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The President

PROCLAMATION 2593

CLOSED AREA UNDER THE MIGRATORY BIRD TREATY ACT; MICHIGAN

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS the Secretary of the Interior has submitted to me for approval the following regulation adopted by him on September 17, 1943, under authority of the Migratory Bird Treaty Act, of July 3, 1918 (40 Stat. 755, 16 U. S. C. 704):

REGULATION DESIGNATING CERTAIN PARTS OF ANCHOR BAY, LAKE ST. CLAIR, AS THE ST. CLAIR MIGRATORY WATERFOWL CLOSED AREA, MICHIGAN

By virtue of and pursuant to the authority contained in section 3 of the Migratory Bird Treaty Act, of July 3, 1918 (40 Stat. 755, 16 U. S. C. 704), and Reorganization Plan No. II (53 Stat. 1431), I, Harold L. Ickes, Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of the migratory birds included in the terms of the conventions between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, do hereby designate as closed area in or on which pursuing, hunting, taking, capturing, or killing of migratory birds, or attempting to take, capture, or kill migratory birds is not permitted all that area of land and water of Anchor Bay, Lake St. Clair, St. Clair County, Michigan, within the following-described boundary:

Unit A (approximately 600 acres including and surrounding the Sand Islands lying about 3 miles south of Anchorville), beginning at a point on the north side of the North Channel approximately 6,300 feet due north of the

northeast corner of Lot 320 of the Chenal a Bout Rond (Snibora Channel) section of the St. Clair Flats Survey made under the provisions of the Public Acts of Michigan, 1899, Act No. 175, said lot being situated on the north end of the Mud Hen Highway; thence due north approximately 5,500 feet to the 6-foot contour as shown on the U. S. Lake Survey Chart of Lake St. Clair, 1933; thence S. 80° W., 4,700 feet along said contour line; thence S. 25° W., 5,200 feet along the same contour; thence due south 2,800 feet to the north side of the North Channel; thence N. 53° E., along the north side of the North Channel 5,300 feet; thence S. 84° E., 2,800 feet along the North Channel to the point of beginning. The Baltimore Channel, which passes through the area, shall be marked by buoys and designated as a boat lane.

Unit B (approximately 3,600 acres), beginning at the southeast corner of Lot 29 of the Chenal a Bout Rond (Snibora Channel) section of the St. Clair Flats Survey made under the provisions of the Public Acts of Michigan, 1899, Act No. 175; thence west along the south boundaries of Lots 29 to 24, inclusive, to the southeast corner of Lot 23; thence north along the east side of Lot 23 to the south side of the Snibora Channel; thence southwesterly and southerly along the south side of the Snibora Channel to the southwest corner of Lot 1; thence due south 1,600 feet; thence N. 83° W., 7,000 feet (toward the Clinton River Inner Light); thence S. 10° E., 15,600 feet to a line running between Port Huron Gas Buoy and Station 84 of the Middle Channel section of the St. Clair Flats Survey; thence N. 68° E., 10,500 feet to said Station 84; thence N. 1° W., 10,200 feet to Hawkins Point; thence N. 6° W., 4,900 feet to the point of beginning.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed, this 17th day of September, 1943.

HAROLD L. ICKES,
Secretary of the Interior.

(Continued on next page)

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AND WHEREAS upon consideration it appears that the foregoing regulation will tend to effectuate the purposes of the aforesaid Migratory Bird Treaty Act:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid Migratory Bird Treaty Act, do hereby approve and proclaim the foregoing regulation of the Secretary of the Interior:

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

DONE at the City of Washington this 21st day of September, in the year of our Lord nineteen hundred and [SEAL] forty-three, and of the Independence of the United States of America the one hundred and sixty-eighth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[F. R. Doc. 43-15464; Filed, Septemebr 22, 1943; 12:25 p. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter VII—War Food Administration (Agricultural Adjustment)

[ACP-1942-22]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

1942 ALLOTMENTS, YIELDS, GRAZING CAPACITIES, PAYMENTS, AND DEDUCTIONS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and in the War Food Administrator by Executive Order No. 9322, as amended by Executive Order No. 9334, the 1942 Agricultural Conservation Program, as amended, is further amended as follows:

Section 701.301 (1) (1) the first proviso thereof, (2) the first proviso thereof, and (4) the second proviso thereof, is amended to read as follows:

§ 701.301 Allotments, yields, grazing capacities, payments, and deductions. * * *

(1) Minimum soil-conserving and soil-building requirements. * * *

(1) Minimum conserving acreage. * * *

Provided, however, That when all or a part of the cropland on the farm has been acquired for the purpose of the national war effort, or was flooded in 1942, and it would be impracticable or inequitable to require compliance with the soil-conserving use requirement on the basis of the total cropland in the farm, or the farm was subdivided after the minimum soil-conserving use requirement was complied with on the farm as originally constituted, the county committee with the approval of the State committee, in accordance with instructions issued by the Agricultural Adjustment Agency, may waive all or any part of such requirement: * * *

(2) Minimum acreage of erosion-resisting crops. * * * Provided, however, That when all or a part of the cropland on a farm has been acquired for the purpose of the national war effort, or was flooded in 1942, and it would be impracticable or inequitable to require compliance with the soil-conserving use requirement on the basis of the total cropland in the farm, or the farm was subdivided after the minimum soil-conserving use requirement was complied with on the farm as originally constituted, the county committee with the approval of the State committee, in accordance with instructions issued by the Agricultural Adjustment Agency, may waive all or any part of such requirement: * * *

(4) Minimum soil-building performance. * * * Provided further, That when all or a part of a farm has been acquired for the purpose of the national war effort, and it would be impracticable or inequitable to require compliance with the soil-building performance requirement, or the farm was subdivided after the minimum soil-building performance requirement was complied with on the farm as originally constituted, the county committee with the approval of the State committee, in accordance with instructions issued by the Agricultural Adjustment Agency, may waive all or any part of such requirement: * * *

Done at Washington, D. C., this 20th day of September 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-15429; Filed, September 21, 1943; 3:10 p. m.]

PART 722—COTTON

TERMINATION OF NATIONAL MARKETING QUOTA FOR COTTON FOR THE MARKETING YEAR 1943-44

Whereas pursuant to sec. 345 of the Agricultural Adjustment Act of 1938, as

amended, the Secretary of Agriculture on the 6th day of November, 1942, proclaimed that a national marketing quota shall be in effect with respect to the marketing of cotton during the 1943-44 marketing year, and

Whereas on the 26th day of January, 1943, the Secretary of Agriculture proclaimed that cotton farmers had approved marketing quotas for cotton for the 1943-44 marketing year in a national referendum and that marketing quotas would be in effect for cotton during said marketing year, and

Whereas the War Food Administrator has reason to believe that because of the present national emergency, termination of marketing quotas for cotton for the 1943-44 marketing year is necessary in order to meet the present emergency and to effectuate the declared policy of the Act and has caused an investigation to be made, and

Whereas the War Food Administrator hereby finds and determines that the termination of marketing quotas for cotton for the 1943-44 marketing year is necessary in order to meet the present emergency and to effectuate the declared policy of the Act:

Now, therefore, pursuant to the authority vested in the Secretary of Agriculture by sec. 371 (b) of the Agricultural Adjustment Act of 1938, as amended, and in accordance with Executive Order 9322 of March 26, 1943, as amended by Executive Order 9334 of April 19, 1943, it is hereby proclaimed that:

§ 722.501 *Findings and determinations.* * * *

(1) The national marketing quota for cotton for the 1943-44 marketing year is hereby terminated.

(Sec. 371 (b), 7 U.S.C. 1940 ed. 1371 (b), 52 Stat. 65; E.O. 9322 of March 26, 1943, as amended by E.O. 9334 of April 19, 1943)

Issued at Washington, D. C., as of the 10th day of July 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-15426; Filed, September 21, 1943; 3:10 p. m.]

PART 722—COTTON

COTTON MARKETING QUOTAS FOR 1944-45 MARKETING YEAR AND NATIONAL, STATE, COUNTY AND FARM COTTON ALLOTMENTS FOR 1944

Whereas the Agricultural Adjustment Act of 1938, as amended, provides for the proclamation of certain data concerning the supply and consumption requirements requisite to the establishment of a national allotment for cotton and marketing quotas for cotton, and

Whereas said Act further provides that the powers therein granted shall not be used to discourage the production of sufficient supplies of foods and fibers to maintain normal domestic consumption, taking into consideration current trends in consumption and export and the quantities of substitutes available at fair prices, and

Whereas said Act further provides that quotas shall be terminated if it is determined that such action is necessary in order to effectuate the declared policy of the Act or to meet a national emergency, and

Whereas an investigation has been made which reveals that it is necessary, in order to meet the present emergency and to effectuate the declared policy of the Act, to dispense with marketing quotas for cotton for the marketing year beginning August 1, 1944, and with national, State, county and farm acreage allotments for cotton for the 1944 crop.

Now, therefore, pursuant to the foregoing authority and in accordance with Executive Order 9322, as amended by Executive Order 9334, it is hereby determined and proclaimed that:

§ 722.601 *Findings and determinations.* In order to meet the national emergency and to effectuate the declared policy of the Act, cotton marketing quotas will not be in effect with respect to the marketing year beginning August 1, 1944, and no national, State, county or farm acreage allotments for cotton for the 1944 crop will be established under the provisions of Title III of the Agricultural Adjustment Act of 1938, as amended.

(52 Stat. 38, 45, 56, 58, 64, 203; 53 Stat. 1125; 7 U.S.C. 1940 ed. 1301, 1304, 1342, 1343, 1345, 1372; E.O. 9322, March 26, 1943, as amended by E.O. 9334, April 19, 1943)

Issued at Washington, D. C., this 21st day of September 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-15427; Filed, September 21, 1943; 3:10 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

[T.D. 5297]

Subchapter A—Income and Excess-Profits Taxes

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

AMENDMENT TO CONFORM TO PROVISIONS OF CURRENT TAX PAYMENT ACT OF 1943

In order to conform Regulations 103 (Part 19, Title 26, Code of Federal Regulations, 1940 Sup.) to sections 5, 7 and 8 of the Current Tax Payment Act of 1943 (Public Law 68, 78th Congress), approved June 9, 1943, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately after section 60 of the Internal Revenue Code prior to its amendment the following:

SEC. 5. CURRENT PAYMENT OF TAX NOT WITHHELD AT SOURCE. (Current Tax Payment Act of 1943.)

(a) *In general.* The Internal Revenue Code is amended by striking out sections 58, 59, and 60 and inserting in lieu thereof the following:

SEC. 58. DECLARATION OF ESTIMATED TAX BY INDIVIDUALS.

(a) *Requirement of declaration.* Every individual (other than an estate or trust and

other than a nonresident alien with respect to whose wages, as defined in section 1621 (a), withholding under Subchapter D of Chapter 9 is not made applicable) shall, at the time during the taxable year prescribed in paragraph (d), make a declaration of his estimated tax for the taxable year if—

(1) his gross income from wages (as defined in section 1621)

(A) in case such individual is single or married but not living with husband or wife: can reasonably be expected to exceed \$2,700 for the taxable year; or did exceed \$2,700 for the preceding taxable year; or

(B) in case such individual is married and living with husband or wife: can, when added to the gross income which can reasonably be expected to be received by such husband or wife from wages (as so defined), reasonably be expected to exceed \$3,500 for the taxable year; or did when added to the gross income of such husband or wife from wages (as so defined) for the preceding taxable year, exceed \$3,500 for such preceding taxable year; or

(2) his gross income from sources other than wages (as defined in section 1621)

(A) in case such individual is single or married but not living with husband or wife: can reasonably be expected to exceed \$100 for the taxable year and his gross income to be such as will require the making of a return for the taxable year under section 51; or did exceed \$100 for the preceding taxable year and such individual either was required to make a return under section 51 or 455 for such preceding taxable year or would have been so required if he had been single during the whole of such preceding taxable year; or

(B) in case such individual is married and living with husband or wife: can, when added to the gross income which can reasonably be expected to be received by husband or wife from such sources, reasonably be expected to exceed \$100 for the taxable year and the aggregate gross income of such husband and wife can reasonably be expected to be such as will require the making of a return under section 51 or 455; or did, when added to the gross income of such husband or wife from such sources for the preceding taxable year, exceed \$100 for such preceding taxable year and such individual would have been required to make a return under section 51 or 455 for such preceding taxable year if he had been married and living with husband or wife during the whole of such preceding taxable year; or

(3) in case such taxable year is the taxable year beginning in 1943, such individual was required to make a return under section 51 for the taxable year beginning in 1942, and his gross income from wages (as defined in section 1621) for such taxable year is greater than the gross income which can reasonably be expected to be received from wages for the taxable year beginning in 1943.

(b) *Contents of declaration.* In the declaration required under subsection (a) the individual shall state—

(1) the amount which he estimates as the amount of tax under this chapter for the taxable year, without regard to any credits under sections 32, 35, and 466 (e);

(2) the amount which he estimates as the credits for the taxable year under sections 32, 35, and 466 (e); and

(3) the excess of the amount estimated under paragraph (1) over the amount estimated under paragraph (2), which excess for the purposes of this chapter shall be held and considered the estimated tax for the taxable year.

The declaration shall also contain such other information for the purposes of carrying out the provisions of this chapter as the Commissioner, with the approval of the Secretary, may by regulations prescribe, and shall contain or be verified by a written state-

ment that it is made under the penalties of perjury.

(c) *Joint declaration by husband and wife.* In the case of a husband and wife living together, a single declaration under this section may be made by them jointly, in which case the liability with respect to the estimated tax shall be joint and several. No joint declaration may be made if either the husband or wife is a nonresident alien. If a joint declaration is made but a joint return is not made for the taxable year, the estimated tax for such year may be treated as the estimated tax of either the husband or the wife, or may be divided between them.

(d) *Time and place for filing.* The declaration required under subsection (a) shall be filed on or before the fifteenth day of the third month of the taxable year, except that if the requirements of subsection (a) are first met after such date, the declaration shall be filed on or before the fifteenth day of the last month of the quarter of the taxable year in which such requirements are first met. An individual may make amendments or revisions of a declaration filed under this subsection, under regulations prescribed by the Commissioner with the approval of the Secretary. If so made, such amendments or revisions shall be filed on or before the fifteenth day of the last month of any quarter of the taxable year subsequent to that in which the declaration was filed and in which no previous amendments or revisions have been made or filed. Declarations and amendments and revisions thereof shall be filed with the Collector specified in section 53 (b) (1).

(e) *Extension of time.* The Commissioner may grant a reasonable extension of time for filing declarations and paying the estimated tax, under such rules and regulations as he shall prescribe with the approval of the Secretary. Except in the case of taxpayers who are abroad, no such extension shall be for more than six months.

(f) *Persons under disability.* If the taxpayer is unable to make his own declaration, the declaration shall be made by a duly authorized agent or by the guardian or other person charged with the care of the person or property of such taxpayer.

(g) *Signature presumed correct.* The fact that an individual's name is signed to a filed declaration shall be prima facie evidence for all purposes that the declaration was actually signed by him.

(h) *Publicity of declaration.* For the purposes of section 55 (relating to publicity of returns), a declaration of estimated tax shall be held and considered a return under this chapter.

SEC. 59. PAYMENT OF ESTIMATED TAX.

(a) *In general.* The estimated tax shall be paid in four equal installments except that—

(1) if the declaration is filed (otherwise than pursuant to an extension of time) after the fifteenth day of the third month of the taxable year, the estimated tax shall be paid in equal installments the number of which is equal to the number of quarters remaining in the taxable year (including the quarter in which the declaration is filed); and

(2) if any amendment or revision of a declaration is filed, the remaining installments shall be ratably increased or decreased, as the case may be, to reflect the increase or decrease, as the case may be, in the estimated tax by reason of such amendment or revision; and

(3) at the election of the individual, any installment of the estimated tax may be paid prior to the date prescribed for its payment.

One installment of the estimated tax shall be paid at the time of making the declaration, and an installment thereof shall be paid on the fifteenth day of the last month of each succeeding quarter of the taxable year. Payment of any installment of the estimated tax

shall be considered payment on account of the tax for the taxable year.

(b) *Assessment.* The estimated tax shall be assessed only to the extent paid.

SEC. 60. SPECIAL RULES FOR APPLICATION OF SECTIONS 58 AND 59.

(a) *Farmers.* In the case of an individual whose estimated gross income from farming for the taxable year is at least 80 per centum of the total estimated gross income from all sources for the taxable year, in lieu of the time prescribed in section 58 (d), the declaration for the taxable year may be made at any time on or before the fifteenth day of the last month of the taxable year.

(b) *Application to short taxable years.* The application of sections 58, 59, and 294 (a) (3), (4), and (5) to taxable years of less than twelve months shall be as prescribed in regulations prescribed by the Commissioner with the approval of the Secretary.

(c) *Application to taxable years beginning in 1943.* If the taxable year is the calendar year 1943, the fifteenth day of September, 1943, shall be substituted for the fifteenth day of March for the purposes of section 58 (d). If the taxable year begins in 1943 after January 1, the date which shall be substituted for the fifteenth day of the third month of the taxable year for the purposes of section 58 (d) shall be prescribed by regulations prescribed by the Commissioner with the approval of the Secretary. In either case installments of the estimated tax for such taxable year payable after September 1, 1943, shall be ratably decreased to reflect the payments on account of a taxable year beginning in 1942 which are treated as payments on account of the estimated tax for a taxable year beginning in 1943.

(f) *Taxable years to which applicable.* The amendments made by this section shall be effective with respect to taxable years beginning after December 31, 1942, except that section 294 (a) (5) of the Internal Revenue Code shall not be applicable to a taxable year beginning in 1943 in the case of an individual not required to make a declaration under section 58 of the Internal Revenue Code for such year.

§ 19.58-1 *Declarations of estimated tax—(a) General.* Under the provisions of section 1622 as added to the Internal Revenue Code by section 2 of the Current Tax Payment Act of 1943 there is withheld at the source a tax designed to approximate the amount of net victory tax, the normal tax, and the first bracket surtax but the tax so withheld applies only to wages and not to other forms of income such as dividends, interest, rents, royalties and the like. In order to collect currently during the taxable year in which the income is received that portion of the tax liability for the taxable year which is not satisfied by collection at the source, there is required to be filed, as specifically set forth in paragraph (b) of this section, for taxable years beginning after December 31, 1942, a declaration of estimated tax for the then current taxable year. As to the contents of such declaration, see section 58 (b). As to the time and place of filing such declaration, see section 58 (d). As to additions to the tax and penalties with respect to filing and contents of declaration, see section 294 (a). As to payment of the estimated tax see section 59.

(b) *Obligation to file declarations of estimated tax.* A declaration of estimated tax shall, for taxable years begin-

ning after December 31, 1942, be made by (1) every citizen of the United States, whether residing at home or abroad, (2) every individual residing in the United States though not a citizen thereof, and (3) every nonresident alien who is a resident of Canada or Mexico and who has wages subject to withholding at the source under section 1622 if such citizen or resident or alien comes within any of the following groups:

(i) Single or married but not living with spouse at the date prescribed for the making of the declaration (whether or not the head of a family), if such individual had for the preceding taxable year or can reasonably be expected to have for the taxable year:

(a) Gross income of more than \$2,700 from wages subject to withholding; or

(b) Gross income of more than \$100 from sources other than wages subject to withholding, and gross income of \$500 or more from all sources.

(ii) Married and living with spouse at the date prescribed for the making of the declaration, if such individual had for the preceding taxable year or can reasonably be expected to have for the taxable year:

(a) Gross income from wages subject to withholding which, when added to the gross income from such wages of his spouse, exceeds \$3,500; or

(b) Gross income other than from wages subject to withholding which, when added to the gross income other than from such wages of his spouse, exceeds \$100, and his gross income from all sources exceeds \$624 for the taxable year or the preceding taxable year (if such preceding taxable year is a taxable year beginning after December 31, 1942), or the aggregate gross income of both spouses from all sources amounts to \$1,200 or more for the taxable year or the preceding taxable year.

(iii) Any individual without regard to marital status, (a) who was required to file a return under section 51 for the taxable year beginning in 1942 and (b) whose gross income from wages for such taxable year is greater than the gross income which can reasonably be expected to be received from wages in the taxable year beginning in 1943. Thus, a married individual making his return on the calendar year basis, who received \$3,000 in the form of wages in 1942 and can be reasonably expected to receive \$2,000 in the form of wages in 1943 is, under the provisions of paragraph (3) of section 58 (a), required to file a declaration of estimated tax.

For the purposes of determining whether a declaration of estimated tax is required under section 58 (a), a taxpayer who is the head of a family but not married and living with husband or wife is treated as a single person; and for the purpose of determining whether a declaration of estimated tax is required in the case of a husband and wife living together at the time prescribed for filing such declaration, the incomes of such husband and wife for the preceding taxable year shall be aggregated whether or not they were married and living together during any part of such preceding taxable year.

In the case of a husband and wife each having gross income, if their combined gross income meets the requirements of this section, a joint declaration of estimated tax must be made by husband and wife or a separate declaration must be made by each.

If an individual had no gross income for the preceding taxable year and it cannot be reasonably expected that he will have gross income for the taxable year, no declaration of estimated tax is required.

A nonresident alien who is a resident of Canada or Mexico, who enters and leaves the United States at frequent intervals and who has wages subject to withholding under the provisions of section 1622, is required to file a declaration of estimated tax if he comes within any of the groups set forth in section 58 (a). In the case of a nonresident alien, gross income means only gross income from sources within the United States. Section 212 (a). As to what constitutes gross income from sources within the United States, see section 119 and regulations thereunder. Thus, for example, a nonresident alien living in Canada with his wife throughout 1942 and 1943, makes his return on the calendar year basis. He is employed as a mechanic in Detroit, Michigan, and enters and leaves the United States at frequent intervals. In 1942 he derived an average weekly wage from such source of \$80 and had no other income from United States sources. Since his gross income from wages derived from sources within the United States in 1942 amounted to more than \$3,500, a declaration of estimated tax must be filed for 1943.

An estate or trust, though taxed generally as an individual, is not within the scope of the system of current payment of the tax and hence is not required to file a declaration.

As used in this section the term "wages" means wages as defined in section 1621.

The application of these provisions may be illustrated by the following examples:

Example (1). A, a taxpayer making his return on the calendar year basis, is unmarried and derived in 1942 wages amounting to \$2,500. Effective January 1, 1943, however, his wages were increased to \$60 per week and he has been regularly employed at that wage from that date through September 15, 1943, and as at such latter date upon the basis of facts then existing it is reasonable to assume that his wages for the remainder of the calendar year 1943 will remain unchanged. In such case, the wages which can reasonably be expected to be received for 1943 will amount to approximately \$3,120 and since such amount exceeds \$2,700 A is required to file a declaration of estimated tax.

Example (2). Assume the facts set forth in example (1) except that A's wages for 1942, and as at September 15 the wages reasonably to be anticipated for 1943, do not exceed \$2,200 for each of such years but as of such date he could reasonably be expected to receive dividends of \$150 for 1943. His total expected gross income being more than \$500 and his expected gross income other than wages being more than \$100 a declaration of estimated tax must be filed. If, however, his sole income for 1942 and the income reasonably to be expected for 1943 consist of

wages of \$2,200 for each of such years, no declaration is required since his sole income for each year is less than \$2,700, is wholly from wages, and the wages for 1942 are not in excess of the wages reasonably expected to be received for 1943.

Example (3). A, married and living with his wife B throughout 1942 and 1943, makes his return on the calendar year basis. His sole gross income for 1942 and up to September 15, 1943, consists of wages averaging \$60 per week. His wife was not employed during 1942 and derived no income during such year but was employed effective July 1, 1943, at \$40 per week. Since the wages reasonably to be anticipated by A during 1943 (\$3,120) when added to the wages reasonably to be anticipated by B during 1943 (\$1,040), aggregate \$4,160, and thus exceed the amount of \$3,500, a declaration of estimated tax must be filed jointly by A and B or a separate declaration must be made by each.

Example (4). X, married and living with his wife throughout 1943 and making his return on the calendar year basis, has as his only income for 1942 wages of \$3,200 and it can be reasonably expected that his only income for 1943 will consist of wages of \$2,800. Under the rules laid down above in groups (1) and (2) X would not be required to file a declaration in 1943. However, X falls within group (3) since his gross income for 1942 was such as to require the filing of a return for that year and his wages for 1942 are in excess of the wages he can reasonably be expected to receive in 1943.

§ 19.58-2 Form and contents of declaration of estimated tax—(a) General.

The declaration of estimated tax shall be on Form 1040-ES. The form may be had from the collectors of the several districts. It shall be executed, verified and filed in accordance with these regulations and the instructions on the form or issued therewith. For the purposes of making the declaration, the amount of gross income which the taxpayer can reasonably be expected to receive or accrue, as the case may be, depending upon the method of accounting upon the basis of which the net income is computed, and the amount of the estimated allowable deductions and credits to be taken into account in computing the amount of the estimated tax, shall be determined upon the basis of facts and circumstances existing as at the time prescribed for the filing of the declaration. If, therefore, the taxpayer is employed at the date of filing his declaration at a given wage or salary, it should, in the absence of circumstances indicating the contrary, be presumed by him for the purposes of the declaration that such employment will continue to the end of the taxable year at the wage or salary received by him as as at the date of making the declaration. In the case of the recipient of income other than wages the regularity in the payment of income, such as dividends, interest, rents, royalties, and income arising from estates and trusts is a factor to be taken into consideration. Thus, if the taxpayer owns shares of stock in the X Corporation and dividends have been paid regularly for several years upon such stock, the taxpayer in the preparation of his schedules preliminary to the execution of Form 1040-ES should, in the absence of information indicating a change in the dividend policy, include the prospective dividends

from the X Corporation for the taxable year as well as those actually received in such year prior to the filing of the declaration. In the case of a taxpayer engaged in business on his own account, there shall be made an estimate of gross income and deductions and credits in the light of the best available information affecting the trade, business, or profession.

In the case of any individual who can, at the time of the preparation of Form 1040-ES, reasonably anticipate that his gross income will be of such amount and character as to enable him to elect upon his return for such year to compute the tax under section 400 in lieu of the normal tax and surtax, the declaration of estimated tax may be made upon the basis set forth in section 400 and § 19.400-1. If the taxpayer computes his estimated tax for the taxable year under the provisions of section 400, it will be necessary for him to add the victory tax to the tax set forth on the reverse side of Form 1040A and appropriate to the taxable income of the taxpayer for the taxable year. Thus, if his gross income is \$3,000 and he is a single person not the head of a family, the tax under section 400 is \$431. To such amount must be added 5 percent of \$2,376 (\$3,000 less \$624) or \$118.80 less the amount of the post-war credit or refund, if any, currently used against the tax. See sections 453 and 454 and regulations thereunder. The filing of a declaration computed upon the basis of section 400 shall not constitute an election under section 402 and shall not permit the filing of a return under section 400 unless the taxpayer comes within the provisions of sections 400 and 401. A married person living with husband or wife should not use section 400 in computing his estimated tax for the purpose of the declaration unless both spouses use that section for such purpose.

The declaration may be made by an agent if, by reason of illness, the person liable for the making of the declaration is unable to make it. The declaration may also be made by an agent if the taxpayer is unable to make the declaration by reason of continuous absence from the United States for a period of at least 60 days prior to the date prescribed by law for making the declaration. Whenever a declaration is made by an agent it must be accompanied by the prescribed power of attorney, Form 935, except that an agent holding a valid and subsisting general power of attorney authorizing him to represent his principal in making, executing, and filing the income declaration, may submit a certified copy thereof in lieu of the authorization on Form 935. The taxpayer and his agent, if any, are responsible for the declaration as made and incur liability for the penalties provided for erroneous, false, or fraudulent declarations.

The home or residential address of the taxpayer (including the street and number, if any) shall be given in the space provided on the form. A taxpayer having a permanent business address may give that address as the principal or mailing address: *Provided*, That the complete

home or residential address is also given within the space provided.

(b) *Contents of declaration.* For taxable years beginning in 1943, if the tax for the taxable year beginning in 1942 (after the credit for foreign tax, but before credits for tax paid at source) is greater than the tax for 1943, similarly computed, there shall be included in the estimated tax for 1943 the excess, if any, of the tax for 1942 over the tax for 1943. Such excess is the excess of the tax for 1942 (computed after the credit for the tax, if any, paid at the source under section 143) over the tax for 1943, similarly computed. If, for example, the taxes for 1942 and for 1943, respectively, after the allowance of the credit for foreign tax, if any, are \$1,000 and \$750 and there is no tax paid at the source under section 143 for either of such years, the increase in the estimated tax for 1943 is \$1,000 minus \$750, or \$250, and thus, the amount to be estimated by the taxpayer as the amount of his income tax (including victory tax) for 1943 for the purpose of the declaration of estimated tax is \$1,000, which amount, when reduced by the applicable credits under sections 35 and 466 (e), is the estimated tax for 1943. If, however, in such case tax was paid at the source for the taxpayer under section 143 in the respective amounts, for example, of \$100 and \$75 for 1942 and 1943 the amount estimated as the amount of the tax for the purpose of the declaration shall be determined as follows: The tax for 1942 after the application of \$100 paid at the source is \$900 and the tax for 1943 after the application of \$75 paid at the source with respect to such year is \$675 and in such case the addition to the tax for 1943 is \$900 minus \$675, or \$225, which latter amount when added to \$675 aggregates \$900, which is the amount of the income tax (including victory tax) for 1943. The excess of such tax (\$900) over the amount of the applicable credits under sections 32, 35 and 466 (e) is the estimated tax in such case for 1943.

For taxable years beginning on and after January 1, 1944, the preparation of the declaration of estimated tax will not necessitate any comparison between the tax liability for the current taxable year and that for the preceding taxable year. For such taxable years the declaration shall contain (1) the amount estimated as the tax for the taxable year after the application of the credit for foreign tax, if any, but without regard to the credits under sections 32, 35 and 466 (e); (2) the amount estimated by the taxpayer as the sum of the credits under such sections; and (3) the excess, if any, of the amount shown under (1) over the amount shown under (2), which excess shall be the estimated tax for such taxable year.

§ 19.58-3 *Joint declarations by husband and wife living together.* A married person and spouse living together at the time prescribed for making the declaration, may file a joint declaration. If one spouse dies prior to the filing of the declaration, the surviving spouse may not include the income of the deceased spouse in a joint declaration. A joint

declaration may not be made if either husband or wife is a nonresident alien.

A joint declaration of a husband and wife, if not made by an agent, (see § 19.51-2) shall be signed by both spouses. If signed by one spouse as agent for the other, authorization for such action must accompany the declaration. The spouse acting as agent for the other shall, with the principal, assume the responsibility for making the declaration and incur liability for the penalties provided for erroneous, false, or fraudulent declarations.

If a joint declaration is made by husband and wife, the liability with respect to the estimated tax shall be joint and several. The fact that a joint declaration of estimated tax is made by them will not preclude a husband and his wife from filing separate returns. In case a joint declaration is made but a joint return is not made for the same taxable year, the payments made on account of the estimated tax for such year may be treated as payments on account of the tax liability of either the husband or wife for the taxable year or may be divided between them in any manner they see fit. In any case in which a joint return has been filed by husband and wife for the taxable year beginning in 1942 but separate declarations are made for the taxable year beginning in 1943, the excess, if any, of the joint tax liability for 1942 over the aggregate tax on the separate declarations for 1943, which excess constitutes an addition to the estimated tax for 1943, may be treated as an addition to the estimated tax of either the husband or the wife, or may be divided between them as they may agree. See section 6 (b) (1) and (d) (2) of the Current Tax Payment Act of 1943.

§ 19.58-4 *Use of prescribed forms.* Copies of the prescribed declaration forms will so far as possible be furnished taxpayers by collectors. A taxpayer will not be excused from making a declaration, however, by the fact that no declaration form has been furnished to him. Taxpayers not supplied with the proper forms should make application therefor to the collector in ample time to have their declarations prepared, verified, and filed with the collector on or before the due date. Each taxpayer should carefully prepare his declaration so as fully and clearly to set forth the data therein called for. Taxpayers desiring to employ work sheets to facilitate the preparation of the declaration may secure them by application to the collector for "Alternative Instructions for Declaration of Estimated Income and Victory Tax by Individuals." Such work sheets are to be retained by the taxpayer and not filed with the collector. If the prescribed form is not available a statement disclosing his estimated income tax (including victory tax) for 1943, his estimated credits and his estimated tax after deducting such credits may be accepted as a tentative declaration, and if filed within the prescribed time, accompanied by the payment of the required installment, the statement so made will relieve the taxpayer from liability to penalties: *Provided*, That without unnecessary delay

such a tentative declaration is supplemented by a declaration made on the proper form.

§ 19.58-5 *Time and place for filing declarations—(a) Time for filing declaration—(1) General.* Declarations of estimated tax must (except in the case of farmers as to whom see paragraph (a) (3) of this section) be made on or before the 15th day of the 3d month of the taxable year by every individual whose then anticipated income for the current taxable year, or whose actual income for the preceding taxable year, meets the requirements of section 58 (a). The requirement with respect to the time for filing the declaration applies alike to nonresident aliens who are required to make the declaration as well as to United States citizens and residents. For the taxable year 1943, in the case of a taxpayer (other than a farmer) who makes his returns on a calendar year basis, the first declaration must be filed on or before September 15, 1943. In the case of such a taxpayer who makes his returns on the fiscal year basis and whose fiscal year begins in 1943 on or prior to July 1, the declaration must likewise be filed on or before September 15, 1943. In the case of such a taxpayer having a fiscal year beginning in 1943 subsequent to July 1, the declaration must be filed on the 15th day of the 3d month of such taxable year. For subsequent taxable years the declaration must be filed on or before the 15th day of the 3d month of such then current taxable year. For provisions relating to the time for filing declarations of estimated tax in the case of certain individuals outside the Americas, certain individuals in the military or naval forces of the United States who are serving on sea duty or outside the continental United States, and certain civilian employees of the United States who are prisoners of war or otherwise detained by any foreign government with which the United States is at war, see § 19.53-1.

(2) *Declarations for short taxable years.* No declaration may be made for a period of more than 12 months. A separate declaration for a fractional part of a year is, therefore, required wherever there is a change with the approval of the Commissioner in the basis of computing net income from one taxable year to another taxable year. The periods to be covered by such separate declarations in the several cases are those set forth in section 47 (a). Requirements with respect to filing of a separate declaration for a part of a year are the same as those for the filing of a declaration for a full taxable year commencing at the same time. Thus, for example, if the taxpayer changes his accounting period (after compliance with § 19.46-1) from the calendar year basis to the basis of a fiscal year beginning July 1, 1944, such action having been taken and permission of the Commissioner secured prior to March 15, 1944, then the declaration of estimated tax for the taxable period January 1 to June 30, 1944, must be filed on or before March 15, 1944, and an amended declaration may be filed on June 15, 1944. In the case of a decedent, no declaration

need be filed subsequent to the date of death.

In the case of short taxable years ending in 1943, resulting from the change from the calendar year basis to the fiscal year basis of reporting income, no declaration is required to be filed if such short period ends prior to the date prescribed for the filing of the declaration for the calendar year 1943. If, however, such period ends subsequent to the date prescribed for the filing of the declaration, the declaration must be filed. For example, the taxpayer changes from a calendar year basis to the fiscal year basis beginning July 1, 1943. No declaration for the short period is required since his final return for the period January 1 to June 30 is due on or before September 15, 1943. If, however, he changed to a fiscal year beginning December 1, 1943, a declaration must be filed on or before September 15, 1943 for the period January 1 to November 30, 1943.

(3) *Farmers.* While, generally, the declaration of estimated tax must be filed on or before the 15th day of the third month of the taxable year, the statute provides that in the case of an individual whose estimated gross income from farming for the taxable year is at least 80 percent of his total estimated gross income from all sources for such year there is permitted the election of filing a declaration on or before the 15th day of the last month of the taxable year in lieu of the time prescribed for individuals generally. The estimated gross income from farming is the estimated income resulting from the cultivation of the soil and the raising or harvesting of any agricultural or horticultural commodities, and the raising of livestock, bees, or poultry. In other words, the requisite gross income must be derived from the operations of a stock, dairy, poultry, fruit, or truck farm, or plantation, ranch, nursery, range, or orchard. If an individual receives for the use of his land income in the form of a share of the crops produced thereon, such income is from farming. As to determination of income of farmers, see §§ 19.22 (a)-7 and 19.23 (a)-11.

(b) *Place for filing declaration.* The declaration of estimated tax and amendments and revisions thereof shall be filed with the collector for the district in which is located the legal residence or principal place of business of the person making the declaration, or if he has no legal residence or principal place of business in the United States, then with the Collector at Baltimore, Maryland. Any amended declaration shall be filed with the collector for the district in which the original declaration was filed.

An individual employed on a salary or commission basis who is not also engaged in conducting a commercial or professional enterprise for profit on his own account does not have a "principal place of business" within the meaning of this paragraph and shall make his declaration to the collector for the district in which is located his legal residence, or if he has no legal residence in the United States then to the Collector at Baltimore, Maryland.

(c) *Obligation to file declaration arising after the 15th day of the third month of taxable year.* Generally, the declaration shall be filed on the 15th day of the third month of the taxable year. However, for the calendar year 1943 the 15th day of September 1943 shall be substituted for the 15th day of such third month. If as of the date so prescribed the amount and character of the income of the taxpayer and his marital status are such that no declaration is required to be filed, but subsequent to such date the amount and character of his income or his marital status changes so that he meets the requirements of section 58, then the declaration must be filed not later than the 15th day of the last month of the quarter of the taxable year in which such changes take place. This provision may be illustrated by the following example:

Example. A United States citizen and resident, a single man, was employed at an annual salary of \$2,400 for the period in 1944 beginning with January 1 and extending through March 15. He had no other income subject to withholding for such period and as at March 15, 1944 it could not have been reasonably anticipated that he would receive any other income in 1944. Under those circumstances he is not required to file a declaration of estimated tax on March 15, 1944. On July 1, 1944, however, he was promoted to a position at an annual salary of \$3,200. Hence, on that date his wages subject to withholding could reasonably be expected to exceed \$2,700 for the taxable year. Hence, he is required to file a declaration of estimated tax for the calendar year 1944 on or before September 15, 1944.

(d) *Amended declarations.* In the making of a declaration of estimated tax, the statute requires the taxpayer to take into account the then existing facts and circumstances as well as those reasonably to be anticipated relating to prospective gross income, the deductions therefrom and the estimated credits for the taxable year. Amended or revised declarations may be made in any case in which the taxpayer estimates that his income, deductions, or credits will differ from the income, deductions, or credits reflected in the previous declaration. An amended declaration may also be made based upon a change in the marital status of the taxpayer. Such amended declaration shall be on Form 1040-ES, marked "Amended".

No amended or revised declaration may be filed in the quarter in which the original declaration has been filed nor in any subsequent quarter in which a prior or revised declaration has been so filed.

§ 19.58-6 *Extension of time for filing declarations.* It is important that the taxpayer render on or before the due date a declaration of estimated tax as accurate as the facts and circumstances then existing or reasonably to be anticipated permit. However, the Commissioner is authorized to grant a reasonable extension of time for filing declarations under such rules and regulations as he shall prescribe with the approval of the Secretary. Accordingly, authority for granting extensions of time for filing

declarations is hereby delegated to the various collectors of internal revenue. Applications for extensions of time for filing declarations shall be addressed to the collector of internal revenue for the district in which the taxpayer files his income tax returns, and must contain a full recital of the causes for the delay. Except in the case of taxpayers who are abroad, no extension for filing declarations may be granted for more than six months.

An extension of time for filing the declaration of estimated tax for taxable years beginning on or before July 1, 1943, is hereby granted to and including the 15th day of December 1943, in the case of United States citizens outside the States of the Union, the District of Columbia, and Hawaii on September 15, 1943; and for taxable years beginning after July 1, 1943, an extension of time for filing the declaration of estimated tax otherwise due on or before the 15th day of the third month of the taxable year is hereby granted to and including the 15th day of the sixth month of the taxable year in the case of United States citizens outside the States of the Union, the District of Columbia, and Hawaii on the 15th day of the third month of the taxable year.

An extension of time for filing the declaration of estimated tax automatically extends the time for paying the estimated tax (without interest) for the same period.

§ 19.58-7 *Publicity of returns.* The declaration of estimated tax constitutes, within the meaning of section 55, a return. Hence, the rules provided under that section with respect to publicity of returns are equally applicable to declarations of estimated tax. See section 55 and regulations thereunder.

§ 19.58-8 *Payment of estimated tax—(a) General.* Section 59 provides that if the declaration of the estimated tax is made on or before the 15th day of the third month of the taxable year, such tax may be paid at the time of filing the declaration or in four equal installments. In such case the first installment shall be paid at the time of filing the declaration, the second installment on or before the 15th day of the sixth month, the third installment on or before the 15th day of the ninth month and the fourth installment on or before the 15th day of the 12th month of the taxable year.

If the declaration of estimated tax is filed after the 15th day of the third month of the taxable year (otherwise than by reason of an extension of time), the estimated tax shall be paid at the time of filing the declaration or in equal installments the number of which is equal to the number of quarters remaining in the taxable year (including the quarter in which the declaration is filed). Thus, since the first declaration of estimated tax for the calendar year 1943 is required to be filed on or before September 15 of that year, the estimated tax for such year must be paid at the time of filing the declaration or in two equal installments, one on or before September 15, and the other on or before December

15, of that year. For the fiscal year beginning June 1, 1943, and ending May 31, 1944, the declaration is required to be filed on or before September 15, 1943, and one-third of the estimated tax shown on such declaration shall be paid on or before September 15, 1943, one-third on or before February 15, 1944, and one-third on or before May 15, 1944, unless the taxpayer elects to pay two or more installments of the estimated tax at the time of filing the declaration. If due to the nature and amount of his gross income or his then existing marital status a declaration for the calendar year 1944 is not required to be filed on or before March 15, 1944, but a change in such gross income or marital status occurs so that a declaration is filed on June 15, 1944, the estimated tax for the calendar year 1944 may be paid in three installments, on or before June 15, on or before September 15, and on or before December 15, 1944.

If the taxpayer files an amended or revised declaration of estimated tax, the installments remaining unpaid as of the date of such filing shall be ratably increased or decreased, as the case may be, to reflect any change made in the previously estimated tax by such amendment or revision. For example, the taxpayer filed on March 15, 1944, a declaration of estimated tax for the calendar year 1944 showing the amount of such tax as \$600. An installment of \$150 was paid at the time of making such declaration. However, based on facts arising subsequent to the date of the original declaration but which could not be reasonably foreseen as at that date, the taxpayer on June 15, 1944, filed an amended declaration showing an estimated tax for the taxable year 1944 of \$300 instead of the \$600 originally estimated. Based on the amended declaration, the installments of estimated tax required to be paid on or before June 15, September 15 and December 15 in each case will be \$50.

At the election of the taxpayer, any installment of the estimated tax may be paid prior to the date prescribed for the payment.

The payment of any and every installment of the estimated tax for any taxable year shall be treated as a payment on account of the income tax for such taxable year. Hence, upon the return, Form 1040, or Form 1040A, as the case may be, for such taxable year will appear as payments to be applied against the tax shown on such return the aggregate amount of the payments of estimated tax.

The regulations generally applicable to extensions of the time for the payment of the tax or any installment thereof are likewise applicable to extensions of time for the payment of estimated tax, except that extensions of time for payment of the estimated tax or any installment thereof shall be without interest. See § 19.56-2.

(b) *Farmers.* In the case of an individual whose estimated gross income from farming is at least 80 percent of his total gross income from all sources for the taxable year, special provisions are made with respect to the filing of the declaration, the payment of the tax and the penalties incurred. As to what con-

stitutes income from farming within the meaning of this paragraph, see § 19.58-5 (a) (3). In such case the declaration is to be filed on or before the 15th day of the last month of the taxable year, and the entire amount of the estimated tax must be paid at that time.

(c) *Treatment of payments on account of 1942 tax.* In the case of a taxable year beginning in 1942, the liability for the tax for such taxable year 1942 is discharged as of September 1, 1943. However, any payments (other than interest and additions to the tax) made before September 1, 1943 on account of the 1942 tax are treated as payments on account of the estimated tax for the taxable year beginning in 1943. Taxpayers on the calendar year basis who elected to pay their 1942 tax in installments were required to pay one of such installments on March 15, 1943, and another on June 15, 1943. Such installments are treated as payments on account of the estimated tax for the taxable year 1943. In any case in which the payment of any of such installments due prior to September 1, 1943, is extended by the Commissioner prior to that date, such payment is likewise treated as a payment of estimated tax for 1943 and is required to be paid despite the fact that the provisions discharging the tax liability for 1942 are effective as of September 1, 1943. If the taxpayer should become delinquent prior to September 1, 1943, in the payment of his tax or any installment thereof, the fact that the liability for the tax for 1942 is discharged as of that date does not relieve the taxpayer of his liability for payment of such installment. Such payment when made, however, is to be treated as a payment made on account of the estimated tax for 1943.

The amounts so treated as payment on account of the estimated tax for 1943 shall be applied against the estimated tax of the taxpayer for the taxable year 1943 as shown in his declaration of estimated tax for that year and shall thus reduce ratably the installments of the estimated tax shown thereon. Thus, if the estimated tax for 1943 is \$1,000 and the taxpayer being on the calendar year basis has paid two installments of his 1942 tax liability each amounting to \$200, the estimated tax after the application of such payments is reduced to \$600 of which one-half is to be paid at the time of filing the declaration, namely, on or before September 15, 1943, and the remaining installment on or before December 15, 1943.

If, in the case of husband and wife, a joint return has been filed for the taxable year beginning in 1942, any payment due prior to September 1, 1943, made with respect to the tax liability shown thereon may, if separate declarations are made by the spouses for the taxable year beginning in 1943, be applied against the estimated tax of either spouse or may be divided between them in any manner they see fit. In any case in which a joint return has been filed by husband and wife for the taxable year beginning in 1942 but separate declarations are made for the taxable year beginning in 1943, the excess, if any, of the joint tax liability for 1942 over the

aggregate tax on the separate declarations for 1943, which excess constitutes a part of the estimated tax for 1943, may be treated as a part of the estimated tax of either the husband or the wife, or may be divided between them as they may see fit.

PAR. 2. There is inserted immediately after section 294 the following:

SEC. 5. CURRENT PAYMENT OF TAX NOT WITHHELD AT SOURCE (Current Tax Payment Act of 1943).

(b) *Additions to tax.* Section 294 (a) of the Internal Revenue Code (relating to additions to tax in case of nonpayment) is amended by inserting at the end thereof the following:

(3) *Failure to file declaration of estimated tax.* In the case of a failure to make and file a declaration of estimated tax within the time prescribed, there shall be added to the tax an amount equal to 10 per centum of the tax.

(4) *Failure to pay installment of estimated tax.* In the case of the failure to pay an installment of the estimated tax within the time prescribed, there shall be added to the tax \$2.50 or 2½ per centum of the tax, whichever is the greater, for each installment with respect to which such failure occurs.

(5) *Substantial underestimate of estimated tax.* If 80 per centum of the tax (determined without regard to the credits under sections 32, 35, and 466 (e)), in the case of individuals other than farmers exercising an election under section 60 (a), or 66½ per centum of such tax so determined in the case of such farmers, exceeds the estimated tax (increased by such credits), there shall be added to the tax an amount equal to such excess, or equal to 6 per centum of the amount by which such tax so determined exceeds the estimated tax so increased, whichever is the lesser. This paragraph shall not apply to the taxable year in which falls the death of the taxpayer.

(f) *Taxable years to which applicable.* The amendments made by this section shall be effective with respect to taxable years beginning after December 31, 1942, except that section 294 (a) (5) of the Internal Revenue Code shall not be applicable to a taxable year beginning in 1943 in the case of an individual not required to make a declaration under section 58 of the Internal Revenue Code for such year.

§ 19.294-1 *Additions to the tax—(a) General.* Section 294 (a) (3), (4) and (5) provides for certain additions to the tax in the case of:

- (1) Failure to file timely a declaration of estimated tax;
- (2) Failure to pay within the time prescribed any installment of the estimated tax; and
- (3) Substantial understatements of the estimated tax.

These additions are in addition to the penalties prescribed by section 145 (relating to criminal penalties) for willful failure to make and file returns and declarations of estimated tax, for willful failure to pay over such tax and for willfully attempting to defeat or evade such tax.

(b) *Additions for specific failures on the part of the taxpayer with respect to the estimated tax—(1) Failure to file declaration.* Section 294 (a) (3) provides for an addition to the tax in the case of failure to make and file a declaration of estimated tax within the time prescribed.

Such addition to the tax shall be in an amount equal to 10 percent of the tax shown on the return after application of the credits claimed under section 32 for tax withheld at the source under section 143, section 35 (relating to the tax under Subchapter D of Chapter 9), and section 466 (e) (relating to the tax withheld on wages with respect to the victory tax).

(2) *Failure to pay installment of estimated tax.* Section 294 (a) (4) provides for an addition to the tax in the case of the failure to pay an installment of the estimated tax within the time prescribed in the Act or within the time prescribed by the Commissioner pursuant to authority granted by the Act. Such addition to the tax shall be in the amount of 2½ percent of the tax shown on the return to which the failure occurs. In return (determined as set forth in (1)) but in no event shall such addition be less than \$2.50 for each installment with the case of husband and wife who file a joint declaration of estimated tax for the taxable year and subsequently file separate returns for such taxable year, the addition to the tax in the case of a failure to pay an installment of the estimated tax within the time prescribed shall be 2½ percent of the tax shown on the return (determined as set forth in (1)) of each spouse but not less than \$2.50 in the case of each spouse as to each installment with respect to which the failure occurs.

(3) *Substantial understatement of estimated tax.* Section 294 (a) (5) provides for an addition to the tax in the case of a taxpayer who makes a substantial underestimate of tax on his declaration. In the case of individuals, other than those exercising the election under section 60 (a), an addition to the tax is provided in the event that the amount of the estimated tax (increased by the amounts of the credits claimed on the return for taxes withheld at source under sections 143, 1622 and 466) is less than 80 percent of the tax shown on the return (determined without regard to such credits). In the event of a failure to file the required declaration, the amount of the estimated tax for the purposes of this provision is zero.

In the case of individuals exercising the election under section 60 (a), the addition to the tax is applicable if the amount of the estimated tax increased by the amount of the credit claimed on the return for taxes withheld at source on wages and the credit claimed on the return under section 32 is less than 66 2/3 percent of the amount of the tax shown on the return (determined without regard to such credits).

The addition to the tax in any case in which there has been such understatement as comes within the scope of section 294 (a) (5) is an amount equal to:

(i) The excess of 80 percent of the tax shown on the return (or 66 2/3 percent, in the case of farmers exercising the option under section 60 (a)) determined without regard to the credits claimed on the return under sections 32, 35, and 466 (e) over the amount of the estimated tax increased by the

credits claimed on the return under such sections; or

(ii) 6 percent of the excess of the tax shown on the return determined without regard to the credits claimed on the return under section 32, 35, and 466 (e), over the amount of the estimated tax increased by such credits, whichever of (a) or (b) is the lesser. These principles may be illustrated by the following example:

Example. A files his declaration of estimated tax for the calendar year 1944 showing the amount he estimates as the tax under chapter 1 for the taxable year as \$800 (before application of credits for tax withheld at source) and the estimated credits for amounts withheld at the source of \$600, thus reaching an estimated tax of \$200. The tax shown on his return for such taxable year before the application of credits for tax withheld at source is \$1,200 and the credit claimed on the return for tax withheld at the source is \$700. In such case 80 percent of the tax shown on the return determined without regard to the credits is 80 percent of \$1,200, or \$960. The amount of the estimated tax, however, as shown by A upon his declaration was \$200, which amount increased by the amount of the credits claimed on the return for tax withheld at the source upon wages (\$700) amounts to \$900. The amount of 80 percent of the tax shown on the return for the taxable year, or \$960, is in excess of \$900 and, hence, A is subject to the penalty provided in section 294 (a) (5). The amount of the penalty in such case is (a) \$60 (\$960 minus \$900), or (b) 6 percent of \$300 (\$1,200 minus \$900) or \$18, whichever of (a) or (b) is the lesser. Since \$18 is the lesser of these amounts, the penalty is \$18.

PAR. 3. There is inserted immediately preceding § 19.145-1 the following:

SEC. 5. CURRENT PAYMENT OF TAX NOT WITHHELD AT SOURCE (Current Tax Payment Act of 1943).

(c) *Penalties.*—Section 145 (a) of the Internal Revenue Code relating to criminal penalties) is amended (1) by inserting after "return" wherever appearing therein the words "or declaration," and (2) by inserting before "tax" wherever appearing therein the words "estimated tax or".

(f) *Taxable years to which applicable.* The amendments made by this section shall be effective with respect to taxable years beginning after December 31, 1942, except that section 294 (a) (5) of the Internal Revenue Code shall not be applicable to a taxable year beginning in 1943 in the case of an individual not required to make a declaration under section 58 of the Internal Revenue Code for such year.

PAR. 4. There is inserted immediately preceding § 19.56-1 the following:

SEC. 5. CURRENT PAYMENT OF TAX NOT WITHHELD AT SOURCE (Current Tax Payment Act of 1943).

(d) *Payment by installments.* Section 56 (b) of the Internal Revenue Code (relating to installments payments) is amended by striking out "The" at the beginning thereof and inserting in lieu thereof "Except in the case of an individual (other than an estate or trust and other than a nonresident alien with respect to whose wages, as defined in section 1621 (a), withholding under Subchapter D of Chapter 9 is not made applicable), the".

(f) *Taxable years to which applicable.* The amendments made by this section shall be effective with respect to taxable years beginning after December 31, 1942, except

that section 294 (a) (5) of the Internal Revenue Code shall not be applicable to a taxable year beginning in 1943 in the case of an individual not required to make a declaration under section 58 of the Internal Revenue Code for such year.

PAR. 5. Section 19.56-1, as amended by Treasury Decision 5285, approved July 22, 1943, is further amended:

1. By striking out "143 and 144" in the first sentence of paragraph (a) and inserting in lieu thereof "143, 144, 466, and 1622".

2. By inserting in the second sentence of paragraph (a) immediately after the word "individual" the following: "who does not have wages subject to withholding under section 1622".

3. By striking out "The tax may" in paragraph (a) and inserting in lieu thereof the following: "Except in the case of an individual (other than an estate or trust and other than a nonresident alien individual who does not have wages subject to withholding under section 1622), the tax may".

4. By redesignating paragraph (b) as paragraph (c).

5. By inserting the following immediately after paragraph (a):

(b) *Current payment of the tax.* In the case of (1) individual citizens and residents of the United States (other than estates and trusts) and (2) nonresident alien individuals who have wages as defined in section 1621 (a) which are subject to withholding under section 1622, the privilege of installment payments of the tax does not apply.

PAR. 6. There is inserted immediately preceding § 19.217-1 the following:

SEC. 5. CURRENT PAYMENT OF TAX NOT WITHHELD AT SOURCE (Current Tax Payment Act of 1943).

(e) *Date for making return by certain nonresident aliens.*

(1) Section 217 (a) of the Internal Revenue Code (relating to returns by nonresident aliens) is amended by inserting after "In the case of a nonresident alien individual" the following: "with respect to whose wages, as defined in section 1621 (a), withholding under Subchapter D of Chapter 9 is not made applicable."

(f) *Taxable years to which applicable.* The amendments made by this section shall be effective with respect to taxable years beginning after December 31, 1942, except that section 294 (a) (5) of the Internal Revenue Code shall not be applicable to a taxable year beginning in 1943 in the case of an individual not required to make a declaration under section 58 of the Internal Revenue Code for such year.

PAR. 7. Section 19.217-1, as amended by Treasury Decision 5285, is further amended as follows:

1. By changing the caption thereof to read as follows: *Time and place for filing returns of nonresident alien individuals—(a) Aliens not subject to withholding at the source on wages.*

2. By inserting in the first sentence thereof immediately after the word "individual" the following: "(but as to taxable years beginning after December 31, 1942, only such individuals who do not

have wages subject to withholding at the source under section 1622)".

3. By adding at the end thereof the following new paragraph:

(b) *Aliens whose wages are subject to withholding at the source under section 1622; taxable years beginning after December 31, 1942.* In the case of non-resident alien individuals who have wages subject to withholding under section 1622, the general rule provided in paragraph (a) of this section with respect to the filing of the return on or before the 15th day of the sixth month following the close of the fiscal year or on or before the 15th day of June, if the taxpayer is on the basis of the calendar year, has no application to taxable years beginning after December 31, 1942. Such latter aliens are required to file their returns and to pay the tax for such taxable years at the time prescribed generally for United States citizens and residents. Such aliens having been placed upon a current tax payment system applicable generally to United States citizens and residents, the provisions relative to the filing of returns and payment of tax in the case of such citizens and residents are equally applicable to such aliens. As to the time of filing the return in the case of United States citizens and residents, see section 53 and § 19.53-1.

PAR. 8. There is inserted immediately preceding § 19.218-1 the following:

SEC. 5. CURRENT PAYMENT OF TAX NOT WITHHELD AT SOURCE (Current Tax Payment Act of 1943.)

(e) *Date for making return by certain nonresident aliens.*

(2) Section 218 (a) of the Internal Revenue Code (relating to payment of tax by nonresident aliens) is amended by inserting after "In the case of a nonresident alien individual" the following: "with respect to whose wages, as defined in section 1621 (a), withholding under Subchapter D of Chapter 9 is not made applicable."

(f) *Taxable years to which applicable.* The amendments made by this section shall be effective with respect to taxable years beginning after December 31, 1942, except that section 294 (a) (5) of the Internal Revenue Code shall not be applicable to a taxable year beginning in 1943 in the case of an individual not required to make a declaration under section 58 of the Internal Revenue Code for such year.

PAR. 9. Section 19.218-1, as amended by Treasury Decision 5285, is further amended as follows:

1. By inserting in the first sentence immediately after "nonresident alien individual" the following: "(but, as to taxable years beginning after December 31, 1942, only such individuals who do not have wages subject to withholding under section 1622)".

2. By adding at the end thereof the following new sentences:

In the case of a nonresident alien individual who has wages subject to withholding at the source under the provisions of section 1622 the tax for taxable years beginning after December 31, 1942, is to be paid at the time provided in the case of United States citizens and residents. See § 19.56-1.

PAR. 10. There is inserted immediately preceding § 19.22 (b) (13)-1 the following:

SEC. 7. ADDITIONAL ALLOWANCE FOR MEMBERS OF ARMED FORCES (Current Tax Payment Act of 1943).

(a) *In general.* Section 22 (b) (13) of the Internal Revenue Code (relating to additional allowance for military and naval personnel in computing net income) is amended to read as follows:

(13) *Additional allowance for military and naval personnel.* In the case of compensation received during any taxable year and before the termination of the present war as proclaimed by the President, by a member of the military or naval forces of the United States for active service in such forces during such war, or by a citizen or resident of the United States who is a member of the military or naval forces of any of the other United Nations for active service in such forces during such war, so much of such compensation as does not exceed \$1,500.

(b) *Effective date.* The amendment made by subsection (a) shall apply with respect to taxable years beginning after December 31, 1942.

PAR. 11. Section 19.22 (b) (13)-1, as added by Treasury Decision 5238, approved March 8, 1943, is amended to read as follows:

§ 19.22 (b) (13)-1 *Compensation of military and naval forces—(a) Taxable years beginning after December 31, 1942.* For any taxable year beginning after December 31, 1942, in addition to other exemptions and credits otherwise applicable, there may be excluded from gross income in the case of:

(1) A member of the military or naval forces of the United States or

(2) A citizen or a resident of the United States who is a member of the military or naval forces of any of the other United Nations

so much of the compensation for active service in such forces during the present war as does not exceed the sum of \$1,500. Such exclusion is applicable without distinction as to the rank or as to the marital status of the recipient of such compensation but is applicable only to such compensation received prior to the termination of the present war to be fixed by proclamation of the President. If the husband and wife both meet such requirements, then each is entitled to exclude such amount from gross income. For the purposes of this section the military and naval forces of the United States include (but are not necessarily limited to) the Army; the Navy; the Marine Corps; the Coast Guard; the Army Nurse Corps, Female; the Navy Nurse Corps, Female; the Women's Army Auxiliary Corps or the Women's Army Corps; the Women's Reserve branch of the Naval Reserve; the Marine Corps Women's Reserve; and the Coast Guard Reserve, including the Coast Guard Women's Reserve. For the purposes of this subsection the term "member of the military or naval forces of any of the other United Nations" shall mean any individual whose duties in the service of any of the United Nations other than the United States correspond to those of any member of

the military or naval forces of the United States as defined in this section.

A person is in active service if he is actually serving in such forces, not necessarily in the field or in the theater of war. Personnel in the inactive reserve or on retirement are not in active service. Periods during which a person is absent from duty on account of sickness, wounds, leave, internment by the enemy, or other lawful cause are periods of active service.

In the case of a husband and wife domiciled in a State recognized for Federal income tax purposes as a community property State, the exclusion from gross income under section 22 (b) (13) operates before apportionment of the gross income of the spouses in accordance with community property laws. For example, a married man and his wife are domiciled in such a State and he is entitled to the benefit of the exclusion under section 22 (b) (13) as a member of the armed forces. He receives during 1943 compensation for active service in such forces in the amount of \$2,000. Of such amount only \$500 is taken into account in determining the gross income of both husband and wife.

This exemption does not apply to salary or compensation received by such person subsequent to discharge or release from active service even though payment may have been made as compensation for services rendered while in active service.

(b) *Taxable years beginning in 1942.* For any taxable year beginning after December 31, 1941, and prior to January 1, 1943, a person below the grade of commissioned officer in active service in the military or naval forces of the United States during the present war may exclude from gross income salary or compensation received in any form from the United States for such service, in an amount not in excess of \$250 if single or \$300 if married or the head of a family. If the husband and wife both meet such requirements, then each is entitled to the \$300 exclusion. The exemption under this paragraph does not apply to compensation received before January 1, 1942, or after the close of the taxable year of the taxpayer beginning before January 1, 1943.

As to what constitutes the military and naval forces of the United States for the purposes of this paragraph, see paragraph (a) of this section. For the purposes of this paragraph, personnel serving with the Army Specialist Corps are not within the scope of the exemption. As to what constitutes active service for the purposes of this paragraph, see paragraph (a) of this section.

This exemption does not apply to salary or compensation received by such person subsequent to discharge or release from active service even though payment may have been made as compensation for services rendered while in active service.

For the purposes of this paragraph, whether a person is in active service in the military or naval forces of the United States and whether such person is single,

married, or the head of a family is determined by such person's status on the last day of the taxable year.

PAR. 12. There is inserted immediately after § 19.404-1, as added by Treasury Decision 5195, approved December 8, 1942, the following:

SEC. 8. ABATEMENT OF TAX FOR MEMBERS OF ARMED FORCES UPON DEATH (Current Tax Payment Act of 1943).

Chapter 1 of the Internal Revenue Code is amended by inserting after section 404 the following new supplement:

Supplement U—Abatement of Tax for Members of Armed Forces Upon Death

SEC. 421. ABATEMENT OF TAX FOR MEMBERS OF ARMED FORCES UPON DEATH.

In the case of any individual who dies on or after December 7, 1941, while in active service as a member of the military or naval forces of the United States or of any of the other United Nations and prior to the termination of the present war as proclaimed by the President, the tax imposed by this chapter shall not apply with respect to the taxable year in which falls the date of his death, and the tax under this chapter and under the corresponding title of each prior revenue law for preceding taxable years which is unpaid at the date of his death (including interest, additions to the tax, and additional amounts) shall not be assessed, and if assessed the assessment shall be abated, and if collected shall be credited or refunded as an overpayment.

§ 19.421-1 *Abatement of tax for members of the armed forces on death.* If an individual dies on or after December 7, 1941, and before the termination of the present war as proclaimed by the President and while in active service as a member of the military or naval forces of the United States or of any of the other United Nations, then:

(a) The tax liability in the case of such individual under chapter 1 for the taxable year in which occurs the date of death is cancelled and if the tax (including interest, additions to the tax, and additional amounts) is assessed, the assessment shall be abated and if the amount of such tax is collected (regardless of the date of collection) the amount so collected shall be credited or refunded as an overpayment; and

(b) That amount of tax under chapter 1, or corresponding provisions of prior revenue laws, for taxable years prior to the taxable year in which occurs the date of death, which remains unpaid as at such date shall not be assessed, and if any such unpaid tax (including interest, additions to the tax, and additional amounts) has been assessed, such assessment shall be abated and if the amount of any such unpaid tax is collected subsequent to the date of death, the amount so collected shall be credited or refunded as an overpayment.

If such individual and his spouse have for any such year filed a joint return, the tax abated, credited, or refunded pursuant to the provisions of section 421 for such year shall be an amount equal to that portion of the joint tax liability which is the same percentage of such joint tax liability as a tax computed upon the separate income of such individual is of the sum of the taxes computed upon the separate incomes of such individual and his spouse, but in no event shall the amount so abated, credited, or refunded exceed the amount unpaid at

the date of death. For such purposes the separate tax of each spouse shall be the tax computed under Chapter 1 of the Internal Revenue Code before the application of sections 32, 35, and 466 (e), but after the application of section 31, as if such spouse were required to make a separate return, except that each spouse shall be entitled to one-half of the personal exemption allowed on the joint return.

If an individual whose tax is cancelled under section 421 and his spouse filed a joint declaration of estimated tax for the taxable year in which occurs the date of death of such individual, the estimated tax paid pursuant to such declaration may be treated as the estimated tax of either such individual or his spouse, or may be divided between them, according as his legal representative and his spouse may agree. Should they agree to treat the estimated tax paid pursuant to such joint declaration as the estimated tax of such individual, the estimated tax so paid shall be credited or refunded as an overpayment for the taxable year ending with the date of death of such individual.

This section applies only if the death occurs while the individual is in active service. A person is in the active service of the military or naval forces if he is actually serving in such forces, not necessarily in the field or in the theater of war. Personnel in the inactive reserves or on retirement are not in active service. Periods during which a person is absent from duty on account of sickness, wounds, leave, internment by the enemy or other lawful cause are periods of active service.

(Section 62 of the Internal Revenue Code (53 Stat., 32; 26 U. S. C., 1940 ed., 62), and sections 5, 7, and 8 of the Current Tax Payment Act of 1943 (Pub. Law 68, 78th Cong.), approved June 9, 1943)

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

Approved: September 20, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43-15418; Filed, September 21, 1943; 12:36 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration of War

[Rev. Reg. 2, Amdt. 1]

PART 602—GENERAL ORDERS AND DIRECTIVES

ANTHRACITE COAL; MISCELLANEOUS AMENDMENTS

Since the issuance of Revised Regulation No. 2, the production of that size of anthracite known as No. 2 buckwheat (rice) has increased and this size has been accumulating at the mines of many producers. In order to permit the free flow of such coal to destinations, and in order to relieve congestion of railroad cars and to avoid any unnecessary stock piling at the mines, it now seems advisable to remove the restrictions placed upon its distribution. Such action will make available an additional volume of

this size which can be used for space heating.

That size of anthracite known as "broken" was not previously included in Revised Regulation No. 2 because it was not generally used for domestic purposes. This size, however, may be used for such purposes and in order to prevent evasion of the revised regulation and to provide for the equitable distribution of this size to equipped and unequipped retail dealers, it is deemed advisable to make it subject to the regulation.

To clarify the revised regulation, § 602.4 (a) should be amended to require separate computations for steam and domestic sizes and to prevent the substitution of steam for domestic sizes.

Section 602.8 of the revised regulation excepts anthracite used in chicken brooders or hatcheries. This section should be amended by deleting the word "chicken" and substituting therefor the word "poultry" so as to broaden its scope.

To clarify the revised regulation further, § 602.11 should be amended to require the filing of requests by dealers for a supply of additional anthracite with the regional representative of the Solid Fuels Administration for War and require that action thereon be taken by him after receiving the advice and recommendation of the appropriate Regional Anthracite Distribution Committee.

Accordingly, pursuant to powers conferred by Executive Order No. 9332, Solid Fuels Administration for War Revised Regulation No. 2 is hereby amended in the following respects:

1. Section 602.3 (a) is amended to read as follows:

§ 602.3 *Definitions.* For purposes of this regulation:

(a) Anthracite means that coal which is generally referred to as Pennsylvania anthracite and is produced in the following counties in Pennsylvania: Carbon, Columbia, Dauphin, Lebanon, Lackawanna, Luzerne, Northumberland, Schuylkill, Susquehanna, and Wayne; and is limited to the sizes generally known as broken, egg, stove, chestnut, pea, and No. 1 buckwheat.

2. The last sentence of § 602.4 (a) is amended to read as follows:

In complying with the provisions of this paragraph each wholesaler shall (i) consider all anthracite shipped subsequent to April 1, 1943 as part of the total tonnage required to be shipped by him during the entire period April 1, 1943 to March 31, 1944, inclusive, computing and fulfilling shipping requirements separately in respect to the steam size (No. 1 buckwheat) and separately in respect to the domestic sizes (broken, egg, stove, nut and pea), and (ii) exclude tonnage excepted from this regulation pursuant to § 602.8.

3. The second sentence of § 602.4 (b) is amended to read as follows:

The report shall set forth the tonnage of broken, egg, stove, nut and pea as a single total covering domestic sizes and separately set forth the tonnage of No. 1 buckwheat.

4. Section 602.8 is amended to read as follows:

§ 602.8 *Limitations upon applicability of this regulation.* This regulation shall not be applicable to and shall not in any wise be deemed to restrict shipments of anthracite to the Army, Navy, Marine Corps, Coast Guard of the United States, the Maritime Commission or the War Shipping Administration; or to any industrial plant for use in the process of manufacturing or generating steam for industrial use; or to any person for use in poultry brooders or hatcheries. In the computation of available tonnage and required shipments pursuant to this regulation, all such excepted shipments shall be excluded.

5. Section 602.11 is amended to read as follows:

§ 602.11 *Requests by dealers for supply of anthracite to meet additional needs.* Any dealer requesting a supply of anthracite in excess of 90 per cent of the requirements of any destination or dealer during the base period in order to take care of additional needs resulting from (a) increased population at any destination and the anthracite requirements thereof, (b) shortage of other fuels and conversions of burning equipment, and (c) other causes, shall submit an original and one copy of such request in writing to the regional representative of the Solid Fuels Administrator for War for the area in which said destination is located who shall act upon such requests after receiving the advice and recommendations of the Regional Anthracite Distribution Committee for that area. In appropriate cases one copy of such request shall be referred to the Solid Fuels Administrator for War in Washington, D. C. for final determination. Each such request referred to the Solid Fuels Administrator for War in Washington, D. C. shall be accompanied by the recommendation of the Regional Committee and the independent recommendation of the regional representative of the Solid Fuels Administrator for War. Appeal may be taken from any decision of the regional representative under this section to the Solid Fuels Administrator for War in Washington, D. C.

This amendment shall take effect on the date of issuance.

Issued this 22d day of September 1943.

H. A. GRAY,
Deputy Solid Fuels
Administrator for War.

[F. R. Doc. 43-15447; Filed, September 22, 1943; 10:54 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDERS [Suspension Order S-416]

ST. LOUIS STEEL PRODUCTS COMPANY
St. Louis Steel Products Company, St. Louis, Missouri, is a corporation engaged

in the fabrication of wire ties, arming wire assemblies for bombs and other products. In order to enable the Company to obtain the low brass wire necessary for the fabrication of the arming wire assemblies, the United States Army assigned preference ratings to the Company. The Company applied these preference ratings to its orders for this wire, and from September 3, 1941 to July 31, 1942 accepted the delivery of over 70,000 pounds of low brass wire in excess of the amounts necessary to fill the orders which it had received from the Army. By accepting the delivery of this excessive amount of brass wire during that period, the Company, in violation of Priorities Regulation No. 1, obtained an inventory of such item which was in excess of its practicable minimum working inventory necessary to meet required deliveries. Furthermore, after January 12, 1942, the applications of preference ratings to obtain these excess amounts of material were in violation of Priorities Regulation No. 3. Since, during this entire period, the responsible officials of St. Louis Steel Products Company were fully familiar with the provisions of Priorities Regulation Nos. 1 and 3, the Company's violations must be deemed wilful.

The Company's illegal application of preference ratings and its acceptance of excessive quantities of brass wire have impeded the operation and the impartial administration of the controls established by the War Production Board over the distribution of critical materials and have hampered and impeded the war effort of the United States. In view of the foregoing, *It is hereby ordered, That:*

§ 1010.416 *Suspension Order No. S-416.* (a) No allocation or allotment for the fourth quarter of 1943 shall be made to St. Louis Steel Products Company, its successors or assigns, of any metal for use in the manufacture of wire ties, or of any brass wire, unless hereafter specifically authorized in writing by the War Production Board.

(b) During October, November and December, 1943, St. Louis Steel Products Company, its successors and assigns, shall not, directly or indirectly, order for delivery during the fourth quarter of 1943, accept delivery of, receive or purchase any metal for use in the manufacture of wire ties, or any brass wire, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve St. Louis Steel Products Company from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on September 13, 1943.

Issued this 6th day of September 1943.

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

[F. R. Doc. 43-15420; Filed, September 21, 1943; 1:21 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-429]

RALPH H. MILLER, INC.

Ralph H. Miller, Inc., 505 Eighth Avenue, New York, New York, operates a chain of stores dealing in ladies' ready-to-wear clothing, one of which stores is located in Asheville, North Carolina. In November 1942, Ralph H. Miller, Inc. began construction, consisting of remodeling and alterations on the building located at 53 Patton Avenue, Asheville, North Carolina, the estimated cost of which was in excess of \$2,000, thus exceeding the permitted cost of construction as established by Conservation Order L-41. The respondent ordered, purchased, and accepted delivery of certain materials for use in this construction, all without obtaining the authorization of the War Production Board, as required by Conservation Order L-41, as amended. The company, before beginning said construction, was, through its officers and representatives, aware of Conservation Order L-41. These acts of Ralph H. Miller, Inc. constituted wilful violations of Conservation Order L-41.

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

§ 1010.429 *Suspension Order No. S-429.* (a) Neither Ralph H. Miller, Inc., nor its successors or assigns, nor any other person, directly or indirectly, shall order, purchase, accept delivery of, withdraw from inventory or otherwise secure or use material or construction plant to continue or complete construction of the remodeling and alteration of the building located at 53 Patton Avenue, Asheville, North Carolina, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Ralph H. Miller, Inc., its successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on September 13, 1943.

Issued this 6th day of September 1943.

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

[F. R. Doc. 43-15421; Filed, September 21, 1943; 1:21 p. m.]

PART 3050—WHITE OAK

[General Conservation Order M-209 as Amended September 21, 1943]

WHITE OAK LOGS

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

§ 3050.1 *General Conservation Order M-209*—(a) *Definitions*. For the purposes of this order:

(1) "White oak logs" means logs of all the species of the genus *Quercus* which are known commercially as white oak.

(2) "Implements of war" means:

(i) Combat end-products, complete for tactical operations, including, but not limited to, aircraft, ammunition, armament and weapons, ships, tanks and vehicles; and

(ii) Parts, assemblies and material to be physically incorporated into any of the items embraced by the foregoing.

"Implements of war" does not include facilities or equipment used to manufacture implements of war.

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

(b) *Restriction on use*. Except as provided in paragraph (c) of this order, no person shall hereafter use, or accept for use, any white oak logs in the manufacture of veneer.

(c) *Exceptions to restriction*. The restriction imposed by paragraph (b) of this order does not apply to the use of white oak logs in the manufacture of veneer for implements of war for delivery to or for the account of the Army, the Navy or the Coast Guard of the United States, the United States Maritime Commission or the War Shipping Administration, where the use of white oak logs to the extent employed is required by the specifications (including performance specifications) of the Army, the Navy or the Coast Guard of the United States, the United States Maritime Commission or the War Shipping Administration applicable to the contract, subcontract or purchase order.

(d) *Reports*. Any manufacturer of veneer who, on August 24, 1942, has in his possession or under his control any white oak logs in excess of fifty thousand board feet suitable for the manufacture of veneer shall file with the War Production Board, not later than the tenth day after such date, an inventory report on Form PD-631 of such white oak logs.

(e) *Appeal*. Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board, setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

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

(g) *Communications to the War Production Board*. All communications

concerning this order and all reports required to be filed hereunder, shall, unless otherwise directed, be addressed to the War Production Board, Lumber and Lumber Products Division, Washington 25, D. C., Ref.: M-209.

(h) *Expiration*. This order shall expire on November 29, 1943, but such expiration shall not be construed to affect in any way any liability or penalty accrued or incurred under said order.

Issued this 21st day of September 1943.

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

[F. R. Doc. 43-15422; Filed, September 21, 1943; 1:21 p. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Direction 30 as Amended Sept. 21, 1943, to CMP Regulation 1]

COPPER WATER TUBING

The following amended direction is issued pursuant to CMP Regulation 1:

(a) The Copper Recovery Branch of the War Production Board has had reported to it considerable quantities of copper water tubing, types K, L and M, which are available for redistribution.

(b) Consequently, no order for copper water tubing, types K, L, or M, shall hereafter be produced by any brass mill until the brass mill has received a specific authorization in writing from the War Production Board to fill the order. Such an authorization may be applied for by you from the Copper Recovery Branch, War Production Board, 200 Madison Avenue, New York, New York. The application should state the name of the person seeking to place or who has placed the order, and the quantity, type and size of copper water tubing required to fill it. Notwithstanding the above, until September 20, 1943, copper water tubing, types K, L, or M may be produced against orders accepted before the date on which this directive is issued.

Issued this 21st day of September 1943.

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

[F. R. Doc. 43-15423; Filed, September 21, 1943; 1:21 p. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Direction 13 to CMP Reg. 5]

QUOTA AND EXPENDITURE RECORDS

The following direction is issued pursuant to CMP Regulation 5:

(a) Each person who is subject to the quantity limitations of paragraph (f) of CMP Regulation No. 5 (§ 3175.5) must compute his quota and must keep his computation and supporting work sheets in his files for two years after his last purchase under the regulation. He must also maintain a record of his expenditures for maintenance, repair and operating supplies for a period of not less than two years.

(b) In computing the quota, and in charging purchases against the quota, a person is required by paragraph (f) to include all material purchased for maintenance, repair and operating supplies whether the rating and allotment symbol assigned by the regulation is used or not. However, a person may, at his option, exclude the cost of his labor, or the cost of any item on List A or B of Priorities Regulation No. 3, as long

as he excludes such costs both from the computation of the quota and from charges against the quota.

Issued this 21st day of September 1943.

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

[F. R. Doc. 43-15424; Filed, September 21, 1943; 1:21 p. m.]

**Chapter XI—Office of Price Administration
PART 1340—FUEL**

[MPR 120, Amdt. 63]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of 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. 120 is amended in the following respect:

Section 1340.210 (a) (6) is amended to read as follows:

(6) Prior to the sale of bituminous coal for which price classifications or maximum prices have not been established, the producer thereof shall file with the Price Administrator an application for specific maximum prices or price classifications, or both. The producer shall state the mine index number, if any, and the classifications, if any, assigned by the Bituminous Coal Division to the mine and coals involved, along with the name, location and mine index number of the nearest mine in the same seam, the coals of which are classified and sold subject to specific maximum prices, along with such classifications and prices. If there is no such mine in the same seam, the same comparative information shall be given for the nearest mine in a substantially similar seam.

For thirty days after filing the application, such coals shall be sold at temporary maximum prices no higher than the maximum prices established by this regulation for the coals which are produced at the nearest mine in the same seam or in a substantially similar seam and which are classified and sold subject to specific maximum prices. After thirty days from the filing of the application, if no prior action has been taken by the Price Administrator, the classifications and prices as requested in the application shall be the classifications or maximum prices, or both, for such coals.

NOTE: The 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.

This amendment shall become effective September 27, 1943.

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

¹ 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5827, 5835, 6169, 6218, 6265, 6272, 6472, 6325, 6524, 6744, 6898, 7777, 7670, 7914, 7942, 8354, 8650, 8948, 9783, 10470, 10581, 10780, 10993, 11008, 11012; 8 F.R. 926, 1388, 1629, 1679, 1747, 1971, 2023, 2030, 2273, 2284, 2501, 2497, 2713, 2873, 2920, 2921, 2997, 3216, 3855, 4253, 4717, 4785, 5477, 6443, 7200, 8504, 9018, 10936, 11806, 11689, 11755.

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

Issued this 21st day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15438; Filed, September 21, 1943; 4:35 p. m.]

PART 1340—FUEL
[MPR 120, Amdt. 64]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

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. 120 is amended in the following respect:

Section 1340.223 (b) (1) is amended to read as follows:

(1) *Maximum prices in cents per net ton for shipment to all destinations for all uses and by all methods of transportation, except as otherwise specifically provided in this appendix. The maximum prices for shipments by all methods of transportation (including truck or wagon) shall be:*

The applicable effective minimum prices as of April 1, 1942, plus, for Size Groups 1, 2, 3, 4, 6 and 7, no more than 60 cents; and, for Size Groups 5, 8, 9 and 10, no more than 40 cents.

For Size Group 7-A, the applicable effective minimum price as of June 12, 1943, plus no more than 55 cents.

This amendment No. 64 shall be effective September 27, 1943.

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

Issued this 21st day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15435; Filed, September 21, 1943; 4:34 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 11, Amdt. 79]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and

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

¹ 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5827, 5835, 6169, 6218, 6265, 6272, 6472, 5325, 6524, 6744, 6898, 7777, 7670, 7914, 7942, 8354, 8650, 8948, 9783, 10470, 10581, 10780, 10993, 11008, 11012; 8 F.R. 926, 1388, 1629, 1679, 1747, 1971, 2023, 2030, 2273, 2284, 2501, 2497, 2713, 2873, 2920, 2921, 2997, 3216, 3855, 4258, 4717, 4785, 5477, 6443, 7200, 8504, 9018, 10936, 11806, 11689, 11755.

² 7 F.R. 8480, 8309, 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, 3781, 2871, 2720, 2942, 2993, 2887, 3106, 3521, 3628, 3733, 3848, 3948, 5255, 4137, 4350, 4784, 5678, 6064, 6262, 6960, 7588, 6137, 9059, 9219, 9458, 9382, 10062, 10069, 10304, 10435, 11380, 11637, 11756, 11814.

has been filed with the Division of the Federal Register.*

Ration Order No. 11 is amended in the following respects:

1. Section 1394.5001 (a) (22) (iv) is amended to read as follows:

(iv) The first person to have possession is not the primary supplier if the person from whom he purchased the fuel oil maintains within the limitation area a regular place of business at which the order for the fuel oil was placed. Instead, the primary supplier is the person from whom the purchase is made.

2. Section 1394.5001 (a) (24a) is added as follows:

(24a) "Ration credits" mean the credits in a ration bank account reflecting deposits of fuel oil evidences or fuel oil deposit certificates.

3. Section 1394.5289 (a) (1) is amended to read as follows:

(1) The amount of fuel oil on hand, as stated in the application for the ration for the 1942-43 heating year, which exceeded the amount of such fuel oil the applicant was entitled to use for that year.

4. Section 1394.5663 (b) is amended by substituting the phrase "dealer or primary supplier" for the word "dealer".

Section 1394.5703 is amended to read as follows:

§ 1394.5703 *What constitutes storage capacity.* The applicant shall include, as of the ration commencement date (as defined in § 1394.5702), the total gallonage capacity of all stationary fuel oil storage facilities used regularly and solely by him as the owner or lessee under bona fide lease. If the applicant was not operating as a dealer or primary supplier on the ration commencement date, his application shall show the storage capacity as of the date he became a dealer or primary supplier. The capacity of tank trucks, tank wagons, drums or other mobile containers shall be included in the application only if the application does not include stationary storage facilities and if the tank trucks, tank wagons, drums or other mobile containers are used regularly and solely by him as the owner or lessee under bona fide lease.

6. Section 1394.5746 is amended to read as follows:

§ 1394.5746 *Change of storage capacity.* (a)* A dealer shall surrender his certificate of registration for cancellation to the Board which issued it and shall obtain a new certificate of registration in the manner provided by §§ 1394.5701 to 1394.5705, inclusive, if he:

(1) Converts his stationary fuel oil storage facilities or, if he has no stationary storage facilities, his mobile facilities to the storage of a product other than fuel oil;

(2) Leases such facilities or any portion thereof to any other person;

(3) Discontinues making regular withdrawals from such facilities or discontinues the use of the facilities entirely; or

(4) Alters, in any other manner, the fuel oil storage capacity of such facilities.

This amendment shall become effective on September 25, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., Pub. Law 421, 77th Cong.; WPB 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 21st day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15437; Filed, September 21, 1943; 4:34 p. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETICS AND ADMIXTURES

[MPR 118, Amdt. 21]

COTTON PRODUCTS

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.*

Maximum Price Regulation No. 118 is amended in the following respects:

1. The table in § 1400.118 (d) (14) (ii) (a) is amended to read as follows:

¹ 7 F.R. 3038, 3211, 3522, 3578, 3824, 3905, 4405, 5224, 5405, 5567, 5836, 6005, 6484, 7451, 8217, 8941, 9002, 8948, 9969, 8 F.R. 274, 2338, 4137, 5306, 7267, 12186.

Type of product	Type of purchaser and purchase					
	Wholesalers	Retailers 48 doz. or more	Retailers less than 48 doz.	96 doz. or more	48 to 96 doz.	Less than 48 doz.
Standard gauze diapers: ¹	Per dozen	Per dozen	Per dozen	Per dozen	Per dozen	Per dozen
20" x 21" x 40".....	\$1.39	\$1.55	\$1.67	.....	.....	.....
27" x 27".....	1.39	1.55	1.67	.....	.....	.....
22" x 44".....	1.59	1.77	1.96	.....	.....	.....
30" x 30".....	1.59	1.77	1.96	.....	.....	.....
Hospital gauze diapers: ¹	.....	.....	.....	\$1.25	\$1.35	\$1.50
18" x 36".....	.....	.....	.....	.....	.....	.....
Nursery gauze pads:	.....	.....	.....	.....	.....	.....
17" x 18" or 20" x 19".....	2.78	3.12	3.47	.....	.....	.....
18" x 30".....	4.71	5.23	5.82	.....	.....	.....
27" x 40".....	9.75	10.83	12.04	.....	.....	.....
² Cribmaker.....	13.77	15.30	17.00	.....	.....	.....
Gauze bibs.....	1.72	1.91	2.10	.....	.....	.....

¹ For seconds the maximum prices shall be 5 percent less than the prices set forth in the above table.

² Pad section 27" x 50", overall dimension 68" x 81".

2. In § 1400.118 (d) (22) (ii) the reference "§ 1400.101 (b) (2)" is amended to read "§ 1400.101 (b) (2) (i)".

This amendment shall become effective this 27th day of September 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15439; Filed, September 21, 1943; 4:35 p. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETICS AND ADMIXTURES

[MPR 127, Amdt. 13]

FINISHED PIECE GOODS

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.*

Maximum Price Regulation No. 127 is amended in the following respects:

1. Section 1400.81 (a) (2) is amended to read as follows:

(2) "Finished piece goods" means woven fabrics, more than 12 inches in width, bleached, dyed, printed, mercerized or otherwise finished or processed, composed—in the amount of seventy-five per cent or more by weight—of either cotton fibre or chemically produced yarn or fibre, or any mixtures thereof, regardless of what other material may be included in the fabric.

2. The following proviso is added to § 1400.82 (c) (4):

Provided further, That the foregoing limitation shall not apply to the extent that the contrary is expressly provided elsewhere in this regulation.

3. Section 1400.82 (k) is amended to read as follows:

(k) *Redyeing, reprinting, and overprinting.* Unless the contrary is expressly provided elsewhere in this regulation, no charges for reprinting, redyeing, or overprinting subsequent to the original finishing operation shall be or may be added to or included in the computation of the maximum prices established by this regulation: *Provided,* That the foregoing limitation shall not apply to charges for screen printing, flock printing, or lacquer printing.

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

¹ 8 F.R. 3057, 4851, 6181, 9023.

4. Table X in § 1400.82 (r) (1) is amended to read as follows:

TABLE X

Line No.	Description	Specification	Width (inch basis)	Maximum price (cents per yd.)
1.00	8.2 oz. combed uniform twill	(A) 6-201B		
1.01	Type I—Khaki ¹		36	66
1.02	Type I—Slate grey		36	70
1.03	Type II—Khaki		36	63
1.04	Type II—Slate grey		36	67
1.05	Type III—Khaki		36	56
1.06	Type III—Slate grey		36	60
1.07	Type IV—Khaki		36	43.75
1.08	Type IV—Slate grey		36	47.75
1.09	Type V—Khaki		36	60.87
1.10	Type V—Slate grey		36	64.87
2.00	Bleached and shrunk twill ²	27 T 25 (INT) a		
2.01	Type C, white, 29"		29	39.50
2.02	Type C, slate grey, 29"		29	48.00
2.03	Type D, white, 32"		32	41.59
2.04	Type D, slate grey, 32"		32	50.09
3.00	Shrunk khaki suiting	Marine Corps specification—November 22, 1937.	40	58.90
4.00	6 oz. combed twill, khaki	(A) 6-311	36	43.75
5.00	Wind resistant cloth, Type II, poplin	P, Q, D, No. 1A	36	
5.01	Olive drab, shade No. 2			62.00
5.02	Olive drab, shade No. 7			66.75
6.00	Lining twill, olive drab, Albert twill	6-100C	32	31.50
7.00	Mosquito netting, olive drab	P, Q, D, No. 17A		
7.01	35" wide		35	14.37
7.02	47" wide		47	19.28
8.00	Balloon cloth	27 C 13 (INT) a		
8.01	Type BB		(*)	(*)
8.02	Type HH		(*)	(*)
8.03	Type MM		(*)	(*)
8.04	Type RR		(*)	(*)
8.05	Type TT		(*)	(*)
9.00	Balloon cloth	6-39 G		
9.01	Type BB		(*)	(*)
9.02	Type HH		(*)	(*)
9.03	Type KK		(*)	(*)
9.04	Type MM		(*)	(*)
9.05	Type RR		(*)	(*)
9.06	Type SS		(*)	(*)
10.00	Airplane cloth	AN-CCC-C-390		
11.00	Marine shirting, olive drab, oxford	Marine Corps Specification April 18, 1934, revised to March 10, 1942.	35½	30
12.00	Rubberized fabric	M 54	(*)	(*)
13.00	Black lining twill	27 L 6	(*)	(*)
14.00	Balloon cloth substitute	Specifications described in invitation Neg. 336.	(*)	(*)
15.00	8½ oz. carded herringbone twill, standard 72 x 46	6-261 and amendment No. 1 thereto.	36	
15.01	Olive drab, shade No. 8			39.50
15.02	Olive drab, shade No. 7			44.00
16.00	Nylon parachute cloth ³	AN-CCC-C-486 a		
16.01	Cuts of 30 yards or more:			
16.02	First		36-37	40.00
16.03	Seconds		36-37	39.00
16.04	Cuts of less than 30 yards:			
16.05	First		36-37	35.25
16.06	Seconds		36-37	34.375

*The maximum prices and width bases for goods so marked shall be the price and width specified in the last contract therefor awarded to the particular seller prior to August 26, 1942, by a war procurement agency, as defined in § 1400.81 (a) (16) (i) of this regulation. If the particular seller was not awarded any such contract prior to August 26, 1942, then his maximum prices and width bases shall be the price and width specified in the first contract therefor awarded to the particular seller on or subsequent to August 26, 1942, by a war procurement agency.

¹ Where used in this Table, "slate grey" denotes the shade so designated by the Navy as of September 1, 1943.

² Maximum prices for widths less than 29" shall be proportional to the maximum prices of the Type C 29" twill.

³ Maximum prices for widths more than 29" shall be proportional to the maximum prices of the Type D 32" twill.

⁴ The provisions of § 1400.82 (r) (2) shall not apply to nylon parachute cloth. If nylon parachute cloth is redyed, reprinted, overprinted, or otherwise refinished, the maximum price for any resulting finished piece goods shall be determined as follows: (a) the applicable maximum price set forth in Table X shall be adjusted, in accordance with § 1400.82 (d) (2) or (4), to reflect the working gain or loss; (b) to the result obtained pursuant to (a) the seller may add (1) the actual cost of transporting the goods to the finishing plant or an amount determined in accordance with § 1400.82 (c) (5) (ii) and (2) the actual cost of the refinishing. The maximum price so determined may not be increased by the use of any divisional factor otherwise than pursuant to § 1400.82 (i).

⁵ For widths less than 36", a width of 36" shall be used in determining a proportionate price; for widths over 37" a width of 37" shall be used in determining a proportionate price.

5. The first nine words in § 1400.82 (r) (2) are amended to read as follows:

(2) Unless an exception is expressly provided, the above maximum prices shall be discounted as follows:

This Amendment No. 13 shall become effective this 27th day of September 1943.

(56 Stat. 23, 765, Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15430; Filed, September 21, 1943; 4:35 p. m.]

PART 1426—WOOD PRESERVATION AND
PRIMARY FOREST PRODUCTS

[2d Rev. MPR 216]

EASTERN PRIMARY FOREST PRODUCTS

Revised Maximum Price Regulation 216—Eastern Railroad Ties—is redesignated Second Revised Maximum Price Regulation 216—Eastern Primary Forest Products—and is revised and amended to read as follows:

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.* Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

§ 1426.1 *Maximum prices for Eastern primary forest products.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order Nos. 9250 and 9328, Second Revised Maximum Price Regulation 216 (Eastern Primary Forest Products), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1426.1, issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECOND REVISED MAXIMUM PRICE REGULATION
216—EASTERN PRIMARY FOREST PRODUCTS

ARTICLE I—SCOPE OF THE REGULATION

Sec.

1. Sales of Eastern primary forest products at higher than maximum prices prohibited.

2. Purpose and coverage of the regulation.

ARTICLE II—MAXIMUM PRICES AND TERMS OF
SALE

3. Basic maximum prices.

4. Transportation addition.

5. Treated products.

6. Tie contractor's addition.

7. Definition of zones.

8. Exports.

ARTICLE III—SPECIFIC DUTIES AND PRIVILEGES
AND PROHIBITED PRACTICES

9. Records.

10. Special pricing.

11. Adjustable pricing.

12. Petitions for amendment and adjustment.

13. Prohibited practices.

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15. Licensing.

ARTICLE IV—TABLES OF MAXIMUM PRICES AND
ESTIMATED WEIGHTS

16. Eastern railroad cross and switch ties.

17. Eastern wooden mine materials.

18. Eastern poles and piling.

Article I—Scope of the Regulation

SECTION 1. *Sales of Eastern primary forest products at higher than maximum prices prohibited.* (a) On and after September 27, 1943, regardless of any contract or other obligation, no person shall

sell or deliver, and no person shall buy or receive in the course of trade or business, any Eastern primary forest products covered by this regulation at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer, or attempt to do any of these things.

(b) Prices lower than the maximum prices, may, of course, be charged and paid.

Sec. 2. *Purpose and coverage of the regulation.* This regulation covers all sales and purchases of the primary forest products of the species listed, produced in "Eastern" territory, as described below:

(a) *Products.* (1) Eastern railroad cross ties and switch ties. (Not including bridge ties and crossing timbers.)

(2) Eastern wooden mine material. (Except mine car lumber, mine shaft guides, and brattice boards.)

(3) Eastern poles and piling.

(b) *Species.* Ash, hickory, locust, oak, ironwood, walnut, beech, birch, cherry, gum, dogwood, maple, catalpa, chestnut, elm, hackberry, service berry, magnolia, mulberry, poplar, sassafras, sycamore, cedar, cypress, hemlock, larch, pine, and spruce.

(c) *Territory.* All states east of the Mississippi River and in the following area west of the Mississippi River: all of the States of Minnesota, Iowa, Nebraska, Kansas, Missouri, Arkansas, and Louisiana; all of Oklahoma except Cimarron, Texas, and Beaver Counties; and that part of Texas east of the western boundaries of Hardeman, Foard, Knox, Has-

kell, Jones, Taylor, Runnels, Concho, Menard, Kimble, Kerr, Real, Uvalde, Zavala, Dimmit, and Webb Counties.

Sections 16, 17, and 18 set forth the maximum prices applicable within each of the several zones within this Eastern production area.

(d) *Excepted products.* Mine car lumber, mine shaft guides, and mine brattice boards and bridge ties and crossing timbers are subject to the appropriate lumber price regulation. Bridge ties and crossing timbers are not included within the term "Eastern railroad ties" and remain subject to the General Maximum Price Regulation¹ or other maximum price regulation applicable to each product.

(e) *Definitions.* (1) "Cross tie" means a hewn or sawn forest product of specified dimension suitable for use in supporting the rails of railroad tracks; and "switch tie" means a hewn or sawn forest product of specified dimension suitable for use in supporting a switch in a railroad track.

(2) "Size", sometimes referred to as "grade", of any Eastern railroad tie, means the dimensions of a cross tie or switch tie as established by the American Railway Engineering Association. The following is a summary of the principal provisions on dimension specifications:

(i) *Length.* Standard-gauge railroad ties shall be 8 feet, 8 feet 6 inches, or 9 feet long.

(ii) *Width and thickness.* Ties shall measure as follows throughout both sections between 20 inches and 40 inches from the middle of the tie:

Size	Sawed or hewed top, bottom and sides	Sawed or hewed top and bottom
1.....	6 in. thick by 6 in. wide on top.....	6 in. thick by 6 in. wide on top.
2.....	6 in. thick by 7 in. wide on top.....	6 in. thick by 7 in. wide on top.
3.....	6 in. thick by 8 in. wide on top.....	6 in. thick by 8 in. wide on top.
4.....	7 in. thick by 8 in. wide on top.....	7 in. thick by 7 in. wide on top.
5.....	7 in. thick by 9 in. wide on top.....	7 in. thick by 8 in. wide on top.
		7 in. thick by 9 in. wide on top.

(a) Where the buyer requires 8" width through the body of the tie in size 1 or 2, these sizes must be furnished at no increase over maximum prices listed.

(b) Railways which specify both 6 inch x 8 inch and 7 inch x 7 inch ties, in size 3, sawed or hewed on top and bottom only, and which desire to separate the 6 inch from the 7 inch ties will designate the 7 inch x 7 inch as Size 3A.

(3) "SR" means a serviceable reject cross tie or switch tie, hewn or sawn, which does not meet the tie specifications of the American Railway Engineering Association, and which, because of defects which are not such as to impair the strength of the tie for limited use, is not a first quality tie.

(4) "Cull" means a cross tie or switch tie which, because of defects, is not suitable for use under a railroad track.

(5) "Class T" cross ties and switch ties embrace the following species:

(i) *Group Ta:* Ash, hickory, "sap" black locust, honey locust, oak, and "sap" black walnut.

(ii) *Group Tb:* "Sap" cedar, "sap" cypress, hemlock, "sap" larch, "sap" pine, and spruce.

(iii) *Group Tc:* Beech, birch, cherry, gum, and hard maple.

(iv) *Group Td:* "Sap" catalpa, "sap" chestnut, elm, hackberry, magnolia, soft maple, "sap" mulberry, poplar, "sap" sassafras, sycamore, and white walnut.

(6) "Wooden mine materials" means any ties, switch ties, cross bars, cribbing, lagging, post caps, wedges, or pit posts used in mines.

(7) "Pole" means any round peeled or unpeeled section of a tree, longer than 14 feet, suitable for use to support transmission or communication lines at varying heights above the ground.

(8) "Piling" means the same as "pole" except that it must be suited for driving in the ground to form foundation for construction such as wharves, bulkheads, buildings, and the like.

(9) "Loading-out point" means the point or siding on a railroad, booming and rafting grounds, or barge loading point where the primary forest product is or normally would be loaded for shipment by rail, raft or barge.

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

¹ 8 F.R. 3096.

Article II—Maximum Prices and Terms of Sale

SEC. 3. Basic maximum prices. The basic maximum prices for Eastern cross and switch ties are set out in section 16; for Eastern wooden mine material in section 17; and for Eastern poles and piling in section 18. These maximum prices, except for pit posts and round or split lagging, are established f. o. b. towable waters or cars at the barge landing or railroad loading-out point nearest the mill or point of production in the normal direction of delivery to the point of destination. The maximum prices for pit posts and round or split lagging are delivered to the buyer's mine where the freight rate is 15 cents per hundred pounds or less.

SEC. 4. Transportation addition. The transportation charges set forth below may be added to the maximum f. o. b. loading-out point price when the seller makes delivery. In the case of pit posts, props, and split or round lagging, however, the only permissible addition is the amount by which the actual freight charges paid exceed the rate of 15 cents per 100 pounds.

Transportation from the mill or point of production to the railroad loading-out point, barge loading point, or booming and rafting ground must, in every instance, be provided on the seller's account. Rail, barge and towing charges paid by the seller from the loading-out point may, in every case, be added. Truck charges may be added only when delivery is made by the seller to a destination other than a loading-out point and in such cases the charge must be reduced by the cost of trucking to the seller's nearest loading-out point. If the seller finds that by making transportation additions it is more profitable to sell at a loading-out point other than the one nearest to his point of production he has wrongly applied this section. All additions for transportation must be shown separately on the invoice.

(a) *Common or contract carrier.* (1) When estimated weights or guaranteed mean diameters are used, the appropriate published rate times the estimated weight or mean diameter is the proper transportation charge, even though the estimated weights or diameters may be higher than actual. Estimated weights higher than those set forth in Sections 16, 17, and 18 may not be used. The estimated weights must be taken for the exact type of product actually ordered. To compute mean diameters add 1" to the top or butt diameter, whichever is the controlling factor, and increase or decrease that figure by 1" for each ten lineal feet. Add the top and butt diameters thus determined and divide by two to find the mean diameter.

The charge for transportation shall be evened out to the nearest quarter-dollar per M'BM, quarter-cent per lineal foot, or 5¢ per pole, whichever is applicable.

(b) *Private truck.* (1) When shipment is by truck owned or controlled by the seller, the maximum permissible ad-

dition (on hauls involving any point outside metropolitan areas) shall be computed as 5 cents per 100 pounds for hauls not over 10 miles; 7 cents per 100 pounds for more than 10 but not over 20 miles; 9 cents per 100 pounds for more than 20 but not over 30 miles; and on hauls of more than 30 miles, for each mile over 30 two-tenths of a cent per 100 pounds to be added to the 30 mile charge. No addition is allowed for the return trip. In the case of poles and piling only, if the order is for less than a truck load a minimum charge for 10,000 pounds may be made.

(2) A "metropolitan area" includes all territory within 10 miles of the city limits of any city having a population of 250,000 or more according to the census of 1940. On shipments by private truck entirely within a metropolitan area, the amount added for transportation may not be more than the published motor common carrier rate for such hauls times the estimated weights or other unit of measure used. If there is no published rate, then the actual cost of trucking may be added, that is, the seller's out-of-pocket expense in making delivery.

(c) *Averaging-out—(1) Different grades, classes or sizes.* Different grades, classes or sizes may be sold and invoiced at an average price if all of the following conditions are observed:

(i) The footage of each item must be shown separately, and a piece tally must be furnished for each shipment.

(ii) The average price for the product actually shipped must not be higher than it would have been if all the individual grades, classes, and sizes shipped had been sold separately at the individual ceiling price.

(iii) If the order is shipped in more than a single carload, truckload, or boat shipment the following invoicing and charging practices must also be followed:

(a) The invoice must show that it is part of a larger order and identify the order. It must also show the individual ceiling price for the various items actually contained in each shipment and the average selling price agreed upon.

(b) Upon completion of the order the seller must render a final invoice showing the quantity of each shipment or delivery, the freight charge for each if sold on a delivered basis, the total amount due on the order at the agreed average prices, and a reconciliation of the total amount so computed with the maximum prices permitted by this regulation. Final payment and all necessary adjustments between buyer and seller are to be made upon the final reconciliation. Failure to make reconciliation invoice within 30 days of completion of the order for which an average price was quoted is as much a violation of the regulation as selling at an over-ceiling price.

(2) *Different freight rates.* When a single order, for which a single flat delivered price was quoted and accepted, is shipped from two or more mills to a single destination on varying freight

rates, the seller may average-out the transportation charges. For example, if a seller bids 33¢ per lineal foot on a single order of piling, the ceiling price being 30¢ per lineal foot and the estimated freight 3¢, he can ship half of it on a rate resulting in a 2¢ freight charge, and half on a rate resulting in a 4¢ freight charge.

Where this practice is adopted, the seller must observe all of the following conditions:

(i) Each invoice must state that the particular shipment is part of a larger order and identify the order. It must also show the individual rates for each shipment or delivery.

(ii) Upon completion of the order the seller must render a final invoice showing the individual prices separately, the amount shipped from each loading-out point, the freight charge for each shipment, and a reconciliation of the total amount so computed with the agreed delivered selling prices and also with the maximum prices permitted by this regulation. In the event that the sale was made at an average price for different grades, classes or sizes as well as an averaging-out of transportation charges, the provisions of (1) above shall be observed. Final payment and all necessary adjustments between buyer and seller are to be made upon the final reconciliation. Failure to make a reconciliation invoice within 30 days of completion of the order for which an average price was quoted is as much a violation of the regulation as selling at an over-ceiling price.

SEC. 5. Treated products. The maximum prices for treated products shall be the maximum price established by the General Maximum Price Regulation for each seller plus or minus an amount to cover any increased or decreased white or untreated cost resulting from the maximum prices of this regulation. This amount shall be determined by each seller in the following manner:

Determine the difference between the highest untreated price, f. o. b. loading-out point, paid in March 1942 by this seller of treated products and the maximum price established in this regulation for the same size or grade of untreated product. If the buying price is increased by this regulation, add the difference to the seller's established price under the General Maximum Price Regulation for the treated product. If the buying price is decreased by this regulation, subtract the difference from the seller's established price under the General Maximum Price Regulation for the treated product. (If the seller of a treated product did not buy in March 1942 he should use his buying price in the first month prior to March 1942 in which he purchased the untreated product.)

SEC. 6. Tie contractor's addition. (a) An addition of \$0.20 per tie for Eastern railroad cross ties may be made to the maximum prices specified in Section 16 by a tie contractor, as that class of seller is defined in this regulation, provided that this addition may be made only once.

(b) The term "tie contractor" is used in the regulation to describe a person who, prior to October 1, 1942, was engaged in the business of supplying Eastern railroad cross ties to ultimate users of ties, such as railroads, street railways, industrial plants maintaining track facilities, switching and terminal companies, to contractors engaged in building or maintaining track for war projects, or to persons purchasing ties for resale, and who can meet the following specific requirements:

(1) He must have maintained a concentration yard with necessary supervisory employees at which ties were bought for resale, or he must have operated producing units on timber owned or controlled by him which were primarily engaged in the production of Eastern railroad ties;

(2) During one calendar month of any of the 12 months preceding October 1, 1942, he must have either purchased or produced on direct orders from users or purchasers for resale not less than 200,000 board feet of Eastern railroad ties; and

(3) During the entire 12 months preceding October 1, 1942, he must have successfully fulfilled a contract for the supply of at least 1,000,000 board feet of Eastern railroad ties to users or purchasers for resale.

The Lumber Branch of the Office of Price Administration, Washington, D. C., may by letter or telegram authorize any person not meeting these qualifications to act as a tie contractor upon presentation of proof that the granting of the authorization will supply a service needed by tie users by increasing production and availability of railroad ties in the area covered by this regulation. Any person who, prior to October 1, 1942, owned and operated a pressure preservative treating plant, is, upon application, entitled to authorization under this paragraph.

SEC. 7. Definitions of Zones. Except as hereinafter provided in Tables 3, 4, and 5 the zones 1 to 8 inclusive are defined as follows:

Zone 1 shall include the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut and Rhode Island.

Zone 2 shall include the States of New York, New Jersey, and Pennsylvania; that part of the State of Michigan, lying between Lake Huron and Lake Michigan, south of the Straits of Mackinac (known as the Lower Peninsula of Michigan); that part of the States of Indiana and Ohio located on and north of the main line of the Pennsylvania Railroad between Pittsburgh, Pennsylvania, and St. Louis, Missouri; that part of the State of Illinois north of the northern and eastern boundaries of the following counties: Clark, Coles, Moultrie, Macon, Logan, Mason, Fulton, McDonough and Hancock; that part of the State of Iowa north of the northern boundaries of the following counties: Louisa, Washington, Keokuk, Mahaska, Marion, Warren, Madison, Adair, Cass, and Pottawattamie.

Zone 3 shall include the States of Delaware and Maryland and the District of Columbia; that part of the State of Virginia, in Loudoun, Clarke, Warren, Frederick, Shenandoah, Page, Rockingham, Augusta, Highland, and Bath Counties; that part of the State

of West Virginia except the nine counties included in Zone 4; that part of the States of Ohio and Indiana, not on, but south of, the main line of the Pennsylvania Railroad extending between Pittsburgh, Pennsylvania, and St. Louis, Missouri; that part of the State of Illinois south of the northern and eastern boundaries of the following counties: Clark, Coles, Moultrie, Macon, Logan, Mason, Fulton, McDonough, and Hancock, and north of the northern boundaries of Monroe, Randolph, Perry, Franklin, Saline, and Gallatin Counties; that part of the State of Iowa south of the northern boundaries of the following counties: Louisa, Washington, Keokuk, Mahaska, Marion, Warren, Madison, Adair, Cass and Pottawattamie; the State of Nebraska; that part of the State of Missouri north of the southern boundaries of Jackson, Lafayette, and Saline Counties and on the north bank of and north of the Missouri River east of the junction of the southern boundary of Saline County and the Missouri River.

Zone 4 shall include all of the State of Virginia, except the 10 Virginia counties included in Zone 3: Greenbrier, Monroe, Summers, Raleigh, Mercer, Wyoming, McDowell, Logan, and Mingo Counties, in the State of West Virginia; and that part of the State of Kentucky north and east of the southern boundaries of Union, Webster, McLean, Ohio, Grayson, Hardin, Larue, Marion, Casey, Pulaski and McCreary Counties.

Zone 5 shall include the States of North Carolina, South Carolina, Georgia and Tennessee; that part of the State of Florida on the east bank of and east of the Apalachicola River; and that part of the State of Kentucky south and west of the southern boundaries of Union, Webster, McLean, Ohio, Grayson, Hardin, Larue, Marion, Casey, Pulaski and McCreary Counties.

Zone 6 shall include points in the State of Florida, on the west bank of and west of the Apalachicola River; the States of Alabama, Mississippi and Louisiana; points in the State of Arkansas on the south bank and south of the Arkansas River; points in the State of Oklahoma on the south bank of and south of the Arkansas River, but excluding points in Cimarron, Beaver, and Texas Counties, Oklahoma; points in the State of Texas on and east of a line beginning at the junction of the west boundary of Hardeman County and the Red River, and extending south along the western boundaries of Hardeman, Foard, Knox, Haskell, Jones, Taylor, Runnels, Concho, Menard, Kimble, Kerr, Real, Uvalde, Zavala, Dimmit, and Webb Counties, Texas, to the Rio Grande River.

Zone 7 shall include the State of Kansas; that part of the State of Oklahoma on the north bank of and north of the Arkansas River; that part of the State of Arkansas on the north bank of and north of the Arkansas River; that part of the State of Missouri south of the southern boundaries of Jackson, Lafayette and Saline Counties and on the south bank of and south of the Missouri River east of the junction of the southern boundary of Saline County and the Missouri River; and that part of the State of Illinois south of the northern boundaries of Monroe, Randolph, Perry, Franklin, Saline, and Gallatin Counties.

Zone 8 shall include the States of Minnesota and Wisconsin and that part of the State of Michigan between Lake Superior and Lake Michigan lying north of the Straits of Mackinac (known as the Upper Peninsula).

SEC. 8. Exports. The maximum price for export sales of Eastern primary forest products is governed by the Second Revised Maximum Export Price Regulation.²

² 8 F.R. 4132, 5987.

Article III—Specific Duties and Privileges and Prohibited Practices

SEC. 9. Records. All sellers of Eastern railroad cross ties and switch ties must keep records which will show a description of the item sold, the name and address of the buyer, the date of the sale, the quantity, and the unit price. Buyers must keep similar records including the name and address of the seller. These records must be kept for any month in which the seller or buyer sold or bought 50,000 feet board measure or the equivalent in other measure or more of Eastern primary forest products. These records must be retained for two years for inspection by the Office of Price Administration.

SEC. 10. Special pricing. Grades, specifications, species or extra workings or services not specifically priced herein are nevertheless subject to this regulation. Maximum prices or additions will be determined as follows:

(a) The seller should check his records to determine the highest prices at which he sold during the first month prior to November 1, 1941, both the item to be priced and the most comparable item of Eastern primary forest products priced in the regulation.

(b) He shall ascertain the difference between the two prices in (a) above and shall determine the tentative maximum price for the item to be priced by adding or subtracting the difference to or from the maximum price of the comparable item contained in the tables. The tentative price obtained by application of the method of computation outlined above shall be submitted to the Lumber Branch, Office of Price Administration, Washington, D. C., within 10 days of the use of the price, together with copies of the invoice of the sales which were used to determine the maximum price. If, within 30 days after the receipt of the request for approval, the Office of Price Administration does not adjust or require further justification of the maximum price, it shall be considered approved and shall thereafter be the maximum price for that seller for that item. Pending action by the Office of Price Administration, the seller may deliver the item and receive payment, subject to the condition that a refund will be made if the price is in excess of that finally approved by the Office of Price Administration.

(c) For any grade, specification, length, size, species, service, or extra for which a maximum price is not provided in the appendices or which cannot be priced according to paragraphs (a) and (b) above, the maximum price shall be the price established by the Lumber Branch of the Office of Price Administration, Washington, D. C., after full facts have been submitted in support of a request for the establishment of a maximum price. In cases of railroads or mines which purchase direct from producers, a maximum price may be established under this paragraph which shall be the maximum price for any producer selling to that railroad at any point on

its lines or to that mine at any point in its normal production territory. The maximum price may be established by letter or telegram. The period allowed for consideration by the Lumber Branch, and the seller's rights pending disposition of his application are the same as set out in paragraph (b) above.

Sec. 11. *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 having the authority to act upon the pending request for a change in price or to give the authorization.

The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

Sec. 12. *Applications for adjustment and petitions for amendment—(a) Government contracts.* (1) The term "government contracts" is here used to include any contract with the United States or any of its agencies, or with the Government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States." It also includes any subcontract under this kind of contract.

(2) Any person who has made or intends to make a "government contract" and who thinks that a maximum price in this regulation is impeding or threatens to impede production of any primary forest products which are essential to the war program and which are or will be the subject of the contract, may file an application for adjustment in accordance with Procedural Regulation No. 6,⁷ issued by the Office of Price Administration. As soon as the application is filed, contracts, deliveries, and payments may be made at the requested price, subject to refund if the requested price is disapproved or lowered. The seller must tell the buyer that the delivery is made subject to this refund.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,⁴ issued by the Office of Price Administration.

Sec. 13. *Prohibited practices—(a) General.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollar-and-cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying agreements, trade understandings, and the like. 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 longer than 2 percent is not regarded as a cash discount under this rule.

(b) *Specific practices.* The following are among the specific practices prohibited:

(1) Refusing to sell on a loading-out point basis and insisting on selling on a delivered basis.

(2) Quoting a gross price above the maximum price, even if accompanied by a discount the effect of which is to bring the net price below the maximum.

(3) Making the buyer take something he does not want in order to get what he does want.

(c) *Buying in the round.* Where an average price is charged (known as "buying in the round") for cross ties of more than one size, the maximum price shall be that of the lowest-priced size.

(d) *Purchasing commissions.* It is unlawful for any person to charge, receive or pay a commission for the service of procuring, buying, selling, or locating Eastern primary forest products, or for any related service (such as "expediting") which does not involve actual physical handling of those products, if the commission plus the purchase price results in a total payment by the buyer which is higher than the maximum price of the products. For purposes of this regulation, a commission is any service charge or payment which is figured either directly or indirectly on the basis of the quantity, price, or value of the products in connection with which the service is performed. This rule is subject to the following exception: A commission on Eastern railroad cross ties may be paid by contractors or users if all of the following conditions are met:

(1) The person receiving the commission is a full time employee carried on the payroll of the contractor or user.

(2) The money used in purchasing railroad ties is supplied by the contractor or user.

(3) The employee's compensation is not based on the result of final inspection of railroad ties by the user.

(4) The person receiving the commission is not a producer of railroad ties, or a Tie Contractor.

(5) The commission or bonus is not greater than 10 cents per tie.

Sec. 14. *Enforcement.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942, as amended.

(b) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by the regulation. "War procurement agencies" include the War Department, the Navy Department, the United States Maritime Commission, and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies.

Sec. 15. *Licensing.* The provisions of Supplementary Order No. 18⁵ (§ 1305.22) licensing persons selling lumber, lumber products, or building materials, are applicable to every person, except hewers or mills, making sales of Eastern primary forest products for which maximum prices are established by this regulation. This order, in brief, provides that a license is necessary, except for mills, to make sales under this regulation. A license is automatically granted to all sellers making these sales. It is not necessary to apply specially for the license, but a registration may later be required. The Emergency Price Control Act of 1942, as amended, and Supplementary Order 18 tell the circumstances under which licenses may be suspended. The license cannot be transferred.

Article IV—Tables of Maximum Prices and Estimated Weights

Sec. 16. *Maximum prices for Eastern railroad cross ties and switch ties.* The maximum prices set forth below are f. o. b. cars at the railroad loading-out point, loaded on barges at barge landing, or stacked for seasoning in a treating plant's yard within the area of production. The maximum prices are for untreated and unseasoned cross ties and switch ties. See section 5 for treatment additions, and section 4 for transportation additions.

⁷ 7 F.R. 5087, 5664; 8 F.R. 6173, 6174.

⁴ 7 F.R. 8961; 8 F.R. 3313, 3533.

⁵ 7 F.R. 7240, 11007.

TABLE 1.—MAXIMUM PRICE PER CROSS TIE

Table with columns for Zone, Size, Group T ties (for use treated), Group U ties 85% or more heart (for use untreated), and various wood species (White oak, Yellow pine, Red cypress, black cypress, black locust).

These maximum prices are for cross ties manufactured in accordance with the specifications of the American Railway Engineering Association. It is expected that cross ties not meeting these specifications in every detail will be priced correspondingly lower.

TABLE 2.—MAXIMUM PRICES PER 1,000 FEET BOARD MEASURE FOR SWITCH TIES 7" x 9" 8" TO 10"

Table with columns for Zone, Group T switch ties (for use treated), and Group U switch ties, 85% or more heart (for use untreated) including White oak, Yellow pine, and Red cypress, black cypress, black locust.

These maximum prices are for switch ties manufactured in accordance with the specifications of the American Railway Engineering Association. It is expected that switch ties not meeting these specifications in every detail will be priced correspondingly lower.

A. Additions. The following additions may be made to the maximum prices set forth above in Tables 1 and 2:

(1) For 9' cross ties: add \$0.05 per tie to the maximum price listed in the proper zone for the required size and species of 8'6" cross tie.

(2) For seasoning cross ties and switch ties which are to be preservativesly treated:

6% may be added to Class Tb (softwoods) maximum prices if seasoned 90 days or longer.

10% may be added to Class Ta, Tc, and Td (hardwoods) maximum prices if seasoned longer than 90 days but less than 180 days.

12 1/2% may be added to Class Ta, Tc, and Td (hardwoods) maximum prices if seasoned 180 days or longer.

(3) For switch ties longer than 16': add to the maximum prices in the proper zone:

\$3.00 per 1,000 feet board measure to and including 20'

\$7.00 per 1,000 feet board measure for over 20' to and including 24'.

\$15.00 per 1,000 feet board measure for over 24' to and including 28'.

\$20.00 per 1,000 feet board measure for over 28'.

(4) For switch ties sold and loaded in sets in accordance with the requirements of the purchaser: add \$2.50 per 1,000 feet board measure to the maximum prices listed in the proper zones.

B. Deductions. If ties are not loaded on railroad cars or on barges or stacked for seasoning in a treating plant yard within the area of production by the seller, the following deductions from the prices in the above Tables 1 and 2 must be made:

(1) For 7" ties (Sizes 3A, 4 and 5): deduct 4 cents per tie.

(2) For other sizes (Culls, SR, 1, 2 and 3): deduct 3 cents per tie.

(3) For switch ties: deduct \$1.00 per M'BM.

C. Odd Sizes:

(1) The maximum prices for narrow gauge ties shall be the same maximum prices on a per 1,000 feet board measure basis as the corresponding size of 8'0" tie.

(2) For switch ties other than 7" x 9" the maximum price shall be the same maximum price on a per 1,000 feet board measure basis as the 7" x 9" switch tie.

SEC. 17. Maximum prices for Eastern Wooden Mine Material. The maximum prices, except for pit posts and round or split lagging, shown in this Section, are f. o. b. the railroad loading-out point nearest to the mill in the normal direction of shipment to destination. The maximum prices for pit posts, props and round or split lagging are delivered to the buyer's mine where the freight rate is 15 cents per hundred pounds or less.

MAXIMUM PRICES FOR MINE MATERIAL IN ZONE 1, 2 AND THE FOLLOWING PARTS OF ZONE 3:
 IN WEST VIRGINIA—MINERAL, PRESTON, GRANT, RANDOLPH, UPSHUR, WETZEL, HAMPSHIRE, HARDY, TUCKER, BARBOUR, MONONGALIA, TAYLOR, MARION, OHIO, MARSHALL, BROOKE AND HANCOCK COUNTIES.
 IN MARYLAND—GARRETT AND ALLEGANY COUNTIES—Continued.

	Per M'BM		
	Price	Weight	
		Green	Dry
3 (b) Mine Ties and Mine Switch Ties (Mixed Oak and Hardwoods): All Sizes.....	\$30.50	5,400	3,900
3 (c) Cross Bars (Mixed Oak and Hardwoods): All sizes up to and including 6" x 7".....	30.50	5,400	3,900
All sizes over 6" x 7".....	32.50	5,400	3,900
For specified lengths 18' and longer, add.....	3.00		
3 (d) Short Mine Material (Mixed Oak and Hardwoods): Post Caps (Headers) All sizes.....	30.50	5,400	3,900
Sawed Cribbing Blocks (Lagging) All sizes.....	30.50	5,400	3,900
Wedges:	<i>Price each</i>		
1 1/2" x 1" x 5" x 12".....	.018	5,400	3,900
1 1/2" x 1" x 5" x 12".....	.018	5,400	3,900
1 1/2" x 1 1/4" x 5" x 12".....	.021	5,400	3,900
1 1/2" x 2" x 5" x 12".....	.028	5,400	3,900
1 1/2" x 3" x 5" x 18".....	.041	5,400	3,900

MAXIMUM PRICES FOR MINE MATERIAL IN ZONE 7 AND PARTS OF ZONES 3 AND 4. EXCLUDING FROM ZONE 3
 IN WEST VIRGINIA—MINERAL, PRESTON, GRANT, RANDOLPH, UPSHUR, WETZEL, HAMPSHIRE, HARDY, TUCKER, BARBOUR, MONONGALIA, TAYLOR, MARION, OHIO, MARSHALL, BROOKE, AND HANCOCK COUNTIES. IN MARYLAND—GARRETT AND ALLEGANY COUNTIES. INCLUDING FROM ZONE 4
 IN WEST VIRGINIA—MINGO, LOGAN, WYOMING, McDOWELL, RALEIGH, MERCER, SUMMERS, MONROE AND GREENBRIER COUNTIES.

TABLE 4.—UNPEELED PIT POSTS AND PROPS
 [Weight in pounds and price per post]

Length	4"		4 1/2"		5' and 5 1/2"		6' and 6 1/2"		7' and 7 1/2"	
	Weight	Price	Weight	Price	Weight	Price	Weight	Price	Weight	Price
2'0".....	12	\$0.06	14.75	\$0.065	18	\$0.075				
2'2".....	13	.065	16	.07	19.5	.08				
2'4".....	14	.07	17.25	.075	21	.085				
2'6".....	14.75	.075	18.5	.08	22.5	.09				
2'8".....	15.75	.075	19.75	.085	24	.095				
2'10".....	16.75	.08	21	.09	25.5	.10				
3'0".....	17.75	.085	22	.095	27	.105				
3'2".....	18.75	.09	23.25	.10	28.5	.11	41	\$0.115		
3'4".....	19.5	.095	24.5	.105	30	.115	43	.12		
3'6".....	20.5	.10	26	.11	31.5	.12	45	.125		
3'8".....	21.5	.105	26.5	.115	33	.125	47	.13		
3'10".....	22.5	.11	28	.12	34.5	.13	49	.135		
4'0".....	23.5	.115	29.5	.125	36	.14	51	.15		
4'2".....	24.5	.12	30.5	.13	37.5	.15	53	.16		
4'4".....	25.5	.125	32	.14	39	.165	55	.17		
4'6".....	26.5	.13	33	.15	40.5	.175	57.5	.18		
4'8".....	27.5	.135	34.5	.155	42	.18	58	.19		
4'10".....	28.5	.14	36	.16	43.5	.19	61	.20		
5'0".....	29.5	.15	37	.175	45	.20	64	.21		
5'2".....			38.5	.175	46.5	.205	66	.22		
5'4".....			40	.18	48	.21	68	.23		
5'6".....			41	.185	49.5	.215	70.5	.24		
5'8".....			42.5	.19	51	.22	73	.25		
5'10".....			43.5	.20	52.5	.23	75	.26		
6'0".....			44.5	.21	54	.24	77	.28	103	\$0.30
6'2".....					55.5	.25	79	.29	106	.33
6'4".....					57	.26	81	.31	109	.35
6'6".....					58.5	.27	83	.34	112	.38
6'8".....					60	.28	85	.37	115	.41
6'10".....					61.5	.29	87	.40	118	.44
7'0".....					63	.32	89.5	.44	120	.46
7'6".....					69.5	.36	99	.48	132	.51
8'0".....					77	.40	109	.52	144	.56

MAXIMUM PRICES FOR MINE MATERIAL IN ZONE 7 AND PARTS OF ZONES 2 AND 4. EXCLUDING FROM ZONE 3
 IN WEST VIRGINIA—MINERAL, PRESTON, GRANT, RANDOLPH, UPSHUR, WETZEL, HAMPSHIRE, HARDY, TUCKER, BARBOUR, MONONGALIA, TAYLOR, MARION, OHIO, MARSHALL, BROOKS, AND HANCOCK COUNTIES.
 IN MARYLAND—GARRETT AND ALLEGANY COUNTIES, INCLUDING FROM ZONE 4
 IN WEST VIRGINIA—MINGO, LOGAN, WYOMING, McDOWELL, RALEIGH, MERCER, SUMMERS, MONROE AND GREENBRIER COUNTIES—Continued.

TABLE 4.—UNPEELED PIT POSTS AND PROPS—Continued

Length	4"		4½"		5" and 5½"		6" and 6½"		7" and 7½"	
	Weight	Price	Weight	Price	Weight	Price	Weight	Price	Weight	Price
8'0"					84	\$0.43	118	\$0.55	156	\$0.61
9'0"					89	.46	125	.59	166	.66
9'6"					94	.49	132	.62	175	.71
10'0"					99	.52	139	.65	184	.76
10'6"					104	.55	146	.68	193	.81
11'0"					109	.58	153	.71	202	.86
11'6"					114	.61	160	.74	211	.91
12'0"					119	.64	167	.79	220	.97
12'6"					124	.67	174	.84	229	1.03
13'0"					129	.71	181	.91	238	1.10
13'6"					134	.76	188	.96	247	1.14
14'0"					139	.81	195	1.01	256	1.19
14'6"					144	.86	202	1.06	265	1.23

NOTE 1.—Peeled Pit Posts. For peeling 6" in diameter and under, add .01 per lineal foot. For peeling over 6" in diameter, add .015 per lineal foot.
 NOTE 2.—Split Halves. 7" Face Split Halves same price as 5" Round. 9" Face Split Halves same price as 6" Round. 10" Face Split Halves same price as 7" Round.
 NOTE 3.—Split Quarters. 5" Face Split Quarters same price as 5" Round. 6" Face Split Quarters same price as 6" Round. 7" Face Split Quarters same price as 7" Round.
 NOTE 4.—Triangular Split Props. 5" Face 3 sides same price as 4" Round. 6" Face 3 sides same price as 5" Round. 7" Face 3 sides same price as 6" Round. 8" Face 3 sides same price as 7" Round.

	Per M'BM		
	Price	Weight	
		Green	Dry
4 (a) Mine Ties and Mine Switch Ties (Mixed Oak and Hardwoods) All Sizes.....	\$30.50	5,400	3,900
4 (b) Cross Bars (Collars) Mixed Oak and Hardwoods): All sizes up to and including 6" x 7".....	30.50	5,400	3,900
All sizes over 6" x 7".....	32.50	5,400	3,900
For specified lengths 18' and longer, add.....	3.00		
4 (c) Short Mine Material (Mixed Oak and Hardwoods): Post Caps (Headers) All Sizes.....	30.50	5,400	3,900
Sawed Cribbing Blocks (Lagging) All Sizes.....	30.50	5,400	3,900
Wedges: Each			
¾" x 1" x 5' x 12'.....	\$0.018	5,400	3,900
¾" x 1" x 5' x 12'.....	.018	5,400	3,900
¾" x 1¼" x 5' x 12'.....	.021	5,400	3,900
¾" x 2" x 5' x 12'.....	.028	5,400	3,900
¾" x 3" x 5' x 18'.....	.041	5,400	3,900

MAXIMUM PRICES FOR MINE MATERIAL IN ZONES 4 AND 5 EXCLUDING FROM ZONE 4
 IN WEST VIRGINIA—MINGO, LOGAN, WYOMING, McDOWELL, RALEIGH, MERCER, SUMMERS, MONROE AND GREENBRIER COUNTIES

TABLE 5.—UNPEELED PIT POSTS AND PROPS

[Weight in pounds and price per post]

Length	4"		5"		6"		7"		8"	
	Weight	Price	Weight	Price	Weight	Price	Weight	Price	Weight	Price
2'0"	11	\$0.055	16.5	\$0.06						
2'2"	12	.055	17.5	.06						
2'4"	13	.06	19	.065						
2'6"	14	.06	20.5	.065						
2'8"	15	.065	21.5	.07						
2'10"	15.5	.07	23	.075						
3'0"	16	.07	25	.085						
3'2"	17	.08	26	.09						
3'4"	18	.085	27.5	.09						
3'6"	19	.085	29	.095						
3'8"	20	.09	30.5	.10	43	\$0.12				
3'10"	21	.095	31.5	.105	44.5	.125				
4'0"	22	.10	33	.105	46	.13	55	\$0.18	88	\$0.24
4'2"	23	.10	34.5	.11	47.5	.135	61	.19	92	.25
4'4"	24	.105	35.5	.12	49.5	.14	64	.205	96	.26
4'6"	25	.11	37	.13	52	.145	67	.22	99	.27
4'8"	26	.115	38.5	.135	53	.15	70	.225	103	.28
4'10"	27	.12	39.5	.14	55	.16	73	.23	107	.29
5'0"	28	.13	41	.15	57.5	.17	76	.24	110	.30
5'2"			43	.16	59	.18	79	.25	114	.31
5'4"			44	.165	61	.185	82	.255	118	.32
5'6"			45.5	.17	63	.19	85	.26	121	.33
5'8"			47	.175	65	.195	88	.265	125	.34
5'10"			48	.18	67	.20	91	.27	129	.35

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MAXIMUM PRICES FOR MINE MATERIALS IN ZONES 4 AND 5 EXCLUDING FROM ZONE 4 IN WEST VIRGINIA—MINGO, LOGAN, WYOMING, McDOWELL, RALEIGH, MERCER, SUMMERS, MONROE AND GREENBRIER COUNTIES—Continued.

TABLE 5.—UNPEELED PIT POSTS AND PROPS
[Weight in pounds and price per post]

Diameters.....	4"		5"		6"		7"		8"		
	Length	Weight	Price	Weight	Price	Weight	Price	Weight	Price	Weight	Price
6'0"				49.5	\$0.185	69	\$0.205	94	\$0.28	132	\$0.36
6'2"				51	.19	71	.21	97	.29	136	.38
6'4"				52	.20	72.5	.22	100	.31	140	.40
6'6"				53.5	.21	75	.23	102	.33	143	.43
6'8"				55	.22	76.5	.25	105	.35	147	.46
6'10"				56	.23	78.5	.27	108	.38	151	.49
7'0"				58	.25	80.5	.30	110	.40	154	.52
7'6"						86	.33	118	.43	165	.55
8'0"						96	.35	126	.46	176	.58
8'6"						106	.38	138	.50	187	.62
9'0"						112	.41	150	.53	198	.65
9'6"						118	.44	159	.56	209	.68
10'0"						124	.47	168	.60	220	.72
10'6"						130	.52	176	.63	231	.75
11'0"						136	.55	184	.66	242	.78
11'6"						142	.58	193	.69	253	.81
12'0"						148	.60	201	.72	264	.84
12'6"						154	.62	209	.75	275	.87
13'0"								217	.78	286	.92
13'6"								225	.81	297	.96
14'0"								233	.84	308	1.00
14'6"								241	.86	319	1.04

NOTE 1.—Peeled Pit Posts. For peeling 6" in diameter and under, add .01 per lineal foot. For peeling over 6" in diameter, add .015 per lineal foot.
 NOTE 2.—Split Halves. 7" Face Split Halves same price as 5" Round. 9" Face Split Halves same price as 6" Round. 10" Face Split Halves same price as 7" Round. 12" Face Split Halves same price as 8" Round.
 NOTE 3.—Split Quarters. 5" Face Split Quarters same price as 5" Round. 6" Face Split Quarters same price as 6" Round. 7" Face Split Quarters same price as 7" Round. 8" Face Split Quarters same price as 8" Round.
 NOTE 4.—Triangular Split Props. 5" Face 3 sides same price as 4" Round. 6" Face 3 sides same price as 5" Round. 7" Face 3 sides same price as 6" Round. 8" Face 3 sides same price as 7" Round. 9" Face 3 sides same price as 8" Round.

	Per M'BM		
	Price	Weight	
		Green	Dry
5 (a) Mine Ties and Mine Switch Ties (Mixed Oak and Hardwoods): All Sizes.....	\$20.00	5,400	3,900
5 (b) Cross Bars (Collars) (Mixed Oak and Hardwoods): All Sizes up to and including 6" x 7" All sizes over 6" x 7" For Specified lengths 18' and longer, add.....	29.00 31.00 3.00	5,400 5,400	3,900 3,900
5 (c) Short Mine Materials (Mixed Oak and Hardwoods): Post Caps (Headers) All sizes..... Cribbing (Sawn Lagging) All sizes..... Wedges To specifications.....	29.00 29.00 40.00	5,400 5,400 5,400	3,900 3,900 3,900

MAXIMUM PRICES FOR MINE MATERIAL IN ZONE 6

TABLE 6.—UNPEELED PIT POSTS AND PROPS
[Weight in pounds and price per post]

Diameters.....	4"		5"		6"		7"		8"		
	Length	Weight	Price	Weight	Price	Weight	Price	Weight	Price	Weight	Price
1'8"	9	\$0.05	14	\$0.055							
1'10"	9.5	.05	15	.055							
2'0"	10.5	.055	15.5	.06							
2'2"	11	.055	17	.06							
2'4"	12	.06	18.5	.065							
2'6"	13	.06	19.5	.065							
2'8"	13.5	.065	21	.07							
2'10"	14.5	.065	22	.07							
3'0"	15.5	.07	23.5	.075	33.5	\$0.08					
3'2"	16	.07	25	.075	35	.085					
3'4"	17	.075	26	.08	37	.085					
3'6"	18	.075	27.5	.08	39	.09					
3'8"	19	.08	29	.085	41	.095					
3'10"	20	.08	30	.085	43	.10					
4'0"	21	.085	31	.09	44.5	.105					
4'2"	21.5	.085	32.5	.09	46	.11					
4'4"	22.5	.09	34	.095	48	.11					
4'6"	23.5	.09	35	.095	50	.115					
4'8"	24	.095	36.5	.10	52	.12					
4'10"	25	.095	38	.10	54	.125					
5'0"	26	.10	39	.105	55.5	.13	74.5	\$0.23	96.5	\$0.33	
5'2"	26.5	.10	40.5	.105	56	.135	77	.24	99	.34	
5'4"	27.5	.105	42	.11	58.5	.14	79	.245	102	.35	
5'6"	28.5	.105	43	.115	61	.145	82	.25	106	.36	
5'8"	29	.11	44.5	.12	63	.15	84	.255	109	.37	

MAXIMUM PRICES FOR MINE MATERIAL IN ZONE 6—Continued

TABLE 6.—UNPEELED PIT POSTS AND PROPS—Continued

[Weight in pounds and price per post]—Continued

Diameters.....	4"		5"		6"		7"		8"		
	Length	Weight	Price	Weight	Price	Weight	Price	Weight	Price	Weight	Price
5'10"		30	.11	46	.125	65	.155	86	.26	112	.38
6'0"		31	.115	47	.13	66.5	.16	89.5	.26	116	.39
6'2"				48.5	.13	68	.16	92	.265	119	.395
6'4"				49.5	.135	70	.165	95	.27	122	.40
6'6"				50.5	.14	72	.17	97	.275	125.5	.405
6'8"				52	.145	74	.17	99	.28	129	.41
6'10"				53	.15	76	.175	102	.29	132	.42
7'0"				54.5	.155	77.5	.185	104.5	.30	135	.435
7'2"						83	.22	112	.34	145	.47
8'0"						92	.26	124	.37	158	.51
8'2"						101	.28	136	.40	171	.54
9'0"						108	.30	144	.43	184	.57
9'2"						115	.33	152	.46	195	.60
10'0"						122	.37	160	.50	205	.64
10'2"						129	.41	168	.54	215	.68
11'0"						136	.44	176	.58	225	.72
11'2"						143	.48	184	.62	235	.76
12'0"						150	.51	192	.65	245	.80
12'2"						157	.56	200	.68	255	.84
13'0"						163	.60	208	.71	265	.88
13'2"						170	.64	216	.74	275	.92
14'0"						177	.68	224	.77	285	.98
14'2"						184	.72	232	.80	295	1.02

NOTE 1.—Peeling Pit Posts. For peeling 6" in diameter and under, add .01 per lineal foot. For peeling over 6" in diameter, add .015 per lineal foot.
 NOTE 2.—Split Halves. 7" Face Split Halves same price as 5" Round. 9" Face Split Halves same price as 6" Round. 10" Face Split Halves same price as 7" Round. 12" Face Split Halves same price as 8" Round.
 NOTE 3.—Split Quarters. 5" Face Split Quarters same price as 3" Round. 6" Face Split Quarters same price as 4" Round. 7" Face Split Quarters same price as 5" Round. 8" Face Split Quarters same price as 6" Round. 9" Face Split Quarters same price as 7" Round. 10" Face Split Quarters same price as 8" Round.
 NOTE 4.—Triangular Split Props. 5" Face 3 sides same price as 4" Round. 6" Face 3 sides same price as 5" Round. 7" Face 3 sides same price as 6" Round. 8" Face 3 sides same price as 7" Round. 9" Face 3 sides same price as 8" Round.

	Per M' BM		
	Price	Weight	
		Green	Dry
6 (a) Mine Ties and Mine Switch Ties (Mixed Hardwoods and Pine): All Sizes.....	\$25.00	5,400	3,900
6 (b) Cross Bars (Collars) (Mixed Hardwoods and Pine): All sizes up to and including 6" x 7" All sizes over 6" x 7" For specified lengths 18' and longer, add.....	25.00 27.00 3.00	5,400 5,400	3,000 3,900
6 (c) Short Mine Materials (Mixed Hardwoods and Pine): Post Caps (Headers) All sizes..... Cribbing Blocks (Sawn Lagging) All sizes..... Wedges To specifications.....	25.00 25.00 30.00	5,400 5,400	3,900 3,900

MAXIMUM PRICES FOR MINE MATERIAL IN ZONE 8

TABLE 7.—UNPEELED PIT POSTS AND PROPS

[Weight in pounds and price per lineal foot]

Top diameter	Mixed hardwoods				Tamarack				Jack, Norway, White Pine			
	All lengths 8' and under		All lengths over 8'		All lengths 8' and under		All lengths over 8'		All lengths 8' and under		All lengths over 8'	
	Weight	Price	Weight	Price	Weight	Price	Weight	Price	Weight	Price	Weight	Price
3" to 5" Inclusive.....	10	\$0.025	11	\$0.03								
Over 5" to 7" Inclusive.....	18	.05	19	.055								
Over 7" to 9" Inclusive.....	29	.09	31	.10								
Over 9" to 11" Inclusive.....	43	.11	45	.12								
Over 11" to 13" Inclusive.....	59	.15	62	.16								
Over 13" to 15" Inclusive.....	78	.175	81	.185								
Over 15" to 17" Inclusive.....	97	.22	100	.23								
3" to 5" Inclusive.....					8.5	\$0.02	9.5	\$0.025	7.5	\$0.02	8.5	\$0.025
Over 5" to 6" Inclusive.....					12	.0325	13	.0375	11	.03	12	.035
Over 6" to 7" Inclusive.....					16	.065	17	.075	14.5	.04	15.5	.05
Over 7" to 8" Inclusive.....					21	.105	22	.115	18.5	.085	19.5	.095
Over 8" to 9" Inclusive.....					26	.14	27	.15	23	.10	24	.11
Over 9" to 10" Inclusive.....					31	.17	33	.18	28	.11	29.5	.12
Over 10" to 11" Inclusive.....					37	.19	39	.20	34	.13	35.5	.14
Over 11" to 12" Inclusive.....					44	.22	46	.23	40	.17	42	.18
Over 12" to 13" Inclusive.....									46	.20	48	.21
Over 13" to 14" Inclusive.....									53	.22	55	.23
Over 14" to 15" Inclusive.....									61	.24	63	.25

NOTE 1.—Peeling Pit Posts. For peeling pit posts 6" in diameter and under, add .01 per lineal foot. For Peeling pit posts over 6" diameter, add .015 per lineal foot

MAXIMUM PRICES FOR MINE MATERIAL IN ZONE 8—Continued

	Per M'BM		
	Price	Weight	
		Green	Dry
7 (a) Mine Ties and Mine Switch Ties (Mixed Hardwoods and Tamarack): All sizes.....	\$30.50	5,400	3,900
7 (b) Cross Bars (Collars) (Mixed Hardwoods): All sizes up to and including 6" x 7" All sizes over 6" x 7" For specified lengths longer than 18' add.....	30.50 32.50 3.00	5,400 5,400	3,900 3,900
7 (c) Mine Boards (Mixed Hardwoods): All sizes.....	30.50	5,400	3,900
7 (d) Short Mine Material (Mixed Hardwoods): Post Caps (Headers) All sizes..... Wedges. To Specifications.....	30.50 40.00	5,400 5,400	3,900 3,900
Per cord			
	Price	Weight	
7 (e) Split or Round Cribbing (128 cu. ft. cord): Split Cedar Cribbing..... Round or Split Jack Pine or Poplar Cribbing.....	\$12.75 12.75	2,600 4,000	

SEC. 18. Maximum prices for poles and piling. All maximum prices set forth below are f. o. b. towable waters or cars at the railroad loading-out point nearest the point of production in the normal direction of delivery to the point of destination.

TABLE 8.—ROUGH PEELLED PILING—MAXIMUM PRICES AND WEIGHTS PER LINEAL FOOT; NAVY SPECIFICATIONS 39 P-14A CLASS 2 [F. o. b. cars producer's loading-out point or dumped, boomed, rafted and prepared for towing in towable waters]

YELLOW PINE PRODUCED IN ZONES 2, 3, AND 4

Lengths	9" min. butt including 8'-1' to 8'-6"		10" min. butt including 9'-1' to 9'-6"		11" min. butt including 10'-1' to 10'-6"		12" min. butt including 11'-1' to 11'-6"		13" min. butt including 12'-1' to 12'-6"		14" min. butt including 13'-1' to 13'-6"		15" min. butt including 14'-1' to 14'-6"		16" min. butt including 15'-1' to 15'-6"		17" min. butt including 16'-1' to 16'-6"		18" min. butt including 17'-1' to 17'-6"		
	Price	Weights	Price	Weights	Price	Weights	Price	Weights	Price	Weights	Price	Weights	Price	Weights	Price	Weights	Price	Weights	Price	Weights	
	15' to 17' incl.....	\$0.10	26	\$0.11	31	\$0.13	38	\$0.17	45	\$0.19	52	\$0.22	61	\$0.26	70						
18' to 22' incl.....	.10	24	.11	30	.13	36	.17	44	.19	51	.22	59	.26	68							
23' to 27' incl.....	.11	23	.12	29	.13	35	.17	41	.19	49	.22	57	.26	66							
28' to 32' incl.....	.11	22	.12	28	.13	33	.17	40	.19	47	.22	55	.26	63	\$0.30	72					
33' to 37' incl.....	.12	21	.13	26	.14	32	.17	38	.19	45	.22	53	.26	61	.30	70	\$0.35	79			
38' to 42' incl.....	.12	20	.13	25	.14	30	.18	37	.20	44	.23	51	.26	59	.30	68	.35	77			
43' to 47' incl.....					.15	29	.19	35	.21	42	.24	49	.27	57	.31	66	.36	75	\$0.42	85	
48' to 52' incl.....					.16	28	.21	35	.23	40	.26	47	.29	55	.33	64	.38	73	.44	80	
53' to 57' incl.....							.23	35	.25	40	.28	46	.31	53	.35	62	.40	71	.47	80	
58' to 62' incl.....							.26	35	.28	40	.31	45	.34	52	.38	59	.43	68	.50	78	
63' to 67' incl.....								.31	40	.34	45	.37	50	.41	58	.46	67	.54	75		
68' to 72' incl.....								.35	40	.38	45	.41	50	.45	56	.50	64	.58	73		
73' to 77' incl.....									.43	45	.46	50	.50	58	.55	67	.63	76			
78' to 82' incl.....									.48	45	.51	50	.55	58	.60	67	.69	79			

TABLE 8 (a).—YELLOW PINE PRODUCED IN ZONES 5, 6, AND 7

15' to 17' incl.....	\$0.08	26	\$0.09	31	\$0.11	38	\$0.14	45	\$0.16	52	\$0.19	61	\$0.23	70							
18' to 22' incl.....	.08	24	.09	30	.11	36	.14	44	.16	51	.19	59	.23	68							
23' to 27' incl.....	.09	23	.10	29	.11	35	.14	41	.16	49	.19	57	.23	66							
28' to 32' incl.....	.09	22	.10	28	.11	33	.14	40	.16	47	.19	55	.23	63	\$0.27	72					
33' to 37' incl.....	.10	21	.11	26	.12	32	.14	38	.16	45	.19	53	.23	61	.27	70	\$0.32	79			
38' to 42' incl.....	.10	20	.11	25	.12	30	.15	37	.17	44	.20	51	.23	59	.27	68	.32	77			
43' to 47' incl.....					.13	29	.16	35	.18	42	.21	49	.24	57	.28	66	.33	75	\$0.39	85	
48' to 52' incl.....					.14	28	.18	35	.20	40	.23	47	.26	55	.30	64	.35	73	.41	83	
53' to 57' incl.....							.20	35	.22	40	.25	46	.28	53	.32	62	.37	71	.43	80	
58' to 62' incl.....							.23	35	.25	40	.28	45	.31	52	.35	59	.40	68	.47	78	
63' to 67' incl.....							.28	40	.31	45	.34	50	.38	58	.43	67	.48	76	.54	84	
68' to 72' incl.....								.32	40	.35	45	.38	50	.42	58	.47	66	.52	74		
73' to 77' incl.....									.40	45	.43	50	.47	58	.52	67	.57	76			
78' to 82' incl.....									.45	45	.48	50	.52	58	.57	67	.62	76			

TABLE 8 (b).—CYPRESS PRODUCED IN ZONES 5, 6, AND 7

15' to 17' incl.....	\$0.09	21	\$0.11	26	\$0.12	31	\$0.18	37	\$0.16	43	\$0.18	50	\$0.21	57							
18' to 22' incl.....	.09	20	.11	25	.12	30	.13	36	.15	41	.18	49	.21	55							
23' to 27' incl.....	.09	19	.11	24	.12	28	.13	34	.15	40	.18	46	.21	54							
28' to 32' incl.....	.09	18	.11	23	.12	27	.13	32	.15	37	.18	43	.21	50	\$0.25	59					
33' to 37' incl.....	.10	17	.11	21	.12	26	.13	31	.15	37	.18	43	.21	50	.25	57					
38' to 42' incl.....	.10	16	.11	20	.12	25	.14	30	.16	36	.19	42	.22	49	.26	55					
43' to 47' incl.....	.11	15	.12	19	.13	23	.15	29	.17	34	.20	40	.23	47	.27	54					
48' to 52' incl.....	.12	14	.13	18	.14	22	.17	29	.19	33	.22	39	.25	45	.29	52					
53' to 57' incl.....							.19	29	.21	33	.24	37	.27	44	.31	50					
58' to 62' incl.....							.21	29	.23	33	.26	37	.29	42	.33	49					
63' to 67' incl.....								.25	33	.28	37	.31	42	.35	47						
68' to 72' incl.....									.27	33	.30	37	.33	42	.38	46					
73' to 77' incl.....										.33	37	.36	42	.42	46						
78' to 82' incl.....										.37	37	.40	42	.47	46						

1. For Cypress produced in Zone 4 add 3¢ per lineal foot to above prices and use above weights.
2. For mixed orders of Pine and Cypress see footnote 9.

TABLE No. 8.—ROUGH PEELED PILING—MAXIMUM PRICES AND WEIGHTS PER LINEAL FOOT; NAVY SPECIFICATIONS 39 P-14A CLASS 2—Continued

[F. o. b. cars producers' loading-out point or dumped, boomed, rafted and prepared for towing in towable waters]

TABLE 8 (c).—MIXED SPECIES (MUST INCLUDE AT LEAST FIVE SPECIES) PRODUCED IN ZONES 1, 2, 3, 4, 5, 6, 7, AND 8

Lengths	9" min. butt including 8'-1' to 8'-6'		10" min. butt including 9'-1' to 9'-6'		11" min. butt including 10'-1' to 10'-6'		12" min. butt including 11'-1' to 11'-6'		13" min. butt including 12'-1' to 12'-6'		14" min. butt including 13'-1' to 13'-6'		15" min. butt including 14'-1' to 14'-6'		16" min. butt including 15'-1' to 15'-6'		17" min. butt including 16'-1' to 16'-6'		18" min. butt including 17'-1' to 17'-6'		
	Price	Weights	Price	Weights	Price	Weights	Price	Weights	Price	Weights	Price	Weights	Price	Weights	Price	Weights	Price	Weights	Price	Weights	
15' to 17' Incl.	\$0.11	29	\$0.13	35	\$0.14	42	\$0.16	50	\$0.18	58	\$0.21	68	\$0.24	77							
18' to 22' Incl.	.11	27	.13	34	.14	40	.16	48	.18	56	.21	66	.24	75							
23' to 27' Incl.	.11	26	.13	32	.14	39	.16	46	.18	55	.21	63	.24	72							
28' to 32' Incl.	.11	24	.13	31	.14	37	.16	44	.18	53	.21	61	.24	70							
33' to 37' Incl.	.12	23	.13	29	.14	35	.16	42	.18	50	.21	59	.24	68	\$0.28	80					
38' to 42' Incl.	.12	22	.13	28	.14	34	.17	41	.19	49	.22	57	.25	66	.29	75					
43' to 47' Incl.	.13	21	.14	26	.15	32	.18	39	.20	47	.23	54	.26	63	.30	73					
48' to 52' Incl.	.14	20	.15	25	.16	31	.20	37	.22	45	.25	53	.28	61	.32	71					
53' to 57' Incl.							.22	37	.24	42	.27	51	.30	59	.34	68					
58' to 62' Incl.							.24	37	.26	42	.29	48	.32	57	.36	66					
63' to 67' Incl.							.26	37	.28	42	.31	48	.34	55	.38	64					
68' to 72' Incl.							.28	37	.30	42	.33	48	.36	53	.41	61					
73' to 77' Incl.							.31	37	.33	42	.36	48	.39	53	.45	61					

1. For maximum prices on Northern Pine piling see footnote 10.

TABLE 8 (d).—WHITE OAK PRODUCED IN ZONES 1, 2, 3, 4, 5, 6, 7, AND 8

15' to 17' Incl.	\$0.15	31	\$0.16	37	\$0.18	45	\$0.21	53	\$0.23	62	\$0.26	72	\$0.31	83							
18' to 22' Incl.	.15	29	.16	36	.18	43	.21	51	.23	60	.26	70	.31	80							
23' to 27' Incl.	.15	27	.16	34	.18	41	.21	49	.23	58	.26	67	.31	77							
28' to 32' Incl.	.15	26	.16	33	.18	39	.21	47	.23	56	.26	65	.31	75	\$0.36	85					
33' to 37' Incl.	.15	25	.16	31	.18	38	.21	45	.23	53	.26	62	.31	72	.36	85					
38' to 42' Incl.	.16	23	.18	29	.21	36	.23	44	.25	51	.29	60	.33	70	.38	80					
43' to 47' Incl.	.21	22	.23	28	.25	34	.28	42	.30	49	.33	56	.38	68	.43	78					
48' to 52' Incl.	.26	21	.29	27	.31	33	.33	40	.36	48	.39	56	.44	66	.48	75					
53' to 57' Incl.							.38	40	.40	48	.44	54	.48	63	.53	73					
58' to 62' Incl.							.47	40	.49	48	.51	52	.58	61	.62	70					
63' to 67' Incl.									.60	48	.63	52	.68	59	.72	68					
68' to 72' Incl.												.78	59	.83	66						

TABLE 8 (e).—MIXED OAK PRODUCED IN ZONES 1, 2, 3, 4, 5, 6, 7, AND 8

15' to 17' Incl.	\$0.13	31	\$0.14	37	\$0.16	45	\$0.18	53	\$0.20	62	\$0.23	72	\$0.27	83							
18' to 22' Incl.	.13	29	.14	36	.16	43	.18	51	.20	60	.23	70	.27	80							
23' to 27' Incl.	.13	27	.14	34	.16	41	.18	49	.20	58	.23	67	.27	77							
28' to 32' Incl.	.13	26	.14	33	.16	39	.18	47	.20	56	.23	65	.27	75	\$0.31	85					
33' to 37' Incl.	.13	25	.14	31	.16	38	.18	45	.20	53	.23	62	.27	72	.31	83					
38' to 42' Incl.	.14	23	.16	29	.18	36	.20	44	.22	51	.25	60	.29	70	.33	80					
43' to 47' Incl.	.18	22	.20	28	.22	34	.24	42	.26	49	.29	58	.33	68	.37	78					
48' to 52' Incl.	.23	21	.25	27	.27	33	.29	40	.31	48	.34	56	.38	66	.42	75					
53' to 57' Incl.							.33	40	.35	48	.38	54	.42	63	.46	73					
58' to 62' Incl.							.41	40	.43	48	.46	52	.50	61	.54	70					
63' to 67' Incl.									.52	48	.55	52	.59	59	.63	68					
68' to 72' Incl.												.68	59	.72	66						

1. For peeling addition see footnotes 4 to 7 inclusive below.

NOTES: Applying to Tables 8, 8a, 8b, 8c, 8d, and 8e

- If a top diameter is specified, or where the top diameter controls, the butt size shall be determined by adding 1 inch for each 10 feet or fraction thereof.
- To arrive at the maximum price for piling with a minimum diameter at a specified point more than 6 feet from the butt:
 - Convert this diameter to a diameter 6 feet from the butt by adding 1" for each 10 feet or fraction thereof by which the distance from the butt to the specified point exceeds 6 feet.
 - Select the maximum price in the tables applicable to the diameter 6 feet from the butt determined in (a) above.
 For example: (i) A pile measuring 12' 7 feet from the butt would be figured as follows:
 Diameter 7' from butt..... 12"
 7' exceeds 6' by 1'..... 1"
 Add for 1' (fraction of 10')..... 1"
 Diameter 6' from butt..... 13"
 Maximum price found under column headed 14" minimum butt, which includes price for 13' 6 feet from the butt.
 (ii) A 70' pile measuring 12' one quarter of the length from the butt would be figured as follows:
 Diameter 17 1/4' from the butt (1/4 of 70')..... 12"
 17 1/4' exceeds 6' by 11 1/4'..... 1"
 Add for 10'..... 1"
 Add for 1 1/4' (fraction of 10')..... 1"
 Diameter 6' from butt..... 14"
 Maximum price found under column headed 15" minimum butt, which includes price for 14' 6 feet from butt.
- For all specified length groups below, the lengths will be fairly evenly distributed in consecutive lengths within the group.
- For orders where the specified lengths fall within each of 4 or more consecutive length groups, no addition.
- For orders where the specified lengths fall within each of 3 consecutive length groups, add .005 per lin. ft.
- For orders where the specified lengths fall within each of 2 consecutive length groups, add .01 per lin. ft.
- For single specified length orders, add .02 per lin. ft.
- For random length orders where the purchaser specifies restricted loading, the seller may add 2/3 of the proper specified length addition above. Additions allowed must be shown separately on invoices.
- For Clean Peeled Pine, Cypress and Mixed Woods up to and including: 13" minimum butt, add .01 per lin. ft. 14" minimum butt and larger, add .02 per lin. ft.
- For unpeeled Pine, Cypress, and Mixed Woods up to and including: 13" minimum butt, deduct .01 per lin. ft. 14" minimum butt and larger, deduct .02 per lin. ft.
- For Clean Peeled Oak, add .04 per lin. ft.
- For unpeeled Oak, deduct .04 per lin. ft.
- Heading, Pointing or Chamfering, 45' or under .25 per pile. Over 45' .40 per pile.
- For mixed orders of Pine and Cypress containing at least 25% Pine, the Cypress prices for the appropriate zone may be used and transportation may be computed using the Pine estimated weights.
- For Northern Pine Piling produced in Zones 1 and 8, the maximum prices and weights shown in Table 8 (c) shall apply.

TABLE 9.—YELLOW PINE ROUGH PEELD POLES, AMERICAN STANDARD ASSOCIATION SPECIFICATIONS, PRODUCED IN ZONES 2, 3, 4, 5, 6, AND 7

[Maximum prices and weights per pole. F. O. B. cars producer's loading-out point or dumped, boomed, rafted and prepared for towing in towable waters]

Length	Class	Weight per pole	Price per pole	
			Zones 5, 6 and 7	Zones 2, 3 and 4
16'	5	234	\$0.80	\$1.00
	6	202	.70	.90
	7	165	.55	.70
	8	188	.65	.80
	9	138	.55	.70
	10	110	.45	.60
18'	3	381	1.30	1.60
	4	325	1.15	1.45
	5	275	.95	1.20
	6	234	.85	1.05
	7	188	.75	.95
	8	211	.80	1.00
20'	9	151	.70	.90
	10	133	.60	.75
	1	710	2.00	2.50
	2	564	1.75	2.00
	3	467	1.50	1.90
	4	394	1.35	1.70
22'	5	330	1.15	1.45
	6	284	1.00	1.25
	7	234	.85	1.05
	8	261	.90	1.10
	9	202	.80	1.00
	10	161	.70	.90
24'	1	825	2.25	2.75
	2	674	2.00	2.50
	3	559	1.75	2.00
	4	463	1.60	1.90
	5	398	1.40	1.70
	6	336	1.25	1.50
25'	7	284	1.00	1.25
	8	307	1.15	1.45
	9	234	1.00	1.25
	10	188	.85	1.05
	1	990	3.00	3.50
	2	811	2.50	3.00
30'	3	674	2.25	2.75
	4	573	2.00	2.50
	5	491	1.75	2.00
	6	422	1.50	1.80
	7	344	1.25	1.50
	8	389	1.35	1.60
35'	9	289	1.10	1.40
	10	234	.90	1.10
	1	1,279	4.50	5.50
	2	1,082	3.75	4.50
	3	921	3.25	4.00
	4	784	3.00	3.50
40'	5	660	2.25	2.75
	6	550	2.00	2.50
	7	454	1.60	1.90
	8	513	1.75	2.00
	9	371	1.30	1.60
	10	1,568	5.50	6.50
45'	1	1,343	5.00	6.00
	2	1,155	4.25	5.00
	3	1,004	4.00	4.75
	4	862	3.25	4.00
	5	743	2.50	3.00
	6	646	2.25	2.75
50'	7	697	2.50	3.00
	8	1,884	7.50	9.00
	9	1,633	6.25	7.50
	10	1,403	5.75	7.00
	1	1,219	4.75	5.75
	2	1,059	4.00	4.75
55'	3	921	3.50	4.25
	4	807	3.00	3.50
	5	2,223	10.00	12.00
	6	1,911	8.25	10.00
	7	1,664	7.50	9.00
	8	1,444	6.25	7.50
60'	9	1,274	5.50	6.50
	10	1,114	4.75	5.75
	1	976	4.25	5.00
	2	2,585	12.25	13.50
	3	2,214	10.75	11.75
	4	1,925	9.00	10.00
65'	5	1,687	8.50	9.50
	6	1,494	7.00	7.75
	7	1,329	6.50	7.25
	8	1,169	5.50	6.00
	9	2,993	15.75	15.75
	10	2,567	14.00	14.00
70'	1	2,200	12.00	12.00
	2	1,934	11.00	11.00
	3	1,719	10.00	10.00
	4	1,563	8.25	8.25
	5	3,451	20.50	20.50
	6	2,943	17.50	17.50
75'	7	2,512	16.00	16.00
	8	2,186	15.00	15.00
	9	1,953	14.00	14.00
	10	1,801	13.00	13.00

TABLE 9.—YELLOW PINE ROUGH PEELD POLES, AMERICAN STANDARD ASSOCIATION SPECIFICATIONS, PRODUCTION IN ZONES 2, 3, 4, 5, 6, AND 7—Continued

[Maximum prices and weights per pole. F. O. B. cars producer's loading-out point or dumped, boomed, rafted and prepared for towing in towable waters]

Length	Class	Weight per pole	Price per pole	
			Zones 5, 6 and 7	Zones 2, 3 and 4
65'	1	4,015	\$26.25	\$26.25
	2	3,341	22.50	22.50
	3	2,814	20.50	20.50
	4	2,457	17.50	17.50
70'	5	2,237	16.50	16.50
	1	4,620	33.75	33.75
	2	3,781	28.25	28.25
	3	3,144	26.25	26.25
75'	4	2,732	23.50	23.50
	5	2,488	21.25	21.25
	1	5,198	42.50	42.50
	2	4,235	36.25	36.25
80'	3	3,506	31.75	31.75
	4	3,021	30.50	30.50

NOTES: Applying to Table 9.

- In all specified length groups below, the lengths will be evenly distributed.
- For any specification of pole other than those listed herein, the seller shall determine the size A. S. A. pole having the same or nearest larger circumference 6' from the butt. This price for an A. S. A. pole shall be the tentative price so determined for the specification pole to be priced. The tentative price so determined must be submitted to the Lumber Branch according to Section 11.
- For specified length groups, 6 or more consecutive lengths in 5 foot multiples. No addition.
- For specified length groups, of 4 or 5 consecutive lengths in 5 foot multiples add .005 per lin. ft.
- For specified length groups, of 3 consecutive lengths in 5 foot multiples add .01 per lin. ft.
- For specified length groups of 2 consecutive lengths in 5 foot multiples add .015 per lin. ft.
- For specified single length, add .02 per lin. ft.
- For random length orders where the purchaser specifies restricted loading, the seller may add 3/4 of the proper specified length addition above. Additions allowed by this footnote must be shown separately on invoices.
- For Clean Peeled Poles.
Class 1, 2, and 3 or top size equivalent, add .02 per lin. ft.
Class 4 to 10 inclusive or top size equivalent, add .01 per lin. ft.
- Unpeeled Poles.
Class 1, 2, and 3 or top size equivalent, deduct .02 per lin. ft.
Class 4 to 10 inclusive or top size equivalent, deduct .01 per lin. ft.
- Framing of Poles. For all poles up to 40' in length regardless of class or top, dimension .15 per pole.
For all poles 40' in length, Class 6 or top size equivalent and smaller, .15 per pole.
For all poles 40' in length, Class 5 or top size equivalent and larger, .30 per pole.
For all poles longer than 40' regardless of class or top dimension, .30 per pole.
For each additional gain, .06 per gain.
For each additional hole, .02 per hole.
- Continuous Slab Gain. An addition may be made for each 12' or part thereof of continuous slab gain not to exceed the charge for each "additional gain".
- Cut Back Allowances. When requirements of the buyer exceed the available supply of the seller, for one or more sizes or lengths of pole for delivery required, the seller may cut back the most similar size pole in the 5' longer length and may charge the maximum price for the size and length pole actually used. The additions for transportation, treatment, processing, etc., on such cut back poles, shall be those additions applicable to the size and length pole ordered by the buyer, plus an addition for inbound freight computed at the difference in estimated weights times the freight rate to the concentration yards. No addition may be made for the labor included in such cutting back operations. The seller shall keep a record of such sales and show this charge as separate item as on the invoices.

TABLE 10.—YELLOW PINE RE-INFORCING STUBS AND ANCHOR LOGS 14' AND SHORTER, MAXIMUM PRICES AND WEIGHTS PER LINEAL FOOT, PRODUCED IN ZONES 2, 3, 4, 5, 6, AND 7

[F. O. B. loading-out point or dumped, boomed, rafted and prepared for towing in towable waters]

Minimum diameter small end	Estimated weight	Maximum price	
		Zones 5, 6, and 7	Zones 2, 3, and 4
5'	13	\$0.05	\$0.06
6'	17	.06	.07
7'	22	.07	.08
8'	27	.08	.10
9'	33	.09	.11
10'	40	.12	.14
11'	47	.14	.17
12'	55	.16	.19
13'	63	.19	.22
14'	72	.22	.25
15'	82	.25	.28
16'	92	.28	.31

TABLE NO. 11.—MAXIMUM PRICES FOR NORTHERN WHITE CEDAR POLES PRODUCED IN ZONE 8 AND THAT PART OF ZONE 2 WHICH LIES IN THE STATE OF MICHIGAN. AMERICAN STANDARD ASSOCIATION SPECIFICATIONS FOR CLASS POLES. NORTHERN WHITE CEDAR ASSOCIATION SPECIFICATIONS FOR TOP DIAMETER POLES

[F. O. B. cars at the railroad loading-out point]

Length	Class	A. S. A. N. W. O. A. top diameter	Price	Weight
18'	6		1.65	190
	7		1.35	135
	8	6"	1.35	135
	9	5"	1.05	105
	10	4"	.80	85
	1		7.90	720
	2		5.65	600
	3		3.90	540
	4		3.50	350
	5		3.10	300
20'	6		2.85	230
	7		2.55	190
	8	6"	2.30	190
	9	5"	1.60	130
	10	4"	1.05	100
	1		7.90	720
	2		5.65	600
	3		3.90	540
	4		3.50	350
	5		3.10	300
22'	6		2.85	230
	7		2.55	190
	8	6"	2.30	190
	9	5"	1.60	130
	10	4"	1.05	100
	1		9.75	1,020
	2		7.90	780
	3		5.90	540
	4		5.10	500
	5		4.30	420
25'	6		3.65	300
	7		3.45	225
	8	6"	3.45	225
	9	5"	2.85	200
	10	4"	2.10	150
	1		9.75	1,020
	2		7.90	780
	3		5.90	540
	4		5.10	500
	5		4.30	420
30'	6		3.65	300
	7		3.45	250
	8	6"	3.45	250
	9	5"	2.85	200
	10	4"	2.10	150
	1		12.00	1,320
	2		10.85	1,170
	3		8.75	870
	4		7.15	630
	5		6.20	520
6		6.00	420	
35'	7		5.45	350
	8	6"	5.15	350
	9	5"	4.05	275
	1		14.00	1,620
	2		12.65	1,380
	3		10.65	1,060
	4		10.35	820
	5		9.85	720
6		8.20	510	
7		7.50	450	

TABLE NO. 11.—MAXIMUM PRICES FOR NORTHERN WHITE CEDAR POLES PRODUCED IN ZONE 1 AND THAT PART OF ZONE 2 WHICH LIES IN THE STATE OF MICHIGAN, AMERICAN STANDARD ASSOCIATION SPECIFICATIONS FOR CLASS POLES. NORTHERN WHITE CEDAR ASSOCIATION SPECIFICATIONS FOR TOP DIAMETER POLES—Continued

A. S. A.		N. W. C. A. top diameter	Price	Weight
Length	Class			
40'	1		14.85	2,040
	2		13.70	1,675
	3		12.45	1,280
	4		11.55	1,020
	5		10.65	790
45'	6		9.25	740
	1		18.00	2,640
	2		14.55	1,970
	3		13.55	1,535
	4		12.40	1,215
50'	5		12.20	1,080
	1		20.00	3,200
	2		17.00	2,640
	3		14.30	1,860
	4		13.85	1,470
55'	5		12.75	1,380
	1		24.00	3,800
	2		19.10	2,980
	3		16.75	2,280
	4		15.25	1,620
60'	5		15.00	1,500
	1		29.00	4,500
	2		24.50	3,460
	3		19.60	2,640
	4		17.60	2,200

NOTE 1.—On all sales of White Cedar Poles produced in Zones 1 and 2 excluding that portion of the State of Michigan in Zone 2, the maximum prices in this table may be increased 15%.

NOTES: Applying to Table 11

- Piling.** The maximum price for Northern White Cedar piling shall be the price for the closest equivalent A. S. A. size pole in the same length.
- Cut Back Allowance.** When requirements of the buyer exceed the available supply of the seller, for one or more classes or lengths of poles for delivery required, the seller may cut back the most similar Class pole in the five foot longer length and may charge the maximum price for the class and length pole actually used. The additions for transportation, treatment, processing, etc., on such cut-back poles, shall be those additions applicable to the class and length pole ordered by the buyer, plus an addition for inbound freight computed at the difference in estimated weights times the freight rate to the concentration yards. No addition may be made for the labor in such cutting back operations. The seller shall keep a record of such sales and show this charge as a separate item on the invoice.
- Inspection Service.** On shipments where the buyer requests special inspection service, furnished by an independent inspection agency, an addition may be made to cover the actual cost of such service. This charge shall be shown separately on the invoice.
- Less than carload sales.** On orders to established concentration, distribution, or treating plant yards for less than carload minimum weight as established by railroad tariffs, and where the invoice value of the poles ordered does not exceed \$275.00 for white poles when computed at the maximum prices in this regulation, the seller may make a service charge addition of not more than 10% of the total invoice value of the treated or untreated pole not including transportation but including the treating and processing additions provided in Table 11 (a). The seller shall keep a record of such sales and show this charge as a separate item on the invoice.
- Specifications Not Priced.** For any specifications of treating or processing not priced in this table a maximum price addition may be determined in accordance with Section 11.

TABLE NO. 11 (a)—MAXIMUM PRICE ADDITIONS TO POLE PRICES FOR TREATING AND PROCESSING NORTHERN WHITE CEDAR POLES

Length	A. S. A. Class	N. W. C. A. top diameter	Butt treatment			Full length creosote or other preservative. No butt treatment	Roof only	Roof and one gain	Each additional gain	Staining or painting	Hand or machine shave	
			"A. A."	"B"	Inclosed with 3/4" pentrex creosote							
16'	5		\$0.52	\$0.91	\$1.16	\$1.20	\$0.15	\$0.20	\$0.08	\$1.10	\$0.70	
	6		.52	.91	1.06	1.00	.15	.20	.08	.95	.60	
	7		.37	.63	.80	.70	.15	.20	.08	.95	.55	
	8	6"	.37	.63	.80	.70	.15	.20	.08	.95	.55	
	9	5"	.30	.49	.60	.50	.10	.20	.08	.85	.40	
	10	4"	.26	.42	.52	.45	.10	.20	.08	.85	.35	
	18'	1		1.45	2.50	3.20	2.40	.20	.30	.08	1.50	1.00
		2		1.23	2.31	3.19	2.10	.20	.30	.08	1.50	1.00
		3		.94	1.75	2.24	1.75	.20	.30	.08	1.45	.90
		4		.71	1.15	1.48	1.60	.15	.25	.08	1.30	.80
5			.61	1.03	1.32	1.35	.15	.25	.08	1.20	.70	
6			.52	.91	1.16	1.20	.15	.20	.08	1.05	.60	
7			.52	.70	.88	1.00	.15	.20	.08	1.05	.60	
8		6"	.49	.70	.88	1.00	.15	.20	.08	1.05	.60	
9		5"	.37	.63	.80	.85	.10	.20	.08	1.00	.50	
10		4"	.30	.52	.64	.75	.10	.20	.08	.75	.40	
20'	1		1.45	2.50	3.20	2.60	.20	.30	.08	1.50	1.00	
	2		1.23	2.31	3.19	2.25	.20	.30	.08	1.50	1.00	
	3		.94	1.75	2.24	1.90	.20	.30	.08	1.45	.90	
	4		.80	1.39	1.78	1.60	.15	.25	.08	1.30	.80	
	5		.71	1.15	1.48	1.35	.15	.20	.08	1.20	.70	
	6		.61	1.03	1.32	1.20	.15	.20	.08	1.05	.60	
	7		.52	.91	1.16	1.00	.15	.20	.08	1.05	.60	
	8	6"	.52	.70	.88	1.00	.15	.20	.08	1.05	.60	
	9	5"	.45	.77	.96	1.00	.15	.20	.08	1.00	.50	
	10	4"	.34	.66	.84	.85	.10	.20	.08	.75	.40	
22'	1		2.00	3.35	4.25	3.25	.25	.35	.08	1.75	1.25	
	2		1.66	2.67	3.41	2.80	.25	.30	.08	1.60	1.10	
	3		1.12	2.10	2.90	2.60	.25	.30	.08	1.45	.90	
	4		1.05	1.99	2.70	2.50	.20	.25	.08	1.30	.80	
	5		.94	1.75	2.24	2.10	.20	.20	.08	1.20	.70	
	6		.79	1.40	1.80	1.60	.15	.20	.08	1.10	.60	
	7		.79	1.40	1.80	1.60	.15	.20	.08	1.05	.60	
	8	6"	.79	1.40	1.80	1.60	.15	.20	.08	1.05	.60	
	9	5"	.52	.98	1.24	1.60	.15	.20	.08	1.05	.60	
	10	4"	.45	.77	.96	1.10	.15	.20	.08	1.00	.50	
25'	1		2.00	3.35	4.25	.85	.15	.20	.08	.75	.40	
	2		1.66	2.67	3.41	3.25	.25	.35	.08	1.75	1.25	
	3		1.22	2.22	2.89	2.80	.25	.30	.08	1.60	1.10	
	4		1.08	2.03	2.77	2.60	.25	.30	.08	1.45	.90	
	5		.94	1.75	2.24	2.50	.20	.25	.08	1.30	.80	
	6		.79	1.40	1.80	2.10	.20	.20	.08	1.20	.70	
	7		.79	1.40	1.80	1.60	.15	.20	.08	1.10	.60	
	8	6"	.79	1.40	1.80	1.60	.15	.20	.08	1.05	.60	
	9	5"	.52	.98	1.24	1.60	.15	.20	.08	1.05	.60	
	10	4"	.45	.77	.96	1.10	.15	.20	.08	1.00	.50	

TABLE NO. 11 (a)—MAXIMUM PRICE ADDITIONS TO POLE PRICES FOR TREATING AND PROCESSING NORTHERN WHITE CEDAR POLES—Continued

A. S. A.	Length	Glass	Butt treatment			Full length creosote or other preservative. No butt treatment	Roof only	Roof and one gain	Each additional gain	Staining or painting	Hand or machine shave
			"A. A."	"B"	Incised with 1/4" pentrex creosote						
30'	1		\$2.45	\$4.20	\$5.30	\$4.25	\$0.30	\$0.40	\$0.08	\$1.00	\$1.40
	2		2.23	3.78	4.78	3.75	.30	.35	.08	1.80	1.30
	3		1.73	2.96	3.73	3.35	.25	.35	.08	1.65	1.15
	4		1.35	2.40	3.05	2.75	.20	.30	.08	1.45	.95
	5		1.25	2.30	2.90	2.60	.20	.25	.08	1.35	.90
	6		.95	1.90	2.40	2.15	.20	.25	.08	1.25	.80
	7		.95	1.90	2.40	2.15	.20	.25	.08	1.20	.75
	8	6"	.95	1.90	2.40	2.15	.20	.25	.08	1.15	.65
	9	5"	.95	1.45	1.90	1.70	.20	.25	.08	1.05	.55
35'	1		3.15	5.25	6.50	5.00	.35	.45	.08	2.10	1.50
	2		2.45	4.20	5.30	4.40	.35	.40	.08	1.95	1.40
	3		2.05	3.40	4.40	3.95	.30	.35	.08	1.80	1.30
	4		1.75	2.76	3.51	3.15	.25	.30	.08	1.70	1.20
	5		1.35	2.50	3.20	2.90	.25	.30	.08	1.60	1.10
	6		1.35	2.30	2.90	2.60	.20	.25	.08	1.55	.95
	7		1.20	2.10	2.65	2.40	.20	.25	.08	1.50	.90
	8		4.95	6.70	8.40	7.00	.35	.45	.11	2.25	1.60
	9		3.30	5.45	7.05	6.31	.35	.45	.11	2.15	1.50
40'	1		2.60	4.00	5.05	4.55	.30	.35	.11	1.95	1.40
	2		2.25	3.85	4.25	3.70	.25	.30	.11	1.85	1.35
	3		2.10	3.15	4.05	3.65	.25	.30	.11	1.75	1.25
	4		1.70	2.75	3.45	3.10	.25	.30	.11	1.65	1.20
	5		1.65	2.50	3.20	2.90	.25	.30	.11	1.60	1.15
	6		1.50	2.30	2.90	2.60	.20	.25	.11	1.55	1.10
	7		4.80	6.50	8.20	7.00	.40	.50	.11	2.35	1.85
	8		3.55	5.10	6.80	5.70	.35	.45	.11	2.15	1.65
	9		2.70	3.90	4.75	4.15	.35	.40	.11	2.05	1.40
45'	1		2.45	3.55	4.45	3.85	.35	.40	.11	2.00	1.40
	2		6.30	9.35	11.75	9.50	.40	.55	.11	2.60	2.00
	3		5.40	7.90	9.95	8.25	.40	.50	.11	2.50	1.90
	4		4.80	6.35	8.10	7.50	.35	.45	.11	2.30	1.65
	5		4.45	5.90	7.45	7.15	.35	.40	.11	2.25	1.60
	6		4.25	5.60	7.05	6.25	.35	.40	.11	2.10	1.50
	7		7.25	10.75	13.45	11.40	.45	.55	.11	2.80	2.25
	8		6.10	9.00	11.50	10.25	.45	.50	.11	2.65	2.05
	9		5.35	7.35	9.25	8.25	.35	.45	.11	2.45	1.80
50'	1		5.15	6.60	8.30	8.25	.85	.45	.11	2.40	1.75
	2		4.70	6.30	8.00	7.40	.35	.45	.11	2.30	1.65
	3		8.00	11.85	14.80	12.50	.40	.55	.11	3.00	2.50
	4		6.80	10.05	12.60	11.00	.40	.50	.11	2.75	2.20
	5		6.30	9.35	11.75	9.75	.35	.45	.11	2.60	2.00
	6		5.85	8.65	10.90	9.00	.35	.45	.11	2.50	1.90
	7										
	8										
	9										

* If the buyer does not require incising with this type of treatment deduct 5% from this price.

GENERAL NOTES

1. Bolt Holes and Step Holes. For the first boring in any plane of a pole add \$0.05. For each additional boring in the same plane add \$0.03.
2. Continuous Slab Gain. An addition may be made for each 12" or part thereof of continuous slab gain not to exceed the charge for "Each Additional Gain" above.

This regulation shall become effective September 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 21st day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15431; Filed, September 21, 1943; 4:37 p. m.]

PART 1426—WOOD PRESERVATION AND PRIMARY FOREST PRODUCTS

[Rev. MPR 218, Amdt. 6]

EASTERN INDUSTRIAL BLOCKING

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. 218 is amended in the following respects:

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

¹ 7 F.R. 9824; 8 F.R. 493, 1028, 2887, 2693, 6362.

1. The title is amended to read as set forth above.

2. The words "wooden mine materials and" or "wooden mine materials or" are deleted wherever they appear in the preamble and the following portions of the regulation, to wit: § 1426.51; § 1426.52; § 1426.59 (a); § 1426.60 (d); § 1426.61; § 1423.62 (b).

3. The second undesignated paragraph of § 1426.52 (b) is deleted.

4. Section 1426.53 is amended to read as follows:

§ 1426.53 *Maximum prices.* The maximum prices for Eastern industrial blocking are f. o. b. the railroad loading-out point nearest to the mill in the direction of the normal route of shipment to destination.

Industrial blocking (mixed oak and hardwoods):	Per M'BM
All sizes up to and including 6" x 7".....	\$29.00
All sizes 6" x 8" and larger.....	81.00
When buyer specifies shorter than 3' add.....	3.00

5. Section 1426.54 (a) is amended to read as follows:

§ 1426.54 *How to figure delivered prices—(a) General.* The transportation additions set forth below may be added to the maximum f. o. b. railroad

loading-out point prices listed in the preceding section.

6. Section 1426.54 (b) (1) is amended by deleting the last sentence.

7. Section 1426.54 (b) (3) is amended by deleting the item "mixed hardwoods mine material" and the corresponding weights.

8. Paragraph (c) of § 1426.55 is deleted.

9. Section 1426.57 is amended by the deletion of the words "ties, switch ties, cross bars, cribbing blocks, post caps, wedges, car lumber, or pit posts, used in mines, or of" from the first undesignated paragraph.

10. Section 1426.57 is amended by the substitution of the following sentence for the second sentence of the second undesignated paragraph. "The yardstick for industrial blocking is 4" x 4" industrial blocking".

This amendment shall become effective September 27, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15436; Filed, September 21, 1943; 4:34 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 30]

GLASS CLOTH

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

Section 6.23 is added to read as follows:

SEC. 6.23. *Modification of maximum prices for jobbers and retailers of glass cloth—(a) Sales by jobbers.* On and after September 27, 1943, the maximum price for the sale of glass cloth by jobbers shall not be more than the actual cost of such cloth (figured at prices not higher than the maximum prices permitted by Maximum Price Regulation No. 127¹ (Finished Piece Goods), plus a mark-up over such cost of 33½ percent.

(b) *Sales by retailers except mail order houses.* (1) On and after September 27, 1943, the maximum price for the sale of glass cloth by retailers except mail order houses shall not be more than the actual cost of such glass cloth (figured at prices not higher than those permitted by the applicable maximum price regulation), plus a mark-up over cost of 50 percent.

(2) *Sales by mail order houses.* On and after September 27, 1943, the maximum price for the sale of glass cloth by mail order houses shall not be more than the maximum price permitted under the provisions of the General Maximum Price Regulation.²

¹ 8 F.R. 3057, 4851, 6181, 9023.

² 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991, 11955.

(c) *Definitions.* For the purpose of this amendment the term

(1) "Glass cloth" means fabrics coated or impregnated with paraffin wax or similar substance, and used as a substitute for glass.

(2) "Jobber" means any person who buys glass cloth direct from the manufacturer for resale to retail stores.

(3) "Retailer" means any person who maintains a store or similar establishment and sells primarily to the ultimate consumer.

This amendment shall become effective September 27, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of September 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-15434; Filed, September 21, 1943; 4:33 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426, Amdt. 8]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT 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.*

Maximum Price Regulation No. 426 is amended in the following respects:

1. Section 8 (a) (7) is amended to read as follows:

(7) "Freight from basing point to wholesale receiving point" or "freight from shipping point to wholesale receiving point" means the cost per package for transportation by the cheapest customary and generally available means. Freight shall not include the cost of refrigeration or other protective services or local cartage or unloading; but the transportation tax imposed by section 620 of the Revenue Act of 1942 may be included to the principal mar-

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

¹ 8 F.R. 9546, 9568, 9727, 10571, 10673, 11589, 11691, 11756.

4. Appendix F, entitled "Maximum Prices for California Juice Grapes" is added to Article III, section 15, to read as set forth below:

APPENDIX F: MAXIMUM PRICES FOR CALIFORNIA JUICE GRAPES^{1 2}

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8
Item No.	Type, variety, style of pack, etc.	Unit	Season	Maximum price f. o. b. shipping point for shipments out of California. ⁴	Basing point	Maximum prices at any wholesale receiving point for carlot or trucklot sales. ³	Maximum prices for less than carlot or less than trucklot sales, except at shipping point, to any person except ultimate consumers. ⁴
1	Juice grapes in lug boxes with a minimum net weight of 36 pounds for shipment out of California.	Lug box....	1943 shipping season.	\$1.40	Bakersfield, California.	\$1.60 (basing point price) plus freight from basing point to wholesale receiving point.	Maximum price for carlot or trucklot sales (Col. 7) plus 36 cents.
2	Juice grapes in containers other than lug boxes with a minimum net weight of 36 pounds for shipment out of California.	Pound....	1943 shipping season.	.04	Bakersfield, California.	Maximum price above (item 1) divided by 36.	Maximum price for carlot or trucklot sales (Col. 7) plus 1 cent per pound.
3	Juice grapes in any container sold in the state of California for resale and consumption in California.	Pound....	1943 shipping season.	None	None.....	4.0 cents per pound.....	5.0 cents per pound.

See footnotes on following page.

kets. This freight rate factor will ordinarily be based on the railroad carlot rate from the basing point or f. o. b. shipping point to the smaller markets. It may be based on the railroad carlot rate from the basing point or the f. o. b. shipping point to a large city near such smaller market plus the less-than-carlot rate from the larger city to the smaller market. For example, if a carlot of lettuce is shipped from Salinas, California to Denver, Colorado, part of which is intended for Pueblo, Colorado, the freight factor in this instance would be the railroad carlot rate to Denver plus the less-than-carlot rate from Denver to Pueblo. In other cases, the customary truck rate from the larger to the smaller city would be used. In still other instances, the freight factor at two smaller markets might be the same based upon the railroad carlot rate to the market more distant from the basing point plus the published charge of the rail carriers for storage in transit or for partial unloading.

For carlot or trucklot sales to any wholesale receiving point the maximum price shall not exceed the applicable basing point or f. o. b. shipping point price plus the applicable freight (using the most direct method of transportation available) from the basing point or shipping point to that wholesale receiving point.

Regional offices of the Office of Price Administration or such offices as may be authorized by the appropriate regional offices shall determine the cheapest method of transportation which is customary and generally available from basing points into each market, and shall compute the freight to be used for each market within its jurisdiction.

2. The head-notes of section 15, Appendix B (a) (1) and (3) are amended and a new subparagraph (6) is added to read as set forth below:

(1) *Table 1—Maximum prices for sales to any person except ultimate consumers, in less than carlots or less than trucklots as determined by freight rates from basing point market for the period December 1 to May 31, inclusive.* (See examples for use of following table.)

(3) *Maximum prices for sales to any person, except ultimate consumers, in less than carlots or less than trucklots in*

all markets in the United States for the period June 1 to November 30.

(6) On sales of cabbage to Government procurement agencies, the maximum price shall be the prices listed in the table above for Zone I, II and III plus the amount by which the actual freight from the shipping point to the customary receiving point of the Government purchaser exceeds the following amounts:

Zone I—\$1.00 per cwt.
Zone II—80¢ per cwt.
Zone III—45¢ per cwt.

3. Appendix E, entitled "Maximum Prices for Concord Grapes", is added to Article III, section 15, to read as set forth below:

APPENDIX E: MAXIMUM PRICES FOR CONCORD GRAPES^{1 2}

Table 1. Maximum prices for sales to all persons, other than ultimate consumers.¹ Prices include transportation, protective services and all other charges.⁴

Col. 1	Col. 2	Col. 3
State	Sales in carlot or trucklot quantities	Sales in less-than-carlot or less-than-trucklot quantities
	Cents per pound	Cents per pound
Zone I: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, West Virginia, Virginia, District of Columbia, North Carolina, South Carolina, Tennessee, Mississippi, Alabama, Georgia, Florida.....	4.5	5.0
Zone II: Wisconsin, Illinois, Michigan, Ohio, Indiana, Kentucky.....	4.0	4.5
Zone III: All other States except Washington, Oregon, Nevada and California.....	3.75	4.25
Zone IV: Washington, Oregon, Nevada, California.....	3.5	4.0

¹ If a grower makes a sale to an ultimate consumer, his ceiling price shall be 7¢ per pound in Zone I, 6.5¢ per pound in Zone II, 6¢ per pound in Zone III and 5.5¢ per pound in Zone IV.

² Concord grapes includes any and all strains of Concord type grapes of the purple slipskin varieties, including, for example, Concord, Cottage, Eaton, Hartford, Hicks, Rockwood, Ives and Worden.

³ Includes wholesalers and retailers, among others. Sales to institutional users are also covered. Sales to commercial and industrial users are covered by Maximum Price Regulation No. 425.

⁴ In each case, the amount paid by the buyer for freight and all other charges plus the amount paid by the buyer to the seller shall not exceed the prices named above.

¹ If a grower makes a sale to an ultimate consumer, the maximum price for such sale shall be the ceiling price established under Col. 7 above for the particular market where such a sale is being made by the grower, multiplied by 1.40.

NOTE: The maximum prices at wholesale receiving points established in this appendix are intended to operate on the same basis as those set forth in Appendix D of this section for sales of table grapes. The examples and explanations of the operation of the regulation with respect to establishing prices at wholesale receiving points set forth in Appendix A, apply to the maximum prices for California juice grapes.

² Includes the following varieties: Alicante, Aramon, Barberone, Burger, Burgundy, Carignane, Chianti, Cinsaut, Gregano, Grenache, Juice Malagas, Malvoisie, Mataro, Mission, Muscat, Petite Bouschet, Petite Sirah, Valdepena, Zinfandel.

³ Basing point price is to be used in determining the maximum price delivered at any wholesale receiving point for carlot or trucklot sales. Difference between maximum price f. o. b. shipping point and basing point price is the allowance for protective services and risk in transit. Maximum prices f. o. b. shipping point apply only to sales for shipment out of California. Sales of California juice grapes to commercial wineries for crushing for wine or brandy within California are not subject to the provisions of this appendix.

⁴ No grower or shipper may receive more than the maximum price stated in Col. 5 for f. o. b. sales out of California or the maximum prices stated in Col. 7 for delivered sales. No grower or shipper may receive any part of the wholesale spread of 36¢ provided in Col. 8 above.

⁵ The first person who breaks a carlot or trucklot for sale at auction or at private sale, shall not take more than 15¢ per 36-pound lug out of the wholesale spread of 36¢ provided in Col. 8, unless such person shall have sold and delivered to the premises of the retailer (or institutional user or government agency) where sale or transfer is to be made to ultimate consumers. All expenses of the auction sale shall be taken out of the 15¢ herein provided.

⁶ Includes wholesalers and retailers, among others. Sales to institutional users are also covered. Sales to commercial and industrial users are covered by Maximum Price Regulation No. 425.

This amendment shall become effective September 29, 1943, except that for California juice grapes the f. o. b. shipping point prices shall become effective September 24, 1943 and all other prices with respect to California juice grapes shall become effective October 9, 1943. Any regional office or such district office of the Office of Price Administration as may be authorized by the appropriate regional office may, by order, extend the effective date of this amendment with respect to the maximum prices for sales by any individual receiving a carlot of merchandise at a wholesale receiving point who (a) exhibits a bill of lading showing that the carlot was actually shipped prior to September 24, 1943 and (b) shows that he cannot dispose of the merchandise prior to October 9, 1943. The effective date may be extended only to such date that will permit the individual sufficient time in which to dispose of the merchandise, but in no event shall the effective date be extended beyond September 30, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of September 1943.

GEORGE J. BURKE,
Acting Administrator.

Approved: September 20, 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-15432; Filed, September 21, 1943; 4:32 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 425, Amdt. 2]

FRESH FRUITS, BERRIES AND VEGETABLES FOR PROCESSING

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. 425 is amended in the following respects:

1. Section 3 is amended by adding to the list of maximum prices for fresh fruits sold for processing the following:

*Copies may be obtained from the Office of Price Administration.
1 8 F.R. 9303, 9879.

Grapes, Concord (Concord grapes means and includes any and all strains of Concord type grapes of the purple slipskin varieties, including but not limited to Concord, Cottage, Eaton, Hartford, Hicks, Rockwood, Ives and Worden):

	Dollars per ton
New York.....	85
Pennsylvania.....	85
Ohio.....	85
Michigan.....	75
Washington.....	45

2. A new section 5 is added to read as follows:

5. List of maximum prices f. o. b. shipping point for sales to processors.

Grapes, California Juice means and includes only the following varieties: Alicante, Aramon, Barberone, Burger, Burgundy, Carignane, Chianti, Cinsaut, Gregano, Grenache, Juice Malagas, Malvoisie, Mataro, Mission, Muscat, Petite Bouschet, Petite Sirah, Valdepena, Zinfandel.

1. Juice grapes in lug boxes with a minimum net weight of 36 pounds for shipment out of California, \$1.40 per lug f. o. b. shipping point.
2. Juice grapes in containers other than lug boxes with a minimum net weight of 36 pounds for shipment out of California, 4.0 cents per pound f. o. b. shipping point.

For sales delivered to the processor's plant the maximum price shall not exceed the maximum price f. o. b. shipping point stated above plus actual transportation and protective service costs.

This amendment shall become effective September 24, 1943. Any regional office or such district office of the Office of Price Administration as may be authorized by the appropriate regional office may, by order, extend the effective date of this Amendment No. 2 for sales by a seller at a wholesale receiving point who (a) exhibits a bill of lading showing that the carlot was actually shipped prior to September 24, 1943 and (b) shows that he cannot dispose of the merchandise prior to September 24, 1943. The effective date may be extended only to such date that will permit the individual sufficient time in which to dispose of the merchandise, but in no event shall the effective date be extended beyond September 30, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of September 1943.

GEORGE J. BURKE,
Acting Administrator.

Approved: September 20, 1943.

MARVIN JONES,
War Food Administration.

[F. R. Doc. 43-15433; Filed, September 21, 1943; 4:32 p. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service

PART 2—GENERAL RULES AND REGULATIONS

FEES FOR VANDERBILT MANSION NATIONAL HISTORICAL SITE

Pursuant to the authority contained in the act of August 25, 1916 (39 Stat. 535), and the act of August 21, 1935 (49 Stat. 666), § 2.55 (i) (2), Title 36, Chapter I, Code of Federal Regulations, is amended by adding the following to the fee provision for Vanderbilt Mansion National Historic Site:

Combined fee for Mansion and Franklin D. Roosevelt Library..... \$0.36

Issued this 14th day of September 1943.

[SEAL] MICHAEL W. STRAUS,
First Assistant Secretary
of the Interior.

[F. R. Doc. 43-15425; Filed, September 21, 1943; 2:46 p. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

VESSELS ENGAGED IN BUSINESS CONNECTED WITH THE CONDUCT OF THE WAR AND MANNED BY MILITARY PERSONNEL

WAIVER OF NAVIGATION AND VESSEL INSPECTION LAWS

The Acting Secretary of the Navy having by order dated 1 October, 1942 (7 F.R. 7979), waived compliance with the Navigation and Vessel Inspection laws administered by the United States Coast Guard, in the case of any vessel engaged in business connected with the conduct of the war, to the extent and in the manner that the Commandant, United States Coast Guard, shall find to be necessary in the conduct of the war; and

It appearing upon investigation that the efficient prosecution of the war would be impeded by the application to certain vessels manned by the land and naval forces of the United States of certain Navigation and Vessel Inspection laws which are not applicable to public vessels of the United States;

Now therefore, I hereby find it to be necessary in the conduct of the war that there be waived compliance with the Navigation and Vessel Inspection laws administered by the United States Coast Guard to the following extent and in the following manner:

Any Navigation and Vessel Inspection law administered by the United States Coast Guard which is not applicable to a public vessel of the United States (within the meaning of that phrase as used in R. S. 4400) shall not be applicable to any vessel owned by or under bareboat charter to the United States, if (a) such vessel is manned exclusively by members of the land or naval forces of the United States, and (b) such vessel is engaged primarily in public, as distinguished from commercial, service.

Date: September 21, 1943.

R. R. WAESCHE,
Commandant.

[F. R. Doc. 43-15419; Filed, September 21, 1943; 1:37 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Coal Mines Administration.

[Order No. T-53]

H. & C. COAL CO., ET AL.

ORDER TERMINATING GOVERNMENT POSSESSION AND CONTROL

SEPTEMBER 20, 1943.

On May 1, 1943, by virtue of the authority vested in me by the President of the United States, I signed Orders Nos. 1809 and 1810 (8 F.R. 5767), taking possession of anthracite and bituminous coal mines in which I found from the available information that a strike or stoppage had occurred or was threatened. Since May 1, 1943, operations at the coal mines of the mining companies listed in Appendix A, which were included in the aforesaid orders, have ceased, and the companies are no longer engaged in producing coal at mines under Government possession and control. It is unnecessary to retain possession of the aforesaid coal mines.

Accordingly, I order and direct that possession and control by the Government of the mines of the mining companies listed in Appendix A, attached hereto and made a part hereof, including any and all real and personal property, franchises, rights, facilities, funds, and other assets used in connection with the operation of such mines and the distribution and sale of their products, be, and they are hereby, terminated and that there be conspicuously displayed at the mining properties copies of a poster to be supplied by the Coal Mines Administration and reading as follows:

NOTICE: Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

Provided, however, That nothing contained herein shall be deemed to preclude the Administrator from requiring the submission of information relating to the coal mines during the period of Government possession and control as provided in section 40 of the Regulations for the Operation of Coal Mines Under Government Control, as amended (8 F.R. 6655, 10712, 11344), for the purposes of ascertaining the existence and amount of any

claims against the United States so that the administration of the provisions of Executive Order No. 9340 (8 F.R. 5695) may be concluded in an orderly manner; And provided further, That except as otherwise ordered, the appointments of the Operating Managers for the mines of the companies listed in Appendix A shall continue in effect.

HAROLD L. ICKES,
Secretary of the Interior.

APPENDIX A

Name of Mining Company and Address

H. & C. Coal Company, Amigo, West Virginia, Blue Eagle Coal Company (B. F. McGlothlin), Swords Creek, Virginia, Pennsylvania Coal Company, The (Myers Nobel), Cray Law Building, Uniontown, Pennsylvania, Riddlesburg Coal and Iron Company, The, Riddlesburg, Pennsylvania. Steve Mrozek, R. F. D. #4, Box 33, Uniontown, Pennsylvania.

[F. R. Doc. 43-15442; Filed, September 22, 1943; 9:40 a. m.]

[Order No. T-54]

AMHERST COAL CO. AND LOGAN COUNTY COAL CORP.

ORDER TERMINATING GOVERNMENT POSSESSION AND CONTROL

SEPTEMBER 20, 1943.

The Operating Managers for the United States for the coal mines of the mining companies listed in Appendix A have advised the Coal Mines Administrator that the productive efficiency of each of those mines prevailing prior to the taking of possession by the Government has been restored, and have submitted factual evidence to that effect. Based on such evidence and advice, and after consideration of all the circumstances, I find that, in accordance with the provisions of the War Labor Disputes Act of June 25, 1943 (Pub. No. 89, 78th Cong. 1st Sess.), the possession and control by the Government of such mines should be terminated.

Accordingly, I order and direct that possession and control by the Government of the mines of the mining companies listed in Appendix A, attached hereto and made a part hereof, including any and all real and personal property, franchises, rights, facilities, funds, and other assets used in connection with the operation of such mines and the distribution and sale of their products, be, and they are hereby, terminated and that there be conspicuously displayed at the mining properties copies of a poster to be supplied by the Coal Mines Administration and reading as follows:

NOTICE: Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

Provided, however, That nothing contained herein shall be deemed to preclude the Administrator from requiring the submission of information relating to operations during the period of Government possession and control as provided in section 40 of the Regulations for the Operation of Coal Mines under Govern-

ment Control, as amended (8 F.R. 6655, 10712), for the purpose of ascertaining the existence and amount of any claims against the United States so that the administration of the provisions of Executive Order No. 9340 (8 F.R. 5695) may be concluded in an orderly manner; And provided further, That except as otherwise ordered, the appointments of the Operating Managers for the mines of the companies listed in Appendix A shall continue in effect.

HAROLD L. ICKES,
Secretary of the Interior.

APPENDIX A

Name of Mining Company and Address

Amherst Coal Company, Charleston, West Virginia, Logan County Coal Corporation, Charleston, West Virginia.

[F. R. Doc. 43-15443; Filed, September 22, 1943; 9:41 a. m.]

[Order No. T-55]

THE BIRMINGHAM WATER WORKS CO., ET AL.

ORDER TERMINATING APPOINTMENT OF OPERATING MANAGERS

Orders have been issued terminating Government possession and control of the coal mines for which the persons listed in Appendix A have served as Operating Managers for the United States, and the mining companies have duly executed and delivered to the Administrator, Instrument No. 1, as provided in section 40 of the Regulations for the Operation of Coal Mines under Government Control, as amended (8 F.R. 6655, 10712).

Accordingly, I hereby order and direct that the appointments of the Operating Managers for the United States listed in Appendix A, attached hereto and made a part hereof, be, and they are hereby, terminated.

HAROLD L. ICKES,
Secretary of the Interior.

APPENDIX A

Name of Operating Manager and Name of Mining Company

Alfred O. Norris, The Birmingham Water Works Company, Birmingham, Alabama. E. C. Morgan, Black Creek Coal & Coke Co., Trafford, Alabama. Dragon Duranovich, Boggs Run Mining Company, Wheeling, West Virginia. Wm. J. Clothier, Boone County Coal Corporation, Philadelphia, Pennsylvania. J. J. Schneider, Christie Coal Company, Beaver Falls, Pennsylvania. Francis Colitz, Colitz Coal Co., Inc., Pottsville, Pennsylvania. S. L. Bastin, Elkhorn Coal Company, Inc., Kona, Kentucky. B. B. Holt, Fort Hartford Coal Co., Hartford, Kentucky. Jos. L. Osler, Fox Ridge Mining Company, Inc., Pineville, Kentucky. Edwin A. Jones, Globe Iron Company, Jackson, Ohio. Mrs. L. S. Goode, Goode Coal Co., London, Kentucky. E. L. Michie, Kanawha & New River Barge & Rail Coal Mines, Inc., Crown Hill, West Virginia. E. E. Jones, Lamar Colliery Company, Bluefield, West Virginia. Priestly Toulmin, Jr., Lehigh Coal Co., Trafford, Alabama. Robt. B. Marshall, The Marshall Mining Co., Youngstown, Ohio. C. E. Peterson, Peterson Coal Company, Deerfield, Ohio. Thos. G. Price, Pikeville Coal Company, Pikeville, Kentucky. W. J. Eaton, Pine Hollow Coal Co., Columbiana, Ohio. Kenneth A. Spencer, The Pittsburg & Midway Coal Mining Company, Kansas City, Missouri. Charles Pompey, Pompey Coal Company, Jes-

sup, Pennsylvania. Andrew O. B. Hogue, Princess Dorothy Coal Company, Charleston, West Virginia. Leo J. Ritter, Ritter Coal Company, Du Quoin, Illinois. Edward Ogillett, R. & O. Coal Company, New Castle, Pennsylvania. C. W. Craig, Ruthbell Coal Co., Kingwood, West Virginia. Chas. W. Alley, Sandy Valley Coal Co., Prestonsburg, Kentucky. E. J. Payne, The Snap Creek Coal Co., Logan, West Virginia. Geo. A. Wallace, Wallace Coal Company, Marion, Illinois. G. E. Bailey, Wendel Coal Company, Wendel, West Virginia. E. E. Jones, Winding Gulf Collieries, Bluefield, West Virginia. W. S. Wood, Wood Coal Company, Charleston, West Virginia. Thomas H. Green, Zion Coal Co., Inc., Henderson, Kentucky.

[F. R. Doc. 43-15444; Filed, September 22, 1943; 9:40 a. m.]

[Order No. T-56]

A AND A COAL CO., ET AL.

ORDER TERMINATING APPOINTMENT OF
OPERATING MANAGERS

SEPTEMBER 20, 1943.

Orders have been issued terminating Government possession and control of the coal mines for which the persons listed in Appendix A have served as Operating Managers for the United States, and the mining companies have duly executed and delivered to the Administrator, Instrument No. 1, as provided in section 40 of the Regulations for the Operation of Coal Mines under Government Control, as amended (8 F.R. 6655, 10712).

Accordingly, I hereby order and direct that the appointments of the Operating Managers for the United States listed in Appendix A, attached hereto and made a part hereof, be, and they are hereby, terminated.

HAROLD L. ICKES,
Secretary of the Interior.

APPENDIX A

Name of Operating Manager and Name of
Mining Company

A. E. Akenhead, A and A Coal Company, 40 Walnut Street, East Palestine, Ohio. H. E. Clary, Alma Fuel Company, 337 South High Street, Columbus, Ohio. F. Bennie Green, Bicknell Coal Company, Bicknell, Indiana. K. E. Kriebel, Blue Diamond Coal Co., Wellston, Ohio. R. T. White, Bugos-White Coal Company, Alpha, Illinois. Homer Vanderzyl, Carbon Hill Coal Co., 400 South Street, Pella, Iowa. Robert W. Carrier, Carrier and Son, Box No. 66, Brookville, Pennsylvania. Geo. H. Foster, Cross Creek Coal Company, Grant Building, Pittsburgh, Pennsylvania. E. J. Davis, Cutshin Coal Co., Inc., Combs, Kentucky. L. F. Sanner, Daly-Volpe Construction Co., 407-15 Miners Bank Building, Pittston, Pennsylvania. A. B. DeGasperi, DeGasperi Coal Company, 808 West 3rd Street, Pittsburg, Kansas. Paul J. Vanderzyl, Diamond Block Coal Company, 400 South Street, Pella, Iowa. George C. Watson, Domestic Coal Co., 2325 Monaco Boulevard, Denver, Colorado. C. F. Finzer, The Finzer Bros. Clay Co., Sugar-creek, Ohio. Richard Downing, Freeport Gas Coal Company, 1123 Terminal Tower, Cleveland, Ohio. A. D. Grasso, Grasso Coal Mining Company, 511 Main Street, Brockway, Pennsylvania. Joseph Strachan, Greene County Coal and Mining Company, Jefferson, Iowa. Raymond Willis, Harbison-Walker Refractories Company, Pittsburgh, Pennsylvania. Paul E. Horton, Hill Coal Co., Newburgh, In-

diana, Clyde W. Hook, Hook Coal Co., 366 South Ninth Street, Coshocton, Ohio. Claude McNew, McNew Coal Company, Carrier Mills, Illinois. Fred C. Loomis, The Magnolia Mining Company, 205 Cleveland Avenue, N. W., Canton, Ohio. Milt S. White, Manchester Coal Co., Hima, Kentucky. W. E. Marriott, Marriott-Reed Coal Co., Columbia, Missouri. Myron B. Hymes, Miller Todd Coal Company, Buckhannon, West Virginia. Logan Vanderzyl, Monroe Block Coal Company, Pella, Iowa. Herbert Vanderzyl, Newton Coal Company, Pella, Iowa. H. G. Tildesley, The Octavia Coal Mining Corp., Carew Tower, Cincinnati, Ohio. J. R. Orell, J. R. Orell Coal Company, Lafferty, Ohio. W. H. Phillips, Phillips & White Coal Co., Hima, Kentucky. T. J. Cramblett, Salisbury Construction Company, Meyersdale, Pennsylvania. R. D. Campbell, Tennessee Valley Coal Company, Stevenson, Alabama. N. W. Montgomery, Tunnelton Cooperative Coal Co., Tunnelton, West Virginia. Moroni Heiner, Utah Fuel Company, Salt Lake City, Utah. G. W. Hewitt, Wheeling Steel Corporation, Wheeling, West Virginia.

[F. R. Doc. 43-15445; Filed, September 22, 1943; 9:40 a. m.]

FEDERAL COMMUNICATIONS COM-
MISSION.

[Docket Nos. 6542, 6543, 6544]

RALPH A. HORTON, ET AL.

NOTICE OF APPLICATIONS

In re applications of Ralph A. Horton (WFTL) (Assignor), The Fort Industry Company (Assignee), For voluntary Assignment of Construction Permit (B3-P-3355 as modified); License of WFTL; and Licenses of Relay Stations WAAD and WRET. Date filed, May 11, 1943.

In re applications of Ralph A. Horton (WFTL), For license to cover construction permit and authority to determine operating power by direct measurement. Date filed, March 10, 1943.

In re application of The Fort Industry Company (WFTL), For Modification of license to move main studio from Fort Lauderdale, Florida to Miami, Florida (Contingent upon granting of B3-APL-15.) Date filed, May 11, 1943. Class of station and service, broadcast, Location, Fort Lauderdale, Florida. Operating Assignment Specifier, Frequency, 1400 kc; Power, 250 watts; Hours of Operation, Unlimited. Under construction permit, Frequency, 710 kc; Power, 10 kw; Hours of Operation, unlimited, D. A. night.

You are hereby notified that the Commission has examined the above-described applications and has designated the matters for hearing for the following reasons:

1. To determine whether or not the permittee has made misstatements and false representations in applications submitted to the Commission particularly with respect to permittee's representations as to other business interests submitted in his application for consent to his acquisition of the license of Station WFTL.

2. To determine whether permittee exercised control over operation of Station WFTL prior to Commission approval of his application for assignment of license to him.

3. To determine whether or not permittee has submitted information and reports as required by Commission regulations, particularly § 43.1.

4. To obtain full information with respect to all contracts, arrangements, or understandings relating to or affecting the control, ownership, or financing of Station WFTL.

5. To obtain full information as to the manner in which Station WFTL has been managed and operated.

6. To obtain full information as to all contracts, arrangements, and understandings relating to the proposed assignment of permit and licenses from Ralph A. Horton to The Fort Industry Company.

7. To determine the legal, technical, financial and other qualifications of the proposed assignee to operate Station WFTL.

8. To obtain full information as to proposed assignee's plans for the operation of Station WFTL, including information as to qualifications of the personnel to be employed.

9. To determine whether, in view of the facts shown by evidence presented on the foregoing issues, public interest, convenience and necessity would be served by a grant of the applications.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicants' addresses are as follows: Ralph A. Horton, Radio Station WFTL, 2700 South Andrews Avenue, Fort Lauderdale, Florida; The Fort Industry Company, Attention: Lloyd A. Pixley, General Manager, 136 Huron Street, Toledo, Ohio.

Dated at Washington, D. C., September 20, 1943.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-15446; Filed, September 22, 1943; 9:40 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 5049]

AMERICAN ART CLAY COMPANY

COMPLAINT AND NOTICE OF HEARING

The Federal Trade Commission having reason to believe that the party respondent named in the caption hereof, and hereinafter more particularly designated and described, has, since June 19, 1936, violated and is now violating the provisions of subsections (a) and (d)

of section 2 of the Clayton Act (U.S.C., title 15, section 13) as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint, stating its charges with respect thereto as follows:

Count I. Charging violation of subsection (a) of section 2 of the Clayton Act, as amended, the Commission alleges:

PARAGRAPH 1. Respondent American Art Clay Company is a corporation organized and existing under and by virtue of the laws of the State of Indiana with its principal office and place of business located at 4717 West 16th Street, Indianapolis, Indiana.

PAR. 2. Respondent corporation is now and has been since June 19, 1936, engaged in the business of manufacturing, offering for sale, selling and distributing crayons, chalk, paint sets, art materials, educational supplies, and allied products. Respondent sells and distributes said products in commerce between and among the various states of the United States and in the District of Columbia and, as a result of such sales, causes said products to be shipped and transported from its place of business to purchasers thereof who are located in the various states of the United States other than the state in which respondent's place of business is located. There is and has been at all times mentioned a continuous course of trade and commerce in said products across state lines between respondent's factory and the purchasers of said products. Said products are sold and distributed for use and resale within the various states of the United States and in the District of Columbia.

PAR. 3. In the course and conduct of its business as aforesaid, respondent is now and during the time herein mentioned has been in substantial competition with other corporations and with individuals, partnerships and firms engaged in the business of selling and distributing crayons, chalk, paint sets, art materials, educational supplies, and allied products in commerce.

Many of respondent's customers are competitively engaged with each other and with the customers of respondent's competitors in the resale of said products within the several trade areas in which 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 said business 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.

PAR. 5. The respondent has discriminated in price by the use of so-called trade discounts 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. Re-

spondent offers and sells its said products from one list price from which all customers who purchase for use or for resale are allowed by the respondent a 50% trade discount. To some purchasers among this class of customers, whom respondent designates as "wholesalers" and "jobbers," the respondent grants and allows an additional discount of 10% over and above the regular trade discount of 50% given to all of respondent's customers who purchase for use or for resale.

The "wholesaler" and "jobber" customers of the respondent who are granted and allowed the 10% discount over and above the regular trade discount of 50% off the list price as aforesaid, are in active competition with other customers of respondent who purchase respondent's products and who do not receive any discounts over and above such regular trade discount.

PAR. 6. The effect of the discriminations in price generally alleged in Par. 4 hereof and of those specifically set forth in Par. 5 hereof has been and may be substantially to lessen competition in the line of commerce in which respondent and its said customers are engaged and to injure, destroy and prevent competition with the respondent in the sale and distribution of crayons, chalk, paint sets, art materials, educational supplies and allied products, and has been and may be substantially to injure, destroy and prevent competition in the resale of such products between the favored customers of respondent who are granted and allowed the 10% discount as aforesaid over and above the regular trade discount of 50% off the list price and the customers from whom such extra discount is withheld.

PAR. 7. The foregoing acts and practices of respondent are violations 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, section 13) and for other purposes".

Count II. Charging violation of subsection (d) of section 2 of the Clayton Act as amended, the Commission charges:

PAR. 1. Paragraphs One to Three, inclusive, of Count I of this complaint are hereby repeated and made a part of this charge as fully and with the same effect as though herein again set forth at length.

PAR. 2. In the course and conduct of its business as aforesaid, respondent, since June 19, 1936, has been and is now granting compensation in the form of a percentage discount or allowance to some of its customers who are selected by the respondent and who are designated as "promotional distributors". Such percentage discount or allowance has been and is granted to favored customers in consideration of merchandising and selling services furnished by them in connection with the sale of respondent's products. The percentage discount is deducted from the

invoice price and is over and above the regular trade discount of 50% off the list price. The respondent grants and allows such percentage discount to its favored customers without making such discount or allowance available on proportionally equal terms to other of its customers that compete with such favored customers in the resale and distribution of respondent's said products. Such other customers are able and willing to furnish the same services and facilities to the respondent as those furnished by its favored customers designated by the respondent as "promotional distributors." The respondent has not made known to any but its favored customers that it grants and allows any discounts or allowances for promotional services.

PAR. 3. The foregoing acts and practices of said respondent are violations of Subsection (d) of Section 2 of the Clayton Act, as amended.

Wherefore, the premises considered, the Federal Trade Commission on this 17th day of September 1943, issues its complaint against said respondent.

Notice

Notice is hereby given you, American Art Clay Company, respondent herein, that the 22d day of October, A. D. 1943, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in

the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.

Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief directed solely to that question, in accordance with Rule XXIII.

In witness whereof, the Federal Trade Commission has caused this, its complaint to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C. this 17th day of September, A. D. 1943.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-15428; Filed, September 21, 1943; 3:31 p. m.]

OFFICE OF PRICE ADMINISTRATION.

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC. UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on September 20, 1943.

Order Number and Name

MPR 114, Order 6, Northern Kraft Corp.
MPR 136, as amended, Order 99, Danko Pattern & Mfg. Co.
MPR 188, Order 668, Ned F. Kalling.
MPR 188, Order A-2, Order 6, Paul Lime Plant.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-15451; Filed, September 22, 1943; 11:14 a. m.]

Regional and District Office Orders.

[Houston District Order G-1 under Gen. Order 50]

MALT BEVERAGES IN HOUSTON, TEXAS, DISTRICT

Order No. G-1 under General Order No. 50. Filing of prices by restaurants and similar establishments: Delegation of authority to fix maximum prices. Domestic and imported malt beverage prices for eating and drinking places in the Houston, Texas, District.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Houston, Texas, 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" in the following counties located in the Houston, Texas, District:

Austin.	Jefferson.
Brazoria.	Lee.
Brazos.	Liberty.
Burleson.	Matagorda.
Chambers.	Milam.
Colorado.	Montgomery.
Payette.	Orange.
Fort Bend.	Robertson.
Galveston.	Trinity.
Hardin.	Waller.
Harris.	Washington.
Jackson.	Wharton.

And all of Lavaca County, Texas, except the area constituting the corporate limits of the City of Yoakum.

SEC. 2. *What this order covers.* The beverage items to which this order applies are:

Domestic malt beverages as defined in section 7 hereof and commonly known as beer or ale; and such imported malt beverages as are named herein.

SEC. 3. *Prohibition against sales of beverage items above maximum prices.* On and after the effective date of this order, regardless of any contract, agreement, lease or other obligation:

(a) No person shall sell or deliver any beverage item subject to this order at prices higher than the maximum prices set forth in this order.

(b) No person shall buy or receive any beverage item subject to this order in the course of trade or business at higher prices than the maximum prices set forth in this order.

(c) 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 and understandable 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 and understandable by their customers.

SEC. 5. *Applicability of General Order No. 50.* (This order is subject to all of 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 combination 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 beverages sold on draught" means domestic malt beverages 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, where food or beverage items are sold or offered for sale for consumption on or about the premises, including, but not limited to, a restaurant, hotel, cafe, boarding house, diner, coffee shop, tea room, private club, bar, tavern, delicatessen, soda fountain, cocktail lounge, catering business, or any other place from which any beverage items subject to this order are 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 and imported 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 predominantly for transient occupancy.

(h) Other definitions. 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. 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 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.

(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) The 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		
	12 oz.	24 oz.	32 oz.
BRAND OR TRADE NAME	Cents	Cents	Cents
Imported beer:			
Carta Blanca	25		
Bohemia Ale (6 oz.)	15¢		
Domestic beer:			
A B C	13-2 for 25		
Alpen Brau	13-2 for 25		30
Berlin	13-2 for 25		30
Birks	13-2 for 25		30
Blue Bonnet	13-2 for 25		30
Embassy Club	13-2 for 25		30
Falstaff	13-2 for 25		30
Grand Prize	13-2 for 25		30
Gold Seal	13-2 for 25		30
Griesdieck	13-2 for 25		30
Haas	13-2 for 25		30
High Brau	13-2 for 25		30
Jax	13-2 for 25		30
Koller	13-2 for 25		30
Lang	13-2 for 25		30
Lemp Red Label	13-2 for 25		30
Lone Star	13-2 for 25		30
Mountain Top	13-2 for 25		30
Muskegon	13-2 for 25		30
Old Gold	13-2 for 25		30
Old King	13-2 for 25		30
Pearl	13-2 for 25		30
Progress	13-2 for 25		30
Prima	13-2 for 25		30
Regal	13-2 for 25		30
Roebuck	13-2 for 25		30
Shiner	13-2 for 25		30
Silver Fox	13-2 for 25		30
Stag	13-2 for 25		30
State	13-2 for 25		30
Stern Brau	13-2 for 25		30
Southern Select	13-2 for 25		30
Tonaz	13-2 for 25		30
Zollers-Blackhawk	13-2 for 25		30
Zollers-Pilsner	13-2 for 25		30
White Seal	13-2 for 25		30
Barbarosa	18-2 for 35		40
Birks Trophy	18-2 for 35		40
Blatz	18-2 for 35		40
Blatz Pilsener	18-2 for 35		40
Buckingham Ale	18-2 for 35		40
Budweiser	18-2 for 35		40
Canadian Ace	18-2 for 35		40
Coors	18-2 for 35		40
Country Club	18-2 for 35		40
Grain Belt	18-2 for 35		40
Hamm's Preferred	18-2 for 35		40
Kingsbury Pale	18-2 for 35		40
Millers-High Life	18-2 for 35		40
Muehlebach Pilsner	18-2 for 35		40
Old Style Lager	18-2 for 35		40
Pabst Blue Ribbon	18-2 for 35		40
Peerless	18-2 for 35		40
Pioneer	18-2 for 35	30	40
Polo	18-2 for 35	30	40
Port	18-2 for 35		40
Pom-Roy	18-2 for 35		40
Red Top Ale	18-2 for 35		40
Schlitz	18-2 for 35		40
Schlotz's Highland	18-2 for 35		40
Six Horses	18-2 for 35		40
Staats	18-2 for 35		40
Victory	18-2 for 35		40
Lemp Black Label	18-2 for 35		40
Pabst Ale	23-2 for 45		40
Van Merrit	25		40

(2) On draught. Any or all brands of domestic malt beverage (beer or ale) sold on draught by any "eating or drink-

ing place" to which this order applies may be sold at a price not in excess of one cent (1¢) for each fluid ounce, exclusive of foam; *Provided, however*, That Michelob brand draught beer may be sold for one and one-half cents (1½¢) for each fluid ounce, exclusive of foam.

(3) *Non-labeled bottles.* Any domestic or imported 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 the bottle of domestic or imported malt beverage (beer or ale) named in this order.

(b) The maximum prices for the sale of beverage items listed in the preceding paragraph (a) includes any and all services offered in connection with the sale of such items as offered during the period April 4 to 10, 1943. No additional amount shall be assessed or collected by any "eating or drinking place" subject to this regulation for any services offered in connection with the sale or purchase of beverage items, such as table service, membership charges, admission, entertainment, waiter, ice, cover or any other service charges other than the amounts assessed or collected for such services during the period April 4 to 10, 1943, which were filed with the appropriate war price and rationing board as required by General Order No. 50. Less than such charges may be collected.

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 malt beverages.* Any "person" subject to this order desiring to sell any other trade name or brand of malt beverage (beer or ale) subject to this regulation, not specifically priced by section 9 herein, shall, before offering such domestic or imported malt beverage for sale, apply to and receive from the Houston 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 malt beverage, the name and address of the applicant's suppliers, applicant's delivered cost per case, the name and address of the manufacturer of such beverage item, the size of the bottle and such other pertinent information as may be required by the District Office. The Houston District Office of the Office of Price Administration shall then fix the maximum price for such trade name or brand of 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 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. In the event of an increase in an existing tax or of the levy of a new or additional tax not in effect on the effective date of this order, the Houston District Director of the Office of Price Administration may make such adjustment in the maximum prices provided for herein as may appear equitable and just.

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, cover or service charge, 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 September 17, 1943.

Sec. 17. *Revocation.* This order may be amended, corrected, revised, or revoked at any time.

NOTE: The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(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 Houston, Texas, this 9th day of September 1943.

BEN TAUB,
District Director.

[F. R. Doc. 43-15440; Filed, September 21, 1943; 4:33 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS UNDER GENERAL ORDER 51

The following orders under General Order 51 were filed with the Division of the Federal Register on September 21, 1943.

REGION II

- Maryland Order No. 7, Filed 9:32 a. m.
- Philadelphia Order No. 4, Filed 9:29 a. m.
- Trenton, N. J. Order No. 7, Filed 9:35 a. m.
- New York Order No. 5—Amd. 2, Filed 9:31 a. m.
- New York Order No. 5—Amd. 3, Filed 9:31 a. m.
- New York Order No. 6, Filed 9:32 a. m.
- Erle Order No. 5, Filed 9:30 a. m.
- Erle Order No. 6, Filed 9:34 a. m.
- Williamsport, Pa. Order No. 5, Filed 9:29 a. m.
- Williamsport, Pa. Order No. 6, Filed 9:33 a. m.
- Williamsport, Pa. Order No. 7, Filed 9:35 a. m.

REGION III

Iron Mountain Order No. 19, Filed 9:24 a. m.

REGION V

Little Rock Order No. 9, Filed 9:24 a. m.
San Antonio Order No. 5, Filed 9:28 a. m.
San Antonio Order No. 6, Filed 9:28 a. m.

REGION VI

Green Bay Order No. 6, Filed 9:25 a. m.
Green Bay Order No. 7, Filed 9:25 a. m.
Green Bay Order No. 8, Filed 9:24 a. m.
Green Bay Order No. 11—Amd. 1, Filed 9:27 a. m.
Fargo-Moorhead Order No. 9—Amd. 1, Filed 9:27 a. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Head, Editorial & Reference Section.

[F. R. Doc. 43-15450; Filed, September 22, 1943; 11:14 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS UNDER GENERAL ORDER 51

The following orders under General Order 51 were filed with the Division of the Federal Register on September 18, 1943.

REGION IV

Raleigh N. C. Order No. 7, Filed 12:19 p. m.
Tampa Order No. 7, Filed 12:19 p. m.
Tampa Order No. 8, Filed 12:19 p. m.

The following orders under General Order 51 were filed with the Division of the Federal Register on September 20, 1943.

REGION I

Vermont Order No. 7, Filed 12:11 p. m.

REGION II

Newark Order No. 3—Amd. 5, Filed 12:11 p. m.

REGION III

Toledo Order No. 4—Amd. 1, Filed 12:11 p. m.
Iron Mountain Order No. 16, Filed 12:10 p. m.
Louisville Order No. 8, Filed 12:04 p. m.
Charleston Order No. 11—Amd. 1, Filed 12:07 p. m.
Charleston Order No. 12—Amd. 1, Filed 12:09 p. m.
Charleston Order No. 13—Amd. 2, Filed 12:08 p. m.
Charleston Order No. 17, Filed 12:10 p. m.
Charleston Order No. 18, Filed 12:10 p. m.
Saginaw Order No. 14—Amd. 4, Filed 12:08 p. m.
Saginaw Order No. 15—Amd. 2, Filed 12:08 p. m.
Saginaw Order No. 16—Amd. 2, Filed 12:08 p. m.
Columbus Order No. 8, Filed 12:04 p. m.
Columbus Order No. 9, Filed 12:05 p. m.

REGION IV

Savannah Ga. Order No. 8, Filed 12:05 p. m.
Savannah Ga. Order No. 10, Filed 12:07 p. m.
Savannah Ga. Order No. 11, Filed 12:07 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-15449; Filed, September 22, 1943; 11:14 a. m.]

[Region III Order G-9 Under MPR 329]

MILK IN FRANKLIN COUNTY, OHIO

Order No. G-9 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1351.408 (c) of Maximum Price Regulation No. 329, It is hereby ordered:

(a) Any milk distributor in the County of Franklin in the State of Ohio may pay producers an amount not in excess of \$3.30 per cwt. for "milk" of 4% butterfat content, plus or minus 4½¢ for each ½% of 1% butterfat variation over or under 4%.

(b) Each milk distributor increasing his price to producers for "milk" pursuant to the provisions of this order shall, within five days of such action, notify the Regional Office of the Office of Price Administration, Union Commerce Building, Cleveland, Ohio, by letter or postcard, of his price established pursuant to the provisions of this order, together with a statement of his previous price.

(c) *Definitions.* (1) "Milk distributor" is defined to mean any individual, corporation, partnership, association, or any other organized group of persons or successors of the foregoing who purchases "milk" in a raw and unprocessed state for the purpose of resale as fluid milk in glass, paper or other containers.

(2) "Producer" means a farmer, or other person or representative, who owns, superintends, manages, or otherwise controls the operations of a farm on which "milk" is produced. For the purposes of this order, farmers' cooperatives are producers when (1) they do not own or lease physical facilities for receiving, processing, or distributing milk, and (2) they do own or lease physical facilities for receiving, processing or distributing milk, but they act as selling agents for producers, whether members of such cooperative or not.

(3) "Milk" means liquid cow's milk in a raw, unprocessed state, which is purchased for resale for human consumption as fluid milk. "In a raw, unprocessed state" means unpasteurized and not sold and delivered in glass or paper containers.

(d) This order may be modified, amended or revoked at any time.

This order shall be effective as of August 1, 1943.

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

Issued September 15, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43-15463; Filed September 22, 1943; 11:18 a. m.]

[Region VII Order G-47 Under 18 (c)]

HANDLING AND CUSTOM CLEANING DRY BEANS IN IDAHO

Order No. G-47 under § 1499.18 (c) of the General Maximum Price Regulation. Handling and custom cleaning dry beans.

Pursuant to the Emergency Price Control Act of 1942, as amended, § 1499.18 (c) of the General Maximum Price Regulation, and for the reasons set forth in an opinion issued simultaneously herewith, this adjustment order is issued.

(a) *What this order does.* This order establishes maximum prices to be charged throughout all that part of the State of Idaho contained within Region VII, the same being all that part of the State of Idaho south of the northern boundary of Idaho County, that are in line with the rates fixed by the Public Utilities Commission of Idaho pursuant to a hearing recently had in regular course before that tribunal for handling and custom cleaning of dry beans.

(b) *Adjusted maximum rates.* Upon and after the effective date of this order the maximum rates or charges that may be made, collected or received by any person performing, or that may be paid by any person procuring the services of handling and custom cleaning dry beans anywhere within the area covered by this order, shall be as follows:

- (1) For handling of dry beans in bags in connection with their custom cleaning—9¢ per bag of 100 lbs. gross weight.
- (2) For custom cleaning of dry beans—20¢ per bag of 100 lbs. on net cleaned weight.

(c) *Definitions.* (1) "Dry beans" means any variety of dry, edible beans covered by Maximum Price Regulation No. 270.

(2) "Handling" means receiving uncleaned dry beans in bags from customer at warehouse door, placing same in piles or stacks in warehouse and delivering cleaned beans to customer at warehouse door upon termination of warehouse storage.

(3) "Custom cleaning" means the cleaning of dry beans in the customary manner known to the trade and includes the cleaning of bags, rebagging, resewing and the furnishing of twine therefor, and all handling incident to such cleaning, rebagging and repiling of the bags of cleaned beans.

(d) *Geographical applicability.* The area covered by this order is all that part of the State of Idaho contained within Region VII, the same being all that part of the State of Idaho south of the northern boundary of Idaho County.

(e) *Applicability of other regulations.* Except in so far as the same are inconsistent with or contradictory of the terms and provisions of this order, all of the terms and provisions of the General Maximum Price Regulation and of Supplementary Regulation No. 14 shall remain in full force and effect and continue to apply to all persons covered hereby.

(f) *Right to revoke or amend.* This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

(g) *Effective date.* This order shall become effective as of September 8, 1943.

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

Issued this 11th day of September 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-15460; Filed, September 22, 1943; 11:16 a. m.]

[Region VIII Order G-50 Under 18 (c)]

PROCESSING FISH AND MEAT IN DESIGNATED WESTERN STATES

Order No. G-50 under § 1499.18 (c) as amended, of the General Maximum Price Regulation. Adjusted maximum prices for the services of processing fish and meat for ultimate consumers.

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) The adjusted maximum price for the service of processing fish or meat, such as smoking or kippering or drying or canning, for ultimate consumers, sold and supplied by any person located in Region VIII, shall be the sum of the following:

(1) The highest price charged by the seller for the particular service or services during the 1941-1942 season.

(2) The increase in direct labor costs and direct material costs in rendering the service or services during the current season over such costs during the 1941-1942 season.

(3) The increase in incidental and overhead costs over the incidental and overhead costs allocated to the same unit of service during the 1941-1942 season using the same method of charging and allocating such costs as was used during the 1941-1942 season: *Provided however,* That this item shall not include any increase in the total amount of executives' salaries or bonuses charged to the particular service.

(b) Any seller whose records, prior to the date of this Order, have been lost or destroyed, and who as a consequence cannot determine the increase in costs mentioned in paragraph (a) above, shall determine his adjusted maximum price by adding to the highest price charged by him, during the 1941-1942 season for the particular service, the same increased costs added by his closest competitor of the same class who has determined an adjusted maximum price under paragraph (a) above for the same service.

(c) The adjusted maximum price for a service which was not performed by a particular seller during the 1941-1942 season shall be the adjusted maximum price established under paragraph (a) or (b) above, for the same service by his most closely competitive seller of the same class.

(d) A seller may estimate his adjusted maximum price upon the above basis and announce at the start of the particular season a tentative "retain", or charge; but no payment shall be made or received in excess of the adjusted maximum price established by paragraphs (a), (b) or (c) above.

(e) Any seller taking advantage of the provisions of this Order shall, within 30 days after the close of the particular season, prepare a signed statement, and keep it available for inspection by the Office of Price Administration at any time, showing the following:

(1) A description of the particular service;

(2) The highest price charged during the 1941-1942 season by the seller;

(3) The seller's adjusted maximum price determined under the provisions of this Order;

(4) The increase in direct labor, direct material costs, and incidental and overhead costs, in rendering the service during the current season, over such costs during the 1941-1942 season: *Provided however,* That if the seller has determined his adjusted maximum price under paragraphs (b) or (c) above he shall set forth the name and address of his closest competitor of the same class and in addition, if paragraph (b) above is used, the competitor's increase in costs over the 1941-1942 season in rendering the particular service.

(f) *Definitions.* (1) "Direct material costs" as herein used means costs of materials, not to exceed the applicable maximum prices, used directly in performing the service, and does not include, for instance, cost of plant improvements or repairs.

(2) "Direct labor costs" as herein used means wages paid employees performing services directly in the matter of the packing, drying, dehydrating and related services, and does not include, for instance, salaries of executives, office employees or employees engaged in plant repair and maintenance. The portion of any wage paid in excess of that permitted by existing law shall not be used in the calculation.

(3) "Incidental and overhead costs" as herein used, means indirect costs such as drayage, insurance, rent, power, administration and similar items of expense, but does not include any element of profit, dividends or other proprietary gain.

(4) "1941-1942 season" as herein used means any period during the year beginning April 1, 1941, and ending March 31, 1942.

(5) "Region VIII" as herein used means the states of California, Washington, Nevada, Oregon, except Malheur and Harney Counties, and Arizona, except those portions of Coconino County and Mohave County lying North of the Colorado River; and the following counties in the State of Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone, and Idaho.

(6) "Ultimate consumer" as herein used, means one who purchases other than for resale in any form, and does not include sales to industrial, commercial or institutional users, or to any purchasing agency of the United States Government.

(g) This order may be revoked, amended or corrected at any time.

This order shall become effective September 11, 1943.

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

Issued this 11th day of September 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-15455; Filed, September 22, 1943; 11:15 a. m.]

[Region VIII Order G-53 Under 18 (c) to GMPR]

FIREWOOD IN BENEWAH COUNTY, IDAHO

Order No. G-53 under § 1499.18 (c) as amended of the General Maximum Price Regulation. Certain firewood in Benewah County, Idaho.

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) The maximum prices for certain sales and deliveries of specified kinds of firewood in Benewah County, Idaho, as established by Sections 2 and 3 of the General Maximum Price Regulation or by any previous order issued pursuant to such regulation or to any supplementary regulation thereto, are hereby adjusted so that the maximum prices therefor shall be the prices set forth in paragraph (b).

(b) The maximum prices for sales of fir, tamarack, and pine forest wood, green or dry, delivered to the premises of the consumer at any point in Benewah County, Idaho, shall be:

(1) For wood cut in 4 ft. lengths, \$10.00 per cord.

(2) For wood cut to 16 in. lengths, \$4.00 per rick.

(3) For wood cut to 12 in. lengths, \$3.25 per rick.

(c) If in March, 1942, the seller had an established practice of giving allowances, discounts, or other price differentials to certain classes of purchasers, he must continue such practice, and the maximum prices fixed by this order must be reduced to reflect such allowances, discounts, and other price differentials.

(d) Violations of this order shall subject the violator to all of the criminal and civil penalties provided by the Emergency Price Control Act of 1942, as amended.

(e) This order may be revoked, amended, or corrected at any time. This order shall become effective upon its issuance.

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

Issued this 15th day of September 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-15454; Filed, September 22, 1943; 11:15 a. m.]

[Region VIII Order G-54 Under 18 (c) to GMPR]

FIREWOOD IN SNOHOMISH COUNTY, AND CAMANO ISLAND, WASH.

Order No. G-54 under 18 (c) of the General Maximum Price Regulation. Certain firewood in Snohomish County and Camano Island, Island County, Washington.

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by section 18 (c) as Amended of the General Maximum Price Regulation, *It is hereby ordered:*

(a) The maximum prices for certain sales and deliveries of specified kinds of firewood in Snohomish County, Washington, and Camano Island, Island County, Washington, as established by sections 2 and 3 of the General Maximum Price Regulation or by any previous order issued pursuant to such regulation or to any supplementary regulation thereto, are hereby modified so that the maximum prices therefor shall be the prices set forth in paragraphs (b) and (c).

(b) The maximum price for the sale of the specified kinds of firewood shall be:

1. For sales in the woods on Camano Island, Island County and in Snohomish County, Washington,

	<i>Per cord</i>
(i) All types of forest wood, green or dry, alder and hard woods, etc., old or second growth, in 4' lengths.....	\$7.00
(ii) All types of forest wood, green or dry, alder and hard woods, etc., in 24" lengths.....	7.75
(iii) All types of forest wood, green or dry, alder and hard woods, etc., old or second growth, in 16" lengths.....	8.50

2. For sales delivered to the premises of the consumer on Camano Island, Island County, Washington, and in all parts of Snohomish County, Washington, with the exception of the city of Everett and the area within 3 miles of the corporate limits of Everett,

	<i>Per cord</i>
(i) All types of forest wood, green or dry, alder and hard woods, etc., old or second growth, in 4' lengths.....	\$10.50
(ii) All types of forest wood, green or dry, alder and hard woods, etc., old or second growth, in 24" lengths.....	11.25
(iii) All types of forest wood, green or dry, alder and hard woods, etc., old or second growth in 16" lengths.....	12.50

3. For sales delivered to the premises of the consumer in the city of Everett and in the area within 3 miles of the corporate limits of Everett,

	<i>Per cord</i>
(i) All types of forest wood, green or dry, alder and hard woods, etc., old or second growth, in 4' lengths.....	\$11.00
(ii) All types of forest wood, green or dry, alder and hard woods, etc., old or second growth, in 24" lengths.....	11.75
(iii) All types of forest wood, green or dry, alder and hard woods, etc., old or second growth, in 16" lengths.....	13.00

(c) The maximum prices established in paragraph (b) 1 are applicable only to firewood sold in the woods. The maximum prices established in paragraphs (b) 2 and 3 are applicable only to firewood which is delivered to the premises of the consumer.

(d) No seller shall evade any of the provisions of this Order No. G-54 by changing the customary allowances, discounts, or other price differentials.

(e) This Order may be revoked, amended, or corrected at any time.

This Order shall become effective September 15, 1943.

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

Issued this 15th day of September 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-15453; Filed, September 22, 1943; 11:15 a. m.]

[Region VIII Order G-56 Under 18 (c) to GMPR]

DRY BEANS IN IDAHO

Order No. G-56 under § 1499.18 (c) of the General Maximum Price Regulation as amended. Handling and custom cleaning dry beans in Northern Idaho.

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) *What this order does.* This order establishes maximum prices to be charged throughout all that part of the State of Idaho contained within Region VIII, being the counties listed in paragraph (d) below, that are in line with the rates fixed by the Public Utilities Commission of Idaho pursuant to a hearing recently had in regular course before that tribunal for handling and custom cleaning of dry beans.

(b) *Adjusted maximum rates.* Upon and after the effective date of this order the maximum rates or charges that may be made, collected or received by any person performing, or that may be paid by any person procuring the services of handling and custom cleaning dry beans anywhere within the area covered by this order, shall be as follows:

- (1) For handling of dry beans in bags in connection with their custom cleaning—9¢ per bag of 100 lbs. gross weight.
- (2) For custom cleaning of dry beans—20¢ per bag of 100 lbs. on net cleaned weight.

(c) *Definitions.* (1) "Dry beans" means any variety of dry, edible beans covered by Maximum Price Regulation No. 270.

(2) "Handling" means receiving uncleaned dry beans in bags from customer at warehouse door, placing same in piles or stacks in warehouse and delivering cleaned beans to customer at warehouse door upon termination of warehouse storage.

(3) "Custom cleaning" means the cleaning of dry beans in the customary manner known to the trade and includes the cleaning of bags, rebagging, resewing and the furnishing of twine therefor, and all handling incident to such cleaning, rebagging and repiling of the bags of cleaned beans.

(d) *Geographical applicability.* The area covered by this order consists of the following counties in the State of Idaho: Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone.

(e) *Applicability of other regulations.* Except insofar as the same are inconsistent with or contradictory of the terms and provisions of this order, all of the terms and provisions of the General Maximum Price Regulation and of Supplementary Regulation No. 14 shall remain in full force and effect and continue to apply to all persons covered hereby.

(f) *Right to revoke or amend.* This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

(g) *Effective date.* This order shall become effective as of September 8, 1943.

(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 September 1943.

EDGAR SINTON,
Acting Regional Administrator.

[F. R. Doc. 43-15452; Filed, September 22, 1943; 11:14 a. m.]

[Region VIII Order G-1 Under MPR 269, Amdt. 1]

POULTRY IN SPOKANE, WASH.

Amendment No. 1 to Order G-1 under Revised Maximum Price Regulation No. 269 as amended. Poultry.

For 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 § 1429.14 of Revised Maximum Price Regulation No. 269, as amended, *It is hereby ordered,* That paragraph (c) be revoked and paragraph (a) and (b) be amended to read as set forth below:

(a) The maximum prices as established by § 1429.19 of Revised Maximum Price Regulation No. 269, as amended, for sales and deliveries of all poultry items in the City of Spokane, in the State of Washington, are hereby adjusted so

that the maximum prices therefor shall be the maximum prices for all poultry items as specified in § 1429.19 of Revised Maximum Price Regulation No. 269, as amended, for the City of Seattle, in the State of Washington.

(b) The City of Spokane shall be termed "a basing point city" within the meaning of that term as used in § 1429.19 of Revised Maximum Price Regulation No. 269, as amended, for the purpose of determining the maximum price chargeable for poultry items. Paragraph (d) shall be redesignated as (c), and paragraph (e) shall be redesignated as (d). This amendment shall become effective upon its issuance.

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

Issued this 14th day of September 1943.

EDGAR SINTON,
Acting Regional Administrator.

[F. R. Doc. 43-15459; Filed, September 22, 1943; 11:16 a. m.]

[Region VIII Order G-4 Under MPR 333, Amdt. 1]

EGGS AND EGG PRODUCTS IN CALIF.

Amendment No. 1 to Order G-4 under Maximum Price Regulation No. 333 as amended. Eggs and egg products.

For 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 § 1429.63 of Maximum Price Regulation No. 333, as amended, *It is hereby ordered*, That paragraph (b) be amended to read as follows:

(b) That the adjusted maximum price for sales of consumer and procurement grade shell eggs in the counties of Shasta, Tehama, Plumas, Butte, Glenn, Colusa, Sutter, Yuba, Yolo, Sacramento, San Joaquin, Stanislaus, Tuolumne, Calaveras, Amador, Merced and the portions of the counties of Eldorado, Placer, Nevada and Sierra situated west of the summit of the Sierra Nevada, in the State of California, shall be the maximum price for shell eggs as specified in §§ 1429.67, 1429.68 and 1429.69 of Maximum Price Regulation No. 333, as amended, for the City of San Francisco in the State of California, minus one-half cent per dozen.

This amendment shall become effective upon its issuance.

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

Issued this 15th day of September 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-15457; Filed, September 22, 1943; 11:16 a. m.]

No. 189—6

[Region VIII Order G-4 Under MPR 165, Amdt. 4]

MISCELLANEOUS SERVICES IN DESIGNATED COUNTIES IN WASHINGTON

Amendment No. 4 to Order No. G-4 Under Maximum Price Regulation No. 165, as amended. Services. 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 § 1499.114 (d) of Maximum Price Regulation No. 165 as amended, *It is hereby ordered*, That Order No. G-4 under Maximum Price Regulation No. 165 as amended, be amended in the following particulars:

(1) The portion of paragraph (a) which precedes subparagraph (1) thereof is amended to read as follows:

(a) The adjusted maximum price for the service of cleaning seed and for the service or services of packing, drying, and dehydrating fruits (except citrus fruit and except apples and pears grown in Chelan, Okanogan, Douglas and Grant Counties in the State of Washington), vegetables, or rice, and related services, and also canning for ultimate consumers, sold and supplied by any person located in Region VIII, shall be the sum of the following:

This amendment shall become effective upon its issuance.

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

Issued this 11th day of September 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-15458; Filed, September 22, 1943; 11:16 a. m.]

[Region VIII Order G-25 Under 18 (c), Amdt. 8]

FLUID MILK IN OREGON AND WASHINGTON

Amendment No. 8 to Order No. G-25 under § 1499.18 (c) as amended of the General Maximum Price Regulation. Fluid milk at wholesale and retail in the State of Oregon and certain portions of the State of Washington.

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*, That Order No. G-25 under § 1499.18 (c) as amended of the General Maximum Price Regulation be amended as set forth below:

(a) Paragraph (e) is hereby amended by adding a new subsection (3) to read as follows:

(3) The adjusted maximum price for sales of milk f. o. b. the seller's plant located in Salem, Oregon for sales to the armed forces of the United States shall be \$.1175 per quart.

(b) This amendment shall expire on September 30, 1943.

This amendment shall become effective September 16, 1943.

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

Issued September 15, 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-15456; Filed, September 22, 1943; 11:15 a. m.]

WAR FOOD ADMINISTRATION.

CONCORD GRAPES

DELEGATIONS OF AUTHORITY TO ORDER ADMINISTRATOR AND DEPUTY ORDER ADMINISTRATORS

Pursuant to the authority vested in me by Food Distribution Order No. 80 (8 F.R. 12527) and to effectuate the purposes of that order, the following delegations of authority are hereby made to be exercised in accordance with applicable procedure:

(a) Subject to supervision by the Chief of the Fruit and Vegetable Branch of the Food Distribution Administration, War Food Administration, the Order Administrator, or any Deputy Order Administrator, of Food Distribution Order No. 80 is hereby authorized:

(1) To issue licenses to processors of restricted Concord grapes or users of processed Concord grapes as provided for in said Food Distribution Order No. 80;

(2) To revoke such licenses in accordance with the provisions of said Food Distribution Order No. 80;

(3) To receive and review petitions for relief from hardship submitted in accordance with § 1405.25 (f) of said Food Distribution Order No. 80, and (1) grant exemptions from the provisions of §§ 1405.25 (b) (1) and 1405.25 (b) (2) of such order in cases affecting producers which involve less than five tons of restricted Concord grapes if, in the opinion of the respective delegatee, unreasonable hardship would be suffered through compliance with the order, and (ii) forward such other petitions for relief to the Director of Food Distribution for consideration and final action.

(b) All authority herein conferred shall be exercised in accordance with the provisions, and so as not to jeopardize the fundamental purposes, of the above-mentioned order, as well as in accordance with instructions which have been, or may hereafter be, issued by the Director of Food Distribution.

(c) Nothing contained herein shall be construed to affect any power or authority vested in the Director of Food Distribution.

Issued this 21st day of September 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-15448; Filed, September 22, 1943; 11:13 a. m.]













