Eating or Drinking Places," subject to this order:

(a) Sales slips and receipts—§ 1499.14.
(b) Registration—§ 1499.15.
(c) Licensing—§ 1499.16.

SEC. 7. *Definitions.* (a) "Domestic malt beverage" shall mean any and all malt beverages produced within the Continental United States, or its territories and possessions, made by the alcoholic fermentation of an infusion or decoction, or combinations of both, in potable brewing water, of malted barley with hops, or their parts, or their products, and with or without other malted cereals, and with or without the addition of unmalted or prepared cereals, other carbohydrates or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human food consumption.

(b) "Domestic malt beverage sold on draught" means domestic malt beverage dispensed from a barrel, keg, or other container by a "person" owning or operating an "eating or drinking place" subject to this order.

(c) "Person" includes an individual, corporation, partnership, trust or estate, 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 state, county, or municipal government, or any of its political subdivisions, and any agencies of any of the foregoing: *Provided,* That no punishment provided by this Order shall apply to the United States, or to any such government, political subdivision, or agency.

(d) "Eating or drinking place" means any place, establishment, business, or location, whether temporary or permanent, stationary or movable, including, but not limited to, a restaurant, hotel, cafe, boarding house, diner, coffee shop, tea room, private club, dining car, bar, tavern, delicatessen, soda fountain, cocktail lounge, catering business, or any other place from which any beverage item subject to this order is offered for sale or sold, except those places which are specifically exempted in section 8 hereof.

(e) "Beverage items" listed herein shall include all domestic malt beverages sold or served by "eating or drinking places" for consumption in or about the place or to be taken out for consumption, without additional preparation other than cooling.

(f) "Hotel room service sale" means sale to a guest or guests in a hotel room when delivery is made to a guest's hotel room.

(g) "Hotel" means any establishment generally regarded as such in its community and used predominately for transient occupancy.

(h) Other definitions. Unless the context otherwise resquires, 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. 8. *Exempt sales.* Sales by the following "eating or drinking places" are specifically exempt from the provisions of this order:

(a) Eating and drinking places (when operated as such) located on board common carriers, including railroad dining cars, club, bar, and buffet cars, and peddlers aboard railroad cars traveling from station to station.

(b) Hospitals, except for beverage items served to persons other than patients.

(c) Hotel room service sales.

Such aforesaid sales, not otherwise exempt from Price Control, shall remain subject to the appropriate Maximum Price Regulation or order.

SEC. 9. *Maximum "dollars and cents" prices.* (a) Maximum "dollars and cents" prices which may be charged for the beverage items subject to this order, are:

(1) In bottles	Maximum price per bottle (cents)	
BRAND OR TRADE NAME	*12 oz.*	*32 oz.*
Barbarossa domestic malt beverage (beer)	16	36
Blatz domestic malt beverage (beer)	16	36
Budweiser domestic malt beverage (beer)	16	36
Coors domestic malt beverage (beer)	16	36
Country Club domestic malt beverage (beer)	16	
Grain Belt domestic malt beverage (beer)	16	36
Millers-High Life domestic malt beverage (beer)	16	36
Muehlebach domestic malt beverage (beer)	16	36
Old Style Lager domestic malt beverage (beer)	16	36
Pabst Blue Ribbon domestic malt beverage (beer)	16	36
Pom-Roy domestic malt beverage (beer)	16	36
Schlitz domestic malt beverage (beer)	16	36

(1) In bottles	Maximum price per bottle (cents)	
BRAND OR TRADE NAME—CON.		
	12 oz.	*32 oz.*
Zollers—Topping domestic malt beverage (beer)	16	36
Red Top Ale domestic malt beverage (ale)	16	36
Alpen Brau domestic malt beverage (beer)	11	26
Falstaff domestic malt beverage (beer)	11	26
Gold Seal domestic malt beverage (beer)	11	26
Griesidieck domestic malt beverage (beer)	11	26
Old King domestic malt beverage (beer)	11	26
Progress domestic malt beverage (beer)	11	26
Millers—Export domestic malt beverage (beer)	11	26
Stag domestic malt beverage (beer)	11	26
State domestic malt beverage (beer)	11	26
Stern Brau domestic malt beverage (beer)	11	26
Zollers—Blackhawk domestic malt beverage (beer)	11	26
Zollers—Pilsener domestic malt beverage (beer)	11	26

(2) *On draught.* Any or all brands of domestic malt beverages (beer or ale), sold on draught by any "eating or drinking place" to which this order applies, may be sold at a price not in excess of 1¢ for each fluid ounce, exclusive of form: *Provided, however,* That "Michelob" brand beer may be sold for 10¢ per eight (8) fluid ounces, exclusive of foam.

(3) *Non-labeled bottles.* Any domestic malt beverage item (beer or ale) offered for sale or sold in bottles by any "eating or drinking place" subject to this order, which does not have the manufacturer's label affixed thereto, or the trade name or brand stamped, printed, or engraved or appearing in raised letters on the cap or bottle as proper identification, shall not be offered for sale or sold at a price higher than the lowest maximum price fixed herein for the size of bottle of domestic malt beverage (beer or ale) offered for sale or sold.

SEC. 10. *Less than maximum prices.* Lower prices than those established by this order may be charged, demanded, paid or offered.

SEC. 11. *Other brands of domestic malt beverages.* Any person subject to this order desiring to sell any other trade name or brand of domestic malt beverage not specifically priced by section 9 herein, shall, before offering such domestic malt beverage for sale, apply to and receive from the Oklahoma City District Office of the Office of Price Administration a maximum price for such beverage.

Such application need not be in any particular form, but must contain the following information: Name and address of applicant; location and type of "eating or drinking place"; trade name or brand of domestic malt beverage, size of bottle, and cost per case, delivered. The Oklahoma City District Office of the Office of Price Administration shall then fix the maximum price for such trade name or brand of domestic malt beverage, and shall notify such applicant accordingly. The price so fixed shall be the maximum price for which such trade name or brand of domestic malt beverage may be sold by such applicant.

SEC. 12. *Taxes.* The dollars and cents maximum prices for the beverage items listed in section 9 hereof, include municipal, state, and federal taxes in effect as of the effective date of this order.

SEC. 13. *Evasion.* The price limitations set forth in this order shall not be evaded by direct or indirect methods in connection with an offer, solicitation, agreement, sale or delivery of, or relating to the sale of any beverage item, alone or in connection with any other commodity or by way of commission, service, transportation, or any charge or discount, premium, or other privilege, or by tying agreement or other trade understanding, or by any other means, manner, method, device, scheme, or artifice, or otherwise.

SEC. 14. *Enforcement.* "Persons" violating any provisions of this order are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages, provided by the Emergency Price Control Act of 1942, as amended.

SEC. 15. *Petition for amendment.* Any person seeking an amendment of any provision of this order, may file a petition for amendment, in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed with and acted upon by the District Director.

SEC. 16. *Effective date.* This order becomes effective at 12:01 a. m., central war time, July 21, 1943.

SEC. 17. *Revocation.* This order may be amended, corrected, revised, or revoked at any time.

(Pub. Laws 421 and 729, 77th Cong. E.O. 9250, 7 F.R. 7871 E.O. 9328, 8 F.R. 4681, Gen. Order 50, 8 F.R. 4808)

Issued at Oklahoma City, Oklahoma, this 15th day of July 1943.

REX A. HAYES,
District Director.

[F. R. Doc. 43-11912; Filed, July 24, 1943; 2:58 p. m.]

[Region VII Order G-11 Under 18 (c)]

FLUID MILK IN LORDSBURG AREA, NEW MEXICO

Order No. G-11 issued under § 1499.18 (c), as amended of the General Maximum Price Regulation; order modifying wholesale and retail prices of fluid milk in the Lordsburg Area of New Mexico. (Formerly Order No. 11); File No. VII-18 (c)-38.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

(1) The maximum prices of fluid milk sold and delivered wholesale and retail in glass bottles or paper containers in the Lordsburg area of the State of New Mexico shall be, from and after the effective date of this order, as follows:

Container size	Grade	Kind of container	Wholesale	Retail
			Cents	*Cents*
½ pints	Approved	Glass or paper	4	
Pints	Approved	Glass or paper	7	8
Quarts	Approved	Glass or paper	12	14
½ gallons	Approved	Glass or paper	22	25
Gallons	Approved	Glass or paper	42	48

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

(a) "Milk" means cow's milk produced, processed or raw, or approved grade, distributed and sold in glass bottles or paper containers for consumption in fluid form as whole milk.

(b) "Lordsburg, New Mexico, area" means all of that area within the corporate boundaries of the municipality of Lordsburg and a distance of three miles beyond at all points.

(3) Any seller who has established maximum prices under § 1499.2 of the General Maximum Price Regulation or any applicable price regulation supplementary thereto, or pursuant to any market agreement or order made or issued under the provisions of the Agricultural Market Agreement Act, as amended, that are higher than the prices fixed by this order may continue to sell at such higher established maximum prices and the same shall not be modified or superseded by this order.

(4) From and after the effective date of this order it shall not be obligatory upon any seller of fluid milk to maintain or continue any customary allowance, discount, quantity discount, or differential heretofore established by him: *Provided, however,* That any seller at wholesale or retail may sell at a price lower than the maximum prices established by this order if he so desires.

(5) Any person making a first sale of milk to any customer at these established maximum prices shall, at the time of delivery, furnish the buyer with either a printed or written slip containing the following information:

By Order No. G-11 issued by the Regional Administrator of the Office of Price Administration and effective as of 12:01 A. M., January 30, 1943, the maximum prices of milk in this area of the State of New Mexico have been modified to permit sales at (here state each container size sold and the permitted maximum wholesale and retail price for the same.)

(6) Sellers and distributors of fluid milk other than retail stores who adjust any price upward upon the authority of this order shall, on or before the 20th day of February, A. D. 1943, and on or before the 20th day of each month thereafter, report to the State Office of Price Administration at Albuquerque, New Mexico, the quantity of milk handled during each month and the price paid the producer therefor on a butterfat basis, either directly by the seller or by his immediate or remote supplier who did purchase directly from the producer. This provision applies only to distribu-

tors who do not produce all of their supply of fluid milk, but purchase from another source some part or portion of the milk which they sell. The purpose of this provision is to enable the State Office of Price Administration to determine whether or not the price increase hereby granted has been proportionately and equitably passed on to the producer.

(7) This order may be revoked, modified, or amended by the Price Administrator or the Regional Administrator at any time.

(8) This order becomes effective at 12:01 a. m. on January 30, 1943.

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

CLEM W. COLLINS,
Regional Administrator.

JANUARY 30, 1943

[F. R. Doc. 43-11916; Filed, July 24, 1943; 2:50 p. m.]

[Region VII Order G-11 Under 18 (c), Amdt. 1]

FLUID MILK IN THE LORDSBURG AREA, NEW MEXICO

Amendment No. 1 to Order No. G-11 (formerly General Order No. 11) under § 1499.18 (c), as amended, of the General Maximum Price Regulation; adjustment of maximum wholesale and retail prices of fluid milk in the Lordsburg Area of New Mexico.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c), as amended, of the General Maximum Price Regulation, *It is hereby ordered:*

1. That paragraph (1) of Order No. G-11 issued under § 1499.18 (c), as amended, of the General Maximum Price Regulation on January 30, 1943, and effective as of 12:01 a. m. on January 30, 1943, be, and the same hereby is, amended to read as follows:

(1) The maximum prices of fluid milk sold and delivered at wholesale in glass bottles or paper containers, and sold and delivered at retail in glass bottles or paper containers, or in bulk, in the Lordsburg area of the State of New Mexico, shall be from and after the effective date of this Amendment, as follows:

Container size	Wholesale in glass bottles or paper containers	Retail in glass bottles or paper containers or in bulk	Grade
	Cents	*Cents*	
Half pints	4		Approved.
Pints	7	8	Approved.
Quarts	13	15	Approved.
Half gallons	22	25	Approved.
Gallons	42	48	Approved.

This amendment shall become effective at 12:01 a. m. March 15, 1943.

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

Issued this 15th day of March 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-11917; Filed, July 24, 1943; 2:50 p. m.]

[Region VII 2d Rev. Order G-12 Under 18 (c)]

FLUID MILK IN MONTANA

Second Revised Order No. G-12, under § 1499.18 (c) of the General Maximum Price Regulation; Modifying wholesale and retail prices for fluid milk in the State of Montana.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

(a) *Revised Order No. G-12 revoked and superseded.* Revised Order No. G-12 issued under § 1499.18 (c) of the General Maximum Price Regulation on March 29, 1943, shall be, and the same hereby is, revoked and superseded as of the effective date of this second revised Order No. G-12, but without prejudice in any manner whatsoever to the prosecution of, or the imposition of sanctions against any person who may have violated said Revised Order No. G-12 prior to its revocation.

(b) *State of Montana divided into three districts.* For the purpose of the second revised general order, the State of Montana is hereby divided into three districts to be known as District No. 1, District No. 2, and District No. 3, as hereinafter defined.

(c) *Maximum prices for fluid milk at wholesale and retail in District No. 1 of the State of Montana.* The maximum prices for fluid milk sold at wholesale in glass bottles or paper containers in a quantity less than one gallon, and sold in bulk by the gallon, and sold at retail in glass bottles or paper containers or in bulk in District No. 1 of the State of Montana, shall be, from and after the effective date of this second revised general order, as follows:

Container size	Wholesale price in glass bottles or paper containers	Retail price in glass bottles, paper containers or in bulk
	Cents	*Cents*
Half pints	4	6
Pints	6	8
Quarts	12	14
	In container other than glass or paper (cents)	
In bulk: Gallon	44	

(1) Except as to fluid milk sold in bulk, the prices hereinabove specified for District No. 1 may be increased ½¢ per quart for every ½% or major fraction thereof of butterfat content in excess of 4%.

(d) *Maximum prices for fluid milk at wholesale and retail in District No. 2, of the State of Montana.* The maximum prices for fluid milk sold at wholesale in glass bottles or paper containers in a quantity less than one gallon, and sold in bulk by the gallon, and sold at retail in glass bottles or paper containers or in bulk in District No. 2 of the State of Montana, shall be, from and after the effective date of this second revised general order, as follows:

Container size	Wholesale price in glass bottles or paper containers	Retail price in glass bottles, paper containers or in bulk
	Cents	*Cents*
Half pints	4	6
Pints	6	8
Quarts	11	13
	In container other than glass or paper (cents)	
In bulk: Gallon	40	

(1) Except as to fluid milk sold in bulk, the prices hereinabove specified for District No. 2 may be increased ½¢ per quart for every ½% or major fraction thereof of butterfat content in excess of 4%.

(e) *Maximum prices for fluid milk at wholesale and retail in District No. 3 of the State of Montana.* The maximum prices for fluid milk sold at wholesale in glass bottles or paper containers in a quantity less than one gallon, and sold in bulk by the gallon, and sold at retail in glass bottles or paper containers or in bulk in District No. 3 of the State of Montana, shall be, from and after the effective date of this second revised general order, as follows:

Container size	Wholesale price in glass bottles or paper containers	Retail price in glass bottles, paper containers or in bulk
	Cents	*Cents*
Half pints	3½	6
Pints	5	7
Quarts	10	12
	In container other than glass or paper (cents)	
In bulk: Gallon	36	

(1) Except as to fluid milk sold in bulk, the prices hereinabove specified for District No. 3 may be increased ½¢ per quart for every ½% or major fraction thereof of butterfat content in excess of 4%.

(f) *Definitions.* For the purpose of this second revised general order:

(1) "Milk" means cow's milk produced, processed or raw, distributed and sold at wholesale in glass bottles or paper containers in quantities less than one gallon, and in bulk in quantities of one gallon or more, and sold at retail in glass bottles or paper containers or in bulk, for human consumption as whole milk and containing not less than 3.25% butterfat content and being of approved grade.

(2) "District No. 1 of the State of Montana" means the municipalities of Seeley Lake, Anaconda, Butte, Helena, East Helena, Great Falls and Miles City, and an additional area surrounding each of said municipalities and extending a distance of five miles from their respective municipal boundaries at all points.

(3) "Distirct No. 2 of the State of Montana" means all of the counties of Silver Bow, Sheridan, Deer Lodge, Lewis and Clark, Cascade, Prairie, Valley, Custer, Musselshell, Fergus, Beaverhead, Lincoln, Flathead, Hill, Glacier, Toole and Pondera, and the municipalities of

Hardin and Billings, including an area surrounding the municipality of Hardin and extending beyond its municipal boundaries a distance of ten miles at all points, and an area surrounding the municipality of Billings and extending beyond its municipal boundaries a distance of twelve miles at all points except any part or portion of any one or more of the municipal areas included in District No. 1 as described in paragraph (2).

(4) "District No. 3 of the State of Montana" means all of the counties of Teton, Sanders, Lake, Mineral, Powell, Granite, Ravilli, Madison, Jefferson, Meagher, Broadwater, Judith Basin, Wheatland, Golden Valley, Petroleum, Garfield, McCone, Richland, Dawson, Wibaux, Fallon, Carter, Power River, Missoula, Liberty, Chouteau, Blaine, Phillips, Daniels, Roosevelt, Rosebud, Treasure, Big Horn, Yellowstone, Stillwater, Carbon, Sweetgrass, Park and Gallatin, except any part or portion of any one or more of the municipal areas contained in District No. 1 or District No. 2 as hereinabove described in paragraphs (2) and (3).

(5) "Producer" means a farmer or other person or representative who owns, superintends, manages or otherwise controls the operation of a farm on which milk is produced.

(6) "Purchaser" means any person who buys "milk" from a producer for resale.

(7) Insofar as the same are not contradictory of or inconsistent with any of the terms and provisions of this Second Revised Order No. G–12, the definitions and explanations set forth in § 1499.20 of the General Maximum Price Regulation shall apply to and are hereby deemed to be a part of this Second Revised Order No. G–12 to the same extent as if re-written herein.

(g) *Higher established maximum prices may be maintained.* Any seller who has established maximum prices under § 1499.2 of the General Maximum Price Regulation or any applicable price regulation supplementary thereto, or under Maximum Price Regulation No. 280, or pursuant to any market agreement or order made or issued under the provisions of the Agricultural Market Agreement Act, as amended, that are higher than the prices fixed by this order may continue to sell at such higher established maximum prices and the same shall not be modified or superseded by this order.

(h) *Customary discounts, allowances and differentials need not be maintained.* From and after the effective date of this second revised general order it shall not be obligatory upon any seller of fluid milk to maintain or continue any customary allowance, discount, quantity discount or differential heretofore established by him: *Provided, however,* That any seller at wholesale or retail may sell at a price lower than the maximum prices established by this revised general order if he so desires.

(i) *Notice to be given purchaser upon first sale at higher price.* Any person making a first sale of milk in quart containers at retail to any customer at the higher price established for quarts at retail by this Second Revised Order No. G–12, shall at the time of delivery furnish the buyer with either a printed or written slip containing the following information:

By Second Revised Order No. G–12 issued by the Regional Administrator of the Office of Price Administration and effective as of 12:01 A. M. May 12, 1943, the maximum price of milk sold in quarts at retail in this area of the State of Montana has been modified to permit sales of __¢ per quart.

(j) *Report required by certain sellers.* Sellers and distributors of fluid milk, other than retail stores, who have heretofore adjusted any price upward upon the authority of original Regional Order No. 12, or Revised Order No. G–12, or this Second Revised Order No. G–12, shall on or before the 20th day of June, A. D. 1943, report to the State Office of the Office of Price Administration at Helena, Montana, the quantity of milk handled during the period of June 1 to June 15, 1943, both inclusive, and the price paid the producer therefor on a butterfat basis either directly by the seller or by his immediate or remote supplier who did purchase directly from the producer. This provision applies only to distributors who do not produce all of their supply of milk but purchase from another source of supply some part or portion of the milk which they sell and distribute. The purpose of this provision is to enable the State Office of the Office of Price Administration to determine whether or not the price increase hereby granted has been proportionately and equitably passed on to the producer.

(k) *Inter-distributor sales and purchases from producers are exempt.* This Second Revised Order No. G–12 does not apply to or in any manner affect sales of fluid milk made by one distributor or wholesaler, or to a purchase made from a producer under Maximum Price Regulation No. 329.

(l) *Right to amend or revoke.* This second revised general order may be revoked, modified or amended by the Price Administrator or Regional Administrator at any time.

(m) *Effective date.* This second revised general order becomes effective at 12:01 a. m. on May 12, 1943.

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

Issued this 5th day of May 1943.

ARNOLD E. SCOTT,
Acting Regional Administrator.

[F. R. Doc. 43–11918; Filed, July 24, 1943; 2:49 p. m.]

[Region VII 2d Rev. Order G-12 Under 18 (c), Amdt. 1]

FLUID MILK IN MONTANA

Second Revised Order No. G-12 under § 1499.18 (c) of the General Maximum Price Regulation Amendment No. 1; Wholesale and retail prices for fluid milk in the State of Montana.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation, and for the reasons set forth in an opinion issued simultaneously herewith, *It is hereby ordered,* That the above described order be amended in the following respect:

1. Paragraph (c) *Maximum prices for fluid milk at wholesale and retail in District No. 1 of the State of Montana* is amended by changing the wholesale price for pints from 6¢ to 7¢.

2. All other provisions of said Second Revised Order No. G-12 remain unchanged and in full force and effect as issued on May 5, 1943.

3. *Right to revoke or amend.* This amendment may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

(4) *Effective date.* This amendment shall become effective at 12:01 a. m. June 14, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 9328, 7 F.R. 7871, 8 F.R. 4681)

Issued this 12th day of June 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43–11919; Filed, July 24, 1943; 2:48 p. m.]

[Region VII Rev. Order G–13 Under 18 (c)]

FIREWOOD IN CERTAIN MONTANA AREAS

Revised Order No. G–13 under § 1499.18 (c) of the General Maximum Price Regulation (formerly General Order No. 13); adjustment of wholesale and retail prices for firewood in certain localities in the State of Montana.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

(a) General Order No. 13 issued herein on February 1, 1943, is hereby revoked and superseded as of the effective date of this Revised Order No. G–13.

(b) *Maximum prices for firewood sold at wholesale and retail in specified localities.* The maximum prices of firewood sold and delivered at wholesale and retail in Lincoln, Flathead, Sanders, Lake, Mineral, Lewis and Clark counties shall be, from and after the effective date of this order, and during the times specified, as follows:

	Wholesale	Retail
(1) Firewood, cut from any kind of timber, cut in lengths of not less than 4 feet and delivered to buyer, per cord	$6.00	$8.00
(2) Firewood, in lengths of 10", 12", 14", or 16", any kind of timber, delivered to buyer, per cord	7.50	9.50
(3) Firewood, any kind of timber, in 12" lengths, delivered to buyer, per rick	----------	2.50
(4) Firewood, any kind of timber, in 16" lengths, delivered to buyer, per rick	----------	3.25
(5) 16" Slabwood, any kind of timber, delivered to buyer, per cord	5.25	6.50

(6) *Provided, however,* That:

(1) Beginning with 12:01 o'clock a. m. on February 18, 1943, and ending with 12:00 o'clock midnight on April 30, 1943, the maximum prices hereinabove specified shall be

increased $1.00 per cord and 25¢ per rick in Lincoln County, and

(ii) Beginning with 12:01 o'clock a. m. on February 18, 1943 and ending with 12:00 o'clock midnight on April 30, 1943, the maximum prices hereinabove specified shall be increased $3.50 per cord wholesale and $4.00 per cord retail in Lewis and Clark county, and

(iii) Beginning with 12:01 a. m. on February 18, 1943 and ending with 12:00 o'clock midnight on April 30, 1943, the maximum prices hereinabove specified shall be increased $1.00 per cord and 25¢ per rick in Flathead County.

(c) Any seller who has a price established under the General Maximum Price Regulation that is higher than the applicable prices hereinabove specified may continue to sell at such present maximum prices and the same shall not be modified or changed by this order.

(d) *Definitions.* (1) "Lincoln, Flathead, Sanders, Lake, Mineral, Lewis and Clark counties" mean the areas lying within the respective geographical boundaries of those several counties of the State of Montana.

(2) "Cord" means that quantity of firewood contained within the height of 4 feet, a width of 4 feet, and a length of 8 feet, when placed in an orderly manner.

(3) "Rick" means that quantity of firewood contained within a height of 4 feet and a width equal to the specified length of the wood when less than 4 feet and a length of 8 feet when placed together in an orderly manner.

(e) Beginning with 12:01 o'clock a. m. on May 1, 1943, paragraphs (6) (i) (ii) (iii) hereof shall terminate and be of no further force and effect, and from and after that time the maximum prices for firewood in Lincoln, Flathead, Lewis and Clark counties shall be the prices specified in paragraph (b) (1), (2), (3), (4) and (5).

(f) This order may be revoked, amended or corrected at any time.

(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 February 18, 1943.

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

Issued this 18th day of February 1943.

ARNOLD E. SCOTT,
Acting Regional Administrator.

[F. R. Doc. 43-11920; Filed, July 24, 1943; 2:47 p. m.]

[Region VII Order G-14 Under 18 (c)]

FLUID MILK IN THE DONA ANA AREA, NEW MEXICO

Order No. G-14 under § 1499.18 (c), as amended, of the General Maximum Price Regulation; wholesale and retail prices for fluid milk in the Dona Ana area of the State of New Mexico (formerly Order No. 14).

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator by § 1499.18 (c), as amended, of the General Maximum Price Regulation, and in accordance with, *It is hereby ordered:*

(1) The maximum prices of fluid milk sold and delivered at wholesale and retail in the Dona Ana area of the State of New Mexico, shall be from and after the effective date of this order, as follows:

Container size	Grade	Butterfat content	Kind of container	Wholesale	Retail
				Cents	*Cents*
½ pint	Approved	Not less than 3.25 percent	Glass or paper	3½	5
Pint	Approved	Not less than 3.25 percent	Glass or paper	6¾	10
Quart	Approved	Not less than 3.25 percent	Glass or paper	13	15
½ gallon	Approved	Not less than 3.25 percent	Glass or paper	25	29
Gallon	Approved	Not less than 3.25 percent	Glass or paper	48	56

(2) The maximum prices established by this order shall not apply to sales made to the armed forces or any purchasing agency thereof, and as to all such sales to the armed forces the present maximum prices as now established for the area covered by this order shall remain in full force and effect without change or modification.

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

"Milk" means cow's milk produced, processed or raw, distributed or sold in glass bottles or paper containers for consumption in fluid form as whole milk and containing not less than 3.25% butterfat.

(b) "Dona Ana, New Mexico, area" means all the area lying within the geographical boundaries of Dona Ana County of the State of New Mexico, except the community of Hatch, which shall include all of the municipality of Hatch and a distance of five miles beyond the corporate boundaries of said municipality at all points.

(4) Any seller who has established maximum prices under § 1499.2 of the General Maximum Price Regulation, or any applicable price regulation supplementary thereto or pursuant to any market agreement or order made or issued under the provisions of the Agricultural Market Agreement Act as Amended, that are higher than the prices fixed by this order, may continue to sell at such higher established maximum price and the same shall not be modified or superseded by this order.

(5) From and after the effective date of this order it shall not be obligatory upon any seller of fluid milk to maintain or continue any customary allowance, discount, quantity discount or differential heretofore established by him: *Provided, however,* That any seller at wholesale or retail may sell at a price lower than the maximum prices established by this order if he so desired.

(6) Any person making a first sale of milk to any customer at these established maximum prices shall at the time of delivery furnish the buyer with a printed or written slip containing the following information:

By Order No. G-14 issued by the Regional Administrator of the Office of Price Administration and effective as of 12:01 a. m. on February 6, 1943, the maximum prices of milk in this area of the State of New Mexico have been modified to permit sales at (here state each container size sold and the wholesale and retail price for the same).

(7) Sellers and distributors of fluid milk other than retail stores who adjust any price upward upon the authority of this order shall, on or before the 20th day of March, A. D. 1943, and on or before the 20th day of each month thereafter, report to the State Office of Price Administration at Albuquerque, New Mexico, the quantity of milk handled during each month and the price paid the producer therefor on a butterfat basis, either directly by the seller or by his immediate or remote supplier who did purchase directly from the producer. This provision applies only to distributors who do not produce all of their supply of fluid milk but purchase from another source of supply some part or portion of the milk which they sell and distribute. The purpose of this provision is to enable the State Office of Price Administration to determine whether or not the price increase hereby granted has been proportionately and equitably passed on to the producer.

(8) This order may be revoked, modified or amended by the Price Administrator or the Regional Administrator at any time.

(9) This order becomes effective at 12:01 on February 6, 1943.

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

Issued this 5th day of February 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-11921; Filed, July 24, 1943; 2:46 p. m.]

[Region VII Order G-15 Under 18 (c)]

FLUID MILK IN QUAY COUNTY AREA, NEW MEXICO

Order No. G-15 under § 1499.18 (c), as amended, of the General Maximum Price Regulation; order modifying maximum wholesale and retail prices for fluid milk in the Quay County Area of the State of New Mexico (formerly Order No. 15).

For the reasons set forth in an Opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation, and in accordance with Revised Procedural Regulation No. 1, *It is hereby ordered:*

(1) Amendment No. 1 to Order No. 9 (redesignated as Order No. G-9) issued under § 1499.18 (c), as amended, of the General Maximum Price Regulation on January 21, 1943, is hereby revoked and superseded as to Quay County, New Mexico, it being the intention to hereby

withdraw said Quay County, New Mexico, from the area included within said Amendment No. 1 and cover said Quay County, New Mexico, area by this order from and after the effective date hereof.

(2) *Maximum prices for fluid milk sold at wholesale and retail in a certain area of the State of New Mexico.* The maximum prices for fluid milk sold or delivered at wholesale and retail in the locality set forth below shall be from and after the effective date of this order as follows:

(a) In Quay County, New Mexico:

Container size	Grade	Butterfat content	Kind of container	Wholesale	Retail
MILK				*Cents*	*Cents*
¼ pint	Approved	3.25 percent	Glass or paper	3½	
Pint	Approved	3.25 percent	Glass or paper	6½	
Quart	Approved	3.25 percent	Glass or paper	12½	14
BUTTERMILK					
Quart	Churned		Any	9	10
Gallon	Churned		Any		34
SKIMMED MILK					
Gallon	Approved	Less than 3.25 percent	Any	18	

(3) *Limitation.* The maximum prices established by this order shall not be available to or used by any seller who distributes milk which he has purchased from the producer otherwise than upon a butterfat basis, or which he has purchased on a butterfat basis at a price less than 95¢ per pound of butterfat content, and any such seller who distributes milk which he has purchased from the producer on a butterfat basis at a price of not less than 95¢ per pound of butterfat content shall within ten days after he first avails himself of the maximum prices fixed by this order file with the New Mexico State Office of Price Administration at Albuquerque, New Mexico, a written statement giving the names and addresses of the milk producers from whom he is purchasing and certifying over his signature that he is paying for such milk not less than 95¢ per pound of butterfat content. This provision shall not apply to or in any manner affect sellers who produce all of the milk they sell, or to wholesale or retail sellers who purchase no part of their supply of milk from a producer.

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

(a) "Milk" means cow's milk produced, processed or raw, distributed and sold in glass bottles or paper containers for consumption in fluid form as whole milk and containing not less than 3.25% butterfat, provided, however, it is of approved grade.

(b) "Quay County, New Mexico, area" means all of the area lying within the geographical boundaries of Quay County, New Mexico.

(c) "Buttermilk" means churned buttermilk, the natural by-product from the ordinary churning of butter.

(d) "Skimmed milk" means sweet milk having a butterfat content of less than 3.25%.

(5) Any seller who has established maximum prices under § 1499.2 of the General Maximum Price Regulation or any applicable price regulation supplementary thereto, or pursuant to any market agreement or order made or issued under the provisions of the Agricultural Market Agreement Act, as Amended, that are higher than the prices fixed by this order may continue to sell at such higher established maximum prices and the same shall not be modified or superseded by this order.

(6) From and after the effective date of this order it shall not be obligatory upon any seller or fluid milk to maintain or continue any customary allowance, discount, quantity discount, or differential heretofore established by him, *Provided, however,* That any seller at wholesale or retail may sell at a price lower than the maximum prices established by this order if he so desires.

(7) Any person making a first sale of milk to any customer at these established maximum prices shall, at the time of delivery, furnish the buyer with either a printed or written slip containing the following information:

By Order No. G–15 issued by the Regional Administrator of the Office of Price Administration and effective as of 12:01 a. m. February 8, 1943, the maximum prices of milk in the area of Quay County, New Mexico, have been modified to permit sales at (here state each container size sold and the permitted maximum wholesale and retail price for the same.)

(8) Sellers and distributors of fluid milk other than retail stores who adjust any price upward upon the authority of the order shall on or before the 20th day of March, A. D. 1943, and on or before the 20th day of each month thereafter, report to the State Office of Price Administration at Albuquerque, New Mexico, the quantity of milk handled during each month and the price paid the producer therefor on a butterfat basis, either directly by the seller or by his immediate or remote supplier who did purchase directly from the producer. This provision applies only to distributors who do not produce all of their supply of fluid milk but purchase from another source of supply some part or portion of the milk which they sell and distribute. The purpose of this provision is to enable the State Office of Price Administration to determine whether or not the price increase hereby granted has been proportionately and equitably passed on to the producer.

(9) This order may be revoked, modified or amended by the Price Administrator at any time.

(10) This order becomes effective at 12:01 a. m. on February 8, 1943.

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

Issued this 5th day of February 1943.

ARNOLD E. SCOTT,
Acting Regional Administrator.

[F. R. Doc. 43–11922; Filed, July 24, 1943; 2:44 p. m.]

[Region VII 2d Rev. Order G-16 Under 18 (c)]

LUMBER IN COLORADO, WYOMING, UTAH AND NEW MEXICO

Second Revised Order No. G-16 issued under § 1499.18 (c) of the General Maximum Price Regulation; Order modifying maximum prices for mixed species, log run, Western pine and associated species of lumber, f. o. b. distribution yard, in Colorado, Wyoming, Utah and New Mexico; Docket No. VII–18 (c)–50.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

(a) *Maximum price for mixed species, log run, Western pine and associated species of lumber f. o. b. distribution yard, in Colorado, Wyoming, Utah and New Mexico.* The maximum price at which a distribution yard sale of Western pine and associated species of lumber subject to this second revised Order No. G-16 may be made, shall be a price not higher than the sum of the following where the shipment or transaction originates at such distribution yard:

(1) F. o. b. mill maximum price of such lumber established as follows:

(i) For green rough mixed species (not separated as to species), log run (not separated as to grade), produced in the States of Colorado, Wyoming, Utah and New Mexico, an f. o. b. mill price per thousand feet board measure, in any size load or shipment	$28.50
(ii) For surfaced stock, S2S or S4S, add	3.00
(iii) For dry, add	2.00
(iv) For specified lengths, add	1.00

(2) Transportation charges from mill to distribution yard computed as follows:

(i) For distances up to and including 10 miles, $1.50 per M'.

(ii) For distances over 10 miles and up to and including 20 miles, $2.00 per M'.

(iii) For distances over 20 miles and up to and including 30 miles, $2.50 per M'.

(iv) For distances over 30 miles, an addition of 5¢ per mile per thousand feet may be added to the $2.50 per M' charge permitted for first 30 miles. Distance as used in this paragraph (2) means the distance from the mill to the point of destination, as measured by the speedometer. No addition may be made for the return trip. And when a truck haul precedes rail shipment as when a mill located away from a rail head hauls lumber by truck to the rail head, no addition may be made for the truck haul.

(v) If transportation from mill to distribution yard is by means of common or contract carrier, the transportation al-

lowance shall not exceed the published tariff rate as filed with the Interstate Commerce Commission or a state regulatory commission or bureau.

(3) A flat mark-up of $5.00 per thousand board feet measure.

(4) 10% of the total of the applicable items set forth in paragraphs (1), (2), and (3) above, except that in the case of sales to other distribution yards, not more than 5% may be added. The maximum prices set forth above shall include loading by and at the expense of the seller on railroad car, truck, or other means of transportation.

(b) *Permitted additions.* When the working and conditioning specified in sub-paragraphs (ii) (iii) and (iv) of paragraph (a) (1) are not performed by the mill, the specified allowance for each such working or conditioning that is performed by a distribution yard shall be included in and made a part of the maximum price for such distribution yard.

(c) *Transportation allowance for delivered sales.* If a distribution yard, at the request of the buyer, makes delivery at a place other than the distribution yard, the seller may, in addition to his maximum price f. o. b. distribution yard, collect from the buyer the actual transportation cost to the extent that such costs are paid by the seller if a carrier other than the seller's own transportation facilities are used; or actual cost of delivery if the seller's transportation facilities are used: *Provided,* That all transportation charges so made on delivered sales shall be separately set forth on the invoice, bill of sale or other memorandum of the transaction. In computing such transportation cost, the parties may adopt a practice of charging a sum equivalent to the one-quarter of a dollar per thousand board feet nearest such actual transportation cost.

(d) *No commission shall be paid or allowed.* No person shall pay and no person shall charge or receive a commission for purchasing mixed species, log run, western pine and associated species of lumber out of a distribution yard stock if such person and sale are subject to this Second Revised Order No. G-16, and the amount of the commission, plus the purchaser's price is higher than the maximum price permitted by this regulation.

(e) *Definitions*—(1) *How to tell a mill from a distribution yard; general tests.* The term "mill", as used herein covers what are known in the trade as saw mills, planing mills and concentration yards. Three types of establishments are described below:

The first, (i), a typical saw mill or planing mill; the second, (ii), a typical concentration yard; and the third, (iii), a typical distribution yard. An establishment which resembles (i) or (ii) more than it does (iii) is considered a mill; and one which resembles (iii) more than it does (i) or (ii) is considered a distribution yard:

(i) An establishment which is chiefly engaged in manufacturing lumber from logs or rough lumber by sawing or planing; which is located in or near a lumber producing area; which makes and sells chiefly mixed species, log run, western pine and associated species of lumber:

(ii) An establishment which concentrates and prepares lumber for commercial shipment, which keeps in stock mostly mixed species, log run, western pine and associated species of lumber, which has its lumber brought in chiefly in rough green form by truck from small local saw mills and sells chiefly for rail shipment, and which has been located at its particular site to be near the lumber producing area:

(iii) A wholesale or retail lumber yard, which gets lumber from mills or other yards; unloads, sorts, stores, and resells or redistributes it; which regularly maintains a fair stock of lumber from different regions; which gets its lumber mostly by rail and sells mostly for truck shipment; which is equipped to make quick deliveries of many different items of lumber; and which has been located at its particular site in order to be near a lumber consuming area.

(2) "Dried lumber" means lumber which, after being sawed, is piled or stacked so that the air will freely circulate through the pile or stack, and by the ordinary process of evaporation or by processing in a kiln has reached the condition where the moisture contact is 19% or less.

(3) "Rough lumber" means lumber as it comes from the saw.

(4) "Surfaced stock", commonly designated S2S or S4S, means lumber that has been surfaced on two or four sides respectively.

(f) *Former discounts, allowances and differentials need not be maintained.* From and after the effective date of this order it shall not be obligatory upon any distribution yard seller of mixed species, log run, western pine and associated species of lumber in the states named herein to maintain or continue any customary allowance, discount, quantity discount or differential heretofore established by him: *Provided, however,* That any such distribution yard seller may sell at a price lower than the prices established by this Second Revised Order No. G-16 if he so desires.

(g) *Right to revoke or amend.* This order may be revoked, amended or revised at any time by the Price Administrator or the Regional Administrator.

(h) *Effective date.* This Second Revised Order No. G-16 shall become effective on June 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 2d day of June 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-11923; Filed, July 24, 1943; 2:55 p. m.]

[Region VII Order G-17 Under 18 (c)]

FLUID MILK IN GRANT AND LUNA COUNTIES, NEW MEXICO

Order No. G-17 under § 1499.18 (c) as amended, of the General Maximum Price Regulation; Adjustment of fluid milk prices for Grant and Luna Counties of the State of New Mexico (formerly General Order No. 17).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended, of the General Maximum Price Regulation, *It is hereby ordered:*

(a) *Maximum prices for fluid milk at wholesale and retail in Grant County of the State of New Mexico.* The maximum prices for fluid milk sold or delivered in glass bottles or paper containers at wholesale or retail in Grant County of the State of New Mexico shall be, from and after the effective date of this order, as follows:

Container size	Grade	Butterfat content	Kind of container	Wholesale	Retail
				Cents	*Cents*
Gallon	Approved	3.25 percent or more	Glass or paper	55	60
Half gallon	Approved	3.25 percent or more	Glass or paper	28	32
Quart	Approved	3.25 percent or more	Glass or paper	15	17
Pint	Approved	3.25 percent or more	Glass or paper	8	10
Half pint	Approved	3.25 percent or more	Glass or paper	4½	7

(b) *Maximum prices for fluid milk sold at wholesale and retail in Luna County in the State of New Mexico.* The maximum prices for fluid milk sold or delivered at wholesale and retail in Luna County of the State of New Mexico shall be, from and after the effective date of this order, as follows:

Container size	Grade	Butterfat content	Kind of container	Wholesale	Retail
				Cents	*Cents*
Gallon	Approved	3.25 percent or more	Glass or paper	53	58
Half gallon	Approved	3.25 percent or more	Glass or paper	26	30
Quart	Approved	3.25 percent or more	Glass or paper	14	16
Pint	Approved	3.25 percent or more	Glass or paper	8	10
Half pint	Approved	3.25 percent or more	Glass or paper	4	7

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

(1) "Milk" means cow's milk produced, processed or raw distributed and sold in glass bottles or paper container for consumption in fluid form as whole milk and containing not less than 3.25% butterfat and of approved grade.

(d) Any seller who has established maximum prices under § 1499.2 of the General Maximum Price Regulation or any applicable prices regulation supple-

mentary thereto, or pursuant to any market agreement or order made or issued under the provisions of the Agricultural Market Agreement Act, as Amended, that are higher than the prices fixed by this order may continue to sell at such higher established maximum prices and the same shall not be modified or superseded by this Order.

(e) From and after the effective date of this order it shall not be obligatory upon any seller of fluid milk to maintain or continue any customary allowance, discount, quantity discount, or differential heretofore established by him: *Provided, however,* That any seller at wholesale or retail may sell at a price lower than the maximum prices established by this order if he so desires.

(f) Any person making a first sale of milk at retail to any customer in Grant County, New Mexico, at the established maximum prices specified in paragraph (a) hereof shall, at the time of delivery, furnish the buyer with either a printed or written slip containing the following information:

By Order No. G–17, under § 1499.18 (c) of the General Maximum Price Regulation, issued by the Regional Administrator of the Office of Price Administration and effective as of 12:01 A. M. February 15, 1943, the maximum retail prices of milk in Grant County, New Mexico, have been modified to permit sales at (here state each container size sold and the permitted maximum retail price for the same).

(g) Any person making a first sale of milk at retail to any customer in Luna County, New Mexico, at the established maximum prices specified in paragraph (b) hereof shall, at the time of delivery, furnish the buyer with either a printed or written slip containing the following information:

By Order No. G–17, under § 1499.18 (c) of the General Maximum Price Regulation, issued by the Regional Administrator of the Office of Price Administration and effective as of 12:01 A. M. February 15, 1943, the maximum retail prices of milk in Luna County, New Mexico, have been modified to permit sales at (here state each container size sold and the permitted maximum retail price for the same).

(h) Sellers and distributors of fluid milk other than retail stores who adjust any price upward upon the authority of this order shall on or before the 20th day of March, A. D. 1943, and on or before the 20th day of each month thereafter, report to the State Office of Price Administration at Albuquerque, New Mexico, the quantity of milk handled during each month and the price paid the producer therefor on a butterfat basis, either directly by the seller or by his immediate or remote supplier who did purchase directly from the producer. This provision applies only to distributors who do not produce all of their supply of fluid milk, but purchase from another source of supply some part or portion of the milk which they sell and distribute. The purpose of this provision is to enable the State Office of Price Administration to determine whether or not the price increase hereby granted has been proportionately and equitably passed on to the producer.

(i) This order may be revoked, amended, modified or corrected at any time.

(j) Unless the context otherwise requires, the definition set forth in § 1499.20 of the General Maximum Price Regulations shall apply to the terms used herein.

This order shall become effective at 12:01 a. m. on February 15, 1943.

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

Issued this 15th day of February 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43–11924; Filed, July 24, 1943; 2:54 p. m.]

[Region VII Order G–18 Under 18 (c)]

FLUID MILK IN TORRANCE COUNTY, NEW MEXICO

Order No. G–18 under § 1499.18 (c), as amended of the General Maximum Price Regulation; adjustment of fluid milk prices for Torrance County, State of New Mexico (formerly General Order 18).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c), as amended of the General Maximum Price Regulation, *It is hereby ordered:*

(a) *Maximum prices for fluid milk at wholesale and retail in Torrance County of the State of New Mexico.* The maximum prices for fluid milk sold or delivered in glass bottles or paper containers at wholesale or retail in Torrance County of the State of New Mexico shall be, from and after the effective date of this order, as follows:

Container size	Grade	Butterfat content	Kind of container	Wholesale	Retail
				Cents	*Cents*
Gallon	Approved	3.25 percent or more	Glass or paper	40	48
Half gallon	Approved	3.25 percent or more	Glass or paper	21	25
Quart	Approved	3.25 percent or more	Glass or paper	11	13
Pint	Approved	3.25 percent or more	Glass or paper	6	8
Half pint	Approved	3.25 percent or more	Glass or paper	3½	5

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

(1) "Milk" means cow's milk produced, processed or raw distributed and sold in glass bottles or paper containers for consumption in fluid form as whole milk and containing not less than 3.25% butterfat and of approved grade.

(2) "Torrance County, New Mexico" means all of the area lying within the geographical boundaries of Torrance County of the State of New Mexico.

(c) Any seller who has established maximum prices under § 1499.2 of the General Maximum Price Regulation or any applicable price regulation supplementary thereto, or pursuant to any market agreement or order made or issued under the provisions of the Agricultural Market Agreement Act, as amended, that are higher than the prices fixed by this order may continue to sell at such higher established maximum prices and the same shall not be modified or superseded by this order.

(d) From and after the effective date of this order it shall not be obligatory upon any seller of fluid milk to maintain or continue any customary allowance, discount, quantity discount, or differential heretofore established by him: *Provided, however,* That any seller at wholesale or retail may sell at a price lower than the maximum prices established by this order if he so desires.

(e) Any person making a first sale of milk at retail to any customer in Torrance County, New Mexico, at the established maximum prices specified in paragraph (a) hereof shall, at the time of delivery, furnish the buyer with either a printed or written slip containing the following information:

By Order No. G–18 under § 1499.18 (c) of the General Maximum Price Regulation, issued by the Regional Administrator of the Office of Price Administration and effective as of 12:01 a. m., February 18, 1943, the maximum retail prices of milk in Torrance County, New Mexico, have been modified to permit sales at (here state each container size sold and the permitted maximum retail price for the same).

(f) Sellers and distributors of fluid milk other than retail stores who adjust any price upward upon the authority of this order shall on or before the 20th day of March, A. D. 1943, and on or before the 20th day of each month thereafter, report to the State Office of Price Administration at Albuquerque, New Mexico, the quantity of milk handled during each month and the price paid the producer therefor on a butterfat basis, either directly by the seller or by his immediate or remote supplier who did purchase directly from the producer. This provision applies only to distributors who do not produce all of their supply of milk, but purchase from another source of supply some part or portion of the milk which they sell and distribute. The purpose of this provision is to enable the State Office of Price Administration to determine whether or not the price increase hereby granted has been proportionately and equitably passed on to the producer.

(g) This order may be revoked, amended or corrected at any time.

(h) 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 12:01 a. m. on February 18, 1943.

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

Issued this 18th day of February 1943.

ARNOLD E. SCOTT,
Acting Regional Administrator.

[F. R. Doc. 43-11925; Filed, July 24, 1943; 2:53 a. m.]

[Region VII Order G-19 Under 18 (c)]

FLUID MILK IN SAN JUAN COUNTY, NEW MEXICO

Order No. G-19 under § 1499.18 (c), as amended, of the General Maximum Price Regulation; Adjustment of fluid milk prices in the County of San Juan in the State of New Mexico (formerly General Order No. 19).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended, of the General Maximum Price Regulation, *It is hereby ordered:*

(a) *Maximum prices for fluid milk at wholesale and retail in San Juan County in the State of New Mexico.* The maximum prices for fluid milk sold or delivered in glass bottles or paper containers at wholesale or retail in San Juan County of the State of New Mexico shall be, from and after the effective date of this order, as follows:

Container size	Grade	Butterfat content	Kind of container	Wholesale	Retail
				Cents	*Cents*
Gallon	Approved	3.25 percent or more	Glass or paper	37	44
Half gallon	Approved	3.25 percent or more	Glass or paper	19	22
Quart	Approved	3.25 percent or more	Glass or paper	10	12
Pint	Approved	3.25 percent or more	Glass or paper	5	7
Half pint	Approved	3.25 percent or more	Glass or paper	3¼	5

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

(1) "Milk" means cow's milk produced, processed or raw distributed and sold in glass bottles or paper containers for consumption in fluid form as whole milk and containing not less than 3.25% butterfat and of approved grade.

(2) "San Juan County, New Mexico" means all of the area lying within the geographical boundaries of San Juan County of the State of New Mexico.

(c) Any seller who has established maximum prices under § 1499.2 of the General Maximum Price Regulation or any applicable price regulation supplementary thereto, or pursuant to any market agreement or order made or issued under the provisions of the Agricultural Market Agreement Act, as Amended, that are higher than the prices fixed by this order may continue to sell at such higher established maximum prices and the same shall not be modified or superseded by this order.

(d) From and after the effective date of this order it shall not be obligatory upon the seller of fluid milk to maintain or continue any customary allowance, discount, quantity discount, or differential heretofore established by him: *Provided, however,* That any seller at wholesale or retail may sell at a price lower than the maximum prices established by this order if he so desires.

(e) Any person making a first sale of milk at retail to any customer in San Juan County, New Mexico, at the established maximum prices specified in paragraph (a) hereof shall, at the time of delivery, furnish the buyer with either a printed or written slip containing the following information:

By General Order No. G-19, under § 1499.18 (c) of the General Maximum Price Regulation, issued by the Regional Administrator of the Office of Price Administration and effective as of 12:01 A. M. on February 19, 1943, the maximum retail prices of milk in San Juan County, New Mexico, have been modified to permit sales at (here state each container size sold and the permitted maximum retail price for the same).

(f) Sellers and distributors of fluid milk other than retail stores who adjust any price upward upon the authority of this order shall on or before the 20th day of March, A. D. 1943, and on or before the 20th day of each month thereafter, report to the State Office of Price Administration at Albuquerque, New Mexico, the quantity of milk handled during each month and the price paid the producer therefor on a butterfat basis, either directly by the seller or by his immediate or remote supplier who did purchase directly from the producer. This provision applies only to distributors who do not produce all of their supply of milk, but purchase from another source of supply some part or portion of the milk which they sell and distribute. The purpose of this provision is to enable the State Office of Price Administration to determine whether or not the price increase hereby granted has been proportionately and equitably passed on to the producer.

(g) This order may be revoked, amended or corrected at any time.

(h) 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 12:01 a. m. on February 19, 1943.

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

Issued this 18th day of February 1943.

ARNOLD E. SCOTT,
Acting Regional Administrator.

[F. R. Doc. 43-11926; Filed, July 24, 1943; 2:52 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 7-651, 7-652, 7-655 to 7-664, 7-666 to 7-670]

LOS ANGELES STOCK EXCHANGE

ORDER DISPOSING OF APPLICATIONS FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of July, A. D. 1943.

In the matter of applications by the Los Angeles Stock Exchange for permission to extend unlisted trading privileges to Seventeen (17) Stocks, File Nos. 7-651, 7-652, 7-655 to 7-664, 7-666 to 7-670.

The Los Angeles Stock Exchange having made application to the Commission, pursuant to section 12 (f) of the Securities Exchange Act of 1934 and Rule X-12F-1, for permission to extend unlisted trading privileges to twenty-three securities; and

After appropriate notice a hearing having been held in this matter at the Los Angeles Branch Office of the Commission; and

The Commission having filed its findings and opinion with respect to such applications on December 29, 1942; and

The Commission having therein reserved its decision with respect to the applications pertaining to seventeen of said securities, with leave to the applicant exchange to introduce additional evidence with respect to such applications; and

Additional evidence having been introduced at a subsequent hearing; and

The Commission having this day made and filed its findings and opinion herein;

It is ordered, Pursuant to section 12 (f) of the Securities Exchange Act of 1934, that the applications of the Los Angeles Stock Exchange for permission to extend unlisted trading privileges to—

Boeing Airplane Company, $5 par common stock.
Borden Company, $15 par common stock.
Crown Zellerbach Corporation, $5 par common stock.
Great Northern Railway Company, $6 noncum. pfd. no par value.
Interlake Iron Corporation, common stock, no par value.
Phelps Dodge Corporation, $25 par capital stock.
Pullman Incorporated, capital stock, no par value.
Texas Gulf Sulphur Company, common stock, no par value.
Union Pacific Railroad Company, $100 par common stock.
Western Union Telegraph Company, $100 par common stock.

be and the same are hereby approved; and

It is further ordered, Pursuant to section 12 (f) of the Securities Exchange Act of 1934, that the applications of the Los Angeles Stock Exchange for permission to extend unlisted trading privileges to—

Deere and Company, common stock, no par value.

Electric Auto-Lite Company, $5 par common stock.
Newport News Shipbuilding and Drydock Company, $1 par common stock.
Phillips Petroleum Company, capital stock, no par value.
Southern Railway Company, $100 par 5% non-cum. preferred.
White Motor Company, $1 par common stock.
Wilson and Company, Inc., common stock, no par value.

be and the same are hereby denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-11877; Filed, July 24, 1943; 9:40 a. m.]

[File No. 1-1797]

ALADDIN GOLD MINING CO., LTD.

ORDER WITHDRAWING SECURITIES FROM REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23rd day of July, A. D. 1943.

This proceeding having been instituted pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934, to determine whether or not the Commission should suspend or withdraw the registration of the common stock, 10¢ par value, of Aladdin Gold Mining Company, Ltd., listed and registered on the San Francisco Mining Exchange, a national securities exchange;

A hearing having been held after appropriate notice to the registrant and the San Francisco Mining Exchange; the trial examiner having filed an advisory report, finding that registrant had failed to comply with section 13 of the act and the rules and regulations promulgated thereunder in that it did not file its annual report on Form 10-K for the fiscal year ended December 31, 1941; no exceptions to the trial examiner's report having been filed; the Commission having adopted the trial examiner's findings as being in accord with the evidence, and finding that it is necessary and appropriate for the protection of investors to withdraw the said stock from registration;

It is ordered, Pursuant to section 19 (a) (2) of the said act, that the registration of the stock in question be, and the same hereby is, withdrawn, effective ten days after the date of this order.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-11875; Filed, July 24, 1943; 9:40 a. m.]

[File No. 1-2234]

REORGANIZED BROKEN HILLS SILVER CORP.

FINDINGS AND ORDER WITHDRAWING SECURITIES FROM REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23rd day of July, A. D. 1943.

In the matter of Reorganized Broken Hills Silver Corporation non-assessable common stock, 10¢ par value.

This proceeding having been instituted pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934, to determine whether or not the Commission should suspend or withdraw the registration of the non-assessable common stock, 10¢ par value, of Reorganized Broken Hills Silver Corporation, listed and registered on the San Francisco Mining Exchange, a national securities exchange;

A hearing having been held after appropriate notice to the registrant, the trustee in bankruptcy of the registrant, and the San Francisco Mining Exchange; the registrant having stipulated in writing as to the essential facts; the trial examiner having filed an advisory report, finding that registrant had failed to comply with section 13 of the Act and the rules and regulations promulgated thereunder in that it did not file its annual report on Form 10-K for the fiscal year ended December 31, 1941; no exceptions to the trial examiner's report having been filed; the Commission having adopted the trial examiner's findings as being in accord with the evidence and stipulation of facts, and finding that it is necessary and appropriate for the protection of investors to withdraw the said stock from registration;

It is ordered, Pursuant to section 19 (a) (2) of the said Act, that the registration of the stock in question be, and the same hereby is, withdrawn, effective ten days after the date of this order.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-11876; Filed, July 24, 1943; 9:40 a. m.]

[File No. 70-21]

INTERNATIONAL UTILITIES CORPORATION

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 22d day of July, A. D. 1943.

The Commission has heretofore entered a series of orders in the above entitled proceeding upon application of International Utilities Corporation, by which orders International has been authorized to purchase certain amounts of the Collateral Trust Bonds 6½% Series of its subsidiary, Dominion Gas and Electric Company, subject to certain conditions, including, among others, the condition that such purchases be effected on or before December 31, 1942. In a further order, dated April 23, 1943, the Commission granted a further amendment to said application which requested an extension of time to December 31, 1943, within which to purchase $276,500 principal amount of said Collateral Trust Bonds previously authorized and which also sought authorization for the purchase within such time of an additional $500,000 principal amount of said bonds.

By amendment, dated June 28, 1943, International Utilities Corporation proposes a change in the methods of acquiring the said bonds which it has been previously authorized to purchase by the said order of the Commission, dated April 23, 1943, and proposes to request from public holders thereof the tender of the said bonds to International at their call price, 101% of principal amount, and accrued interest thereon to date of delivery. International offers to purchase the said bonds up to but not exceeding $600,000 principal amount thereof; the said offer is to expire on December 15, 1943 or on the date when Dominion Gas and Electric Company calls the said bonds for redemption, whichever is earlier.

Said amendment having been filed on June 28, 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 amendment within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that all applicable statutory requirements 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 as amended;

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 as amended be and the same is hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-11878; Filed, July 24, 1943; 9:41 a. m.]

[File No. 70-739]

RIO GRANDE VALLEY GAS CO.

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, Pennsylvania on the 22d day of July, A. D. 1943.

Rio Grande Valley Gas Company, a public utility subsidiary of two registered holding companies, Hope Engineering Company, and O. P. Wilson, W. H. Meub, and S. Cottingham, Voting Trustees under the Rio Grande Valley Gas Company Common Stock Voting Trust Agreement, having filed declaration and amendments thereto pursuant to Sections 6 and 7 of the Public Utility Holding Company Act of 1935, with respect to the issuance and sale of $87,000 principal amount of First Mortgage Bonds, Series B, 4%, due 1961, at par for cash to The Northwestern Mutual Life Insurance Company; said Series B Bonds to be issued against bondable property additions as provided in the Indenture securing the company's First Mortgage Bonds, Series A, 4%, due

1961, under which $2,757,000 principal amount are outstanding in the hands of The Northwestern Mutual Life Insurance Company, and the proceeds from such sale to be utilized to defray, in part, certain expenditures made for new construction;

Said declaration having been filed on June 12, 1943 and notice of said filing having been duly given in the form and manner prescribed by Rule U–23 promulgated pursuant to said Act, and the last amendment thereto having been filed on June 28, 1943, and the Commission not having received a request for a hearing with respect to said declaration within the period specified by said notice or otherwise and not having ordered a hearing thereon; and

Said declarant having requested that the effective date of said declaration be advanced; and

The Commission finding that the requirements of Section 7 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 permit said declaration to become effective forthwith,

It is hereby ordered, Pursuant to Rule U–23 that the said declaration be and it hereby is permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U–24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43–11879; Filed, July 24, 1943; 9:40 a. m.]

[File No. 70–742]

INTERSTATE POWER CO. AND EASTERN IOWA ELECTRIC CO.

ORDER APPROVING 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, Pa., on the 22d day of July, A. D. 1943.

Interstate Power Company (Del.), a registered holding company, and its subsidiary, Eastern Iowa Electric Company, both of which are subsidiary companies of Ogden Corporation, a registered holding company, having filed a declaration and application and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935 and the General Rules and Regulations promulgated thereunder, regarding the proposed purchase by Interstate Power Company (Del.), from some nine individuals of 60 shares of common stock of Eastern Iowa Electric Company, constituting all of the outstanding securities of such company other than the 90 shares of common stock presently held by Interstate Power Company (Del.), for $94,320 or $1,572 per share; such acquisition to be followed by the transfer to Interstate Power Company (Del.) of all of the assets and liabilities of Eastern Iowa Electric Company and the dissolution of the latter company; and

Said declaration and application having been filed on the 19th day of June, 1943 and amended on the 14th day of July 1943 and notice of said filing having been duly given in the form and manner prescribed by Rule U–23 promulgated pursuant to said Act and the Commission not having received a request for a hearing with respect to said application and declaration within the period prescribed in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of sections 10, 12 (c), and 12 (f), and Rules U–42, U–43, and U–46 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, as amended, and to permit said declaration, as amended, 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 aforesaid application, as amended, be and hereby is granted forthwith and that the aforesaid declaration, as amended, be and hereby is permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43–11880; Filed, July 24, 1943; 9:41 a. m.]

[File No. 70–744]

INTERSTATE POWER COMPANY

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 22d day of July, A. D., 1943.

Interstate Power Company (Del.), a registered holding company and a subsidiary of Ogden Corporation, also a registered holding company having filed a declaration pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the General Rules and Regulations promulgated thereunder, relating to the proposed sale by Interstate Power Company (Del.), of all its investments and open account in its wholly-owned subsidiary, Interstate Power Company of North Dakota, to Otter Tail Power Company, a non-affiliated public utility company, for $125,000 cash; such investments and open account consisting of (a) $75,000 principal amount of First Mortgage 5% Bonds, due 1957, (b) 314 shares of capital stock, par value $100, and (c) an open account in the aggregate amount of $99,438.84 adjusted for additions to or repayments of at the date of closing; it appearing that Otter Tail Power Company proposes to merge Interstate Power Company of North Dakota into it; and

Said declaration having been filed on the 19th day of June, 1943, and amended on the 14th day of July, 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 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 section 12 (d) and Rule U–44 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 permit said declaration to become effective;

It is hereby ordered, Pursuant to said Rule U–23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U–24 that said declaration be and the same is hereby permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43–11881; Filed, July 24, 1943; 9:40 a. m.]

[File No. 812–328]

ASSOCIATED GENERAL UTILITIES COMPANY

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 23d day of July, A. D. 1943.

Associated General Utilities Company, a registered closed-end management investment company, having filed an application under section 6 (c) of the Investment Company Act of 1940 for an order exempting it from the provisions of section 30 (d) of the Act and Rule N–30D–1 promulgated thereunder insofar as said section and rule require applicant to transmit semi-annual reports to stockholders;

It is ordered, Pursuant to section 40 (a) of said Act, that a hearing on the aforesaid application be held on July 29, 1943, at 10:00 a. m., eastern war time, in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania.

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. 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 proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43–11882; Filed, July 24, 1943; 9:41 a. m.]

SELECTIVE SERVICE SYSTEM.

CITY OF NEW YORK

ESTABLISHMENT OF FIVE BOROUGHS AS ONE APPEAL BOARD AREA

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. 8641, 6 F.R. 563; 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; and more particularly § 603.21, Selective Service Regulations, Second Edition, I hereby authorize the City Director for the city of New York to establish the five boroughs of the city of New York as one appeal board area.

LEWIS B. HERSHEY,
Director.

JULY 24, 1943.

[F. R. Doc. 43–11915; Filed, July 24, 1943; 4:11 p. m.]

WAR PRODUCTION BOARD.

[Certificate 99]

APPROVAL OF JOINT ACTION PLAN FOR COMMON CARRIERS OF PASSENGERS BY BUS

The ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning certain joint action plans formulated under General Order ODT 11 by common carriers engaged in intercity passenger service.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with any order issued by the Director of the Office of Defense Transportation pursuant to General Order ODT 11 requiring any of the joint actions specified in the recommendation is requisite to the prosecution of the war.

Dated: July 20, 1943.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 43–11934; Filed, July 26, 1943; 10:45 a. m.]

[Certificate 100]

APPROVAL OF JOINT ACTION PLAN FOR OSWEGO MILK COUNCIL, INC., OSWEGO, N.Y.

The ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by members of Oswego Milk Council, Inc., with respect to the transportation and delivery of milk and related articles by motor vehicle in the Oswego area of New York State.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

Dated: July 21, 1943.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 43–11935; Filed, July 26, 1943; 10:45 a. m.]

[Certificate 101]

APPROVAL OF CHICAGO AREA JOINT ACTION PLAN FOR AUSTGEN EXPRESS AND STORAGE CO. ET AL.

The ATTORNEY GENERAL:

I submit herewith Supplementary Order ODT 3, Revised–44, issued by the Director of the Office of Defense Transportation with respect to coordination of operations by thirty-three common carriers of property by motor vehicle in an area comprised of the City of Chicago, Illinois, a zone in Illinois extending sixty (60) air miles from the boundaries of Chicago, and Lake and Porter Counties, Indiana.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve said order; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with Supplementary Order ODT 3, Revised–44, is requisite to the prosecution of the war.

Dated: July 22, 1943.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 43–11936; Filed, July 26, 1943; 10:45 a. m.]

WAR SHIPPING ADMINISTRATION.

VESSEL "GEORGE G. HENRY"

NOTICE OF DETERMINATION OF WAR SHIPPING ADMINISTRATOR

Notice is given that pursuant to section 3 (b) of Public Law 17, 78th Congress, the following determination has been made:

Whereas on June 15, 1942, title to the vessel "George G. Henry," Official No. 228,049, (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, of 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.

Whereas just compensation for the said vessel has not 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 Toney Schloss Properties Corporation, Toney Schloss Properties Corporation 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, June 15, 1942;

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 on June 15, 1942, of the above mentioned vessel, its spare parts and appurtenances, shall, from and after the date of publication hereof in the FEDERAL REGISTER, be deemed to have been, for all purposes, a 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, June 15, 1942.

Dated: July 24, 1943.

[SEAL] E. S. LAND,
Administrator.

[F. R. Doc. 43–11937; Filed, July 26, 1943; 10:53 a. m.]

[1] *Supra.*