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Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration PART 21—THE FEDERAL LAND BANK OF SPRINGFIELD

APPLICATION AND LOAN FEES

Sections 21.1, 21.3, 21.4 and 21.11 of Title 6, Code of Federal Regulations, as amended, are merged in § 21.1 and amended to read as follows:

§ 21.1 *Application and loan fees.* (a) Each application for a new loan shall be accompanied by a fee of \$10.00.

(b) Each application for an increase or additional loan shall be accompanied by a fee of \$10.00.

(c) Each application for the division of an existing loan shall be accompanied by a fee of \$5.00 for each loan which is to result therefrom.

(d) Each application for a partial release of mortgaged security shall be accompanied by a fee of \$10.00.

(e) Each application for release from personal liability for payment of a loan shall be accompanied by a fee of \$10.00.

In the event no appraisal of the property is made, the entire application fee shall be refunded.

On each loan closed exceeding \$5,000 in amount, an additional fee shall be deducted from the loan proceeds in an amount equal to \$1.00 for each \$1,000 or fraction thereof by which the amount loaned exceeds \$5,000.

The fee schedule described in the foregoing paragraphs is applicable to single Federal land bank or Land Bank Commissioner first mortgage loans; in the event the application results in a joint land bank and Land Bank Commissioner loan, the fee shall be computed on the basis of the aggregate amount loaned.

Where, in connection with an application for a new loan an additional loan or a division of an existing loan it appears necessary for the bank to make a non-resident personal investigation, the applicant will be required to pay a fee of \$7.50, such fee to be refunded in its entirety to the applicant if the inves-

tigation proves to be unnecessary or is not made.

When a reappraisal in connection with an application for a new loan, an additional loan or a division of an existing loan is required because of the delay of the applicant, or is made at the applicant's request, a second fee shall be charged computed on the basis of the fee applicable to the original application.

Each applicant shall also be required to pay cash outlays for abstract expenses, recording fees and other disbursements necessary for the completion of the transaction.

(Sec. 13 "Ninth", 39 Stat. 372, secs. 26, 32, 48 Stat. 44, 48, as amended; 12 U.S.C. 781 "Ninth" 723 (e), 1016 (e), and Sup.; 6 CFR 19.322, 19.326, 19.330, 19.331, 19.333, 19.334, 19.335, 19.339, and 19.340) (Res. Ex. Com. August 25, 1943)

[SEAL] THE FEDERAL LAND BANK
OF SPRINGFIELD,
H. P. PERKINS, Secretary.

[F. R. Doc. 43-16504; Filed, October 9, 1943;
9:54 a. m.]

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration (Distribution Orders)

[FDO 79-39]

PART 1401—DAIRY PRODUCTS

CONSERVATION AND DISTRIBUTION OF FLUID MILK AND CREAM IN SEATTLE, WASH., METROPOLITAN SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 FR. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.77 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same mean-

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ing as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Seattle, Washington, metropolitan sales area, and is referred to hereinafter as the "sales area":

The city of Seattle and the election precincts of Arbor Heights, Athena, Bellevue 1 and 2, Beverly, Beverly Heights, Bitter Lake, Blue Ridge, Boddy, Bossert, Bothell 1 and 2, Bow Lake, Broadview, Bryn Mawr 1 and 2, Buchanan, Buriel, Cedar River, Chelsea, Crescent, Crown Hill, Des Moines, Duwamish, Earlington, Echo Lake, Enatie, Endolyne, Evanston, Foster, Foy, Fruitland, Greenwood, Haller Lake, Harrison, Houghton, Jackson, Jefferson, Johnson, Juanita, Kenmore, Kenndale, Kirkland 1 and 2, Lake City, Lake Forest, Lake View, Lakewood, Licton Springs, McGilvra, McKinley, Manhattan, Maple Leaf 1 and 2, Meadow Point, Medina, Mercer, Moorlands, Morningside, Mount View, North Burien, North Park, North Riverton, North Trunk, Oak Lake, Panola, Polk, Ravenna, Renton 1st Ward 1 and 2, Renton 2d Ward 1 and 2, Renton 3d Ward, Richmond, Riverton, Riverton Heights, Ronald, Roosevelt, Rose Hill 1 and 2, Sand Point, Seahurst, Sonora, Southern Heights, Sunnydale, Sunrise, Sylvan, Taylor, Tukwila, Urbana, Van Buren, Victory Heights, Wilburton, Wilson, Woodland, Wynona, Xenia, Yarbo, Zenith and Zirconia, in King County; the election precincts of Curie, Edmonds, and Richmond, in Snohomish County; all in the State of Washington.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period.* The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler in the sales area in each quota period shall be calculated in terms of pounds of each of the items for which percentages are specified in (3) below and shall be determined as follows:

(1) Divide the total deliveries of each such item made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (i) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period;

(3) Multiply the aforesaid resulting amount by the following applicable percentage: (i) Milk: 100 percent; (ii) butterfat in milk: 100 percent; (iii) cream: 75 percent; (iv) butterfat in cream: 75 percent; (v) milk byproducts other than cottage, pot, or baker's cheese: 75 percent; and (vi) cottage, pot, or baker's cheese: 75 percent of skim milk equivalent. (For the purpose of this order, one pound of cottage, pot, or baker's cheese

shall be considered as the equivalent of 7 pounds of skim milk.)

(f) *Quota limitations.* No handler shall, during any quota period, make deliveries in the sales area in excess of his respective quotas, except as set out in (i) hereof: *Provided,* That a handler may, after application to and approval by the market agent, secure an increase in milk quotas through an equivalent reduction as determined by the market agent, in cream and milk byproducts quotas, and an increase in milk byproducts quota through an equivalent reduction as determined by the market agent, in cream quotas.

(g) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

(h) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 300 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) Milk, one quart of milk; (2) cream, one-half pint of cream; and (3) milk byproducts, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot, or baker's cheese.

(i) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(j) *Transfers and apportionment of quotas.* The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(k) *Petition for relief from hardships.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investi-

gate the representations and facts stated therein.

(3) After investigation, the position shall be certified to the Director, but prior to certification the market agent may (i) deny the petition, or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(l) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (h) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(m) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(n) *Distribution schedules.* The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(o) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of \$0.01 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(p) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

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

pursuant to the Federal Reports Act of 1942.

(r) This order shall take effect at 12:01 a. m., e. w. t. October 17, 1943.

Issued this 11th day of October 1943.

C. W. KITCHEN,
Acting Director.

[F. R. Doc. 43-16602; Filed, October 11, 1943;
12:00 m.]

[FDO 79-40]

PART 1401—DAIRY PRODUCTS

CONSERVATION AND DISTRIBUTION OF FLUID MILK AND CREAM IN TACOMA, WASH., METROPOLITAN SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.76 *Quota restrictions*—(a) *Definitions*. When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.

(b) *Milk sales area*. The following area is hereby designated as a "milk sales area" to be known as the Tacoma, Washington, metropolitan sales area, and is referred to hereinafter as the "sales area":

The city of Tacoma and the election precincts of American Lake, Brookdale, Custer, Dash Point, Day Island, Edgewood, Fir Crest, Gardenville, Grant, Harvard, Hunts Prairie, Hyada Park, Interlaaken, Lake City, Lake View, Midland, Milton, Narrows View, North Puyallup, Parkland 1 and 2, Puyallup, Puyallup Ward 1, precincts 1, 2, and 3, Puyallup Ward 2, precincts 1, 2, and 3, Puyallup Ward 3, precincts 1, 2, and 3, Riverside, Ruston, Stellacoom, Sumner 1, 2, and 3, University Place, and Woodrow, in Pierce County; the precincts of Aaron, Algona, Auburn 1 to 6, Harding, Jovita, Pacific, and Stuck, in King County; all in the State of Washington.

(c) *Base period*. The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period*. The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.

(e) *Handler quotas*. Quotas for each handler in the sales area in each quota period shall be calculated in terms of pounds of each of the items for which percentages are specified in (3) below and shall be determined as follows:

(1) Divide the total deliveries of each such item made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (i) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period;

(3) Multiply the aforesaid resulting amount by the following applicable percentage: (i) Milk: 100 percent; (ii) butterfat in milk: 100 percent; (iii) cream: 75 percent; (iv) butterfat in cream: 75 percent; (v) milk byproducts other than cottage, pot, or baker's cheese: 75 percent; and (vi) cottage, pot, or baker's cheese: 75 percent of skim milk equivalent. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) *Quota limitations*. No handler shall, during any quota period, make deliveries in the sales area in excess of his respective quotas, except as set out in (i) hereof: *Provided*, That a handler may, after application to and approval by the market agent, secure an increase in milk quotas through an equivalent reduction as determined by the market agent, in cream and milk byproducts quotas, and an increase in milk byproducts quota through an equivalent reduction as determined by the market agent, in cream quotas.

(g) *Quotas for handlers who are also producers*. Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

(h) *Handler exemptions*. Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 300 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) milk, one quart of milk; (2) cream, one-half pint of cream; and (3) milk byproduct, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot, or baker's cheese.

(i) *Quota exclusions and exemptions*. Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(j) *Transfers and apportionment of quotas*. The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period

deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(k) *Petition for relief from hardships*. (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition, or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(l) *Reports*. Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (h) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(m) *Records*. Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(n) *Distribution schedules*. The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(o) *Expense of administration*. Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of \$0.01 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(p) *Violations*. The market agent shall report all violations to the Director together with the information required for

the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

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

(r) This order shall take effect at 12:01 a. m., e. w. t. October 17, 1943.

Issued this 11th day of October 1943.

C. W. KITCHEN,
Acting Director.

[F. R. Doc. 43-16601; Filed, October 11, 1943; 12:00 m.]

[FDO 79-41]

PART 1401—DAIRY PRODUCTS

CONSERVATION AND DISTRIBUTION OF FLUID MILK AND CREAM IN SPOKANE, WASH., METROPOLITAN SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F. R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.75 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Spokane, Washington, metropolitan sales area, and is referred to hereinafter as the "sales area":

The city of Spokane, the townships of East Spokane, Five Mile, Marshall, Mead, Moran, Opportunity, Pleasant Prairie, Stevens, and West Spokane, and the town of Millwood, all in Spokane County, Washington.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period.* The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively,

is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler in the sales area in each quota period shall be calculated in terms of pounds of each of the items for which percentages are specified in (3) below and shall be determined as follows:

(1) Divide the total deliveries of each such item made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (i) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period;

(3) Multiply the aforesaid resulting amount by the following applicable percentage: (i) Milk: 100 percent; (ii) butterfat in milk: 100 percent; (iii) cream: 75 percent; (iv) butterfat in cream: 75 percent; (v) milk byproducts other than cottage, pot, or baker's cheese: 75 percent; and (vi) cottage, pot, or baker's cheese: 75 percent of skim milk equivalent. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) *Quota limitations.* No handler shall, during any quota period, make deliveries in the sales area in excess of his respective quotas, except as set out in (i) hereof: *Provided,* That a handler may, after application to and approval by the market agent, secure an increase in milk quotas through an equivalent reduction as determined by the market agent, in cream and milk byproducts quotas, and an increase in milk byproducts quota through an equivalent reduction as determined by the market agent, in cream quotas.

(g) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

(h) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 300 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) Milk, one quart of milk; (2) cream, one-half pint of cream; and (3) milk byproduct, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot or baker's cheese.

(i) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(j) *Transfers and apportionment of quotas.* The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfer or transfers granted by the market agent shall be reviewed by the Director upon application.

(k) *Petition for relief from hardships.*

(1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition, or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(l) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota periods; and

(3) Handlers exempt from quotas pursuant to (h) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(m) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(n) *Distribution schedules.* The distribution schedule, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(o) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of \$0.01 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(p) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

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

(r) This order shall take effect at 12:01 a. m., e. w. t. October 17, 1943.

Issued this 11th day of October 1943.

C. W. KITCHEN,
Acting Director.

[F. R. Doc. 43-16598; Filed, October 11, 1943;
12:00 m.]

[FDO 84]

PART 1405—FRUITS AND VEGETABLES
RESTRICTIONS ON SAUERKRAUT

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of sauerkraut 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:

§ 1405.35 *Restriction on sauerkraut—*

(a) *Definitions.* When used in this order unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "sauerkraut" means all cabbage to which salt has been added and fermentation has started, including, but not restricted to, sliced cabbage, salted cabbage, table salad, and table slaw.

(2) The term "packer" means any person who manufactures, packs, or repacks in excess of 500 gallons of sauerkraut after July 1, 1943, for resale, or has such sauerkraut manufactured, packed, or repacked after July 1, 1943, for his account for resale.

(3) The term "person" means any individual, partnership, association, business trust, corporation, or any organized

group of persons, whether incorporated or not.

(4) The term "Director" means the Director of Food Distribution, War Food Administration.

(5) The term "governmental agency" means (i) the Armed Services of the United States; (ii) the Food Distribution Administration (including, but not restricted to, the Federal Surplus Commodities Corporation), War Food Administration; (iii) the War Shipping Administration; (iv) the Veterans' Administration; and (v) any other instrumentality or agency designated by the War Food Administrator. The term "governmental agency" also includes any contract school or ship operator, as defined in Food Distribution Regulation 2 (8 F.R. 7523), purchasing sauerkraut in accordance with said Food Distribution Regulation 2.

(6) The term "Armed Services of the United States" means the Army, the Navy, the Marine Corps, or the Coast Guard of the United States.

(b) *Restrictions.* (1) Each packer shall set aside and hold for delivery to a governmental agency all sauerkraut owned by him at or after the effective time of this order.

(2) The sauerkraut set aside pursuant to (b) (1) hereof may be sold to another packer: *Provided*, That the packer purchasing such set-aside sauerkraut has facilities for canning sauerkraut in tin containers.

(3) No packer shall pack sauerkraut in containers other than barrels or casks and such barrels and casks shall be used only for the purpose of transporting such sauerkraut to a plant having facilities for packing sauerkraut in tin containers: *Provided*, That a packer may pack sauerkraut in any type of container if such sauerkraut is sold to a governmental agency.

(4) No person shall purchase or accept delivery of any sauerkraut with knowledge or reason to believe that such sauerkraut is being sold or delivered in violation of the provisions of this order.

(5) The provisions of this order shall be observed without regard to the rights of creditors, prior contracts, existing contracts, payments made, or deliveries of sauerkraut made prior to the effective time hereof.

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

(d) *Records and reports.* (1) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(2) Every person subject to this order shall for at least two years (or for such period of time as the Director may desig-

nate), maintain an accurate record of his transactions in sauerkraut.

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

(e) *Petitions for relief from hardship.* Any person affected by this order, who considers that compliance herewith would work an exceptional and unreasonable hardship on him, may file a petition for relief with the Deputy Order Administrator designated by the Director. Petitions for such relief shall be in writing, and shall set forth all pertinent facts and the nature of the relief sought. If such person is dissatisfied with the action taken on the petition by the Deputy Order Administrator, he may, by requesting the Deputy Order Administrator therefor, secure a review of such action by the Director. The Director may, after such review, take such action as he deems appropriate, and such action shall be final.

(f) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using sauerkraut, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(g) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(h) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Deputy Order Administrator, Food Distribution Administration, War Food Administration, 5 South Wabash, Chicago 3, Illinois. Ref. FDO 84.

(i) *The effective date.* This order shall be effective at 12:01 a. m., e. w. t., October 12, 1943.

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

Issued this 11th day of October 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-16596; Filed, October 11, 1943;
12:00 m.]

[Regulation 2, Amdt. 1]

PART 1598—GENERAL REGULATIONS

CONTRACT SCHOOLS PERMITTED TO BUY SET ASIDE AND RESTRICTED FOOD

Food Distribution Regulation No. 2, (8 F.R. 7523) issued by the War Food Administrator on June 4, 1943, is hereby completely revised and amended to read as follows:

§ 1598.1 *Purchase of set aside and restricted food by contract schools.*—(a) *Definitions.* For the purposes of this regulation:

(1) "Contract school" means and includes any person who is feeding, pursuant to a written contract with an agency of the United States, personnel of the Armed Services of the United States fed under the command of a commissioned or noncommissioned officer or other authorized representative of the Armed Services of the United States, and who is specifically authorized by the Armed Service concerned to purchase set aside and restricted food pursuant to this regulation.

(2) "Armed Services of the United States" means the Army, Navy, Marine Corps, and Coast Guard of the United States.

(3) "Set aside food" means that portion of any of the foods listed in Schedule A hereto held by any person pursuant to any food order.

(4) "Restricted food" means that portion of any food listed in Schedule B hereto which the person restricted by a food order may sell without such sales being charged against his quota under the food order.

(5) "Person" means any individual, partnership, corporation, association, business trust, or any organized group of persons, whether incorporated or not, and includes the States and any subdivisions thereof.

(6) "Director" means the Director of Food Distribution, War Food Administration.

(b) *Purchases of set aside and restricted food by contract schools.* Notwithstanding the provisions of any food order or regulation now or hereafter issued, unless specifically prohibited therein, any contract school may purchase any set aside or restricted food from any person, and any person may sell or deliver set aside or restricted food to any contract school, and such sales or deliveries may be considered by the sellers in the same manner as sales to the Armed Services of the United States: *Provided,* That all such purchases by such contract school shall be made by written order or contract containing the following certificates signed by an authorized representative of the contract school and by an officer of the Armed Services of the United States:

The undersigned certifies and represents to the War Food Administration that he is the _____ of _____ (Position held) (Name of university, etc.) which is feeding _____ (Army, Navy, Marine Corps or Coast Guard)

personnel pursuant to contract No. _____ with _____ and _____ (Contracting Government Agency) that all of the items and quantities of food listed hereon are required for and will be used in feeding such personnel.

_____ (Title)
I certify that _____ is _____ (Name of university, school, etc.) feeding _____ personnel (Army, Navy, Marine Corps, or Coast Guard) pursuant to contract No. _____ with _____ and that the (Contracting Government Agency) above individual has represented to me that all of the food items and quantities listed hereon are required for and will be used in feeding such personnel.

_____ (Officer's Title)

All set aside and restricted food purchased by contract schools shall be used by such schools only for feeding personnel of the Armed Services of the United States.

(c) *Purchases from intermediate distributors.* A contract school may purchase set aside and restricted food directly from the person required to set aside food or restricted by any food order, or may purchase such foods indirectly through jobbers, wholesalers, or other intermediate distributors. Where such purchases are made indirectly, the intermediate distributor shall make copies of the certificates provided in paragraph (b) hereof, certified by him to be correct. Any person may sell to any intermediate distributor the quantities of set aside food or restricted food covered by such certified copy furnished to him and may treat such sales in the same manner as sales made directly to contract schools.

(d) *Records and reports.* (1) The Director shall be entitled to obtain such information from, and require such reports and keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this regulation.

(2) Every person receiving contracts or purchase orders containing certificates as provided in this regulation and every other person subject to this regulation shall maintain an accurate record for two years (or for such other period of time as the Director may designate) of his transactions involving set aside and restricted foods for contract schools.

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

(e) *Audits and Inspections.* The Director shall be entitled to make such audit and inspection of the books, records, and other writings, premises, or stocks of food of any person participating in any transaction involving the purchase of set aside or restricted foods by contract schools and to make such in-

vestigations as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this regulation.

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

(g) *Violations.* The Director may by suspension order prohibit any person who violates any provisions of this regulation from receiving, making deliveries of, or using any material subject to priority or allocation control by the War Food Administrator and may recommend that any such person be prohibited from receiving or using material subject to the priority or allocation control of other government agencies. In addition, any person who wilfully violates any provision of this regulation is guilty of a crime and may be prosecuted under any or all applicable laws. Civil action may also be instituted to enforce any liability or duty created by or to enjoin any violation of any provision of this regulation.

(h) *Communications.* All reports required to be filed hereunder and all communications concerning this regulation shall, unless otherwise directed, be addressed to: Director of Food Distribution, War Food Administration, Washington, 25, D. C., Ref.: FDR-2.

(i) *Territorial extent.* This regulation applies to all persons in the forty-eight States, the District of Columbia, and the territories and the possessions of the United States.

(j) *Delegation of authority.* The administration of this regulation and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this regulation, are hereby delegated to the Director. The Director is authorized to amend the schedules to this regulation. The Director is authorized to redelegate to any person within the United States Department of Agriculture any or all of the authority vested in him by this regulation.

(k) *Reference to ship operators.* This regulation no longer applies to the acquisition of set aside and restricted food by ship operators. The acquisition of these foods for this purpose is controlled by Food Distribution Regulation No. 3 (*supra*). Reference should be made to that regulation for all definitions and provisions regarding the supplying food to ship operators.

(l) *Effective date.* This amendment shall be effective on November 15, 1943. With respect to violations of said regulation, rights accrued, or liabilities incurred prior to the effective date of this amendment, said Food Distribution Regulation No. 2 shall be deemed to be in full force and effect for the purposes of sustaining any proper suit, action, or

other proceeding with respect to any such violation, right, or liability.

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

Issued this 8th day of October 1943.

MARVIN JONES,
War Food Administrator.

SCHEDULE A

	Applicable Food Distribution Order
Set aside foods:	
American cheese.....	15
Beef.....	75-2
Butter.....	2
Dried skim milk.....	54
Rice.....	10
Turkeys.....	71

SCHEDULE B

Restricted foods:	
Cocoa products.....	25
Fats and oils products.....	42
Frozen dairy foods.....	8
Honey.....	47
Meats (Pork, beef, veal, lamb).....	75-1
Molasses.....	51
Peanuts.....	78
Spices.....	19
Tea.....	18

[F. R. Doc. 43-16591; Filed, October 11, 1943; 11:26 a. m.]

[Regulation 3]

PART 1598—GENERAL REGULATIONS

LICENSED SHIP SUPPLIERS PERMITTED TO BUY SET ASIDE AND RESTRICTED FOOD

The following regulation is deemed necessary and appropriate to permit licensed ship suppliers to obtain set aside and restricted foods to supply ship operators.

§ 1598.7 *Purchase and sale of set aside and restricted food by licensed ship suppliers*—(a) *Definitions*. For the purposes of this regulation:

(1) "Ship operator" means any person conducting the business of vessels for the account of the United States under a general agency from a service agreement approved by the Administrator of the War Shipping Administration; or operating, as the owner or owner's agent, a vessel time chartered to the United States, represented by the Administrator of the War Shipping Administration; or operating a vessel, the services of which are employed by the United States, represented by the administrator of the War Shipping Administration; or operating a vessel designated by the War Shipping Administration, which is owned, chartered, or operated by any allied or neutral country.

(2) "Set aside food" means that portion of any of the foods listed in Schedule A hereof, as amended from time to time, held by any person pursuant to a food order.

(3) "Restricted food" means that portion of any of the foods listed in Schedule B hereof, as amended from time to time, which a person restricted by a food order has sold or may sell without such sales being charged against his quota under the food order.

(4) "Designated food" means that portion of any of the foods listed in

Schedule C hereof, as amended from time to time, held by any person pursuant to a food order.

(5) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not, and includes the States and their political subdivisions and agencies.

(6) "Director" means the Director of Food Distribution, War Food Administration.

(7) "Ship supplier" means any person who at any time during the last six months of 1942 was regularly engaged in operating a bona fide business of supplying foodstuffs directly to ship operators for ship stores.

(8) "Ship stores inventory" means that quantity of set aside, restricted, and designated food which the ship supplier has obtained for sale as ship stores by use of certificates under this regulation, under Food Distribution Regulation No. 2 (8 F.R. 7523), or by special authorization from the Director, and which is (i) owned by him and in his possession, (ii) in transit to him, (iii) on consignment to him and in his possession, or (iv) in storage subject to his disposition. It also includes all food purchased or ordered by a ship supplier through the use of certificates under this regulation, which has not been delivered.

(9) "Ship stores quota" means a quantity of any set aside, restricted, or designated food equal to the total quantity of such food sold directly to ship operators by a ship supplier (each outlet considered separately), during any two calendar months during the period July 1, 1942 to June 30, 1943.

(b) *License required of ship suppliers*. A ship supplier in order to obtain any set aside, restricted, or designated foods for delivery to ship operators must hold a valid and effective license under the provisions of this regulation. Separate licenses are required for each outlet selling food for ship stores regardless of common ownership of two or more of such outlets.

(c) *Issuance of licenses*. All applications for licenses under this regulation shall be submitted on such forms and contain such information as the Director may require. Application forms may be obtained from regional offices of Food Distribution Administration or regional offices of War Shipping Administration. Applications shall be submitted to the War Shipping Administration for approval. Upon the receipt of an application properly executed, and approved by the War Shipping Administration, the Director shall issue the license unless he has reason to believe that the applicant did not, cannot, or will not comply with the provisions of this regulation. Licenses issued hereunder may not be transferred in any manner. At any time the War Shipping Administration may withdraw its approval given hereunder, and thereupon shall advise the Director promptly.

(d) *Sales of food acquired under this regulation by ship suppliers*. A licensed ship supplier may sell or deliver food contained in his ship stores inventory only

to a ship operator for immediate delivery on board a vessel, or to another licensed ship supplier who furnishes the certificate provided for in this regulation. Licensed ship suppliers shall not sell or deliver any such food to any other person or to any ship operator for purposes other than immediate delivery on board a vessel.

(e) *Acquisition of set aside and restricted food by ship suppliers*. The ship stores inventory of any set aside, restricted, or designated food of any licensed ship supplier may not exceed his ship stores quota. Within this limitation, and not otherwise, licensed ship suppliers may purchase set aside and restricted food pursuant to this regulation. If, on the effective date of a license issued under this regulation, a licensed ship supplier has a total ship stores inventory greater than his ship stores quota, he shall not purchase any of the kinds of set aside, restricted, or designated food which he holds in excess of his ship stores quota until he has reduced his holdings below his ship stores quota.

(f) *Certifications*. Licensed ship suppliers shall attach to each of their purchase orders for set aside and restricted food under this regulation a certificate in substantially the following form:

I hereby certify and represent to the War Food Administrator and to the seller that the quantities of the commodities listed herein and included in the attached purchase order are and may be ordered pursuant to the provisions of Food Distribution Regulation _____, with the terms of which I am familiar.

Date	Name of firm

Address	

License number	Authorized representative

This certificate shall not be used for purchases of other than set aside, restricted, or designated food for sale as ship stores.

(g) *Sales of set aside, restricted, and designated food to ship suppliers*. Notwithstanding the provisions of any food order now or hereafter issued, unless specifically prohibited therein, any licensed ship supplier may purchase set aside, restricted, or designated food for sale as ship stores from any person and any person may sell or deliver set aside, restricted, or designated food for sale as ship stores to licensed ship suppliers: *Provided*, That all such purchases are certified as provided in paragraphs (f) and (h). All such sales or deliveries may be reported and considered by the sellers in the same manner as sales to the War Shipping Administration. Purchases of set aside, restricted, and designated food by licensed ship suppliers for purposes other than sale to ship operators are unaffected by this regulation.

(h) *Acquisition of designated food by ship suppliers*. Designated food may be purchased by licensed ship suppliers only by complying with provisions of paragraphs (e), (f), and (g) hereof and, in addition thereto, by securing special authorization therefor from the Director. Applications for such authorization shall be sent to the Director and shall specify the items desired and the quantity, quality, and container size desired. The name

of the person from whom it is proposed to buy these foods shall also be stated. Applications may be made by mail or by telegraph. The certificate used for the purchase of designated food shall contain the following statement in addition to the statement prescribed by paragraph (f) hereof:

The purchase of all designated food listed hereon has been authorized by the Director of Food Distribution.

(i) *Purchases from intermediate distributors.* A ship supplier may purchase set aside and restricted food for ship stores directly from the person who is required to set aside food or who is restricted by any food order, or may purchase such food indirectly from jobbers, wholesalers, or other intermediate distributors. Where such purchases are made indirectly, the intermediate distributor shall make copies of the certificates provided in paragraph (f) hereof, certified by him to be correct, or may make lists of all or part of the food items on such certificates, certified by him to be correct. Any person may sell to any intermediate distributor the quantities of set aside food or restricted food covered by such certified copy or certified list furnished to him and may treat such sales in the same manner as sales of ship stores made directly to licensed ship suppliers.

(j) *Change in ship stores quotas.* (1) When recommended by the War Shipping Administration, the Director may authorize an emergency increase in the ship stores quota of any licensed ship supplier. The Director may limit the duration of such increase.

(2) The Director may increase or reduce the ship stores quota of any licensed ship supplier, and may establish a ship stores quota for any licensed ship supplier.

(k) *Stockpiles established at the request of the War Shipping Administration.* None of the provisions of this regulation shall apply to any acquisition or disposition by licensed ship suppliers of food acquired by them for stockpiling purposes pursuant to written instructions concerning these stockpiling operations, issued by the War Shipping Administration, and subject to the direction and control of the War Shipping Administration.

(l) *Records and reports.* (1) The Director shall be entitled to obtain such information from and require such reports and the keeping of such records by any person as may be necessary or appropriate in his discretion to the enforcement of the provisions of this regulation.

(2) Every person subject to this regulation shall, for at least two years (or for such other period of time as the Director may designate), maintain an accurate record of his transactions in set aside, restricted, and designated food, and a record of his ship stores inventory at the end of each calendar month. Every person receiving certificates or lists as provided in paragraphs (d), (g), and (i) hereof, shall preserve them for at least two years.

(3) The record-keeping requirements of this regulation have been approved by

the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(m) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises and inventories of any person affected by this regulation and to make such investigations as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this regulation.

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

(o) *Revocation of license.* At any time, the Director may suspend or revoke the license granted under this regulation to any licensed ship supplier. Upon being notified by the War Shipping Administration that it has withdrawn its approval under the provisions of paragraph (c) of this regulation with respect to any licensee hereunder, the Director shall revoke the license of that licensee. A ship supplier whose license is suspended or revoked by the Director shall dispose of his ship stores inventory according to instructions issued by the Director.

(p) *Violations.* The Director may, by suspension order, prohibit any person who violates any provision of this regulation from receiving, making any deliveries of, or using any material subject to priority or allocation control by the War Food Administrator, and may recommend that such person be prohibited from receiving, making deliveries of, or using materials subject to the priority or allocation control of other Government agencies. In addition, any person who wilfully violates any provision of this regulation is guilty of a crime and may be prosecuted under any or all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this regulation.

(q) *Communications.* All reports required to be filed hereunder and all communications concerning this regulation shall, unless otherwise directed, be addressed to: Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref.: FDR-3.

(r) *Territorial extent.* This regulation applies to all persons in the forty-eight States, the District of Columbia, the territories, and the possessions of the United States.

(s) *Delegation of authority.* The administration of this regulation and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this regulation, are hereby delegated to the Director. The

Director is authorized to amend the schedules to this regulation and is authorized to redelegate to any person within the United States Department of Agriculture any or all of the authority vested in him by this regulation.

(t) *Effective date.* This regulation shall be effective on November 15, 1943.

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

Issued this 8th day of October 1943.

MARVIN JONES,
War Food Administrator.

SCHEDULE A

Set aside foods:	Applicable Food Distribution Order
American (Cheddar) cheese.....	15
Beef	75-2
Butter	2
Concentrated citrus juices.....	3
Dried skim milk.....	54
Rice	10
Turkeys.....	71

SCHEDULE B

Restricted foods:	
Frozen dairy foods.....	8
Fats and oils (excluding lard) (Limited to salad and cooking fats, shortening and compounds, margarine, and soap (bar soap and soap powder))	42
Honey	47
Imported salted fish	72
Meats (Limited to beef, lamb, pork, veal).....	75-1
Molasses	51
Peanuts and peanut butter.....	78
Pet foods.....	58
Spices.....	19
Tea	13

SCHEDULE C

Designated foods:	
Canned fish and shellfish (Limited to Maine and California sardines, salmon, shrimp, mackerel).....	44
Canned fruits and fruit juices (Limited to apples, apricots, berries, red sour pitted cherries, figs, fruit-cocktail, grapefruit, peaches, pears, pineapple, orange juice, grapefruit juice, orange and grapefruit juice, and pineapple juice).....	22-4
Canned vegetables and vegetable juices (Limited to asparagus, lima beans, snap beans, beets, carrots, corn, peas, pumpkin and squash, spinach, tomatoes, tomato puree, tomato paste, tomato juice, and tomato catsup).....	22-4
Dehydrated vegetables (Limited to beets, cabbage, onions, potatoes, and rutabagas).....	80
Dried fruits (Limited to apples, apricots, pears, peaches, prunes, and raisins).....	16
Dried beans and peas.....	45

[F. R. Doc. 43-16590: Filed, October 11, 1943; 11:26 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4829]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

VOCATIONAL PLACEMENT BUREAU, ETC. ET AL.

§3.7 Aiding, assisting and abetting unfair or unlawful act or practice:

§ 3.55 *Furnishing means and instrumentalities of misrepresentation or deception:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Government connection:* § 3.72 (n 10) *Offering deceptive inducements to purchase or deal—Terms and conditions:* § 3.96 (b) *Using misleading name—Vendor—Government connection.* In connection with offer, etc., in commerce, of mailing cards or folders, or any other printed or written material, for use in obtaining information concerning debtors or other persons, (1) using the words "Bureau of Records of Employment" or any other words to designate or describe the business of the respondents, or any of them, which represent or imply that respondents are connected with any branch or agency of the United States Government or that the respondents, or any of them, are authorized to secure information for any branch or agency of the United States Government; (2) representing directly or by implication that the business of the respondents, or of any of them, has any connection with the United States Government or that any information sought by the respondents, or any of them, or their customers is for the use of the United States Government or any branch or agency thereof; (3) using the words "Registration Number" or "Regional Agent" or area designations, such as "Eastern Area", or any other words or area designations of similar import or meaning, on any information cards, questionnaires, or other material, which represent or imply that the information sought thereby is required by, or is for the use of, the Selective Service Administration or any other agency or branch of the United States Government; and (4) using, or placing in the hands of others for use, mailing cards, questionnaires, or other printed material so worded and designed as to represent or imply that such mailing cards, questionnaires, or other material have been forwarded by some agency or branch of the United States Government or that the information sought to be obtained by such mailing cards, questionnaires, or other material is for the use of any agency or branch of the United States Government; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Vocational Placement Bureau, etc., et al., Docket 4829, September 28, 1943]

In the Matter of Andrew J. Lytle and Richard Carl Lytle, Individually and Trading as Vocational Placement Bureau, Debtors Finance Bureau and Bureau of Records of Employment and William Edgar Spicer, Individually

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of September, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answers of the respondents, testimony and other evidence in support of and in opposition to the allegations of said complaint

taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and exceptions filed thereto, briefs in support of the complaint and in opposition thereto, and oral argument of counsel; and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents Andrew J. Lytle and Richard Carl Lytle, individually and trading as Vocational Placement Bureau or Bureau of Records of Employment, or trading under any other name or names, and respondent William Edgar Spicer, an individual, and their respective representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution in commerce as "commerce" is defined in the Federal Trade Commission Act, of mailing cards or folders or any other printed or written material for use in obtaining information concerning debtors or other persons, do forthwith cease and desist from:

(a) Using the words "Bureau of Records of Employment" or any other words to designate or describe the business of the respondents, or any of them, which represent or imply that respondents are connected with any branch or agency of the United States Government or that the respondents, or any of them, are authorized to secure information for any branch or agency of the United States Government.

(b) Representing directly or by implication that the business of the respondents, or of any of them, has any connection with the United States Government or that any information sought by the respondents, or any of them, or their customers is for the use of the United States Government or any branch or agency thereof.

(c) Using the words "Registration Number" or "Regional Agent" or area designations, such as "Eastern Area," or any other words or area designations of similar import or meaning, on any information cards, questionnaires, or other material, which represent or imply that the information sought thereby is required by, or is for the use of, the Selective Service Administration or any other agency or branch of the United States Government.

(d) Using, or placing in the hands of others for use, mailing cards, questionnaires, or other printed material so worded and designed as to represent or imply that such mailing cards, questionnaires, or other material have been forwarded by some agency or branch of the United States Government or that the information sought to be obtained by such mailing cards, questionnaires, or other material is for the use of any agency or branch of the United States Government.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing,

setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-16510; Filed, October 9, 1943; 11:11 a. m.]

[Docket No 4980]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MILWAUKEE IMPORTING COMPANY

§ 3.41 *Delaying or withholding corrections or adjustments:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Business methods, policies and practice:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Producer status of dealer:* § 3.72 (m 10) *Offering deceptive inducements to purchase or deal—Sample, offer or order conformance.* In connection with offer, etc., in commerce, of respondent's Malt Cereal, or any other product, (1) accepting and retaining money sent in pre-payment of merchandise ordered when for any reason the merchandise is not shipped pursuant to order; (2) making false and fraudulent excuses and pretexts for failure to fill prepaid orders for merchandise; (3) representing to customers that failure to fill orders or ship merchandise is due to war conditions, shortages of labor or raw materials, or to any other cause which does not in fact exist; and (4) representing that the Malt Cereal sold by respondent is malted or roasted in respondent's plant; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Milwaukee Importing Company, Docket 4980, October 5, 1943]

In the Matter of Henry P. Kinneke, an Individual Trading as Milwaukee Importing Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of October, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, and a stipulation as to the facts entered into between the respondent herein and counsel for the Commission which provides, among other things, that without further evidence or other intervening procedure the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Henry P. Kinneke, individually and trading under the name Milwaukee Importing Company, or trading under any other

name, and his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of respondent's Malt Cereal or any other product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Accepting and retaining money sent in prepayment of merchandise ordered when for any reason the merchandise is not shipped pursuant to order.

2. Making false and fraudulent excuses and pretexts for failure to fill prepaid orders for merchandise.

3. Representing to customers that failure to fill orders or ship merchandise is due to war conditions, shortages of labor or raw materials, or to any other cause which does not in fact exist.

4. Representing that the Malt Cereal sold by respondent is malted or roasted in respondent's plant.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-16511; Filed, October 9, 1943;
11:11 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T.D. 50942]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

EARTHENWARE AND CROCKERY WARE INVOICES

In addition to all other information required by law or regulation, customs invoices for earthenware and crockery ware composed of a nonvitrified absorbent body, including cream-colored ware and terra cotta, including clock cases with or without movements, pill tiles, plaques, ornaments, charms, vases, statues, statuettes, mugs, cups, steins, lamps, and all other articles composed wholly or in chief value of such ware, shall contain in respect of each lot of articles identical in composition the information set forth below:

1. All the materials or ingredients used in the bodies of the articles.

2. Whether the bodies of the articles are artificially colored.

3. All the materials or ingredients used in the engobe or body slips, if the bodies are covered wholly or in part with engobe or body slips.

4. Whether the engobe or body slips are artificially colored.

This requirement shall be effective as to invoices certified after 30 days after publication of this document in the weekly Treasury Decisions. (Sec. 481 (a) (10), 46 Stat. 719; 19 U.S.C. 1481 (a) (10))

Section 8.13 (j), Customs Regulations of 1943 (19 CFR 8.13 (j)), is hereby amended by adding the following to the list of merchandise in connection with which additional information is required to be furnished on invoices and by placing opposite such addition the number and date of this Treasury decision:

Earthenware and crockery ware composed of a non-vitrified absorbent body, including cream-colored ware and terra cotta, clock cases with or without movements, pill tiles, plaques, ornaments, charms, vases, statues, statuettes, mugs, cups, steins, lamps, and all other articles composed wholly or in chief value of such ware.

W. R. JOHNSON,
Commissioner of Customs.

Approved: October 6, 1943.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 43-16490; Filed, October 8, 1943;
3:56 p. m.]

TITLE 20—EMPLOYEES' BENEFITS

**Chapter III—Social Security Board,
Federal Security Agency**

[Regulations 3, 1 Amdt.]

**PART 403—FEDERAL OLD-AGE AND
SURVIVORS' INSURANCE**

LUMP-SUM DEATH PAYMENTS

Effective January 1, 1940, § 403.408 (b) (2) of Regulations No. 3, as amended (Part 403, Title 20, Code of Federal Regulations, 1940 Supp.) is amended to read as follows:

§ 403.408 *Lump-sum death payments.* * * *

(b) *Persons entitled to receive payments.* * * *

(2) *Persons equitably entitled.* If none of the persons described under subparagraph (1) of this paragraph is living on the date of the Board's determination of relationship, the lump sum will be payable to any person or persons equitably entitled thereto, to the extent and in the proportions that he or they shall have paid the burial expenses of the deceased insured individual.

Where an estate is a person equitably entitled, payment will be made only to the legal representative of such estate.

The term "person or persons equitably entitled" does not include, among others, any of the following:

(i) The United States Government or any wholly owned instrumentality thereof

(ii) Any person under contractual obligation to pay the burial expenses of the deceased, to the extent of such obligation.

¹ 5 FR. 1489. For a chronological description of the statutory basis for the old-age and survivors insurance system under title II of the Social Security Act, as amended, and the regulations which have been issued thereunder, see § 403.1 of Regulations No. 3 of the Social Security Board. (§ 403.1, Title 20, Code of Federal Regulations, 1940 Supp.)

(iii) Any person paying the expenses of the burial of a member or employee of such person, to the extent of any payment under a plan, system, or general practice.

(iv) Any person furnishing goods or services in connection with the burial of the deceased, to the extent that goods or services are furnished.

(v) Any person who has been, or will be, wholly or partially reimbursed, to the extent of such reimbursement.

(Sec. 205 (a), 53 Stat. 1368, sec. 1102, 49 Stat. 647; 42 U.S.C. sec. 405 (a), 1302)

In pursuance of sections 205 (a) and 1102 of the Social Security Act, as amended, the foregoing regulation adopted by the Board is hereby prescribed this 2d day of October 1943.

[SEAL] SOCIAL SECURITY BOARD,
A. J. ALTMAYER,
Chairman.

Approved October 6, 1943.

WATSON B. MILLER,
Acting Federal Security
Administrator.

[F. R. Doc. 43-16508; Filed, October 9, 1943;
10:44 a. m.]

TITLE 22—FOREIGN RELATIONS

**Chapter III—Proclaimed List of Certain
Blocked Nationals**

[Revision VI]

ADMINISTRATIVE ORDER

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Office of Economic Warfare, and the Coordinator of Inter-American Affairs, by Proclamation 2497 of the President of July 17, 1941 (6 F.R. 3555), The Proclaimed List of Certain Blocked Nationals, Revision V of April 23, 1943 and Supplements 1, 2, 3, 4, 5, and 6 thereto, are superseded by the following Revision VI of the List, which is hereby promulgated.¹

By direction of the President:

CORDELL HULL,
Secretary of State.

RANDOLPH PAUL,
Acting Secretary of the Treasury.

FRANCIS BIDDLE,
Attorney General.

JESSE H. JONES,
Secretary of Commerce.

LEO T. CROWLEY,
Director,
Office of Economic Warfare.

NELSON A. ROCKEFELLER,
Coordinator of
Inter-American Affairs.

OCTOBER 7, 1943.

[F. R. Doc. 43-16544; Filed, October 9, 1943;
4:28 p. m.]

¹ Filed with the Division of the Federal Register in The National Archives. Requests for printed copies should be addressed to the Federal Reserve Banks or the Department of State.

TITLE 29—LABOR

Chapter IX—War Food Administration
(Agriculture Labor)

PART 1105—SALARIES AND WAGES IN PICKING OF AMERICAN UPLAND COTTON

WORKERS IN CERTAIN CALIFORNIA COUNTIES

Public notice with respect to increases in wages of American upland cotton pickers in Kern, Kings, Tulare, Fresno, Madera and Merced Counties, State of California.

Pursuant to the authority contained in the Act of October 2, 1942, entitled "An Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes" (Pub. Law 729, 77th Cong.), as amended by the Public Debt Act of 1943, entitled "An Act to increase the debt limit of the United States, and for other purposes" (Pub. Law 34, 78th Cong., 1st Sess.); Executive Order 9250 of October 3, 1942 (7 F.R. 7871); Executive Order 9328 of April 8, 1943 (8 F.R. 4681); the regulations of the Economic Stabilization Director dated August 28, 1943 (8 F.R. 11960); and based upon relevant facts submitted to me by The Wage Board for California of the United States Department of Agriculture and by other sources, it is hereby determined that:

Sec.

- 1105.1 Area, crop and classes of workers.
- 1105.2 Wage rates.
- 1105.3 Applications for adjustments.
- 1105.4 Delegation of authority.
- 1105.5 Procedure.
- 1105.6 Effect of unlawful payments.
- 1105.7 Further delegations of authority by the Administrator.

AUTHORITY: §§ 1105.1 to 1105.7, inclusive, issued under 56 Stat. 765; 50 U.S.C. App. 961 et seq., Pub. Law 34, 78th Cong.; E.O. 9250, 9328, 7 F.R. 7871, 8 F.R. 4681; Regulations of the Director of Economic Stabilization, §§ 4001.1 to 4001.21, inclusive, 8 F.R. 11960.

§ 1105.1 *Area, crop and classes of workers.* Persons engaged in the picking of American upland cotton in Kern, Kings, Tulare, Fresno, Madera and Merced Counties, State of California, are agricultural labor as defined in § 4001.1 (1) of the regulations of the Economic Stabilization Director, issued on August 28, 1943 (8 F.R. 11960).

§ 1105.2 *Wage rates.* No increases in the wages paid pickers of American upland cotton in the counties mentioned in section 1 hereof shall be made above the rate of \$2.25 per hundred pounds of seed cotton without the approval of the War Food Administrator under the procedure provided for herein.

§ 1105.3 *Applications for adjustments.* Any appeals for relief from hardships resulting from this determination and any applications for adjustment in such wages shall be filed by the employer or employee with the Wage Board for Cali-

fornia of the United States Department of Agriculture, 2288 Fulton Street, Berkeley, California, which Board, after conducting such investigation as may be required and reviewing such applications or appeals, shall have the authority to make such determinations as are consistent with the intent of this order. Each such ruling shall be final, subject only to the War Food Administrator's right of review on his own initiative. Any reversal or modification of such ruling by the War Food Administrator shall take effect from the date of its issuance; *Provided, however,* That if a ruling denying an application for permission to make a wage increase is overruled, the final ruling by the War Food Administrator shall incorporate the effective date of the adjustment.

§ 1105.4 *Delegation of authority.* (a) The Wage Board for California of the United States Department of Agriculture, hereinafter called the Board, is hereby authorized to act on behalf of the War Food Administrator, hereinafter called the Administrator, to conduct hearings, in accordance with the procedure set forth in § 1105.5 for the purpose of making findings of fact and recommendations with respect to alleged violations of §§ 1105.1 to 1105.3, both inclusive.

(b) Three members of the Board shall constitute a quorum for the purpose of conducting such hearings and the chairman of the Board shall act as presiding officer at the hearings, administer oaths and affirmations, and rule on motions, requests, and on the admission and exclusion of evidence.

§ 1105.5 *Procedure.*—(a) *Preliminary investigation.* Preliminary investigations of alleged unlawful wage or salary payments shall be made by representatives of the Administrator. Each such report of investigation shall be submitted to the Regional Attorney, United States Department of Agriculture, for consideration. He shall forward the report, with his recommendations, to the Board. If, after consideration of the report and the recommendations, the Board is of the opinion that there is reasonable cause to believe that a violation has occurred, the Board shall request the alleged violator to appear at a hearing before the Board.

(b) *Notice.* Notice of the hearing shall be served on the alleged violator not less than ten (10) days prior to the date of the hearing. Such notice shall set forth (1) the time and place of the hearing, (2) a concise statement of the allegations of fact which constitute a basis for the proceeding, (3) a statement informing the alleged violator that he may be represented by counsel at the hearing and will be given full opportunity to present written or oral testimony and to examine and cross-examine witnesses on all matters relating to the

charge, and (4) a statement informing the alleged violator that failure to appear will not preclude the Board from taking testimony, receiving proof and making findings and recommendations with respect to the charges.

(c) *Conduct of the hearing.* The rules of evidence prevailing in courts of law and equity shall not be controlling. The test of admissibility shall be the reliability, relevancy, and probative force of the evidence offered.

All testimony shall be given under oath and a written transcript of the hearing shall be made.

The presiding officer shall afford reasonable opportunity for cross-examination of the witnesses. At the close of the hearing, the presiding officer may, at his discretion, allow a short period for the presentation of oral argument, or for a summary of the facts disclosed at the hearing and, if he deems it advisable, may allow briefs to be filed within a period prescribed by him, not to exceed five (5) days.

(d) *Findings and recommendations.* Upon conclusion of the hearing, if a majority of the board is satisfied that the charge has been sustained by a preponderance of the evidence, it shall find accordingly. Findings of fact and recommendations shall be prepared, subscribed by the concurring members of the Board and submitted to the Administrator, together with a transcript of the proceedings. A copy of the findings of fact and recommendations shall be served on the alleged violator. After consideration of the findings and recommendations, the Administrator shall determine whether the alleged violator has made salary or wage payments in contravention of §§ 1105.1 to 1105.3, both inclusive. A copy of such determination shall be served by registered mail on the alleged violator.

(e) *Petition for reconsideration.* Within five (5) days after receipt of a copy of the Administrator's determination, the alleged violator may file with the War Food Administrator, Washington, D. C., a petition for reconsideration of such determination. Such petition may be accompanied by any affidavits or briefs which the alleged violator desires to submit. Within a reasonable time after receiving such a request for reconsideration, the Administrator shall affirm, modify or reverse his original determination, or direct a further hearing to be held. Such further hearing shall follow the procedure prescribed for the original hearing. The determination of the Administrator shall be final and shall not be subject to review by The Tax Court of the United States or by any court in any civil proceedings.

(f) *Transmittal of determination to other Government agencies.* If a petition for reconsideration is not filed within the period stated above, or if a petition for reconsideration is filed and the

Administrator affirms his original determination, he shall forward his determination to the violator, to the Commissioner of Internal Revenue, and, in appropriate cases, to the Attorney General for consideration of criminal prosecution.

§ 1105.6 *Effect of unlawful payments*—(a) *Amounts disregarded.* In any case where the Administrator determines that a salary or wage payment has been increased in contravention of §§ 1105.1 to 1105.3, both inclusive, the amount of the salary or wage paid or accrued at the increased rate, shall be disregarded by all executive departments and all other agencies of the Government for the purposes of:

(1) Determining costs or expenses of the employer for the purpose of any law or regulation, either heretofore or hereafter enacted or promulgated, including the Emergency Price Control Act of 1942, or any maximum price regulation thereof;

(2) Calculating deductions under the revenue laws of the United States; or

(3) Determining costs or expenses under any contract made by or on behalf of the United States.

(b) *Criminal penalties.* Any person, whether an employer or an employee, who wilfully violates any provision of §§ 1105.1 to 1105.3, both inclusive, shall, upon conviction thereof, be subject to a fine of not more than \$1,000, or to imprisonment for not more than one year, or to both such fine and imprisonment.

§ 1105.7 *Further delegations of authority by the Administrator.* Any or all functions, powers, or duties reserved to the Administrator by these regulations may be delegated by the Administrator to such other person or persons as he may designate.

MARVIN JONES,
War Food Administrator.

OCTOBER 8, 1943.

[F. R. Doc. 43-16489; Filed, October 8, 1943;
8:15 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 214]

ORDER REFERRING REGISTRANT TO ANOTHER LOCAL BOARD FOR PRELIMINARY PHYSICAL EXAMINATION ONLY

DISCONTINUANCE OF FORM

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., App. and Sup. 301 et seq.); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the

authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, I hereby prescribe the following change in DSS forms:

Discontinuance of DSS Form 203, entitled "Order Referring Registrant to Another Local Board for Preliminary Physical Examination Only," effective immediately upon the filing hereof with the Division of the Federal Register.

The foregoing discontinuance shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

OCTOBER 8, 1943.

[F. R. Doc. 43-16537; Filed, October 9, 1943;
1:59 p. m.]

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 902—REGULATIONS UNDER THE REQUISITIONING ACTS

[Regulation as Amended Sept. 27, 1943¹]

§ 902.1 *General provisions applicable to all requisitioning proceedings.* (a) As used in these regulations, the term "Requisitioning Authority" means the Chairman of the War Production Board in all cases except when requisitioning is initiated under paragraph 4 of Executive Order 8942, as amended by Executive Order 9138, in which case the term "Requisitioning Authority" means the head of the department or agency who shall have submitted the proposal for requisitioning to the Chairman of the War Production Board.

(b) Promptly after any property has been requisitioned, notice of such requisition, in such manner and form as may be approved by the General Counsel of the War Production Board, shall, to the extent practicable, be given by the Requisitioning Authority to all persons known to have or claim any interest in such property; and all such persons shall be directed to file their claims with the Requisitioning Authority.

(c) As promptly as practicable after property has been requisitioned, the Requisitioning Authority shall make a preliminary determination of the fair and just compensation to be paid for such property. It shall, to the extent practicable, give notice of such determination to all persons known to have or claim an interest in the property requisitioned. Within 30 days after such notice, any claimant may file written objections to such preliminary determination, specify-

¹This document is a restatement of Amendment 2 of Regulations Under the Requisitioning Acts which appeared in the FEDERAL REGISTER of October 2, 1943, page 13381, and reflects the order in its completed form as of September 27, 1943.

ing in reasonable detail the grounds for his objection. The preliminary determination may be modified on the basis of such objections.

(d) In any case in which the Requisitioning Authority is in doubt as to the proper measure to be applied in determining fair and just compensation, or in any case in which there is a difference of opinion between the Requisitioning Authority and any person known to have or claim an interest in property requisitioned as to the proper measure to be applied in determining fair and just compensation, the Requisitioning Authority may, in its discretion, either before or after making a preliminary determination pursuant to paragraph (c), designate a time and place for all persons known to have or claim an interest in the property requisitioned to appear in support of their claims. Such appearance shall be before a board or official designated by the Requisitioning Authority for such purpose. Such board or official shall hear the claimants who appear and shall receive any evidence relevant to the inquiry. A stenographic transcript of the proceedings before such board or official and copies of all written evidence submitted shall be preserved. Following such inquiry, such board or official shall make a recommendation to the Requisitioning Authority as to the amount of compensation to be paid, and the Requisitioning Authority shall consider such recommendation, and thereafter may make or affirm, increase or decrease its preliminary determination.

(e) No payment shall be made to any claimant until he has presented such proof of his title as the Requisitioning Authority may require and the Requisitioning Authority has determined that compensation or any part thereof may be safely paid to him. If the Requisitioning Authority determines that compensation cannot safely be paid to any claimant, the Requisitioning Authority shall make an award of compensation and the amount of the award shall be set aside and retained, or the proper appropriation charged therefor, until the person or persons entitled to receive the same shall be established. If the Requisitioning Authority determines that compensation can safely be paid to any claimant, it shall make an award of compensation and shall pay to the person or persons entitled thereto the amount of such award or, if such person or persons are unwilling to accept such compensation, shall pay 50 per centum of such amount in accordance with the Act of October 10, 1940, as amended, or the Act of October 16, 1941, as amended, whichever shall be applicable.

(f) At any time after property has been requisitioned, the Requisitioning Authority may make a settlement with claimants as to the amount of compensation

and the persons entitled thereto, provided that at the time of making any such settlement, the Requisitioning Authority shall make a determination that the amount of such settlement constitutes fair and just compensation for the property requisitioned.

(g) A Requisitioning Authority may exercise and authorize redelegation of any power, duty or discretion vested in it under Executive Order No. 9040, Executive Order No. 9138, or this Regulation through such person or persons as it may designate.

(h) Any Requisitioning Authority, for the purpose of requiring and compelling a disclosure of information under section 4 of the Act of October 16, 1941, as amended, may administer oaths and affirmations, may require by subpoena or otherwise the attendance and testimony of witnesses and the production of any books or records or any other documentary or physical evidence which may be relevant to the inquiry. Such attendance and testimony of witnesses and the production of such books, records or other documentary or physical evidence may be required at any designated place from any State, Territory, or other place subject to the jurisdiction of the United States.

§ 902.2 *Provisions applicable to action initiated by the head of a Department or Agency other than the Chairman of the War Production Board.* (a) The Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of Agriculture, the Chairman of the United States Maritime Commission, the Executive Director of the Office of Economic Warfare, or the head of such other agency as the President may from time to time designate shall, prior to requisitioning any property pursuant to the power granted by paragraph 4 of Executive Order 8942, as amended by Executive Order 9138, submit to the Chairman of the War Production Board a written statement (in such form as may be approved by the General Counsel of the War Production Board) setting forth in reasonable detail all pertinent facts with respect to the property which he proposes to requisition and the proposed disposal thereof, and certifying that he has made the determinations required under said paragraph 4.

(b) Upon the submission of any such proposal, the Chairman of the War Production Board shall determine whether such proposal is consistent with his priorities and allocations program and

general production and supply plan. The Chairman of the War Production Board may consider and act upon the proposed requisitioning separately from the proposed disposal. The determination of the Chairman of the War Production Board shall be transmitted in writing to the Requisitioning Authority.

(c) If the proposed requisitioning is determined to be consistent with the priorities and allocations program and general production and supply plan of the Chairman of the War Production Board, the Requisitioning Authority may requisition the property in accordance with § 902.1 hereof. If the proposed disposal of such property has been determined to be consistent with the priorities and allocations program and general production and supply plan of the Chairman of the War Production Board, such property shall be disposed of in accordance with such proposal; but if the Requisitioning Authority desires otherwise to dispose of such property, it may submit a new proposal for such disposal to the Chairman of the War Production Board.

(d) In any case in which any requisitioning Authority which has requisitioned property pursuant to paragraph 4 of Executive Order 8942, as amended by Executive Order 9138, determines that property requisitioned by it and retained is no longer needed by it for the defense of the United States and proposes to return it to the original owner thereof under Section 2 of the Act of October 16, 1941, as amended, it shall submit to the Chairman of the War Production Board a proposal for the return of such property. The proposal shall contain a certification that the property is no longer needed by the Requisitioning Authority for the defense of the United States. The proposal shall be in such form as may be approved by the General Counsel of the War Production Board and shall set forth all pertinent facts with respect to the property which it is proposed to return. The Chairman of the War Production Board shall thereupon determine whether such property is needed for the defense of the United States and whether the proposal to return the property is consistent with the priorities and allocations program and the general production and supply plan of the Chairman of the War Production Board. The determination of the Chairman of the War Production Board and any advice as to the disposition of the property shall be transmitted in writing to the Requisitioning Authority.

(e) In any case in which property is requisitioned or disposed of, or a deter-

mination of compensation or of a person entitled thereto is made, or property is returned to the original owner thereof, in accordance with this section or § 902.4 hereof, the Requisitioning Authority shall report in reasonable detail concerning such requisitioning, determination and payment of compensation, disposal or return to the Chairman of the War Production Board within 15 days after the event.

§ 902.3 *Provisions applicable only to requisitioning by the Chairman of the War Production Board.* (a) The Chairman of the War Production Board shall keep a written record of each determination made by him, pursuant to the provisions of Executive Order 8942, as amended by Executive Order 9138, and the Acts, of the necessity for requisitioning property.

(b) Whenever the Chairman of the War Production Board determines to requisition property through another department or agency pursuant to paragraphs 2 and 3 of Executive Order 8942, as amended by Executive Order 9138, he shall notify such department or agency and request (in such form as may be approved by the General Counsel of the War Production Board) it to requisition and dispose of such property, and all action taken shall be in accordance with the determination of the Chairman of the War Production Board.

§ 902.4 *Matters pending under the Act of October 10, 1940.* This regulation shall apply only with respect to property requisitioned after December 8, 1941. If any property was requisitioned prior to December 8, 1941, under the Act of October 10, 1940, and such property has not heretofore been disposed of or the determination of the fair and just compensation therefore has not been made, such disposal or determination shall be made in accordance with said Act of October 10, 1940, and all Executive Orders and Regulations of the President thereunder in effect immediately prior to December 8, 1941.

(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. 9040, 7 F.R. 567; E.O. 9125, 7 F.R. 2719; E.O. 9138, 7 F.R. 2919; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696)

Issued this 27th day of September 1943.

C. E. WILSON,
Acting Chairman.

[F. R. Doc. 43-16527; Filed, October 9, 1943; 12:07 p. m.]

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 949—CHROMIUM

[Direction 1 to General Preference Order M-18-a]

The following direction is issued pursuant to General Preference Order M-18-a:

To all consumers of high carbon ferrochrome, ferrochrome briquets and high carbon chrom-X:

For deliveries in the month of November, 1943, and thereafter, it will no longer be necessary for you to apply on Form WPB-689 (formerly PD-53B) or otherwise, for high carbon ferrochrome, ferrochrome briquets and high carbon chrom-X in order to be allowed to accept their delivery. Henceforth you are to apply for these materials to your suppliers directly. The War Production Board may, from time to time, for the purpose of inventory control, limit the quantities of these materials which your supplier will be permitted to ship to you.

Although you will no longer have to apply to the War Production Board for permission to acquire high carbon ferrochrome, ferrochrome briquets and high carbon chrom-X, this direction does not make any other changes in present regulations governing the use of chromium. It will still be necessary for you to obtain approval of the War Production Board for the use and melting of all types of chromium material as in the past; and it will also be necessary for you to continue to apply on Form WPB-689 (formerly PD-53B) to accept delivery of any chromium except high carbon ferrochrome, ferrochrome briquets and high carbon chrom-X. However, this direction in no way affects the small order exemptions contained in Supplementary Order M-18-a-1.

This direction is issued pursuant to General Preference Order M-18-a. All communications concerning it should be addressed to the Ferro-Alloys Branch, Steel Division, War Production Board, Reference: M-18-a, Washington 25, D. C.

Issued this 8th day of October 1943.

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

[F. R. Doc. 43-16485; Filed, October 8, 1943;
1:51 p. m.]

PART 3109—MEDICAL EQUIPMENT AND SUPPLIES SIMPLIFICATION

[Schedule 2 as Amended Oct. 8, 1943 to General Limitation Order L-214]

CORRECTIVE SPECTACLES

§ 3109.3 Schedule 2 to General Limitation Order L-214—(a) Definitions. For the purposes of this schedule:

(1) "Corrective spectacles" means spectacles designed to correct or assist defective vision in which corrective focus lenses are employed.

(2) "Optical metal" means an alloy containing approximately 90 per cent

copper, 4 per cent zinc and 6 per cent tin.

(b) *Restrictions on the use of metals.* On and after June 15, 1943, no person shall incorporate any metal in the manufacture of corrective spectacles (or any part thereof) except in the applications and to the extent set forth below:

(1) Nickel silver (containing not more than 10 per cent nickel in the alloy) or any other copper base alloy, in:

(i) End pieces for metal spectacle ware, including straps for rimless spectacles, but not including arms for semi-rimless frames;

(ii) Guard arms and pad inserts for metal spectacleware;

(iii) Temples for metal spectacleware;

(iv) Hinges and rivets for xylonite spectacleware;

(v) Springs for oxford-type spectacleware.

(2) Nickel silver (containing not more than 18 per cent nickel in the alloy) in screws and dowels for metal spectacleware.

(3) Optical metal or brass as an inner-liner for eye wires, bridges, and arms for semi-rimless frames in gold filled or rolled gold construction, provided that such innerliner shall comprise not more than 10 per cent by volume of the finished parts.

(4) Nickel silver (containing not more than 10 per cent nickel in the alloy), copper-zinc alloy or copper, in cladding for eye wires, bridges and temples for metal spectacleware, provided that such cladding shall comprise not more than 18 per cent by volume of the parts as clad, and provided further that such cladding shall not be permitted in gold filled or rolled gold construction.

(5) Nickel, gold and palladium, and rhodium, for plating of "white metal" spectacleware.

(6) Brass in tubes, silver-indium alloy in pins, and tin-zinc-lead-cadmium alloy in plugs, for screwless lens fasteners for rimless metal spectacleware.

(7) Optical metal in temple butts for metal spectacleware.

(8) Alloy gold (14 carat or less, containing not more than 6 per cent nickel) and silver brazing alloy to the extent required in metal spectacleware.

(9) Steel (including alloy steel other than nickel-bearing alloys) and iron for any part of metal spectacleware or xylonite spectacleware.

(c) *Restriction on the eyesize of metal frames.* No person shall manufacture any metal frame for corrective spectacles which has an eye with a circumference or periphery of more than 144.5 mm. There is no restriction on the shape of the eye, but the circumference or periphery of the eye must not be greater than 144.5 mm.

Issued this 8th day of October 1943.

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

[F. R. Doc. 43-16487; Filed, October 8, 1943;
1:50 p. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Interpretation 19 to CMP Reg. 1]

PROPER ALLOTMENT NUMBER MUST BE USED IN IDENTIFYING ORDERS

The following interpretation is issued with respect to CMP Regulation 1:

(a) A manufacturer of a Class B product, in ordering production materials (whether controlled materials, Class A or B products, or other materials and products) needed to make the Class B product, must not use the allotment number appearing on orders placed with him by his customers. This is true because a person may use only the allotment number which appears on the allotment made to him with his authorized production schedule. Thus a manufacturer of a Class B product, such as electric motor controls, receives an allotment of controlled material and a preference rating from the War Production Board which, in the case of electric motor controls, will be identified by the allotment number J-3. When he orders the production material he needs to make electric motor controls, he will use the symbol J-3 on his orders. Orders for electric motor controls from his customers will bear such allotment symbols as B-4, W-3, G-6, U-1, etc. The electric motor control manufacturer may not use these symbols on his own orders for production materials for the manufacture of electric motor controls.

(b) On the other hand, a manufacturer of a Class A product receives his allotments from his customers and therefore uses the allotment numbers appearing on his customers' orders when he orders materials needed to make the Class A product. Thus, a manufacturer of a Class A product who receives an order from a customer and an allotment identified by the allotment number O-5 will use the allotment number O-5 in placing his orders for production materials needed to fill the order.

(c) An allotment number or symbol alone never constitutes an allotment of controlled materials. In making an allotment a consumer must specify the controlled material and the exact quantity allotted. Attention is called to the fact that under paragraph (f) of CMP Regulation No. 1, allotments of controlled material must be made only in the form and shape in which they are allotted to the consumer.

Issued this 8th day of October 1943.

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

[F. R. Doc. 43-16483; Filed, October 8, 1943;
1:50 p. m.]

PART 3289—RADIO AND RADAR

[Preference Rating Order P-133, as Amended Oct. 8, 1943]

ELECTRONIC EQUIPMENT

Section 3289.41 Preference Rating Order P-133 is hereby amended to read as follows:

§ 3289.41 Preference Rating Order P-133—(a) *What this order does.* This is a complete revision of Preference Rating Order P-133. It gives preference ratings to persons engaged in certain businesses. It also entitles some of them to use the allotment symbol "MRO". The ratings and symbol can be used only to get materials for maintenance, repair and operating supplies; and there are

also certain special restrictions set forth in paragraph (e). The businesses, and the ratings and symbol assigned to persons engaged in them are:

(1) Radio communication—AA-1. Persons engaged in this business are also entitled to use the allotment symbol "MRO".

(2) Radio broadcasting—AA-2. Persons engaged in this business are also entitled to use the allotment symbol "MRO".

(3) Sound recording for commercial, educational or industrial purposes—AA-5.

(4) Operation and maintenance of public address, intercommunication, plant sound or other similar electronic systems, such as systems for the controlled distribution of musical programs—AA-5.

(b) *What is meant by maintenance, repair and operating supplies.* These terms include whatever is necessary to keep a person's business property and equipment in sound working condition, or to fix it when it has broken down or is about to break down. They also include those things which are normally used in the day-by-day operation of any of these businesses, being as a rule things which are consumed in use. On the other hand, there are some things which these terms do not include, and to which the benefits of this order do not extend. These are production materials, capitalized repairs, capital equipment, capital replacements, plant expansion, addition of facilities, and the construction and remodeling of buildings.

(c) *Relation of this order to War Production Board regulations and other orders.* This order and all things done under it are subject to the provisions of all applicable regulations and orders of the War Production Board, except that persons who are engaged in the businesses listed in this order to that extent are entitled to none of the benefits, and are subject to none of the restrictions, contained in CMP Regulations No. 5 and No. 5A. Anyone using this order should read particularly Priorities Regulation No. 3, which tells how to apply and extend ratings, and which contains a list of things which blanket MRO ratings (such as those assigned by this order) cannot be used to get (Priorities Regulation No. 3, paragraph (f) and List B).

(d) *How to use the ratings and allotment symbol.* (1) Persons entitled to use these ratings and the allotment symbol "MRO" under this order may do so by placing on their purchase orders either the form of certificate provided in Priorities Regulation No. 3, or that provided in CMP Regulation No. 7. In every case those persons entitled under this order to use the allotment symbol "MRO" must place on their purchase orders in addition to the certificate the symbol "MRO-P-133".

(2) Any purchase order for controlled materials which bears such a certificate and symbol is an authorized controlled material order, and on such orders the preference rating should not be shown. The preference rating must, of course, be

shown on orders for anything but controlled materials.

(e) *Restrictions on the use of the ratings and allotment symbol.* No person shall use these ratings or allotment symbol:

(1) To buy or to repair a tube unless a similar tube has first been operated to failure, or unless he has in stock less than one new and one rebuilt, or two rebuilt spare tubes for each active tube socket. All power tubes of 250 watts or more (plate dissipation), which have been operated to failure and are not to be repaired, shall be returned to the manufacturer.

(2) To replace in stock any spare parts except parts which are subject to frequent failure or rapid deterioration, or parts which are of such special design that their failure would cause a lengthy interruption of operations unless they could be immediately replaced from stock.

(3) To replace in stock a new part (other than a tube) if the old part can be repaired.

(4) To replace equipment which has not been used within the ratings specified by the manufacturer of the equipment.

(5) To increase the value of a person's inventory of repair parts (not including tubes) above the value of such inventory on October 5, 1942.

(6) To increase a person's inventory of operating supplies (not including tubes) above a ninety-day requirement.

(7) To get aluminum if the use of any other material is practicable, or to get more than five hundred pounds of aluminum in any calendar quarter in any event.

(8) To get materials for the maintenance, repair or operation of equipment for the account of War Emergency Radio Service.

(f) *Persons who service these businesses.* Any person (such as a service repair shop) who does maintenance or repair work for anyone engaged in any of the businesses described in this order may use the rating and symbol to which his customer would be entitled in order to get materials to do that work for his customer. In such a case the restrictions of paragraph (e) apply as to the customer and the customer shall be responsible if they are violated.

(g) *Special rule for international, point-to-point, radio communication carriers.* Any person engaged in international, point-to-point radio communication, as a commercial operation, may use the rating and allotment symbol given by this order to rearrange, modify or expand existing facilities and equipment (but not buildings) either to maintain his regularly established services, or to provide whatever new or modified service may be necessary to render services required by or for the account of the United States Army, the United States Navy, any agency of the United States Government, or any agency of any foreign government.

The cost of materials for any one project undertaken under this paragraph (g)

must not exceed \$1,500.00, in which case the restrictions of paragraph (e) of this order, and the rules of Conservation Order L-41 shall not apply, and an authorization to begin construction shall not be necessary.

(h) *Penalties for violating this order.* Any person who wilfully violates any provision of this order or falsifies the certificate prescribed in paragraph (d), or who conceals any material information or furnishes false information to any department or agency of the United States is guilty of a crime. If convicted, he may be punished by fine or imprisonment. He may also be deprived of any or all priorities assistance. For example, he may be prohibited from getting, delivering, processing, or using anything which is subject to priority control by the War Production Board.

(i) *How to appeal from any provision of this order.* Any person may appeal for relief from any provision of this order by writing a letter which explains fully what provisions he is appealing from and why he thinks he should be relieved from those provisions so far as they relate to him or his business. He should send this letter with two signed copies to the War Production Board.

(j) *Letters and reports about this order.* Any letters about this order, or any reports which persons subject to this order may be required to file, should be addressed to the War Production Board, Radio and Radar Division, Washington 25, D. C., Ref: P-133.

Issued this 8th day of October 1943.

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

[F. R. Doc. 43-16484; Filed, October 8, 1943;
1:50 p. m.]

PART 3291—CONSUMERS DURABLE GOODS
[General Limitation Order L-323, as Amended
Oct. 8, 1943]

DISTRIBUTION OF IMPORTED WATCHES

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

§ 3291.206 *General Limitation Order L-323—(a) Imported watches frozen.* No importer shall sell, transfer or deliver any watch or any watch movement either in a case or out of it, which has been released from customs after January 1st, 1943, unless he receives specific permission from the War Production Board or unless the movement is one of those excluded by paragraph (b) below.

(b) *Certain movements not covered.* This order does not apply to the following movements or watches containing them:

- (1) Pin lever.
- (2) Cylinder.

(3) Roskopf.

(4) Lever type smaller than 6% Ligne.

(c) *How to get permission.* An importer who wants to get permission for any transfer of a watch or movement should write a letter showing in detail the quantity and kind of watches to be distributed. The letter should be addressed to: War Production Board, Consumers Durable Goods Div., Washington 25, D. C. Ref: L-323.

(d) *How permission is granted.* The War Production Board will acknowledge in writing each application. Within 60 days of the date of the acknowledgment, the War Production Board will instruct each applicant what distribution may be made. If on the 60th day from date of acknowledgment no instructions have been received by the applicant, he may then assume that his application has been granted, and no further permission is required.

(e) *What is meant by "importer".* For the purposes of this order an "importer" means any person who has a symbol or an identifying mark recorded with the Bureau of Customs, U. S. Treasury Department, for the purpose of importing watches or watch movements, or any other person who in the course of his business, either directly or through an agent, brings watches or watch movements through customs into the continental United States.

(f) *Security transactions exempted.* The prohibitions in paragraph (a) do not apply to transfer of title in a watch or watch movement in order to secure an indebtedness but this does not permit the transfer of physical possession for such purposes.

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

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

(i) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref: L-323.

Issued this 8th day of October 1943.

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

[F. R. Doc. 43-16488; Filed, October 8, 1943;
1:50 p. m.]

No. 202—3

PART 3291—CONSUMER DURABLE GOODS
[Supplementary Limitation Order L-7-c, as
Amended Oct. 5, 1943¹]

¹ This document is a restatement of Amendment 1 to L-7-c, as amended September 20, 1943, which appeared in the FEDERAL REGISTER of October 7, 1943, page 13701, and reflects the order in its completed form as of October 5, 1943.

DOMESTIC ICE REFRIGERATORS

§ 3291.16 *Supplementary Limitation Order L-7-c—(a) Definitions.* For the purpose of this order:

(1) "Domestic ice refrigerator" means any non-mechanical ice chest or ice box designed for home use.

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

(3) "Iron and steel content" means the aggregate weight of iron and carbon steel contained in a finished domestic ice refrigerator, including but not limited to, latches, hinges, screws, nails, rivets, bolts, sheet steel, binder strips, drain tubes, drip pans and shelving.

(4) "Net ice capacity" means the maximum amount of standard scored ice which the ice chamber of a domestic ice refrigerator will hold.

(5) "Hardboard" means a homogeneous board having a specific gravity in excess of 1.0 which is composed of wood fibre with or without artificial binders.

(b) *General restrictions.* (1) No person shall produce any domestic ice refrigerator:

(i) Containing any crude, reclaimed or synthetic rubber except as permitted in Rubber Order R-1 as amended, or any relief granted pursuant to appeal taken in accordance with the provisions of such Order;

(ii) Containing any metal other than iron and carbon steel (except metal used in galvanizing, plating, soldering, or coating steel);

(iii) Having a net ice capacity of other than 50 or 75 pounds, except that it may vary ten per cent from either of these amounts;

(iv) Having iron and carbon steel content of more than 6 pounds; or

(v) Containing more hardboard than 65 square feet.

(2) (i) No person shall produce any domestic ice refrigerator except in accordance with a production quota assigned to him in a schedule issued by the War Production Board pursuant to this order. Such production quotas shall be assigned for periods of time to be specified in the schedule, and shall expire on the last day of the period for which they are assigned. Any person desiring to obtain a production quota shall file with the War Production Board at least 30 days before the expiration date of the schedule in effect at that time a written application to be assigned a production quota for such period as the War Production Board shall specify.

(ii) Such application should contain a statement as to the amount of iron and carbon steel, hardboard and other crit-

ical materials to be contained in each domestic ice refrigerator the applicant proposes to produce during such period. Whenever production quotas are assigned by the War Production Board, it will take into consideration the amount of iron and carbon steel, hardboard and other critical materials to be used by each applicant, the extent to which the domestic ice refrigerators which each applicant proposes to produce conforms to the performance specifications contained in Appendix A attached to this Order, as established by tests of the National Bureau of Standards, the labor and transportation situation in the area where the plant of each applicant is located and such other factors as the War Production Board shall deem appropriate.

(iii) [Deleted, October 5, 1943.]

(c) *Applicability of other orders.* In so far as any other order heretofore or hereafter issued by the War Production Board limits the use of any material in the production of domestic ice refrigerators to a greater extent than the restrictions imposed by this order, the restrictions of such other order shall govern unless otherwise specified therein.

(d) *Applicability of regulations.* This order (and any schedules issued pursuant thereto) and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(e) *Avoidance of excessive inventories.* No person authorized to produce domestic ice refrigerators shall accumulate for use in the production of such domestic ice refrigerators inventories of raw materials, semi-processed materials or finished parts in quantities in excess of the minimum amount necessary to maintain production at the rates permitted by this order and any schedules issued pursuant thereto.

(f) *Records.* All persons affected by this order or any schedule issued pursuant thereto, shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

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

(h) *Reports.* Each person who produces any domestic ice refrigerators shall file with the War Production Board, not later than 10 days after the end of each calendar month in which he produced any domestic ice refrigerator, a report on Form WPB-1600 (formerly Form PD-655), showing all domestic ice refrigerators which he produced during such month. Each person, before he offers for sale any new model of domestic ice refrigerator, shall file with the War Production Board a report on Form WPB-1117 (formerly Form PD-531), setting forth a bill of material for such model. Each person affected by this order, or any schedule issued pursuant thereto, shall file such other reports and answers to questionnaires as the War

Production Board shall from time to time require.

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

(j) *Appeal.* Any appeal from the restrictions contained in paragraph (b) (1) of this Order should be made on Form WPB-1477 (formerly PD-500) and filed with the Consumers Durable Goods Division, War Production Board, Washington 25, D. C.

(k) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, or any schedule issued pursuant thereto, shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington, D. C., Ref.: L-7-c.

Issued this 5th day of October 1943.

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

APPENDIX A

APPENDIX A—PERFORMANCE SPECIFICATIONS FOR DOMESTIC ICE REFRIGERATORS

I. Temperature & Ice Meltage Performance

1. The refrigerator shall maintain with no load in the food compartment an average food compartment temperature of 48° F. or less and a temperature of 46.5° F. or less in the milk storage space at 60% of initial ice load with the room at an average temperature of 85° F. plus or minus 1° F.

2. The temperature at a point two inches above the bottom of the food compartment and two inches from the sidewall, located in the vertical plane perpendicularly bisecting a return air duct shall not be higher than the temperature of the air entering the return air duct. (The return air duct is defined as the duct or ducts through which the air in the refrigerator returns from the food compartment to the ice compartment.)

3. Ice meltage at 60% initial ice load for food compartment volumes between 2.75 and 5.5 cubic feet shall not exceed the value, in lbs./day, computed from the following formula:

$$M \text{ equals } 7.28 \text{ plus } 3.3V$$

where M is the ice meltage in lbs./day and V is the volume of the food compartment in cubic feet. Note: This formula applies only under the following conditions: Room temperature 85° F.; Average food compartment temperature 48° F.; and Food Compartment volumes ranging between 2.75 cubic feet and 5.5 cubic feet.

II. Construction Performance

4. Box deformation: The box shall show no permanent vertical deformation in excess of 3/16" per 8 feet of vertical elevation when subjected to a horizontal load of 350 pounds applied along one diagonal of the top from front to back with the box fastened to the floor at all four legs.

5. Door damage: The door and hinges shall show no permanent damage when the door is subjected to a vertical load of 100 pounds

applied to the upper outside corner 2 inches from the outside vertical edge of the door with the door open and at an angle of 90° with the front of the box.

6. Ice shelf: The ice shelf shall be able to support a load of 200% of the normal ice load without fracturing the shelf or supports or causing permanent sagging of more than 1/16" at the center, sides and back.

7. Food shelves: Full width food shelves shall have sufficient strength to support an evenly distributed load of 50 pounds without fracturing or permanently sagging more than 1/16" at the center. Fractional width shelves around the milk storage space shall have sufficient strength to support an evenly distributed load of 25 pounds without fracturing or permanently sagging more than 1/16" at the center.

8. The back of the ice compartment shall withstand without damage an impact of 40 ft. lbs.

9. The refrigerator door shall withstand without damage to the door, hinges and latch a closing of 100 consecutive times from a fully opened position (opened through an angle of 180°) by an impact of 40 ft. lbs. applied at the center of door.

[F. R. Doc. 43-16486; Filed, October 8, 1943; 1:51 p. m.]

PART 1096—WOOD PULP

[Supplementary General Preference Order M-93-a, Revocation]

Section 1096.2 *Supplementary General Preference Order M-93-a* is hereby revoked.

Issued this 9th day of October 1943.

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

[F. R. Doc. 43-16528; Filed, October 9, 1943; 12:05 p. m.]

PART 3109—MEDICAL EQUIPMENT AND SUPPLIES SIMPLIFICATION

[Schedule 3 as Amended Oct. 9, 1943 to General Limitation Order L-214]

MEDICAL AND SURGICAL FURNITURE AND RELATED EQUIPMENT

§ 3109.4 *Schedule 3 to General Limitation Order L-214—(a) Definitions.* For the purposes of this schedule:

(1) "Medical and surgical furniture and related equipment" means the following items but includes such items only when they are designed for use in hospitals or similar institutions or in the offices of physicians, surgeons, dentists, osteopaths, chiropractors, or chiropractists:

NOTE: List amended Oct. 9, 1943.

Anesthetist's stools.
Anesthetist's tables.
Arm immersion stands.
Autopsy tables.
Back rests.
Bassinets.
Bed cradles.
Bed feeding and reading trays.
Bedpan and urinal racks.
Bedside panel screens.
Bedside tables.
Bed trays.
Blanket warming cabinets.
Bowl stands.
Bronchoscopic tables.
Cabinets and stands for sterilizers.
Cabinets for diathermy units.

Cabinets for galvanic, faradic and sinusoidal generators.

Cabinets for specialist's outfits.

Cabinets for suction and pressure pumps.

Cabinets for suction pumps.

Chart desks.

Chart holders.

Chart racks.

Chiropody chairs.

Chiropractic adjustment tables.

Combination bedside table and overbed tables.

Commodes, except receptacle.

Couch tables.

Dental instrument cabinets.

Dressing cabinets.

Dressing trucks, carts and carriages.

Dressing stands.

Emergency examining tables.

Emergency operating tables.

Emergency tables.

Examining and treatment tables.

Examining chairs.

Examining tables.

Foot stools.

Fracture tables (non-portable).

Glove racks.

Heated utility cabinets.

Hospital benches.

Incubators.

Infant conveyors.

Infant dressing stands and tables.

Instrument cabinets.

Instrument stands.

Instrument tables.

Irrigator and solution stands.

Laundry bag conveyors.

Leg dressing stands.

Needle cabinets.

Neuro-surgical tables.

Nose and throat chairs.

Nurse's desks.

Nurse's work tables.

Nursery dressing stands and tables.

Obstetrical tables.

Operating tables.

Operator's stools.

Ophthalmic chairs.

Orthopedic and fracture carts, trucks and carriages.

Orthopedic tables (non-portable).

Osteopathic tables.

Overbed and swing overbed tables.

Proctological tables.

Solution cabinets.

Solution stands.

Solution warming cabinets.

Specialist's chairs.

Sponge racks.

Stands for sterilizer dressing drums and containers.

Sterilizer cabinets.

Sterilizer dressing drums and containers.

Supply and treatment cabinets.

Thermometer baskets.

Treatment cabinets.

Treatment chairs.

Urological tables.

Utensil racks.

Utility cabinets.

Veterinary operating tables.

Wall shelf stands.

Waste receptacles and kick bucket carriages.

Wheel stretchers.

The term includes any item serving the same function as any of the above-named items, whether or not such item is listed by any manufacturer under a different name.

The term shall not include:

(i) Any of the above-named items when such items are designed and produced for use overseas, in the field or on shipboard by the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration or by the military forces of any country entitled to receive deliveries pursuant to the Act of March 11, 1941, en-

titled, "An Act to Promote the Defense of the United States" (Lend-Lease Act). (An item shall be deemed to be designed and produced for use overseas, in the field or on shipboard, only when the purchase order or contract under which the item is produced specifically states that the item is for use overseas, in the field or on shipboard. A purchase order or contract for Lend-Lease shall be deemed to be for the military forces of a Lend-Lease country only when the purchase order or contract specifically so states.); (ii) Any parts or material for the repair or maintenance of any of the above-named items; nor (iii) Any accessories for use in connection with any of the above-named items; nor

(iv) Any recessed cabinet.

(2) "Manufacturer" means any person engaged in the manufacturing, fabricating or assembling of medical and surgical furniture and related equipment.

(b) *Restrictions on items and models of medical and surgical furniture and related equipment.* (1) No manufacturer shall manufacture or continue the manufacture of any items of medical and surgical furniture and related equipment other than the items listed on List A, attached to this schedule, and the listed items shall be manufactured only in the number of models specified in the left hand column of the list and shall conform with the descriptions set forth in the right hand column of the list.

(2) Notwithstanding the provisions of subparagraph (1) of this paragraph (b), a manufacturer may manufacture any number of models of any item of medical and surgical furniture and related equipment not listed on List A and any number of models of the items listed on List A in excess of the number specified thereon: *Provided*, (i) That such models contain no metal other than iron and carbon steel, and (ii) That the weight of such metal comprises not more than 25 per cent of the total weight of the model.

(c) *Restrictions on the use of certain materials in the manufacture of medical and surgical furniture and related equipment.* No manufacturer shall incorporate in the manufacture of any medical and surgical furniture and related equipment any metal other than iron and carbon steel, stainless steel or other alloy steel, copper, copper base alloy, nickel, aluminum, or zinc, except as specifically permitted in the right hand column of List A. The following uses of certain materials are permitted as exceptions to the foregoing rule:

(1) Copper and copper base alloy may be used in the electrical circuit or electrical connections of any item permitted in List A;

(2) Any of the named materials may be used for plating of items permitted in List A, to the extent that such use is permitted by the orders controlling the specific materials. For example, nickel may be used for plating to the extent permitted under the terms of Conservation Order M-6-b.

(d) *Exception for furniture and equipment in process.* Notwithstanding the provisions of paragraphs (b) (1) and (c) of this schedule, a manufacturer may complete the manufacture of any medical and surgical furniture and related equipment which was partially fabricated on July 13, 1943: *Provided*, That such manufacture is completed on or before August 13, 1943.

(e) *Filing of pictures and accompanying information.* On or before August 2, 1943 each manufacturer shall file with the War Production Board, Safety and Technical Equipment Division (Ref: L-214), a photograph or catalog cut, in duplicate, of each model of the permitted items which he elects to manufacture under this schedule. Each photograph or cut shall be mounted on suitable backing 8½" x 11" in size with the following information entered clearly thereon:

(1) The name of the item, as listed on List A.

(2) A brief identification of the model, if more than one model of the item is permitted under List A.

(3) The manufacturer's catalog number.

(4) A brief description, including size and material specifications and any other pertinent information, showing that the model comes within the description of the permitted item as set forth in List A.

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

(f) [Deleted, Oct. 9, 1943]

Issued this 9th day of October 1943.

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

NOTE: List A amended Oct. 9, 1943. Subject to the provisions of this schedule each manufacturer may manufacture only the permitted number of models of the permitted items of medical and surgical furniture and related equipment set forth below, and such permitted models of the permitted items shall conform with the description; set forth in the right hand column of the list. (Different sizes of permitted items are regarded as different models; for example, it is not permissible to manufacture two sizes of an anesthetist's stool because the two sizes are regarded as two models.)

Permitted number of models	Permitted items	Description of permitted items*
1	Anesthetist's stool.....	Not more than one drawer
1	Anesthetist's table.....	Non-hydraulic type; stainless steel may be used for table tops.
1	Autopsy table.....	Both models may be open framework type, or one may be open framework type and the other of a type having cabinet space in the frame; each model shall hold one basket only.
2	Bassinet.....	
2	Bed cradle.....	
2	Bedpan and urinal rack.....	
3	Cabinet for suction and/or pressure pumps.....	
1	Dressing truck, cart or carriage.....	Wheels shall not exceed 10" in diameter; drawers and compartments are prohibited; basin and pail attachments may be used.
2	Examining and treatment table.....	Both models adjustable
1	Eye, ear, nose and throat chair table.....	Hydraulic-base.
1	Foot stool.....	
1	Fracture table.....	Non-portable; fluoroscopic type.
2	Incubator.....	Copper or copper base alloy may be used in heating elements; in water-jacketed types, copper base alloy may be used to the extent required for efficient operation.
1	Infant conveyor.....	
4	Instrument cabinet.....	Not to exceed 50" in width.
1	Instrument stand.....	Mayo type, using "T" handle type of set-screw lock.
2	Instrument table.....	One model shall not exceed approximately 16" x 20", and have not more than one drawer; one model shall not exceed 24" x 36", and have not more than three drawers; both shall be rectangular.
4	Irrigator and solution stand.....	Each model shall have "T" handle set-screw locks; bowl and tray attachments are prohibited.
1	Laundry bag conveyor.....	Open metal framework for use with removable bags.
1	Leg dressing stand.....	
2	Obstetrical table.....	Not more than one model with a hydraulic base.
3	Operating table.....	One major hydraulic-base table; one minor hydraulic-base table; and one tubular framework table; monel metal and stainless steel may be used for table tops.
1	Operator's stool.....	Adjustable.
1	Orthopedic and fracture cart, truck and carriage.....	
1	Proctological table.....	May be single or double style.
1	Solution stand.....	
3	Sterilizer cabinet.....	
4	Treatment cabinet.....	All models restricted to not more than 25" in depth and 36" in width.
2	Treatment chair.....	One model adjustable, designed for eye, ear, nose, and throat operating, and treatment; one model non-adjustable, designed for first aid operating and treatment, with attachments for treatment of limbs; each model limited to 95 lbs. weight; neither model shall have hydraulic lift.
2	Urological table.....	Both models X-ray type; one hydraulic model; one non-hydraulic model; copper and copper base alloy may be used in drainage drawers and filters.
1	Wall shelf stand.....	
2	Waste receptacle.....	One open-top model, minimum height 24"; and one kick-about model.
2	Wheel stretcher.....	Both models non-hydraulic; one non-adjustable model; one tilting model; wheels on each model shall have a maximum diameter of 10".

*In all permitted tables brass may be used to the extent required in gears and aluminum may be used to the extent required in Bierhoff type knee-crutches. In all permitted hydraulic-base tables, copper and copper base alloy may be used to the extent required in the hydraulic pumps.

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Revocation of Direction 13 to CMP Reg. 1]

COMPLETE BILLS OF MATERIALS

Direction 13 to CMP Regulation No. 1—Complete Bills of Materials is revoked. Under Supplement Number 1, issued September 25, 1943, to the "Instructions on Bills of Materials," prime and secondary consumers are no longer required to submit Complete Bills of Materials.

Issued this 9th day of October 1943.

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

[F. R. Doc. 43-16531; Filed, October 9, 1943;
12:05 p. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Direction 16, as Amended Oct. 9, 1943]

REPLACEMENT OF DEFECTIVE CONTROLLED MATERIAL

The following direction is issued pursuant to CMP Regulation No. 1 (§ 3175.1) to all controlled materials producers providing for the replacement of material rejected by a customer because of nonconformity with specifications.

STEEL

(1) When steel is rejected by a customer for non-conformity with specifications, or other defect, the producer must schedule and make replacement in preference to all other orders for similar material, without requiring an additional allotment, in the absence of specific written instructions by the War Production Board or the customer to the contrary. If, after the producer has shipped the replacement order, it develops that the rejection was improper, the customer must either return the material, or furnish the necessary certification to support the replacing shipment, charging the appropriate allotment. The provisions of paragraphs (t) (4) and (t) (5) of CMP Regulation No. 1 shall not restrict delivery of replacement orders.

(2) If any portion of the rejected steel can be used by the customer in connection with an authorized production schedule, it may be so used, but the customer must charge the material used to the appropriate allotment. However, defective steel received by a customer prior to July 1, 1943, may be used on any duly authorized order without any charge to an allotment.

(3) If any portion of the rejected steel can be used by the producer for delivery on another authorized controlled material order or for a delivery otherwise permitted by applicable War Production Board Regulations or orders, it may be so used.

(4) This direction does not apply to the replacement of orders for stainless steel, which is covered by Direction 1 to Supplementary Order M-21-a.

COPPER

(1) Copper produced to fill authorized Controlled Material orders and rejected by a customer for nonconformity with specifications shall be replaced in preference to all other orders in the absence of specific instructions by the Copper Division of the War Production Board to the contrary. The provisions of subparagraphs (4) and (5) of paragraph (t) of CMP Regulation No. 1 shall not restrict delivery of replacement orders. If the replacement copper is not delivered before 30 days following the expiration of the quarter in which delivery was originally scheduled, the producer must report the matter to the Copper Division before making delivery. However, no further authorization is required.

(2) Such replacements shall be made without requiring the extension of an additional allotment, even though delivery of the material is made in a subsequent quarter. If, however, some of the material cannot be replaced in time to meet a War Production Board production schedule or the delivery requirements of the producer's customer, the producer shall immediately notify the Copper Division in writing, giving a full explanation. The customer may receive the replacement copper without making further charge to an allotment, even if the copper is delivered in a subsequent quarter.

(3) The customer rejecting material shall immediately report the facts to the producer and dispose of such material only in accordance with written instructions from the producer. Unless the material is scrap, the producer, despite the provisions of § 944.11 of Priorities Regulation No. 1, shall direct that the material be returned to him or be delivered to another customer to fill any order which the producer is entitled to fill with new material under applicable regulations and directions. If the material is scrap it must be handled pursuant to Order M-9-b.

ALUMINUM

(1) Replacement orders for rejected aluminum shall be filled in preference to all other orders not in actual production on the day of the receipt of the replacement order. The provisions of subparagraphs (4) and (5) of paragraph (t) of CMP Regulation No. 1 shall not restrict delivery of replacement orders.

(2) Replacement orders for rejected aluminum are deemed to be covered by the same authorized controlled material order or other authorized order against which the rejected shipment was made. Accordingly, the producer shall not require an additional allotment or other authorization from his customer to secure replacement material if the original shipment was made in accordance with applicable regulations and directives even though delivery of the material is made in a subsequent quarter. The customer may receive the replacement aluminum without making further charge to an allotment, even if delivered in a subsequent quarter.

(3) The rejection of the material shall be reported immediately to the producer and despite provisions of § 944.11 of Priorities Regulation No. 1, the material shipped by his customer in accordance with his instructions. Unless the material is scrap, he shall direct that the material be returned to him or delivered to another customer to fill any order which he is entitled to fill with new material under applicable regulations and directives. If the material is scrap, it must be handled pursuant to order M-1-d.

Issued this 9th day of October 1943.

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

[F. R. Doc. 43-16532; Filed, October 9, 1943;
12:05 p. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Revocation of Direction 18 to CMP Reg. 1]

ACCEPTANCE OF ORDERS FOR STEEL

Direction 18 to CMP Regulation No. 1 (§ 3175.1) is hereby revoked. The instructions formerly contained in this direction are now included in paragraph (t) of the regulation.

Issued this 9th day of October 1943.

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

[F. R. Doc. 43-16530; Filed, October 9, 1943;
12:05 p. m.]

PART 3284—BUILDING MATERIALS

[Limitation Order L-316 as Amended Oct. 9, 1943]

VITRIFIED CLAY SEWER PIPE

The fulfillment of requirements for the defense of the United States has created or will create a shortage of facilities used in the production of vitrified clay pipe 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:

§ 3284.101 *Limitation Order L-316—*
(a) *Definitions.* (1) "Vitrified clay sewer pipe" means a pipe manufactured from surface clay, fire clay, shale, or a mixture of these materials burned to a glass-like substance and used primarily to convey sewage.

(2) "Producer" means any person who manufactures vitrified clay sewer pipe.

(3) "Zone 1" means all territory within the continental United States (comprising the several States and the District of Columbia) not included in Zone 2 and Zone 3.

(4) "Zone 2" means all territory in the State of California south of the 36th parallel.

(5) "Zone 3" means the State of Washington and all territory in the State of California north of the 36th parallel.

(b) *Simplified practices.* On and after October 25, 1943, no producer shall manufacture vitrified clay sewer pipe except:

(1) In accordance with the strength, dimensions, sizes, variations, diameters, depths, and thicknesses set up in

(i) Tables I and II of Schedule A, when such pipe is manufactured within Zone 1,

(ii) Tables I and II of Schedule B, when such pipe is manufactured within Zone 2,

(iii) Table I of Schedule B, and Table II of Schedule A, when such pipe is manufactured within Zone 3; or

(2) in the strength, dimensions, sizes, variations, diameters, depths and thicknesses of any vitrified clay sewer pipe in his possession on September 25, 1943, in such quantities as are necessary to enable the producer to dispose of the pipe in his inventory. Each such producer shall report to the War Production Board by letter in duplicate, within 30 days

after the day on which such manufacture has begun, the total footage so manufactured. The reporting provisions of this paragraph have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(c) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment.

§ 3284.101 Schedule A to Limitation Order L-316.

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.

(d) *Applicability of regulations.* This order and all transactions affected by it are subject to all applicable regulations of the War Production Board as amended from time to time.

(e) *Appeals.* Any appeal from the provisions of this order shall be made by

filing a letter, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(f) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Building Materials Division, Washington 25, D. C., Reference L-316.

Issued this 9th day of October 1943.

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

SCHEDULE A

TABLE I—STRENGTH AND DIMENSIONS OF STANDARD STRENGTH CLAY SEWER PIPE

Size (inch)	Minimum average strength (pounds per linear foot)	Laying length		Maximum difference in length of 2 opposite sides (inch)	Outside diameter of barrel (inches)		Inside diameter of socket at 1/2 inch above base (inches)		Depth of socket (inches)		Thickness of barrel (inches)		Thickness of socket at 1/2 inch from outer end (inches)	
		Nominal (feet)	Limit of minus variation 1 (inch per ft. of length)		Minimum	Maximum	Minimum	Maximum	Nominal	Minimum	Nominal	Minimum	Nominal	Minimum
4	1,000	2, 2 1/4, 3	3/4	5 1/8	4 7/8	5 1/8	5 3/4	6 1/4	1 3/4	1 1/2	1 1/2	7/8	7/8	3/4
6	1,000	2, 2 1/4, 3	3/4	7 1/8	7 1/4	7 3/4	8 3/8	8 3/8	2 1/4	2	1 3/4	1 1/2	1 1/2	7/8
8	1,000	2 1/2, 3	3/4	7 1/8	9 3/4	9 3/4	10 1/2	11	2 1/4	2 1/4	2 1/4	1 1/2	1 1/2	7/8
10	1,100	2 1/2, 3	3/4	7 1/8	11 3/4	12	12 3/4	13 1/4	2 5/8	2 3/8	2 3/8	1 3/4	1 3/4	7/8
12	1,200	2 1/2, 3	3/4	7 1/8	13 3/4	14 5/8	15 3/4	15 3/4	2 5/8	2 3/8	2 3/8	1 3/4	1 3/4	7/8
15	1,400	3, 4	3/4	7 1/8	17 3/8	17 3/8	18 3/8	19 1/4	2 5/8	2 3/8	2 3/8	1 3/4	1 3/4	7/8
18	1,700	3, 4	3/4	7 1/8	20 3/8	21 7/8	22 1/4	23	3	2 3/8	2 3/8	1 3/4	1 3/4	7/8
21	2,000	3, 4	3/4	7 1/8	24 3/8	25	25 7/8	26 3/4	3 1/4	3	3 1/4	1 3/4	1 3/4	7/8
24	2,400	3, 4	3/4	7 1/8	27 3/8	28 1/2	29 3/8	30 3/8	3 3/8	3 3/8	3 3/8	1 3/4	1 3/4	7/8
27	2,750	3, 4	3/4	7 1/8	31	32 1/2	33	34 1/2	3 3/8	3 3/8	3 3/8	1 3/4	1 3/4	7/8
30	3,200	3, 4	3/4	7 1/8	34 3/8	35 5/8	36 3/8	37 3/8	3 3/8	3 3/8	3 3/8	1 3/4	1 3/4	7/8
33	3,500	3, 4	3/4	7 1/8	37 3/8	38 1/2	39 3/8	41 1/4	3 3/8	3 3/8	3 3/8	1 3/4	1 3/4	7/8
36	3,900	3, 4	3/4	7 1/8	40 3/4	42 1/4	43 1/4	44 3/4	4	3 3/8	3 3/8	1 3/4	1 3/4	7/8

1 There is no limit for plus variation.

FITTINGS

SINGLE WYES AND TREES

Diameter			Diameter			Length*
Length		Barrel	Length		Spur	
Inch	Inch		Feet	Inch		Inch
4	4	1	21	15	3	3
6	4	1 1/2	21	21	3	3
6	6	1 1/2	24	6	3	3
8	4	3	24	8	3	3
8	6	3	24	12	3	3
10	6	3	24	15	3	3
10	8	3	24	18	3	3
10	10	3	24	24	4	4
12	6	3	27	6	3	3
12	8	3	27	12	3	3
12	10	3	27	18	3	3
12	12	3	27	24	4	4
15	6	3	30	6	3	3
15	8	3	30	12	3	3
15	10	3	30	18	3	3
15	12	3	30	24	4	4
15	15	3	33	6	3	3
18	6	3	33	12	3	3
18	8	3	33	18	3	3
18	12	3	33	24	4	4
18	15	3	36	6	3	3
18	18	3	36	12	3	3
21	6	3	36	18	3	3
21	8	3	36	24	4	4
21	12	3				

*Branches with 24 inch inlets may be manufactured in whatever length is required by the manufacturing process.

DOUBLE WYES AND TREES

Diameter			Diameter			Length
Length		Barrel	Length		Spur	
Inches	Inches		Feet	Inches		Inches
4	4	1	8	8	3	3
6	4	1 1/2	10	6	3	3
6	6	1 1/2	10	8	3	3
8	4	3	12	6	3	3
8	6	3	12	8	3	3

All Wye branches, both single and double, shall be made with branch at 60° angle to the barrel of the pipe.

SLANTS

Slants shall have their spigot ends cut at an angle of 60° with the longitudinal axis of the pipe. Slants may be furnished in 4", 6", 8", and 10" and 12" diameters only.

CURVES

Short molded or pressed curves may be made in 4", 6", 8", 10", 12" diameters only, in 30° angles only.

Medium molded or pressed curves may be made in 4", 6", 8", 10", 12" diameters only, in 30° angles only. Long curves may be made in 4" or 6" diameters only, in 30° angles only. Cut or mitered curves may be made in 8", 10", 12", 15", 18", 21", 24", 27", 30", 33", 36" diameters only, with either 30° or 45° angles.

ELBOWS

Short molded or pressed elbows may be manufactured in sizes 4", 6", 8", 10" and 12" only, with 90° angles only. Medium elbows, molded or pressed, may be manufactured in sizes, 4", 6", and 8" only, with 90° angles only. Long ells, molded or pressed, may be made in sizes 4" or 6" only, with 90° angles only. Cut ells may be manufactured in sizes 8", 10", 12" and 15" only, with 90° angles only.

CHANNEL PIPE

Channel pipe and fittings may be manufactured only in the same sizes and lengths permitted by this order for whole pipe and fittings.

TRAPS

P. traps and running traps may be furnished in sizes 4", 6", and 8" only. HH. traps may be manufactured in the following sizes only:

- 4 x 4 inch
- 6 x 4 inch
- 6 x 6 inch
- 8 x 8 inch

INCREASERS

- 3 x 4 inch
- 4 x 6 inch
- 5 x 6 inch
- 4 x 8 inch
- 6 x 8 inch
- 6 x 10 inch
- 6 x 12 inch
- 8 x 10 inch
- 8 x 12 inch
- 10 x 12 inch
- 10 x 15 inch
- 12 x 15 inch
- 13 x 18 inch
- 15 x 18 inch
- 15 x 21 inch
- 18 x 21 inch
- 18 x 24 inch
- 21 x 24 inch

REDUCERS

- 6 x 4 inch
- 5 x 4 inch

SADDLES

- 4 inch
- 6 inch
- 8 inch

STOPPERS AND STRAINERS

- 4 to 12 inch inclusive

GREASE TRAPS (WITH OR WITHOUT COVERS)

- 10 x 4 inch
- 12 x 4 inch
- 15 x 6 inch
- 18 x 6 inch

SLOP BOWLS AND HOPPERS (WITH OR WITHOUT STRAINERS)

- 12 x 4 inch
- 15 x 6 inch

Tolerances on the dimensions of fittings shall be the same as for straight pipe.

TABLE II—STRENGTH AND DIMENSIONS OF EXTRA STRENGTH CLAY SEWER PIPE

Size (inches)	Minimum average strength (pounds per linear foot)	Laying length		Maximum difference in length of 2 opposite sides (inch)	Outside diameter of barrel (inches)		Inside diameter of socket at 1/2 inch above base (inches)		Depth of socket (inches)		Thickness of barrel (inches)		Thickness of socket at 1/2 inch from outer end (inches)	
		Nominal (feet)	Limit of minus variation* (inch per foot of length)		Minimum	Maximum	Minimum	Maximum	Nominal	Minimum	Nominal	Minimum	Nominal	Minimum
4	2,000	2, 2 1/4, 3	3/4	1/4	4 7/8	5 1/8	5 3/4	6 1/8	1 3/4	1 1/2	5/8	9/16	7/16	3/8
6	2,000	2, 2 1/2, 3	3/4	3/8	7 1/8	7 1/2	8 1/4	8 5/8	2 1/4	2	1 1/4	1 1/8	1/2	5/16
8	2,000	3	3/4	1/2	9 1/4	9 1/2	10 1/4	11	2 1/2	2 1/4	1 3/8	1 1/4	5/8	3/4
10	2,000	3	3/4	5/8	11 1/2	12	12 3/4	13 1/4	2 3/4	2 3/8	1 3/4	1 3/8	3/4	5/8
12	2,250	3	3/4	3/4	13 1/2	14 1/2	15 1/4	16 1/4	2 3/4	2 1/2	1 3/4	1 3/8	3/4	5/8
15	2,750	3, 4	3/4	1/2	17 3/8	17 3/4	18 1/2	19 1/4	2 7/8	2 3/4	1 3/4	1 3/8	3/4	5/8
18	3,300	3, 4	3/4	1/2	20 3/8	21 1/4	22 1/4	23	3	2 3/4	1 3/4	1 3/8	3/4	5/8
21	3,850	3, 4	3/4	1/2	24 3/8	25	25 1/4	26 1/4	3 1/4	3	1 3/4	1 3/8	3/4	5/8
24	4,400	3, 4	3/4	1/2	27 3/8	28 1/4	29 1/4	30 1/4	3 3/4	3 1/4	1 3/4	1 3/8	3/4	5/8
27	4,700	3, 4	3/4	1/2	31	32 1/4	33	34 1/4	3 3/4	3 1/4	1 3/4	1 3/8	3/4	5/8
30	5,000	3, 4	3/4	1/2	34 3/8	35 1/4	36 1/4	37 1/4	3 3/4	3 3/4	1 3/4	1 3/8	3/4	5/8
36	6,000	3, 4	3/4	1/2	40 3/8	42 1/4	43 1/4	44 1/4	4	3 3/4	1 3/4	1 3/8	3/4	5/8

*There is no limit for plus variation.

FITTINGS

SINGLE WYE & TEE BRANCHES

Diameter			Diameter		
Barrel		Spur	Barrel		Spur
Inches	Inches	Feet	Inches	Inches	Feet
4	4	1	21	12	3
6	4	1 1/2	21	21	3
6	6	1 1/2	24	12	3
8	8	3	24	24	4
10	10	3	27	12	3
12	6	3	27	24	4
12	12	3	30	12	3
15	12	3	30	24	4
15	15	3	36	12	3
18	12	3	36	24	4
18	18	3			

DOUBLE WYES AND TEES

Diameter		Length
Barrel	Spur	
Inches	Inches	Feet
4	4	1
6	4	1 1/2
6	6	1 1/2
8	8	3
12	6	3

be made. All elbows shall be made with a 90° angle.

TRAPS

P. traps and running traps may be furnished in sizes 4", 6" and 8" only. HH. traps may be manufactured in the following sizes only:

- 4 x 4 inch
- 6 x 4 inch
- 6 x 6 inch
- 8 x 8 inch

INCREASERS

- 4 x 6 inch
- 4 x 8 inch
- 6 x 8 inch
- 6 x 10 inch
- 6 x 12 inch
- 8 x 10 inch
- 8 x 12 inch
- 10 x 12 inch
- 10 x 15 inch
- 12 x 15 inch
- 12 x 18 inch
- 15 x 18 inch
- 15 x 21 inch
- 18 x 21 inch
- 18 x 24 inch
- 21 x 24 inch

CURVES

Extra strength curves may be made in 4" and 6" sizes, in medium length—pressed or molded. They may be made in sizes 8" to 36" mitered or cut. No other sizes may be made. All curves shall be made with a 30° angle.

ELBOWS

Elbows may be furnished in sizes 4" and 6", molded or pressed, medium length, and sizes 8" to 15" cut or mitered. No other sizes may

REDUCERS

- 6 x 4 inch

Tolerances on the dimensions of fittings shall be the same as for straight pipe.

SCHEDULE B

TABLE I—STRENGTH AND DIMENSIONS OF STANDARD STRENGTH PIPE

Size Nominal (inches)	Minimum average crushing strength—3-edge (lbs. per ft.)	Laying length		Maximum difference in length of 2 opposite sides (inches)	Inside diameter of barrel (inches)		Annular space at 1/2" above base of socket (inches) Minimum	Depth of socket (inches)		Thickness of barrel (inches)		Thickness of socket 1/2" from end (inches)	
		Nominal (feet)	Limit of minus variation (inches per foot)		Minimum	Maximum		Nominal	Minimum	Nominal	Minimum	Nominal	Minimum
4	1,000	2, 3	3/4	1/4	5 1/8	5 3/8	5/16	1 3/4	1 1/2	3/4	7/16	7/16	3/8
6	1,000	2, 3	3/4	3/8	7 1/8	7 3/8	3/8	2 1/4	2	1 1/4	1 1/8	1/2	5/16
8	1,000	2 1/2, 3	3/4	1/2	9 1/4	9 3/4	3/8	2 1/2	2 1/4	1 3/8	1 1/4	5/8	3/4
10	1,100	2 1/2, 3, 4	3/4	5/8	11 1/4	11 3/4	3/8	2 3/4	2 3/8	1 3/4	1 3/8	3/4	5/8
12	1,200	2 1/2, 3, 4	3/4	3/4	13 1/4	13 3/4	3/8	2 3/4	2 3/8	1 3/4	1 3/8	3/4	5/8
15	1,400	3, 4	3/4	1/2	16 1/4	16 3/4	3/8	2 3/4	2 3/8	1 3/4	1 3/8	3/4	5/8
18	1,700	3, 4	3/4	1/2	19 1/4	19 3/4	3/8	3	2 3/4	1 3/4	1 3/8	3/4	5/8
21	2,000	3, 4	3/4	1/2	22 1/4	22 3/4	3/8	3 1/4	3	1 3/4	1 3/8	3/4	5/8
24	2,400	3, 4	3/4	1/2	25 1/4	25 3/4	3/8	3 1/4	3	1 3/4	1 3/8	3/4	5/8
27	2,750	3, 4	3/4	1/2	28 1/4	28 3/4	3/8	3 1/4	3	1 3/4	1 3/8	3/4	5/8
30	3,200	3, 4	3/4	1/2	31 1/4	31 3/4	3/8	3 1/4	3	1 3/4	1 3/8	3/4	5/8
33	3,800	3, 4	3/4	1/2	34 1/4	34 3/4	3/8	3 1/4	3	1 3/4	1 3/8	3/4	5/8
36	3,900	3, 4	3/4	1/2	37 1/4	37 3/4	3/8	4	3 3/4	1 3/4	1 3/8	3/4	5/8

FITTINGS

WYE AND TEE BRANCHES
SINGLE WYES AND TEES

Diameter		Length	Diameter		Length
Barrel	Spur		Barrel	Spur	
Inches	Inches	Feet	Inches	Inches	Feet
4	4	1	21	15	3
6	4	1½	21	21	3
6	6	1½	24	6	3
8	4	2½ and 3	24	8	3
8	6	2½ and 3	24	12	3
8	8	2½ and 3	24	15	3
10	6	2½ and 3	24	18	3
10	8	2½ and 3	24	24	4
10	10	2½ and 3	27	6	3
12	6	2½ and 3	27	12	3
12	8	2½ and 3	27	18	3
12	10	2½ and 3	27	24	4
12	12	2½ and 3	30	6	3
15	6	3	30	12	3
15	8	3	30	18	3
15	12	3	30	24	4
15	15	3	33	6	3
18	6	3	33	12	3
18	8	3	33	18	3
18	12	3	33	24	4
18	15	3	36	6	3
18	18	3	36	12	3
21	6	3	36	18	3
21	8	3	36	24	4
21	12	3			

DOUBLE WYES AND TEES

Diameter		Length	Diameter		Length
Barrel	Spur		Barrel	Spur	
Inches	Inches	Feet	Inches	Inches	Feet
4	4	1	8	8	3
6	4	1½	10	6	3
6	6	1½	10	8	3
8	4	3	12	6	3
8	6	3	12	8	3

All Wye branches, shall be made with branch at 45° angle to the barrel of the pipe.

SLANTS

Slants shall have their spigot ends cut at an angle of 45° with the longitudinal axis of the pipe. Slants may be furnished in 4", 6", 8", and 10" and 12" diameters only.

CURVES

Short molded or pressed curves may be made in 4", 6", 8", 10", 12" diameters only, in 45° angles only.

Long curves may be made in 4", 6" or 8" diameters only, in 45° angles only. Cut or mitered curves may be made in 8", 10", 12", 15", 18", 21", 24", 27", 30", 33", 36" diameters only, with either 30° or 45° angles.

ELBOWS

Short molded or pressed elbows may be manufactured in sizes 4", 6", 8", 10" and 12" only, with 90° angles only. Long Ells, molded or pressed, may be made in 4", 6" or 8" sizes only, with 90° angles only. Cut Ells may be manufactured in sizes 8", 10", 12" and 15" only, with 90° angles only.

CHANNEL PIPE

Channel pipe and fittings may be manufactured only in the same sizes and lengths permitted by this order for whole pipe and fittings.

TRAPS

P. Traps and running traps may be furnished in sizes 4", 6", and 8" only.

HH. Traps may be manufactured in the following sizes only:

4 x 4 inch	6 x 6 "
6 x 4 "	8 x 8 "

INCREASERS

3 x 4 inch	10 x 12 inch
4 x 6 "	10 x 15 "
5 x 6 "	12 x 15 "
4 x 8 "	12 x 18 "
6 x 8 "	15 x 18 "
6 x 10 "	15 x 21 "
6 x 12 "	18 x 21 "
8 x 10 "	18 x 24 "
8 x 12 "	21 x 24 "

REDUCERS

6 x 4 inch

SADDLES

4 inch 6 inch 8 inch

STOPPERS AND STRAINERS

4 to 12 inch inclusive

GREASE TRAPS (WITH OR WITHOUT COVERS)

10 x 4 inch	15 x 6 inch
12 x 4 "	18 x 6 "

SLOP BOWLS AND HOPPERS (WITH OR WITHOUT STRAINERS)

12 x 4 inch 15 x 6 inch

STUBS (1 FT. LENGTHS OF PIPE)

4" to 24" inclusive.

Tolerances on the dimensions of fittings shall be the same as for straight pipe.

TABLE II—STRENGTH AND DIMENSIONS OF EXTRA STRENGTH SEWER PIPE

Size Nominal (inches)	Minimum average crushing strength—3-edge (lbs. per ft.)	Laying length		Maximum difference in length of 2 opposite sides (inches)	Inside diameter of barrel (inches)		Annular space at 1/2" above base of socket (inches)	Depth of socket (inches)		Thickness of barrel (inches)		Thickness of socket 1/2" from end (inches)	
		Nominal (feet)	Limit of minus variation (inches per foot)		Minimum	Maximum		Nominal	Minimum	Nominal	Minimum	Nominal	Minimum
4	1,000	5	14	5/16	3 3/8	4 1/8	5/16	1 3/4	9/16	1 1/2	7/16	3/8	3/8
6	2,000	3	14	3/8	5 1/4	6 1/4	3/8	2 1/4	1 1/2	1 3/4	1 1/4	1 1/4	5/8
8	2,000	3	14	1/2	7 3/4	8 3/4	3/8	2 3/4	1 3/4	1 3/4	1 3/4	1 3/4	5/8
10	2,050	3	14	1/2	9 1/4	10 1/4	3/8	2 3/4	1 3/4	1 3/4	1 3/4	1 3/4	5/8
12	2,340	3	14	1/2	11 1/4	12 3/4	1/2	2 3/4	1 3/4	1 3/4	1 3/4	1 3/4	5/8
15	2,790	4	14	1/2	14 1/2	15 3/4	1/2	2 3/4	1 3/4	1 3/4	1 3/4	1 3/4	5/8
18	3,300	4	14	1/2	17 3/4	18 3/4	1/2	2 3/4	1 3/4	1 3/4	1 3/4	1 3/4	5/8
21	3,850	4	14	1/2	20 3/4	21 3/4	1/2	2 3/4	1 3/4	1 3/4	1 3/4	1 3/4	5/8
24	4,400	4	14	1/2	23 1/4	24 3/4	1/2	2 3/4	1 3/4	1 3/4	1 3/4	1 3/4	5/8
27	4,570	4	14	1/2	26 3/4	27 3/4	1/2	2 3/4	1 3/4	1 3/4	1 3/4	1 3/4	5/8
30	5,000	4	14	1/2	29 3/4	30 3/4	1/2	2 3/4	1 3/4	1 3/4	1 3/4	1 3/4	5/8
33	5,440	4	14	1/2	32 3/4	33 3/4	1/2	2 3/4	1 3/4	1 3/4	1 3/4	1 3/4	5/8
36	6,000	4	14	1/2	35 3/4	36 3/4	1/2	2 3/4	1 3/4	1 3/4	1 3/4	1 3/4	5/8
39 1/2	5,600	6, 8	14	3/4	38 3/4	39 3/4	1	4	3 3/4	3 3/4	3 3/4	3 3/4	2
42	5,250	6, 8	14	3/4	41 3/4	42 3/4	1	4	3 3/4	3 3/4	3 3/4	3 3/4	2

1 Reinforced concrete or clay collars.

FITTINGS

SINGLES WYES AND TEES

Diameter			Diameter		
Barrel		Spur	Barrel		Spur
Length		Length	Length		Length
Inches	Inches	Feet	Inches	Inches	Feet
4	4	1	21	15	3
6	4	1 1/4	21	21	3
6	6	1 1/2	24	6	3
8	4	2 1/4 and 3	24	8	3
8	6	2 1/4 and 3	24	12	3
8	8	2 1/4 and 3	24	15	3
10	6	2 1/4 and 3	24	18	3
10	8	2 1/4 and 3	24	24	4
10	10	2 1/4 and 3	27	6	3
12	6	2 1/4 and 3	27	12	3
12	8	2 1/4 and 3	27	18	3
12	10	2 1/4 and 3	27	24	4
12	12	2 1/4 and 3	30	6	3
15	6	3	30	12	3
15	8	3	30	18	3
15	12	3	30	24	4
15	15	3	33	6	3
18	6	3	33	12	3
18	8	3	33	18	3
18	12	3	33	24	4
18	15	3	36	6	3
18	18	3	36	12	3
21	6	3	36	18	3
21	8	3	36	24	4
21	12	3			

DOUBLE WYES AND TEES

Diameter			Diameter		
Barrel		Spur	Barrel		Spur
Length		Length	Length		Length
Inches	Inches	Feet	Inches	Inches	Feet
4	4	1	8	8	3
6	4	1 1/4	10	6	3
6	6	1 1/2	10	8	3
8	4	2 1/4	12	6	3
8	6	2 1/4	12	8	3

All wye branches, both single and double, shall be made with branch at 45° angle to the barrel of the pipe.

SLANTS

Slants shall have their spigot ends cut at an angle of 45° with the longitudinal axis of the pipe. Slants may be furnished in 4", 6", 8", 10" and 12" diameters only.

CURVES

Short molded or pressed curves may be made in 4", 6", 8", 10", 12" diameters only, in 45° angles only.

Long curves may be made in 4", 6" or 8" diameters only, in 45° angles only. Cut or mitered curves may be made in 8", 10", 12", 15", 18", 21", 24", 27", 30", 33", 36" only, with either 30° or 45° angles.

ELBOWS

Short molded or pressed elbows may be manufactured in sizes 4", 6", 8", 10" and 12" only, with 90° angles only. Long Ells, Molded or Pressed, may be made in 4", 8", or 8" sizes only, with 90° angles only. Cut Ells may be manufactured in sizes 8", 10", 12" and 15" only with 90° angles only.

INCREASERS

4 x 6 inch	10 x 15 1/4 inch
4 x 8 "	12 x 15 "
6 x 8 "	12 x 18 "
6 x 10 "	15 x 18 "
6 x 12 "	15 x 21 "
8 x 10 "	18 x 21 "
8 x 12 "	18 x 24 "
10 x 12 "	21 x 24 "

REDUCERS

6 x 4 inch

SADDLES

- 4 inch
- 6 inch
- 8 inch

STUBS (1 FT. LENGTHS OF PIPE)

4" to 24" inclusive

Tolerances on the dimensions of fittings shall be in the same as for straight pipe.

[F. R. Doc. 43-16533; Filed, October 9, 1943; 12:05 p. m.]

PART 3289—RADIO AND RADAR¹

[General Limitation Order L-265 as Amended Oct. 9, 1943]

ELECTRONIC EQUIPMENT

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

§ 3289.31¹ *General Limitation Order L-265—(a) Definitions.* For the purpose of this order:

- (1) "Person" means any individual, partnership association, business trust, corporation, or any organized group of individuals whether incorporated or not.
- (2) "Manufacture" means produce, fabricate or assemble electronic equipment, or perform any act or operation upon electronic equipment so as to modify or convert it from one to another type, use or mode of operation, but shall not include acts incidental to the maintenance or repair of electronic equipment.
- (3) "Electronic equipment" means any electrical apparatus or device involving the use of vacuum or gaseous tubes and any associated or supplementary device, apparatus or component part thereof, and shall include any acoustic phonograph and component parts thereof. The term shall not include:
 - (i) Hearing aid devices;
 - (ii) Wire telephone and telegraph equipment;
 - (iii) Electric batteries;
 - (iv) Power and light equipment;
 - (v) Medical, therapeutic, x-ray and fluoroscopic equipment other than replacement electron tubes thereof;
 - (vi) Phonograph records and needles;
 - (vii) Automotive maintenance equipment as defined in Limitation Order L-270;
 - (viii) Incandescent, fluorescent and other electric discharge lamps, as defined in Limitation Order L-28; and rectifier tubes, as defined in Limitation Order L-264.

(4) "Preferred order" means any order for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, Defense Supplies Corporation, Metals Reserve Company, any foreign country pursuant to the Act of

¹ Formerly Part 3037, § 3037.8.

March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), or any order bearing a preference rating of AA-4 or higher.

(5) "Transfer" means sell, lease, trade, give, deliver, or physically transfer in any way so as thereby to make available for the use of a person other than the transferor, but shall not include the transfer of electronic equipment by one person to another person for repair or storage thereof nor the return of such equipment to the owner thereof (or his agent).

(6) "Producer" means any person to the extent engaged in the manufacture of electronic equipment for transfer or for commercial use.

(7) "Supplier" means any person to the extent that his business consists in whole or in part of the sale, distribution or transfer from stock or inventory of electronic equipment, and includes wholesalers, distributors, jobbers, dealers, retailers, servicemen, branch warehouses or other distribution outlets controlled by producers and other persons performing a similar function.

(8) "Consumer" means any person who owns, operates or purchases electronic equipment for his own use.

(b) *Restrictions.* (1) No producer shall manufacture any electronic equipment except:

- (i) To fill preferred orders, or
- (ii) To fulfill, under the Controlled Materials Plan, an authorized production schedule or authorized program, as defined in CMP Regulation 1.

(2) No producer or supplier (other than Defense Supplies Corporation) shall transfer any electronic equipment to any consumer, nor shall any consumer accept the transfer of any electronic equipment from any producer or supplier (other than Defense Supplies Corporation) except:

- (i) To fill preferred orders, or
- (ii) To fill orders bearing a preference rating of A-1-a or higher, or
- (iii) To fill an order for any component part of electronic equipment provided the consumer delivers to the producer or supplier concurrently with the transfer a used, defective or exhausted part of similar kind and size which cannot be repaired or reconditioned; or, when circumstances render the delivery of a part for a part impractical, provided the consumer's purchase order (or written confirmation thereof) is accompanied by a certificate in substantially the following form signed by the consumer:

CONSUMER'S CERTIFICATE

I hereby certify that the part(s) specified on this order are essential for presently needed repair of electronic equipment which I own or operate.

Signature and Date

(3) No producer or supplier shall transfer any electronic equipment to any supplier, nor shall any supplier accept the transfer of any electronic equipment from any producer or supplier, except:

- (i) To fill preferred orders, or
- (ii) To fill orders bearing a preference rating of A-1-a or higher or

(iii) To fill an order for component parts of electronic equipment required by the receiving supplier for the repair of electronic equipment then in his possession, or to replace in the inventory of the receiving supplier parts similar in kind and equal in number which have been delivered on or after the 24th day of April 1943 by the receiving supplier to consumers against defective or exhausted parts or consumer's certificates, or to other suppliers against supplier's certificates, as specified in this order; provided the purchase order is accompanied by a certificate in substantially the following form signed by the receiving supplier:

SUPPLIER'S CERTIFICATE

I hereby certify that I am entitled to purchase the items specified on the accompanying purchase order under the provisions of Limitation Order L-265, with the terms of which I am familiar.

Signature and Date

The producer or supplier to whom the above certificate is furnished shall be entitled to rely thereon as evidence that the purchase order is within the provisions of this paragraph (b) (3) (iii), unless he has knowledge or reason to believe that it is false.

(4) No producer or supplier shall retain in his inventory, possession or control, for more than sixty (60) days, any used, defective, exhausted or condemned parts which cannot be reconditioned; but must dispose of them for salvage where practical, or destroy such parts as have no practical salvage value.

(5) After June 30, 1943, no person shall mark radio receiving type tubes with the symbol "MR" except when authorized or directed to do so by the War Production Board. No person shall use radio receiving type tubes which are marked "MR" in the manufacture of electronic equipment to fill any preferred order. No person shall transfer or accept the transfer of such tubes on any preferred order or any other order bearing a preference rating, except rated purchase orders for export. No producer shall transfer for export in any calendar quarter a quantity in excess of fifteen (15%) percent of his production of such tubes during that calendar quarter. Producers of such tubes may transfer them to each other without restriction.

(c) *Exceptions.* (1) The provisions of this order shall not apply:

(i) To the transfer of any finished product of the following kinds which was produced and designed for home use and the manufacture of which was completed on or before the 24th day of April 1943, to wit: radio receiving sets; phonographs and record players; sound motion picture projectors.

(ii) To transfers of electronic equipment which transfers are made on or before the 23d day of June 1943 pursuant to purchase orders placed prior to the 24th day of April 1943.

(iii) To the lease of electronic equipment to any person by any person: *Provided*, That the lessor was actually en-

gaged in the leasing of such equipment as a normal incident and part of his established business prior to the 24th day of April 1943.

(iv) To the transfer of any finished product of the following kinds, the manufacture of which was completed on or before the 24th day of April 1943: automobile radio receiving sets designed for the reception of standard broadcasts; automatic phonographs as defined in Limitation Order L-21.

(v) To transfers of radio antennae; antenna couplers; power supplies and battery cables for battery type home radio receivers; automobile radio control assemblies, loudspeakers and cables; electric fence exciters; or musical instruments (other than phonographs and radios) which involve the use of vacuum or gaseous tubes and the manufacture of which was completed on or before the 24th day of April 1943.

(vi) To gratuitous transfers of electronic equipment to or for the account of War Emergency Radio Service by any person; and to the manufacture or transfer of electronic equipment for the account of War Emergency Radio Service by any individual who is not a commercial producer or supplier of electronic equipment.

(2) The War Production Board may from time to time specifically authorize in writing exceptions to the provisions and restrictions of paragraphs (b) (2) and (b) (3) hereof.

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

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

(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 priorities control and may be deprived of priorities assistance.

(g) *Communications.* All reports to be filed, appeals and other communications, concerning this order, should be addressed to War Production Board, Radio and Radar Division, Washington 25, D. C., Ref: L-265.

Issued this 9th day of October 1943.

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

[F. R. Doc. 43-16534; Filed, October 9, 1943;
12:05 p. m.]

PART 3293—CHEMICALS¹

[Allocation Order M-340 as Amended
Oct. 9, 1943]

MISCELLANEOUS CHEMICALS

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

§ 3293.491¹ Allocation Order M-340—

(a) *Definitions.* (1) "Subject chemical" means any chemical listed in Appendix A, as therein defined.

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

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

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

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

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

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

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

(2) The aggregate quantity of a subject chemical which any supplier may deliver in any calendar month pursuant to paragraph (c) (1), shall not exceed the quantity which War Production Board shall in writing specifically authorize or direct such supplier to deliver

¹ Formerly Part 3282, § 3282.1.

in such month under paragraph (c) (1), on application made by such supplier (in the normal case on Form PD-602 filed pursuant to paragraph (g) hereof).

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

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

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

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

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

(g) *Applications by suppliers for leave to deliver or use.* (1) Each supplier requiring authorization to make delivery of, or to use, a subject chemical during any calendar month shall file application on or before the 20th day of the preceding month. The application should be made on Form PD-602 in the manner set forth in the general instructions appearing on that form, subject to the special instructions contained in Appendix D. If there is an inconsistency between the general and special instructions, the special instructions must be followed.

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

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

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

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

Issued this 9th day of October 1943.

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

APPENDIX A

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

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

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

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

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

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

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

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

(5) "By-product—phosphoric acid" means phosphoric acid obtained as a by-product in the manufacture of methyl methacrylate.

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

(6) "Oxidized petrolatum" means high paraffinic petrolatum oxidized and processed to contain aliphatic ketones, and which is suitable for use as a base in the manufacture of rust preventive compounds or corrosion inhibitors meeting specification Nos. AXS-673, 52-C-18 and AN-C-52, such as those petrolatums known by the trade marks Par-Al-Ketone, Alox 707, Alox 701 and Alox 600.

Effective date—October 9, 1943. Comes in the following grades: no grades.

(7) "Vinsol" resin and "Truline" binder means the resins known by those registered trade marks or any similar resin obtained from the oleo-resin of pine wood and having the following properties:

Maximum solubility in petroleum naphtha 20%; complete solubility in lower alcohols; toluene insoluble 10 to 30 per cent; methoxy content 4 to 6 per cent; acid number 90 to 110; softening point (ASTM ball and ring method) 103° to 118° Centigrade.

Effective date—October 9, 1943. Comes in the following grades: no grades.

(8) "Methyl abietate" means the chemical known by that name and by the trade mark "Abalyn".

Effective date—October 9, 1943. Comes in the following grades: no grades.

(9) "Hydrogenated methyl abietate" means the chemical known by that name and by the trade mark "Hercolyn".

Effective date—October 9, 1943. Comes in the following grades: no grades.

(10) "Cellulose sponge" means regenerated cellulose sponge material made from viscose.

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

APPENDIX B

NOTE: Items 6 through 10 added Oct. 9, 1943.

1	2	3	4
Name of chemical	Unit of measure	Maximum quantity deliverable to any one person in any calendar month without specific authorization, and without certificate required by paragraph (f).	Purpose for which delivery may be made without specific authorization, regardless of quantity. (See par. (d).)
(1) Acetaldo...	Gallon..	54 gallons....	None.
(2) ST-115....	Gallon..	54 gallons....	None.
(3) Dehydrol-O	Gallon..	54 gallons....	None.
(4) G. C.-78...	Gallon..	54 gallons....	None.
(5) By-product phosphoric acid.....	Ton.....	5 Tons.....	None.
(6) Oxidized petrolatum.	Pound..	25 pounds....	None.
(7) Vinsol resins.	Pound..	500 pounds....	None.
(8) Methyl abietate.	Pound..	450 pounds....	None.
(9) Hydrogenated methyl abietate.	Pound..	450 pounds....	None.
(10) Cellulose sponge.	Cubic inch.	1,000 cubic inches.	None.

APPENDIX C

NOTE: "Quantity" column heading amended Oct. 9, 1943.

CUSTOMER'S CERTIFICATE OF INTENDED USE

The undersigned purchaser hereby certifies to War Production Board and to his supplier, pursuant to Order No. M-340, that the _____ (specify subject chemical) ordered for delivery in _____, 194__

Month _____ will be used by him for the manufacture or preparation of the following product(s), and that such product(s), on the basis of order(s) filed with the undersigned, will be put to the following end use(s):

	Quantity	Primary product	End use
(A).....			
(B).....			

Name of purchaser

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

(2) Where a purchaser wishes to receive more than the exempted quantity of each

of two or more subject chemicals, a separate certificate shall be obtained as to each.

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

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

APPENDIX D

SPECIAL INSTRUCTIONS FOR SUPPLIER'S FORM PD-602

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

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

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

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

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

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

(7) *Small orders.* The supplier need not list the name of any customer to whom he is to deliver in the applicable month a quantity of the subject chemical not exceeding the maximum quantity (indicated in Column 3 of Appendix B) which he is permitted to deliver to any one person in any calendar

month without specific authorization. Also, in the case of any such delivery, he need not show the name of the product or the end use. Instead, he must write in Column 1 "Total small order deliveries (estimated)" and in Column 4, must specify the total estimated quantity of the subject chemical to be delivered on such orders.

(8) *Use by producers.* A producer requiring permission to use a part or all of his own production of the subject chemical shall list his own name as customer in Column 1 on Form PD-602, specifying quantity required and product manufactured. Written approval of War Production Board on such Form PD-602 shall constitute authority to the producer to use the subject chemical in the quantity and for the purposes indicated in such approved form.

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

[F. R. Doc. 43-16535; Filed, October 9, 1943; 12:06 p. m.]

PART 3296—SAFETY AND TECHNICAL EQUIPMENT¹

[General Limitation Order L-144, as Amended Oct. 9, 1943]

LABORATORY EQUIPMENT

§ 3296.56¹ *General Limitation Order L-144—(a) Definitions.* For the purposes of this order:

(1) "Laboratory equipment" means any apparatus, instrument, appliance, device, equipment, or part thereof, designed primarily for use in laboratories. However, the restrictions of this order cover only those items of laboratory equipment which are included on List A, attached hereto. (The language at the top of List A should be examined closely to determine what items are included on List A.)

(2) "Distributor" means any person located in the United States, its territories or possessions, or the Dominion of Canada, who purchases laboratory equipment for the purpose of resale.

(3) [Deleted Oct. 9, 1943]

(b) *Restrictions on the sale and delivery of laboratory equipment.* No person shall sell or deliver any item of laboratory equipment included on List A of this order to any person, other than a distributor, except to fill a purchase order or contract specifically authorized by the War Production Board on Form WPB-1414 (formerly Form PD-620).

(c) *Restrictions on purchase of laboratory equipment.* No person shall purchase or accept delivery of any laboratory equipment, if he knows or has reason to believe that the sale or delivery of such laboratory equipment is prohibited by the terms of paragraph (b) of this order.

(d) *Authorizations on Form WPB-1414 and extensions of such authoriza-*

¹ Formerly Part 1261, § 1261.1.

tions. (1) Each person seeking authorization, pursuant to paragraph (b) of this order, to receive laboratory equipment shall prepare Form WPB-1414 in the manner prescribed therein and shall file such form with the War Production Board, Washington, D. C., Ref: L-144. (Copies of Form WPB-1414 may be obtained at the local offices of the War Production Board.)

(2) Any person receiving specific authorization on Form WPB-1414 shall notify his supplier of such authorization by furnishing him with a certification in substantially the following form (on the purchase order or contract, or on an attached document):

The undersigned hereby certifies that he has been specifically authorized by the War Production Board on Form WPB-1414, Case No. -----, to receive the laboratory equipment ordered by the within (or attached) purchase order or contract, in accordance with the provisions of Limitation Order L-144.

Name-----
By-----
Authorized official

Date-----

Any such certification shall be signed by an authorized official, either manually or as provided in Priorities Regulation 7, and shall constitute a representation to the supplier and to the War Production Board of the facts certified therein. The supplier may rely upon such representation, unless he knows or has reason to believe such representation to be false.

(e) *Assignment of preference ratings on Form WPB-1414.* In conjunction with the granting of specific authorizations to receive laboratory equipment on Form WPB-1414 pursuant to paragraph (b) of this order, the War Production Board may also assign preference ratings to the authorized deliveries on such form. Any preference rating so assigned shall be applied and extended only in accordance with the terms of Priorities Regulation 3.

(f) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records of all sales, deliveries and purchases of laboratory equipment.

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

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

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

ority control and may be deprived of priorities assistance.

(j) *Communications with the War Production Board.* All communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Safety and Technical Equipment Division, Washington 25, D. C., Ref.: L-144.

The above paragraph (a) (2) supercedes Interpretation 1 of the order, issued July 17, 1943.

Issued this 9th day of October 1943.

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

LIST A

The sale and delivery of items included on List A are subject to the restrictions set forth in paragraph (b) of this order. List A includes only those items coming within the classifications set forth below which have a value, individually, of \$50 or more. Any item coming within the classifications set forth below which has a value, individually, of less than \$50 shall not be regarded as being included on List A. Secondhand equipment is not included, nor are parts and materials needed to repair or maintain existing equipment. Furthermore, accessories and attachments for List A items are not included when sold separately. (It should also be understood that no item is included on List A unless it is designed primarily for use in laboratories. For example, a centrifuge which is designed to separate cream from milk is not designed primarily for use in laboratories and therefore is not included on List A.)

Analytical balances (sensitivity 1/2 mg. or more sensitive)

Calorimeters

Centrifuges

Hydrogen ion meters (electrometric)

Metaloscopes

Microscopes (except Brinnell and Tool Makers)

Microtomes

Potentiometers, Wheatstone Bridges and Resistance Boxes

Refractometers

Spectrographs, spectrosopes, spectrometers and spectrophotometers

Vacuum pumps (1 micron or higher vacuum)

INTERPRETATION 1

[Superseded October 9, 1943.]

[F. R. Doc. 43-16536; Filed, October 9, 1943; 12:05 p. m.]

PART 1076—PLUMBING AND HEATING SIMPLIFICATION

[Schedule V, as Amended Oct. 11, 1943 to Limitation Order L-42]

PLUMBING FIXTURE FITTINGS AND TRIM

§ 1076.6 *Schedule V to Limitation Order L-42—(a) Definitions.* For the purpose of this schedule:

(1) "Producer" means any person who manufactures, assembles or fabricates fittings or trim.

(2) "Fittings and trim" means plumbing fixture fittings and plumbing fixture trim.

(3) "Copper base alloy" means any alloy metal in the composition of which the percentage of copper metal by weight equals or exceeds 40% of the total weight of the alloy.

(b) *Limitations.* Pursuant to Limitation Order No. L-42, the following specific limitations are hereby established for the manufacture of fittings and trim:

(1) No copper or copper base alloy shall be used in the manufacture of any fittings or trim except the articles specified on List A, and then only provided it does not exceed the weight specified for each item.

(2) No zinc shall be used in the manufacture of any fittings or trim other than the articles specified on List B, except for plating, coating or galvanizing.

(3) No metal except zinc or lead shall be used for plating, coating or galvanizing.

(4) No metal shall be used in the manufacture of any fittings or trim on list C.

(5) No metal other than ferrous, lead, die-cast zinc, copper base alloy or copper may be used as the base metal in the manufacture of fittings or trim.

(c) *General exceptions.* The prohibitions and restrictions contained in this Schedule shall not apply to the manufacture of any fittings or trim or any part thereof which is being produced:

(1) Under a specific contract or subcontract for use in chemical and research laboratories, abattoirs, food packing and processing plants, hospitals, clinics, and dispensaries, where and to the extent that the chemical or aseptic properties or mechanical construction make the use of other materials impracticable. Such use shall not be deemed impracticable for trim for ordinary plumbing fixtures.

(2) Under a specific contract or subcontract for use as part of the equipment of any aircraft or vessel other than pleasure craft, where corrosive action or weight makes the use of other materials impracticable.

(d) *Effective date.* After July 5, 1943, no fittings or trim which does not conform to the limitations established by this Schedule shall be produced by any producer.

Issued this 11th day of October 1943.

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

LIST A—COPPER & COPPER BASE ALLOY

Number and item:	Maximum permitted weight (oz.)
1. Automatic high tank supply valve—3/4"	8.0
2. Automatic high tank supply valve—1" or larger	13.0
3. Automatic high tank supply valve—1 1/4" or larger	16.0
4. Ball cock	4.0
5. Bathtub filler (1/2 I. P. S.), exposed	*8.0

LIST A—COPPER & COPPER BASE ALLOY—Continued

Number and item:	Maximum permitted weight (oz.)
6. Bathtub filler (1/2 I. P. S.), concealed	*21.0
7. Combination tub and shower supply assembly (1/2 I. P. S.)	*30.0
8. Drinking fountain, bubbler, guard, regulator, self-closing valve (to be made according to the minimum requirements of the U. S. Public Health Service)	52.0
9. Flushometer valve, stop and backflow preventor	13.0
10. Glass-filler faucet	40.0
11. Lavatory supply fitting (combination)	*9.0
12. Lavatory faucet (single)	*4.0
13. Laundry tray combination faucet 1/2" I. P. S.	*9.0
14. Laundry tray faucet (single)	*5.0
15. Upper and lower lift wires	1.0
16. Service sink combination faucet 1/2" I. P. S.	*11.0
17. Shower, two-valve (exposed 1/2" I. P. S.)	*11.0
18. Shower, two-valve (concealed 1/2" I. P. S.)	*21.0
19. Sink faucet, single (plain, hose end and solid flange), 1/2" I. P. S.	*5.0
20. Sink faucet (deck, swinging, rigid, and concealed, 1/2" I. P. S.)	*11.0
21. Spud or insert (for flush balls)	1.0
22. Self-closing faucet or stop	*12.0
23. Wash fountain trim	*16.0
24. Self-closing stop for shower	*12.0

*Copper and copper base alloy limited to use for valve stems, valve seats, bonnets, discs and disc screws, or valve trimming units combining these separate parts into one unit, including plungers for ball cocks, and springs for self-closing faucets.

LIST B—ZINC PERMITTED

Number and item:
1. Clean-out plugs (fixture traps).
2. Escutcheon holders (thimbles).
3. Flush tank trip lever assembly less handle.
4. Nuts (lock, slip, coupling or bonnet).
5. Spuds or inserts (for handles).

LIST C—NO METAL PERMITTED

Number and item:
1. [Deleted, Oct. 11, 1943]
2. Floats (ball cock), except for spud.
3. Flush balls, except for spud and inserts.
4. Pop-up wastes.
5. Trip-lever wastes, or other mechanical waste assembly.
6. Escutcheons.

[F. R. Doc. 43-16578; Filed, October 11, 1943; 11:21 a. m.]

PART 1172—ASBESTOS TEXTILES

[Revocation of Conservation Order M-123]

Section 1172.1 *Conservation Order M-123* is hereby revoked. The subject matter of this order is now covered by § 3301.16, Conservation Order M-283.

Issued this 11th day of October 1943.

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

[F. R. Doc. 43-16586; Filed, October 11, 1943; 11:20 a. m.]

PART 1297—MATERIAL ENTERING INTO THE PRODUCTION OF REPLACEMENT PARTS FOR PASSENGER AUTOMOBILES, LIGHT, MEDIUM AND HEAVY MOTOR TRUCKS, TRUCK TRAILERS, PASSENGER CARRIERS, OFF-THE-HIGHWAY MOTOR VEHICLES, AND MOTORIZED FIRE EQUIPMENT

[Limitation Order L-158, as Amended March 11, 1943, Amdt. 1]

Section 1297.1, *Limitation Order L-158*, as amended March 11, 1943, is hereby amended in the following particulars:

1. Subparagraphs (1) and (2) of paragraph (a) entitled respectively *Protection of production schedules* and *Sequence of deliveries* are consolidated into one subparagraph reading as follows:

(a) (1) *Production of certain parts to be made as if orders rated AA-1.* Notwithstanding the provisions of Priorities Regulation No. 1, section 944, during the period from October 11, 1943, to April 1, 1944, the production by producers and the shipment by producers or distributors of replacement parts for medium and heavy motor trucks, truck-trailers, passenger carriers, off-the-highway motor vehicles and motorized fire equipment must be made as if the orders therefor bore a preference rating of AA-1. Replacement parts for passenger automobiles and light trucks must be produced and shipped as if the orders therefor bore a preference rating of AA-2X.

Issued this 11th day of October 1943.

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

[F. R. Doc. 43-16585; Filed, October 11, 1943; 11:19 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Direction 4 to CMP Reg. 3]

ALLOTMENT SYMBOLS ON RATED ORDERS PLACED BY DISTRIBUTORS WITH MANUFACTURERS FOR DIRECT SHIPMENT TO THEIR CUSTOMERS

The following direction is issued pursuant to CMP Regulation 3.

Where a distributor places a rated order with a manufacturer calling for direct delivery by the manufacturer to the distributor's customer, the distributor must place on the order, for purposes of identification, the allotment number, if any, appearing on his customer's order.

Issued this 11th day of October 1943.

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

[F. R. Doc. 43-16588; Filed, October 11, 1943; 11:20 a. m.]

PART 3270—CONTAINERS

[Limitation Order L-317]

FIBER SHIPPING CONTAINERS; MANUFACTURE AND USE

The fulfillment of requirements for the defense of the United States has created

shortages in the supply of materials entering into the production of fibre shipping containers 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:

§ 3270.6 Limitation Order L-317.

Definitions

(a) "Fibre shipping container". For purposes of this order, the term "fibre shipping container" means the following items:

(1) Any box, crate, case, basket, or hamper in set-up or knock-down form which is made in whole or in part from corrugated or solid fibre (.060 or heavier) and which is used for the delivery or shipment of materials. This does not include the following: trunks, luggage, or military locker boxes; fibre cans, tubes, or drums; inner cartons (except corrugated inner cartons and except inner cartons made from solid fibre .060 or heavier). It also does not include combination wood-and-fibre shipping containers consisting of 50% or more wood (by area).

(2) Any corrugated or solid fibre (.060 or heavier) sheet or roll to be used for wrapping, packaging, or otherwise protecting a product or material for shipment. This does not include corrugated or solid fibre sheets produced for delivery to plants, of the type commonly referred to in the container-manufacturing industry as "sheet-plants", for their use in manufacturing fibre shipping containers.

(3) Any corrugated or solid fibre (.060 or heavier) interior fitting which is cut to size for use in any type of container to provide content protection, structural strength, or both. This includes, but is not limited to, the following: partitions; pads; liners; sun bursts; corrugated wrappers (single-faced, double-faced, double-walled).

(b) "User". The term "user" means any person who uses fibre shipping containers for the shipment or delivery of materials in connection with his business.

(c) "Containerboard content". The term "containerboard content" means the amount of corrugated or solid fibre (.060 or heavier) containerboard in a fibre shipping container. This amount is computed both in terms of weight and in terms of square feet.

Manufacture and Delivery Prohibitions

(d) *General.* No person shall manufacture any new fibre shipping container which he has reason to believe will be used or accepted in violation of any provision of this order. No person shall sell or deliver any new fibre shipping container manufactured after October 11, 1943, if he has reason to believe it will be so used or accepted.

(e) *Prohibited types (Schedule A).* No person shall manufacture, from corrugated or solid fibre (.060 or heavier), any container of the types listed in Schedule A of this order.

Use Prohibitions

(f) *Prohibited products (Schedule B).* Schedule B of this order lists certain

products which may not be packed in new fibre shipping containers after October 11, 1943. It also lists certain other products which may not be packed, in less than specified quantities, in new fibre shipping containers after October 11, 1943. No user shall accept, or use, any new fibre shipping container for any product in violation of Schedule B. This restriction does not apply to (1) containers used for wholesalers' or retailers' deliveries (as defined in Schedule C of this order), (2) empty containers used by the Army or Navy, or (3) containers which are quota exempt under paragraph (t) below.

(g) *V-boxes.* No user shall use any new V-box for packing any product except for delivery against military or Lend-Lease orders which specify that V-boxes be used. No user shall accept delivery of any V-boxes unless he has reason to believe that he will need them for the use permitted in this paragraph. The restrictions of this paragraph shall not apply to empty V-boxes used by the Army and Navy. The term "V-box" shall have the same meaning as in Order M-290 as it may be amended from time to time. (In that order, "V-boxes" are defined as "shipping containers of the types designated as V-1, 2 and 3, in Army Specification O. Q. M. G. No. 93, dated December 2, 1942, and of the similar types described in Navy Department Specifications 53B11 (INT.) and in Agricultural Marketing Administration Specifications FSC-1742-B".)

Quota Restrictions

(h) *Quota products (Schedule C).* Schedule C of this order lists certain products, and certain types of container uses. Beginning as of October 1, 1943, users are permitted to use only a limited amount of new fibre shipping containers for packing any of the listed products (or for any of the listed uses) during each 3-month period (exclusive of amounts which are quota-exempt under paragraph (t) below). The limited amounts are called "quotas". The 3-month periods are called "quota periods". As explained below, there are two types of quotas—"footage quotas" and "tonnage quotas".

(i) *Quota restriction.* During any 3-month quota period, the total containerboard content of the new fibre shipping containers used by any user for packing any Schedule C product (or for any Schedule C use) shall not exceed either his footage quota or his tonnage quota for that product (or use). Quotas are to be computed in accordance with the next four paragraphs below. (The restrictions of this paragraph shall not apply to empty containers used by the Army or Navy or to containers which are quota-exempt under paragraph (t) below).

(j) *Computing footage quota.* A user's "footage quota" for any Schedule C product (or use) shall be the following amount: the containerboard content (in terms of square feet) of the new fibre shipping containers used by him during the corresponding 3-month period in 1942 for packing that product (or for that use) multiplied by the quota per-

centage listed in Schedule C for that product (or use).

(k) *Computing tonnage quota.* A user's "tonnage quota" for any Schedule C product (or use) shall be the following amount: the containerboard content (in terms of weight) of the new fibre shipping containers used by him during the corresponding 3-month period in 1942 for packing that product (or for that use) multiplied by the quota percentage listed in Schedule C for that product (or use). In the case of a Schedule C product, the resulting amount may be increased to the extent permitted in the next paragraph.

(l) *Minimum-pack allowance.* If a user's tonnage quota for any Schedule C product is not enough for a "minimum pack" of that product, his tonnage quota, for that product is increased to the extent needed for a minimum pack. However, the footage quota for that product is not increased. "Minimum pack" means the amount of a Schedule C product packed by the user during the corresponding 3-month period in 1942 multiplied by the quota percentage listed in Schedule C for that product.

(m) *Adjustments for "reshippers".* For quota purposes, "reshippers" shall be treated as though they were new fibre shipping containers. Accordingly, the containerboard content of all reshippers used by a user during the corresponding quarter of 1942 for packing a Schedule C product may be included in figuring his footage and tonnage quotas (paragraphs (j) and (k) above). Likewise, the containerboard content of all reshippers used by a user during any quota period for packing any Schedule C product shall be charged to his footage and tonnage quotas for that product. The term "reshippers" means new fibre shipping containers in which empty inner containers (such as glass jars, cans, etc.) are shipped to a packer and which are then used by the packer for shipping or delivering inner containers packed by him with some product.

Inventory Restrictions

(n) *Inventory restrictions.* No person shall accept any delivery which will increase his inventory of unfilled new fibre shipping containers to more than his maximum permitted inventory. He may figure his maximum permitted inventory in either (but not both) of two ways—"over-all" basis or "individual-item" basis.

(o) *Over-all basis.* On the over-all basis, his maximum permitted inventory of all sizes and types shall be no more than a combined total of 1½ carloads.

(p) *Individual-item basis.* On the individual-item basis, he figures a separate inventory for each "container item class". A "container item class" includes all new fibre shipping containers of the same or similar sizes and types. (A variation in size or type which does not make a container unsuitable for shipping the same amount of a product in substantially the same shape and form shall not be considered as representing a different size or type.) On the individual-item basis, the maximum permitted inventory for any container item class shall be the

larger of the following amounts: 1200 complete sets or a 30-day supply (as restricted by a quota, if any).

(q) *Seasonal-foods and military exceptions.* The 30-day supply maximum in paragraph (p) above shall not apply to requirements for packing seasonal foods or to the Army's or Navy's requirements for empty new fibre shipping containers. Instead, the "practicable minimum working inventory" provision in Section 944.14 of Priorities Regulation 1 (and the March 10, 1942, Official Interpretation of that Section) shall apply in those cases.

Multiple-Unit Organizations

(r) *Multiple-unit organizations.* Any user who uses new fibre shipping containers at more than one place may choose to apply the quota and inventory restrictions of this order either to the operations of each place separately or to the collective operations of all his places. The same choice as to the inventory restrictions is available to any container-distributor who deals in new fibre shipping containers at more than one place. After making his choice, no person shall thereafter change it unless authorized by the War Production Board. Any user or container-distributor organization which consists of a parent corporation and one or more wholly-owned subsidiary corporations may consider itself as a single user or distributor for the purposes of this paragraph.

Exceptions and Exemptions

(s) *Small-user exception.* The quota restrictions of paragraph (i) above do not apply to any user during any calendar year in which he accepts no more than a total of \$500 worth (cost price to him) of new fibre shipping containers for all products (whether or not on Schedule C).

(t) *Use and quota exemptions for certain government orders.* The use prohibitions of paragraph (f) above and the quota restrictions of paragraph (i) above do not apply to new fibre shipping containers which are used by any user (whether a manufacturer or a distributor) for delivering any product to any of the following persons or which are used by any user for delivering any product to be redelivered by another party (without further processing, fabrication, or incorporation into any other product, exclusive of wholesalers' and retailers' minor finishing or decorative operations as mentioned in Schedule C) to any of the following persons:

(1) The U. S. Army or Navy (exclusive of post exchanges or ship's service departments located within the 48 states and the District of Columbia).

(2) The Maritime Commission; the War Shipping Administration.

(3) Any U. S. agency making Lend-Lease purchases.

New fibre shipping containers used for those purposes may be regarded as being in addition to the user's quota for the product involved.

(u) *Exceptions for stocks in transit or on hand.* The restrictions of this order shall not prevent any user's (1) acceptance of any new fibre shipping contain-

ers which were in transit to him on or before October 11, 1943, or (2) use of those containers, or containers on hand on that date, for the purposes for which he acquired them (subject, however, to the quota restrictions of paragraph (i) above).

Miscellaneous Provisions

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

(w) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Containers Division, Washington 25, D. C., Ref: L-317.

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

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

Issued this 11th day of October 1943.

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

SCHEDULE A—PROHIBITED TYPES OF CONTAINERS

Paragraph (e) of Order L-317 prohibits the manufacture of the following types of containers from corrugated or solid fibre (.060 or heavier).

- a. Bottle and can carry-outs
- b. Counter boxes
- c. Display-shippers
- d. Laundry boxes and laundry shells
- e. Retail gift boxes

SCHEDULE B—PROHIBITED USES

Pursuant to paragraph (f) of Order L-317, users' acceptance or use of new fibre shipping containers for packing the products listed below (or, where specified below, for packing less than a specified quantity of certain products listed below) is prohibited. Some exceptions from this prohibition are allowed in paragraphs (t) and (u) of the order. In addition, paragraph (f) specifies that its prohibition does not apply to containers used for wholesalers or retailers deliveries (as defined in Schedule C). However, new fibre shipping containers so used for any product below must be charged to the wholesaler's or the retailer's over-all quota under Schedule C.

- a. Paper products:
 1. Advertising displays—counter, window, or floor
 2. Catalogues
 3. Magazines, including house organs
 4. Posters
 5. Punch boards
- b. Fresh vegetables:
 1. Cucumbers
 2. Green corn
 3. Onions
 4. Potatoes (white)
 5. Rutabagas
 6. Turnips

- c. Building materials:
 1. Building and fire brick (except plastic fire brick and glass brick)
 2. Cement—except household
 3. Cork—except pipe covering and slabs
 4. Mineral wool—except slabs, blocks, batts, and formed and/or metal-encased insulation
 5. Plaster—cement, lime, gypsum (this does not include dental, orthopedic, and industrial-mold grades)
 6. Tile—except acoustical, encaustic, and glazed structural
- d. Textiles (except clothing):
 1. Awnings
 2. Blankets and comforters—less than 6 per package
 3. Carpets
 4. Mattresses—less than 4" thick
 5. Rope, string, and twine
 6. Rugs
 7. Tents
 8. Waste wiping rags
- e. Hardware:
 1. Buckets and pails—wood or metal (except porcelain-enameled)
 2. Garden and farm tools, 18" or more in length—including but not limited to: hoes, rakes, shovels
 3. Handles, 18" or more in length—including but not limited to: shovels, picks, axes, etc.
 4. Wash tubs—wood or metal
- f. Leather products:
 1. Belting butts and shoe leather—except cut stock (repair taps, insoles, counters, box-toes and welting)
 2. Bridles
 3. Harnesses
 4. Horse collars
 5. Saddles
 6. Suitcases
 7. Traveling bags—all kinds
 8. Trunks
 9. Whips and crops
- g. Glass products:
 1. 1-pt. home canning jars—less than 24 per case
- h. Clothing:
 1. Athletic uniforms
 2. Overalls and coveralls
 3. Work coats
 4. Work pants
 5. Work shirts
 6. Work uniforms
- i. Horticultural items:
 1. Bulbs
 2. Ornamental shrubs
 3. Seeds (flower)
- j. Miscellaneous:
 1. Baskets—wicker, splint, etc.
 2. Brooms
 3. Charcoal—except activated carbon
 4. Coal
 5. Fertilizers
 6. Hose—rubber and fabric
 7. Linoleum—rugs and rolls
 8. Mops—except oil mops
 9. Peat moss

Restricted products and uses (1)	Quota percentages (2)
Restricted products—Continued.	
Art supplies	80
Athletic equipment and sporting goods	80
Beverages—as listed in Order M-104 (Schedule IV)	80
Books	80
Brushes—household	80
Buttons	80
Candles	80
Cement—household	80
China and glass ware—except containers	80
Clothing—except shoes and safety clothing as defined in Order L-114	80
Combs	80
Cosmetics—except dentifrices and perfumes	65
Dentifrices	80
Dry cleaning preparations—household	80
Flowers and plants—cut or potted	65
Furniture	80
Games and toys	65
Glass tableware and glass kitchen articles	80
Hooks and eyes, slide and snap fasteners, buckles, miscellaneous metal apparel bindings	80
Jewelry	65
Mattresses—inner spring	80
Mattresses—4" or more in thickness	65
Ornaments—made of glass, plastic, pottery, china, metal, wood, paper, or leather (except those listed elsewhere in Schedule B or C)	65
Paints—pigmented oil or oleoresinous; ready mixed, semipaste, or paste. This includes, but is not limited to: white lead in oil, colors in oil, pigmented lacquers, resin emulsion paste, casein paste, vegetable protein paste paints	80
Paper products of the following types: announcements, greeting cards, illustrated post cards and wall calendars	65
Perfumes	65
Polishes—household	80
Pottery products—household (except ornamental)	80
Printing and publishing products—except those listed elsewhere in Schedules B or C	80
Roof coatings and cements	80
Utensils—kitchen and household (except those listed elsewhere in Schedules B or C)	80
Varnishes	80
Waxes—household	80
Restricted uses:	
Wholesalers deliveries	80
Retailers deliveries—mail, express, and common carrier	80
Retailers deliveries—other than mail, express, and common carrier	65

These "restricted uses" items relate only to deliveries made by persons who have not produced the products delivered nor done any fabrication or processing work on them other than minor finishing or decorative operations usually performed by wholesalers and retailers (such as assembly of knocked-down furniture, monogramming of linen and jewelry, alteration of clothing). "Retailers deliveries" means deliveries made by any such person who sells exclusively or predominantly at retail. "Wholesalers deliveries" means deliveries made by any such person who sells exclusively or predominantly at wholesale. The quota for each type of use represents the maximum total amount of containers which can be so used for all products (whether or not listed in Schedule C). The quota takes the place of a separate quota for each Schedule C product.

[F. R. Doc. 43-16582; Filed, October 11, 1943; 11:21 a. m.]

PART 3286—MISCELLANEOUS MINERALS¹
 [General Inventory Order M-161 as Amended October 11, 1943]

INVENTORY RESTRICTION EXCEPTIONS

Section 3286.76¹ *General Inventory Order M-161* is hereby amended to read as follows:

§ 3286.76¹ *General Inventory Order M-161*—(a) *What this order does.* This order excepts certain materials from inventory restrictions and from limits on the purchase of maintenance, repair, and operating supplies. The exception is made in some cases because there is no serious shortage of the material and in other cases because the material is available in quantity only in certain seasons, so that it is desirable to permit persons to buy and store it without limit.

(b) *Exception to inventory restrictions.* Section 944.14 of Priorities Regulation 1, which restricts inventory to a practicable working minimum, does not apply to the materials listed on Schedule A. Each of these materials is also exempted from all inventory restrictions in any other regulation or order of the War Production Board unless they expressly mention the material.

(c) *Exemption from restrictions on maintenance, repair, and operating supplies.* The materials listed on Schedule A are not subject to any restrictions in any regulation or order of the War Production Board which limit the quantity of material received or ordered for maintenance, repair, or operating supplies during any period on the basis of the amount of such supplies purchased during a base period. A person may receive or order for delivery any quantity of listed materials without regard to these restrictions. He does not have to charge his orders for any such material against his base-period quota except to the extent that purchases of the same material were taken into account in arriving at his quota. For example, a manufacturer operating under CMP Regulation 5 is limited in his purchases of maintenance, repair, and operating supplies to the amount which he spent in the base period. A manufacturer who spent \$50,000 during the base period, including \$500 for lead, may buy any amount of lead during the current period, and may use his MRO rating for that purpose, and he need include only \$500 of the amount thus spent for lead in figuring the amount to be charged to his quota of MRO.

Issued this 11th day of October 1943.

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

SCHEDULE A

- Bentonite.
- Kaolin.
- Ball clay.
- Stoneware clay.
- Feldspar.
- Potter's flint.
- Domestic andalusite.
- Domestic dumortierite.
- Pinlite.

¹ Formerly Part 1255, § 1255.1.

SCHEDULE C—PRODUCTS AND USES SUBJECT TO QUOTAS

Paragraph (1) of Order L-317 places quotas on the amount of new fibre shipping containers (including "reshippers", as defined in paragraph (m) of the order) which may be used for packing the products listed in Column 1 below or for the types of uses listed in that Column. The percentages listed in Column 2 below are to be used in figuring the quotas.

Restricted products and uses (1)	Quota percentages (2)
Restricted products:	
Adhesives—household	80
Animal and pet foods—dry (except proprietary drug remedies)	80
Animal proprietary drug remedies	65

Fyrophyllite.
Soapstone.
Ilmenite.
Salt (sodium chloride) in bulk.
Sodium sulfate (salt cake).
Borax (hydrated and dehydrated).
Boric acid.
Lead.
Phosphate rock.
Sulphur.
Waste paper.

[F. R. Doc. 43-16580; Filed, October 11, 1943;
11:21 a. m.]

PART 3290¹—TEXTILE, CLOTHING AND
LEATHER

[General Limitation Order L-284 as Amended
October 11, 1943]

LUGGAGE

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

§ 3290.186¹ *General Limitation Order L-284*—(a) *Definitions.* For the purpose of this order:

(1) "Luggage" means a container of the type used for the transportation of personal effects on a journey, and includes (without limitation of the foregoing) the following: animal carriers, army lockers, bellows and extension cases, Boston bags, bottle cases, carryalls, cosmetic cases, duffel, sport and furlough bags, fitted cases, gladstone cases, hat boxes, hat and shoe boxes, jackknife cases, kit bags, over-night or week-end cases, physician's bags, picnic cases, pullman cases, pullman tray cases, salesman's sample cases, secretary cases, shoe cases, suit cases, travelling bags, vanity cases, victoria cases, women's and men's wardrobe cases, trunks of all types, and all other products that are sold and known as luggage in the trade. It shall not include any items having a factory price (exclusive of taxes) of \$1.50 or less.

(2) "Base period" means the twelve months ended December 31, 1941.

(3) "Cattle hide leather" means leather or rawhide produced from the hides or skins of bulls, steers, cows and buffaloes, whether native or branded, foreign or domestic, including calf and kipskins.

(4) "Military order" means an order for luggage to be delivered to the Army or Navy of the United States (excluding post exchanges and ship's service stores), United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics and the Office of Scientific Research and Development.

(5) "Post exchanges" means United States Army post exchanges and United States Marine Corps post exchanges.

(6) "Ship's service stores" means the stores maintained by the United States Navy Ship Service Department.

(7) [Deleted Oct. 11, 1943.]

(8) "Design and construction" of luggage means the make-up of the luggage in every detail, so that any two pieces of luggage of the same design and construction are necessarily identical, except in quality and color of material utilized.

(b) *Restrictions on manufacturing*—
(1) *Limitations on construction.* (i) After June 30, 1943, no person shall produce any luggage except in conformity with the restrictions contained in Schedule I, annexed; and

(ii) After April 30, 1943, no person shall cut or otherwise put into process any material for the manufacture of any animal carriers, bellows and extension cases, bottle cases, cosmetic cases, fitted cases, gladstone cases, hat boxes, hat and shoe boxes, jackknife cases, kit bags, pic-

nic cases, secretary cases, shoe cases, vanity cases, victoria cases, women's wardrobe cases or wardrobe trunks of any type: *Provided, however,* That no person shall be deemed to be in violation of this paragraph (b) (1) (ii) in cutting material in his inventory on April 30, 1943, if used only in connection with fabricated or semi-fabricated parts in his inventory on said date and if the luggage into which such material is incorporated is completed prior to July 1, 1943.

(2) *Limitation on quantity produced.*
No manufacturer shall produce during any calendar semi-annual period, beginning July 1, 1943, a greater net dollar volume of luggage (factory sales, excluding taxes) than that shown for his class on the following list:

Class factory sales during the base period:	Factory sales permitted during any calendar semi-annual period	Rate of production on annual basis (percent)
\$750,000 or more.....	25% of base period volume.....	50
Between \$250,000 and \$750,000.....	30% of base period volume.....	60
Between \$25,000 and \$250,000.....	35% of base period volume.....	70
Less than \$25,000.....	43% of base period volume.....	86

Provided, however, That nothing in this paragraph (b) (2) shall prevent any manufacturer from making factory sales up to \$1,000 per month or from producing luggage within such dollar volume.

(3) *Application to military and Post Exchanges orders.* None of the restrictions of this paragraph (b) shall apply to luggage produced under specific military orders as above defined.

Luggage produced for Post Exchanges and Ships' Service Stores must conform to paragraph (b) (1) above, whether or not produced on rated orders, but need not be included within the quota assigned in the second column of the schedule in paragraph (b) (2).

In computing factory sales for the purpose of determining a manufacturer's base period volume, sales to civilian stores, Post Exchanges and Ships' Service Stores shall be included and sales on specific military orders as above defined shall be excluded.

(c) *Restrictions on sales, deliveries and inventories*—(1) No manufacturer or dealer shall sell or deliver any luggage which he knows or has reason to believe was manufactured in violation of this order.

(2) No manufacturer shall accept delivery of any item of material to be incorporated into luggage if by reason of such delivery such manufacturer's inventories of such item will be in excess of his minimum practicable working requirements, or in any event in excess of his requirements for the next 120 days.

(d) *Applicability of regulations.* This order and all transactions affected thereby are subject to all regulations of the War Production Board, as amended from time to time, except paragraph (d) of Priorities Regulation 17, which shall be inapplicable to luggage.

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

(f) *Communications to the War Production Board.* All reports, applications, forms, or communications required under or referred to in this order, and all communications concerning this order, shall unless otherwise directed be addressed to the War Production Board, Textile, Clothing & Leather Division, Washington 25, D. C., Ref.: L-284.

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

Issued this 11th day of October 1943.

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

SCHEDULE I

(a) *Limitation of types and styles.* (1) Subject to paragraph (a) (3) below, all items shall be of the following types and within the following maximum outside length:

Type	Maximum outside length (Inches)
Furlough bag.....	20
Over-night case.....	21
Pullman case (empty).....	26
Tray pullman case.....	29
Men's wardrobe.....	24
Men's week-end.....	21
Foot locker.....	31
Physician's bag.....	18
Sample cases and sample trunks.....	Unlimited

¹ Formerly Part 3253, § 3253.1.

(2) Except with respect to sample cases and sample trunks, no manufacturer shall in any calendar year produce within each type mentioned above more than two price lines, i. e., either one style in two price lines or two styles in one price line each. For this purpose "style" shall refer to the design and construction of the luggage, including its size, but not to the quality or color of the material utilized.

(3) The restrictions in this paragraph (a) regarding dimensions and number of styles and price lines shall not apply to items produced by manufacturers whose factory sales have not in any prior calendar month (subsequent to May, 1943) exceeded \$1,000.

(b) *Limitation on use of materials.* (1) None of the following materials shall be used in making luggage:

(i) Parts containing iron or steel, other than locks, bolts, dowels, handle dee rings, handle posts, valances, valance clamps, binding corner clips, men's wardrobe hanger brackets, foot locker corners, foot locker bindings, snap fasteners, buckles, hinges, rivets, screws, nails, tacks, washers, burrs, or other small hardware for essential joinings. No stainless steel may, however, be used in any of these parts.

(ii) Any slide fasteners.

(iii) Parts containing copper, zinc, aluminum, or copper, zinc or aluminum alloys.

(iv) Leather, except:

(a) Sheepskin, pigskin, sealskin, walrus, sharkskin or alligator leather.

(b) Vegetable tanned cattle hide leather under 3½ ounces in weight.

(c) Scrap cattle hide leather, or

(d) Vegetable tanned bag, case and strap cattle hide leather bellies under 7 ounces in weight.

Any of the foregoing may be used for handles, attaching handle pieces, welts, bindings, corners, closures but for no other purpose.

(2) In no event shall more iron, steel, or leather be used than is essential to perform a functional purpose. The functional uses for handle loops, leather straps, leather corners and leather bindings shall be limited as follows:

(i) Leather handle loops shall consist of necessary attaching pieces only and shall not include extended strips for design or decorative purposes.

(ii) Leather straps shall be used for essential closure means only and shall not include extended or long straps.

(iii) Leather corners shall be used for essential reinforcements for the top or bottom, or both, of a case or bag only and shall not include wing-tip corners or over-sized corners for design or decorative purposes.

(iv) Leather bindings shall be used for essential reinforcements and shall not exceed 1¾" width before attachment.

[F. R. Doc. 43-16579; Filed, October 11, 1943; 11:19 a. m.]

PART 3293—CHEMICALS

[Allocation Order M-354]

GASOLINE GUM INHIBITORS

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

§ 3293.551 Allocation Order M-354—

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

(1) "Inhibitor" means any gasoline gum inhibitor containing one or more of the following materials: monobenzyl-para-aminophenol, N, N'-di (secondary butyl) paraphenylenediamine, isobutyl-para-aminophenol, N, N'-dibutyl-para-phenylenediamine, normal butyl-para-aminophenol.

Such inhibitors include those known by the trade names "DuPont No. 5", "DuPont No. 6", "U. O. P. 4" and "U. O. P. 5".

(2) "Supplier" means any person who produces inhibitors, or who purchases inhibitors for resale as such.

(b) *Restrictions on delivery.* On and after November 1, 1943, no supplier shall deliver inhibitors, except as specifically authorized in writing by the War Production Board, upon application pursuant to Appendix A.

(c) *Restrictions on acceptance of delivery.* No person shall accept delivery of more than 10 pounds of any one type of inhibitor from all suppliers during November, 1943, or during any calendar month thereafter, except as specifically authorized in writing by the War Production Board, upon application pursuant to Appendix B.

(d) *Restrictions on use.* No person shall use more than 10 pounds of any one type of inhibitor during November, 1943, or during any calendar month thereafter, except as specifically authorized in writing by the War Production Board, upon application pursuant to Appendix B.

(e) *Special directions.* The War Production Board, at its discretion, may at any time issue special directions to any person with respect to:

(1) Use, delivery or acceptance of delivery of inhibitors; or

(2) Production of inhibitors; or

(3) Preparation and filing of application forms required by Appendices A and B, subject to approval of the Bureau of the Budget when required by the Federal Reports Act of 1942.

(f) *Duration of authorization for delivery.* If it is not practicable for a supplier to make all deliveries in the month for which authorized, he may complete them as early as practicable in the next month, but the purchaser may not require postponement of delivery beyond 10 days after the authorized month.

(g) *Duration of authorization for use.* Authorization to use material under this order shall be valid for 45 days after receipt of the authorization or of the material allocated for the use, whichever is later. What is not used in this period may not be used for any purpose until further authorized under paragraph (d).

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

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

(2) *Violations.* Any person who willfully violates any provision of this order,

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

(3) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C. Reference M-354.

Issued this 11th day of October 1943.

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

APPENDIX A—INSTRUCTIONS FOR FILING APPLICATION TO DELIVER INHIBITORS

Each supplier seeking authorization to deliver inhibitors shall file application on Form WPB-2946 (formerly PD-601),¹ in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form WPB-2946 (formerly PD-601). Copies may be obtained at local field offices of the War Production Board.

Time. Application shall be filed or mailed in time to ensure that copies will have reached the War Production Board on or before the 20th day of the month preceding the month for which authorization to make delivery is sought.

Number of copies. Four copies shall be prepared, of which one shall be retained by the applicant and three copies (one certified) shall be forwarded to the War Production Board, Chemicals Division, Washington, D. C., Reference M-354.

Heading. Under name of chemical, specify "gasoline gum inhibitor"; under War Production Board order number, specify M-354; specify allocation month; under unit of measure, specify pounds (as shipped); and otherwise fill in as indicated.

Table I. Fill in as indicated. An aggregate quantity may be requested, without specifying customers' names, for delivery on small orders of 10 pounds or less per person per month. In Column 3 specify the trade name or number.

Table II. Fill in as indicated for each inhibitor produced by the person reporting. Leave columns 15 and 16 blank.

APPENDIX B—INSTRUCTIONS FOR FILING APPLICATION FOR AUTHORIZATION TO USE OR ACCEPT DELIVERY OF INHIBITORS

Each person seeking authorization to use or accept delivery of inhibitors shall file application on Form WPB-2945 (formerly PD-600),² in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form WPB-2945 (formerly PD-600). Copies may be obtained at local field offices of the War Production Board.

Time. Application shall be made in time to ensure that copies will have reached the supplier and the War Production Board on or before the 15th day of the month preceding the month for which authorization to use or accept delivery is requested.

¹ Form WPB-2945 (formerly PD-600) and Form WPB-2946 (formerly PD-601), and the instructions in Appendices A and B, have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Number of copies. Five copies shall be prepared, of which one shall be retained by the applicant, one (with Tables II, III and IV left blank) shall be forwarded to the supplier, and three copies shall be forwarded to the War Production Board, Chemicals Division, Washington, D. C., Reference M-354.

Number of sets. A separate set of forms shall be submitted for each supplier, and for each plant of the applicant.

Heading. Under name of chemical, specify "gasoline gum inhibitor"; under War Production Board order number, specify M-354; under unit of measure, specify pounds (as received); and otherwise fill in as indicated.

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

Column 1. Specify the trade name or number of the inhibitor sought.

Column 2. Specify pounds requested for each primary product and product use specified in Columns 3 and 4 of the application.

Column 3. Fill in as follows:

- Gasoline.
- Other (specify).
- Resale (as inhibitor).
- Export (as inhibitor).

Column 4. Opposite gasoline in Column 3, specify in Column 4 whether aviation, 80 Octane All Purpose for Offshore Shipment, 80 Octane All Purpose or other gasoline for military consumption within the forty-eight States, or civilian.

Opposite any product in Column 3 other than gasoline, describe end use briefly in Column 4, unless the product is under allocation, in which case Column 4 may be left blank (for example, toluene is allocated under Order M-34).

Opposite "Resale" in Column 3, write in Column 4 "subject to further authorization".

Opposite "Export" in Column 3, specify in Column 4 the name of the individual, company or governmental agency to whom or for whose account the inhibitor will be exported, the country of destination and governing export license or contract numbers, unless Lend-Lease, in which case merely specify the Lend-Lease contract or serial number.

Columns 9 and 10. Leave blank.

Table II. Fill in as indicated for each inhibitor referred to in Column 1 of the application.

Table III. Fill in as indicated.

Table IV. Leave blank.

[F. R. Doc. 43-16587; Filed, October 11, 1943; 11:20 a. m.]

PART 3301—CORK, ASBESTOS AND FIBROUS GLASS¹

[Conservation Order M-283, as Amended October 11, 1943]

ASBESTOS TEXTILES

Section 3301.16¹ Conservation Order M-123 is amended to read:

§ 3301.16 Conservation Order M-283—

(a) **Definitions.** (1) "Asbestos textiles" means any material initially produced from the mineral asbestos by means of a carding operation and includes all such material in the following forms subsequent to the carding operation, including scrap:

Carded fiber.

Plain roving (underwriter's and commercial).

Plain roving (above underwriter's grade).

¹ Formerly Part 1172, § 1172.1.

Reinforced roving.

Cable filler.

Lapps.

Yarn—single.

Yarn—plied.

Yarn—metallic.

Cloth— $1\frac{1}{4}$ pounds per square yard and lighter, all weaves.

Cloth—heavier than $1\frac{1}{4}$ pounds per square yard, non-metallic, plain weave.

Cloth—heavier than $1\frac{1}{4}$ pounds per square yard, metallic, plain weave.

Cloth—all weights, metallic and non-metallic other than plain weave.

Tape—.010 to .025" thick.

Tape— $1/32$ " thick and up.

Cord—Plain or treated.

Tubing—woven or braided.

NOTE: Items pertaining to twisted wicks were deleted March 17, 1943.

(2) "Supplier" means any person who produces asbestos textiles from the mineral asbestos by means of a carding operation.

(3) "Consumer" means any person who purchases or accepts delivery of asbestos textiles from a supplier for resale, or for use in the manufacture of other forms of asbestos textiles or of articles made in whole or in part of asbestos textiles, or for any other use. A supplier, who uses asbestos textiles which he has produced in the manufacture of any product which is not itself an asbestos textile as defined in paragraph (a) (1), shall be deemed also to be a consumer.

(4) "Implements of war" means combat end products, complete for tactical operations (including, but not limited to, aircraft, ammunition, armament, weapons, ships, tanks and military vehicles), and any parts, assemblies and materials to be incorporated in any of the foregoing items being produced for the Army or the Navy of the United States, the Maritime Commission, the War Shipping Administration, or for any foreign government pursuant to the act approved March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), where the use of any asbestos textiles to the extent employed is required by the latest issue of government specifications (including performance specifications, unless otherwise directed by the War Production Board) applicable to the contract, subcontract, or purchase order. The term does not include facilities or equipment used to manufacture the foregoing items.

(b) **Restrictions on delivery and use.**

(1) No supplier shall deliver or use asbestos textiles and no person shall accept delivery of asbestos textiles from a supplier, except as specifically authorized in writing by War Production Board, upon application pursuant to paragraph (d).

(2) War Production Board may from time to time issue special directions to any person with respect to his use, processing to final product, delivery, acceptance of delivery, or placing of orders, of asbestos textiles, notwithstanding the provision of paragraph (c), or special directions to any supplier with respect to the kinds of asbestos textiles which he may or must manufacture, and the grades and types of asbestos fiber which

he may or must use in the production of asbestos textiles.

(3) No supplier shall deliver any asbestos textiles to any person if he knows or has reason to believe that such person would receive or use it in violation of the terms hereof, nor may any person deliver or accept delivery of any item which he knows or has reason to believe was manufactured in violation of the terms hereof.

(4) Each supplier shall notify the War Production Board of his inability to make authorized delivery, or of cancellation by a consumer of any authorized delivery, within 5 days after he has notice of such fact.

(c) **Small order exemption.** Specific authorization shall not be required for:

(1) Any person to accept delivery of 100 pounds or less of asbestos textiles in the aggregate from all sources during any calendar month, provided that he has not been specifically authorized to accept delivery of any quantity of asbestos textiles during such month; and

(2) Any supplier to deliver 100 pounds or less of asbestos textiles to any person in any calendar month, provided that:

(i) No supplier shall deliver in the aggregate in any calendar month, pursuant to this paragraph (c), an amount in excess of 5 per cent by weight of his actual shipment of asbestos textiles for the preceding month;

(ii) No supplier shall make deliveries during any calendar month, pursuant to this paragraph (c), if such deliveries will prevent completion of any deliveries which have been specifically authorized for such month.

(3) For the purposes of paragraphs (c) (1) and (c) (2) above, the term "person" means usual purchasing unit, whether plant, distributing agency, corporation or other legal entity.

(d) **Applications and reports—(1) Consumers.** Each consumer seeking authorization to accept delivery of asbestos textiles during any calendar month shall file application on Form WPB-2137 (formerly PD-779). Six copies shall be prepared, of which three (with section II left blank) shall be forwarded, not later than the first day of the month preceding the month for which authorization for delivery is requested, to the supplier with whom the order or orders described in such application are placed, and two (with section II filled out) shall be sent, not later than the 10th day of the month preceding the month for which authorization for delivery is requested, to the War Production Board. A separate set of forms shall be prepared for each plant location of the applicant and for each supplier from whom the delivery of asbestos textiles is sought.

(2) **Suppliers.** Suppliers shall seek authorization to deliver asbestos textiles only to consumers who have filed with them WPB-2137 (formerly PD-779) in triplicate. Each supplier seeking authorization to make such deliveries to any consumer during any calendar month shall fill out all three copies of WPB-2137 (formerly PD-779) received from such consumer, indicating thereon his proposed deliveries during such month

to such consumer, and shall file two of such copies with the War Production Board on or before the 15th day of the month preceding the month for which delivery is requested by the consumer.

(3) War Production Board may from time to time issue special instructions with respect to the method or time of filing or content of WPB Form 2137 (formerly PD-779).

(e) *Separation of functions.* Each supplier who consumes all or part of his production of asbestos textiles in the manufacture of any product which is not itself an asbestos textile, as defined in paragraph (a) (1), shall treat the production and consumption parts of his operations as separate divisions, and delivery to himself for consumption shall be deemed delivery, requiring authorization within the meaning of paragraph (b) (1). Each such supplier in his separate capacity as a consumer and as a supplier shall file all the applications and reports required by paragraphs (d) (1) and (d) (2). A supplier who consumes all or any part of his production of asbestos textiles in the manufacture of products which are not asbestos textiles as defined in paragraph (a) (1) must request allocation only for that type of asbestos textile that immediately precedes the manufacturing process which changes its form beyond that shown in the list of asbestos textiles in paragraph (a) (1).

(f) *Restrictions on manufacture of List A products.* No person shall use any asbestos textile in the manufacture of any item, or part for an item, on List A.

(g) *Restrictions on manufacture of List B products.* On and after the governing date specified in List B, no person in the manufacture of any item on List B shall use any asbestos textile which is either of a grade (in terms of percentage of asbestos content) higher than the grade specified in List B, or is of a cut finer than the cut specified in List B.

(h) *Restrictions on weaving of oil burner wicks.* No person shall use asbestos textiles in the weaving of oil burner wicks in any calendar month in excess of 1/24 of the aggregate amount by weight of asbestos textiles used by such person in weaving of oil burner wicks in the calendar year 1941, or in excess of 1/2 of the aggregate amount by weight of asbestos textiles used by such person in the weaving of oil burner wicks in the corresponding calendar month of 1941, whichever is greater: *Provided*, That the aggregate amount used during the calendar year 1943, or during any calendar year thereafter, shall not exceed 1/2 of the aggregate amount used during the calendar year 1941.

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

(2) *Forms.* Form WPB-2137, referred to in paragraph (d), has been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

(3) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or fur-

nishes false information to any department or agency of the United States government, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control, and may be deprived of priorities assistance.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Cork, Asbestos & Fibrous Glass Division, Washington 25, D. C. Ref: M-283.

Issued this 11th day of October 1943.

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

RESTRICTED USES OF ASBESTOS TEXTILES UNDER CONSERVATION ORDER M-283, AS AMENDED OCTOBER 11, 1943

LIST A

1. Theatre curtains and scenery.
2. Vibration eliminators (except for implements of war).
3. Gun covers.
4. Radiator hose (except for implements of war).
5. Ammunition containers.
6. Fire stops in automotive vehicles, buses, or trucks.
7. Covering for heat insulation, except:
 - (i) As cuffs not over 12 inches long on pipe covering ends next to flanges or fittings where pipe temperature may under normal operating conditions exceed 500 degrees.
 - (ii) Where outside covering is next to hot metals such as steam boilers or auxiliaries.
 - (iii) On downcomer piping inside boiler casing.

(iv) For making portable flanges and fitting covers.

8. Heaters and heater accessories except for implements of war, except for electric heater cords to the extent permitted under Order L-85, as from time to time amended, and except for heater cords to be used in connection with electric soldering irons.

9. Filter sacks for liquids.

10. Parachute flare shields.

11. Clutch facing for automotive vehicles (except for implements of war), in accordance with numbers assigned by the Brake Lining Manufacturers Association in B. L. M. A. Catalog as shown in the 1939 edition, the 1940 supplement to the 1939 edition, and the 1941 edition, to-wit:

416	621	637	736A
506	621A	638	736B
516	628	718	738
614	629	719B	821B
620	636	732	827
859	946	985A	1053
862A	953A	987	1056
862B	953C	988	1057
880	953D	988A	1057A
891	953E	990	1057B
896A	954	990A	1057C
898	955	991	1058
900	955A	991A	1059
902A	955B	991B	1059A
905	956	993	1059B
905A	956A	993A	1068
905D	966	994	1072
905E	967	995	1142B
905F	967A	999	1142C
909	968	1005A	1154A
909A	968B	1007A	1169
909B	969	1008A	1169A
929B	975	1033	1170
929D	979	1047	1173
930-1	980	1047A	1181
940	982	1051	
941A	985	1052	

12. Brake lining in widths less than 2 inches or in thickness less than 1/4 inch (except for implements of war and except for B. L. M. A. Nos. 336 and 341A).

LIST B

Item	Governing date	Grade (max. % of asbestos)	Minimum permissible cut.
1. Laminated plastics.....	February 14, 1943	Underwriters	-----
2. Mechanical packing or gasket material made of asbestos textile material which has been graphited, friction treated, or otherwise treated with an adhesive or impregnating substance, for use as, or for use in the manufacture of, mechanical packings or gaskets (except that produced from blue asbestos fiber, and except for valve rings, seamless boiler gaskets and implements of war).....	October 18, 1943	Commercial	10
3. Friction material.....	October 18, 1943	Commercial	10

[F. R. Doc. 43-16584; Filed, October 11, 1943; 11:19 a. m.]

Subchapter C—Office, Director of War Utilities
PART 4501—COMMUNICATIONS

[Utilities Order U-2 as Amended Oct. 11, 1943]

GENERAL CONSERVATION ORDER FOR TELEPHONE INDUSTRY

- (a) Definitions.
- (b) General.
- (c) Restrictions on replacements.
- (d) Regrading, disconnections and substitutions.
- (e) Limitations on additions.
- (f) Engineering and planning.
- (g) Non-applicability to certain replacements and additions.
- (h) Reports.
- (i) Records.

- (j) Exemption of armed services.
- (k) Appeals.
- (l) Violations.
- (m) Communications.

§ 4501.1 Utilities Order U-2—(a) *Definitions.* For the purpose of this order:

(1) "Operator" means any individual, partnership, association, business trust, corporation, receiver, or any form of enterprise whatsoever, whether incorporated or not, the United States, the District of Columbia, any state or territory of the United States, any political, corporate, administrative or other division or agency thereof, to the extent engaged in rendering telephone com-

munication service within, to, or from the United States, its territories or possessions.

(2) "Exchange line plant" means all that portion of an operator's local wire or cable distribution system which extends from the central office main frame, exclusive of poles, crossarms, insulators, and non-metallic conduit, and associated hardware and guys, and exclusive of drop and block wires.

(3) Without regard to whether or not the expenditures therefor are for any reason required to be recorded in the operator's accounting records in accounts other than maintenance and repair:

(i) "Maintenance" means the minimum upkeep necessary to continue a facility in sound working condition.

(ii) "Repair" means the restoration of a facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts or the like.

(iii) Neither maintenance nor repair shall include the improvement of any plant, facility or equipment, by replacing material which is still usable with material of a better kind, quality or design.

(4) "Drop and block wires" means the portion of a customer's circuit (whether aerial or underground) extending from the inside wire (usually at the station protector or connecting block), or from the station equipment when no inside wire is involved, to the point of connection with the general overhead or underground system. This includes such circuit, carried by means of wire or small cables, extending to the cable terminal in cases where connection is made with a general cable system, or to the point of connection with the aerial wire plant in cases where connection is made with a general wire system, and also includes brackets, bridle rings, insulators, knobs, span clamps, screws, sleeves, strand, tubes, and other material used in the installation of drop and block wires; and the pipes or other protective covering for underground service connections.

(5) "Station installations" means the wires (or small cables) from the station apparatus to the point near the entrance to the building where the drop or block wire or cable terminates, or to the junction boxes where the house cable or other cable terminates; the wires (or small cables) used to connect station apparatus in the same building, such as main stations with extension stations, and stations of intercommunicating systems; the wires (or small cables) used to connect private branch exchange switchboards or their distributing frames with terminal stations located in the same building, and the clamps, cleats, connecting blocks, ground wire, ground rods, nails, station protectors, screws, and other material used in the installation of station apparatus and inside wires. The cables referred to above are the small cables used in station installations instead of wires, such as those run from wall outlets or floor terminals to the station apparatus. Inside wires (or small cables) installed specifically to serve as trunk, battery, or generator circuits from a private branch exchange to

the point of connection with the permanent house or outside cables or wires shall be considered as a part of the station installations" does not include the telephone instrument or other "station apparatus."

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

(b) *General.* (1) All operators shall conserve scarce and critical materials by the employment of all practical methods such as: the use of such types of equipment and facilities as will reduce the use of such materials to a practical minimum and meet necessary service requirements, the substitution of less scarce materials, when such substitution can be made without serious loss of efficiency, the reuse of existing telephone equipment and facilities.

In order to make maximum use of existing facilities and at the same time to avoid as far as practicable the use of scarce and critical materials to provide additional exchange central office call carrying capacity and exchange inter-office trunks in the event of any future substantial increase in local telephone usage, all operators shall limit the number of main telephone stations (i. e., the total number of stations and P. B. X. trunks exclusive of extension stations and P. B. X. stations) connected to any central office to 105 per cent of the number of main stations that the central office was designed to serve under pre-war engineering and operating practices or such other percentage as may be specifically approved by the War Production Board (except this limitation need not be applied in the case of a single-office exchange where the central office is designed to serve less than 1000 main telephone stations): *Provided, however,* That where the number of main stations now connected to a central office already exceeds the 105 per cent limit specified above, the number already connected need not be reduced so long as the service is satisfactory.

(2) (i) All operators shall discontinue the further installation or reconnection of residence extensions, residence private branch exchange telephones or the employment of additional main lines or stations on party lines in substitution therefor and the further installation of jacks and plugs in connection with residence service. Jacks already in place may be reconnected provided that the customer shall have not more than one telephone and one bell in his residence.

(ii) In cases of practicing physicians and surgeons certain residence extension telephone service may be provided. The operator may install or reconnect one extension telephone, or as an alternative install two jacks for use with a portable telephone, where it is determined that the relocation of the main line telephone will not substantially meet his requirements for service and that the installation of facilities to provide extension service is essential to the subscriber in the proper discharge of his duties and responsibilities for public health, wel-

fare or security. In addition the operator may establish a connection with an answering bureau, if no additional facilities are required in the answering bureau.

(iii) Temporary installation of one residence extension may be made when essential in cases of serious illness.

(iv) The installation and reconnection in residence quarters of telephones connected to private branch exchanges serving hotels, apartment houses, etc., may be made to the extent that no more than one telephone shall be provided in any single residence quarters.

(3) All operators shall discontinue the placing of open copper wire in exchange line plant.

(4) All operators shall discontinue the further installation of dial private branch exchange systems and dial private intercommunicating systems. This does not, however, prohibit: the installation by an operator of such systems of less than 100 lines where such equipment is already in the stocks of operators; the installation of additions to such existing systems; or, moves of such systems for the same subscriber within the same exchange area, or to a contiguous exchange area of the same operator, where effected in accordance with the limitations of paragraph (e) of this order.

(5) Service, involving exchange central office equipment and/or exchange line plant, installed or reconnected on and after the 15th day of April, 1943 shall be on an interim basis only, that is, subject to regrading and disconnection as provided in paragraph (d). Exchange central office equipment and/or exchange line plant or telephone sets made available through normal disconnections shall be used to take care of current applications for service of the kind included in paragraph (e) (1) (i) before such facilities are used currently to complete applications for service in other categories. Idle facilities may be reserved where necessary to meet promptly the known or fairly anticipated service requirements of the kind included in paragraphs (e) (1) (i) and (e) (1) (ii).

(6) [Revoked Sept. 2, 1943].

(7) Except where necessary to meet the needs for Schedule A business service and for essential public pay stations, all operators shall limit the further installation of drop and block wires along any pole line in exchanges serving more than 1,000 main telephone stations to one pole-to-pole span from the point of connection with the existing plant (except where this span is less than 75 feet, in which case the length along the pole line shall be limited to two spans) and in exchanges serving less than 1,000 main stations to two pole-to-pole spans from the point of connection with the existing plant. However, the drop wire may be extended beyond the limit specified to a messenger strand attachment in the next adjacent span, and to a single pole outside the line when such attachment is necessary to provide clearance over a street or to clear a tree or other obstacle.

(c) *Restrictions on replacements.* (1) All operators shall limit the replacement of equipment and facilities (except

poles, crossarms, insulators and non-metallic conduit, associated hardware and guys and station installations) to the essential requirements of maintenance, repair or protection of existing service, except:

(i) Where necessary to provide a permanent installation in lieu of one temporarily made to meet an exigency;

(ii) A substitution of facilities necessitated either by decreased service demands or by the provisions of paragraph (d).

(iii) A substitution of telephone sets necessary to effect a change in the "class" or "grade" of service, provided such change is not otherwise prohibited by this order. The "classes" of service involved are business, residence, semi-public, residence coin; the "grades" of services involved are individual, two-party, four-party, multi-party.

(d) *Regrading, disconnections and substitutions.* (1) To the extent necessary to meet minimum needs for service of the kind included in paragraphs (e) (1) (i) and (e) (1) (ii), all operators shall make available additional exchange central office equipment and/or exchange line plant in the following order in so far as practicable:

(i) By regrading existing service whenever current installations of central office equipment will permit, except where regraded service will not meet the minimum service needs of residence subscribers of the kind included in paragraph (e) (1) (i) or of business subscribers. In so far as practicable such service shall be regraded in the reverse order of the dates of connection at the existing locations (i. e., the most recently connected service shall be regraded first), except that service furnished on an interim basis shall be regraded before other service.

(ii) By disconnection of service furnished on an interim basis other than that of the kind included in paragraphs (e) (1) (i) and (e) (1) (ii). In so far as practicable disconnection of such service shall be in the reverse order of the dates of connection at the existing locations, except that residence service shall be disconnected before business service.

(2) [Revoked Sept. 2, 1943.]

(e) *Limitations on additions.* (1) All operators shall limit additions of exchange central office equipment and exchange line plant to such as are essential to the maintenance or protection of existing service, except that, when no additional facilities may be recovered or made available by the methods described in paragraph (d) above, additions may be made to the extent necessary:

(i) To meet the known or fairly anticipated demands for service essential to persons engaged in direct defense or charged with responsibility for public health, welfare or security including, but not limited to, those in the service categories shown in Schedule A attached; where their employment in direct defense or their responsibilities for public health, welfare, or security require such service for the proper discharge of such duties: *Provided*, That such additions shall not be made for residence service

except in accordance with paragraphs (e) (1) (iii) and (e) (1) (iv).

(ii) To provide for the installation of public pay stations to meet essential public demands.

(iii) To provide service requested by producers of substantial quantities of food where such service is essential to such producers' operations: *Provided, however*, That in no single case shall there be used more than 100 pounds of steel or iron wire in the case of grounded circuits nor more than 200 pounds in the case of metallic circuits for each such subscriber connected.

(iv) To provide cable terminals required in existing exchange line plant to make available for use facilities not otherwise usable for known demands.

(f) *Engineering and planning.* Except in respect to poles, crossarms, insulators and non-metallic conduit, and associated hardware and guys, all operators shall:

(1) Engineer all replacements and additions to exchange plant so as to limit the margins for expected growth of service requirements of the kind described in paragraphs (e) (1) (i), (e) (1) (ii), to a period not in excess of one-half the period for which provision would be normally made, but in no event to exceed a period of three years.

(2) Engineer all replacements or additions to toll plant so as to limit the margins for expected growth of service requirements to a period not in excess of one-half the period for which provision would be normally made, but in no event to exceed a period of three years; provided, however, that this requirement shall not require the limitation of the margins of such growth to a period less than one year, and provided, further, that conductors in cables designed or suitable for use with carrier current systems may be provided (but not equipped) in such numbers that, when fully utilized by present or immediately contemplated carrier current system technique, they will provide for margins for expected growth of one-half the normal provision for such growth, even though such provision exceeds a three-year period.

(g) *Non-applicability to certain replacements and additions.* The terms of paragraphs (b), (c), (e) and (f) shall not prohibit:

(1) Wire communications projects approved by the War Production Board on Forms WPB-617 (PD-200), WPB-2774 (UF-30), WPB-1696 (PD-685), or other appropriate form.

(2) The completion of projects in accordance with the provisions of General Conservation Order L-50 as amended September 7, 1942, the physical installation of which projects was started on or before the 25th day of March, 1943.

(h) *Reports.* All operators affected by this order shall execute and file with the Office of War Utilities such reports as the Director, Office of War Utilities, shall from time to time require; subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(i) *Records.* Each operator affected by this order shall keep and preserve for not less than two years accurate and complete records concerning his use of steel or iron wire and number of main telephone stations connected under the provisions of paragraph (e) (1) (iii) subject to the inspection of the duly authorized representatives of the War Production Board.

(j) *Exemption of armed services.* The restrictions of paragraphs (b) (3), (b) (4) and (c) shall not apply to facilities for the official use of the armed services of the United States.

(k) *Appeals.* Any appeal from the provisions of this order shall be made by filing WPB-2117 Form (PD-761), giving all information required by said form.

(l) *Violations.* Any person who willfully violates any provision of the 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.

(m) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: Communications Division, Office of War Utilities, War Production Board, Washington 25, D. C., Ref.: U-2.

(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; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727)

Issued this 11th day of October 1943.

J. A. KRUG,
Director, Office of War Utilities.

SCHEDULE A—TYPES OF PERSONS TO BE ACCORDED PREFERENCE IN OBTAINING SERVICE IF THE USE OF A TELEPHONE IS NECESSARY TO PERFORM THEIR DUTIES IN DIRECT DEFENSE OF PUBLIC HEALTH, WELFARE OR SECURITY

1. Official Army, Navy, Marine Corps, Coast Guard civilian defense services.
2. Official Federal, State, county and municipal government services.
3. Official agencies of foreign governments.
4. (a) Public or private organizations directly serving the public safety, health or welfare, such as: hospitals, clinics, sanatoria; physicians, surgeons, dentists, nurses, nurses' registries, veterinarians, ambulance services, manufacturers or distributors (wholesale and retail) of drugs, surgical, medical, hospital or dental supplies or equipment; mortuaries, burial service organizations, the American Red Cross and similar agencies.
- (b) Common carriers, pipe line companies, all types of public utilities.
- (c) Press associations, newspapers, radio broadcasting stations.
- (d) Philanthropic and eleemosynary organizations recognized as such by the Bureau of Internal Revenue, including their fund-raising offices; United Service Organizations and other similar organizations; religious establishments and their officiating clergy; Christian Science Practitioners; public and private schools; and food processing, food distribution (wholesale and retail) and food storage organizations.

5. Business concerns furnishing material, equipment or facilities under prime or sub-contracts to the armed services of the United States (and their suppliers); persons rendering special services in connection with construction of defense projects as shall be authorized pursuant to Preference Rating Order P-19-h, or other appropriate form, such as contractors, engineers, architects, etc.; and labor unions having bona fide collective bargaining agreements with business concerns identified in this Category 5.

6. The business or management offices of new housing developments.

7. Petroleum operators, for their oil or gas producing or drilling operations, *Provided*, That approval is obtained in writing from the District Office of the Petroleum Administration for War.

[F. R. Doc. 43-16581; Filed, October 11, 1943; 11:20 a. m.]

Subchapter D—Office of the Rubber Director

PART 4600—RUBBER, SYNTHETIC RUBBER, BALATA AND PRODUCTS THEREOF

[Rubber Order R-1 as Amended, Amdt. 5]

Rubber Order R-1 as amended is hereby amended in the following respects:

(1) By amending § 4600.15 to read as follows, effective on and after October 19, 1943:

§ 4600.15 *Reseller's inventories of airplane, bicycle and industrial tires and tubes.* No person shall deliver any new airplane, bicycle or industrial tires or tubes (as listed in Groups 7-10 inclusive and 12-14 inclusive, of § 4600.14) to a person regularly engaged in the business of reselling such products, unless the reseller acquiring the products shall attach to his purchase order a certification in substantially the following form signed by an authorized official either manually or as provided in Priorities Regulation No. 7:

The undersigned hereby certifies to _____ and to _____ (insert name and address of seller) the War Production Board that he is familiar with Rubber Order R-1 as amended, and that the number of units to be acquired by this order will not result in his inventory of airplane, bicycle or industrial tires or tubes, on hand and on order, in any single group of § 4600.14 in which the products fall, being greater than his total unit sales of products in that group during the 60 days preceding his order, or greater than 1/2 of the total unit sales of products in that group during the 180 days preceding his order, whichever is greater.

Date _____

Name of Purchaser

Authorized Official

This § 4600.15 shall not apply to any purchase order originating outside the continental limits of the United States.

(Similar certification is required for products in Groups 1 to 6 inclusive and Group 11 of § 4600.14 by the Office of Price Administration in amendment No. 57 to OPA Ration Order 1-A.)

(2) By revoking § 4600.12 (*Delivery of rejected or cancelled Government order products*).

(3) By adding the following new section designated § 4600.27-1 to follow § 4600.27:

§ 4600.27-1 *Use of reclaimed, scrap and synthetic rubber cement.* Cement containing only reclaimed or scrap rubber or general purpose synthetics may be used:

(a) In the manufacture, application or repair of products in which rubber or synthetic rubber may be used under this order; and

(b) In the manufacture of any other product except those on Schedule B, Appendix I.

(4) By amending Schedule B (Prohibited Products), Appendix I in the following respects:

(a) By deleting the item, "chevrons," from Group 1 thereof.

(b) By adding the following items to Group 2 thereof:

Rugs and carpets (backing included).
Rugs and carpet underlays.
Pennants and banners.

(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; WPB Reg. 1 as amended March 24, 1943, 8 F.R. 3666; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.)

Issued this 11th day of October 1943.

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

[F. R. Doc. 43-16583; Filed, October 11, 1943; 11:19 a. m.]

Chapter XI—Office of Price Administration

PART 1388—DEFENSE-RENTAL AREAS

RENT REGULATION FOR HOTELS AND ROOMING HOUSES IN THE NEW YORK CITY DEFENSE-RENTAL AREA

§ 1388.1291 *Rent regulation for hotels and rooming houses in New York City Defense-Rental Area.* The Rent Regulation for Hotels and Rooming Houses in the New York City Defense-Rental Area is annexed hereto and made a part hereof.

RENT REGULATION FOR HOTELS AND ROOMING HOUSES IN THE NEW YORK CITY DEFENSE-RENTAL AREA

CONTENTS

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AUTHORITY: § 1388.1291 issued under Pub. Laws 421 and 729, 77th Cong.

SECTION 1. Scope of this regulation—

(a) *Rooms in hotels and rooming houses in the New York City Defense-Rental Area.* This regulation applies to all rooms in hotels and rooming houses in the New York City Defense-Rental Area,

consisting of the City of New York (including the Boroughs of Bronx, Brooklyn, Manhattan, Queens, and Richmond) and the Counties of Nassau and Suffolk in the State of New York, except as provided in paragraph (b) of this section. The New York City Defense-Rental Area is referred to hereinafter in this regulation as the "Defense-Rental Area."

(b) *Housing to which this regulation does not apply.* This regulation does not apply to the following:

(1) *Farming tenants.* Rooms situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon.

(2) *Service employees.* Rooms occupied by domestic servants, caretakers, managers, or other employees to whom the rooms are provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the rooms are a part.

(3) *Charitable or educational institutions.* Rooms in hospitals, or rooms of charitable or educational institutions used in carrying out their charitable or educational purposes.

(4) *Entire structures used as hotels or rooming houses.* Entire structures or premises used as hotels or rooming houses, as distinguished from the rooms within such hotels or rooming houses.

(c) *Effect of this regulation on leases and other rental agreements.* The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this regulation.

(d) *Waiver of benefit void.* An agreement by the tenant to waive the benefit of any provision of this regulation is void. A tenant shall not be entitled by reason of this regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to November 1, 1943.

(e) *Election by landlord to bring housing under this regulation.* Where a building or establishment which does not come within the definitions of a hotel or rooming house contains one or more furnished rooms or other furnished housing accommodations rented on a daily, weekly, or monthly basis, the landlord may, with the consent of the Administrator, elect to bring all housing accommodations within such a building or establishment under the control of this regulation. A landlord who so elects shall file a registration statement under this regulation for all such housing accommodations accompanied by a written request to the Administrator to consent to such election.

If the Administrator finds that the provisions of this regulation establishing maximum rents are better adapted to the rental practices for such building or establishment than the provisions of the Rent Regulation for Housing in the New York City Defense-Rental Area, he shall consent to the landlord's election. Upon such consent, all housing accommodations within such building or establishment which are or hereafter may be rented or offered for rent shall become

subject to the provisions of this regulation, and shall be considered rooms within a rooming house for the purposes of the provisions relating to eviction.

The landlord may at any time, with the consent of the Administrator, revoke his election, and thereby bring under the control of the Rent Regulation for Housing in the New York City Defense-Rental Area all housing accommodations previously brought under this regulation by such election. He shall make such revocation by filing a registration statement or statements under the Rent Regulation for Housing in the New York City Defense-Rental Area, including in such registration statement or statements all housing accommodations brought under this regulation by such election. Such registration statement or statements shall be accompanied by a written request to the Administrator to consent to such revocation. The Administrator may defer action on such request if he has taken or is about to take action to decrease the maximum rents of any housing accommodations within such building or establishment. If the Administrator finds that the revocation so requested will not result in substantial increases in the maximum rents of housing accommodations affected by such revocation, he shall give such consent. Upon such consent, all housing accommodations affected by such revocation shall become subject to the provisions of the Rent Regulation for Housing in the New York City Defense-Rental Area.

SEC. 2. Prohibition—(a) *Prohibition against higher than maximum rents.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after November 1, 1943 of any room in a hotel or rooming house within the Defense-Rental Area higher than the maximum rents provided by this regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this regulation may be demanded or received.

(b) *Terms of occupancy—*(1) *Tenant not required to change term of occupancy.* No tenant shall be required to change his term of occupancy.

(2) *Term of occupancy during thirty days ending on March 1, 1943.* Where, during the thirty days ending on March 1, 1943, a room was rented or offered for rent for a weekly or monthly term of occupancy, the landlord shall continue to offer the room for rent for that term of occupancy except that he is not required to rent for that term more than the greatest number of rooms which were rented for the term at any one time during the thirty days ending on March 1, 1943. However, if, during the year ending on March 1, 1943, a landlord had regular and definite seasonal practices with reference to the renting of rooms on a weekly or monthly basis, he may request the Administrator to approve such practices. When approval is given the landlord shall offer rooms for rent for weekly and monthly terms of occupancy pursuant to the practices so approved. The Administrator may with-

draw approval at any time if he finds that the landlord has failed to conform to such practices, or if he finds that the effects of the approval are inconsistent with the Act or this regulation or are likely to result in the circumvention or evasion thereof.

(3) *Request by tenant to change term of occupancy.* Any tenant on a daily or weekly term of occupancy shall on request be permitted by the landlord to change to a weekly or monthly term unless the landlord is then renting for such term a number of rooms equal to the number which he is required to rent for that term under subparagraph (2). If the room occupied by such tenant was not rented or offered for rent for such term during the thirty days ending on March 1, 1943, the landlord may transfer the tenant to a room, as similar as possible, which was so rented or offered for rent.

(4) *Monthly term of occupancy in tourist camps, etc.* Where, since March 1, 1943, a room, cabin, or similar accommodations in a tourist camp, cabin camp, auto court or similar establishment has been or is hereafter rented to the same tenant for a continuous period of 60 days or longer on a daily or weekly basis, the landlord shall offer such room, cabin or other accommodations for rent for a monthly term of occupancy, regardless of the provisions of subparagraph (2) of this paragraph. The room, cabin or other accommodations shall be offered for rent on a monthly basis for each number of occupants for which it is offered by the landlord for any other term of occupancy. Any tenant of such room, cabin or other accommodations on a daily or weekly basis shall on request be permitted by the landlord to change to a monthly term of occupancy.

Notwithstanding the provisions of section 4 (c) of this regulation, if no maximum rent is established for such room, cabin or other accommodations for a monthly term of occupancy or for a particular number of occupants for such term, the Administrator on his own initiative may enter an order fixing the maximum rent for that term and number of occupants and specifying the minimum services. This maximum rent shall be fixed on the basis of the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1943.

SEC. 3. Minimum services, furniture, furnishings, and equipment. Except as set forth in section 5(b), every landlord shall, as a minimum, provide with a room the same essential services, furniture, furnishings and equipment as those provided on the date or during the thirty-day period determining the maximum rent, and as to other services, furniture, furnishings and equipment not substantially less than those provided on such date or during such period: *Provided, however,* That where fuel oil is used to supply heat or hot water for a room, and the landlord provided heat or hot water on the date or during the thirty-day period determining the maximum rent, the heat and hot water which the landlord is required to

supply shall not be in excess of the amount which he can supply under any statute, regulation or order of the United States or any agency thereof which ratifies or limits the use of fuel oil.

SEC. 4. Maximum rents. This section establishes separate maximum rents for different terms of occupancy (daily, weekly or monthly) and numbers of occupants of a particular room. Maximum rents for rooms in a hotel or rooming house (unless and until changed by the Administrator as provided in section 5) shall be:

(a) *Rented or regularly offered during maximum rent period.* For a room rented or regularly offered for rent during the thirty days ending on March 1, 1943, the highest rent for each term or number of occupants for which the room was rented during that thirty-day period, or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(b) *First rented or regularly offered after maximum rent period.* For a room neither rented nor regularly offered for rent during the thirty days ending on March 1, 1943, the highest rent for each term or number of occupants for which the room was rented during the thirty days commencing when it was first offered for rent after March 1, 1943; or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(c) *First rent after March 1, 1943 where no maximum rent established under (a) or (b).* For a room rented for a particular term or number of occupants for which no maximum rent is established under paragraphs (a) or (b) of this section the first rent for the room after March 1, 1943 for that term and number of occupants, but no more than the maximum rent for similar rooms for the same term and number of occupants in the same hotel or rooming house.

(d) *Rooms constructed and owned by the government.* For a room constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1943, as determined by the owner of such room: *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in section 5 (c) (1).

(e) *Meals with room.* For a room with which meals were provided during the thirty-day period determining the maximum rent without separate charge therefor, the rent apportioned by the landlord from the total charge for the room and meals. The landlord's apportionment

shall be fair and reasonable and shall be reported in the registration statement for such room. The Administrator at any time on his own initiative or on application of the tenant may by order decrease the maximum rent established by such apportionment, if he finds that the apportionment was unfair or unreasonable.

Every landlord who provides meals with accommodations shall make separate charges for the two. No landlord shall require the taking of meals as a condition of renting any room unless the room was rented or offered for rent on that basis on March 1, 1943.

(f) *Rooms subject to rent schedule of War or Navy Department.* For a room rented to either Army or Navy personnel including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department, the rents established by such rent schedule.

SEC. 5. Adjustments and other determinations. In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. Except in cases under paragraphs (a) (7) and (c) (4) of this section, every adjustment of a maximum rent shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1943: *Provided, however,* That no maximum rent shall be increased because of a major capital improvement or an increase in services, furniture, furnishings or equipment, by more than the amount which the Administrator finds would have been on March 1, 1943 the difference in the rental value of the accommodations by reason of such improvement or increase: *And provided, further,* That no adjustment shall be ordered because of a major capital improvement, an increase or decrease in services, furniture, furnishings, or equipment, or a deterioration, where it appears that the rent during the thirty-day period determining the maximum rent was fixed in contemplation of and so as to reflect such change. In cases involving construction due consideration shall be given to increased costs of construction, if any, since March 1, 1943. In cases under paragraphs (a) (7) and (c) (4) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable housing accommodations during the year ending on March 1, 1943.

(a) *Grounds for increase of maximum rents.* Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the ground that:

(1) *Major capital improvement since maximum rent period.* There has been, since the thirty-day period or the order determining the maximum rent for the room, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement, and maintenance.

(2) *Major capital improvement prior to March 1, 1943.* There was, on or prior to March 1, 1943, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement, and maintenance, and the rent during the thirty-day period ending on March 1, 1943, was fixed by a lease or other rental agreement which was in force at the time of such change.

(3) *Substantial increase in services, furniture, furnishings, or equipment.* There has been a substantial increase in the services, furniture, furnishings or equipment provided with the room since the thirty-day period or the order determining its maximum rent.

(4) *Special relationship between landlord and tenant.* The rent during the thirty-day period determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant, or by an allowance or discount to a tenant of a class of persons to whom the landlord regularly offered such an allowance or discount, and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1943.

(5) *Lease for term commencing one year or more before March 1, 1943.*

There was in force on March 1, 1943 a written lease, for a term commencing on or prior to March 1, 1943, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1943.

(6) *Varying rents.* The rent during the thirty-day period determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) *Seasonal demand.* The rent during the thirty-day period determining the maximum rent for the room was substantially lower than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(b) *Decreases in minimum services, furniture, furnishings and equipment—*

(1) *Decreases existing on November 1, 1943.* If, on November 1, 1943, the services provided for a room are less than the minimum services required by section 3, the landlord shall either restore and maintain such minimum services, or, on or before November 30, 1943, file a petition requesting approval of the decreased services. If, on November 1, 1943, the furniture, furnishings or equipment provided with a room are less than the minimum required by section 3, the landlord shall on or before November 30, 1943, file a written report showing the decrease in furniture, furnishings or equipment.

(2) *Decreases after November 1, 1943.* Except as above provided, the landlord shall, until the room becomes vacant, maintain the minimum services, furniture, furnishings and equipment unless

and until he has filed a petition to decrease the services, furniture, furnishings or equipment and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, furniture, furnishings or equipment he shall file a petition within 10 days after the change occurs. When the room becomes vacant the landlord may, on renting to a new tenant, decrease the services, furniture, furnishings or equipment below the minimum; within 10 days after so renting the landlord shall file a written report showing such decrease.

(3) *Adjustment in maximum rent for decreases.* The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph may be decreased in accordance with the provisions of section 5-(c) (3). If the landlord fails to file the petition or report required by this paragraph within the time specified, or decreases the services, furniture, furnishings or equipment without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or November 1, 1943, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by any order decreasing the maximum rent on account of such decrease in services, furniture, furnishings, or equipment. In such case, any order decreasing the maximum rent shall be effective to decrease such rent from the beginning of the first rental period after the decrease in services, furniture, furnishings or equipment or after November 1, 1943, whichever is the later. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to comply with any requirement of this paragraph.

(c) *Grounds for decrease of maximum rent.* The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) *Rent higher than rent generally prevailing.* The maximum rent for the room is higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1943.

(2) *Substantial deterioration.* There has been a substantial deterioration of the room other than ordinary wear and tear since the date or order determining its maximum rent.

(3) *Decrease in services, furniture, furnishings, or equipment.* There has been a decrease in the minimum services, furniture, furnishings or equipment required by section 3 since the date or order determining the maximum rent.

(4) *Seasonal demand.* The rent on the date determining the maximum rent for the room was substantially higher than at other times of year by reason of seasonal demand for such rooms. In

such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) *Orders when facts are in dispute, in doubt, or not known.* If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed on or before November 30, 1943, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1943.

SEC. 6. Removal of tenant—(a) Restrictions on removal of tenant. So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant of a room within a hotel or rooming house shall be removed from such room, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated unless:

(1) *Tenant's refusal to renew lease.* The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this regulation; or

(2) *Tenant's refusal of access.* The tenant has unreasonably refused the landlord access to the room for the purpose of inspection or of showing the room to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the room is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) *Violating obligation of tenancy or committing nuisance.* The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the room for an immoral or illegal purpose; or

(4) *Demolition or alteration by landlord.* The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the room or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or re-

modeling have been approved by the proper authorities, if such approval is required by local law; or

(5) *Room not offered for rent.* The landlord seeks in good faith not to offer the room for rent. If a tenant has been removed or evicted from a room under this paragraph (a) (5), the landlord shall file a written report on a form provided therefor before renting the room during a period of 6 months after such removal or eviction.

(b) *Administrator's certificate.* No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this regulation and would not be likely to result in the circumvention or evasion thereof.

(c) *Notice to Area Rent Office.* At the time of commencing any action to remove or evict a tenant (except an action based on nonpayment of a rent not in excess of the maximum rent) the landlord shall give written notice thereof to the Area Rent Office stating the title and number of the case, the court in which it is filed, the name and address of the tenant and the grounds on which eviction is sought.

(d) *Exceptions from section 6.* The provisions of this section do not apply to:

(1) *Subtenants.* A subtenant or other person who occupied under a rental agreement with the tenant where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant.

(2) *Daily or weekly tenants in hotel and daily tenants in rooming house.* A tenant occupying a room within a hotel on a daily or weekly basis; or a tenant occupying on a daily basis a room within a rooming house which has heretofore usually been rented on a daily basis: *Provided,* That the provisions of this section do apply to a tenant on a daily or weekly basis who has requested a weekly or monthly term of occupancy pursuant to section 2 (b) (3) or (4).

(3) *Rooms subject to rent schedule of War or Navy Department.* Rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

(4) *One or two occupants.* An occupant of a furnished room or rooms not constituting an apartment, located within the residence occupied by the landlord or his immediate family, where such landlord rents to not more than two occupants within such residence.

(5) *Renting to family in landlord's residence.* A family which on or after August 1, 1943 moves into a furnished room or rooms not constituting an apartment, located within the residence occupied by the landlord or his imme-

mediate family, where such landlord does not rent to any person within such residence other than those in the one family.

(e) *Local law.* No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

SEC. 7. Registration and records—(a) Registration statement. On or before November 30, 1943, every landlord of a room rented or offered for rent shall file a written statement on the form provided therefor, containing such information as the Administrator shall require, to be known as a registration statement. Any maximum rent established after November 1, 1943 under paragraphs (b) or (c) of section 4 shall be reported either on the first registration statement or on a statement filed within 5 days after such rent is established.

(b) *Posting maximum rents.* On or before November 30, 1943, every landlord shall post and thereafter keep posted conspicuously in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and for all numbers of occupants for which the room is rented or offered for rent. Where the taking of meals by the tenant or prospective tenant is a condition of renting such room, the card or sign shall so state. Should the maximum rent or rents for the room be changed by order of the Administrator the landlord shall alter the card or sign so that it states the changed rent or rents.

The foregoing provisions of this paragraph shall not apply to rooms under section 4 (d). The owner of such rooms shall post a copy of the registration statement in a place where it will be available for inspection by the tenants of such rooms.

(c) *Receipt for amount paid.* No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

(d) *Rooms subject to rent schedule of War or Navy Department.* The provisions of this section shall not apply to rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments for which the rent is fixed by the national rent schedule of the War or Navy Department.

(e) *Records—(1) Existing records.* Every landlord of a room rented or offered for rent shall preserve, and make available for examination by the Administrator, all his existing records showing or relating to (i) the rent for each term and number of occupants for which such room was rented or regularly offered for rent during the thirty-day period determining the maximum rent for such room, (ii) the rent on any date determining a maximum rent for such room for a particular term and number of occupants under section 4 (c), and (iii) rooms rented and offered for rent on a weekly and monthly basis during the thirty days ending on March 1, 1943.

(2) *Record keeping.* On and after November 1, 1943, every landlord of an establishment containing more than 20 rooms rented or offered for rent shall keep, preserve, and make available for

examination by the Administrator, records showing the rents received for each room, the particular term and number of occupants for which such rents were charged, and the name and permanent address of each occupant; every other landlord shall keep, preserve, and make available for examination by the Administrator, records of the same kind as he has customarily kept relating to the rents received for rooms.

SEC. 8. Inspection. Any person who rents or offers for rent or acts as a broker or agent for the rental of a room and any tenant shall permit such inspection of the room by the Administrator as he may from time to time require.

SEC. 9. Evasion. The maximum rents and other requirements provided in this regulation shall not be evaded, either directly or indirectly in connection with the renting or leasing or the transfer of a lease of a room, by requiring the tenant to pay or obligate himself for membership or other fees, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with the room, or otherwise.

SEC. 10. Enforcement. Persons violating any provisions of this regulation are subject to criminal penalties, civil enforcement actions, and suits for treble damages as provided for by the Act.

SEC. 11. Procedure. All registration statements, reports and notices provided for by this regulation shall be filed with the Area Rent Office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Revised Procedural Regulation No. 3 (§§ 1300.201 to 1300.253, inclusive).

SEC. 12. Petitions for amendment. Persons seeking any amendment of general applicability to any provision of this regulation may file petitions therefor in accordance with Revised Procedural Regulation No. 3 (§§ 1300.201 to 1300.253, inclusive).

SEC. 13. Definitions. (a) When used in this regulation the term:

(1) "Act" means the Emergency Price Control Act of 1942.

(2) "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) "Area Rent Office" means the Office of the Rent Director in the Defense-Rental Area.

(5) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or

any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(6) "Housing accommodations" means any building structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes (including houses, apartments, hotels, rooming or boarding house accommodations, and other properties used for living or dwelling purposes), together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) "Room" means a room or group of rooms rented or offered for rent as a unit in a hotel or rooming house. The term includes ground rented as space for a trailer.

(8) "Services" includes repairs, decorating, and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of a room.

(9) "Landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any room, or an agent of any of the foregoing.

(10) "Tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any room.

(11) "Rent" means the consideration, including any bonus, benefit, or gratuity demanded or received for the use or occupancy of a room or for the transfer of a lease of such room.

(12) "Term of occupancy" means occupancy on a daily, weekly, or monthly basis.

(13) "Hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(14) "Rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

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

Effective date. This regulation shall become effective November 1, 1943.

NOTE. All reporting and record-keeping requirements of this regulation have been

approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 8th day of October 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-16492; Filed, October 8, 1943; 4:46 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

RENT REGULATION FOR HOUSING IN THE NEW YORK CITY DEFENSE-RENTAL AREA

§ 1388.1281 *Rent Regulation for Housing in New York City Defense-Rental Area.* The Rent Regulation for Housing in the New York City Defense-Rental Area is annexed hereto and made a part hereof.

AUTHORITY: § 1388.1281 issued under Pub. Laws 421 and 729, 77th Cong.

Sec.

1. Scope of this regulation.
2. Prohibition against higher than maximum rents.
3. Minimum services, furniture, furnishings and equipment.
4. Maximum rents.
5. Adjustments and other determinations.
6. Removal of tenant.
7. Registration.
8. Inspection.
9. Evasion.
10. Enforcement.
11. Procedure.
12. Petitions for amendment.
13. Definitions.

SECTION 1. Scope of this regulation—

(a) *Housing in the New York City Defense-Rental Area.* This regulation applies to all housing accommodations in the New York City Defense-Rental Area, consisting of the City of New York (including the Boroughs of Bronx, Brooklyn, Manhattan, Queens, and Richmond) and the Counties of Nassau and Suffolk in the State of New York, except as provided in paragraph (b) of this section. The New York City Defense-Rental Area is referred to hereinafter in this regulation as the "defense-rental area."

(b) *Housing to which this regulation does not apply.* This regulation does not apply to the following:

(1) *Farming tenants.* Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon.

(2) *Service employees.* Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part.

(3) *Rooms in hotels, rooming houses, etc.* Rooms or other housing accommodations within hotels or rooming houses, or housing accommodations which have been, with the consent of the Administrator, brought under the control of the

Rent Regulation for Hotels and Rooming Houses in the New York City Defense-Rental Area pursuant to the provisions of that regulation.

(4) *Structures in which more than 25 rooms are rented or offered for rent.* Entire structures or premises wherein more than 25 rooms are rented or offered for rent by any lessee, sublessee or other tenant of such entire structure or premises: *Provided*, That this regulation does apply to entire structures or premises wherein 25 or less rooms are rented or offered for rent by any lessee, sublessee or other tenant of such entire structure or premises, whether or not used by the lessee, sublessee or other tenant as a hotel or rooming house: *And provided further*, That this regulation does apply to an underlying lease of any entire structure or premises which was entered into after March 1, 1943 and prior to November 1, 1943 while such lease remains in force with no power in the tenant to cancel or otherwise terminate the lease.

(5) *Rented to National Housing Agency.* Housing accommodations rented to the United States acting by the National Housing Agency: *Provided, however*, That this regulation does apply to a sublease or other subrenting of such accommodations or any part thereof.

(c) *Effect of this regulation on leases and other rental agreements.* The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this regulation.

(d) *Waiver of benefit void.* An agreement by the tenant to waive the benefit of any provision of this regulation is void. A tenant shall not be entitled by reason of this regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to November 1, 1943.

SEC. 2. *Prohibition against higher than maximum rents—(a) General prohibition.* Regardless of any contract, agreement, lease, or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after November 1, 1943 of any housing accommodations within the Defense-Rental Area higher than the maximum rents provided by this regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this regulation may be demanded or received.

(b) *Exception in case of conversion of fuel oil heating units.* Notwithstanding any other provision of this regulation, where housing accommodations are heated with fuel oil the landlord of such accommodations may as hereinafter provided enter into an agreement with the tenant providing for payment by the tenant of part or all of the cost of changing the heating unit to use some fuel other than oil or of installing a new heating unit using some fuel other than oil. Prior to making such agreement the landlord shall in writing report the terms of the proposed agreement to the area rent office. The landlord may enter into the agreement either upon its approval

by the Administrator or, unless the Administrator has disapproved the proposed agreement within five days after the filing of such report, upon the expiration of such 5-day period.

(c) *Lease with option to buy.* Where a lease of housing accommodations was entered into prior to November 1, 1943 and the tenant as a part of such lease or in connection therewith was granted an option to buy the housing accommodations which were the subject of the lease, with the further provision that some or all of the payments made under the lease should be credited toward the purchase price in the event such option is exercised, the landlord, notwithstanding any other provision of this regulation, may be authorized to receive payment made by the tenant in accordance with the provisions of such lease and in excess of the maximum rent for such housing accommodations. Such authority may be secured only by a written request of the tenant to the area rent office and shall be granted by order of the Administrator if he finds that such payments in excess of the maximum rent will not be inconsistent with the purposes of the Act or this regulation and would not be likely to result in the circumvention or evasion thereof. After entry of such order the landlord shall be authorized to demand, receive and retain payments provided by the lease in excess of the maximum rent for periods commencing on or after November 1, 1943. After entry of such order, the provisions of the lease may be enforced in accordance with law, notwithstanding any other provision of this regulation: *Provided, however*, That if at the termination of the lease the tenant shall not exercise the option to buy, the landlord may thereafter remove or evict the tenant only in accordance with the provisions of section 6 of this regulation. Nothing in this paragraph shall be construed to authorize the landlord to demand or receive payments in excess of the maximum rent in the absence of an order of the Administrator as herein provided. Where a lease of housing accommodations has been entered into on or after November 1, 1943, and the tenant as a part of such lease or in connection therewith has been granted an option to buy the housing accommodations which are the subject of the lease, the landlord, prior to the exercise by the tenant of the option to buy, shall not demand or receive payments in excess of the maximum rent, whether or not such lease allocates some portion or portions of the periodic payments therein provided as payments on or for the option to buy.

SEC. 3. *Minimum services, furniture, furnishings and equipment.* Except as set forth in section 5 (b), every landlord shall, as a minimum, provide with housing accommodations the same essential services, furniture, furnishings, and equipment as those provided on the date determining the maximum rent, and as to other services, furniture, furnishings and equipment not substantially less than those provided on such date: *Provided, however*, That where fuel oil is used to supply heat or hot water for

housing accommodations, and the landlord provided heat or hot water on the date determining the maximum rent, the heat and hot water which the landlord is required to supply shall not be in excess of the amount which he can supply under any statute, regulation or order of the United States or any agency thereof of which rations or limits the use of fuel oil.

SEC. 4. *Maximum rents.* Maximum rents (unless and until changed by the Administrator as provided in section 5) shall be:

(a) *Rented on March 1, 1943.* For housing accommodations rented on March 1, 1943, the rent for such accommodations on March 1, 1943.

(b) *Not rented on March 1, 1943 but rented during January or February, 1943.* For housing accommodations not rented on March 1, 1943, but rented at any time during January or February, 1943, the last rent for such accommodations during the two-month period.

(c) *First rent after March 1, 1943 but before November 1, 1943.* For housing accommodations not rented on March 1, 1943 nor during January or February, 1943, but rented prior to November 1, 1943, the first rent for such accommodations after March 1, 1943. The Administrator may order a decrease in the maximum rent as provided in section 5 (c).

(d) *Constructed or changed before November 1, 1943.* For (1) newly constructed housing accommodations without priority rating first rented after March 1, 1943 and before November 1, 1943, or (2) housing accommodations changed between those dates so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations changed between those dates from unfurnished to fully furnished, or from fully furnished to unfurnished, or (4) housing accommodations substantially changed between those dates by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, the first rent for such accommodations after such construction or change: *Provided, however*, That, where such first rent was fixed by a lease which was in force at the time of a major capital improvement, the maximum rent shall be the first rent after termination of such lease. The Administrator may order a decrease in the maximum rent as provided in section 5 (c).

(e) *First rent after November 1, 1943.* For (1) newly constructed housing accommodations without priority rating first rented on or after November 1, 1943, or (2) housing accommodations changed on or after November 1, 1943 so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations not rented at any time between December 31, 1942 and November 1, 1943, or (4) housing accommodations changed on or after November 1, 1943 from unfurnished to fully furnished, the first rent for such accommodations after the change or on or after November 1, 1943, as the case may be. Within 30 days after so renting the

landlord shall register the accommodations as provided in section 7. The Administrator may order a decrease in the maximum rent as provided in section 5 (c).

If the landlord fails to file a registration statement within the time specified, the rent received for any rental period commencing on or after the date of the first renting or November 1, 1943, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under section 5 (c) (1). In such case, the order under section 5 (c) (1) shall be effective to decrease the maximum rent from the date of such first renting or from the beginning of the first rental period after November 1, 1943, whichever is the later. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to file the registration statement required by section 7.

(f) *Priority-constructed housing.* For housing accommodations constructed with priority rating from the United States or any agency thereof for which the rent has been heretofore or is hereafter approved by the United States or any agency thereof, the rent so approved, but in no event more than the rent on March 1, 1943, or, if the accommodations were not rented on March 1, 1943, more than the first rent after March 1, 1943.

(g) *Housing owned and constructed by the government.* For housing accommodations constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1943, as determined by the owner of such accommodations: *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in section 5 (c) (1).

(h) *Housing subject to rent schedule of War or Navy Department.* For housing accommodations rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department, the rents established by such rent schedule.

SEC. 5. *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. In those cases involving a major capital improvement, an increase or decrease in the furniture, furnishings or equipment, an increase or decrease of services, an increase or decrease in the number of subtenants or other occupants, or a deterioration, the adjustment in the maximum rent shall be the amount the Adminis-

trator finds would have been on March 1, 1943, the difference in the rental value of the housing accommodations by reason of such change: *Provided, however,* That no adjustment shall be ordered where it appears that the rent on the date determining the maximum rent was fixed in contemplation of and so as to reflect such change. In all other cases, except those under paragraph (a) (7) and (c) (6) of this section, the adjustment shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1943. In cases involving construction due consideration shall be given to increased costs of construction, if any, since March 1, 1943. In cases under paragraph (a) (7) and (c) (6) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable housing accommodations during the year ending on March 1, 1943.

(a) *Grounds for increase of maximum rent.* Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) *Major capital improvement after November 1, 1943.* There has been on or after November 1, 1943 a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement, and maintenance.

(2) *Major capital improvement prior to March 1, 1943.* There was, on or prior to March 1, 1943 a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent on March 1, 1943 was fixed by a lease or other rental agreement which was in force at the time of such change.

(3) *Substantial increase in services, furniture, furnishings or equipment.* There has been a substantial increase in the services, furniture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent. No increase in the maximum rent shall be ordered on the ground set forth in this paragraph (a) (3) unless the increase in services, furniture, furnishings or equipment occurred with the consent of the tenant or while the accommodations were vacant: *Provided,* That an adjustment may be ordered, although the tenant refuses to consent to the increase in services, furniture, furnishings or equipment, if the Administrator finds that such increase (i) is reasonably required for the operation of a multiple dwelling structure or other structure of which the accommodations are a part or (ii) is necessary for the preservation or maintenance of the accommodations.

(4) *Special relationship between landlord and tenant.* The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially lower than the rent generally prevailing in the

Defense-Rental Area for comparable housing accommodations on March 1, 1943: *Provided,* That no adjustment under this subparagraph increasing the maximum rent shall be made effective with respect to any accommodations regularly rented to employees of the landlord while the accommodations are rented to an employee, and no petition for such an adjustment will be entertained until the accommodations have been or are about to be rented to one other than an employee.

(5) *Lease for term commencing one year or more before March 1, 1943.* There was in force on March 1, 1943, a written lease, for a term commencing on or prior to March 1, 1942, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1943; or the housing accommodations were not rented on March 1, 1943, but were rented during January or February, 1943 and the last rent for such accommodations during that two-month period was fixed by a written lease, for a term commencing on or prior to March 1, 1942, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1943.

(6) *Varying rents.* The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) *Seasonal rents.* The rent on the date determining the maximum rent was substantially lower than at other times of year by reason of seasonal demand, or seasonal variations in the rent, for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(8) *Substantial increase in occupancy.* There has been, since March 1, 1943, either (i) a substantial increase in the number of subtenants or other persons occupying the accommodations or a part thereof under a rental agreement with the tenant, or (ii) a substantial increase in the number of occupants, in excess of normal occupancy for that class of accommodations on March 1, 1943, or (iii) an increase in the number of occupants over the number contemplated by the rental agreement on the date determining the maximum rent, where the landlord on that date had a regular and definite practice of fixing different rents for the accommodations for different numbers of occupants.

(9) *Temporarily exempt from real estate taxes.* On the date determining the maximum rent the housing accommodations were temporarily exempt from real estate taxes, the landlord was passing the benefit of this tax exemption on to the tenant, and as a result the rent on that date was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1943.

(b) *Decreases in minimum services, furniture, furnishings and equipment—*

(1) *Decreases prior to November 1, 1943.* If, on November 1, 1943, the services provided for housing accommodations are less than the minimum services required by section 3, the landlord shall either restore and maintain such minimum services or, on or before November 30, 1943, file a petition requesting approval of the decreased service. If, on November 1, 1943, the furniture, furnishings or equipment provided with housing accommodations are less than the minimum required by section 3, the landlord shall, prior to November 30, 1943, file a written report showing the decrease in furniture, furnishings or equipment.

(2) *Decreases after November 1, 1943.* Except as above provided, the landlord shall, until the accommodations become vacant, maintain the minimum services, furniture, furnishings, and equipment unless and until he has filed a petition to decrease the services, furniture, furnishings, or equipment and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, furniture, furnishings, or equipment he shall file a petition within 10 days after the change occurs. When the accommodations become vacant the landlord may, on renting to a new tenant, decrease the services, furniture, furnishings, or equipment below the minimum; within 10 days after so renting the landlord shall file a written report showing such decrease.

(3) *Adjustment in maximum rent for decreases.* The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph may be decreased in accordance with the provisions of section 5 (c) (3). If the landlord fails to file the petition or report required by this paragraph within the time specified, or decreases the services, furniture, furnishings, or equipment without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or November 1, 1943, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by any order decreasing the maximum rent on account of such decrease in services, furniture, furnishings, or equipment. In such case, any order decreasing the maximum rent shall be effective to decrease such rent from the beginning of the first rental period after the decrease in services, furniture, furnishings, or equipment or after November 1, 1943, whichever is the later. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to comply with any requirement of this paragraph.

(c) *Grounds for decrease of maximum rent.* The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) *Rent higher than rents generally prevailing.* The maximum rent for housing accommodations under paragraph (c), (d), (e), or (g) of section 4 is higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1943.

(2) *Substantial deterioration.* There has been a substantial deterioration of the housing accommodations other than ordinary wear and tear since the date or order determining its maximum rent.

(3) *Decrease in services, furniture, furnishings or equipment.* There has been a decrease in the minimum services, furniture, furnishings or equipment required by section 3 since the date or order determining the maximum rent.

(4) *Special relationship between landlord and tenant.* The rent on the date determining the maximum rent was materially affected by the blood, personal, or other special relationship between the landlord and the tenant and as a result was substantially higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1943.

(5) *Varying rents.* The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for substantially lower rent at other periods during the term of such lease or agreement.

(6) *Seasonal rent.* The rent on the date determining the maximum rent was substantially higher than at other times of year by reason of seasonal demand, or seasonal variations in the rent, for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(7) *Substantial decrease in occupancy.* There has been a substantial decrease in the number of subtenants or other occupants since an order under paragraph (a) (8) of this section.

(d) *Orders where facts are in dispute, in doubt, or not known.* If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed on or before November 30, 1943, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1943.

(e) *Sale of underlying lease or other rental agreement.* Where housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the tenant may petition the Administrator for leave to exercise any right he would have except for this regulation to sell his underlying lease or other rental agreement. The Administrator may

grant such petition if he finds that the sale will not result, and that sales of such character would not be likely to result, in the circumvention or evasion of the Act or this regulation. He may require that the sale be made on such terms as he deems necessary to prevent such circumvention or evasion.

(f) *Interim orders.* Where a petition is filed by a landlord on one of the grounds set out in paragraph (a) of this section, the Administrator may enter an interim order increasing the maximum rent until further order, subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order upon such petition. The receipt by the landlord of any increased rent authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment in cash or, where the tenant remains in occupancy after the effective date of the final order, by deduction from the next installment of rent or both.

(g) *Adjustments in case of options to buy.* No adjustment in the maximum rent shall be ordered on the ground that the landlord, since the date or order determining the maximum rent, has, as a part of or in connection with a lease of housing accommodations, granted the tenant an option to buy the accommodations which are the subject of the lease. Where a lease of housing accommodations was in force on the date determining the maximum rent, and the landlord had on that date, as a part of or in connection with such lease, granted the tenant an option to buy the accommodations which are the subject of the lease, the Administrator may, on or after the termination of such lease, on his own initiative or on application of the tenant, enter an order fixing the maximum rent on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable housing accommodations not subject to an option to buy on March 1, 1943.

SEC. 6. *Removal of tenant*—(a) *Restrictions on removal of tenant.* So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant shall be removed from any housing accommodations, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, and regardless of any contract, lease agreement or obligation heretofore or hereafter entered into which provides for entry of judgment upon the tenant's confession for breach of the covenants thereof or which otherwise provides contrary hereto, unless:

(1) *Tenant's refusal to renew lease.* The tenant, who had a written lease or other written rental agreement, has re-

fused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement, except insofar as such terms and conditions are inconsistent with this regulation; or

(2) *Tenant's refusal of access to landlord.* The tenant has unreasonably refused the landlord access to the housing accommodations for the purpose of inspection or of showing the accommodations to a prospective purchaser, mortgagee, or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the accommodations is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) *Violating obligation of tenancy or committing nuisance.* The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the housing accommodations for an immoral or illegal purpose; or

(4) *Subtenants on expiration of tenant's lease.* The tenant's lease or other rental agreement has expired or otherwise terminated, and at the time of termination the occupants of the housing accommodations are subtenants or other persons who occupied under a rental agreement with the tenant, and no part of the accommodations is used by the tenant as his own dwelling; or

(5) *Demolition or alteration by landlord.* The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the housing accommodations or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(6) *Occupancy by landlord.* The landlord owned, or acquired an enforceable right to buy or the right to possession of, the housing accommodations prior to November 1, 1943, and seeks in good faith to recover possession of such accommodations for immediate use and occupancy as a dwelling for himself. If a tenant has been removed or evicted under this paragraph (a) (6) from housing accommodations, the landlord shall file a written report on a form provided therefor before renting the accommodations or any part thereof during a period of six months after such removal or eviction.

(b) *Administrator's certificate—(1) Removals not inconsistent with Act or regulation.* No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Adminis-

trator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this regulation and would not be likely to result in the circumvention or evasion thereof.

(2) *Occupancy by purchaser.* Removal or eviction of a tenant of the vendor, for occupancy by a purchaser who has acquired his rights in the housing accommodations on or after November 1, 1943 is inconsistent with the purposes of the Act and this regulation and would be likely to result in the circumvention or evasion thereof, unless (i) the payment or payments of principal made by the purchaser, excluding any payments made from funds borrowed for the purpose of making such principal payments, aggregate 20% or more of the purchase price, and (ii) a period of three months has elapsed after the issuance of a certificate by the Administrator as hereinafter provided. For the purposes of this paragraph (b) (2), the payments of principal may be made by the purchaser conditionally or in escrow to the end that they shall be returned to the purchaser in the event the Administrator denies a petition for a certificate. If the Administrator finds that the required payments of principal have been made, he shall, on petition of either the vendor or purchaser, issue a certificate authorizing the vendor or purchaser to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law at the expiration of three months after the date of issuance of such certificate.

In no other case shall the Administrator issue a certificate for occupancy by a purchaser who has acquired his rights in the housing accommodations on or after November 1, 1943 unless he finds (i) that the vendor has or had a substantial necessity requiring the sale and that a reasonable sale or disposition of the accommodations could not be made without removal or eviction of the tenant, or (ii) that other special hardship would result, or (iii) that equivalent accommodations are available for rent, into which the tenant can move without substantial hardship or loss; under such circumstances the payment by the purchaser of 20% of the purchase price shall not be a condition to the issuance of a certificate, and the certificate may authorize the vendor or purchaser, either immediately or at the expiration of three months, to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law.

(c) *Exceptions from section 6—(1) Subtenants.* The provisions of this section do not apply to a subtenant or other person who occupied under a rental agreement with the tenant, where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant.

(2) *Housing subject to rent schedule of War or Navy Department.* The provi-

sions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

(3) *One or two occupants in landlord's residence.* The provisions of this section shall not apply to an occupant of a furnished room or rooms not constituting an apartment, located within the residence occupied by the landlord or his immediate family, where such landlord rents to not more than two occupants within such residence.

(4) *Renting to family in landlord's residence.* The provisions of this section shall not apply to a family which on or after August 1, 1943 moves into a furnished room or rooms not constituting an apartment, located within the residence occupied by the landlord or his immediate family, where such landlord does not rent to any persons within such residence other than those in the one family.

(d) *Notices required—(1) Notices prior to action to remove tenant.* Every notice to a tenant to vacate or surrender possession of housing accommodations shall state the ground under this section upon which the landlord relies for removal or eviction of the tenant. A written copy of such notice shall be given to the area rent office within 24 hours after the notice is given to the tenant.

No tenant shall be removed or evicted from housing accommodations by court process or otherwise, unless at least ten days (or, where the ground for removal or eviction is nonpayment of rent, the period required by the local law for notice prior to the commencement of an action for removal or eviction in such cases, but in no event less than three days) prior to the time specified for surrender of possession and to the commencement of any action for removal or eviction, the landlord has given written notices of the proposed removal or eviction to the tenant and to the area rent office, stating the ground under this section upon which such removal or eviction is sought and specifying the time when the tenant is required to surrender possession.

Where the ground for removal or eviction of a tenant is nonpayment of rent, every notice under this paragraph (d) (1) shall state the rent for the housing accommodations, the amount of rent due and the rental period or periods for which such rent is due. The provisions of this paragraph (d) (1) shall not apply where a certificate has been issued by the Administrator pursuant to the provisions of paragraph (b) of this section.

(2) *Notices at time of commencing action to remove tenant.* At the time of commencing any action to remove or evict a tenant, including an action based upon nonpayment of rent, the landlord shall give written notice thereof to the area rent office stating the title of the case, the number of the case where that is possible, the court in which it is filed, the name and address of the tenant, and the ground under this section on which removal or eviction is sought.

(e) *Local law.* No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

SEC. 7. Registration—(a) Registration requirements. On or before November 30, 1943, or within 30 days after the property is first rented, whichever date is the later, every landlord of housing accommodations rented or offered for rent shall file in the area rent office a form provided by the area rent office for this purpose. The form shall identify each dwelling unit and shall specify the maximum rent provided by this regulation for such dwelling unit and shall contain such other information as the Administrator shall require.

(1) *Notice of maximum rent.* The landlord shall prepare the form known as "Notice of Maximum Rent" if the maximum rent for the dwelling unit is determined under paragraph (a) of section 4. The landlord shall prepare the notice in duplicate and shall send one copy to the tenant and one copy to the area rent office.

(2) *Registration statement.* The landlord shall prepare the form known as "Registration Statement" if the maximum rent for the dwelling unit is determined under paragraph (b), (c), (d), (e), or (f) of section 4. The landlord shall prepare the Registration Statement in triplicate and shall send the three copies to the area rent office. The Administrator shall retain one copy on file, and he shall cause one copy to be delivered to the tenant and one copy, stamped to indicate that it is a correct copy of the original, to be returned to the landlord.

(3) *Change in Tenancy.* Within five days after renting to a new tenant, the landlord shall file a form provided by the area rent office for this purpose. The landlord shall state the maximum rent for the dwelling unit, and he shall obtain the new tenant's signature on this form.

(b) *Receipt for amount paid.* No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

(c) *Exceptions from registration requirements—(1) Housing under section 4 (g).* The provisions of this section shall not apply to housing accommodations under section 4 (g). The owner of such housing accommodations shall file a schedule or schedules, setting out the maximum rents for all such accommodations in the Defense-Rental Area and containing such other information as the Administrator shall require. A copy of such schedule or schedules shall be posted by the owner in a place where it will be available for inspection by the tenants of such housing accommodations.

(2) *Housing subject to rent schedule of War or Navy Department.* The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including any civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

SEC. 8. Inspection. Any person who rents or offers for rent or acts as a

broker or agent for the rental of housing accommodations and any tenant shall permit such inspection of the accommodations by the Administrator as he may, from time to time, require.

SEC. 9. Evasion. The maximum rents and other requirements provided in this regulation shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of housing accommodations, by way of absolute or conditional sale, sale with purchase money or other form of mortgage, or sale with option to repurchase, or by modification of the practices relating to payment of commissions or other charges or by modification of the services furnished with housing accommodations, or otherwise.

SEC. 10. Enforcement. Persons violating any provision of this regulation are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

SEC. 11. Procedure. All registration statements, reports and notices provided for by this regulation shall be filed with the area rent office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Revised Procedural Regulation No. 3 (§§ 1300.201 to 1300.253, inclusive).

SEC. 12. Petitions for amendment. Persons seeking any amendment of general applicability to any provision of this regulation may file petitions therefor in accordance with Revised Procedural Regulation No. 3 (§§ 1300.201 to 1300.253, inclusive).

SEC. 13. Definitions. (a) When used in this regulation the term:

(1) "Act" means the Emergency Price Control Act of 1942.

(2) "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) "Area rent office" means the office of the Rent Director in the Defense-Rental Area.

(5) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(6) "Housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) "Services" including repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of housing accommodations.

(8) "Landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

(9) "Tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

(10) "Rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for the use or occupancy of housing accommodations or for the transfer of a lease of such accommodations.

(11) "Hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(12) "Rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short-time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

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

Effective date. This regulation shall become effective November 1, 1943.

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

Issued this 8th day of October 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-16495; Filed, October 8, 1943; 4:46 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 25,¹ Amdt. 17]

CERTAIN AREAS IN NEW YORK CITY

Item 141 listed in the table in § 1388-1201 of Designation and Rent Declaration 25 is amended to read as follows:

(141) New York City, New York, City of New York (including the Boroughs of Bronx,

¹ 7 F.R. 3892, 4179, 5812, 6389, 7245, 8356, 8507, 9954, 10081; 8 F.R. 121, 1228, 4779, 5733, 9021, 10738.

Brooklyn, Manhattan, Queens, and Richmond) and the Counties of Nassau and Suffolk.

This amendment shall become effective November 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.)

Issued this 8th day of October, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-16494; Filed, October 8, 1943;
4:46 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 31,
Amdt. 11]

CERTAIN AREAS IN NEW YORK STATE

Item 28 listed in the table in § 1388-1341 of Designation and Rent Declaration 31 is amended to read as follows:

(28) New York, New York. That portion of the State of New York not designated prior to October 5, 1943 by the Administrator as part of any defense-rental area and the Counties of Rockland and Westchester.

This amendment shall become effective November 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.)

Issued this 8th day of October 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-16493; Filed, October 8, 1943;
4:46 p. m.]

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

[RO 1E,² Amdt. 1]

MILEAGE RATIONING, TIRE REGULATIONS FOR THE TERRITORY OF HAWAII

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

Ration Order 1E is amended in the following respect:

Section 4.4 (a) (12) is hereby revoked.

This amendment shall become effective October 11, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; WPB Dir. 1, 7 F.R. 562, Supp. Dir. 1-Q, 7 F.R. 9121, General Order No. 48, 8 F.R. 2898)

Issued this 8th day of October 1943.

MELVIN C. ROBBINS,
Territorial Director.

Approved:

JAMES P. DAVIS,
Regional Administrator.

[F. R. Doc. 43-16491; Filed, October 6, 1943;
4:48 p. m.]

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

¹ 8 F.R. 122, 1229, 1749, 4779, 5738, 5739, 10739, 12099, 12624.

² 8 F.R. 12434.

PART 1305—ADMINISTRATION

[Gen. RO 5, Amdt. 38]

FOOD RATIONING FOR INSTITUTIONAL USERS

Correction

In F. R. Doc. 43-15167 appearing on page 12745 of the issue for Saturday, September 18, 1943, the reference to "Group II" in the third line of paragraph (b) in the second column should read "Group III."

PART 1499—COMMODITIES AND SERVICES

[MPR 165, as Amended,¹ Amdt. 32]

LUMBER

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

Section 1499.101 (c) (37) is amended to read as follows:

(37) Lumber—drying, milling, processing, and treating other than treating by pressure process, of, on a custom basis; and inspection, grading, reinspection, certification, and grademarking of, for manufacturers, distributors, or purchasers. (Individual adjustments of maximum prices for the service of treating by pressure process heretofore authorized under applicable provisions of this regulation shall, however, continue in full force and effect until such time as specific maximum prices for such services may be established by general regulation.)

This amendment shall become effective as of August 28, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 78716, E.O. 9328, 8 F.R. 4681)

Issued this 9th day of October 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-16515; Filed, October 9, 1943;
11:31 a. m.]

PART 1305—ADMINISTRATION

[Gen. RO 11,² Amdt. 7]

REPLACEMENT OF RATIONED FOODS USED IN PRODUCTS ACQUIRED BY DESIGNATED AGENCIES

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

General Ration Order 11 is amended in the following respects:

1. Section 1.2 is amended by inserting a semicolon at the end of paragraph (a) and then adding "and the American Na-

¹ 7 F.R. 6428, 6966, 8239, 8431, 8793, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10619, 10718, 11010; 8 F.R. 1060, 3324, 4782, 5681, 5755, 5933, 6364, 8506, 8873, 10671, 10939, 11754, 12023, 12710, 13302.

² 8 F.R. 9008, 9625, 10419, 11671, 12588, 12711.

tional Red Cross, with respect to its acquisitions of food for consumption by members of the armed forces of the United States outside the United States".
2. Section 4.1 (e) is added to read as follows:

(e) The American National Red Cross may open one or more ration bank accounts for each rationed food for which it receives an allocation to make replacements or advances under this order.

This amendment shall become effective October 14, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; WPB Supp. Dir. 1-E, 7 F.R. 2965; WPB Supp. Dir. 1-M, 7 F.R. 3234; WPB Supp. Dir. 1-R, 7 F.R. 9684; Food Directive 1, 8 F.R. 827; Food Dir. 3, 7 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 9th day of October 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-16538; Filed, October 9, 1943;
2:22 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 439,¹ Amdt. 4]

FRESH FISH AND SEAFOOD AT RETAIL

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 9 is amended to read as follows:

SEC. 9. Sales to which this regulation applies; sales to eating places. (a) This regulation applies to all sales of fresh fish or seafood by a retailer, which includes any store, wagon route, establishment, or department which sells, for the most part, to ultimate consumers who are not commercial, industrial or institutional users.

(b) Ceiling prices for sales to hotels, restaurants, institutions and other eating places selling or furnishing meals are the ceiling prices fixed by Maximum Price Regulation No. 418. Nevertheless, any person may, during any month, use the ceiling prices fixed by this regulation in selling to eating places if 80 percent or more of his total sales of fresh fish and seafood during the previous calendar month were retail sales to consumers, that is, to persons who buy the fresh fish and seafood to be eaten by themselves or their families.

This amendment shall become effective October 15, 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 9th day of October 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-16539; Filed, October 9, 1943;
2:21 p. m.]

¹ 8 F.R. 10267, 10732, 11686, 12693.

PART 1448.—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 5-11]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION

In the judgment of the Shreveport, Louisiana, District Director, the prices of food and beverages sold for immediate consumption in the following Parishes of Louisiana:

Bienville	Lincoln
Bossier	Madison
Caddo	Morehouse
Caldwell	Natchitoches
Catahoula	Ouachita
Clabornne	Red River
Concordia	Richland
De Soto	Sabine
East Carroll	Tensas
Franklin	Union
Grant	Webster
Jackson	West Carroll
La Salle	Winn

have risen and are threatening further to rise to an extent and in a manner inconsistent with the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

In the judgment of the Shreveport, Louisiana, District Director, the maximum prices established by this regulation are generally fair and equitable and are necessary to check inflation and to effectuate the purposes of the Act. So far as practicable, the Shreveport, Louisiana, District Director gave due consideration to prices prevailing between October 1 and 15, 1941, and consulted with the representatives of those affected by this regulation.

A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith.

Therefore, in accordance with the direction of the President to take action which will stabilize prices affecting the cost of living, and under the authority therewith delegated by the President pursuant to the Act of Congress approved October 2, 1942, entitled "An Act to Aid in Stabilizing the Cost of Living", 77th Congress, Second Session, and under the authority of Executive Order 9250, Executive Order 9328, and the Emergency Price Control Act of 1942, the Shreveport, Louisiana, District Director hereby issues this Restaurant Maximum Price Regulation No. 5-11, establishing as maximum prices for food and drink sold for immediate consumption in the parishes mentioned above the prices prevailing therefore during the seven-day period beginning April 4, 1943, and ending April 10, 1943.

§ 1448.411 *Maximum prices for food and drink sold for immediate consumption.* Under the authority vested in the Shreveport, Louisiana, District Director by the Emergency Price Control Act of 1942, as amended, Executive Order 9250, Executive Order 9328, and General Order No. 50, issued by the Office of Price Administration, Restaurant Maximum Price Regulation No. 5-11 (Food and Drink Sold for Immediate Consumption), which is annexed hereto and made part hereof, is hereby issued.

AUTHORITY: § 1448.411 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

No. 202—7

RESTAURANT MAXIMUM PRICE REGULATION NO. 5-11—FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION

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SECTION 1. Sales at higher than ceiling prices prohibited. If you own or operate a restaurant, hotel, cafe, bar, delicatessen, soda fountain, boarding house, or any other eating or drinking place, you must not offer or sell any "food item" (including any beverage, except domestic malt beverages) or "meal" at a price higher than the ceiling price which you figure according to the directions in the next two sections (sections 2 and 3). You may, of course, sell at lower than ceiling prices.

Sec. 2. How you figure ceiling prices for food items and meals you offered in the seven-day period from April 4, 1943 to April 10, 1943. Your ceiling price for any food item or meal which you offered in the seven-day period beginning Sunday, April 4, 1943, and ending Saturday, April 10, 1943, is the highest price at which you offered the same food item or meal in that seven-day period.

Sec. 3. How you figure ceiling prices for food items and meals you did not offer in the seven-day period. You must figure your ceiling price for a food item or meal which you did not offer during the seven-day period as follows:

(a) If you offered the same food item or meal at any time during the four weeks from March 7 to April 3, 1943, inclusive, and if you have adequate records of the prices you then charged, take as your ceiling price the highest price at which you offered that food item or meal during that four-week period.

(b) If you did not offer the food item or meal during the five-week period from March 7 to April 10, 1943, inclusive, or if you do not have adequate records of prices charged prior to the seven-day period you must proceed as follows:

(1) Determine the cost of the raw food which you use in preparing the new food item or meal.

(2) From the food items and meals for which you have already established ceiling prices, choose a food item or meal which currently has a raw food cost equal to or less than the raw food cost of the new food item or meal.

(3) Take as your ceiling price for the new food item or meal your ceiling price for the food item or meal chosen for comparison. The food item or meal chosen for such comparison should be of the same class as the new food item or meal. If, however, you can find no food item or meal of the same class, you may use for comparison the most similar food item or meal of another class having a food cost equal to or less than your food cost for the new food item or meal. "Currently," as used herein means current on the day you figure your price.

(c) Once your ceiling price for a food item or meal has been fixed, it may not be changed except as provided in section 4.

SEC. 4. How you figure your prices for seasonal items. First, determine your ceiling price for a "seasonal food item" (defined in section 20 (e)) in accordance with the appropriate rule of sections 2 and 3 of this regulation. Thereafter, this price must be varied in proportion to any seasonal change in the raw food cost of the item: *Provided*, That in no event shall the price be higher than the ceiling price as originally determined. If in the past it has been your practice to maintain one price throughout the season, you need not vary your ceiling price according to this rule provided the ceiling price was based upon estimated average raw food cost of the item for the entire season.

Sec. 5. No ceiling price for any food item or meal to be higher than the highest ceiling price for a food item or meal of the same class in the base period. Under no circumstances are you permitted to charge a higher price for a food item or a meal than:

(a) Your highest ceiling price for food items or meals of the same class offered in the seven-day period; or

(b) The last price at which you sold the same food item or meal prior to April 4, 1943, provided you first file with the appropriate War Price and Rationing Board a menu or certified copy of a record showing the last price charged.

The provisions of this section shall not apply to seasonal dessert specialties specified in section 21A, Class 24a.

Example 1. If your highest ceiling price for any soup offered by you during the seven-day period is 15 cents, you may not offer any other soup at a higher price than 15 cents.

Example 2. You served sirloin steak in March at \$1.50. You did not serve sirloin steak during the base period. The highest price at which you can now serve sirloin steak is \$1.50.

SEC. 6. Substitution of food items in meals. If you have already determined your ceiling price for a meal you may substitute for any food item other than the entree (or main dish) in that meal any other food item of the same class without refiguring your ceiling price, provided the new food item costs you ap-

proximately as much and offers customers about the same value as the food item which it replaces. A meal becomes a "new" meal whenever the entree (or main dish) is changed or a new food item is substituted which costs you less or offers your customers lower value than the food item which it replaces, and you must therefore determine its ceiling price in accordance with the rules established by section 3.

SEC. 7. Prohibition against manipulation of meal offerings. You must not manipulate your meal offerings in a manner which will force your customers to pay more than they did during the seven-day period. Among other things you must not:

(a) Reduce the number of meals offered at prices equal to or below your "middle price" for meals of the same class without making a corresponding reduction in the number of meals offered at prices above that middle price. By "middle price" is meant the price most nearly at the mid-point of your price range for meals of the same class.

(b) Cease to offer at least as many different meals at or below the lowest price charged by you for meals of the same class on any day you select in the seven-day period, as you did on that day.

Example: If you select Friday, April 9, 1943, to determine the lowest price and the number of week-day meals offered at that price, and if on that day you offered six week-day dinners, of which two were priced at 85¢, and one each at 90¢, \$1.00, \$1.10, \$1.15, you must continue to offer two week-day dinners at 85¢. Note that Sunday meals and week-day meals are meals of a different class.

SEC. 8. Evasion. (a) You must not evade or avoid the provisions of this regulation by any scheme or device whatsoever. Some, but not all, practices which will be regarded as evasive are:

(1) Dropping food items from meals, deteriorating quality or reducing quantity without making sufficient reduction in price so as to maintain the raw food cost ratio at least equal to such ratio prior to the deterioration or reduction;

(2) Withdrawing the offer, or increasing the price, of any meal ticket, weekly rate, or other arrangement by which customers may buy food items or meals at less than the prices they must pay when purchasing by item or meal;

(3) Increasing any cover, minimum, bread-and-butter, service, corkage, entertainment, check-room, parking or other special charges, or making such charges when they were not in effect in the seven-day period except that a cover or minimum charge in effect during the base period may be increased in accordance with customary practice, where it was the practice to vary the charge in accordance with the type of entertainment offered and the increase does not cause the charge to go above the highest charge made during the last twelve-month period;

(4) Requiring as a condition of sale of an item or meal the purchase of other items or meals when such condition was not in effect during the base period except that you may refuse to sell coffee unless a customer also purchases another food item;

(5) Reducing the selection of meals offered at table d'hote prices when the food items which you customarily offered in such meals are being offered at a la carte prices which when added together total more than the table d'hote price for the complete meal or give your customers less value for their money.

Example 1. If you customarily offered fish on table d'hote dinners at \$1.10, you may not now offer fish a la carte and refuse to offer it on a table d'hote dinner priced at \$1.10.

Example 2. If you offered table d'hote dinners during the base period at 85¢ to \$1.25 which included dessert and beverages, you may now offer the same food item excluding dessert and beverage at 65¢ to \$1.05, providing you also offer dessert and beverage to be served with the meals at prices which do not total more than 20¢.

(b) You will not be considered evading the provisions of this regulation, however, if you do any of the following things, even though you did not do any of these things during the seven-day period:

(1) You may limit your customers to one pat of butter per meal.

(2) You may reduce the quantity, or eliminate altogether, condiments such as catsup, chili sauce, etc., which you may have customarily placed at the disposal of your customers and which now are, or may hereafter be, subject to any rationing order or rationing regulation of the Office of Price Administration.

(3) You may reduce the amount of sugar served with each cup of coffee or tea, or each bowl of cereal, fruit, or other similar food items with which sugar is served, to, but not less than, one teaspoonful except that less than that may be given if required by your available supply.

You may not, however, make the curtailment authorized in the foregoing subparagraphs and furnish these curtailed items at an additional charge. For example, if during the seven-day period you furnished catsup, you may not now discontinue furnishing this item free, and at the same time offer to furnish it for an additional charge.

SEC. 9. Rules for new proprietors. (a) If you acquire another's business subsequent to the effective date of this regulation and continue the business in the same place, you are subject to the same ceiling prices and duties as the previous proprietor. Prior to acquiring another's business, however, you may apply to the Office of Price Administration for permission to price under paragraph (b) of this section. If such permission is granted it may be subject to such conditions as the Office of Price Administration deems necessary.

(b) If you open an eating or drinking place after the seven-day period, you must fix ceiling prices in line with the ceiling prices of the nearest eating or drinking place of the same type as yours. If the ceiling prices so fixed are too high and threaten to have an inflationary effect on the price of food or drink, the Office of Price Administration may issue an order requiring you to reduce your ceiling prices. You are subject to the record requirements of section 12 and the posting requirements of section 13

immediately upon the opening of your place.

SEC. 10. Seasonal eating and drinking places—(a) Exempt places. If you are the proprietor of a seasonal eating or drinking place that:

(1) Was not open during the base period from April 4, to 10, 1943;

(2) Received 90 percent or more of its total annual revenue during four calendar months of the year;

(3) Is located in an area for which no maximum rent regulation has been issued;

the prices for food items and meals offered by you in that place are exempt from control.

You must not regard this exemption as relieving you from the obligations imposed upon you by General Order 50, and you are still subject to the provisions of section 23 of this regulation. Pursuant to this latter section the director will by special order establish maximum prices for any seasonal eating or drinking place which takes undue advantage of the exemption.

(b) *Non-exempt places.* If you are the proprietor of a seasonal eating or drinking place which is not exempt under the terms of paragraph (a), you must figure your ceiling prices as follows:

(1) If the place was in operation during the base period from April 4 to April 10, 1943, use the rules set forth in sections 2, 3, and 4.

(2) If the place was not in operation during the base period from April 4 to April 10, 1943, but another place of the same type and within a reasonable distance was in operation during that period, fix your ceiling prices as a new proprietor under the terms of section 9 (b).

(3) If you cannot price under subparagraphs (1) or (2) above, you must apply for a price to the OPA District Office for the area in which your place is located. Your application must be filed ten days prior to the date you plan to commence operations and present the following information:

- (i) Your name and address
- (ii) A brief description of your business and the manner of operation
- (iii) A list showing the prices you charged during the previous season as well as the prices you propose to charge during the coming season
- (iv) The date when you plan to commence operations
- (v) The names of two establishments similar to yours

You may charge the prices listed if they are not disapproved by the Office of Price Administration prior to the date specified for the commencement of operations. That Office may at any time, after proper investigation and hearing, establish such maximum prices for your business as it deems proper.

SEC. 11. Taxes. If in the seven-day period you stated and collected the amount of any tax separately from the price you charged, you may continue to do so. You may also separately state and collect the amount of any new tax or of any increase in the amount of a previous tax on the sale of food or drink

or on the business of selling food or drink, if the tax is measured by the number or price of items or meals.

SEC. 12. Records. (a) You must observe all the record-keeping and filing requirements of General Order No. 50 which are hereby made a part of this regulation by reference.

(b) *Customary records.* You must preserve all your existing records relating to your prices, costs and sales. You must also continue to maintain such records as you ordinarily kept. All such records shall be subject to examination by the Office of Price Administration.

(c) *Records of the seven-day period.* You must make available for examination by any person during ordinary business hours a copy of each menu used by you in the seven-day period. If you did not use menus, you must make available for such examination a list of the highest prices you charged in the seven-day period.

(d) *Filing by new proprietors.* The proprietor of an eating or drinking place which was not open during the seven-day period (including newly-opened places) shall file menus or a price list in accordance with paragraph (a), (of General Order 50) except that (1) the filing shall be for the seven-day period beginning with the first Sunday that place is open after April 4, 1943, and (2) the filing shall be made within three weeks of such first Sunday.

(e) *Future records.* Beginning with the effective date of this regulation, you must keep, for examination by the Office of Price Administration, two each of the menus used by you each day. If you do not use menus you must prepare in duplicate, and preserve for such examination, a record of the prices charged by you each day, except that you need not record prices which are the same as, or less than, prices you previously recorded for the same items or meals. Proprietors who operate a number of eating or drinking places in the same city which have customarily been subject to central control may keep the records required by this paragraph for those places at the central office or the central offices of the principal place of business within the city.

SEC. 13. Posting. (a) Beginning October 15, 1943, each menu must have clearly and plainly written on or attached to it the following statement:

All prices listed are our ceiling prices or below. By the Office of Price Administration regulation, our ceilings are based on our highest prices from April 4, 1943 to April 10, 1943. Records of these prices are available for your inspection.

(b) If you made menus available to customers in the seven-day period, you shall continue to make them available.

(c) In addition to requirements in (a) and (b) you must post in a conspicuous place, preferably at or near the cash register, a sign or poster when furnished by the Office of Price Administration. You must enter after each meal or food item on this list your ceiling price for such meal or food item.

SEC. 14. Operation of several places. If you own or operate more than one eat-

ing or drinking place, you must do everything required by this regulation for each place separately.

SEC. 15. Relation to other maximum price regulations. The provisions of this regulation shall supersede other regulations, including the General Maximum Price Regulation, now or hereafter issued by the Office of Price Administration, insofar as they establish maximum prices for meals and food items sold by eating and drinking places. However, a price charged during the base period of this regulation shall not become a maximum price under this regulation to the extent that it exceeded the maximum price established by another regulation applicable at that time.

SEC. 16. Geographical application. This Restaurant Maximum Price Regulation No. 5-11 applies to the following parishes:

Bienville	Lincoln
Bossier	Madison
Caddo	Morehouse
Caldwell	Natchitoches
Catahoula	Ouachita
Claborne	Red River
Concordia	Richland
De Soto	Sabine
East Carroll	Tensas
Franklin	Union
Grant	Webster
Jackson	West Carroll
La Salle	Winn

SEC. 17. Enforcement. Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses, provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 18. Exempt sales. Sales by the following eating or drinking places are specifically exempt from the provisions of this regulation:

(a) Eating and drinking places located on church premises and operated in connection with special church, Sunday school and other religious occasions.

(b) Hospitals, except for food items and meals served to persons other than the patients when a separate charge is made for such food items and meals.

(c) Eating and drinking places located on board common carriers (when operated as such), including railroad dining cars, club, bar and buffet cars, and peddlers aboard railroad cars traveling from station to station.

(d) All sales of domestic malt beverages.

SEC. 19. Adjustments. (a) The Office of Price Administration may adjust the maximum prices for any eating establishment under the following circumstances:

(1) The establishment will be forced to discontinue operations unless it is granted an adjustment of the maximum prices established by this regulation.

(2) Such discontinuance will result in serious inconvenience to consumers in that they will either be deprived of all restaurant service or will have to turn to other establishments that present substantial difficulties as to distance, hours of service, selection of meals or food items offered, capacity or transportation.

(3) By reason of such discontinuance, the same meals or food items will cost the customers of the eating establishment as much or more than the proposed adjusted prices.

(b) If you are the proprietor of an eating establishment which satisfies the requirements specified above, you may apply for an adjustment of your maximum prices by submitting to your OPA District Office a statement setting forth:

(1) Your name and address.

(2) A description of your eating establishment including: type of service rendered (such as cafeteria, table service, etc.), classes of meals offered (such as breakfast, lunch and dinner), number of persons served per day during the most recent thirty-day period,¹ and such other information that may be useful in classifying your establishment.

(3) The reasons why your customers will be seriously inconvenienced if you discontinue operations.

(4) The names and addresses of the three nearest eating places of the same type as yours.

(5) A list showing your present maximum prices and your requested, adjusted prices.

(6) A profit and loss statement for your restaurant business for the most recent three-month accounting period, and a copy of your last income tax return if one was filed separately for your restaurant business.

Applications for adjustment under this section may be acted upon by any district office that has been authorized to do so by order of the regional office.

SEC. 20. Definitions and explanations.

(a) "Person" means individual, corporation, partnership, association or other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any other government, any of its political subdivisions, and any agencies of any of the foregoing.

(b) "Meal" means a combination of food items sold at a single price. Examples of meals are a five-course dinner, a club breakfast, and a blue-plate special. Two or more kinds of food which are prepared or served to be eaten together as one dish are not a "meal". Examples of such dishes are: ham and eggs, bread and butter, apple pie and cheese.

(c) "Offered" means offered for sale and includes the listing or posting of prices for items and meals even though the items and meals so offered were not actually on hand to be sold.

(d) "Food item" means an article or portion of food (including beverages, except domestic malt beverages) sold or served by an eating and drinking place for consumption in or about the place or to be taken out for eating without change in form or additional preparation. It includes two or more kinds of food which are prepared or served to be eaten as one dish, such as ham and eggs, bread and butter, apple pie and cheese.

(e) "Seasonal food items" means a food item (including beverage, except

¹ In counting the number of persons served, anyone who was served more than once is to be counted separately for each occasion he was served.

domestic malt beverage) not generally offered for sale throughout the year and normally available in quantity only during certain seasonal production periods of each year. Examples are: certain shell-fish such as oysters; certain fresh fish such as salmon, trout and shad; certain vegetables such as summer squash; and certain fruits such as berries and melons.

(f) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in the General Maximum Price Regulation, issued by the Office of Price Administration, shall apply to other terms used herein.

SEC. 21 *Classes of food items and meals.* (See definition of "food item" and "meal" contained in section 18.)

(a) *The classes of food items.*

BREAKFAST ITEMS

1. Fruits, fruit juices and vegetable juice.
2. Cereals.
3. Entrees: egg and combination egg dishes served at breakfast.
4. Entrees: meat and meat combination dishes served at breakfast.
5. Entrees: all other dishes served at breakfast.
6. Breads, rolls, buns, Danish pastries, etc., served at breakfast.
7. All other breakfast dishes including jams, jellies, and preserves.

OTHER ITEMS

8. Appetizers, except alcoholic cocktails.
9. Soups, including soups in jelly.
10. Beef; steaks and roasts.
11. Veal; steaks, chops and roasts.
12. Pork; loin, chops, steaks, and roasts.
13. Lamb or mutton; chops, roasts.
14. Poultry and fowl.
15. Fish and shell-fish.
16. Game.
17. Miscellaneous and variety meats, including liver and kidneys.
18. Prepared dishes such as stews, casseroles, ragouts, curries, etc.
19. Egg and cheese dishes and combinations thereof.
20. All other dishes such as spaghetti and combinations, vegetable platter, baked beans and combinations, chop suey, etc.
21. Vegetables, including potatoes.
22. Salads (except as served as a main course or appetizer course in a meal).
23. Desserts: cakes, cookies, pies, pastries, and other baked goods.
24. Desserts: ice cream, sherbets, water ices, including combinations with syrups, creams, fruits and nuts.
- 24a. Desserts: Seasonal dessert specialties such as watermelon and cantaloupe.
25. Desserts: all others, including fruits, puddings and cheese.
26. Cold sandwiches, including garnishings, salads and vegetables.
27. Hot sandwiches, including garnishings, salads and vegetables.
28. All other food items served in a meal including mints and preserves.
29. Beverage foods, including coffee, cocoa, chocolate, tea, and milk.

BEVERAGES

30. Non-alcoholic beverages, including sparkling and mineral waters.
31. Wines, including sparkling wines.
32. Liquors, including whiskeys, gins and brandies.
33. Cordials, including fruit liqueurs.
34. All other alcoholic beverages, except domestic malt beverages.

(b) *The classes of meals.* For purposes of this regulation there shall be thirteen classes of meals, namely breakfast, lunch, tea, dinner and supper during week days, and breakfast, lunch, tea, dinner and supper on Sundays, children's breakfast, lunch and dinner.

SEC. 22. *Special orders.* The provisions of this regulation to the contrary notwithstanding, the Office of Price Administration may from time to time issue special orders providing for the establishment or reduction of the maximum price of any food item or items or meal or meals sold or offered by any seller or sellers when, in the judgment of the Administrator, such action is necessary or desirable to prevent inflation, to stabilize prices affecting the cost of living, or to carry out the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328.

SEC. 23. *Licensing.* The licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation shall apply to all persons whose maximum prices are regulated by this regulation.

SEC. 24. *Revocation and amendment.* (a) This regulation may be revoked, amended or corrected at any time.

(b) You may petition for an amendment of any provision of this regulation (including a petition pursuant to Supplementary Order 28) by proceeding in accordance with Revised Procedural Regulation No. 1 except that the petition shall be filed with and acted upon by the District Director.

This regulation shall become effective October 15, 1943.

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

Issued this 28th day of September 1943.

J. E. BRUMFIELD,
District Director.

[F. R. Doc. 43-16541; Filed, October 9, 1943;
2:21 p. m.]

PART 1499—COMMODITIES AND SERVICES

C. J. VAN HOUTEN AND ZOON, INC., AND H. J. HEINZ CO.

[Order 619 Under § 1499.3 (b) of GMPR]

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.2156 *Authorization of maximum prices for sales of "Vicoa" by C. J. Van Houten & Zoon, Inc., 105 Hudson Street, New York, New York, and by H. J. Heinz Co., Pittsburgh, Pennsylvania.* (a) On and after October 11, 1943, the maximum selling prices for sales by C. J. Van Houten & Zoon, Inc., 105 Hudson Street, New York, New York, of "Vicoa", a food commodity consisting of cocoa, soy flour, and various vitamins, minerals, salts and carbohydrates, processed by it, shall be as follows:

(1) To H. J. Heinz Co.:

Per case of 24 one-pound packages, at \$.459 per pound.....¹\$11.02
Per case of 48 one-half pound packages, at \$.5259 per pound.....¹\$12.62
¹Delivered to purchaser's warehouse.

(2) To retailers (in less than carload lots):

Per case of 24 one-pound packages, at \$.5875 per pound.....²\$14.10
Per case of 48 one-half pound packages, at \$.6732 per pound.....²\$16.16
²Delivered to purchasers' receiving stations.

(b) On and after October 11, 1943, the maximum selling prices for sales to retailers by H. J. Heinz Co., Pittsburgh, Pennsylvania, of "Vicoa", actually warehoused by it and distributed from its warehouses in less than carload lots, shall be as follows:

Per case of 24 one-pound packages, at \$.5875 per pound.....²\$14.10
Per case of 48 one-half pound packages, at \$.6732 per pound.....²\$16.16
²Delivered to purchasers' receiving stations.

(c) The maximum prices authorized by paragraphs (a) and (b) are prices before discounts. C. J. Van Houten & Zoon, Inc., and H. J. Heinz Co. shall reduce these maximum prices by applying to them the same discounts and allowances which they customarily applied to similar sales of Van Houten's Gold Label Cocoa.

(d) This Order No. 619 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 619 shall become effective October 11, 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 9th day of October 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-16540; Filed, October 9, 1943;
2:21 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

TANTE PHINE PASS, LA.; TIDE WATER ASSOCIATED OIL CO. BRIDGE

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), the following special regulations are prescribed to govern the operation of the Tide Water Associated Oil Company bridge across Tante Phine Pass, near Venice, Louisiana:*

§ 203.496 *Tante Phine Pass, La.; bridge of Tide Water Associated Oil Company near Venice, La.* (a) The owner of, or agency controlling, the bridge will not be required to keep a

bridge tender in constant attendance at the above-named bridge.

(b) When a vessel unable to pass under the closed bridge desires to pass through the draw, at least 24 hours advance notice of the time the opening is required shall be given, by telephone or otherwise, to the Tide Water Associated Oil Company, District Foreman of the Venice Oil Field, at Venice, Louisiana.

(c) Upon receipt of such notice, the authorized representative specified herein, in compliance therewith, shall arrange for the prompt opening of the bridge at the time specified in the notice for the passage of the vessel.

(d) The owner of, or agency controlling, the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge in such manner that it can easily be read at any time, a copy of these regulations, together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached. (Sec. 5, 28 Stat. 362; 33 U.S.C. 499) [Regs. 29 September 1943 (CE 823 (Tante Phine Pass—Venice, La.)—SPEKH)]

[SEAL]

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

[F. R. Doc. 43-16503; Filed, October 9, 1943; 9:54 a. m.]

PART 204—DANGER ZONE REGULATIONS
BLOCK ISLAND SOUND; NAVAL TORPEDO TESTING RANGE

Pursuant to the provisions of subchapter XIX of the Army Appropriation Act of July 9, 1918 (40 Stat. 892; 33 U.S.C. 3), paragraph (b) (3) of § 204.12 is amended to read as follows:

§ 204.12 *Block Island Sound; Restricted Area, Naval torpedo testing range, Fort Pond Bay, Montauk, L. I., N. Y.* * * *

(b) *The regulations.* * * *

(3) Notice that the torpedo testing range is in operation will be given by displaying a large red flag on the firing barge and by displaying red flags on rafts of the range. (40 Stat. 892; 33 U.S.C. 3) (Regs. 16 April 1943, (CE 800, 2121 (Block Island Sound, L. I., N. Y.)—SPEON) as amended 30 September 1943—SPEKH)

[SEAL]

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

[F. R. Doc. 43-16502; Filed, October 9, 1943; 9:54 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Order 96-C]

DIATHERMY APPARATUS

REPORTS BY MANUFACTURERS AND DEALERS

At a session of the Federal Communications Commission held at its offices in

Washington, D. C. on the 5th day of October 1943.

The Commission having under consideration Order No. 96-B, entitled Reports by Manufacturers of and Dealers in Diathermy Apparatus; and

It appearing that the monthly reports to the Commission provided for in paragraph numbered 2 of the said Order No. 96-B are no longer required;

Now, therefore, *It is ordered*, That the said paragraph numbered 2 be, and it is hereby, deleted from the said Order No. 96-B, thereby amending the said Order No. 96-B to provide as follows:

1. Order No. 96 shall have no application to bona fide manufacturers of or dealers in diathermy apparatus, anything in said Order No. 96 to the contrary notwithstanding.

2. Whenever any such manufacturer or dealer shall transfer possession of a unit of diathermy apparatus to any person or organization other than a manufacturer of or dealer in diathermy apparatus, or if any such unit of diathermy apparatus is lost, stolen, destroyed, or otherwise removed from the possession of the manufacturer or dealer, he shall give notice of such transfer, loss, destruction, or theft within five days after its occurrence, specifying the serial number of the unit involved and, in transfer cases, the name and address of the transferee.

3. Every manufacturer of diathermy apparatus shall stamp his name, a serial number and the radio frequency range or ranges on each unit of such apparatus in his possession.

4. All reports and notices required by this order shall be made on forms furnished by the Commission.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE, *Secretary*.

[F. R. Doc. 43-16505; Filed, October 9, 1943; 10:23 a. m.]

[Order No. 99-B]

RADIO TRANSMITTERS NOT LICENSED
REPORTS BY MANUFACTURERS AND DEALERS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of October 1943;

The Commission having under consideration Order No. 99-A entitled Reports by Manufacturers of and Dealers in Radio Transmitters Not Licensed; and

It appearing that the monthly reports to the Commission provided for in paragraph numbered 2 of the said Order No. 99-A are no longer required, but that quarterly reports containing data similar to that contained in the monthly reports are required;

Now, therefore: *It is ordered*, That the said Order No. 99-A be, and it is hereby, amended to provide as follows:

1. Order No. 99 shall have no application to bona fide manufacturers of or dealers in radio transmitters, anything in said Order No. 99 to the contrary notwithstanding.

2. Every such manufacturer and dealer shall, on the fifteenth day of each Jan-

uary, April, July, and October, beginning with January 15, 1944, report to the Commission every radio transmitter in his possession at the close of business on the last day of the preceding calendar month, and every radio transmitter, possession of which was transferred during the preceding three calendar months to any other dealer or manufacturer, and shall furnish the serial number and location of each radio transmitter covered in such report, together with such other and further information as the Commission may require.

3. Whenever any such manufacturer or dealer shall transfer possession of a radio transmitter to any person or organization other than a manufacturer of or dealer in radio transmitters, or if any such radio transmitter is lost, stolen, destroyed or otherwise removed from the possession of the manufacturer or dealer, he shall give notice of such transfer, loss, destruction, or theft within five days after its occurrence, or by July 15, 1942, whichever is the later, specifying the serial number of the unit involved and, in transfer cases, the name and address of the transferee.

4. Every manufacturer of radio transmitters shall stamp his name and serial number on each such transmitter in his possession.

5. All reports and notices required by this Order shall be made on forms furnished by the Commission.

6. "Radio transmitter" as herein used means a device designed for transmission of communications by radio frequency energy. This order is not intended to include apparatus commonly known as phonograph oscillators, test oscillators, signal generators and wired radio systems.

7. The following transmitter shall not be subject to any of the provisions of this order:

(a) Transmitters in the possession of the United States Government, its officers or agents, or which are under contract for delivery to the United States Government.

(b) Transmitters operated by any manufacturer or dealer pursuant to an outstanding authorization from the Commission.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE, *Secretary*.

[F. R. Doc. 43-16506; Filed, October 9, 1943; 10:23 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[Service Order 93, Amdt. 2]

PART 95—CAR SERVICE

GIANT TYPE REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of October, A. D. 1943.

Upon further consideration of Service Order No. 93 (7 F.R. 8903) of October 30, 1942, as amended, (8 F.R. 13752), and good cause appearing therefor: *It is ordered, That:*

§ 95.301 *Giant type refrigerator cars*, of Service Order No. 93 (7 F.R. 8903) of October 30, 1942, as amended (8 F.R. 13752), be, and it is hereby, further amended to read as follows:

(a) On and after 12:01 a. m., October 9, 1943, and until further order of the Commission, common carriers by railroad subject to the Interstate Commerce Act serving points in Arizona, and California, shall furnish without regard to ownership for loading with commodities, in carloads, suitable for transportation in refrigerator cars, and shall accept and transport such commodities in giant type refrigerator cars as defined in paragraph (b) of this section, at the freight rates applicable on the same commodities when loaded in standard refrigerator cars (cars with inside length between bulkheads—loading space—of less than 37 feet 6 inches): *Provided*, That commodities loaded in the giant type of refrigerator cars shall be loaded at least 20 percent heavier than the tariff minimum carload weight on the same commodity in standard refrigerator cars.

(b) For the purpose of this order, the term "giant refrigerator cars" is defined as refrigerator cars (1) with inside measurement between bulkheads (loading space) of not less than 37 feet 6 inches, and (2) convertible refrigerator cars with collapsible bunkers having inside length between bulkheads (loading space) of less than 37 feet 6 inches with bulkheads in place and in excess of 37 feet 6 inches with bulkheads collapsed. The provisions of this order shall not be construed to include SFRD refrigerator cars in series 5000 to 5069 numbers inclusive nor to include PFE refrigerator cars in series 200001 to 200125 numbers inclusive.

(c) *Tariff provisions suspended.* The operation of all tariff rules, regulations, or charges insofar as they conflict with the provisions of paragraphs (a) and (b) of this section is hereby suspended.

(d) *Announcement of suspension.* Each railroad, or its agent, shall file and post a supplement to each of its tariffs affected hereby, substantially in the form authorized in Rule 9 (k) of Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of the operation of any of the provisions therein, and establishing the substituted provisions above set forth. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That a copy of this amendment and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by

filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 43-16592; Filed, October 11, 1943;
11:26 a. m.]

[Service Order 158]

PART 95—CAR SERVICE

COTTON AT ALEXANDRIA, LA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 9th day of October, A. D. 1943.

It appearing, that delay in unloading shipments of cotton from railroad cars, originating at intrastate or interstate points, and consigned to the American Compress and Warehouse Company at Alexandria, La., is impeding the use, control, supply, movement, and distribution of such cars; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of equipment and congestion of traffic; *It is ordered, That:*

§ 95.32 *Cotton at Alexandria, La., to be unloaded.* (a) Common carriers by railroad, subject to the Interstate Commerce Act, entering and serving Alexandria, La., and their agents or employees, shall unload forthwith any and all shipments of cotton originating at either intrastate or interstate points and consigned to the American Compress and Warehouse Company, Alexandria, La., which shipments have been on hand in cars at Alexandria prior to the effective date of this order and not unloaded; *And provided further,* That, said common carriers, their agents or employees, shall unload any and all such shipments of cotton consigned to said company, received on or after the effective date of this order, within three days (72 hours) after the arrival of such shipments of cotton at Alexandria, La.

(b) *Conflicting agreements, contracts, arrangements, or tariff rules or regulations, suspended.* The operation of all agreements, contracts, arrangements, or tariff rules or regulations insofar as they conflict with the provisions of paragraph (a) of this order is hereby suspended.

(c) *Announcement of suspension.* Each of such railroads, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at once; and that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to

the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 43-16593; Filed, October 11, 1943;
11:26 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Coal Mines Administration.

[Order T-64]

BARROWMAN COAL CO. INC., ET AL.

ORDER TERMINATING APPOINTMENT OF
OPERATING MANAGERS

OCTOBER 8, 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, i. e. and they are hereby terminated.

HAROLD L. ICKES,
Secretary of the Interior.

APPENDIX A

Name of Operating Manager and Name of Mining Company

David Barrowman, Barrowman Coal Company, Inc., Praise, Kentucky, George H. Bortz, Bortz Coal Co., Union Trust Building, Uniontown, Pennsylvania. M. C. Peterson, Clarion Coal Mining Company, Clarion, Pennsylvania. Ira R. Clifton, Columbia Coal & Mining Company, Inc., 20 West Ninth Street, Cincinnati 2, Ohio. Gaylord Jones, D & D Coal Company, 142 West Hickory, Canton, Illinois. Frank H. Donham, Frank H. Donham Coal Co., R. D. No. 1, Greensboro, Pennsylvania. G. Dawson Coleman, Ebensburg Coal Co., 123 South Broad Street, Philadelphia 9, Pennsylvania. J. B. Fleming, Robert Fleming & Company, Inc., Norton, Virginia. John A. Coryell, Robert Gage Coal Company, South Euclid Avenue, Bay City, Michigan. G. B. Cumpston, Garland Coal & Mining Company, Muskogee, Oklahoma. C. M. Hall, C. M. Hall, Delmont, Pennsylvania. Chas. Long, L & S Coal Co., London Mills, Illinois. J. D. Moffat, Moffat Coal Company, 172 West Broadway, Sparta, Illinois. Frank E. Williams, Pecks Run Coal Company, Buckhannon, West Virginia. Kenneth Youngs, Saxton Coal Corporation, Box 224, Williamsburg, Kentucky. Samuel Ashby, Snow Hill Coal Corporation, Terre Haute, Indiana. George F. Peter, Southern Coal & Coke Company, Boothton, Alabama. J. L. Bogges, Willard Coal Company, Willard, Kentucky.

[F. R. Doc. 43-16546; Filed, October 11, 1943;
9:50 a. m.]

[Order T-65]

ACTON COAL CO., ET AL.

ORDER TERMINATING GOVERNMENT POSSESSION AND CONTROL

OCTOBER 8, 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 Government 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

Acton coal Company, Helena, Alabama. Crummies Creek Coal Co., Inc., Crummies, Kentucky. Economy Coal Co., Inc., 423 Grand Ave., Des Moines, Iowa. Galloway Coal Co., Memphis, Tennessee. Gatliff Coal Co., Inc., Williamsburg, Kentucky. High Splint Coal Co., Inc., Williamsburg, Kentucky. Hocking Valley Mining Co., The, 16 East Broad St., Columbus, Ohio. Imperial Coal Corp., Johnstown, Pennsylvania. Liley & Merlino, Louisville, Colorado. Panther Creek Mines, Inc., 1116 Rldgely Building, Springfield, Illinois.

United Pocahontas Coal Co., Crumpler, West Virginia.

[F. R. Doc. 43-16547; Filed, October 11, 1943; 9:50 a. m.]

[Order T-66]

ANCHOR COAL CO., ET AL.

ORDER TERMINATING APPOINTMENT OF OPERATING MANAGERS

OCTOBER 8, 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

Frank L. Hornickel, Anchor Coal Company, 1148 Terminal Tower, Cleveland, Ohio. W. W. Walker, Ashland Coal and Coke Company, Box 287, Bluefield, West Virginia. Joseph Baucant, Joseph Baucant, Pitt Hotel, McDonald, Pennsylvania. R. A. Helwig, The Beaver Fork Coal Company, 203 Youngstown Terminal Bldg., Youngstown, Ohio. B. W. Whitfield, Jr., Bell Coal Company, Inc., Rella, Kentucky. Charles E. Dunlap, The Berwind-White Coal Mining Co., Commercial Trust Building, Philadelphia, Pennsylvania. Paul I. Klingensmith, Bradenville Fuel Co., Inc., Latrobe, Pennsylvania. John A. Kelly, Buffalo Chilton Coal Company, Kistler, West Virginia. J. William Wetter, Colonial Colliery Corporation, 1421 Chestnut Street, Philadelphia, Pa. I. E. Coyer, I. E. "Bob" Coyer, Grove City, Pennsylvania. John A. Kelly, Elk Creek Coal Company, Emmet, West Virginia. John A. Kelly, Guyan Eagle Coal Company, Amberstdale, West Virginia. Brent Hart, Hart Coal Co., Mortons Gap, Kentucky. W. W. Walker, Majestic Collieries Co., Box 287, Bluefield, West Virginia. Louis Signek, Martin Mining Company, Franklin Trust Building, Philadelphia, Pennsylvania. C. W. Jones, Merrill Coal Company, Henlawson, West Virginia. Geo. W. Sheatsley, Monarch Coal Mining Company, Route 1, Box 223, Centralia, Washington. James Carrick, Morea-New Boston Breaker Corp., Morea Colliery, Pennsylvania. J. Louis Reiber, Mt. Olive & Staunton Coal Company, 806 Laclede Gas Bldg., St. Louis, Missouri. Charles E. Dunlap, New River & Pocahontas Consolidated Coal Company, 1100 Commercial Trust Bldg., Philadelphia, Pennsylvania. W. W. Wilson, Norwood-White Coal Company, 807 Bankers Trust Bldg., Des Moines, Iowa. Clyde E. Pratt, Shearn Coal Co., Inc., 942 Cotton Belt Bldg., St. Louis, Missouri. John E. Davis, Winisle Coal Corporation, 310 S. Michigan, Ave., Chicago 4, Illinois.

[F. R. Doc. 43-16548; Filed, October 11, 1943; 9:50 a. m.]

[Order T-67]

CHARTER OAK COAL CO., ET AL.

ORDER TERMINATING GOVERNMENT POSSESSION AND CONTROL AND APPOINTMENT OF OPERATING MANAGERS

OCTOBER 8, 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. The mines of the companies listed in Appendix A, attached hereto and made a part hereof, had, however, been abandoned prior to May 1 and were then not in operation. It is unnecessary to retain possession of such 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, and the appointment of the Operating Manager for the United States for the respective mines, 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 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.

HAROLD L. ICKES,
Secretary of the Interior.

APPENDIX A

Name of Mining Company and Address

Charter Oak Coal Co., Pomeroy, Ohio. Lincoln Coal and Coke Company, P. O. Box 80, Scottdale, Penna. Pine Hill Coal Co., 528 North New Street, Bethlehem, Penna. D. M. Stewart, Regina, Kentucky. Silas Case and Son, Camden on Gauley, W. Va. Sincell Coal Corporation, Bethlehem, Penna. Stephenson Brick Company, Inc., P. O. Box 1192, Birmingham, Alabama. Sullivan Coal Co., Ottumwa, Iowa. Summit Collieries, Inc., Atlas Bldg., Columbus, Ohio. Terra Coal Company, New Center Building, Detroit, Michigan. Thermal Coal Sales Company, Johnstown Bank and Trust Bldg., Johnstown, Penna. Turner Elkhorn Mining Company,

Inc., P. O. Box 47, Drift, Kentucky. H. E. Wagner, Box 83, R. D. 3, Uniontown, Penna. Yough Fuel Co., Scottdale, Penna.

[F. R. Doc. 43-16549; Filed, October 11, 1943; 9:50 a. m.]

[Order T-68]

ALLEN COAL CO. ET AL.

ORDER TERMINATING GOVERNMENT POSSESSION AND CONTROL

OCTOBER 8, 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 there has been no interruption in the operation of such mines since April 30, 1943, as a result of a strike or other labor disturbance, and have submitted factual evidence to that effect. Based on such evidence and advice, and after consideration of all the circumstances, I find that the possession and control by the Government of such mines are not necessary to insure the operation of such mines in the interest of the "war effort," and that it is practicable to terminate the possession and control of such 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 operations 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), 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

Allen Coal Co., Inc., Newburg, Indiana. Alpena Coal Co., Elkins, West Virginia. Banner Block Coal Co., Canton, Illinois. Big Bend Collieries, Inc., Box 293, Brazil, Indiana. Burns & Frederick Coal Co., Chicora, Penn-

sylvania. Butte Valley Coal Co., Walsenburg, Colorado. Dick Coal Co., Walsenburg, Colorado. Dittman-Wachter Coal Co., Frontenac, Mines), 1318 Market St., Williamsport, Pennsylvania. G. and F. Corporation, Tribune Building, Brazil, Indiana. Geo. G. Bowman Coal Co., Salisbury, Pennsylvania. Gordon Coal Co., Walsenburg, Colorado. Green Coal Co., 1124 Walnut St., Coshocton, Ohio. Greenview Mining Co., Greenview, Illinois. Jay Kay Mining Company, 1200 Washington Avenue, Evansville, Indiana. H. R. Jennings Coal Co., 819 Denman Ave., Coshocton, Ohio. T. H. Jones, 522 S. 2nd St., Albia, Iowa. Keta Coal Company, Inc., Route #3, Callao, Missouri. McPetridge Brick Co., Creighton, Pennsylvania. Mountain Coal Company, Pikeville, Kentucky. National Coal Co., Inc., Oskaloosa, Iowa. Nellson Coal Co., Shawnee, Ohio. New Galum Coal Corporation, Cutler, Illinois. Norman & Guy Coal Co., Blossburg, Pennsylvania. Pennsy Coal & Supply Company, R. F. D. #1, Sligo, Pennsylvania. W. A. Reynolds, Richwood, West Virginia. Rio Grand Coal Corp., R. F. D. #1, Brazil, Indiana. Strawn Coal Co., Strawn, Texas. Triangle Coal and Clay Corp., West Terre Haute, Ind. Turnpike Coal Company, 330 Field Street, Dunmore, Pennsylvania. W. and W. Coal Co., R. R. #4, Danville, Illinois.

[F. R. Doc. 43-16550; Filed, October 11, 1943; 9:50 a. m.]

[Order T-69]

COALMONT COAL AND COKE CO., ET AL.

ORDER TERMINATING GOVERNMENT POSSESSION AND CONTROL AND APPOINTMENT OF OPERATING MANAGERS

OCTOBER 8, 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. The mines of the companies listed in Appendix A, attached hereto and made a part hereof, had, however, been abandoned prior to May 1 and were then not in operation. It is unnecessary to retain possession of such 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, and the appointment of the Operating Manager for the United States for the respective mines, 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 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.

HAROLD L. ICKES,
Secretary of the Interior.

APPENDIX A

Name of Mining Company and Address

Coalmont Coal and Coke Company, Coalmont, Tennessee. Great Western Coal Co., Fort Smith, Arkansas. Kansas Fuel Co., R. F. D. #1, Burlingame, Kansas. Locust Dale Coal Company, Inc., 6-8 North Oak Street, Mount Carmel, Pennsylvania. Lumsted Incorporated, 8 West Long Avenue, Dubois, Pennsylvania.

[F. R. Doc. 43-16551; Filed, October 11, 1943; 9:52 a. m.]

[Order T-70]

ORDER TERMINATING GOVERNMENT POSSESSION AND CONTROL

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 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

J. S. Arthur & Co., Washington Trust Bldg., Washington, Penna. Frank Coker, Helenwood, Tennessee. T. L. Edwards (R. D. #1, Turtle Creek, Penna.), 227 South Millvale Ave., Pittsburgh, Penna. Jarvis & Nicola, Confluence, Penna. Jewell Collieries Corp., Walsenburg, Colo. George Kefover Coal Company, Morgantown, W. Va. Negley Coal Company, 619 11th St., Beaver Falls, Penna. New Michigan Coal Mining Co., Route 1, Bay City, Michigan. Stover Smokeless Coal Co., Inc. Mt. Hope, W. Va. Thomas W. Tainton, R. D. #1, Greensburg, Penna. Teckla Coal Company, R. D. #1, Vandergrift, Penna. Templeton Coal Company, 2137 Edith St., Murphysboro, Illinois.

[F. R. Doc. 43-16552; Filed, October 11, 1943; 9:52 a. m.]

[Order T-71]

ATHENS COAL CO., ET AL.

ORDER TERMINATING GOVERNMENT POSSESSION AND CONTROL

OCTOBER 8, 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 there has been no interruption in the operation of such mines since April 30, 1943, as a result of a strike or other labor disturbance, and have submitted factual evidence to that effect. Based on such evidence and advice, and after consideration of all the circumstances, I find that the possession and control by the Government of such mines are not necessary to insure the operation of such mines in the interest of the war effort, and that it is practicable to terminate the possession and control of such 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 pre-

clude 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 Government 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

Athens Coal Co., R. F. D. #1, Cheshire, Ohio. Bakerstown Coal & Coke Company, 325 Goff Bldg., Clarksburg, W. Va. Bozzo Coal Company, 257 East Taggart St., East Palestine, Ohio. Bradford Coal Company, Bigler, Pennsylvania. Caprock Fuel Company, 618 Equitable Bldg., Denver, Colorado. Cassler Coal Sales Agency, North 3d Street, Clearfield, Pennsylvania. Clinton County Mining Co., Inc., Breese, Illinois. Collinsville Coal Corporation, 216 S. Seminary, Collinsville, Illinois. Crown Coal Company, Freeburg, Illinois. Desmond Bros., 2137 Delaware Ave., Renovo, Pennsylvania. Edwardsville Coal Co., Inc., Edwardsville, Illinois. Elinor Coal Co., 315 Depot Street, Latrobe, Pennsylvania. Elm Branch Coal Company, Mulberry, Kansas. Steve Gall Mining Co., Dugger, Indiana. Fred S. Geer, Inc., R. D. #2, Darlington, Pennsylvania. Grantsville Coal Company, Grantsville, Maryland. Guthrie Coal Company, Pikeville, Kentucky. Denkert Coal Co., Riverton, Illinois. Jordan & Hensel Coal Co., Ramey, Pennsylvania. Kenbrook Coal Company, Sligo, Pennsylvania. Lakeside Coal Company, 1606 Martha St., Pekin, Illinois. O. W. Lightbody Coal Co., Glasford, Illinois. Mulberry Hill Coal Co., Freeburg, Illinois. Edward Mohn & Son, Bartonville, Illinois. New Albany Coal Company, Salem, Ohio. Newport Coal Company, Uhrichsville, Ohio. Prairietown Coal Co., 114 Harris Street, Staunton, Illinois. Premar Coal Company, Inc., P. O. Box 98, Tunnelton, W. Va. Pyramid Coal Corporation, 230 North Michigan Avenue, Chicago, Illinois. Regina Coal Co., P. O. Box #33, Regina, Kentucky. Fred Reitler & Sons, Seward, Pennsylvania. Rosedale No. 3 Coal Co., Madsville, West Virginia. Roys Smithing Coal Co., Somerset, Pennsylvania. Sayers and Milliron Mine, R. D. #1, Fairmount City, Pennsylvania. Schuyler Coal Company, Rushville, Illinois. Scott-Burke Coal Company, Pikeville, Kentucky. Shavers Mountain Coal Co., Box 848, Elkins, W. Va. Sunset Coal Co., Inc., Edwardsville, Illinois. Treasure Coal Co., Bartonville, Illinois. Victor Fuel Coal Co., 416 N. Chestnut, Pittsburg, Kansas. Weaver & Schettler, Shippensburg, Pennsylvania.

[F. R. Doc. 43-16553; Filed, October 11, 1943; 9:53 a. m.]

[Order T-72]

AKRON COAL CO., ET AL.

ORDER TERMINATING GOVERNMENT POSSESSION AND CONTROL

OCTOBER 8, 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 Government 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

Akron Coal Co., The, 106 N. Main Street, Akron, Ohio. Amigo Coal Company, Amigo, West Virginia. Bell Coal Company, Slickville, Pennsylvania. Central Moshannon Coal Mining Co., Houtzdale, Pennsylvania. Gallardi Coal & Coke Co., Second National Bank Bldg., Connellsville, Pennsylvania. Independent Coal & Coke Co., Walker Bank Bldg., Salt Lake City, Utah. Lake Superior Coal Company, Cannelton, West Virginia. Masteller Coal Co., The, Keyser, West Virginia. Park Coal Co., The, Leechburg, Pennsylvania. Shockley Creek Coal Co., Eccles, West Virginia. Standard Fire Creek Coal Co., Beckley, West Virginia. Tway Coal Co., Inc., R. C., Wagon Works Bldg., Louisville, Kentucky. Victor-American Fuel Co., Ernest & Cranmer Bldg., Denver, Colorado.

[F. R. Doc. 43-16554; Filed, October 11, 1943; 9:53 a. m.]

[ORDER T-73]

AMERICAN COAL CO. OF ALLEGANY COUNTY,
ET AL.ORDER TERMINATING APPOINTMENT OF
OPERATING MANAGERS

OCTOBER 8, 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 of 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

Henry F. Warden, The American Coal Company of Allegany County, 1250 Sixth Avenue, New York, N. Y. J. Robert Bazley, J. Robert Bazley, Inc., P. O. Box 117, Pottsville, Penna. W. D. Corley, Jr., W. D. Corley, Jr., Corley Mine, Colorado Springs, Colo. R. H. Jamison, Jr., Delmont Fuel Company, 409-11 Bank & Trust Bldg., Greensburg, Penna. George Huss, George W. Huss, Centralia, Penna. E. P. Gilmer, Low Ash Mining Company, Inc., Rainelle, W. Va. James D. Francis, Mallory Coal Company, Guaranty Bank Bldg., Huntington, W. Va. Henry F. Warden, Mill Creek Coal and Coke Company, 1250 Sixth Avenue, New York, N. Y. Dan Brunetta, Mutual Coal Company, P. O. Box 887, Gallup, New Mexico. Roland C. Luther, Peerless Coal & Coke Co., Pottsville, Penna. Garnet J. Stollings, Princess Elkhorn Coal Company, Guaranty Bank Bldg., Huntington, W. Va. J. I. Clingenpeel, Southern Coal Corporation, P. O. Box 448, Bluefield, W. Va. William J. Schoonover, Standard Breaker Corporation, Box 380, Pittston, Penna. Josephine Roche, The Rocky Mountain Fuel Company, 17th at Broadway, P. O. Box 720, Denver, Colo. Frank F. Kolbe, The United Electric Coal Companies, 307 North Michigan Ave., Chicago, Illinois. W. A. Bledsoe, Walter Bledsoe & Co., Merchants National Bank Bldg., Terre Haute, Indiana.

[F. R. Doc. 43-16555; Filed, October 11, 1943;
9:53 a. m.]

[Order T-74]

ALLEGHENY RIVER MINING CO. ET AL.

ORDER TERMINATING APPOINTMENT OF
OPERATING MANAGERS

OCTOBER 8, 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

Charles Shoffner, Allegheny River Mining Company, Shawmut Building, Kittanning, Pennsylvania. C. R. Garrett, American Smelting and Refining Co., Cokedale, Colorado. J. B. F. Melville, Ayrshire Patoka Collieries Corporation, 430 Big Four Building, Indianapolis, Ind. Melvin Springer, Bear Coal & Coke Company, Delta, Colorado. Steve Cipolla, Cipolla Fuel Company, 1009 Drey Street, Arnold, Pennsylvania. E. E. Whitten, Day & Night Coal Co., Clarksville, Arkansas. Howard Moss, East Madrid Cooperative Coal Co., Inc., Madrid, Iowa. Bert C. Alexander, Elm Grove Coal Co., Cutler, Illinois. J. B. F. Melville, Fairview Collieries Corporation, 430 Big Four Building, Indianapolis, Ind. Sol Jenkins, Gowen Coal Company, Fern Glen, Pennsylvania. W. A. Fink, Hawthorne Coal Corporation, Roanoke, Virginia. G. B. Baber, Hi-Hat Elkhorn Mining Company, Box 570, Ashland, Kentucky. Robert Flanning, Irish Rock Coal Co., R. D. #5, McConnelsville, Ohio. A. E. Scherm, Kingston-Pocahontas Coal Company, 40 Rector Street, New York, New York. Geo. H. Charles, Metro Coal & Limestone, Inc., Box 48, Belden Ave., S. E., Canton, Ohio. Thomas L. Kemp, Milburn By-Products Coal Co., Milburn, West Virginia. Ralph Lambert, Pennsylvania Coal Company, P. O. Box 391, Scranton, Pennsylvania. A. E. Scherm, Semet-Solvay Company, 40 Rector Street, New York, New York. W. I. McGee, Tunnel Coal Company, 713 Second National Bank Bldg., Uniontown, Pennsylvania. Clarence Doetsch, Washed Coal Company, The, 1119 East A Street, Belleville, Illinois. A. M. Greene, Wilton-Jellico Coal Company, Woodbine, Kentucky. John Woodall, John Woodall, R. D. 1, Summerville, Pennsylvania.

[F. R. Doc. 43-16556; Filed, October 11, 1943;
9:53 a. m.]

[Order T-75]

CONGRESS COAL CO., ET AL.

ORDER TERMINATING GOVERNMENT POSSESSION
AND CONTROL

OCTOBER 8, 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 there has been no interruption in the operation of such mines since April 30, 1943, as a result of a strike or other labor disturbance, and have submitted factual evidence to that effect. Based on such evidence and advice, and after consideration of all the circumstances, I find that the possession and control by the Government of such mines are not necessary to insure the operation of such mines in the interest of the "war effort," and that it is practicable to terminate the possession and control of such mines.

Accordingly, I order and direct that possession and control by the Government of the mines of the mining com-

panies 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 Government 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

The Congress Coal Co., Zanesville, Ohio. Elkhorn Ferguson Coal Co., Pikeville, Ky. Hill Brothers Coal Co., Morrisdale, Penna. Holter Coal Company, R. D. 4, Grove City, Penna. Princess Pat Coal Co., Middleport, Ohio. Red Diamond Mining Company, Frank Nelson Building, Birmingham, Alabama. Sisters of Providence Mine, Providence Convent, Saint Mary-of-the-Woods, Ind. South Mine Company, Carlville, Illinois. Weimert and Co., Riddlesburg, Penna. White Oak Coal Co., 327 South A Street, Albia, Iowa. Woolridge Coal Company, Clearfield, Penna.

[F. R. Doc. 43-16557; Filed, October 11, 1943;
9:54 a. m.]

[Order T-76]

ACME COAL & MINING CO., ET AL.

ORDER TERMINATING GOVERNMENT POSSESSION
AND CONTROL

OCTOBER 8, 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 there has been no interruption in the operation of such mines since April 30, 1943, as a result of a strike or other labor disturbance, and have submitted factual evidence to that effect. Based on such evidence and advice, and after consideration of all the circumstances, I find that the possession and control by the Government of such mines are not necessary to insure the operation of such mines in the interest of

the war effort, and that it is practicable to terminate the possession and control of such 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 operations 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), 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

Aeame Coal & Mining Company, Henryetta, Oklahoma. Arkansas Coal Company, 20 1/2 South St., Fort Smith, Arkansas. Andrew Bennett Mine, Bryant, Illinois. Bisco Coal Company, 6 N. Diamond Street, Butler, Pennsylvania. Blue Ribbon Coal Co., R. F. D. #1, Marion, Illinois. Boyles Coal & Supply Company, 431 S. Mill St., New Castle, Pennsylvania. Brazil Block Coal and Clay Co., Inc., Brazil, Indiana. Brazil Minshall Coal Co., R. F. D. #1, Brazil, Indiana. Brown Bros. Co., R. D. 2, Elizabeth, Pennsylvania. Bucklin Coal Mining Co., 507 Victor Building, Kansas City 6, Missouri. Bunker Hill Coal & Mining Co., Collinsville, Illinois. C. and M Coal Co., 309 Federal Building, Youngstown, Ohio. Callahan Mining Co., R. D. #5, Salem, Ohio. Chariton River Coal Co., Novinger, Missouri. Charleston Six Mining Co., Inc., Dawson Springs, Kentucky. Chemical Coal Co., Bickmore, West Virginia. Clara Bell Coal Company, Colorado Springs, Colorado. Daywood Coal Co., R. F. D. # 1, Philipsburg, Pennsylvania. Double Dick Coal Mine, 218 W. 2nd St., Florence, Colorado. Edinburg, Coal Company, Edinburg, Illinois. English Creek Coal Company, 1208 St., Knoxville, Iowa. Godin & Johnson Coal Co., Houtzdale, Pennsylvania. Hackathorn & Myers, Bergholz, Ohio. J. W. Hanson and Sons, Queen Shoals, Clay Co., W. Va. Hill Mining Co., 933 W. Rollins Street, Moberly, Missouri. Houck Reidler Bros. Coal Mining Co., Newburg, West Virginia. Karthouse Coal Co., Snow Shoe, Pennsylvania. Kenrock Coal Company, 432 Land Title Bldg., Philadelphia, Pennsylvania.

Kurz Coal Company, Inc., Owensboro, Ky. Litter Coal Co., Pella, Iowa. Lobb Coal Mining Company, Brishin, Pennsylvania. Maddox Coal Company, Beaver Dam, Kentucky. Marchesi Coal Company, RFD # 3, New Philadelphia, Ohio. Marcum, Frank, Manchester, Kentucky. Monroe Coal Company, Box 35, Otsego, Ohio. Moore, C. D., Portersville, Pennsylvania. Myers Coal Co., Grantsville, Maryland. National Steel Corporation, Pittsburgh, Pennsylvania. Northwest Coal Corp., 104 North Eleventh Street, Clinton, Indiana. Ollett Coal Co., Box 311, Bridgeville, Pennsylvania. North Side Coal Company, Belleville, Illinois. Purity Coal Company, Belleville, Illinois. Peach Orchard Coal Company, Inc., P. O. Box 323, Henderson, Kentucky. R. & R. Coal Co., Blairsville, Pennsylvania. Ramsay Collins Fuel Co., 1605 East University Ave., Des Moines, Iowa. Republic Coal Co., Minerva, Ohio. M. B. Rose Mine, Dawson Springs, Kentucky. Shelby Elkhorn Coal Co., Shelbyana, Kentucky. Snyder & Hanson, Queen Shoals, Clay Co., W. Va. Starr Coal, Inc., Henryetta, Oklahoma. Upper Elk Coal Co., Inc., Woodstock, Virginia. Upper Elk & Potomac Coal Corporation, 1101 Colonial Bldg., Philadelphia, Pennsylvania. H. R. Vanover Coal Co., Owensboro, Kentucky. Victory Coal Co., Inc., Davis Hotel, Brazil, Indiana. Wolf-O-Lack Coal Co., Clarion, Pennsylvania. Naval and West (Winimer Mine, Thos. Navel), Rockville, Indiana.

[F. R. Doc. 43-16558; Filed, October 11, 1943; 9:54 a. m.]

[Order T-77]

HADDOCK MINING CO., ET AL.

ORDER TERMINATING GOVERNMENT POSSESSION AND CONTROL

OCTOBER 8, 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 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 pre-

clude 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 Government 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 on Appendix A shall continue in effect.

HAROLD L. ICKES,
Secretary of the Interior.

APPENDIX A

Name of Mining Company and Address

Haddock Mining Co., Second National Bank Building, Wilkes-Barre, Pennsylvania. Lehigh Valley Coal Co., The, 133 North River St., Wilkes-Barre, Pennsylvania. Franklin-Lykens Coal Co., 615 Market St., Ashland, Pennsylvania.

[F. R. Doc. 43-16559; Filed, October 11, 1943; 9:54 a. m.]

[Order T-78]

ANTOLINI COAL CO., ET AL.

ORDER TERMINATING GOVERNMENT POSSESSION AND CONTROL

OCTOBER 8, 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 Government 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

Antolini Coal Co., Harding, West Virginia.
Big Bend Coal Mining Co., The Packard Building, Philadelphia, Pennsylvania. Blair Engineering and Supply Co., Altoona, Pennsylvania. Campbell Coal Co., Piedmont, West Virginia. Carbon Valley Coal Co., Madisonville, Kentucky. Central Elkhorn Coal Co., The, 145 North High Street, Columbus, Ohio. Greer Gas Coal Co., Morgantown, West Virginia. McLaren Fuel Co., 200 Gas Building, Marion, Illinois. Mammoth Coal & Coke Co., Mammoth, Pennsylvania. Marlin Coal Company, Jordan, Marion Co., West Virginia. Mountain Fuel Co., Latrobe, Pennsylvania. New Jellico Coal Co., Inc., 709 Merchants National Bank Bldg., Terre Haute, Indiana. Page Pocahontas Coal Corp., Welch, West Virginia. Premier Pocahontas Collieries Co., Bluefield, West Virginia. Providence Coal Mining Co., Providence, Kentucky. Sarver Standard Coal Co., 949 Penn Street, Brackenridge, Pennsylvania. Stoetzer Coal Co., Inc., Fairmont, West Virginia. Tierney Mining Co., Bluefield, West Virginia. Ten X Coal Company, Zanesville, Ohio. Union Colliery Company, 606 Union Electric Bldg., Saint Louis, Missouri. Unity Coal Company, Latrobe, Pennsylvania. Walker Coal Mining Co., Elkins, West Virginia. War Eagle Coals, Inc., Bramwell, West Virginia.

[F. R. Doc. 43-16560; Filed, October 11, 1943; 9:51 a. m.]

[Order No. T-79]

ATLAS COAL COMPANY, INC., ET AL.

ORDER TERMINATING GOVERNMENT POSSESSION AND CONTROL

OCTOBER 8, 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 there has been no interruption in the operation of such mines since April 30, 1943, as a result of a strike or other labor disturbance, and have submitted factual evidence to that effect. Based on such evidence and advice, and after consideration of all the circumstances, I find that the possession and control by the Government of such mines are not necessary to insure the operation of such mines in the interest of the war effort, and that it is practicable to terminate the possession and control of such 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 operations 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), 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

Atlas Coal Company, Inc., Oskaloosa, Iowa. Frances Coal Co., Beaver Falls, Pa. Harbor Coal Co., Newcastle, Pa. Ulishney Fuel Co., Latrobe, Pa.

[F. R. Doc. 43-16561; Filed, October 11, 1943; 9:51 a. m.]

[Order No. T-80]

ALBUQUERQUE AND CERRILLOS COAL CO., ET AL.

ORDER TERMINATING GOVERNMENT POSSESSION AND CONTROL

OCTOBER 8, 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 there has been no interruption in the operation of such mines since April 30, 1943, as a result of a strike or other labor disturbance, and have submitted factual evidence to that effect. Based on such evidence and advice, and after consideration of all the circumstances, I find that the possession and control by the Government of such mines are not necessary to insure the operation of such mines in the interest of the war effort, and that it is practicable to terminate the possession and control of such 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 operations 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), 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

Albuquerque and Cerrillos Coal Company, Madrid, New Mexico. J. J. Arnold Company, Inc., Box 390, Wellsburg, West Virginia. B. & H. Coal Company, Box 601, Bridgeport, West Virginia. Belle Valley Coal Co., Mascoutah Road, Route 15, Belleville, Illinois. Blacksmith Coal Co., Novinger, Missouri. Boonville Coal Sales Corporation, Boonville, Indiana. Earl M. Brown, 11 Gulich Avenue, Clearfield, Pennsylvania. Buchanan Coal Company, Bulan, Kentucky. Buckhannon River Coal Company, Adrian, West Virginia. W. E. Callahan Construction Co. and Grate Coal Company, Brazil, Indiana. Gaskell Coal Company, Frontenac, Kansas. Guseman-Bixler Coal Company, 113 E. Main Street, Uniontown, Pennsylvania. Hart Coal Company, 181 East Main Street, Sallville, Ohio. Hughes Coal Co., Fayette, Missouri. Long View Coal Company, Inc., Coal Valley, Illinois. Maple Coal Co., Albia, Iowa. Marteness Mining Co., 529 Bigelow Street, Peoria 5, Illinois. Mt. Pleasant Mining Corporation, R. F. D. #3, Terre Haute, Indiana. New Market Coal Company, Box 121, New Market, Iowa. New National Coal & Mining Co., Belleville, Illinois. Sangamon Valley Coal Co., 1155 N. Rutledge Street, Springfield, Illinois. Shiloh Valley Coal Co., R. R. No. 2, Belleville, Illinois. H. A. Siepman Coal Company, Coalmont, Indiana. Carl P. Snyder, R. F. D., Box 176, Olanta, Pennsylvania. Spangler & Parks Coal Company, Inc., Windsor, Missouri. Sternberg Coal Corporation, Boonville, Indiana. Sturgill & Cravens, Sand Gap, Kentucky. Trasp & Jones Coal Co., 5874 Aylesboro Avenue, Pittsburgh, Pennsylvania. J. D. Walker, Box 4, Brisbin, Pennsylvania.

Waterloo Coal Co., Inc., Oak Hill, Ohio. Wenneberg Coal Co., Sherman, Illinois.

[F. R. Doc. 43-16562; Filed, October 11, 1943; 9:51 a. m.]

[Order 7-81]

ANGUS COAL MINING CO., ET AL.

ORDER TERMINATING GOVERNMENT POSSESSION AND CONTROL

OCTOBER 8, 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 there has been no interruption in the operation of such mines since April 30, 1943, as a result of a strike or other labor disturbance, and have submitted factual evidence to that effect. Based on such evidence and advice, and after consideration of all the circumstances, I find that the possession and control by the Government of such mines are not necessary to insure the operation of such mines in the interest of the "war effort," and that it is practicable to terminate the possession and control of such 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 operations 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), 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

Angus Coal Mining Co., Oskaloosa, Iowa.
Askrens Coal Co., 1505 Elm St., Coshocton, Ohio.
Atlas Engineering Co., 1121 Chapline

St., Wheeling, West Virginia. B. & W. Coal Co., Crawford, Tennessee. Barr Coal Company, 2040 East Cook Street, Springfield, Illinois. Bellaire Coal Co., First National Bank Bldg., Bellaire, Ohio. Big Hollow Coal Co., Peoria, Illinois. Birch Creek Coal Company, Inc., Brazil, Indiana. Blount and Vessels Coal Company, 330 Hay Place, Coshocton, Ohio. Boron Bros. Coal Company, Ramey, Pennsylvania. Bowden Coal Company, Elkins, Virginia. Burnwell Coal Co., Collinsville, Illinois. Cairnes Coal Mining Co., Inc., Middlesboro, Kentucky. Camp Creek Coal Co., East Lynn, West Virginia. Colorado Springs Co., Colorado Springs, Colorado. Copenhaver, S. A., R. D. #1, Summerville, Pennsylvania. Crain Coal Co., Percy, Illinois. Cumberland Parker Seam Coal Inc., 33-34 Clark-Keating Building, Cumberland, Maryland. Dixon Block Coal Co., Inc., 20½ E. Vincennes St., Linton, Indiana. Fair Oak Coal Co., Confluence, Pennsylvania. Fireside Fuel Co., R. D. 1, Colliers, West Virginia. Gerwig Coal Co., Exchange, West Virginia. B. F. Goodrich Company, The, 500 S. Main St., Akron, Ohio. Happy Hollow Mining Company, Pleasant Plains, Illinois. Herd Branch Coal Co., Sibert, Kentucky. Hot Flash Coal Co., R. R. #4, Terre Haute, Indiana. Imbrie, Roy S., 516 Locust St., Butler, Pennsylvania. K. & M. Coal Company, First National Bank Building, Brockway, Pennsylvania. Kingwood Coal Co., Kingwood, West Virginia. Lea Bros. Coal Mining Co., 129 West Richmond Ave., Peoria, Illinois. Lick Run Coal Company, Lloydell, Pennsylvania. M. & E. Coal Co., DeSoto, Illinois. Mielke Bros. Gem Mine, Coal Valley, Illinois. Miller Coal Co., Kingwood, West Virginia. Mt. Perry Coal Co., 225 Richards Building, Zanesville, Ohio. Rupert Coal Co., East Palestine, Ohio. Newburg Coal Co., Kingwood, West Virginia. Nuggett Coal Co., Box 737, Laramie, Wyoming. Princess Pat Coal, Inc., 33-34 Clark-Keating Building, Cumberland, Maryland. Rawalt Coal Company, 506 East Elm St., Canton, Illinois. J. C. Weese Coal Mines, Inc., P. O. Box 308, Keyser, West Virginia. Reitler, William & Christ, Reitler Mine Co., Otsego, Ohio. Rush Run Coal Company, Box 187, Bridgeport, Ohio. Service Coal & Mining Company, Belleville, Illinois. Thermal Coal Co., Galseburg, Illinois. Tri-County Fuel Company, 27 East Commerce St., Youngstown, Ohio.

[F. R. Doc. 43-16563; Filed, October 11, 1943; 9:52 a. m.]

[Order No. T-82]

PUBLIC SERVICE CO. OF INDIANA

ORDER TERMINATING GOVERNMENT POSSESSION AND CONTROL

OCTOBER 8, 1943.

The Operating Manager for the United States for the mines of the Public Service Company of Indiana, Inc., 110 North Illinois Street, Indianapolis, Indiana, has advised the Coal Mines Administrator that there has been no interruption in the operation of the Edwardsport Mine since April 30, 1943, as a result of a strike or other labor disturbance and that the productive efficiency of the Dresser Mine prevailing prior to the taking of possession thereof by the Government has been restored, and has 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 con-

trol 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 Public Service Company of Indiana, Inc., Indianapolis, Indiana, including any and all real and personal property, franchises, rights, facilities, funds, and other assets used in connection with the operations 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 Government 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 appointment of the Operating Manager for the mines of the company shall continue in effect.

HAROLD L. ICKES,
Secretary.

[F. R. Doc. 43-16564; Filed, October 11, 1943; 9:52 a. m.]

[Order T-83]

BANNER FUEL CORP., ET AL.

ORDER TERMINATING GOVERNMENT POSSESSION AND CONTROL

OCTOBER 8, 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 Government 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

Banner Fuel Corporation, Cranes Nest, Virginia. Black Hawk Coal Corp., 111 North Seventh Street, Terre Haute, Indiana. Colonial Coal & Coke Co., Pratt City, Alabama. Colony Coal Co., The, P. O. Box 29, Denver, Colorado. Kanawha and Hocking Coal and Coke Co., 111 Capitol Street, Charleston, West Virginia. Norfolk and Western Railway Company, Roanoke, Virginia. Republic Steel Corp. (Northern Coal Mines), 630 Fayette Title & Trust Bldg., Uniontown, Pennsylvania. Princeton Mining Co., Terre Haute, Indiana. South Hill Coal Co., Empire Building, Kittanning, Pennsylvania. Splash Dam Smokeless Coal Corp., Cranes Nest, Virginia. Weirton Coal Company, Weirton, West Virginia.

[F. R. Doc. 43-16565; Filed October 11, 1943; 9:52 a. m.]

[Order T-84]

ALGOMA COAL AND COKE CO., ET AL.

ORDER TERMINATING GOVERNMENT POSSESSION AND CONTROL

OCTOBER 8, 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 Government 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

Algoma Coal and Coke Co., Algoma, W. Va. Alston Coal Co., Inc., 217 National Bank Bldg., Pittsburg, Kansas. American Zinc & Chemical Co., Langeloth, Pa. Baker-Whiteley Coal Co., The, Baltimore, Md. Chafin-Jones-Heatherman Coal Co., Peach Creek, W. Va. Elk Horn Coal Corp., The, 308 Union Bldg., Charleston, W. Va. G. M. S. Coal Co., Ltd., Nelsonville, Ohio. Gilliam Coal and Coke Co., The, Gilliam, W. Va. Glen Alum Coal Co., Gilliam, W. Va. Glendora Coal Co., Inc., Sycamore Bldg., Terre Haute, Ind. Harrison & Quinette Coal Co., Glenshaw, Pa. Highland Fuel Co., Grove City, Pa. Jefferson Coal & Coke Corp., 440 Clokey Ave., South Hills, Pittsburgh, Pa. Keystone Coal Co., Denver, Colo. Kirk Coal Mining Co., Inc., Beech Creek, Ky. Linton-Summit Coal Co., Inc., Sycamore Bldg., Terre Haute, Ind. Midland Electric Coal Corp., 1320 Fletcher Trust Bldg., Indianapolis, Ind. Minds Coal Mining Corp., The, Ramey, Pa. Nicholas-Webster Coal Corp., Tioga, W. Va. Pacific Coast Coal Co., 2106 Smith Tower, Seattle, Wash. Raymond City Coal & Transp. Corp., North Bend, Ohio. Reitz Coal Co., Windbar, Pa. Rich Hill Coal Co., Barnesboro, Pa. Southwestern Illinois Coal Corp., 675 East Washington St., Indianapolis, Ind. Star Coal & Coke Co., Charleston, W. Va. West Fork Collieries, Inc., P. O. Box 786, Fairmont, W. Va. Wickliffe Coal Co., W. A., Greenville, Ky. Atlas Coal Corp., Henryetts, Oklahoma. Bellingham Coal Mines, Inc., 1016 Seaboard Bldg., Bellingham, Wash. Bessemer Coal, Iron & Land Co., Birmingham, Ala. Bingamon Run Coal Co., Inc., Shinnston, W. Va. Black Diamond Fuel Co., The, 1240 Walnut St., Boulder, Colo. C. & C. Coal Co., Pineville, Ky. Colcord Coal Co.,

Montcoal, W. Va. Davidson Coal Co., 3100 16th Ave., Emsley, Ala. Dering Coal Co., 111 West Wash. St., Chicago, Ill. Dillonvale Co-operative Mining Co., Dillonvale, Ohio. Little Betty Mining Corp., 8 South Michigan Ave., Chicago, Ill. Jefferson Company, The, Rm. 215 Wheeling Steel Bldg., Wheeling, W. Va. Kelly-Carter Coal Co., Inc., The, 217 National Bank Building, Pittsburg, Kansas. King Bros. Coal & Coke Co., Scottsdale, Pa. Mahan-Elison Corp., Inc., Liggett, Ky. Minter Coal Co., Inc., E. C., Beckley, W. Va. Monaco Coal Mining Co., The, Lafferty, Ohio. Pioneer Coal Co., The, Pittsburg, Kansas. Reiland Coal Co., 3325 Margaret St., Pittsburgh, Pa. Southern-Harian Coal Co., Inc., Lenarue, Ky. Starr-Jackson Mining Co., The, 145 North High St., Columbus, Ohio. Steubenville Deep Shaft Coal Co., Inc., Steubenville, Ohio. Taylor Coal Mining Co., The, Walsenburg, Colo. Vera Pocahontas Coal Co., First National Bank Bldg., Welch, W. Va. W. Va. Pittsburgh Coal Co., Cleveland, Ohio. Rose Hill Coal Co., 145 No. High St., Columbus, Ohio. W. H. Piper & Co., Inc., Commercial Trust Bldg., Philadelphia, Pa. Boulder Valley Coal Co., Central Savings Bank Bldg., Denver, Colo. Buckeye Coal & Coke Co., Freeman, W. Va. Ford Collieries Co., 1615 Ford Bldg., Detroit, Michigan. Forsyth-Carterville Coal Co., 807 Fullerton Bldg., St. Louis, Mo. Gauley Mountain Coal Co., The, Ansted, W. Va. George's Creek Coal Co., Inc., Liberty Trust Bldg., Cumberland, Md. Gilleland Coal Co., 194 Connelville St., Uniontown, Pa. Monitor Coal & Coke Co., The, Wilkinson, W. Va.

[F. R. Doc. 43-16566; Filed, October 11, 1943; 9:52 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order, June 7, 1943 (8 F.R. 7890).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748), and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions therein contained and to the provisions of the applicable Determination and Order or Regulations cited above. The applicable Determination and Order or Regulations, and the effective and expiration dates of the Certificates issued to each employer is listed below. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESSES OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES, AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

Blauer Manufacturing Company, Inc., 169 Bridge Street, Cambridge, Massachusetts; cotton gabardine raincoats; 5 learners (T); effective October 23, 1943, expiring October 22, 1944.

Boreva Sportswear, Inc., East Jefferson Street, Stoughton, Wisconsin; slacks, jackets, skirts, bobby suits, and girls' jumpers; 10 learners (T); effective October 9, 1943, expiring October 8, 1944.

Greensboro Manufacturing Company, 308 Walker Avenue, Greensboro, North Carolina; flannelette and cotton sleeping garments; 10 percent (T); effective October 9, 1943, expiring October 8, 1944.

The Hooker Corser and Mitchell Company, Frost Street, Brattleboro, Vermont; bakers' and cooks' trousers; 6 learners (T); effective October 13, 1943, expiring October 12, 1944.

The Jay Garment Company, South Meridian Street, Portland, Indiana; children's utility clothing, work clothing, army fatigue clothing; 10 percent (T); effective October 11, 1943, expiring October 10, 1944.

La Follette Shirt Company, La Follette, Tennessee; O. D. wool shirts; 15 percent (A. T.); effective October 9, 1943, expiring April 8, 1944.

S. Liebovitz & Sons, Inc., Duplan Building, Hazleton, Pennsylvania; men's dress and sport shirts; 10 percent (T); effective October 9, 1943, expiring October 8, 1944.

Normandin Brothers Company, 2715 South Main Street, Los Angeles, California; female war workers clothing, army robes, men's women's and children's robes; 10 learners (T); effective October 13, 1943, expiring October 12, 1944.

Barson and Bishop, Franklin Street, Weisport, Pennsylvania; sportswear, ladies' blouses; 10 percent (T); effective October 16, 1943, expiring October 15, 1944.

The Rauh Company, Ninth and Sycamore Streets, Cincinnati, Ohio; men's and boys' dress shirts and sport shirts; 10 percent (T); effective October 12, 1943, expiring October 11, 1944.

Romano Dress Company, 119 South William Street, Newburgh, New York; women's dresses; 10 percent (T); effective October 9, 1943, expiring October 8, 1944.

GLOVE INDUSTRY

Carlville Glove Company, Inc., Daley Street, Carlville, Illinois; work gloves; 5 learners (T); effective October 5, 1943, expiring October 4, 1944.

HOSIERY INDUSTRY

Asheville Hosiery Company, Deaverview Road, Asheville, North Carolina; full-fashioned hosiery; 5 percent (T); effective October 13, 1943, expiring October 12, 1944.

Barnett Hosiery Mills, Taylorsville, North Carolina; seamless hosiery; 5 learners (T); effective October 9, 1943, expiring October 8, 1944.

Chipman LaCrosse Hosiery Mills, Company, East Flat Rock, North Carolina; seamless hosiery; 10 learners (A. T.); effective October 6, 1943, expiring April 5, 1944.

Lincoln Hosiery Company, Lincoln, Pennsylvania; seamless hosiery; 5 learners (T); effective October 5, 1943, expiring October 4, 1944.

Pickwick Hosiery Mills, Inc., 1539 Tate Street, Corinth, Mississippi; full-fashioned hosiery; 10 percent (A. T.); effective October 8, 1943, expiring April 7, 1944.

Russell Hosiery Mill, Star, North Carolina; seamless hosiery; 10 percent (A. T.); effective October 9, 1943, expiring April 8, 1944.

Schuykill Valley Mills, Inc., South Main Street, Spring City, Pennsylvania; full-fashioned hosiery; 5 percent (T); effective October 16, 1943, expiring October 15, 1944.

Shenandoah Knitting Mills, Inc., Shenandoah, Virginia; full-fashioned hosiery; 5 percent (T); effective October 13, 1943, expiring October 12, 1944.

The Vaughan Knitting Company, 2 High Street, Pottstown, Pennsylvania; seamless hosiery; 5 percent (T); effective October 4, 1943, October 3, 1944.

TEXTILE INDUSTRY

Brand Rug Company, 2415 North Howard Street, Philadelphia, Pennsylvania; rag rugs; 2 learners (T); effective October 6, 1943, expiring October 5, 1944.

Signed at New York, N. Y., this 9 day of October, 1943.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 43-16576; Filed, October 11, 1943;
11:27 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6547]

DROHLICH BROTHERS (KDRO)

NOTICE OF HEARING

In re application of Albert S. and Robert A. Drohlich, d/b as Drohlich Brothers, (KDRO), Assignor, Milton J. Hinklein, Assignee; Date filed, March 9, 1943; For, voluntary assignment of license; Class of service, broadcast; Class of station, broadcast; Location, Sedalia, Missouri; Operating assignment specified, frequency, 1490 kc; power, 250 watts; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated

the matter for hearing for the following reasons:

1. To determine the legal, technical, financial and other qualifications of the proposed assignee to operate station KDRO.

2. To determine the source or sources of all assets of the proposed assignee which are to be used in the purchase and operation of Station KDRO.

3. To determine whether the statements and representations made to the Commission by the proposed assignee in the application and in documents filed by him and other persons with reference to the proposed assignment, fully and accurately reflect the facts, particularly with respect to the financing of the proposed assignment and operation of Station KDRO.

4. To obtain full information with respect to the proposed acquisition and control of Station KDRO, including all understandings, contracts and/or agreements relating to the same, existing between the proposed assignor and the proposed assignee.

5. To determine the manner in which the station would be operated and managed, and the services expected to be rendered under the ownership and control of the proposed assignee.

6. To determine whether rights granted the licensee of Station KDRO, have, without the consent of the Commission, been transferred, assigned, or otherwise disposed of in violation of section 310 (b) of the Communications Act of 1934, as amended.

7. To obtain full information with respect to all of the contractual relations and/or arrangements and understandings between the proposed assignee and Charles Kahn with reference to the purchase of Station KDRO and the ownership and control thereof.

8. To determine whether, in view of the facts adduced under the foregoing issues, the granting of the application would serve public interest, convenience or necessity.

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 provision of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Albert S. and Robert A. Drohlich, d/b as Drohlich Bros., Radio Station KDRO, 2100 West Broadway, Sedalia, Missouri.

Dated at Washington, D. C., October 6, 1943.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-16507; Filed, October 9, 1943;
10:23 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4958]

SCULLER SAFETY CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR HEARING

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of October, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 USCA, sec. 41).

It is ordered, That John L. Hornor, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, October 18, 1943, at ten o'clock in the forenoon of that day (Eastern Standard Time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-16509; Filed, October 9, 1943;
11:11 a. m.]

[Docket No. 5059]

HUTCHINGS BROKERAGE COMPANY

COMPLAINT AND NOTICE OF HEARING

In the matter of Norman Webb Hutchings, doing business as Hutchings Brokerage Company.

Complaint

The Federal Trade Commission, having reason to believe that the parties respondent named in the caption hereof and hereinafter more particularly designated and described, since June 19, 1936, has violated and is now violating the provisions of subsection (c) of section 2 of the Clayton Act (U.S.C. Title 15, sec. 13) as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent Norman Webb Hutchings is an individual doing business under the name and style of Hutchings Brokerage Company, having his principal office, warehouse and place of business located at 120 North Water Street, Mobile, Alabama, and having a branch office and warehouse at Dothan, Alabama.

The respondent is engaged in the purchase, sale and distribution of food products, canned goods and miscellaneous merchandise.

PAR. 2. The respondent is now, and for many years last past has been, engaged in business principally as a jobber buying in the name of Hutchings Brokerage Company, for his own account for resale, various food products, canned goods and miscellaneous merchandise and reselling such products.

PAR. 3. Respondent in the course and conduct of his said business as a jobber purchases a substantial portion of his requirements of food products, canned goods and miscellaneous merchandise from sellers located in states other than the state in which respondent is located. Pursuant to said purchases and respondent's instructions, such commodities are caused to be shipped and transported by the respective sellers thereof across state lines to the respondent or to respondent's customers.

PAR. 4. Respondent since June 19, 1936, in connection with the purchase of his requirements of food products, canned goods and miscellaneous merchandise in interstate commerce in his own behalf and for his own account for resale from numerous sellers located in states other than the state where the respondent is located, has been and is now receiving and accepting, directly or indirectly, from numerous sellers of said food products, canned goods and miscellaneous merchandise, commissions or brokerage fees or allowances and discounts in lieu of brokerage in substantial amounts.

PAR. 5. The receipt and acceptance by the respondent of commissions or brokerage fees, or allowances and discounts in lieu of brokerage, by respondent on interstate purchases of various food products, canned goods, and miscellaneous merchandise, for his own account as set forth above, is in violation of subsection (c) of section 2 of the Clayton Act as amended.

Wherefore, the premises considered, the Federal Trade Commission on this 8th day of October, A. D. 1943, issues its complaint against said respondent.

Notice

Notice is hereby given you, Norman Webb Hutchings, doing business as Hutchings Brokerage Company, respondent herein, that the 12th day of November, 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 ap-

pear 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 8th day of October, A. D. 1943.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-16589; Filed, October 11, 1943;
11:19 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Ex Parte No. 148]

CLASS ONE RAILROADS

ORDER INCREASING RATES, FARES, AND CHARGES, 1942

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 7th day of October, A. D. 1943.

Upon further consideration of the record in the above entitled proceeding, and of the orders heretofore entered therein, and good cause appearing:

It is ordered, That the petitioning railroads and all other parties to the proceeding be, and they hereby are required, on or before October 30, 1943, to serve and file with the Commission a return to this order, which shall show cause (if any there be) why the Commission should not modify its previous orders herein by extending for a further period of six months, that is, until July 1, 1944, the

suspension periods specified in the order entered April 6, 1943, and by requiring that the basis of freight rates and charges therein prescribed to be maintained until January 1, 1944, shall be maintained by the petitioning railroads until July 1, 1944. Upon the record herein, and the returns which shall be filed, the Commission will enter such order in the premises as it may determine to be appropriate and requisite under the Interstate Commerce Act;

It is further ordered, That such returns shall conform to the specifications of Rule 15 of the General Rules of Practice of the Commission; that an original copy for filing and 25 copies thereof shall be furnished to the Commission; that such returns shall be attested or verified as provided in Rule 17(a) and (b); that service of such returns shall be made (a) by petitioning railroads, upon each State regulatory board or commission having jurisdiction as to railroad rates, and upon the several State and Federal public officers and agencies which have heretofore appeared in this proceeding; and (b) by others, upon R. V. Fletcher, counsel for the petitioning Class I railroads, Transportation Building, Washington, Zone 6, D. C.; and that service shall be evidenced by certification included with the original return, as provided in Rule 22 (a). All persons filing returns to this order should prepare sufficient additional copies to meet the request of other parties to this proceeding who may make request for a copy of a particular return. Such requests should be made directly to the party filing the return, a copy of which is desired, and not to the Commission. By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-16512; Filed, October 9, 1943; 11:24 a. m.]

[Special Permit 27 Under Service Order 126]

LONG ISLAND RAIL ROAD CO., ET AL.
ICING OR REICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.308, 8 F.R. 7285) of Service Order No. 126 of May 29, 1943, as amended (8 F.R. 7728, 8082, 9033, 11089), permission is granted for:

The Long Island Rail Road Company to accept for transportation and move, and the Pennsylvania Railroad Company to initially ice with no more than enough ice to bring the bunkers to ¾ capacity at Potomac Yard, Virginia, also for the Southern Railway Company to reice with no more than enough ice to bring the bunkers to ¾ capacity at Atlanta, Georgia, seven refrigerator cars containing potatoes shipped by I. M. Young and Company, five refrigerator cars containing potatoes shipped by Suffolk Potato Exchange, and two refrigerator cars containing potatoes shipped by Henry H. Pollak Company, Riverhead, Long Island, area, five refrigerator cars containing potatoes shipped by Meyer Heller Company and three refrigerator cars containing potatoes shipped by Henry H. Pollak Company from the Hicksville, Long Island,

area, to the Quartermaster Marketing Center, New Orleans, Louisiana.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 5th day of October 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-16594; Filed, October 11, 1943; 11:26 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 2079]

KALIO, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That out of the total issued and outstanding capital stock of Kalio, Inc., a corporation organized and doing business under the laws of the State of New York and a business enterprise within the United States, consisting of 2,437 shares of common stock, par value \$100 each, 2,435 shares (99.92%) are registered in the names of the persons listed below in the number appearing opposite each name and are beneficially owned by Karl Richard Lieberknecht, Oberlungwitz, Germany, and are evidence of control of Kalio, Inc.:

Name:	Number of shares
Tristat, A. G., Zurich, Switzerland...	2,433
Ernst Wagner, c/o Kalio, Inc., 47 West 34th Street, New York, N. Y.	1
Erin Ruckel, c/o Kalio, Inc., 47 West 34th Street, New York, N. Y.	1
Total	2,435

2. That Karl Richard Lieberknecht is a resident of Oberlungwitz, Germany, and is a national of a designated enemy country (Germany);

and determining:

3. That Kalio, Inc., is controlled by and acting for and on behalf of a person within a designated enemy country (Karl Richard Lieberknecht) and is a national of a designated enemy country (Germany);

4. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the 2435 shares of common capital stock of Kalio, Inc., \$100 par value each, hereinbefore more fully described, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and

Hereby undertakes the direction, management, supervision and control of said business enterprise to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control, or return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 2, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-16567; Filed, October 11, 1943; 10:52 a. m.]

[Vesting Order 2081]

FREDERICK C. AND ELISE BOHLKEN

Re: Real properties situated in Brooklyn, New York, mortgages on real properties similarly situated, claims, and insurance policies owned by Frederick C. Bohlken and Elise Bohlken.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Frederick C. Bohlken and Elise Bohlken, his wife, is Bahnhof Strasse 61, Loxstedt bei Wesermuende, Germany, and that they are residents of Germany and are nationals of a designated enemy country (Germany);

2. That Frederick C. Bohlken and Elise Bohlken, his wife, are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:
a. Real property situated in Kings County, New York, particularly described in Exhibit

A attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property.

b. Real property situated in Kings County, New York, particularly described in Exhibit B attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property.

c. All right, title, and interest of Frederick C. Bohlken and Elise Bohlken, his wife, in and to any and all obligations secured by a first mortgage which was executed on April 10, 1891, by Paul Gantert and Rebecca Gantert, his wife, and recorded on April 11, 1891 in the Register's Office of Kings County, New York, in Liber 2312 of Mortgages at page 485, including but not limited to security rights in and to any and all collateral (including the aforesaid first mortgage) for any and all of such obligations and the right to the possession of any and all notes, bonds and other instruments evidencing such obligations.

d. All right, title, and interest of Frederick C. Bohlken and Elise Bohlken, his wife, in and to any and all obligations secured by a first mortgage which was executed on January 25, 1924, by Schnitzer Buildings Corporation and recorded on January 28, 1924 in the Register's Office of Kings County, New York, in Liber 5632 of Mortgages at page 117, including but not limited to security rights in and to any and all collateral (including the aforesaid first mortgage) for any and all of such obligations and the right to the possession of any and all notes, bonds and other instruments evidencing such obligations.

e. All right, title, and interest of Frederick C. Bohlken and Elise Bohlken, his wife, in and to any and all obligations secured by a first mortgage which was executed on May 27, 1925 by Marbam Realty Corporation and recorded on May 29, 1925 in the Register's Office of Kings County, New York, in Liber 6051 of Mortgages at page 405, including but not limited to security rights in and to any and all collateral (including the aforesaid first mortgage) for any and all of such obligations and the right to the possession of any and all notes, bonds and other instruments evidencing such obligations.

f. All right, title, and interest of Frederick C. Bohlken and Elise Bohlken, his wife, in and to any and all obligations secured by a first mortgage which was executed on April 10, 1891, by Paul Gantert and Rebecca Gantert, his wife, and recorded on April 11, 1891 in the Register's Office of Kings County, New York, in Liber 2312 of Mortgages at page 457, including but not limited to security rights in and to any and all collateral (including the aforesaid first mortgage) for any and all of such obligations and the right to the possession of any and all notes, bonds and other instruments evidencing such obligations.

g. All right, title, and interest of Frederick C. Bohlken and Elise Bohlken, his wife, in and to any and all obligations secured by a first mortgage which was executed on April 10, 1891 by Paul Gantert and Rebecca Gantert, his wife, and recorded on April 11, 1891 in the Register's Office of Kings County, New York, in Liber 2312 of Mortgages at page 482, including but not limited to security rights in and to any and all collateral (including the aforesaid first mortgage) for any and all of such obligations and the right to the possession of any and all notes, bonds and other instruments evidencing such obligations.

h. All right, title, and interest of Frederick C. Bohlken and Elise Bohlken, his wife in and to the following insurance policies insuring the premises at 229 8th Street, Brooklyn, New York: (i) Fire Insurance Pol-

icy No. 622473 issued to Frederick C. Bohlken and Elise Bohlken by Yorkshire Insurance Company, for a term of three years from August 10, 1940, in the amount of \$7,500, (ii) Liability Policy No. R. C. 46558 of O. T. C. 14674 issued to Frederick C. Bohlken and Elise Bohlken by the Sun Indemnity Company of New York, for a period of one year from January 5, 1943, (iii) War Damage Insurance Policy No. 596-54-4552 issued to Frederick C. Bohlken and Elise Bohlken by the War Damage Corporation through Pacific Insurance Company, Fiduciary Agent, for a period of one year from July 16, 1942, in the amount of \$7,500; the following insurance policies insuring the premises at 1237 Avenue S, Brooklyn, New York: (i) Fire Insurance Policy No. P-154235 issued to Frederick C. Bohlken and Elise Bohlken by the Patriotic Insurance Company for a period of one year from January 25, 1943, in the amount of \$9,000, (ii) War Damage Policy No. 596-54-4553 issued to Frederick C. Bohlken and Elise Bohlken by the War Damage Corporation through the Pacific Insurance Company in the amount of \$9,000 for a period of one year from July 15, 1942; the following insurance policies insuring the premises at 251 Avenue W, Brooklyn, New York: (i) Fire Insurance Policy No. 713005 issued to Lucrezia Agovino with loss, if any, payable to Frederick C. Bohlken and Elise Bohlken as interest may appear by the Camden Fire Insurance Company in the amount of \$14,000 for a period of three years from June 1, 1940, (ii) War Damage Policy No. 596-54-6787 issued to Frederick C. Bohlken and Elise Bohlken by the War Damage Corporation through the Pacific Insurance Company in the amount of \$9,000 for a period of one year from August 10, 1942; the following insurance policies insuring the premises at 227 8th Street, Brooklyn, New York: (i) Fire Insurance Policy No. 28352 issued to Michele Agostinaccio and Pasqua Agostinaccio, his wife, with loss, if any, payable to Frederick C. Bohlken, first mortgagee, by the Scottish Union and National Insurance Company of Edinburgh, for a period of three years from February 7, 1942, (ii) War Damage Policy No. 596-54-5514 issued to Michele Agostinaccio, with loss, if any, payable to Frederick C. Bohlken, as interest may appear through the Pacific Insurance Company in the amount of \$7,000 for a period of one year from July 27, 1942; the following insurance policies insuring the premises at 231 8th Street, Brooklyn, New York: (i) Fire Insurance Policy No. 47271 issued to Angelo Stanzone and Lulgia Stanzone, his wife, with loss, if any, payable to Frederick C. Bohlken, the mortgagee, by the Providence Washington Insurance Company in the amount of \$6,000 for a period of three years from April 12, 1942, (ii) War Damage Insurance Policy No. 596-54-6456 issued to Frederick C. Bohlken by the War Damage Corporation, through Pacific Insurance Company in the amount of \$5,000 for a period of one year from August 4, 1942, and

i. All right, title, interest, and claim of any name or nature whatsoever of Frederick C. Bohlken and Elise Bohlken, his wife, in and to any and all obligations, contingent or otherwise and whether or not matured, in the amount of \$1,000, constituting a portion of a claim owing to Frederick C. Bohlken and Elise Bohlken by Richter & Kaiser, Inc., and represented on the books of Richter & Kaiser, Inc., as a credit balance to Frederick C. Bohlken and Elise Bohlken, including but not limited to all security rights in and to any and all collateral for any and all such obligations and the right to enforce and collect such obligations.

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that the property described in subparagraph 3-i hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraphs 3-a to 3-g inclusive above) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 3, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that certain lot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

Beginning at a point on the northerly side of 8th Street distant 150 feet 9 inches easterly from the corner formed by the intersection of the northerly side of 8th Street with the easterly side of 4th Avenue; running thence northerly parallel with 4th Avenue and part of the distance through a party wall 100 feet, thence easterly parallel with 8th Street 27 feet 6 inches; thence southerly parallel with 4th Avenue and part of the distance through a party wall 100 feet to the northerly side of 8th Street; thence westerly

along the said side of 8th Street 27 feet 6 inches to the point or place of beginning.

Together with all the right, title and interest of, in and to 8th Street, lying in front of and adjoining the said premises to the center line thereof.

EXHIBIT B

All that certain lot, piece or parcel of land with the buildings thereon erected or to be erected and all fixtures and articles attached to or to be attached to or used in connection with the premises, situate, lying and being in the Borough of Brooklyn, City of New York, County of Kings, State of New York bounded and described as follows:

Beginning at a point on the northerly side of Avenue S distant 20' 8" westerly from the corner formed by the intersection of the northerly side of Avenue S and the westerly side of East 13th Street, running thence northerly parallel with East 13th Street and part of the distance through a party wall 95'; thence westerly parallel with Avenue S 25' 2"; thence southerly again parallel with East 13th Street 95' to the northerly side of Avenue S, and thence easterly along the northerly side of Avenue S 25' 2" to the point or place of beginning.

Together with all the right, title and interest of the party of the first part of, in and to Avenue S, lying in front of and adjoining the premises to the center line thereof.

Together with an easement over the most easterly 3' 6" of the premises adjoining on the west of the premises herein described for the purpose of ingress and egress for pleasure automobiles only, to and from the garage erected or to be erected on the rear of the premises herein described.

Subject to an easement over the most westerly 3' 6" of the premises herein described in favor of the owner of the premises adjoining on the west for like purposes of ingress and egress for pleasure automobiles only to and from the garage erected or to be erected on the rear of the premises adjoining on the west.

[F. R. Doc. 43-16568; Filed, October 11, 1943; 10:52 a. m.]

[Vesting Order 2317]

ESTATE OF ANNA KATHRINE ELLMERS

In re: Estate of Anna Kathrine Ellmers, deceased; File No. D-28-1434; E. T. sec. 94.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests herein-after described are property which is in the process of administration by Nicholas W. Haaren and Meta C. Haaren, executors, acting under the judicial supervision of the Surrogate's Court of the County of New York, State of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Meta Ehlers, her issue or her husband, names unknown, Germany.

Kathrine Habenicht, also known as Katharina Habenicht, or her issue, names unknown, Germany.

Herman Beneke, also known as Hermann Benecke, his issue or his wife, names unknown, Germany.

Gerhardt Beneke, also known as Gerhard Benecke, his issue or his wife, names unknown, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Meta Ehlers, her issue and her husband, names unknown; Kathrine Habenicht, also known as Katharina Habenicht, and her issue, names unknown; Herman Beneke, also known as Hermann Benecke, his issue and his wife, names unknown; Gerhardt Beneke, also known as Gerhard Beneke, his issue and his wife, names unknown, and each of them, in and to the Estate of Anna Kathrine Ellmers, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: October 1, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-16569; Filed, October 11, 1943; 10:52 a. m.]

[Vesting Order 2318]

ESTATE OF ANNIE FEDERMANN

In re: Estate of Annie Federmann, deceased; File D-17-171; E. T. sec. 2154. Under the authority of the Trading with the Enemy Act, as amended, and

Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests herein-after described are property which is in the process of administration by Continental Illinois National Bank and Trust Company of Chicago, 231 South LaSalle Street, Chicago, Illinois, Administrator *cum testamenta annexo*, acting under the judicial supervision of the Probate Court of the State of Illinois, in and for the County of Cook;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Louise Wallisch, Germany (Austria).
Clara Abeles, Germany (Sudetenland).
Carl Abeles, Germany (Sudetenland).

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Louise Wallisch, Clara Abeles and Carl Abeles, and each of them, in and to the estate of Annie Federmann, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: October 1, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-16570; Filed October 11, 1943; 10:52 a. m.]

[Vesting Order 2319]

ESTATE OF WILHELMINE R. SCHOEPP

In re: Estate of Wilhelmine R. Schoepp, deceased; File D-28-2484; E. T. sec. 5350.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by James V. Hazlett, Executor, acting under the judicial supervision of the Orphans Court of Philadelphia County, Pennsylvania,

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Rosalie Boesch, a/k/a Rosalie Reuter, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Rosalie Boesch, a/k/a Rosalie Reuter, in and to the estate of Wilhelmine R. Schoepp, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of said Executive Order.

Dated: October 1, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-16571; Filed, October 11, 1943; 10:52 a. m.]

[Vesting Order 342, Amdt.]

OHMI SHOTEN OF KYOTO, JAPAN, HONOLULU BRANCH

Vesting Order Number 342, dated November 6, 1942, (8 F.R. 12104), is hereby amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Ohmi Shoten of Kyoto, Japan, Honolulu Branch (also known as Ohmi Shoten, and Ohmi Shoten of Kyoto, Japan), whose principal place of business is Honolulu, T. H., is a partnership established and doing business under the laws of the Territory of Hawaii, composed of Yoshito Mishima, Uheiji Okubo and Koichi Kurisu and is a business enterprise within the United States;

2. That Yoshito Mishima and Uheiji Okubo, whose last known addresses are Kyoto, Japan, are nationals of a designated enemy country (Japan);

3. That Koichi Kurisu, a subject of Japan, is presently interned at the Immigration and Naturalization Service Detention Camp, Santa Fe, New Mexico, and is acting directly or indirectly for the benefit or on behalf of a designated enemy country (Japan);

and determining:

4. That Koichi Kurisu is acting for or on behalf of or as a cloak for a designated enemy country (Japan) or persons within such country and is a national of such designated enemy country;

5. That Ohmi Shoten of Kyoto, Japan, Honolulu Branch (also known as Ohmi Shoten, and Ohmi Shoten of Kyoto, Japan) is owned and controlled by Yoshito Mishima, Uheiji Okubo and Koichi Kurisu and is a national of a designated enemy country (Japan);

6. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian all property of any nature whatsoever, situated in the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to Ohmi Shoten of Kyoto, Japan, Honolulu Branch (also known as Ohmi Shoten, and Ohmi Shoten of Kyoto, Japan), to be held, used, administered, liquidated, sold or

otherwise dealt with in the interest and for the benefit of the United States, and

Hereby undertakes the direction, management, supervision and control of said business enterprise to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control, or return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 30, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-16572; Filed, October 11, 1943; 10:52 a. m.]

[Vesting Order 1337, Amdt.]

PROPERTY OF MADDALENA S. CERNUCHI AND GIOVANNI CERNUCHI

Re: Real property and bank account owned by Maddalena S. Cernuschi and Giovanni Cernuschi.

Vesting Order Number 1337, dated April 27, 1943 (8 F.R. 5950), is hereby amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of both Maddalena S. Cernuschi and Giovanni Cernuschi is Via Zanica No. 7, Bergamo, Italy, and that they are residents of Italy and nationals of a designated enemy country (Italy);

2. That Maddalena S. Cernuschi and Giovanni Cernuschi are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in Washington, D. C., known as 3201½, 3203 and 3205 Mount Pleasant Street, N. W., particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits, or other payments arising from the ownership of such property,

b. All right, title, interest and claim of any name or nature whatsoever of Maddalena S. Cernuschi and Giovanni Cernuschi, and each of them, in and to any and all obligations, contingent or otherwise, and whether or not matured, owing to them, or either of them, by National Savings and Trust Company of Washington, D. C., including but not limited to all security rights in and to any and all collateral for any or all of such obligations and the right to enforce and collect such obligations, and including particularly the bank account with the said National Savings and Trust Company of Washington, D. C., which is due and owing to, and held for and in the name of, Maddalena S. Cernuschi and Giovanni Cernuschi, as joint tenants,

is property within the United States owned or controlled by nationals of a designated enemy country (Italy);

And determining that the property described in subparagraph 3-b hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof (belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

Hereby vests in the Alien Property Custodian the property described in subparagraph 3-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date

hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity, or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 5, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that lot or parcel of land lying or being in Washington, D. C., described as follows:

Lot numbered six hundred and fifty (650), in John Mitchell's subdivision of part of "Mount Pleasant", as per plat recorded in the Office of the Surveyor for the District of Columbia, in Liber 38 at folio 126, improved by premises Nos. 3201, 3203 and 3205 Mount Pleasant Street, according to survey by the Surveyor for the District of Columbia and recorded in Survey Book 41, page 249, in the office of said surveyor.

Together with right of way over three feet alley way adjoining said lot numbered six hundred and fifty (650) on the north-westerly side as provided by agreement recorded in Liber 3270 at folio 135, and subject to a perpetual right of way over the rear 3.70 feet of said lot numbered six hundred and fifty (650) for alley purposes, in favor of the owners of lots numbered six hundred and forty-nine (649) and six hundred and fifty (650) in said subdivision as shown on said survey, together with the improvements, rights, and privileges, and appurtenances to the same belonging.

[F. R. Doc. 43-16573; Filed, October 11, 1943;
10:52 a. m.]

[Vesting Order 1446, Amdt.]

REAL PROPERTY OF MARIANO CANCIAMILLA

Vesting Order Number 1446, dated May 11, 1943 (8 F.R. 11493; 8 F.R. 11975) as amended, is hereby further amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Mariano Canciamilla is No. 17 Via Calcagno, Provincia Palermo Trabia, Italy, and that he is a resident of Italy and a national of a designated enemy country (Italy);

2. That Mariano Canciamilla is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows: Real properties situated in the City and County of Sacramento, California, particularly described in Exhibit A attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such properties,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Italy);

And having made all determinations and taken all action after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record, held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all, of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 5, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Parcel I. All the real property, situated, lying and being in the City of Sacramento, County of Sacramento and State of California, known, designated and described as:

The north one-quarter (¼) of lot number five (5) in the block or square bounded in and by "S" and "T" and Fifth and Sixth Streets, as same is shown upon the official map or plan of said City of Sacramento,

together with all singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining.

Parcel II. All the real property situated, lying and being in the City of Sacramento, County of Sacramento, and State of California, known, designated and described as follows, to-wit:

The North one-half (½) of the East one-half (½) of Lot Number One (1) and the West one-half (½) of Lot Number Two (2), in the Block bounded by "P" and "Q" and Seventh (7th) and Eighth (8th) Streets of said City, according to the official map or plan thereof,

together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining.

[F. R. Doc. 43-16574; Filed, October 11, 1943; 10:53 a. m.]

[Vesting Order 2014, Amdt.]

ESTATE OF KAROLINE SALBER

Whereas, pursuant to Vesting Order Number 2014 of August 19, 1943 (8 F.R. 11824), the undersigned purported to vest all right, title, interest and claim of any kind or character whatsoever of "Maria Magdalene Knoebel" in and to the Estate of Karoline Salber, deceased; and

Whereas, through clerical error the name "Maria Magdalene Knoebel" appears in paragraph 1, page 2, in such Vesting Order as "Maria Magdalene Knoebel";

Now, therefore, Vesting Order Number 2014 is hereby amended by substituting the name "Maria Magdalene Knoebel" for "Maria Magdalene Knoebe" in said paragraph 1, page 2, of such vesting order.

All other provisions of said Vesting Order Number 2014 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on October 5, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-16575; Filed, October 11, 1943; 10:53 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 777 Under MPR 188]

BROOMS

APPROVAL OF MAXIMUM PRICES

Order No. 777 under § 1499.159b of Maximum Price Regulation No. 188.—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel. Maximum prices for sales of brooms made wholly or partly of broom corn.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328; *It is ordered:*

(a) *Prices.* This order permits manufacturers, wholesalers, and retailers to add an amount, specified below, to their ceiling prices for brooms made wholly or partly of broom corn.

(1) *Manufacturers' prices.* If you are a manufacturer, on and after October 9, 1943, your maximum price for brooms made entirely of broom corn shall be calculated by adding to the maximum price of such brooms, established by Order No. 216 under § 1499.159 (b) of Maximum Price Regulation No. 188, 3 cents for each pound of the total weight of the finished broom.

If a broom which you manufacture contains both broom corn and other fibers, you multiply the amount of the increase as computed in the paragraph above by the percentage of broom corn used in the manufacture of the broom to determine the amount of the increase permitted by this Order. For example, in a broom weighing 25 pounds per dozen and containing 60 percent broom corn and 40 percent fiber, you multiply 25 by \$.03, obtaining \$.75, which would be the total increase for an all-corn broom, and then take 60 percent of this amount (\$.60 x \$.75), or 45 cents, the allowable increase per dozen for a broom having 60 percent broom corn.

(2) *Wholesale and retail prices.* (i) If you are a wholesaler or a retailer, you calculate your maximum price for brooms made wholly or partly from broom corn by adding to your maximum price in effect October 9, 1943 (as established by Order No. 216 under § 1499.159 (b) of Maximum Price Regulation No. 188) the increase to manufacturers permitted by this order. Your supplier is required to notify you of the increase in your maximum prices allowed by this order at or before the time of his first shipment.

(ii) If you purchased brooms made entirely from broom corn from a manufacturer not subject to price control (institution for the blind) you may increase your maximum price by an amount calculated in accordance with the formula provided in Order No. 216 under § 1499.159 (b) of Maximum Price Regulation No. 188. In addition if you purchased brooms made wholly or partly of broom corn from such manufacturers, you may also increase your price by an amount calculated in accordance with paragraph (a) of this order. Those manufacturers are required to notify you of the amount by which you may increase your maximum price as provided for in this order.

(b) *Notification.* (1) If you are a manufacturer or a jobber and if you deliver to a jobber or a retailer brooms made wholly or partly of broom corn, at the time you send the first invoice to each purchaser after October 9, 1943, you must also send to each purchaser a written notice listing the lot number and weight of each type of broom, your maximum price before the increase allowed by this order, your new maximum price, and the increase permitted by this order. A statement in the following form will be sufficient:

The Office of Price Administration has granted relief to manufacturers of brooms made wholly or partly of broom corn. Each

wholesaler and retailer may add to his maximum price the exact amount of the increase granted the manufacturer. Listed below is the information you will need to determine your new maximum prices.

Lot No	Weight	Manufacturer's maximum price prior to increase	Manufacturer's new maximum price	Amount you may add to your maximum price
(List the required information for each lot)				

(2) If you are a manufacturer who is exempt from price control (institution for the blind) and if you sell brooms made wholly or partly from broom corn to purchasers for resale, you must calculate the amount by which wholesalers and retailers may increase their maximum prices as provided in paragraph (a) of this order and must notify in writing each purchaser for resale of the amount by which he may increase his maximum prices. This written notice may be given in any convenient form.

(c) This Order No. 777 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

This order No. 777 shall become effective October 9, 1943.

Issued this 9th day of October 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-16513; Filed, October 9, 1943; 11:31 a. m.]

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

The following orders were filed with the Division of the Federal Register on October 6, 1943.

Order Number and Name

RPS 83, Order 6..... Fada Radio & Electric Co.
MPR 406, Order 1..... Bakelite Corp.

The following orders were filed with the Division of the Federal Register on October 7, 1943.

Order Number and Name

MPR 120, Order 249..... Virginia & Pittsburgh Coal & Coke Co.
MPR 188, Rev. Order 374... Arlington Chair Co.

Copies of these orders may be obtained from the Printing and Distribution Branch of the Office of Price Administration.

ERVIN H. POLLACK,

Head, Editorial and Reference Section.

[F. R. Doc. 43-16542; Filed, October 9, 1943; 2:21 p. m.]

Regional and District Office Orders.

[Region II Order G-10 Under MPR 165]

LAUNDRY SERVICES IN WASHINGTON, D. C., AREA

Order No. G-10 under § 1499.114 (d) of Maximum Price Regulation No. 165, as amended—Services. Adjustment of laundry service prices in Washington, D. C. area.

Applications for permission to increase their present maximum prices for all their laundry, dry cleaning and storage services, as established under Maximum Price Regulation No. 165, as amended—Services, have been filed with the New York Regional Office of the Office of Price Administration by a majority of the power laundry establishments which supply such services in the Washington, D. C. area. After due consideration of these applications and other available information, it has been decided that some should be denied in full, some granted in part and denied in part, and others granted in full for the reasons set forth in the opinion hereto attached.

Accordingly, pursuant to the Emergency Price Control Act of 1942 as amended, Supplementary Order No. 28, and § 1499.114 (d) of Maximum Price Regulation No. 165, as amended—Services, it is hereby ordered.

(a) The applications of the following named power laundry establishments are denied in full, and their legal maximum prices for all the laundry, dry cleaning and storage services supplied by them in Region II of the Office of Price Administration shall continue to be the prices established for them under the provisions of Maximum Price Regulation No. 165, as amended—Services:

- Arcade-Sunshine Co., Inc., 735 Lamont St. NW., Washington, D. C.
- Bergmann's, 623 G St., Washington, D. C.
- Old Colony Laundry Co., Inc., 6820 Blair Rd., NW., Washington, D. C.
- Yale Laundry, 437 New York Ave. NW., Washington, D. C.

(b) The applications of the following named laundry establishments are granted to the extent that they are permitted to increase their present legal maximum prices for all the laundry, dry cleaning and storage services supplied by them in Region II of the Office of Price Administration by the percentage amount set forth after their names, in the manner hereinafter, in paragraph (d) of this order, provided:

	Percent increase
Banner Laundry, Inc., 901 Aronoco, Alexandria, Va.	10
Bill Laundry, Inc., 4706 Leland St., Chevy Chase, Md.	2
Blue Ribbon Laundry, 4712 Hampden Lane, Bethesda, Md.	10
Carrolls' Laundry, Inc., 14th & R St. SE., Washington, D. C.	9
Colonial Laundry, 701 E. Asaph St., Alexandria, Va.	10
Conger Bros., Inc., 23d & C Sts., Washington, D. C.	7
Dupont Laundry, Inc., 2535 Sherman Ave. NW., Washington, D. C.	6
Elite Laundry Co., 2117 14th St. NW., Washington, D. C.	5
Franklin Laundry, 508 13th St. NW., Washington, D. C.	6

	Percent increase
Home Laundry Co., 1101 Raum St. NE., Washington, D. C.	2
Manhattan Co., 1330 Florida Ave., Washington, D. C.	5
Mayfair Laundry Co., Inc., Colesville Rd. & 2d Ave., Silver Spring, Md.	10
Morningside Laundry Co., 8250 Georgia Ave., Silver Spring, Md.	3
Page Laundry & Dry Cleaning Co., 620 E St. NW., Washington, D. C.	10
Quality & Service Laundry, 4419 Baltimore Ave., Bladensburg, Md.	4
Tolman Laundry, 5248 Wisconsin Ave., Washington, D. C.	9
West End Laundry, Inc., 1723 Penn Ave., Washington, D. C.	5

(c) Any power laundry listed in paragraph (b) of this order is permitted to add to its present legal maximum prices to retail hand laundry establishments located in Region II of the Office of Price Administration the percentage price increase granted to it in that paragraph. Retail hand laundry establishments in Region II any of whose laundry services are supplied by any such power-laundry are permitted to add to their retail prices for such services one-half only of the percentage increase herein granted to their supplier, in the manner provided by paragraph (d) of this order. If the permitted increase so computed is a fractional amount, the nearest whole amount may be used. (For example, if the computed increase is 2½%, 3% may be used). Such retail hand laundry establishments shall inscribe upon each bill presented to any customer the following statement: OPA permitted increase of _____% to maintain supply. They shall be subject to all the other provisions of this order which are applicable to their circumstances except the provisions of paragraph (f) relating to notification to customers and to the Office of Price Administration of permitted price increases and permitted minimum bundle increases.

(d) The percentage increases permitted to any laundry establishment by this order shall be applied only to the total amount of the bill rendered to each customer for any service afforded (as it would be computed under existing lawful maximum prices). Such increases may not be applied to individual items of service. Existing price lists shall not be altered. If the increased prices so arrived at include a fraction of a cent less than one-half, the price that may be charged shall be reduced to the next lower cent. If, however, the increased price includes a fraction equal to or more than one-half cent, the seller shall be permitted to charge the next higher cent.

(e) Certain other relief is hereby granted to all power laundry establishments supplying laundry services in the Washington, D. C., area, and to retail hand laundry establishments supplied by them in that, without a compensating reduction in their present lawful maximum prices, they are hereby permitted, but not required, to alter their present minimum bundle sizes in the manner and to the extent and subject to the restrictions set forth in Appendix A attached to this order and made a part hereof.

(f) All power laundry establishments in the area shall give notification to all their customers and to the Office of Price Administration of their price increases, if any, or minimum bundle increases as permitted in Appendix A to this order, or both, as hereinafter provided:

(1) Any applicant which has been granted a price increase by this order and which intends simultaneously to institute new permitted minimum bundle sizes is required to: (A) furnish each customer within 15 days after the effective date of this order with a statement describing its services, and specifying its new permitted minimums, its lawful ceiling prices, and the percentage increase permitted it by the order; (B) file a copy of the same statement with the Washington, D. C. District Office of the Office of Price Administration within 15 days after the effective date of this order, together with a statement signed by a responsible official of the laundry establishment certifying that the applicant has complied with section (A) above, such copy clearly to show the laundry's original minimums and rates therefor as per the form suggested in Appendix A to this order; and (C) inscribe on each bill rendered the statement: OPA permitted increase of _____% to maintain supply.

(2) Any applicant which has been granted a price increase by this order and which intends to institute the new permitted minimums, or any of them, only at a later date if at all, is required to comply with all the requirements contained in paragraph (f) (1) above except those exclusively concerned with minimums. However, 15 days prior to any subsequent date of adoption of such new minimums, or any of them, such laundry establishment shall: (A) issue to each of its customers a copy of the new schedule of minimum bundle sizes which it proposes to file with the Office of Price Administration, specifying the old and new minimums, the new prices resulting, and the permitted percentage increases; and (B) notify the Washington, D. C. District Office of the Office of Price Administration of its proposal according to the form suggested in Appendix A to this order; the applicant shall specify on this schedule that the services are the same as those previously described by it in complying with the requirements of this paragraph for notification as to its permitted price increases.

(3) Any laundry establishment which has received no price increase under this order, but which is permitted to and does institute the new permitted minimum bundle sizes, or any of them, now or at a later date, is required to comply with the provisions of paragraph (f) (1) or (f) (2) above, whichever may be applicable, except as to those provisions exclusively concerned with price increases.

(4) New customers are to receive the same notification as provided in paragraph (f) (1) (A) above.

(5) Any of the laundry establishments supplying laundry services in the Wash-

ington, D. C. area may at any one time adopt one or more or all of the minimums specified in Appendix A to this order, or may restore one or more or all of its original minimums, or make a combination of both changes at the same time; *Provided*, That at least 60 days shall have elapsed between such change and any prior change by it: *And, provided*, That such laundry establishment has complied with the notification requirements of this paragraph (f).

(6) All power laundries to whom a price increase is permitted by this order, in addition to the foregoing notification requirements, shall advise their retail hand laundry customers of the amount of permitted price increase which the latter may add to their total bills under the provisions of paragraph (c) of the order, and of the manner in which such permitted increase shall be computed.

(g) Customary allowances, discounts, or other price differentials may not be changed by any of the laundry service suppliers named or otherwise referred to in this order, unless such change results in prices lower than the prices permitted by this order, after applying the supplier's customary allowances, discounts, or other price differentials; and, except as in the annexed Appendix A provided, all laundry service suppliers named or otherwise referred to herein shall maintain all of their legal current pricing and other business practices.

(h) All of the laundry establishments named herein shall keep this order and attached opinion in their establishments, together with the statement required by § 1499.108, and make them available for inspection by any person during business hours.

(i) Except as expressly provided by this order, all of the laundry establishments named or otherwise referred to in this order shall remain in all respects subject to all of the provisions of Maximum Price Regulation No. 165, as amended—Services.

(j) This order may be revoked or amended by the Regional Administrator or Price Administrator through the issuance at any time hereafter of any order or price regulation, or amendment or supplement thereto.

(k) This order shall be effective October 1, 1943.

To the extent that the application of any laundry establishment herein named has been denied in whole or in part, such applicant may, within fifteen (15) days after the date on which this order was issued, request the Director of Services and Consumers' Durable Goods Division, Office of Price Administration, Washington, D. C., to review such order of denial in the manner provided by Revised Procedural Regulation No. 1.

Issued this 29th day of September 1943.

SYLVAN L. JOSEPH,
Regional Administrator.

APPENDIX A

The Office of Defense Transportation truck mileage curtailments and other restrictions have forced radical reorganization of laundry

routes. To meet this situation as well as to provide for further production economies, the Office of Price Administration believes that with adequate safeguards, larger minimum bundles would, in some degree, help the industry, yet not disturb the consumer. Such larger minimum should be set at or slightly below the size of the average bundle now prevailing in each service. To provide such larger minimums, the laundries named or otherwise referred to are permitted but not required to increase the minimum number of pounds and correspondingly the minimum charge per bundle, in the laundry services detailed hereinafter, on condition that such increase does not raise the actual cost per pound for those bundles attaining the minimum weight. For those bundles below the minimum weight, the minimum weight price may be charged. The additional pounds between present minimum and increased minimum shall be charged at the present average rate per pound, and not at the basic rate or average rate per pound. For example, if the present price for damp wash is 15 pounds for 75 cents and 4 cents each additional pound, the increased minimum price would be 20 pounds for 95 cents and 4 cents each additional pound. Again, if the present price for rough dry service is 7 pounds for 98 cents and 8 cents per pound thereafter, the increased minimum price would be 16 pounds for \$1.70 and 8 cents per pound thereafter.

The applicants are permitted to establish the increased minimums listed below or continue to supply service on their present minimums. No other minimums may be adopted.

The list of permitted increased minimums is as follows:

1. Damp wash (wet wash)----- 20 lbs.
2. Thrifty----- 18 lbs.
3. Rough dry----- 16 lbs.
4. Press finish----- 12 lbs.
5. List price pick-up and delivery----- \$1.00
6. List price cash and carry----- .50

¹ Unless accompanied by a bundle of pound work service.

No such increased minimum bundle sizes shall be inaugurated by any of such laundries unless and until it shall have submitted the revised minimum price schedules necessitated thereby to the District Office of the Office of Price Administration in the form and manner hereinafter suggested.

The statement of new minimum prices should take substantially the following form:

CEILING PRICES OF LAUNDRY SERVICES WITH INCREASED MINIMUM BUNDLE

1. Name of applicant ----- Date -----
2. Address -----

We herewith certify to the Office of Price Administration that, effective as of ----- we propose to institute the following minimum bundle sizes:

3. Service:
 - A. *Wet wash*:
 - Present Minimum ----- lbs. for \$-----
 - additional lbs. @ -----¢ per lb.
 - Permitted Minimum 20 lbs. for \$-----
 - additional lbs. @ -----¢ per lb.

Size	Area	Adjusted maximum price per unit delivered at consumer's premises		
		Cord	¼ Cord	⅓ Cord
48 inches-----	Philadelphia Trading Area-----	\$23.00	\$12.00	\$6.25
For sizes under 48 inches-----	Philadelphia Trading Area-----	24.00	12.50	6.50
	Montgomery Trading Area-----	21.50	11.25	5.90
	Delaware Trading Area-----	19.00	10.00	5.25
	Bucks County-----	17.00	9.00	4.75
	Chester County-----	17.00	9.00	4.75

3. Service—Continued.

B. *Thrifty*:

- Present Minimum ----- lbs. for \$-----
- additional lbs. @ -----¢ per lb.
- Permitted Minimum 18 lbs. for \$-----
- additional lbs. @ -----¢ per lb.

C. *Rough dry*:

- Present Minimum ----- lbs. for \$-----
- additional lbs. @ -----¢ per lb.
- Permitted Minimum 16 lbs. for \$-----
- additional lbs. @ -----¢ per lb.

D. *Press finish*:

- Present Minimum ----- lbs. for \$-----
- additional lbs. @ -----¢ per lb.
- Permitted Minimum 12 lbs. for \$-----
- additional lbs. @ -----¢ per lb.

E. *List price (pick-up and delivery)*:

- Present minimum bundle \$-----
- Permitted minimum bundle \$1.00

F. *List price (cash and carry)*:

- Present minimum bundle \$-----
- Permitted minimum bundle \$.50

Name of applicant _____

By _____ Title _____

[F. R. Doc. 43-16418; Filed, October 7, 1943; 4:46 p. m.]

[Region II Rev. Order G-10 Under 18 (c) of GMPR]

SALES OF HARDWOOD CORDWOOD IN DESIGNATED AREAS IN PENNSYLVANIA

Revised Order No. G-10 under § 1499.18 (c) of the General Maximum Price Regulation.

It is the judgment of the Regional Administrator that there exists, or threatens to exist, in that part of the State of Pennsylvania which consists of the counties of Philadelphia, Montgomery, Bucks, Chester and Delaware, a shortage in the supply of a fuel which is essential to a standard of living consistent with the prosecution of the war; that such local shortage will be substantially reduced or eliminated by adjusting the maximum price of sellers in such counties for such fuel; and that such adjustment will not create or tend to create a shortage, or a need for increase in prices in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1943, as amended.

Accordingly, pursuant to the Emergency Price Control Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation, and for the reasons set forth in an opinion to be issued forthwith, *It is ordered*, That:

(a) On and after October 1, 1943, the maximum prices for sales of hardwood cordwood delivered at the consumer's premises in any of the areas designated below shall be those shown in the ensuing table for the area in question:

[Little Rock Order G-1 Under MPR 456, Amdt. 1]

LETTUCE IN ARKANSAS

Order G-1 under § 1499.2 of Maximum Price Regulation 426, Amendment 1. Lettuce in Arkansas.

The statement of considerations involved in the issuance of this Amendment 1 to Order G-1 under Order No. 27 as authorized by section 2 of Maximum Price Regulation 426 has been issued simultaneously herewith and filed with the Division of the Federal Register.

Section 1 is amended to read as follows:

SECTION 1. *Maximum prices for lettuce.* Maximum prices established for less than carlot and less than trucklot sales of iceberg lettuce by section 15, Appendix A of Maximum Price Regulation 426 are modified as follows:

lingdale, Darby, Yeason, Sharon Hill, Colwyn, Norwood, Prospect Park, Folcroft and Glenside.

(9) "Montgomery trading area" means all the territory in Montgomery County except those parts thereof mentioned above as constituting part of the Philadelphia trading area.

(10) "Delaware trading area" means all the territory in Delaware County except those parts thereof mentioned above as constituting part of the Philadelphia trading area.

(11) "Stacking" means the orderly arranging of hardwood cordwood on or in the spot designated by the buyer, such as the buyer's garage, or his basement, or his porch, and so forth.

Issued October 1, 1943.
SYLVAN L. JOSEPH,
Regional Administrator.

[F. R. Doc. 43-16419; Filed, October 7, 1943; 4:47 p. m.]

APPENDIX A

Item No.	Type, variety, style of pack, etc.	Unit	Season	Basing Point
1	Iceberg lettuce in L. A. or Salinas crates containing not less than 48 heads with a minimum net weight of 60 lbs.	L. A. crate or Salinas crate.	All year...	Salinas, Calif.
Maximum prices for trucklot sales at any wholesale receiving point				
Maximum prices for less than carlot or less than trucklot sales to any person except ultimate consumer				
Maximum price for carlot or trucklot sales (Col. 6) plus 80 cents.				

This Amendment 1 becomes effective September 27, 1943.

Issued at Little Rock, Arkansas, this 23d day of September 1943.

ROBERT P. HALL,
District Director.

[F. R. Doc. 43-16414; Filed, October 7, 1943; 4:47 p. m.]

[Region II Order G-9 Under MPR 165]
LAUNDRY IN GREATER METROPOLITAN NEW YORK AREA

Order No. G-9 under § 1499.114 (d) of Maximum Price Regulation No. 165, as amended—Services. Adjustment of laundry service prices for Greater Metropolitan New York Area. Applications for permission to increase their maximum prices for all their laundry, linen supply, cleaning, and related services, as established under Maximum

Price Regulation No. 165, as amended—Services, have been filed with the New York Regional Office of the Office of Price Administration by a large number of the power laundry and linen supply establishments located in the greater metropolitan area of New York City. After due consideration of these applications and other available information, it has been decided that some should be denied in full and others granted in part and denied in part for the reasons set forth in the Opinion hereto attached.

to release or extinguish any penalty or liability incurred under such order, and such order shall remain in force for the purpose of allowing or sustaining any proper suit, action, prosecution or proceeding with respect to such penalty or liability.

(f) The Regional Administrator or Price Administrator may amend, revoke or rescind this order at any time.

(g) *Definitions.* When used in this order the term:

(1) "Cordwood" means any firewood so prepared that at least 80% consists of cleft wood or merchantable body wood in the round, or desirable species.

(2) "Hardwood cordwood" means cordwood cut from any deciduous tree.

(3) A standard "cord" means 128 cubic feet of tightly stacked pieces of wood, 48" in length. A cord of wood consisting of lengths greater than 48" shall contain at least 128 cubic feet.

(4) A "cord" of wood in lengths measuring 24" shall contain at least 104 cubic feet.

(5) A "cord" of wood in lengths measuring 12" or less shall contain at least 96 cubic feet. Sizes under 12" shall be included in this definition.

(6) For wood sizes above 12" other than those herein specifically mentioned, the cubical contents of a cord shall be determined on a proportionate basis.

For example, a cord of wood containing lengths measuring 16" shall contain at least 98% cubic feet. This is determined as follows:

16" lies between 12" and 24".
24" wood contains at least 104 cubic feet.
12" wood contains at least 96 cubic feet.

Difference 12" — 12" = 4" —————
16" — 12" = 4" —————
4 × 8 cubic feet = 32 cubic feet = 3% cubic feet.

12
96 cubic feet + 2% cubic feet = 98% cubic feet.

(7) "Delivered at consumer's premises" means deposited on or at premises designated by the purchaser or his representative.

(8) "Philadelphia trading area" means all the following territory: (i) Philadelphia County; and (ii) the following townships in Montgomery County: Lower Merion, Springfield, and Cheltenham;

and (iii) the following borough in Montgomery County: Narberth; and (iv) the following townships in Delaware County: Darby, Upper Darby, Haverford, Radnor, Springfield, Ridley, and Tinticum; and (v) the following boroughs in Delaware County: Ridley Park, Rutledge, Morton, Eddystone, Swarthmore, Millbourne, Lansdowne, Clifton Heights, Alden, Col-

Accordingly, pursuant to the Emergency Price Control Act of 1942, Supplementary Order No. 28, and § 1499.114 (d) of Maximum Price Regulation No. 165, as amended—Services; *It is hereby ordered:*

(a) The applications of those power laundry and linen supply establishments whose names appear in Appendix A to this Order are hereby denied in full, and their legal maximum prices for all their laundry, linen supply, cleaning, and related services shall continue to be the prices established for them under Maximum Price Regulation No. 165, as amended or under any order heretofore issued by this office under said Regulation with respect to any of such applicants.

(b) The applications of those laundry and linen supply establishments whose names appear in Appendix B to this order are granted to the extent that they are permitted to increase their legal maximum prices for all their laundry, linen supply, cleaning, and related services, as established under Maximum Price Regulation No. 165, as amended, or under any order heretofore issued by this office under that regulation with respect to any of such applicants, by an amount not to exceed 2% of such maximum prices, as hereinafter, in paragraph (k), provided.

(c) The applications of those laundry and linen supply establishments whose names appear in Appendix C to this order are granted to the extent that they are permitted to increase their legal maximum prices for all their laundry, linen supply, cleaning, and related services, as established under Maximum Price Regulation No. 165, as amended, or under any order heretofore issued by this office under that regulation with respect to any of such applicants, by an amount not to exceed 3% of such maximum prices, as hereinafter, in paragraph (k), provided.

(d) The applications of those laundry and linen supply establishments whose names appear in Appendix D to this order are granted to the extent that they are permitted to increase their legal maximum prices for all their laundry, linen supply, cleaning, and related services, as established under Maximum Price Regulation No. 165, as amended, or under any order heretofore issued by this office under that regulation with respect to any of such applicants, by an amount not to exceed 4% of such maximum prices, as hereinafter, in paragraph (k), provided.

(e) The applications of those laundry and linen supply establishments whose names appear in Appendix E to this order are granted to the extent that they are permitted to increase their legal maximum prices for all their laundry, linen supply, cleaning, and related services, as established under Maximum Price Regulation No. 165, as amended, or under any order heretofore issued by this office under that Regulation with respect to any of such applicants, by an amount not to exceed 5% of such maximum prices, as hereinafter, in paragraph (k), provided.

(f) The applications of those laundry and linen supply establishments whose

names appear in Appendix F to this order are granted to the extent that they are permitted to increase their legal maximum prices for all their laundry, linen supply, cleaning, and related services, as established under Maximum Price Regulation No. 165, as amended, or under any order heretofore issued by this office under that Regulation with respect to any of such applicants, by an amount not to exceed 6% of such maximum prices, as hereinafter, in paragraph (k), provided.

(g) The applications of those laundry and linen supply establishments whose names appear in Appendix G to this order are granted to the extent that they are permitted to increase their legal maximum prices for all their laundry, linen supply, cleaning, and related services, as established under Maximum Price Regulation No. 165, as amended, or under any order heretofore issued by this office under that Regulation with respect to any of such applicants, by an amount not to exceed 7% of such maximum prices, as hereinafter, in paragraph (k), provided.

(h) The applications of those laundry and linen supply establishments whose names appear in Appendix H to this Order are granted to the extent that they are permitted to increase their legal maximum prices for all their laundry, linen supply, cleaning, and related services, as established under Maximum Price Regulation No. 165, as amended, or under any order heretofore issued by this office under that Regulation with respect to any of such applicants, by an amount not to exceed 8% of such maximum prices, as hereinafter, in paragraph (k), provided.

(i) A power laundry agent-plant is permitted to add to its present legal maximum prices to its family agent-drivers the percentage price increase granted to it by that Appendix to this order in which its name appears. Such family agent-drivers are permitted to add the same percentage price increase to their retail prices for the services supplied to them by their agent-plant. The dollars-and-cents increase which thus accrues to any family agent-driver in excess of the increased cost of the services to him may be divided between the agent-plant and the family agent-driver in such proportions as shall be agreed upon between them. Family agent-drivers shall compute the price increase permitted them by this paragraph upon the bills rendered by them to their customers in the manner provided by paragraph (k) of this order. They shall inscribe upon each bill presented to any customer the following statement: "OPA permitted increase of -----% to maintain supply." They shall be subject to all the other provisions of this order which are applicable to their circumstances except the provisions of paragraph (m) relating to notification to customers and to the Office of Price Administration of permitted price increases and permitted minimum bundle increases.

(j) Retail hand laundry establishments in the greater metropolitan New York area which are supplied any of

their laundry services by any applicant to whom a price increase has been granted by this order are permitted to add the same percentage increase to their retail prices for such services, in the manner provided by paragraph (k) of this order. They shall inscribe upon each bill presented to any customer the following statement: "OPA permitted increase of --% to maintain supply." They shall be subject to all the other provisions of this order which are applicable to their circumstances except the provisions of paragraph (m) relating to notification to customers and to the Office of Price Administration of permitted price increases and permitted minimum bundle increases.

(k) The percentage increases permitted to any laundry or linen supply establishment or family agent-driver by this order shall be applied only to the total amount of the bill rendered to each customer for any service afforded (as it would be computed under existing lawful maximum prices). Such increases may not be applied to individual items of service. Existing price lists shall not be altered. If the increased prices so arrived at include a fraction of a cent less than one-half, the price that may be charged shall be reduced to the next lower cent. If, however, the increased price includes a fraction equal to or more than one-half cent the seller shall be permitted to charge the next higher cent.

(l) Certain other relief is hereby granted to all family power laundry establishments and to all family agent-drivers in the greater metropolitan New York area, in that, without a compensating reduction in their present lawful maximum prices, they are hereby permitted, but not required, to alter their present minimum bundle sizes in the manner and to the extent and subject to the restrictions set forth in Appendix I attached to this order and made a part hereof.

(m) All family power laundry establishments in the area shall give notification to all their customers and to the Office of Price Administration of their price increases, if any, or minimum bundle increases as permitted in Appendix A to this order, or both, as hereinafter provided:

(1) Any applicant which has been granted a price increase by this order and which intends simultaneously to institute new permitted minimum bundle sizes is required to: (A) furnish each customer within 15 days after the effective date of this order with a statement describing its services, and specifying its new permitted minimums, its lawful ceiling prices, and the percentage increase permitted it by the order; (B) file a copy of the same statement with the appropriate District Office of the Office of Price Administration within 15 days after the effective date of this order, together with a statement signed by a responsible official of the laundry establishment certifying that the applicant has complied with section (A) above, such copy clearly to show the laundry's original minimums and rates therefor as per the form suggested in Appendix A to this order; and (C) inscribe on each bill

rendered the statement: "OPA permitted increase of --% to maintain supply."

(2) Any applicant which has been granted a price increase by this order and which intends to institute the new permitted minimums, or any of them, only at a later date if at all, is required to comply with all the requirements contained in paragraph (m) (1) above except those exclusively concerned with minimums. However, 15 days prior to any subsequent date of adoption of such new minimums, or any of them, such laundry establishment shall: (A) issue to each of its customers a copy of the new schedule of minimum bundle sizes which it proposes to file with the Office of Price Administration, specifying the old and new minimums, the new prices resulting, and the permitted percentage increase; and (B) notify the appropriate District Office of the Office of Price Administration of its proposal according to the form suggested in Appendix A to this order; the applicant shall specify on this schedule that the services are the same as those previously described by it in complying with the requirements of this paragraph for notification as to its permitted price increases.

(3) Any family power laundry establishment which has received no price increase under this order, but which is instituting the new permitted minimum bundle sizes, or any of them, now or at a later date, is required to comply with the provisions of paragraph (m) (1) or (m) 2 above, whichever may be applicable, except as to those provisions exclusively concerned with price increases.

(4) New customers are to receive the same notification as provided in paragraph (m) (1) (A) above.

(5) Any of the family power laundry establishments in the greater metropolitan New York area may at any one time adopt one or more or all of the minimums specified in Appendix I to this order, or may restore one or more or all of its original minimums, or make a combination of both changes at the same time: *Provided*: That at least 60 days shall have elapsed between such change and any prior change by it, and provided that such laundry establishment has complied with the notification requirements of this paragraph (m).

(n) Customary allowances, discounts, or other price differentials may not be changed by any of the laundry service suppliers named or otherwise referred to in this order, unless such change results in prices lower than the prices permitted by this order, after applying the supplier's customary allowances, discounts, or other price differentials; and, except as in the annexed Appendix I provided, all laundry service suppliers named or otherwise referred to herein shall maintain all of their legal current pricing and other business practices.

(o) All of the laundry and linen supply establishments named herein, in Appendices A to H inclusive, to this order, shall keep this order and attached opinion in their establishments, together with the statement required by § 1499.108, and make them available for inspection by any person during business hours.

(p) Except as expressly provided by this order, all of the laundry and linen supply establishments named or otherwise referred to in this order shall remain in all respects subject to all of the provisions of Maximum Price Regulation No. 165, as amended—Services.

(q) This order may be revoked or amended by the Regional Administrator or Price Administrator through the issuance at any time hereafter of any order or price regulation, or amendment or supplement thereto.

(r) This order shall be effective September 22, 1943.

To the extent that the application of any laundry or linen supply establishment herein named has been denied in whole or in part, such applicant may, within fifteen (15) days after the date on which this order was issued, request the Director of Services and Consumers' Durable Goods Division, Office of Price Administration, Washington, D. C., to review such order of denial in the manner provided by Revised Procedural Regulation No. 1.

Issued this 22d day of September 1943.

SYLVAN L. JOSEPH,
Regional Administrator.

APPENDIX A

As provided in paragraph (a) of this order, the following power laundry and linen supply establishments are denied any increase in their present legal maximum prices:

- Advance Laundry, 4483 Third Ave., Bronx, N. Y.
Aurora Wet Wash Laundry Co., Inc., 749 Hicks St., Brooklyn, N. Y.
A & P Coat, Apron & Linen, 819 E. 5th St., New York, N. Y.
Apex Coat, Apron, Towel & Linen Service, 427 E. 18th Street, New York, N. Y.
Adams Linen Supply, 430 W. 54th St., New York, N. Y.
American Diaper Co., Inc., 520 W. 27th St., New York, N. Y.
August Linen Service, Inc., 100 Bayard St., Brooklyn, N. Y.
Belmont Laundry, 147 Christopher Ave., Brooklyn, N. Y.
Bristow Laundry Service Corp., 819 Jennings St., Bronx, N. Y.
Boro Coat, Apron & Linen Service, 410 E. 34th St., New York, N. Y.
Bronx Coat, Apron, 1844 Webster Ave., Bronx, N. Y.
Brooklyn Napkin Supply Co., Inc., 835 Myrtle Ave., Brooklyn, N. Y.
Blue Point Individual Ldry, Inc., Park St., Blue Point, L. I., N. Y.
Comet Laundry, Inc., 941 61st St., Brooklyn, N. Y.
Crown Laundry Service, Inc., 119-06 14th Rd., College Point, L. I., N. Y.
Central Laundry Service, Inc., 211 E. 94th St., New York, N. Y.
Clason Laundry Co., Inc., 415 Soundview Ave., Bronx, N. Y.
Commercial, 619 W. 51st St., New York, N. Y.
Central Coat, Apron & Linen, 514 W. 49th St., New York, N. Y.
Century Towel Supply Co., 31 E. 20th St., New York, N. Y.
Crescent Towel Supply Co., 45 Mercer St., New York, N. Y.
Century Coat, Apron & Towel, 81-30 Cooper Ave., Glendale, L. I., N. Y.
De Luke Laundry Service, Inc., 2630 University Ave., Bronx, N. Y.
Daniels Linen Supply Co., 4 Herriot St., Yonkers, N. Y.
Eagle Barber Towel Supply Co., Inc., 772 Myrtle Ave., Brooklyn, N. Y.
Emergency Coat, Apron & Towel Supply, 107-03 Liberty Ave., Ozone Park, L. I., N. Y.
Exchange Linen Service, Inc., 607 W. 43rd St., New York, N. Y.
Fowler Mfg. Co., Ltd., 192 West 4th St., New York, N. Y.
Good Service Towel Supply, 285 Avenue A, New York, N. Y.
Gotham Towel Supply Co., Inc., 410 E. 34th Street, New York, N. Y.
General Diaper Service, Inc., 79-55 Albion St., L. I. C., N. Y.
Hostess Laundry, Davis Ave., Port Washington, L. I., N. Y.
Household Linen Supply Co., 835 Myrtle Ave., Brooklyn, N. Y.
H. & L. Towel Supply, 1875 Carter Ave., Bronx, N. Y.
Jumel Laundry Service, Inc., 30 Jumel Place, New York, N. Y.
Lion Laundry Service, 499 Brook Avenue, Bronx, N. Y.
Menahan Laundry, 361 Menahan St., Brooklyn, N. Y.
Marvel Laundry, Inc., 402 E. 170th St., Bronx, N. Y.
Mason's Towel Supply, Inc., 231 10th Avenue, New York, N. Y.
Mutual-Kings Coat & Apron, 199 Bogart St., Brooklyn, N. Y.
Morgan Linen Service, Inc., 484 11th Ave., New York, N. Y.
Master Coat, Apron & Towel, 333 Stag St., Brooklyn, New York.
Merit Office Towel Service, 767 E. 149th St., Bronx, N. Y.
Modern Barber Towel Co., 835 Myrtle Ave., Brooklyn, N. Y.
New York Wet Wash Laundry Co., Inc., 407 E. 91st St., New York, N. Y.
Newport Wet Wash Laundry, Inc., 268 Newport St., Brooklyn, N. Y.
Nonpareil Laundry Service, Inc., 548 E. 170th St., Bronx, N. Y.
New York Globe Laundry, Inc., 514 W. 49th St., New York, N. Y.
N. Y. Butchers Coat & Apron Supply, 617 E. 18th St., New York, N. Y.
New Union Coat, Apron & Linen Supply, 436 E. 19th St., New York, N. Y.
National Coat & Apron & Linen Supply, 107-05 51st Ave., Corona, L. I., N. Y.
Prudential Steam Laundry, Inc., 454 W. 128th St., New York, N. Y.
Paramount Linen Supply Co., Inc., 310 E. 96th St., New York, N. Y.
Prime Linen, 49 W. 27th St., New York, N. Y.
Public Sheet & Pillow Case, Inc., 42 Eagle St., Brooklyn, N. Y.
Pulclean Towel Cabinet Co., 430 W. 54th St., New York, N. Y.
Quality Coat & Apron, 45-42 37th St., Woodside, L. I., N. Y.
Reliance Shirt Laundry, Inc., 382 Osborne St., Brooklyn, N. Y.
Sixty-Seventh St. Laundry, 152 Columbus Ave., New York, N. Y.
Stork Laundry, Inc., 1690 Jerome Ave., Bronx, N. Y.
Spotless Laundry Service, 979 Leggett Ave., Bronx, N. Y.
Self-Service Laundry, Inc., 232 Division St., New York, N. Y.
Swift Laundry, 134 9th Ave., New York, N. Y.
S & L Coat & Apron Supply Co., 543 W. 23d St., New York, N. Y.
Standard Coat, Apron & Linen Service, 436 E. 19th St., New York, N. Y.
Star Towel Supply, 1664 Summerfeld St., Brooklyn, N. Y.
Signal Coat & Apron Supply, 420 E. 19th St., New York, N. Y.
Terrace City Laundry & Supply Co., 28 Naperhan St., Yonkers, N. Y.
United Coat, Apron, Towel & Linen, 647 Kent Ave., Brooklyn, N. Y.
Vernon, 220 Vernon Ave., Brooklyn, N. Y.
Victory Barber & Towel Supply, 781 Kent Ave., Brooklyn, N. Y.
Williamsburg Coat, Apron & Towel, 199 Bogart St., Brooklyn, N. Y.

APPENDIX B

As provided in paragraph (b) of this order, the following power laundry and linen supply establishments are permitted to increase by 2%, their present legal maximum prices for all their laundry, dry cleaning, linen supply, and related services:

Abbot Steam Laundry Corp., 32-75 47th St., Astoria, L. I., N. Y.
 Advance Coat, Apron & Towel, 122 Bushwick Ave., Brooklyn, N. Y.
 Ass'd. Linen Suppliers, 436 E. 19th St., New York, N. Y.
 Academy Laundry, Inc., 813 63d St., Brooklyn, N. Y.
 Blue Diamond Laundry #1 Inc., 3616 Park Ave., Bronx, N. Y.
 Clair Premier Laundry, Inc., 1019 Sutter Ave., Brooklyn, N. Y.
 Capital Coat & Apron, 442 Lorimer St., Brooklyn, N. Y.
 Commercial Towel Service, 123 Pitt Street, New York, N. Y.
 Cornell Linen Supply Co., 37-79 37th St., L. I. C., N. Y.
 Ellery Coat & Apron & Linen Supply, 617 E. 18th St., New York, N. Y.
 Family Laundry Service, Inc., 1064 62nd St., Brooklyn, N. Y.
 Gold Seal Towel Supply, 116 Ellery St., Brooklyn, N. Y.
 Globe Coat & Apron Supply, 520 W. 48th St., New York, N. Y.
 Homestead Linen Supply, Inc., 81-30 Cooper Ave., Glendale, L. I., N. Y.
 Individual Laundry Service, 75 River St., New Rochelle, N. Y.
 Inwood Eureka Laundry, Inc., Sheridan Blvd., Inwood, L. I., N. Y.
 Knickerbocker Towel Supply Co., 835 Myrtle Ave., Brooklyn, N. Y.
 Lilly Laundry, 240 Huron St., Brooklyn, N. Y.
 Metric Pressing Corp., 507 W. 145th St., New York, N. Y.
 Midwood Laundry Service, Inc., 2214 59th St., Brooklyn, N. Y.
 New Amsterdam Laundry, Inc., 427 E. 76th St., New York, N. Y.
 Oceanside Laundry Service, 109 Long Beach Rd., Oceanside, N. Y.
 Orange Blossom Laundry Service, 4626 Bronx Blvd., Bronx, N. Y.
 Parkway Laundry Service, Inc., Brockway Place, White Plains, N. Y.
 Professional Linen Supply, 520 W. 27th St., New York, N. Y.
 Reliable Steam Laundry, Inc., 517 E. 136th St., Bronx, N. Y.
 Silver Lining Laundry, Inc., 157 Riverdale Ave., Yonkers, N. Y.
 Snow Like Laundry, Inc., 208 South 14th Ave., Mt. Vernon, N. Y.
 South Side Laundry, Inc., Foxhurst Rd., Baldwin, L. I., N. Y.
 Two Gates Laundry Co., 1616 George St., Ridgewood, L. I., N. Y.
 Textone Laundries, Inc., 11-45 47th St., L. I. C., N. Y.

APPENDIX C

As provided in paragraph (c) of this order, the following power laundry and linen supply establishments are permitted to increase by 3%, their present legal maximum prices for all their laundry, dry cleaning, linen supply, and related services:

Allma Shirt Laundry, Inc., 826 Morris Ave., Bronx, N. Y.
 Blue Moon Wet Wash Laundry Co., Inc., 1883 Strauss St., Brooklyn, N. Y.
 Cascade Diaper Service, Inc., 835 Myrtle Ave., Brooklyn, N. Y.
 Claridge Laundry Service, Inc., 1071 Wyckoff Ave., Ridgewood, L. I., N. Y.
 Colonial Laundry, Inc., 16 Lexington Ave., Brooklyn, N. Y.
 Empire Towel Supply Co., Inc., 231 Tenth Ave., New York, N. Y.

Grant Laundry, Inc., Warren Place, Mt. Vernon, N. Y.
 Grateful Laundry, Inc., 200 Junius St., Brooklyn, N. Y.
 Home-Like Laundries, Inc. (New System), 45 Prospect St., Yonkers, N. Y.
 Jamaica Wet Wash Laundry, 173-07 Liberty Ave., Jamaica, L. I., N. Y.
 Mary Ann Laundry, Inc., 1710 Pacific St., Brooklyn, N. Y.
 Manhattan Laundries, Inc., 338 Mercer St., Jersey City, N. J.
 Midtown Laundry Service, Inc., 520 W. 27th St., New York, N. Y.
 Modern Silver Linen Supply Co., Inc., 157 10th St., Passaic, N. J.
 Modern Silver Linen Supply Co., Inc., 540 W. 24th St., New York, N. Y.
 Newtown Laundry Service, Inc., 104-35 44th Ave., Corona, L. I., N. Y.
 Nu-R & S Laundry Co., Inc., 618 Wyona St., Brooklyn, N. Y.
 Oak Laundry, Inc., 419 E. 54th St., New York, N. Y.
 Octagon Laundry, Inc., 2120 Menahan St., Ridgewood, N. Y.
 Peninsula Laundry, 139 Wohl Ave., Inwood, L. I., N. Y.
 Pilgrim Coat, Apron & Linen, 118 E. 128th St., New York, N. Y.
 P & S Laundry Service, Inc., 919 Flushing Ave., Brooklyn, N. Y.
 Rosemar Laundry Corp., 13th St. & 37th Ave., L. I. C., N. Y.
 Star Bright Laundry, 103 Mott St., New York, N. Y.
 Sunbright Laundry, Inc., 344 E. 49th St., New York, N. Y.
 Thrift Laundry Service of Queens, Inc., 6814-20 62nd St., Ridgewood, Brooklyn, N. Y.
 Wallach Laundry, Inc., 330 E. 59th St., New York, N. Y.
 Wi-Koff Laundry System, Inc., 2-4 Wyckoff St., Brooklyn, N. Y.

APPENDIX D

As provided in paragraph (d) of this order, the following power laundry and linen supply establishments are permitted to increase by 4%, their present legal maximum prices for all their laundry, dry cleaning, linen supply, and related services:

Art Lilly Coat & Apron Supply Co., Inc., 351 S. 4th St., Brooklyn, N. Y.
 Andrews Linen Service, 6114 7th Ave., Brooklyn, N. Y.
 Albee Steam Laundry, 748 64th St., Brooklyn, N. Y.
 Blue Sky Laundry Co., Inc., 498 Ralph Ave., Brooklyn, N. Y.
 Blanco Laundry, 2330 Hoffman St., Bronx, N. Y.
 Blue Star Laundry Co., Inc., 819 E. 5th St., New York, N. Y.
 Brew Coat & Apron Supply, 543 W. 23rd St., New York, N. Y.
 Brooklyn Coat & Apron, 835 Myrtle Ave., Brooklyn, N. Y.
 Brooklyn & Queens Laundry Corp., 310 Elton St., Brooklyn, N. Y.
 Brunswick Wet Wash Laundry, Inc., 41 Central Ave., Brooklyn, N. Y.
 Bedford Hand Laundry, 1371 Bedford Ave., Brooklyn, N. Y.
 Cashman Laundry Corp., 340 Gerard Ave., Bronx, N. Y.
 Champion-Metro Towel, Coat, Apron Supply Co., Inc., 312 E. 96th St., New York, N. Y.
 Community Towel Supply, 333 E. 9th St., New York, N. Y.
 Cosmopolitan Linen S & L (Sheldon Star Laundry), 543 W. 23rd St., New York, N. Y.
 Crest Linen (State), Myrtle & Nostrand Ave., Brooklyn, N. Y.
 Cleanart, Inc., 11-23 St. Casimir Ave., Yonkers, N. Y.
 Cascade Steam & Cascade Stores, 835 Myrtle Ave., Brooklyn, N. Y.
 Economy Clean Towel Supply Co., Inc., 27 Park Place, New York, N. Y.

Elite Laundry, Inc., 333 East 105th St., New York, N. Y.
 Eastern Towel Supply Co., Inc., 780 Myrtle Ave., Brooklyn, N. Y.
 Fifth Avenue Laundry Co., Inc., 44 Garfield Place, Brooklyn, N. Y.
 General Towel & Apron Supply Co., Inc., 108 Dobbin St., Brooklyn, N. Y.
 Gramercy Linen Supply, Inc., 524 W. 24th St., New York, N. Y.
 Huntington Laundry, Inc., 295 New York Ave., Huntington, L. I., N. Y.
 Halsey Laundry Service, Inc., 869 Halsey St., Brooklyn, N. Y.
 Hub Towel Supply, 578 West 53rd St., New York, N. Y.
 Humboldt Laundry, 47 Humboldt St., Brooklyn, N. Y.
 Knickerbocker Laundry, 43-23 Dreyer Ave., L. I. C., N. Y.
 Long Island Coat & Apron Supply, 32 Eagle St., Brooklyn, N. Y.
 Liberty Linen Supply & Laundry Co., 524 W. 50th St., New York, N. Y.
 N. Y. Linen (Consolidated), 325 E. 94th St., New York, N. Y.
 N. Y. Linen (Consolidated), 326 E. 32nd St., New York, N. Y.
 N. Y. Linen (Consolidated), 352 E. 62nd St., New York, N. Y.
 Nyla Steam Laundry Corp., 1180 Longwood Ave., Bronx, N. Y.
 Premier Essex Linen Supply, Inc., 410 E. 34th St., New York, N. Y.
 President Laundry, 189 Vermont St., Brooklyn, N. Y.
 Polo Coat & Apron Supply Co., Inc., 39-14 47th Ave., L. I. C., N. Y.
 Purity Laundry Service, Inc., 72nd St. & Amstel Blvd., Avero, L. I., N. Y.
 Rite Way Laundry Co., Inc., 3319 Atlantic Ave., Brooklyn, N. Y.
 Riverdale Laundry, 5638 Broadway, New York, N. Y.
 Sixth St. Wet Wash Laundry, Inc., 703 E. 6th St., New York, N. Y.
 Sterilized Diaper Service, 455 E. Houston St., New York, N. Y.
 Superfine Steam, 1322 Garrison Ave., Bronx, N. Y.
 Superservice Laundry, Inc., 430 West 54th St., New York, N. Y.
 Star Napkin & Towel Supply, 776 Myrtle Ave., Brooklyn, N. Y.
 Superservice Distributors, 430 West 54th St., New York, N. Y.
 Walters Laundry Service, Inc., Hempstead, L. I., N. Y.
 White Rose Laundry Service, Inc., 37 South 1st St., Brooklyn, N. Y.
 Westchester Coat & Apron, Towel & Linen Supply Co., 64 Warburton Ave., Yonkers, N. Y.
 White City Coat & Apron, 935 Sawmill River Rd., Yonkers, N. Y.
 Yankor Laundry, Inc., 4301 Avenue H, Brooklyn, N. Y.

APPENDIX E

As provided in paragraph (e) of this order, the following power laundry and linen supply establishments are permitted to increase by 5%, their present legal maximum prices for all their laundry, dry cleaning, linen supply, and related services:

Bedford Laundry, 483 Adelphi St., Brooklyn, N. Y.
 Brighton Laundry Co., Inc., 2863 W. 6th St., Brooklyn, N. Y.
 Bon Laundry Service, Inc., 405 E. 175th St., Bronx, N. Y.
 Benson Laundry, Inc., 1549 63rd St., Brooklyn, N. Y.
 Carey Service Co., Inc., 70 E. 45th St., New York, N. Y.
 Clemente Laundry, 689 11th Ave., New York, N. Y.
 District Laundry Co., Inc., 812 Gates Ave., Brooklyn, N. Y.

Evergreen Laundry Co., Inc., 1125 Irving Ave., Ridgewood, L. I., N. Y.
 Fortview Laundry, Inc., 1011 61st St., Brooklyn, N. Y.
 Fox Square Laundry Co., Inc., 1471 Edgewater Rd., Bronx, N. Y.
 Gold Seal Laundry, 2020 Atlantic Ave., Brooklyn, N. Y.
 Hub Steam Laundry, Inc., 1347 Cromwell Ave., Bronx, N. Y.
 Happiness Laundry Service, Inc., 55 Waverly Ave., Mamaroneck, N. Y.
 Kleen Laundry, 5618 2nd Ave., Brooklyn, N. Y.
 Majestic Laundry, Inc., 5301 2d Ave., Brooklyn, N. Y.
 New Big Five Laundry System, Inc., 1826 Suydam St., Ridgewood, L. I., N. Y.
 New Hudson Laundry, 110 Bank St., New York, N. Y.
 New Interboro Laundry Service, 454 Troutman St., Brooklyn, N. Y.
 National Laundry (Consolidated), 1471 Wilkins Ave., Bronx, N. Y.
 Nu Erasmus Laundry, Inc., 916 Franklin Ave., Brooklyn, N. Y.
 Putnam Laundry Corp., 295 Stockholm St., Brooklyn, N. Y.
 Prospect Self-Service Wet Wash Laundry, 1822 Prospect Pl., Brooklyn, N. Y.
 Quick Service Laundry, #1, Inc., 315 E. 99th St., New York, N. Y.
 Richmond Hill Laundry, Inc., 9112 130th St., Richmond Hill, N. Y.
 Stancourt Laundry (Consolidated), 770 Garrison Ave., Bronx, N. Y.
 Stag Laundry, Inc., 150 N. 5th St., Brooklyn, N. Y.
 State Laundry Co., Inc., Myrtle & Nostrand Aves., Brooklyn, N. Y.
 Sunshine Quaker Laundry, Inc., 824 Lexington Ave., Brooklyn, N. Y.
 Ted's Laundry, Inc., 265 New Lots Ave., Brooklyn, N. Y.
 Utility Laundry Co., Inc., 2112 Neptune Ave., Brooklyn, N. Y.
 Unexcelled Laundry, Inc., 120-05 Atlantic Ave., Richmond Hill, N. Y.
 J. Weitz Laundry, 5636 Broadway, New York, N. Y.
 Witablu Laundry, 74-03 71st Ave., Middle Village, N. Y.
 Winthrop Laundry Corp., 76 Beadel St., Brooklyn, N. Y.

APPENDIX F

As provided in paragraph (f) of this order, the following power laundry and linen supply establishments are permitted to increase by 6%, their present legal maximum prices for all their laundry, dry cleaning, linen supply, and related services:

Active Shirt Laundry, 573 Stone Ave., Brooklyn, N. Y.
 Al Shirt Laundry Co., 422 Glenmore Ave., Brooklyn, N. Y.
 Brown Laundry (Consolidated) Wholesale, 770 Garrison Ave., Bronx, N. Y.
 Champion Laundry Corp., 456 W. 55th Street, New York, N. Y.
 Carolyn Laundry, 112 E. 129th St., New York, N. Y.
 Dyckman Laundry, Inc., 66 Herb Hill Rd., Glen Cove, L. I., N. Y.
 Ever Rite Steam Laundry, Inc., 140 W. 124th St., New York, N. Y.
 Finest Steam Laundry, Inc., 199 Bogart St., Brooklyn, N. Y.
 Gotham Steam Laundry Co., Inc., 543 W. 23d St., New York, N. Y.
 Guests Laundry Service, Inc., 422 E. 53d St., New York, N. Y.
 Signal-Cornell, Inc., 3400 Park Ave., Bronx, N. Y.
 Goodwill Steam, 54 Grafton St., Brooklyn, N. Y.
 Hygrade Steam Laundry, Inc., 310 E. 96th St., New York, N. Y.
 Lido Laundry Service, Inc., 180 E. Water St., Long Beach, L. I., N. Y.
 M. & R. Laundry, Inc., 512 E. 174th St., Bronx, N. Y.

M. & L. Self Service Wet Wash, Inc., 313 Osborne St., Brooklyn, N. Y.
 Norman Shirt Pressing Co., 407 E. 91st St., New York, N. Y.
 New Home Town Laundry & Dry Cleaning Co., 138 Gramatan Ave., Mt. Vernon, N. Y.
 Nationwide Laundry Co., Inc., 540 E. 13th St., New York, N. Y.
 Norwood Laundry, Inc., 3386 Fulton St., Brooklyn, N. Y.
 Perfect White Steam Laundry, Inc., 617 E. 18th St., New York, N. Y.
 Premier Laundry, Inc., 580 First Ave., New York, N. Y.
 P & C Steam (Plaza Steam Laundry), 45-42 37th St., L. I. C., N. Y.
 Pilgrim Laundry, 1102 Prospect Ave., Brooklyn, N. Y.
 Pierce Steam Laundry, Inc., 42 Eagle St., Brooklyn, N. Y.
 Primwood Laundry, 108-12 101st Ave., Richmond Hill, L. I., N. Y.
 Queen Ann Laundry Co., Inc., 738 65th St., Brooklyn, N. Y.
 Romelle Shirt Laundry, Inc., 3048 Fulton St., Brooklyn, N. Y.
 Square Deal Laundry Service, Inc., 427 Ralph Ave., Brooklyn, N. Y.
 Sheldon-Foster Supply Co., 566 DeKalb Ave., Brooklyn, N. Y.
 Satin Shirt Laundry, 1809 Stillwell Ave., Brooklyn, N. Y.
 Sterling Quality Laundry, 2157 Prospect Ave., Bronx, N. Y.
 Trinity Laundry Service, 741 Trinity Ave., Bronx, N. Y.
 Terminal Steam Laundry, 81-30 Cooper Ave., Glendale, L. I.
 United Steam Laundry, Inc., 451 E. 147th St., Bronx, N. Y.
 Unit System Laundry Co., Inc., 866 DeKalb Ave., Brooklyn, N. Y.
 Victoria Coat & Apron Supply & Steam Laundry Co., 781 Kent Avenue, Brooklyn, N. Y.
 Van Britt Laundry Corp., 1061 61st St., Brooklyn, N. Y.
 Webster Steam Laundry (Bronx Coat & Apron Supply), 1844 Webster Ave., Bronx, N. Y.
 Washington Square Laundry, 423 E. 23rd Street, New York, N. Y.

APPENDIX G

As provided in paragraph (g) of this order, the following power laundry and linen supply establishments are permitted to increase by 7%, their present legal maximum prices for all their laundry, dry cleaning, linen supply, and related services:

Blake Laundry, Inc., 620 Cleveland Ave., Brooklyn, N. Y.
 Colony Laundry Corp., 63-37 Metropolitan Ave., Maspeth, L. I., N. Y.
 Holland Laundry, 225 25th St., Brooklyn, N. Y.
 Improved Laundry, Inc., 56 Prospect St., Hempstead, L. I., N. Y.
 K. N. K. Laundry, Inc., 1151 61st St., Brooklyn, N. Y.
 Leader Laundry Service, Inc., 1982 Bergen St., Brooklyn, N. Y.
 Mirro-Like Family Laundry, Service Co., Inc., 448 E. 167th St., Bronx, N. Y.
 New American Steam Laundry, Inc., 1626 Bronxdale Ave., Bronx, N. Y.
 Pioneer Laundry Service Corp. (Sanitary W. Side), 450 W. 31st St., New York, N. Y.
 Surprise Laundry, Inc., 334 Delancey St., New York, N. Y.
 Union Laundry, 205 Sheffield Ave., Brooklyn, N. Y.

APPENDIX H

As provided in paragraph (h) of this order, the following power laundry and linen supply establishments are permitted to increase by 8%, their present legal maximum prices for all their laundry, dry cleaning, linen supply, and related services:

Alabama Laundry, Inc., 292 Liberty Ave., Brooklyn, N. Y.

Artesian Laundry, 900 S. Columbus Ave., Mt. Vernon, N. Y.
 Best Self Service, Inc., 843 Dumont Ave., Brooklyn, N. Y.
 Crescent Laundry & Dry Cleaning, 62d St. and 9th Ave., Brooklyn, N. Y.
 Columbia Linen, 235 E. Broadway, New York, N. Y.
 Chasol Laundry, 4522 Park Ave., Bronx, N. Y.
 Crown Heights Laundry, Inc., 499 Georgia Ave., Brooklyn, N. Y.
 Correct Laundry, Inc., 1801 Avenue Q, Brooklyn, N. Y.
 Castle Laundry Co., Inc. (Eagle Ldry), 944 Grand St., Brooklyn, N. Y.
 Fordham Family Laundry Service, Inc., 4675 3d Ave., Bronx, N. Y.
 Hempstead Family Laundry Service, Inc., 44 Prospect St., Hempstead, L. I., N. Y.
 Ideal Vortex Laundries, Inc., 129-09 Jamaica Ave., Richmond Hill, L. I., N. Y.
 Linen Rite (Snow White Ldry Corp.), 507 E. 80th St., New York, N. Y.
 Mutual Wet Wash Laundry, Inc., 524 Stone Ave., Brooklyn, N. Y.
 Mother's Friend Family Laundry Service, 507 E. 119th St., New York, N. Y.
 Nu Ridgewood Laundry Service, Inc., 63 Cody St., Ridgewood, L. I., N. Y.
 Puritan Steam Laundry, Inc., Fulton Ave. & 1st St., Mt. Vernon, N. Y.
 Park Gate Laundry, 1782 Bathgate Ave., Bronx, N. Y.
 Pride Laundry (Pretty Laundry Corp.), 608 Wales Ave., Bronx, N. Y.
 Park Laundry, Inc., 116-04 160th St., Jamaica, N. Y.
 Rockville Center Laundry, 39 Hastings Place, Hempstead, N. Y.
 Revonah Laundry Co., Inc., 7002 70th Ave., Glendale, L. I., N. Y.
 Spartan Laundry Service, Inc., 1237 61st St., Brooklyn, N. Y.
 Spry Laundry (President Ldry Serv.), 225 E. 152d St., Bronx, N. Y.
 Starlight Laundry, Inc., 2077 Washington St., Bronx, N. Y.
 Sun Laundry, 2031 La Fontaine Ave., Bronx, N. Y.
 U. S. Laundry, 1735 St. Peters Ave., Bronx, N. Y.
 Vanity Fair Laundry, Inc., 269 East Shore, Great Neck, L. I., N. Y.
 Vermont Wet Wash Laundry, 457 Vermont St., Brooklyn, N. Y.
 Waldorf Laundry Service, Inc., 231 Amboy St., Brooklyn, N. Y.
 Washington Heights Laundry, 138 W. 124th St., New York, N. Y.
 Wendell & Evans (Domestic Laundry), 127 12th St., Brooklyn, N. Y.

APPENDIX I

The Office of Defense Transportation truck mileage curtailments and other restrictions have forced radical reorganization of laundry routes. To meet this situation as well as to provide for further production economies, the Office of Price Administration believes that with adequate safeguards, larger minimum bundles would, in some degree, help the industry, yet not disturb the consumer. Such larger minimum should be set at or slightly below the size of the average bundle now prevailing in each service. To provide such larger minimums, the laundries named or otherwise referred to are permitted but not required to increase the minimum number of pounds and correspondingly the minimum charge per bundle, in the laundry services detailed hereinafter, on condition that such increase does not raise the actual cost per pound for those bundles attaining the minimum weight. For those bundles below the minimum weight, the minimum weight price may be charged. The additional pounds between present minimum and increased minimum shall be charged at the present overage rate per pound, and not at the basic rate or average rate per pound. For example, if the present price for damp wash is 15

pounds for 75 cents and 4 cents each additional pound, the increased minimum price would be 20 pounds for 95 cents and 4 cents each additional pound. Again, if the present price for rough dry service is 7 pounds for 98 cents and 8 cents per pound thereafter, the increased minimum price would be 16 pounds for \$1.70 and 8 cents per pound thereafter.

The applicants are permitted to establish the increased minimums listed below or continue to supply service on their present minimums. No other minimums may be adopted.

The list of permitted increased minimums is as follows:

1. Damp wash (wet wash), 20 lbs.
2. Thrifty, 20 lbs.
3. Rough dry, 15 lbs.
4. All flat, 16 lbs.
5. Press finish, 12 lbs.
6. List price, pick-up and delivery, \$1.00 unless accompanied by a bundle of pound work service.
7. List price, cash and carry, \$0.50 unless accompanied by a bundle of pound work service.

No such increased minimum bundle sizes shall be inaugurated by any of such laundries unless and until it shall have submitted the revised minimum price schedules necessitated thereby to the New York District Office of the Office of Price Administration in the form and manner hereinafter suggested.

The statement of new minimum prices should take substantially the following form:

CEILING PRICES OF LAUNDRY SERVICES WITH INCREASED MINIMUM BUNDLE

1. Name of applicant _____ Date _____
2. Address _____

We herewith certify to the Office of Price Administration that, effective as of _____ we propose to institute the following minimum bundle sizes:

3. Service
- A. *Wet wash*:
 Present Minimum _____ lbs. for \$ _____
 additional lbs. @ _____¢ per lb.
 Permitted Minimum 20 lbs. for \$ _____
 additional lbs. @ _____¢ per lb.
- B. *Thrifty*:
 Present Minimum _____ lbs. for \$ _____
 additional lbs. @ _____¢ per lb.
 Permitted Minimum 20 lbs. for \$ _____
 additional lbs. @ _____¢ per lb.
- C. *Rough dry*:
 Present Minimum _____ lbs. for \$ _____
 additional lbs. @ _____¢ per lb.
 Permitted Minimum 15 lbs. for \$ _____
 additional lbs. @ _____¢ per lb.
- D. *All flat*:
 Present Minimum _____ lbs. for \$ _____
 additional lbs. @ _____¢ per lb.
 Permitted Minimum 16 lbs. for \$ _____
 additional lbs. @ _____¢ per lb.
- E. *Press finish*:
 Present Minimum _____ lbs. for \$ _____
 additional lbs. @ _____¢ per lb.
 Permitted Minimum 12 lbs. for \$ _____
 additional lbs. @ _____¢ per lb.
- F. List price (pick-up and delivery):
 Present Minimum bundle \$ _____
 Permitted Minimum bundle \$1.00
- G. List price (cash and carry):
 Present Minimum Bundle \$ _____
 Permitted Minimum Bundle \$.50

 Name of applicant
 By _____
 Title

[F. R. Doc. 43-16501; Filed, October 8, 1943; 4:53 p. m.]

[Region VI Order G-91 Under 18 (c) and MPR 329, Amdt. 1]

FLUID MILK IN SPENCER, IOWA

Amendment No. 1 to Order No. G-91 under § 1499.18 (c) of the General Maximum Price Regulation and under § 1351.408 (a) of Maximum Price Regulation No. 329. Purchase of milk from producers for resale as fluid milk. Adjustment of fluid milk prices for Spencer, Iowa.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the regional administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation and by § 1351.408 (c) of Maximum Price Regulation No. 329, *It is hereby ordered*, That paragraph (a) be amended to read as follows:

(a) *Maximum producer prices.* The maximum price for milk sold for human consumption in fluid form which may be paid to producers by distributors selling milk in Spencer, Iowa, shall be 70¢ per pound of butterfat contained in such milk or the maximum price established under Maximum Price Regulation No. 329, whichever shall be the higher.

This amendment to Order No. G-91 shall become effective September 28, 1943.

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

Issued this 23d day of September 1943.

RAYMOND S. McKEOUGH,
Regional Administrator.

[F. R. Doc. 43-16498; Filed, October 8, 1943; 4:51 p. m.]

[Jackson Order G-1 Under 3 (c) of GMPR] SHAWANO CLUB BEER IN JACKSON DISTRICT, MISS.

Order G-1 issued under § 1499.3 (c) of the General Maximum Price Regulation. Authorization of a pricing method for use in establishing a price for the sale, at wholesale and/or at retail, of Shawano Club Beer; Docket No. 6F:4-4:13c-5.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Mississippi District Office of the Office of Price Administration by § 1499.3 (c) of the General Maximum Price Regulation, by Revised General Order No. 32, and by Regional Delegation Order No. 3, issued by Region IV of the Office of Price Administration, dated April 15, 1943, *It is hereby ordered*:

(a) Regardless of any contract, agreement, or other obligation, no person, firm or corporation shall sell any Shawano Club Beer at prices higher than the maximum prices calculated as provided by this order. Neither shall any person, firm, or corporation agree, offer, solicit or attempt to sell any such beer at prices higher than those calculated as provided under this order. The price limitations of this order shall not be evaded by di-

rect or indirect methods, by means of, or in connection with, any offer, solicitation, agreement, sale, delivery, purchase, or receipt of or relating to such beer, alone or in conjunction with any other commodities, or by way of, or in connection with, any commission, service, transportation, or other charge or discount, premium, or privilege, or change in any business or trade practice. Lower prices may be charged, demanded, or offered.

(1) Any person, firm, or corporation purchasing Shawano Club Beer from the Farmers Brewing Company, Shawano, Wisconsin, in cases of 24-16 oz. bottles, shall establish as his maximum price for sales of such beer, a price calculated as follows: The total cost, f. o. b. Shawano, Wisconsin, plus actual freight on full cases to point of delivery and on empties on return from point of delivery to Shawano, Wisconsin, shall be calculated. This figure shall be multiplied by the figure 1.25 (one and twenty-five hundredths). To the resulting figure shall be added Mississippi State Beer Tax in the amount of sixty-four cents (\$0.64). The figure thus obtained shall be the seller's maximum price, per case, for the sale of Shawano Club Beer; *Provided, however*, That in no event shall such maximum price exceed \$3.75 per case of 24-16 oz. bottles.

(2) Any person purchasing Shawano Club Beer from any source other than the Farmers Brewing Company, Shawano, Wisconsin, shall establish as his maximum price for the sale of 16 oz. bottles, a price calculated as follows: The cost, to him, of one 16 oz. bottle, multiplied by the figure 1.6 (one and six-tenths). The resulting figure shall be the seller's maximum price, per 16 oz. bottle, for the sale of Shawano Club Beer; *Provided however*, That in no event shall such maximum price exceed twenty-five cents (\$0.25) per 16 oz. bottle.

(b) Except as otherwise provided herein, all transactions subject to this order shall remain subject to all provisions of Maximum Price Regulation 259, together with all amendments and orders which heretofore have been or hereafter may be issued, and all definitions set forth in such regulation, amendments, or orders, shall be applicable herein, unless otherwise provided.

(c) This order may be revoked, amended, or corrected at any time.

(d) This order shall become effective the 4th day of October 1943.

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

Issued this 2d day of October 1943.

WILLIAM E. HOLCOMB,
District Director.

[F. R. Doc. 43-16499; Filed, October 8, 1943; 4:52 p. m.]

[Jackson Order G-2 Under 3 (c) of GMPR]

FARMER'S LAGER BEER IN JACKSON DISTRICT, MISS.

Order G-2 issued under § 1499.3 (c) of the General Maximum Price Regulation.

Authorization of a pricing method for use in establishing a price for the sale, at wholesale and/or at retail, of Farmers Lager Beer; Docket No. 6F:4-4:13c-6.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Mississippi District Office of the Office of Price Administration by § 1499.3 (c) of the General Maximum Price Regulation, by Revised General Order No. 32, and by Regional Delegation Order No. 3, issued by Region IV of the Office of Price Administration, dated April 15, 1943; *It is hereby ordered:*

(a) Regardless of any contract, or other obligation, no person, firm or corporation shall sell any Farmers Lager Beer at prices higher than the maximum prices calculated as provided by this order. Neither shall any person, firm, or corporation agree, offer, solicit or attempt to sell any such beer at prices higher than those calculated as provided under this order. The price limitations of this order shall not be evaded by direct or indirect methods, by means of, or in connection with, any offer, solicitation, agreement, sale, delivery, purchase, or receipt of or relating to such beer, alone or in conjunction with any other commodities, or by way of, or in connection with, any commission, service, transportation, or other charge or discount, premium, or privilege, or change in any business or trade practice. Lower prices may be charged, demanded, or offered.

(1) Any person, firm, or corporation purchasing Farmers Lager Beer from the Farmers Brewing Company, Shawano, Wisconsin, in cases of 24-16 oz. bottles, shall establish as his maximum price for sales of such beer, a price calculated as follows: The total cost, f. o. b. Shawano, Wisconsin, plus actual freight on full cases to point of delivery and on empties on return from point of delivery to Shawano, Wisconsin, shall be calculated. This figure shall be multiplied by the figure 1.25 (one and twenty-five one hundredths). To the resulting figure shall be added Mississippi State Beer Tax in the amount of sixty-four cents (\$0.64). The figure thus obtained shall be the seller's maximum price, per case, for the sale of Farmers Lager Beer: *Provided however,* That in no event shall such maximum price exceed \$3.75 per case of 24-16 oz. bottles.

(2) Any person, firm, or corporation purchasing Farmers Lager Beer from any source other than the Farmers Brewing Company, Shawano, Wisconsin, shall establish as his maximum price for the sale of 16 oz. bottles, a price calculated as follows: The cost, to him, of one 16 oz. bottle, multiplied by the figure 1.6 (one and six-tenths). The resulting figure shall be the seller's maximum price, per 16 oz. bottle, for the sale of Farmers Lager Beer: *Provided however,* That in no event shall such maximum price exceed twenty-five cents (\$0.25) per 16 oz. bottle.

(b) Except as otherwise provided herein, all transactions subject to this order shall remain subject to all provisions of Maximum Price Regulation 259, together with all amendments and orders which heretofore have been or hereafter may be issued, and all defini-

tions set forth in such regulation, amendments, or orders, shall be applicable herein, unless otherwise provided.

(c) This order may be revoked, amended, or corrected at any time.

(d) This order shall become effective the 4th day of October 1943.

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

Issued this the 2d day of October 1943.

WILLIAM E. HOLCOMB,
District Director.

[F. R. Doc. 43-16500; Filed October 8, 1943;
4:52 p. m.]

[Oklahoma City Order G-1 Under MPR 426]

LETTUCE IN OKLAHOMA CITY DISTRICT

Order No. G-1 under Maximum Price Regulation No. 426, as amended. Wholesalers maximum price for fresh fruits and vegetables for table use—Lettuce.

This order is issued for the reasons set forth in an opinion issued simultaneously herewith and under the authority contained in section 2 of the above regulation to make adjustments of maximum prices, which authority was delegated to the Oklahoma City District Director by Order No. 27 issued on July 13, 1943 by the Regional Administrator of Region V.

SECTION 1. The maximum price which wholesalers may charge and which purchasers in the course of trade or business may pay for sales and deliveries in the Oklahoma City District of lettuce for table use in less than carlot or less than trucklot shall be as follows:

For iceberg lettuce in Los Angeles or Salinas crates containing four dozen, five dozen and six dozen heads of lettuce, \$5.17 per crate. Less than the maximum prices may be charged.

SEC. 2. The maximum price established herein may be charged only by wholesalers on less than carlot or less than trucklot sales. In all other sales except retail sales the seller must continue to charge no more than the maximum prices established by Maximum Price Regulation No. 426, as amended.

SEC. 3. A wholesaler is one, the larger portion of whose business is the purchase of food products for resale and the distribution from his warehouse without materially changing the form of such food products to independent retail stores or to commercial, industrial and institutional users.

SEC. 4. Except insofar as the adjustment of price herein made is concerned, all the provisions of Maximum Price Regulation No. 426, as amended, remain in full force and effect.

SEC. 5. This order replaces any previous order issued by this office under the provisions of Maximum Price Regulation No. 426.

SEC. 6. The provisions of this order apply to all less than carlot wholesale sales and deliveries of lettuce in the Oklahoma City District composed of the following counties: Alfalfa, Atoka, Beaver, Beckham, Blaine, Bryan, Caddo, Canadian, Carter, Choctaw, Cimarron, Cleveland, Coal, Comanche, Cotton, Custer, Dewey, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper,

Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Lincoln, Logan, Love, McClain, McCurtain, Major, Marshall, Murray, Noble, Oklahoma, Payne, Pontotoc, Pottawatomie, Pushmataha, Roger Mills, Seminole, Stephens, Texas, Tillman, Washita, Woods and Woodward.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681, Maximum Price Regulation No. 426, 8 F.R. 9546)

Issued this 25th day of September 1943.
Effective October 6, 1943.

REX A. HAYES,
District Director.

[F. R. Doc. 43-16496; Filed, October 8, 1943;
4:51 p. m.]

[Region VI Order G-25 Under 18 (c) and
MPR 280, Amdt. 2]

FLUID MILK IN OLNEY, ILL.

Amendment No. 2 to Order No. G-25 (formerly Regional Order No. 28) under § 1499.18 (c) of the General Maximum Price Regulation and under § 1351.807 (a) of Maximum Price Regulation No. 280—Maximum prices for specific food products. Adjustment of fluid milk prices for Olney, Illinois.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation and by § 1351.807 (a) of Maximum Price Regulation No. 280; *It is hereby ordered,* That paragraph 2 be amended to read as follows:

2. Sales and deliveries within the Olney, Illinois area shall mean:

(a) All sales and deliveries made within the city limits of Olney, Illinois; and
(b) All sales and deliveries by any seller at or from an establishment located within the city of Olney, Illinois; and

(c) All sales and deliveries of fluid milk by any seller at retail at or from an establishment located outside the city of Olney and obtaining the major portion of its supply of milk from sellers at wholesale falling within category (b) above.

This amendment to Order No. G-25 (formerly Regional Order No. 28) shall become effective September 28, 1943.

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

Issued this 28th day of September 1943.

RAYMOND S. McKEOUGH,
Regional Administrator.

[F. R. Doc. 43-16497; Filed, October 8, 1943;
4:51 p. m.]

[Region I Order G-12 Under Rev. MPR 122]

SPECIFIED SOLID FUELS IN HAVERHILL, MASS., AREA

Order No. G-12 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels—Haverhill, Massachusetts Area.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended; *It is hereby ordered:*

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the Haverhill, Massachusetts Area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefor shall be the prices hereinafter set forth. Maximum prices are established for (1) sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services. The geographical applicability of this Order G-12 is explained in paragraph (f), and the terms used herein are defined in paragraph (g).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order No. G-12. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in §1340.252 apply except to the extent that this Order G-12 provides uniform allowances, discounts, price differentials, service charges, and so forth.

Nothing contained in this order shall be so construed as to permit non-compliance with any statutes of the Commonwealth of Massachusetts, or any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) *Price Schedule I: Sales on a delivered basis.* (1) Price Schedule I sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis to consumers at any point in the Haverhill, Massachusetts Area, except prices for Pennsylvania Anthracite in 25-pound paper bags, the maximum prices for which are set forth in Price Schedule III.

Kind and size	1 ton	½ ton	¼ ton	100 lbs. ¹
Pennsylvania Anthracite (except egg, stove and chestnut sizes of Red Ash and Jeddo Highland):				
Broken, egg, stove, chestnut.....	\$15.55	\$8.30	\$4.90	\$1.00
Pea.....	14.00	7.50	4.50	.90
Buckwheat.....	11.95	6.50	4.00	.80
Rice.....	11.45	6.25	3.85	.80
Red Ash:				
Red Ash, egg.....	17.30	9.15	5.25	1.10
Red Ash, stove.....	17.55	9.30	5.40	1.10
Red Ash, chestnut.....	16.60	8.80	5.15	1.10
Jeddo Highland—Egg, stove, chestnut.....	16.05	8.55	5.00	1.05
Coke—Egg, stove, chestnut.....	15.00	8.00	4.75	.95
Ambricoal.....	15.05	8.05	4.75

¹ The maximum prices per 100 pounds include carrying or wheeling to consumer's bin or storage space.

(2) *Terms of sale.* If payment is made by the consumer within 10 days after receipt of the fuel, the maximum prices set forth above per net ton shall be reduced by \$1.00, which reduction is a "cash discount." No further discount is required for cash on delivery, and no "cash discount" is required on sales of less than one ton. If payment is not required or made at the time of delivery or, in the case of deliveries of one ton or more, within 10 days thereafter, terms shall be net 30 days.

(3) *Maximum authorized service and deposit charges.* (i) If the consumer requests such services of him the dealer may make the following charges for carry or wheel service:

	Per net ton	½ ton	¼ ton
For any carry or wheeling from a "direct delivery" point to consumer's bin or storage space, except when the fuel is carried up flights of stairs.....	Cents 50	Cents 25	Cents 15
For any carry or wheeling from a "direct delivery" point to consumer's bin or storage space which includes a carry up flights of stairs, per flight.....	75	40	20

(ii) If the consumer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, the bags shall be 25 cents per bag. This subparagraph (3) applies only when the dealer renders the service.

(c) *Price Schedule II: Yard sales.* (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Haverhill, Massachusetts Area to consumers and to dealers in fuels who resell them, except prices for Pennsylvania Anthracite in 25-pound paper bags, the maximum prices for which are set forth in Price Schedule III.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs. ¹
Pennsylvania Anthracite (except egg, stove and chestnut sizes of Red Ash and Jeddo Highland):				
Broken, egg, stove, chestnut.....	\$13.80	\$7.35	\$3.95	\$0.80
Pea.....	12.25	6.65	3.55	.75
Buckwheat.....	10.20	5.60	3.05	.65
Rice.....	9.70	5.35	2.95	.60
Yard screenings.....	2.85			
Red Ash:				
Red Ash, egg.....	15.55	8.30	4.40	.90
Red Ash, stove.....	15.80	8.40	4.45	.90
Red Ash, nut.....	14.85	7.95	4.20	.90
Jeddo Highland—Egg, stove, chestnut.....	14.30	7.65	4.10	.85
Coke—Egg, stove, chestnut.....	13.25	7.15	3.80	.80
Ambricoal.....	13.30	7.15	3.85

¹ The maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return burlap bags furnished by the dealer shall be 25 cents per bag.

(2) *Terms of sale.* Terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days or net 10 days E. O. M.

(d) *Price Schedule III: Bagged anthracite.* (1) Price Schedule III sets forth maximum prices for sales of Pennsylvania Anthracite in 25-pound paper bags sold and delivered in the Haverhill, Massachusetts Area. Prices are expressed in cents per bag.

(A) UNMIXED COAL

	Chestnut	Stove	Pea
Sales to dealers, peddlers and stores, f. o. b. buyer's trucks at bagger's yard.....	Cents 19	Cents 19	Cents 17
Sales to ultimate consumers at bagger's yard.....	21	21	19
Delivered to retail stores.....	21½	21½	19½
Sales to ultimate consumers from bagger's or peddler's truck.....	24	24	22
Sales at retail stores:			
Chain stores.....	25	25	23
Independent outlets.....	26	26	24

(B) MIXTURES (50 PERCENT OF EACH BY WEIGHT)

	Stove and chestnut	Chestnut and pea	Stove and pea
Sales to dealers, peddlers and stores f. o. b. buyer's trucks at bagger's yard.....	Cents 19	Cents 18	Cents 18
Sales to ultimate consumers at bagger's yard.....	21	20	20
Delivered to retail stores.....	21½	20½	20½
Sales to ultimate consumers from bagger's or peddler's truck.....	24	23	23
Sales at retail stores:			
Chain stores.....	25	24	24
Independent outlets.....	26	25	25

(2) In the case of sales delivered to retail stores, the total amount charged shall be adjusted to the next lower cent if an odd number of units is sold.

(e) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier: *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton, or on sales of any quantity of Pennsylvania Anthracite in 25-pound paper bags.

(f) *Geographical applicability.* The maximum prices established by this Order for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the Haverhill, Massachusetts area, regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the Haverhill, Massachusetts area, regardless of whether the dealer is located within said area.

(g) *Definitions.* When used in this Order G-12, the term:

(1) "Haverhill, Massachusetts Area" shall include the following cities and towns in the Commonwealth of Massachusetts: Amesbury, Boxford, Georgetown, Groveland, Haverhill, Merrimac,

Newbury, Newburyport, Salisbury and West Newbury.

(2) "Specified solid fuels" shall include all Pennsylvania Anthracite (including Red Ash), Ambricoal and Coke.

(3) "Pennsylvania Anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Red Ash" is that Pennsylvania Anthracite which is mined in the Lykens seam in Schuylkill County in the Commonwealth of Pennsylvania.

(5) "Jeddo Highland" is that Pennsylvania Anthracite which is prepared at Jeddo #7 breaker and Highland #5 breaker of the Jeddo Highland Coal Company, Jeddo, Pennsylvania and marketed by said company under the trade names "Jeddo Coal", "Highland Coal", or "Hazle Brook Coal".

(6) "Broken", "egg", "stove", "chestnut" and "pea" sizes of Pennsylvania Anthracite refer to the legal standard sizes for anthracite offered for sale in the Commonwealth of Massachusetts, effective December 1, 1941, as established by the Director of Standards of the Division of Standards of the Department of Labor and Industries of the Commonwealth of Massachusetts pursuant to General Laws (Ter. Ed.) Chapter 94, section 239A (Chapter 382, Acts of 1926). "Buckwheat", "Rice" and "Barley" sizes of Pennsylvania Anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(7) "Ambricoal" means Anthracite briquettes manufactured by American Briquet Company at its plant at Lykens, Pennsylvania, and marketed under that trade name.

(8) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(9) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at a point where this can be done and at the point nearest and most accessible to the buyer's bin or storage space.

(10) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, sack or otherwise from the seller's truck or from the point of discharge therefrom when made in the course of "direct delivery".

(11) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(12) "Bagger" means a dealer who bags Pennsylvania Anthracite in paper bags containing 25 pounds each, or who purchases such coal, so bagged, from a producer or distributor thereof.

(13) "Chain store" means a retail outlet which is a unit of four or more retail outlets under one ownership.

(14) "Independent outlet" means a retail outlet which is not a unit of four or more retail outlets under one ownership.

(15) "Truck" shall include a wagon or other vehicle used for the carriage and distribution of fuel which is the subject of this order.

(16) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(h) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(i) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this Order G-12 shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this Order G-12 available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this Order G-12 shall give to each purchaser an invoice or similar document showing (a) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (b) separately stating any special services rendered and deposit charges made and the amount charged therefor. This paragraph (b) (2) shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December, 1941 customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(4) Every dealer subject hereto who sells Pennsylvania Anthracite in 25 pound paper bags to retail stores shall furnish a copy of this Order G-12 to each such store at the time of the first sale to such store after this order has become effective; *Provided, however,* That in the case of deliveries to retail stores which are units of two or more stores under one ownership and with a central office, it shall be sufficient to furnish a copy to such central office.

(j) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a peti-

tion for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeal from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(k) This order may be revoked, amended or corrected at any time.

This Order No. G-12 shall become effective October 18, 1943.

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

Issued this 9th day of October 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-16514; Filed, October 9, 1943; 11:31 a. m.]

[Region II Order G-15 Under Rev. MPR 122]

SOLID FUELS IN DESIGNATED PORTIONS
OF MARYLAND

Order No. G-15 under §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122—Solid fuels sold and delivered by dealers. Solid fuels delivered by dealers in Baltimore City and designated portions of Baltimore and Anne Arundel Counties, State of Maryland, Coal Area I.

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 §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, *It is hereby ordered:*

(a) *What this order does—*(1) *Dealers' maximum prices; area covered.* If you are a dealer in solid fuels, this order fixes the maximum prices which you may charge, and if you are a purchaser in the course of trade or business, this order fixes the maximum prices which you may pay, for certain sizes and quantities of "Pennsylvania anthracite" and "Virginia anthracite", and for certain sizes, quantities and types of bituminous coal and coke delivered to or at any point in State of Maryland—Coal Area I. That area consists of Baltimore City and the following 1935 election districts in Baltimore County and Anne Arundel County, as shown on the Maryland Geological Survey Map, prepared in 1935 by the Maryland State Geologist: In Baltimore County: 1935 Election District Nos. 1, 2, 3, 9, 12, 13, 14 and 15. In Anne Arundel County: 1935 Election District No. 5.

(2) *Schedules of prices, charges and discounts.* The applicable prices, authorized charges, and required discounts, from which you shall determine the maximum prices for designated kinds, sizes and quantities of coal delivered within Coal Area I are set forth in Schedules I and II hereafter.

(3) *To what sales this order applies.* If you are a dealer in solid fuels, you are bound by the prices, charges and discounts, and by all other provisions of

this order for all deliveries within Coal Area I whether or not you are located in Coal Area I.

(b) *What this order prohibits.* Regardless of any contract or other obligations, you shall not:

(1) Sell, or in the course of trade or business, buy solid fuels of the kinds, sizes and in the quantities set forth in the schedules herein, at prices higher than the maximum prices computed as set forth in paragraph (c) of this order, although you may charge, pay or offer less than maximum prices.

(2) Obtain any price higher than the applicable maximum price by (i) changing the discounts authorized herein, or (ii) charging for any service which is not expressly requested by the buyer, or (iii) charging for any service for which a charge is not specifically authorized by this order, or (iv) charging a price for any service higher than the schedule price for such service, or (v) using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, except that a dealer may comply with requirements or standards with respect to deliveries which have been or may be issued by an agency of the United States Government. (vi) Using any other device by which a higher price than the applicable maximum price is obtained, directly or indirectly.

(c) *How to compute maximum prices.* You must figure your maximum price as follows:

(1) *Use the schedule which covers your sale.* (Schedule I applies to sales on a "direct-delivery" basis. You will find Schedule I in paragraph (d). Schedule II applies to "yard sales". You will find Schedule II in paragraph (e).)

(2) Take the dollars-and-cents figure given in the applicable schedule, for the kind, size and quantity of solid fuel you are selling.

(3) Deduct from that figure the amount of the discount which you are required to give, as specified in each schedule. Where a discount is required, you must state it separately on your invoice.

(4) If, at your purchaser's request, you actually render him a service for which this order authorizes a charge, you may add to the figure obtained as above no more than the maximum authorized service charge. You must state that charge separately on your invoice. The only authorized service charges are those provided for in Schedule I.

(5) If you deliver a fraction of a net ton, but not less than one-half ton, and the applicable schedule provides a discount on the basis of one ton, or one-half ton, you shall allow a proportionate discount, making your calculation to the nearest full cent. For example, if you are required to deduct 50¢ per ton for cash payment, you shall deduct 38¢ for three-quarters of a ton.

(6) If you deliver a fraction of a net ton, but not less than one-half ton, and the applicable schedule provides a service charge on the basis of one ton, you shall add no more than a proportionate service charge, making your calculation to the nearest full cent. For example,

if the transaction permits a service charge of 75¢ per ton, you shall not add more than 56¢ for performance of that service in connection with the delivery of three-quarters of a ton.

(d) *Schedule I: Sales on a "direct delivery" basis.* Schedule I establishes specific maximum prices for certain kinds, sizes and quantities of solid fuel, delivered to or at any point within Coal Area I. Prices in the following table are credit prices, applicable to payment made after 30 days from the date of delivery, and are subject to the discounts enumerated below.

For sales of coal of the kinds and sizes, and in the quantities specified.

Kind and size of coal	Per net ton	Per net ½ ton	Per 100 pounds (for sales of 100 pounds or more but less than ½ ton)		
				Cents	
Pennsylvania Anthracite:					
Broken, Egg, Stove and Nut	13.55	7.30	80		
Pea	12.00	6.50	70		
Buckwheat	10.70	5.85	65		
Rice	10.05	5.55	60		
Barley	9.00				
Screenings	3.00				
Virginia Anthracite:					
Egg, Stove and Nut	10.90	5.95	65		
Pea	9.25	5.15	55		
Bituminous Coal, District I (Low Volatile):					
Run of Mine	9.15	5.10			
Stoker Pea	9.90	5.45	60		
Nut and Slack	9.20	5.10	55		
Egg and Lump	9.95	5.50	60		
Dealer Rescreened Egg	10.85	5.95	65		
District I (High Volatile):					
Run of Mine	8.50	4.75			
Districts II, III and VI (High Volatile):					
Run of Mine	8.50	4.50			
Stoker (Special) Sewall Seam Classification "A"	9.25	5.15	55		
Stoker (Double Screened) bottom size over ¾" and Nut and Slack, top size over 2"	8.55	4.80	55		
Egg and Lump—Sewall Seam Classification "A"	10.00	5.50	60		
Egg and Lump—Except Sewall Seam Classification "A"	9.05	5.05	55		
District VII (Low Volatile):					
Domestic Run of Mine	10.70	5.85	65		
Stoker and Pea	9.95	5.50	60		
Stove	11.50	6.25	65		
Egg and Lump	11.75	6.40	70		
District VIII (High Volatile):					
Egg	9.30	5.15	60		
Briquets (Anthracite)	12.30	6.65	75		

Required discounts. You shall deduct from the prices set forth above in this schedule, on sales and deliveries of all sizes except screenings, a discount of \$1.00 per net ton and 50¢ per net ½ ton, where payment is made within ten days after delivery. If payment is made after ten days and within thirty days from the date of delivery, you shall deduct a discount of 50¢ per net ton and 25¢ per net ½ ton on all sizes except screenings. Nothing herein shall be construed as requiring that you sell on other than a cash basis.

Maximum Authorized Service Charges

Special service rendered at the request of the purchaser:	Maximum authorized service charges (cents per net ton)
"Carry" or "wheel" (except for sales amounting to less than ½ ton)	75

(e) *Schedule II: Yard sales.* Schedule II establishes specific maximum prices for certain kinds, sizes and quantities of solid fuel sold at the dealer's "yard", (1) to consumers, and (2) to other dealers for resale. Prices to consumers in table (1) are credit prices, applicable to payment made after 30 days from the date of delivery, and are subject to the discounts enumerated thereunder. Prices in table (2) are maximum prices not subject to discount.

(1) *Sales at dealer's yard to consumers.*

Kind and size of coal	Per net ton for sales of ½ ton or more	Per 100 pounds for 100 pounds or more but less than ½ ton		
			Cents	
Pennsylvania Anthracite:				
Broken, Egg, Stove and Nut	\$12.55		75	
Pea	11.00		65	
Buckwheat	9.70		60	
Rice	9.05		55	
Barley	8.00			
Screenings	2.00			
Virginia Anthracite:				
Egg, Stove and Nut	9.90		60	
Pea	8.25		60	
Bituminous Coal District I (Low Volatile):				
Run of Mine	8.15			
Stoker Pea	8.90		55	
Nut and Slack	8.20		50	
Egg and Lump	8.95		55	
Dealer Rescreened Egg	9.85		60	
District I (High Volatile):				
Run of Mine	7.50			
Districts II, III and VI (High Volatile):				
Run of Mine	7.80			
Stoker (Special) Sewall Seam, Classification "A"	8.25		60	
Stoker (Double Screened) bottom size over ¾" and Nut and Slack, top size over 2"	7.55		50	
Egg and Lump—Sewall Seam, Classification "A"	9.00		55	
Egg and Lump—Except Sewall Seam, Classification "A"	8.05		50	
District VII (Low Volatile):				
Domestic Run of Mine	9.70		60	
Stoker and Pea	8.95		55	
Stove	10.50		60	
Egg and Lump	10.75		65	
District VIII (High Volatile):				
Egg	8.30		55	
Briquets (Anthracite)	11.30		70	

Required discounts. You shall deduct from the prices set forth above in this schedule, on sales and deliveries of all sizes except screenings, a discount of \$1.00 per net ton and 50¢ per net ½ ton, where payment is made within ten days after delivery. If payment is made after ten days and within thirty days from the date of delivery, you shall deduct a discount of 50¢ per net ton and 25¢ per net ½ ton on all sizes except screenings. Nothing herein shall be construed as requiring that you sell on other than a cash basis.

(2) *Sales at dealer's yard to other dealers for resale.*

Kind and size of coal	Maximum price per net ton
Pennsylvania Anthracite:	
Broken, Egg, Stove and Nut	\$10.80
Pea	9.20
Buckwheat	7.00
Rice	6.30
Barley	5.35
Bituminous Coal:	
Run-of-Mine (District 1, Low Volatile)	6.20
Egg (District 2, High Volatile)	6.25
Egg (District 3, High Volatile)	6.40
Nut (District 3, High Volatile)	6.30

Kind and size of coal	Maximum price per net ton
District 7, Low Volatile:	
Egg-----	\$8.60
Stove-----	8.75
Pea-----	7.15
Briquets (Anthracite)-----	8.70

(f) *Commingling.* If one size or kind of coal is sold commingled with another size or kind of coal, the maximum price for the combination shall be the maximum price established in this order for the smallest of the sizes or for the least expensive kind of coal so commingled, whichever is lower, whether the sale be a "Delivered Sale" or "Yard Sale", except in the following situation: Where a purchaser requests that two or more sizes or kinds of fuels be commingled in one delivery, then, and in that event, if these sizes and kinds are separately weighed at the point of loading, the dealer may commingle those sizes and kinds in the truck or other vehicle, in which the delivery is made. The price for coal so commingled shall be calculated on the basis of the applicable per net ton price for each size and kind in the combination, and the invoice shall separately state the price, so determined, for the quantity of each size and kind in the combination.

(g) *Ex Parte 148; freight rate increase.* Since the Ex Parte 148 Freight Rate Increase has been rescinded by the Interstate Commerce Commission, dealers' freight rates are the same as those of December 1941. Therefore, you may not increase any Schedule Price on account of freight rates.

(h) *Addition of increase in suppliers' maximum prices prohibited.* You may not increase the specific maximum prices established by this order to reflect, in whole or in part, any subsequent increase to you in your supplier's maximum price for the same fuel. The specific maximum prices already reflect increases to you in your supplier's maximum prices occurring up to the effective date of this order. If increases in your supplier's maximum prices should occur after such date, as the result of any amendment to or revision of a maximum price regulation issued by the Office of Price Administration governing sales and deliveries made by such suppliers, the Regional Administrator will, if he then deems it to be warranted, take appropriate action to amend this order to reflect such increases.

(i) *Taxes.* If you are a dealer subject to this order you may collect, in addition to the specific maximum prices established herein, provided you state it separately, the amount of the Federal tax upon the transportation of property imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by you, or any amount equal to the amount of such tax paid by any of your prior suppliers and separately stated and collected from you by the supplier from whom you purchased. On sales to the United States or any agency thereof, you need not state this tax separately.

(j) *Adjustable pricing.* You may not make a price adjustable to a maximum price which will be in effect at some time after delivery of the anthracite has been

completed; but the price may be adjustable to the maximum price in effect at the time of delivery.

(k) *Petitions 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 the Regional Administrator and acted upon by him.

(l) *Right of amendment or revocation.* The Regional Administrator or the Price Administrator may amend, revoke or rescind this order, or any provision thereof, at any time.

(m) *Applicability of other regulations.* If you are a dealer subject to this order, you are governed by the licensing and registration provisions of sections 15 and 16 of the General Maximum Price Regulation. Sections 15 and 16 provide, in brief, that a license is required of all persons selling at retail commodities for which maximum prices are established. A license is automatically granted. It is not necessary to apply for the license, but you may later be required to register. The license may be suspended for violations in connection with the sale of any commodity for which maximum prices are established. If your license is suspended, you may not sell any such commodity during the period of suspension.

(n) *Records.* If you are a dealer subject to this order, you shall preserve, keep, and make available for examination by the Office of Price Administration, the same records you were required to preserve and keep under § 1340.262 (a) and (b) of Revised Maximum Price Regulation No. 122.

(o) *Posting of maximum prices; sales slips and receipts.* (1) If you are a dealer subject to this order, you shall post all your maximum prices (as set forth in the applicable schedule or schedules of this order) in your place of business in a manner plainly visible to and understandable by the purchasing public.

(2) If you are a dealer subject to this order, you shall, except for a sale of less than one-half ton, give each purchaser a sales slip or receipt showing your name and address, the kind, size, and quantity of coal sold to him, the date of the sale or delivery and the price charged, separately stating the amount, if any, of the required discounts which must be deducted from, and the authorized service charges and the taxes, which may be added to, the specific maximum prices prescribed herein.

In the case of all other sales, you shall give each purchaser a sales slip or receipt containing the information described in the foregoing paragraph, if requested by such purchaser or if, during December 1941, you customarily gave purchasers such sales slips or receipts.

(p) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged

to communicate with the Maryland District Office of the Office of Price Administration.

(q) *Definitions and explanations.* When used in this Order No. G-15, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political sub-divisions, or any agency or any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase" and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling coal of the kinds and sizes set forth in the schedules herein, and does not include a producer or distributor making sales at or from a mine, a preparation plant operated as an adjunct of any mine, or a briquette plant.

(4) "Direct delivery", except with respect to sales in 100 lb. lots, means delivery to the buyer's bin or storage space by dumping or chuting directly from the seller's truck or other vehicle or, where such delivery to the buyer's bin or storage space is physically impossible, by discharging at the point nearest and most accessible to the buyer's bin or storage space and at which the coal can be discharged directly from the seller's truck. "Direct delivery" in 100 lb. lots shall mean depositing in buyer's bin or other storage space designated by buyer.

(5) "Carry" and "wheel" refer to the movement of coal to buyer's bin or storage space, in baskets or other containers, or by wheelbarrow or barrel, from the seller's truck or other vehicle, or from the point nearest and most accessible to the buyer's bin or storage space at which coal is discharged from the seller's truck in the course of "direct delivery".

(6) "Yard sales" means sales accompanied by physical transfer to the buyer's truck or vehicle at the yard, dock, barge, car, or at a place of business of the seller other than at seller's truck or vehicle.

(7) "Pennsylvania anthracite" means all coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(8) The sizes of Pennsylvania anthracite described as broken, egg, stove, nut, pea, buckwheat, rice, barley and screenings shall refer to such sizes of anthracite as they were sold and designated in the State of Maryland, Coal Area I, during December, 1941.

(9) "Virginia anthracite" means non-bituminous coal produced in the State of Virginia.

(10) "Egg, Stove, Nut, and Pea" sizes of Virginia anthracite refer to the sizes of such coal as prepared by the producer during the period December 15-31, 1941.

(11) "District No." refers to the geographical coal-producing districts as defined in the Bituminous Coal Act of 1937, as amended, and as they have been modified as of midnight, August 23, 1943.

(12) "Low volatile bituminous coal" is produced in the low volatile sections of the producing districts specified herein.

(13) "High volatile bituminous coal" is produced in the high volatile sections of the producing districts specified herein.

(14) All designations in this order of sizes, classifications, seams, etc., applicable to bituminous coal, refer to the sizes, classifications, seams, etc., as set forth in the minimum price schedules for the various producing districts issued by the Bituminous Coal Division of the United States Department of Interior, as in effect midnight, August 23, 1943.

(15) Except as otherwise provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to terms used herein.

(c) *Effect of order on Revised Maximum Price Regulation No. 122.* To the extent applicable this order supersedes Revised Maximum Price Regulation No. 122.

This order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G-15 shall become effective October 11, 1943.

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

Issued this 4th day of October 1943.

SYLVAN L. JOSEPH,
Regional Administrator.

[F. R. Doc. 43-16543; Filed, October 9, 1943; 2:22 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 30-203]

CONSOLIDATED NATURAL GAS COMPANY ORDER EXTENDING TIME TO FILE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 1st day of October 1943.

Consolidated Natural Gas Company having filed, pursuant to section 5 (a) of the Act, a notification of registration as a person purposing to become a holding company; and having thereafter filed applications and declarations regarding the proposed acquisition from Standard Oil Company of New Jersey of all the voting securities of certain natural gas companies concerning which hearings have been held and completed; and

Consolidated Natural Gas Company having requested that the date for filing Form U-5B heretofore extended until October 1, 1943, be extended until November 1, 1943, on the grounds that, by reason of the pendency of the said applications and declarations, the acquisition by Consolidated Natural Gas Company of the stocks of the aforesaid natural gas companies, which will cause Consolidated Natural Gas Company to become a holding company, will not be effected until after October 1, 1943; and

It appearing to the Commission that such request for further extension is reasonable and is not detrimental to the public interest or the interests of investors and consumers;

It is hereby ordered, That the time within which Consolidated Natural Gas Company is required to file its registration statement on Form U-5B, pursuant to Rule U-1 (b) promulgated under the Public Utility Holding Company Act of 1935, be, and the same hereby is, extended to November 1, 1943.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-16481; Filed, October 8, 1943; 12:22 p. m.]

[File Nos. 54-79, 59-52]

NIAGARA HUDSON POWER CORP., ET AL.

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 7th day of October 1943.

In the matter of Niagara Hudson Power Corporation and Buffalo, Niagara and Eastern Power Corporation, applicants, File No. 54-79, and Niagara Hudson Power Corporation and its subsidiary companies, respondents, File No. 59-52.

Niagara Hudson Power Corporation, a subsidiary of The United Corporation, a registered holding company, and Buffalo, Niagara and Eastern Power Corporation, a subsidiary of Niagara Hudson Power Corporation, having filed an application under section 11 (e) of the Public Utility Holding Company Act of 1935 for approval of a "Plan of Reorganization of the Niagara Hudson System"; and

The Commission having by order dated June 28, 1943, consolidated the proceeding upon said application with the proceeding theretofore instituted by the Commission under sections 11 (b) (2), 12 (c), 12 (f), 15 (f) and 20 (a) of said Act with respect to said Niagara Hudson Power Corporation and its subsidiary companies, and having by said order of June 28, 1943 set down said consolidated proceedings for hearing at the offices of the Commission in Philadelphia, Pennsylvania, on October 19, 1943, at 10:00 a. m., e. w. t.; and

The Commission having been advised that hearings before the New York State Public Service Commission, relating to certain phases of said proposed plan, are still in progress and will reconvene on October 11, 1943, and the Commission deeming it appropriate under the circumstances that the hearing be postponed;

It is ordered, That the hearing in this matter previously scheduled for October 19, 1943, at 10:00 a. m., e. w. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, be, and hereby is, postponed to November 9, 1943, at the same hour and place and before the same trial examiner as heretofore designated.

It is further ordered, That the time within which any person desiring to be heard or otherwise to participate in said proceedings shall file his request or application therefor with the Secretary of the Commission, as provided by Rule XVII of the Commission's Rules of Practice, be, and the same hereby is, extended to November 4, 1943.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-16477; Filed, October 8, 1943; 12:37 p. m.]

[File No. 811-241]

AMERICAN CAPITAL CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 7th day of October, A. D. 1943.

The Commission having reasonable cause to believe that American Capital Corporation, a registered investment company, has ceased to exist by reason of its merger into another corporation and that all of its assets are possessed by the surviving corporation subject to all debts, liabilities and duties of American Capital Corporation;

It is ordered, Pursuant to section 40 (a) of said Act, that a hearing be held on October 18, 1943 at 10:00 a. m., eastern war time, in Room 318, Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania, to determine whether the Commission shall declare by order, pursuant to section 8 (f) of said Act, that American Capital Corporation has ceased to be an investment company; and

It is further ordered, That Robert P. Reeder, Esquire, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to American Capital Corporation and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-16478; Filed, October 8, 1943; 12:22 p. m.]

[File Nos. 54-79 and 59-52]

NIAGARA HUDSON POWER CORP., ET AL.

ORDER NAMING PARTY TO PROCEEDING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of October 1943.

In the matter of Niagara Hudson Power Corporation and Buffalo, Niagara and Eastern Power Corporation, applicants, File No. 54-79; and Niagara Hudson Power Corporation and its subsidiary companies, respondents, File No. 59-52.

The Commission having, on June 28, 1943, issued its Notice of and Order for Hearing on the application by Niagara Hudson Power Corporation, a subsidiary of The United Corporation, a registered holding company, and Buffalo, Niagara and Eastern Power Corporation, a subsidiary of Niagara Hudson Power Corporation, for approval of a "Plan of Reorganization of the Niagara Hudson System" under section 11 (e) of the Public Utility Holding Company Act of 1935; and

The United Gas Improvement Company, being a registered holding company and a subsidiary of The United Corporation, and owning 8.67% of the outstanding voting securities of Niagara Hudson Power Corporation, having requested that it be made a party to the proceeding in respect of said plan; and

It appearing that the acquisition of securities by The United Gas Improvement Company under the proposed plan is subject to the provisions of sections 9 and 10 of said Act; and

It further appearing to the Commission that it is appropriate in the public interest and the interests of investors and consumers that The United Gas Improvement Company be a party to the proceeding in respect of said plan;

It is ordered, That The United Gas Improvement Company be, and hereby is, made a party to said proceeding.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-16476; Filed, October 8, 1943; 12:37 p. m.]

[File No. 59-68]

TIDE WATER POWER COMPANY

ORDER DENYING MOTION AND POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 7th day of October 1943.

The Commission having, by order dated September 29, 1943, instituted proceedings pursuant to sections 11 (b) (2), 12 (c), 15 (f), and 20 (a) of the Public Utility Holding Company Act of 1935 naming Tide Water Power Company respondent; the said order requiring, among other things, that said respondent shall file with the Secretary of the Commission on or before October 8, 1943, its answer with respect to the allegations contained in Paragraphs 1 to 18 of the order and directing that a hearing be held on October 18, 1943;

General Gas & Electric Corporation, the owner of 100% of the outstanding common stock of the respondent, having on October 4, 1943, filed a motion for stay of these proceedings, requesting:

1. That the Commission stay all further proceedings in this matter for the periods of time as prayed for in said motion;

2. That the Commission hear oral argument upon the motion; and

3. That the Commission grant to the petitioner, General Gas & Electric Corporation, such other and further relief as to the Commission may seem proper.

Said motion for stay of the proceedings having been filed in the form of a petition and being accompanied by a brief in support of the said motion; and - The Commission having considered said petition of General Gas & Electric Corporation and the brief in support of the said motion for stay of proceedings, and finding that oral argument would serve no useful purpose; *It is, hereby ordered*, That:

1. The petitioner's request for oral argument on the motion to stay proceedings is denied;

2. The motion to stay proceedings, as prayed for by the petitioner, is denied;

3. In accordance with petitioner's prayer for such other relief as to the Commission may seem proper, the period of time within which the respondent, Tide Water Power Company, shall file with the Secretary of the Commission its answer with respect to the allegations contained in paragraphs 1 to 18 of said order dated September 29, 1943, be and is hereby extended to October 18, 1943; and the hearing in this matter previously directed to be held on October 18, 1943, be and hereby is postponed to October 25, 1943, at 10:00 a. m. e. w. t., at the same place and before the same trial examiner as heretofore designated.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-16482; Filed, October 8, 1943; 12:22 p. m.]

[File No. 70-692]

ROCHESTER TRANSIT CORPORATION

ORDER CONSENTING TO WITHDRAWAL OF DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of October 1943.

Rochester Transit Corporation having filed a declaration pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-42 of the General Rules and Regulations thereunder, with respect to the expenditure up to the sum of \$200,000 for the purposes of acquiring its Twenty-year Secured 4½ Income Notes, Series A, due September 1, 1958; and

Rochester Transit Corporation having filed a request for permission to withdraw the declaration stating that it is not now a subsidiary of a registered holding company as defined in section 2 (a) (8) of the Act; and

The Commission having considered the request and deeming it appropriate that it should be granted;

It is ordered, That the said declaration be and hereby is permitted to be withdrawn.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 43-16480; Filed, October 8, 1943; 12:22 p. m.]

[File No. 70-792]

CONSOLIDATED ELECTRIC AND GAS CO., ET AL.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 6th day of October, A. D. 1943.

In the matter of Consolidated Electric and Gas Company, The Durham Gas Company, and Jersey Shore Gas Company.

Notice is hereby given that a declaration and amendments thereto have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Consolidated Electric and Gas Company, a registered holding company under said Act, and its subsidiaries, The Durham Gas Company and Jersey Shore Gas Company; and

Notice is further given that any interested person may, not later than October 19, 1943 at 5:30 p. m., e. w. t., request the Commission that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration, as filed or amended, may become effective, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

In connection with the proposed sale of all of its assets, The Durham Gas Company proposes to acquire and retire all its outstanding First Mortgage 6% Gold Bonds, due December 1, 1952, all of which are owned by Consolidated Electric and Gas Company and pledged by it to secure the Southern Cities Utilities Company 30-Year First Lien and Collateral Trust 5% Gold Bonds, due April 1, 1958 (assumed by Consolidated Electric and Gas Company). Upon such acquisition The Durham Gas Company proposes to create in favor of Consolidated Electric and Gas Company a like principal amount of open account indebtedness. An amount equal to the cash proceeds to be received from the sale of the Durham assets will be deposited with the trustee under the indenture securing Southern Cities Utilities Com-

pany 30-Year First Lien and Collateral Trust 5% Gold Bonds, due April 1, 1958 concurrently with the release by the trustee of The Durham Gas Company bonds for cancellation.

In connection with the proposed sale of all of its assets, Jersey Shore Gas Company proposes to acquire and retire all of its outstanding First Mortgage 5½% Gold Bonds, due July 1, 1987, in the aggregate principal amount of \$59,000, all of which are owned by Consolidated Electric and Gas Company and pledged by it to secure its Collateral Trust Gold Bonds. Upon such acquisition, Jersey Shore Gas Company proposes to create in favor of Consolidated Electric and Gas Company a like principal amount of open account indebtedness. An amount equal to the cash proceeds to be received from the sale of the Jersey Shore Gas Company assets will be deposited with the trustee under the indenture securing the Collateral Trust Gold Bonds of Consolidated Electric and Gas Company concurrently with the release by the trustee of the Jersey Shore Gas Company Bonds for cancellation.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-16479; Filed, October 8, 1943;
12:22 p. m.]

[File Nos. 70-798, 70-799]

PUBLIC SERVICE CO. OF COLORADO, ET AL.
NOTICE OF FILING AND ORDER FOR HEARING
AND DIRECTING CONSOLIDATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 7th day of October, 1943.

In the matter of Public Service Company of Colorado, Cities Service Power & Light Company, File No. 70-798; Cities Service Power & Light Company, File No. 70-799.

Notice is hereby given that declarations or applications (or both) have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Public Service Company of Colorado ("Colorado") and Cities Service Power & Light Company ("Power & Light") (File No. 70-798) and by Power & Light (File No. 70-799). Power & Light is a registered holding company and a subsidiary company of Cities Service Company, also a registered holding company. Colorado is a public-utility subsidiary company of Power & Light and of Cities Service Company.

All interested persons are referred to said documents which are on file in the office of this Commission, for statements of the transactions therein proposed, which are summarized below:

File No. 70-798. (a) Power & Light now holds all the outstanding common stock of Colorado (229,900 shares, par value \$100 per share), and 40,235 shares out of 102,434 shares of the outstanding Cumulative First Preferred stock of Colorado (par value \$100 per share). Power & Light proposes to surrender to Colorado for cancellation and retirement, at no

cost to Colorado, and Colorado proposes to acquire, cancel and retire, 95,135 shares of the common stock of Colorado now owned by Power & Light. Colorado proposes to reduce its capital stock liability in the amount of \$9,513,500, the par value of said 95,135 shares of its common stock, and to credit \$9,513,500 to a reserve for plant account adjustments. Colorado also proposes to charge to earned surplus account, and to credit to the reserve for plant account adjustments, \$2,486,500, which will increase the reserve for plant account adjustments to a total of \$12,000,000.

(b) Colorado proposes to amend its certificate of incorporation to provide that its authorized common stock, now consisting of 250,000 shares of the par value of \$100 each, shall thereafter consist of 1,250,000 shares of the par value of \$20 each, each of which shall have one vote. The 134,765 shares of common stock, par value \$100 per share, which will be outstanding and held by Power & Light following the transactions summarized in paragraph (a) above, will be converted into 673,825 shares, par value \$20 per share.

(c) Colorado further proposes to amend its certificate of incorporation to provide that whenever dividends payable on its outstanding Cumulative First Preferred stock shall be accumulated and unpaid in an amount equivalent to 12 monthly dividends, the holders of such stock shall be entitled thereafter and until, but only until, all such accumulated and unpaid dividends shall have been eliminated, (1) voting for such purpose as a single class, at each succeeding annual meeting of stockholders, to elect the smallest number of directors necessary to constitute a majority, the remaining directors to be elected as usual by the holders of common stock, and (2) to vote on all questions other than for the election of directors in such manner that the holders thereof shall have five votes for each share of Cumulative First Preferred stock, and any such rights to vote shall not be cumulative; *Provided*, That if and when the profits available for dividends are in excess of such accumulated and unpaid dividends, then the declaration and payment of such dividends shall not be unreasonably withheld. Colorado further proposes to amend its certificate of incorporation so as to eliminate therefrom the authorization presently contained in paragraph 11 of Article VIII thereof for the issuance of 5½% Cumulative First Preferred stock, Series of 1938.

(d) Power & Light proposes to exchange the 40,235 shares (\$4,023,500 par value) of Cumulative First Preferred stock of Colorado which it owns for 201,175 shares (\$4,023,500 par value) of common stock of Colorado, par value \$20 per share, which Colorado proposes to issue to Power & Light in exchange for said 40,235 shares of its Cumulative First Preferred stock.

Upon consummation of the proposed transactions summarized above, Colorado will have outstanding, and Power & Light will own, 875,000 shares of common stock of Colorado with an aggregate par value of \$17,500,000.

File No. 70-799. In the event that the proposals summarized above are approved by this Commission, Power & Light proposes, subject to satisfactory market conditions, to sell the 875,000 shares of common stock of Colorado which it will own. Power & Light has requested that said proposed sale be exempted from Rule U-50 of the General Rules and Regulations of this Commission under the Act. It is requested that such exemption be granted at the earliest possible date, in advance of this Commission's determination of the other matters involved in the proposals summarized above. Information with respect to the gross consideration, fees or commissions and underwriting spread, expenses, and net proceeds from the proposed sale are to be supplied by amendment.

Power & Light expects to apply the proceeds from the sale of said common stock of Colorado to the purchase in the open market or acquisition by tenders at prices not exceeding principal amount (exclusive of accumulated interest) of its outstanding 5½% debentures, due 1949 and 1952, of which \$41,983,000 principal amount held by others than Cities Service Company were outstanding at September 22, 1943. This matter is expected to be the subject of a separate application to the Commission to be filed hereafter.

Colorado and Power & Light have requested that the Commission's orders be entered in these matters not later than November 3, 1943.

It appearing to this Commission that it is appropriate in the public interest and in the interests of investors and consumers that hearings be held with respect to said matters, and that said applications and declarations shall not be granted or permitted to become effective except pursuant to further order of this Commission; and

It further appearing to this Commission that the applications or declarations (or both) summarized above have been filed with respect to related transactions, and involve related questions of law and of fact, and that consolidation of the hearings thereon will be conducive to expeditious procedure; *It is ordered*, That a hearing on said matters under the applicable provisions of said Act and the rules of this Commission thereunder be held on October 20, 1943, at 10 a. m., e. w. t. at the offices of this Commission, 18th and Locust Streets, Philadelphia, Pa. On such date the hearing room clerk in room 318 will advise as to the room in which said hearing will be held. At such hearing, cause shall be shown why such declarations shall be permitted to become effective and such applications granted.

Further ordered, That the hearings on the matters recited above be and the same are hereby consolidated, reserving the right, however, at any time hereafter to sever said proceedings for hearing or determination.

Further ordered, That the Secretary of this Commission shall serve notice of said hearing by mailing copies of this order to Public Service Company of Colorado,

Cities Service Power & Light Company, and the Colorado Public Utilities Commission; and that notice of said hearing be given to all persons by publication of a copy of this order in the FEDERAL REGISTER. Any person desiring to be heard in connection with these proceedings or otherwise wishing to participate therein shall file with the Secretary of the Commission on or before October 18, 1943 his request or application therefor as provided by Rule XVII of the Rules of Practice of this Commission;

Further ordered, That Robert P. Reeder or any other officer or officers of this Commission designated by it for that purpose shall preside at the hearings on such matters. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice.

Further ordered, That without limiting the scope of the issues otherwise to be considered in the consolidated proceedings, particular attention will be directed at the hearings to the following matters and questions:

1. Whether compliance with the competitive bidding requirements of paragraphs (b) and (c) of Rule U-50 is necessary or appropriate in the public interest, to protect investors or consumers, to ensure the receipt of adequate consideration or to ensure reasonableness of any fees or commissions to be paid with respect to the proposed sale of common stock of Colorado; whether said proposed sale should be exempted from the requirements of paragraphs (b) and (c) of Rule U-50, and, if so, whether such exemptions should be granted prior to the determination of the other matters involved in the consolidated proceedings.

2. Whether the proposed changes in the corporate structure of Colorado will result in an unfair or inequitable distribution of voting power among the security holders of Colorado.

3. Whether the accounting entries to be recorded on the books of Colorado and Power & Light in connection with the proposed transactions will be in conformity with the standards of section 15 of the Act and with the applicable rules and regulations promulgated thereunder.

4. Whether the proposed sale by Power & Light of the common stock of Colorado is in conformity with the applicable requirements and standards of section 12 (d) of the Act and the applicable rules and regulations promulgated thereunder.

5. Whether the other transactions proposed will comply with the provisions, requirements and standards of sections 6 (a), 7, 9 (a), 10, 12 (c), 12 (e), and 12 (f) of the Act, and the applicable rules and regulations promulgated thereunder.

6. Whether it is necessary or appropriate in the public interest or for the protection of investors or consumers to impose any terms or conditions in order to ensure compliance with the requirements of the Act and of any rules and regulations promulgated thereunder.

Further ordered, That Issue 1 above shall be the first issue to be considered at the consolidated hearing.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.
[F. R. Doc. 43-16522; Filed, October 9, 1943;
11:39 a. m.]

[File No. 1-1408]

THE MOORES-COONEY CORP.

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 8th day of October, A. D. 1943.

The Cincinnati Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D-1 (b) promulgated thereunder, having made application to strike from listing and registration the Class A Common Stock, no par value and Class B Common Stock, no par value, of The Moores-Cooney Corporation;

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on October 13, 1943.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.
[F. R. Doc. 43-16523; Filed, October 9, 1943;
11:39 a. m.]

[File No. 1-1300]

THE A. NASH CO.

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 8th day of October, A. D., 1943.

The Cincinnati Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the \$25 Par Common Stock of The A. Nash Company;

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on October 13, 1943.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.
[F. R. Doc. 43-16524; Filed, October 9, 1943;
11:40 a. m.]

[File No. 70-800]

OKLAHOMA GAS AND ELECTRIC CO., AND STANDARD GAS AND ELECTRIC CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 8th day of October 1943.

Notice is hereby given that a joint declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Standard Gas and Electric Company, a registered holding company, and its subsidiary, Oklahoma Gas and Electric Company. All interested persons are referred to said document which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Oklahoma Gas and Electric Company has filed a "Plan of Recapitalization and Readjustment" in which it proposes:

(1) To purchase from Standard Gas and Electric Company at par for cash 25,900 shares of its common stock having an aggregate par value of \$2,590,000;

(2) To acquire from Standard Gas and Electric Company 16,000 shares of its common stock having an aggregate par value of \$1,600,000 as a capital contribution;

(3) To cancel the 41,900 shares of common stock to be acquired as aforesaid;

(4) To issue and sell to private purchasers \$6,500,000 principal amount of 10-year serial notes;

(5) To redeem \$6,650,000 principal amount of its 4% Debentures at a call premium of 1% plus accrued interest with the proceeds of the aforesaid serial notes;

(6) To redeem \$2,231,700 par value of its 6% Cumulative Preferred Stock at \$110 per share plus accumulated and unpaid dividends;

(7) To create a reserve for the disposition of the unamortized balance in its Electric Plant Adjustments Account by appropriations of \$1,600,000 from Capital Surplus and of \$193,125.58 from Earned Surplus;

(8) To amend its Amended Articles of Incorporation (a) to give effect to the decrease of its capital stock resulting from the proposed cancellation of common stock and redemption of 6% cumulative preferred stock; (b) to reduce the par value of its common stock from \$100 per share to \$20 per share and reclassify each remaining outstanding share of its common stock into five shares having a par value of \$20 each; and (c) to increase the voting rights of each share of its preferred stock from one vote per share to five votes per share.

Standard Gas and Electric Company proposes:

(1) To sell to the Oklahoma Gas and Electric Company for cash at par 25,900 shares of the common stock of Oklahoma Gas and Electric Company having an aggregate par value of \$2,590,000;

(2) To make a capital contribution to the Oklahoma Gas and Electric Company of 16,000 shares of the common

stock of the latter company having an aggregate par value of \$1,600,000;

(3) After the sale of said common stock, to pay \$2,593,703.73 in cash to Oklahoma Gas and Electric Company as full payment of all stock discount on all of the latter company's outstanding stock of all classes.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters and that said declaration shall not become effective nor said application be granted except pursuant to further order of this Commission:

It is ordered, That a hearing in this proceeding be held at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, at 10:00 a. m., e. w. t., on the 21st day of October, 1943, in such room as may be designated on such day by the hearing room clerk. At such hearing, cause shall be shown why such declaration shall become effective or such application shall be granted.

All persons desiring to be heard or otherwise wishing to participate should notify the Commission in the manner provided in Rule XVII of the Commission's Rules of Practice on or before October 18, 1943.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing above ordered. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That the Secretary of this Commission shall serve notice of this order by mailing a copy thereof by registered mail to Oklahoma Gas and Electric Company and Standard Gas and Electric Company and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

It is further ordered, That, without limiting the scope of the issues presented by such application or declaration, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the proposed transactions comply with the requirements of section 7 of the Act;

(2) Whether the proposed transactions will result in an unfair or inequitable distribution of voting power among holders of the securities of Oklahoma Gas and Electric Company;

(3) Whether the proposed acquisition and cancellation of its stock by Oklahoma Gas and Electric Company meets the requirements of sections 9, 10, and 12 of the Act and all rules and regulations promulgated thereunder;

(4) Whether the sale of securities by Standard Gas and Electric Company complies with the requirements of section 12 of the Act and the rules and regulations promulgated thereunder;

(5) Whether the accounting entries proposed in connection with the proposed

plan are appropriate and in accordance with sound accounting principles and practice;

(6) Whether the fees and expenses to be paid in connection with the consummation of the proposed Plan are for necessary services and are reasonable in amount;

(7) Generally, whether, in any respect, the proposed transactions are detrimental to the public interest or to the interest of investors or consumers or will tend to circumvent any provisions of the Act or the rules, regulations, or orders promulgated thereunder;

(8) Whether, if the transactions proposed are authorized by the Commission, it is appropriate in the public interest and in the interest of investors and consumers that any terms or conditions be imposed in connection with such authorization, and, if so, what such terms and conditions should be.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-16525; Filed, October 9, 1943;
11:40 a. m.]

[File No. 1-2558]

CENTRAL STANDARD CONSOLIDATED MINES
FINDINGS AND ORDER WITHDRAWING
SECURITIES FROM REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 7th day of October, A. D. 1943.

This proceeding having been instituted pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934 to determine whether or not the Commission should suspend or withdraw the registration of the Common Stock, 10¢ par value, of Central Standard Consolidated Mines, listed and registered on the Salt Lake Stock Exchange, a national securities exchange;

A hearing having been held after appropriate notice to the registrant and the Salt Lake Stock Exchange; the trial examiner having filed an advisory report, finding that registrant has failed to comply with section 13 of the Act and the rules and regulations promulgated thereunder in that it has not filed its annual report on Form 10-K for the fiscal year ended December 31, 1941; no exceptions to the trial examiner's report having been filed; the Commission having adopted the trial examiner's findings as being in accord with the evidence, and finding that it is necessary and appropriate for the protection of investors to withdraw the said stock from registration;

It is ordered, Pursuant to section 19 (a) (2) of the said Act, that the registration of the stock in question be, and the same hereby is, withdrawn, effective ten days after the date of this order.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-16526; Filed, October 9, 1943;
11:40 a. m.]

[File No. 1-1464]

REITER-FOSTER OIL CORP.

ORDER FOR HEARING TO STRIKE FROM LISTING
AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 8th day of October, A. D., 1943.

The New York Curb Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Common Stock, 50¢ par value, of Reiter-Foster Oil Corporation;

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Monday, October 25, 1943, at the office of the Securities and Exchange Commission, 120 Broadway, New York, New York, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine and that general notice thereof be given; and

It is further ordered, That William J. Cogan, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-16521; Filed, October 9, 1943;
11:39 a. m.]

[File No. 811-439]

METROPOLITAN ROYALTY CORPORATION
NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 8th day of October, A. D. 1943.

An application having been filed by Metropolitan Royalty Corporation pursuant to section 8 (f) of the Investment Company Act of 1940 for an order declaring that the applicant has ceased to be an investment company within the meaning of said Act;

It is ordered, Pursuant to section 40 (a) of said Act, that a hearing on the aforesaid application be held on October 25, 1943, at 10:00 a. m., eastern war time, in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania.

It is further ordered, That Charles S. Lobingier, Esquire, or any officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated is hereby authorized to exercise all the

powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-16520; Filed, October 9, 1943;
11:39 a. m.]

[File No. 70-789]

**CONSOLIDATED ELECTRIC AND GAS COMPANY
NOTICE OF FILING AND ORDER FOR HEARING**

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 7th day of October, A. D. 1943.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Consolidated Electric and Gas Company, a registered holding company, on behalf of said company and those of its subsidiaries which join with it in consolidated federal income and excess profits tax returns, regarding a proposal for the allocation of such taxes upon a basis differing from that expressly authorized by Rule U-45 (b) (6) promulgated under said Act.

All interested persons are referred to said declaration or application (or both), which is on file in the office of the Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Consolidated Electric and Gas Company and those of its subsidiaries which join with it in the filing of a consolidated federal income and excess profits tax return are presently parties to a contract whereby, in relevant substance, it is provided that Consolidated Electric and Gas Company shall be primarily responsible for the payment of the taxes above mentioned but that each of the companies which is a party to such agreement shall pay as its share of said tax an amount representing that percentage of the total consolidated income and excess profits taxes of said group of companies which such tax of such individual company (computed on a corporate basis) would bear to the total amount of such taxes of all the parties to said agreement (if computed on a corporate basis) for each particular tax period involved.

It is represented that in pursuance of a policy of the parent company to dispose of all of its assets, that company has disposed of, or expects to dispose of, in 1943 its investment in approximately nine of its subsidiary companies through sales of properties of such subsidiaries, and that the sales price of such properties, although deemed fair and reasonable, will, it is anticipated, be lower than the tax cost of

such properties, and will result in material savings in federal income and excess profits taxes.

It is further represented that sales of such assets for amounts substantially below the tax cost thereof, represent losses by the parent in the sale of its investments, and that, accordingly, any tax savings resulting from such losses should accrue to Consolidated Electric and Gas Company and to the holders of its securities and not to the subsidiary companies of the system which do not sustain such losses.

To effect the result indicated in the preceding paragraph hereof, it is proposed that the above mentioned tax agreement be amended by the addition thereto of a paragraph substantially as follows:

If any subsidiary company (which is a party hereto) sells or exchanges all or a substantial part of its assets, any loss therefrom, direct or indirect, shall be excluded in computing the amount to be paid by each affiliate to the parent as its said share, notwithstanding the fact that the total consolidated income and excess profits taxes are less than the amount of such taxes used in such computation, and notwithstanding any other provisions. The share, so computed, of any subsidiary company whose assets were involved in such transaction, shall be decreased by the amount of the tax reduction which said subsidiary company would have had as a result of such transaction if its taxes were computed on a corporate basis.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matter and that said application or declaration shall not be granted or permitted to become effective except pursuant to further order of this Commission;

It is ordered, That a hearing on said matter under the applicable provisions of said Act and rules of the Commission thereunder be held on October 21, 1943, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which the hearing will be held;

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this order to Consolidated Electric and Gas Company; and that notice of said hearing be given to all persons by publication of this order in the FEDERAL REGISTER. Any person desiring to be heard in connection with these proceedings, or proposing to intervene herein shall file with the Secretary of the Commission on or before October 19, 1943 his request or application therefor, as provided by Rule XVII of the Rules of Practice of the Commission.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act

and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said application and declaration, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the proposed change in the mode of allocation of taxes and tax benefits among Consolidated Electric and Gas Company and its subsidiary companies is in the public interest and in the interest of investors and consumers, and is fair and equitable as among the parties to be affected;

(2) Whether any terms or conditions should be imposed in connection with the authorization of the proposal set forth in the subject filing (if such authorization is granted) and, if so, what such terms and conditions should be.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-16519; Filed, October 9, 1943;
11:39 a. m.]

[File No. 70-784]

**CRESCENT PUBLIC SERVICE COMPANY AND
OKLAHOMA UTILITIES COMPANY**

MEMORANDUM OPINION AND ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 7th day of October, A. D. 1943.

Sale of public utility assets. Declaration regarding the sale of electric utility assets permitted to become effective, the Commission making no adverse findings pursuant to section 12 (d) of the Act.

Repurchase of securities by registered holding company. Declaration regarding the use of the proceeds of the sale of utility assets of a wholly-owned subsidiary company for the purchase in the open market of the holding company's income bonds permitted to become effective, the Commission making no adverse findings pursuant to section 12 (c) of the Act.

Solicitations. Declaration filed by holding company to solicit approval from its income bondholders of the sale of utility assets of wholly-owned subsidiary pursuant to requirements of indenture securing such company's income bonds permitted to become effective, the Commission making no adverse findings pursuant to section 12 (e) of the Act.

Appearances. Maurice C. Kaplan, of the Public Utilities Division of the Commission.

Oklahoma Utilities Company ("Oklahoma"), a wholly-owned subsidiary of Crescent Public Service Company ("Crescent"), a registered holding company, proposes to sell to Indian Electric Cooperative, Inc., an electric cooperative financed through the Rural Electrification Administration, all of its electric properties for a base price of \$237,000, subject to adjustment of various accounts to be made from the date of the agreement to the date of settlement. All of the out-

standing securities of Oklahoma, except for five directors' qualifying shares, are owned by Crescent.

Oklahoma proposes to utilize \$72,000 of the proceeds of such sale to redeem its 6% First Mortgage Bonds, due 1954, outstanding in the principal amount of \$72,000, and to employ the balance of the proceeds, approximately \$165,000, to reduce its 7% unsecured Promissory Note outstanding in the principal amount of \$874,350. The aforesaid First Mortgage Bonds and the unsecured Promissory Note of Oklahoma are pledged under the Trust Indenture of Crescent's Collateral Trust 6% Income Bonds, Series B, due 1954, presently outstanding in the principal amount of \$3,100,700. The sums to be paid by Oklahoma on its First Mortgage Bonds and on its unsecured Promissory Note are to be deposited with the Trustee under the Indenture securing Crescent's Income Bonds.

Crescent proposes to utilize an amount equivalent to such proceeds in the purchase of its Income Bonds and to procure payment to it of the funds so deposited with the Trustee by surrendering for cancellation the bonds so purchased.

Oklahoma owns and operates electric properties in one section and natural gas properties in another nearby section of northeastern Oklahoma. All power requirements for the electric properties are purchased from a neighboring utility. The electric properties have a net book value of \$467,275 and a net estimated original cost of \$256,812. The population in the area served with electric power has been declining for some time and, consequently, earnings have also shown a declining trend. The proposed base purchase price of \$237,000 represents a capitalization of the operating income derived from electric operations during the twelve months ended July 31, 1943 at a rate of 3.4%.

The record indicates that after entering into a contract to sell its electric properties to the said purchaser, Oklahoma received a bid from Oklahoma Gas and Electric Company, a subsidiary of Standard Gas and Electric Company, a registered holding company, to purchase such properties for a base price of \$250,000, or \$13,000 in excess of the contract price. The record indicates that the sale of Oklahoma's electric properties has been discussed since 1939 with neighboring utilities, including Oklahoma Gas and Electric Company, but no interest was evidenced in their acquisition until the offer made by Oklahoma Gas and Electric Company subsequent to the close of the contract with the said purchaser. Since it appears that competitive conditions have been maintained in the sale of these properties and that the sales price is favorable, we do not believe that the existing contract arrangements should be upset because of this late offer. We see no basis, therefore, for adverse findings under section 12 (d) with respect to the proposed sale.

The proposed purchases by Crescent of its Income Bonds from the proceeds of the Oklahoma sale will be made in the open market at the lowest prices available. The Income Bonds are traded over-the-counter only, and prices for

them during the past three months have ranged between a high of about 72 and a low of about 65. Crescent estimates that such purchases would enable it to retire approximately \$300,000 principal amount of its Income Bonds.

Crescent's Collateral Trust Bond Indenture provides that all monies deposited with the Trustee as proceeds of released securities shall, in accordance with a written request from Crescent, be applied by the Trustee to the redemption or purchase of bonds at not exceeding their redemption price or be paid to Crescent in an amount equal to the cost to Crescent of uncanceled bonds deposited with the Trustee, which cost shall not exceed the redemption price. The Indenture further provides that any funds so deposited with the Trustee which are not used as described above shall, within one year of the date of receipt thereof, be used by the Trustee to redeem a corresponding portion of the outstanding bonds.

Under the circumstances disclosed in the record, including the small amounts involved and the provisions of the Crescent Bond Indenture relating to the use of the proceeds of the proposed sale, we conclude that no adverse findings are required under section 12 (c) with respect to the proposed use by Crescent of the proceeds of the sale.

The Indenture securing Crescent's bonds requires, among other things, that as a prerequisite to the voting of the securities of Oklahoma in favor of the sale of properties owned by Oklahoma, sixty days' notice of such sale be given to holders of the Income Bonds and written consent be obtained from at least 25% in principal amount of the Income Bonds at the time outstanding, and that it must appear that there have not been filed with the Trustee the written objections of the holders of 25% or more in principal amount of the Income Bonds at the time outstanding. The material to be sent to holders of the Income Bonds in solicitation of their consent to the proposed transactions has been filed as part of the present application and declaration. We observe no basis for refusing to permit the declaration concerning such solicitation to become effective.

It is therefore ordered, That said declarations, as amended, concerning the proposed transactions, be, and hereby are, permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 and to the following additional terms and conditions:

(1) That at least seven days before purchases of its Income Bonds are commenced, Crescent shall inform by letter each known holder of such bonds fully with respect to its intention to make such purchases and the method to be employed, the form of such letter to be submitted to the Commission before release;

(2) That Crescent shall not solicit or cause to be solicited from individual bondholders the sale of any bonds to it;

(3) That Crescent shall furnish to the Commission, promptly after the last day of each month, a schedule showing for

each day covered by such report the number of bonds purchased, the price at which purchased, and the name of the broker through whom purchased.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-16518; Filed, October 9, 1943;
11:39 a. m.]

[File No. 70-797]

PUBLIC SERVICE CO. OF INDIANA, INC., AND
BROOKVILLE ELECTRIC CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 9th day of October 1943.

Notice is hereby given that applications and declarations have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("the Act") by Public Service Company of Indiana, Inc., a subsidiary of Hugh M. Morris, Trustee of the estate of Midland United Company, a registered holding company, and Brookville Electric Company, presently a subsidiary of Engineers Incorporated;

All interested persons are referred to said document which is on file in the offices of the Commission for a statement of the transactions therein proposed which are summarized as follows:

Public Service Company of Indiana, Inc. proposes to acquire from Engineers Incorporated the entire capital stock of Brookville Electric Company consisting of 300 shares of common stock having a par value of \$50 per share, and 50 shares of preferred stock having a par value of \$100 per share, for a total consideration of \$160,000, in cash, subject to minor adjustments at the date of closing to provide for the then current position of Brookville Electric Company.

Promptly after this acquisition by Public Service Company of Indiana, Inc., Brookville Electric Company proposes to effect a liquidation and dissolution by transferring all its properties and rights to Public Service Company of Indiana, Inc., which company is to pay or assume all the outstanding debts of Brookville Electric Company, and surrender to Brookville Electric Company for cancellation all of its outstanding stock, whereupon Brookville Electric Company will dissolve.

The applicants-declarants have designated sections 9 (a), 10, 12 (c) and 12 (f) of the Act and Rule U-42 and Rule U-43 promulgated thereunder as being applicable to the proposed transactions.

It appearing to the Commission that it is proper and in the public interest and in the interest of investors and consumers that a hearing be held with respect to said applications and declarations and that said applications should not be granted, or said declarations should not become effective except pursuant to further order of the Commission;

It is hereby ordered, That a hearing be held upon said matters on November 9,

1943, at 10:00 a. m., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in room 318 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why these applications should be granted and these declarations should be permitted to become effective.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matters. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said applications and declarations, particular attention will be directed at said hearing to the following matters and questions:

1. Whether the consideration to be paid by Public Service Company of Indiana, Inc., for the capital stock of Brookville Electric Company is reasonable and bears a fair relationship to the sums invested in, or the earning capacity of, Brookville Electric Company.

2. Whether the acquisition of the capital stock of Brookville Electric Company by Public Service Company of Indiana, Inc., will serve the public interest by tending towards the economical and efficient development of an integrated public utility system.

3. The propriety of the proposed accounting treatment of the several transactions on the books of Public Service Company of Indiana, Inc.

4. What terms and conditions, if any, are necessary or appropriate in the public interest or the interest of investors and consumers to insure compliance with the requirements of the Public Utility Holding Company Act of 1935, or any rules, regulations or orders promulgated thereunder.

5. Generally, whether the proposed transactions comply with the provisions of the Public Utility Holding Company Act of 1935 and all rules and regulations promulgated thereunder and are not detrimental to the public interest or the interest of investors or consumers.

Notice of such hearing is hereby given to such applicants and declarants and to any other person whose participation in such proceeding may be in the public interest and for the protection of investors and consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file with the Secretary of this Commission on or before November 7, 1943, his request, or an application

therefor, as provided in Rule XVII of the Rules of Practice of the Commission.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-16545; Filed, October 11, 1943;
9:50 a. m.]

WAR FOOD ADMINISTRATION.

DELEGATION OF AUTHORITY TO REGIONAL DIRECTORS WITH RESPECT TO MILK PRICES

Pursuant to the authority vested in me by the War Food Administrator, there is hereby delegated to each of the regional directors, Food Distribution Administration, War Food Administration (8 F. R. 9315, 11198), authority to consider and approve the maximum price of milk as adjusted by any regional office of the Office of Price Administration pursuant to Maximum Price Regulation 329, as amended (8 F. R. 2038), and which is to be applicable within the area served by the respective regional director.

The term "milk", as used herein, shall have the same meaning as that which it has when used in said Maximum Price Regulation 329, as amended.

(Public Law 421, 77th Cong.; Public Law 729, 77th Cong.; E.O. 9250, 7 F. R. 7871; E.O. 9280, 7 F. R. 10179; E.O. 9322, 8 F. R. 3807; E.O. 9334, 8 F. R. 5423, E.O. 9328, 8 F. R. 4681)

Issued this 8th day of October 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-16517; Filed, October 9, 1943;
11:33 a. m.]

DELEGATION OF AUTHORITY TO DIRECTOR OF FOOD DISTRIBUTION WITH RESPECT TO MILK PRICES

Pursuant to the authority vested in me as War Food Administrator, there is hereby delegated to the Director of Food Distribution, War Food Administration, authority to consider and approve the maximum price of milk as adjusted by the regional offices of the Office of Price Administration pursuant to Maximum Price Regulation 329, as amended (8 F. R. 2038).

The authority delegated herein may be redelegated by the Director of Food Distribution to any employee of the United States Department of Agriculture.

The term "milk," as used herein, shall have the same meaning as that which it has when used in said Maximum Price Regulation 329, as amended.

(Public Law 421, 77th Cong.; Public Law 729, 77th Cong.; E.O. 9250, 7 F. R. 7871; E.O. 9280, 7 F. R. 10179; E.O. 9322, 8 F. R. 3807; E.O. 9334, 8 F. R. 5423; E.O. 9328, 8 F. R. 4681)

Issued this 8th day of October 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-16516, Filed, October 9, 1943;
11:33 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 3, Revised 79]

ADAMS TRANSFER & STORAGE CO., ET AL.

COORDINATED OPERATIONS BETWEEN POINTS IN MISSOURI

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Adams Transfer & Storage Co., a corporation, of Kansas City, Missouri, Byers Transportation Company, Inc., a corporation, of Kansas City, Missouri, and Ship-By-Truck Company, a corporation, doing business as Graham Ship-By-Truck Co., of Kansas City, Missouri, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended,¹ a copy of which plan is attached hereto as Appendix 1,² and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of

¹ 7 F. R. 5445, 6689, 7694, 8 F. R. 4660.

² Filed as part of the original document.

this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such

plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the

plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-79," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective October 15, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 11th day of October 1943.

JOSEPH B. EASTMAN,

Director,

Office of Defense Transportation.

[F. R. Doc. 43-16577; Filed, October 11, 1943; 11:11 a. m.]







