

Reid

THE NATIONAL ARCHIVES  
LITTEA SCRIPTA MANET  
OF THE UNITED STATES  
1934

# FEDERAL REGISTER

VOLUME 9 NUMBER 102

Washington, Tuesday, May 23, 1944

*The President*

EXECUTIVE ORDER 9443

AUTHORIZING THE SECRETARY OF WAR TO TAKE POSSESSION OF AND TO OPERATE THE PLANTS AND FACILITIES OF HUMMER MANUFACTURING DIVISION OF MONTGOMERY WARD & COMPANY, INC., LOCATED AT SPRINGFIELD, ILLINOIS

WHEREAS, after investigation I find and proclaim that the plants and facilities of Hummer Manufacturing Division of Montgomery Ward & Company, Inc., located at Springfield, Illinois, are equipped for the manufacture and production of articles and materials that are required for the war effort or that are useful in connection therewith; that there are existing and threatened interruptions of the operation of the said plants and facilities as a result of a labor disturbance caused by the failure of Montgomery Ward & Company, Inc., to comply with a directive order of the National War Labor Board dated April 14, 1944; that the war effort will be unduly impeded or delayed by these interruptions; and that the exercise, as hereinafter specified, of the powers vested in me is necessary to insure, in the interests of the war effort, the operation of these plants and facilities:

NOW, THEREFORE, by virtue of the power and authority vested in me by the Constitution and laws of the United States, including section 9 of the Selective Training and Service Act of 1940, as amended, as President of the United States and Commander in Chief of the Army and Navy of the United States, it is hereby directed as follows:

1. The Secretary of War is hereby authorized and directed, through and with the aid of any persons or instrumentalities that he may designate, to take possession of the plants and facilities of Hummer Manufacturing Division of Montgomery Ward & Company, Inc., located at Springfield, Illinois, and to the

extent that he may deem necessary, of any real or personal property, and other assets wherever situated, used in connection with the operation thereof; to operate or to arrange for the operation of the plants and facilities in any manner that he deems necessary for the successful prosecution of the war; to exercise any contractual or other rights of Montgomery Ward & Company, Inc., and to continue the employment of, or to employ, any persons, and to do any other thing, that he may deem necessary for, or incidental to, the operation of the said plants and facilities and the production, sale, and distribution of the products thereof; and to take any other steps that he deems necessary to carry out the provisions and purposes of this order.

2. The Secretary of War shall operate the said plants and facilities under the terms and conditions of employment which are in effect at the time the possession of the plants and facilities mentioned herein is taken, and during his operation of the plants and facilities shall observe the terms and conditions of the directive order of the National War Labor Board, dated April 14, 1944.

3. The Secretary of War is authorized to take such action, if any, as he may deem necessary or desirable to provide protection for the plants and all persons employed or seeking employment therein.

4. Possession, control, and operation of any plant or facility, or part thereof, taken under this order, shall be terminated by the Secretary of War within sixty days after he determines that the productive efficiency of the plant, facility, or part thereof prevailing prior to the existing and threatened interruptions of production, referred to in the recitals of this order, has been restored.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

May 20, 1944.

[F. R. Doc. 44-7299; Filed, May 22, 1944; 10:43 a. m.]

CONTENTS

THE PRESIDENT

|  | Page |
|--|------|
| EXECUTIVE ORDER:   |      |
| Hummer Manufacturing Division of Montgomery Ward Co., Inc.; authorizing Secretary of War to take possession of and operate plants and facilities ..... | 5395 |
| <b>REGULATIONS AND NOTICES</b>   |      |
| AGRICULTURE DEPARTMENT. <i>See also</i>  |      |
| Farm Security Administration, Rural Electrification Administration, War Wood Administration.   |      |
| Oil and gas leases (Corr.) .....   | 5397 |
| ALIEN PROPERTY CUSTODIAN:  |      |
| Hearing; Alfred Cerutti .....  | 5450 |
| Vesting orders:  |      |
| Alfol Insulation Co., Inc. ....  | 5451 |
| East Twenty-First Street Lighter Corp. ....  | 5450 |
| German American Bund .....   | 5452 |
| National Seed Co., Inc. ....   | 5451 |
| Nissen Stiftung .....  | 5453 |
| Otten, Herman, et al. ....   | 5453 |
| Yamanaka, Toyojiro .....   | 5452 |
| CIVIL AERONAUTICS BOARD:   |      |
| Hearings, etc.:  |      |
| Alaska Airlines, Inc., and Cordova Air Service, Inc. ....  | 5447 |
| Western Air Lines, Inc., et al. ....   | 5446 |
| CUSTOMS BUREAU:  |      |
| Liability for duties, etc.; invoices for vessels' supplies and equipment .....   | 5398 |
| FARM SECURITY ADMINISTRATION:  |      |
| Loans, designation of localities:  |      |
| Bibb County, Ala. ....   | 5445 |
| Pontotoc County, Miss. ....  | 5445 |
| FEDERAL COMMUNICATIONS COMMISSION:   |      |
| Broadcast services other than standard broadcast, multiple ownership .....   | 5442 |
| Standard and high frequency broadcast stations, mechanical records .....   | 5447 |
| Stuart, Charles Edward, hearing .....  | 5447 |

(Continued on next page)



Published daily, except Sundays, Mondays, and days following legal holidays, by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

## NOTICE

The Cumulative Supplement to the Code of Federal Regulations, covering the period from June 2, 1938, through June 1, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at \$3.00 per book. The following are now available:

- Book 1: Titles 1-3 (Presidential documents) with tables and index.
- Book 2: Titles 4-9, with index.
- Book 3: Titles 10-17, with index.
- Book 4: Titles 18-25, with index.

## CONTENTS—Continued

|  | Page |
|--|------|
| FEDERAL POWER COMMISSION:  |      |
| Missouri Western Gas Co.; application.....                               | 5447 |
| FOREST SERVICE:  |      |
| Timber, establishment of sustained yield units.....                      | 5442 |
| GENERAL LAND OFFICE:   |      |
| Withdrawals of public lands:   |      |
| New Mexico, for use of War Department as demolition range.....           | 5445 |
| Washington, for use in connection with Olympic Public Works Project..... | 5445 |
| HOME OWNERS' LOAN CORPORATION:   |      |
| Treasury Division; paid loan section.....                                | 5399 |
| INDIAN AFFAIRS OFFICE:   |      |
| Flathead Irrigation Project, Mont., operation and maintenance charges:   |      |
| Flathead irrigation district..   | 5399 |

## CONTENTS—Continued

|  |            |
|--|------------|
| INTERSTATE COMMERCE COMMISSION:  | Page       |
| Jocko Valley irrigation district.....  | 5399       |
| Corn, transportation in designated states.....                                     | 5442       |
| Refrigeration permits, etc.:   |            |
| Citrus fruits:   |            |
| Florida.....   | 5449       |
| Texas.....   | 5449       |
| Onions, Chicago, Ill. (2 documents).....   | 5448       |
| Oranges:   |            |
| Milwaukee, Wis.....  | 5449       |
| Youngstown, Ohio.....  | 5448       |
| Potatoes:  |            |
| Alabama or Mississippi.....  | 5449       |
| Chicago, Ill. (2 documents).....   | 5448       |
| Kansas City, Mo.-Kans.....   | 5448       |
| St. Louis, Mo.....   | 5449       |
| South Carolina.....  | 5450       |
| Tylertown, Miss.....   | 5450       |
| OFFICE OF DEFENSE TRANSPORTATION:  |            |
| Corn, motor transportation in designated area (G. O. L-2).....                     | 5444       |
| Motor carriers of property:  |            |
| Construction, transportation in connection with (Gen. Permit 17-12A).....          | 5443       |
| Transportation of:   |            |
| Forest products (Gen. Permit 17-11A).....  | 5443       |
| Mine products (Gen. Permit 17-5A).....   | 5443       |
| Taxicab operators, coordinated operations:   |            |
| Burlington, Iowa.....  | 5454       |
| Schenectady, N. Y.....   | 5455       |
| Springfield, Mass.....   | 5454       |
| OFFICE OF PRICE ADMINISTRATION:  |            |
| Adjustment; Geneva Steel Co.....   | 5455       |
| Boilers and heating systems, corrosion inhibitor service (Rev. SR 11, Am. 49)..... | 5441       |
| Dairy products; cheese (RMPR 289, Am. 1, 2) (2 documents).....                     | 5427, 5429 |
| Fabrics, coated and combined (MPR 478, incl. Am. 1-3).....                         | 5411       |
| Foods, processed (Rev. RO 13, Am. 34).....   | 5436       |
| Gasoline rationing (RO 5C, Am. 123).....   | 5435       |
| Hawaii; grocery items and used cars (MPR 373, Am. 58).....                         | 5438       |
| Hogs, live (MPR 469, Am. 7).....   | 5435       |
| Iron and steel products (2d Rev. MEPR, Am. 6).....                                 | 5435       |
| Lumber, western red cedar (MPR 402, Am. 1).....                                    | 5422       |
| Puerto Rico; textile products (RMPR 183, Am. 38).....                              | 5436       |
| Ration banking; banks (Gen. RO 3, Am. 6).....                                      | 5426       |
| Rationing suspension orders, issuance (Rev. PR 4, Am. 1).....                      | 5426       |
| Regional and district office orders:   |            |
| Community ceiling prices, list of orders filed.....                                | 5465       |
| Fluid milk:  |            |
| California, designated localities.....   | 5462       |
| Cleveland region.....  | 5463       |
| Michigan.....  | 5465       |
| Santa Barbara, Calif.....  | 5462       |
| Fruits and vegetables, covered, Detroit, Mich.....                                 | 5462       |

## CONTENTS—Continued

|   |            |
|---|------------|
| OFFICE OF PRICE ADMINISTRATION—Continued.   |            |
| Rationing and district office orders—Continued.                                   | Page       |
| Lettuce, New York region.....   | 5463       |
| Solid fuels:  |            |
| Kansas City, Mo.-Kans.....  | 5461       |
| Lima, Ohio.....   | 5464       |
| Lowell, Mass.....   | 5456       |
| Maryland, designated counties.....  | 5456       |
| Richmond County, N. Y.....  | 5456       |
| Rockland, Maine.....  | 5456       |
| Rice, rough (MPR 518, Am. 1).....   | 5440       |
| Stoves (RO 9A, Supp. 1, Am. 8).....   | 5439       |
| Sugar (Rev. RO 3, Am. 18).....  | 5426       |
| Tobacco, Maryland (RMPR 532).....   | 5433       |
| Wheat (RMPR 487, Am. 2).....  | 5440       |
| Wooden boxes, industrial (RMPR 195, Am. 4).....                                   | 5435       |
| PANAMA CANAL:   |            |
| Photographing, areas where possession of cameras prohibited.....                  | 5441       |
| RAILROAD RETIREMENT BOARD:  |            |
| Employers' contributions and contribution reports; adjustments, records, etc..... | 5398       |
| RURAL ELECTRIFICATION ADMINISTRATION:   |            |
| Allocation of funds for loans (2 documents).....                                  | 5445, 5446 |
| SECURITIES AND EXCHANGE COMMISSION:   |            |
| Hearings, etc.:   |            |
| Columbia Gas and Electric Corp. and Consolidated Natural Gas Co.....              | 5467       |
| Community Gas and Power Co., et al.....   | 5468       |
| Federal Water and Gas Corp., et al.....   | 5467       |
| Lehman Brothers, et al.....   | 5469       |
| Prudential Investors, Inc.....  | 5470       |
| Railway and Bus Associates.....   | 5468       |
| Suburban Electric Securities Co.....  | 5468       |
| 208 South La Salle Street Corp.....   | 5468       |
| WAGE AND HOUR DIVISION:   |            |
| Learner employment certificates, issuance to various industries.....              | 5446       |
| WAR FOOD ADMINISTRATION:  |            |
| Corn; purchase, sale, delivery, and use (WFO 98, Am. 2).....                      | 5397       |
| Food storage facilities, refrigerated (WFO 70, Am. 3).....                        | 5398       |
| National agricultural conservation program, production practice goals, etc.....   | 5397       |
| WAR MANPOWER COMMISSION:  |            |
| Employment stabilization programs, optional provisions (2 documents).....         | 5400       |
| WAR PRODUCTION BOARD:   |            |
| Army and Navy construction, special procedure (CMP Reg. 6, Dir. 3).....           | 5406       |
| Capital additions, minor; purchaser's cost of labor (CMP Reg. 5, Int. 11).....    | 5406       |
| Controlled materials plan regulations (CMP Reg. 1, Am. 3).....                    | 5406       |
| Cork, Asbestos and Fibrous Glass Division (M-293, Table 13).....                  | 5407       |

(Continued on next page)

CONTENTS—Continued

| WAR PRODUCTION BOARD—Con.   | Page       |
|---|------------|
| Export licenses, length of validity of ratings assigned (Dir. 27, Int. 2) ..... | 5400       |
| Iron and steel production (M-126, Am. 2) .....                                  | 5403       |
| Kapok (M-85) .....  | 5408       |
| Laundry equipment, commercial, etc. (L-91, Int. 1) (2 documents) .....          | 5408, 5410 |
| Mines and smelters (P-56) .....   | 5400       |
| Pipe, tubing, fittings and building materials (M-9-c-4) .....                   | 5405       |
| Service equipment (L-222) .....   | 5403       |
| Suspension orders, etc.:  |            |
| Brody, William .....  | 5404       |
| Singer Steel Co .....   | 5400       |
| Yearwood, Nile E. ....  | 5404       |

Regulations

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 4—OIL AND GAS LEASES

Correction

In F.R. Doc. 44-6915 appearing at page 5103 of the issue for Tuesday, May 16, 1944, the following changes should be made:

1. In the last paragraph of § 4.5 (c) (1) the first word of the 4th line should read "lessor".
2. In the 9th line from the end of § 4.6 "interest" should read "intent".

Chapter VII—War Food Administration (Agricultural Adjustment)

[ACP-1943-25]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

PRODUCTION PRACTICE GOALS, ALLOWANCES, PRACTICES AND RATES OF PAYMENT

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and in the War Food Administrator by Executive Order No. 9322 as amended by Executive Order No. 9334, the 1943 Agricultural Conservation Program, as amended, is further amended as follows:

Section 701.405 (e) (3) is amended by changing the first sentence thereof to read as follows and by adding a new subdivision (i) (d):

§ 701.405 *Production practice goals, allowances, practices and rates of payment.* \* \* \*

(e) *Farm production practice allowance.* \* \* \*

(3) *Farms in the Northeast Region.* In the Northeast Region a production practice allowance will be established only for farms on which in 1942 there are at least 5 animal units, at least 300 pullets raised, at least 3 acres of vegetables, potatoes, tobacco, small fruits and commercial orchards, or at least 10 acres of cropland and commercial orchards, or for which a net deduction was

computed under the 1942 program for failure to apply conservation materials furnished for use under the 1942 program.

(i) \* \* \*

(d) Any additional amount necessary to permit the complete liquidation of an indebtedness arising out of a net deduction for failure to apply conservation materials furnished for carrying out practices under the 1942 program if such material is used in carrying out approved practices in 1943.

Done at Washington, D. C., this 20th day of May 1944.

WILSON COWEN,  
Assistant War Food Administrator.

[F. R. Doc. 44-7300; Filed, May 22, 1944; 11:22 a. m.]

Chapter XI—War Food Administration (Distribution Orders)

[WFO 98, Amdt. 2]

PART 1468—GRAIN

LIMITATIONS ON PURCHASE, SALE, DELIVERY, AND USE OF CORN

War Food Order No. 98, as amended (9 F.R. 4379, 4738), § 1468.8 is further amended to read as follows:

§ 1468.8 *Limitations on purchase, sale, delivery, and use of corn.*—(a) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not, and includes any State or political subdivision or agency thereof.

(2) "Corn" means yellow, white, or mixed shelled corn, ear corn, or snap corn, of the dent or flint varieties, whole or crushed or mixed with other whole grains, excluding however, seed corn, popcorn, grain sorghums, sweet corn, broom corn, corn used for canning purposes, and packaged corn meal, corn grits, or other corn products packaged for human consumption.

(3) "Elevator operator" means a person who owns or operates a grain elevator, warehouse, or barge or car loading facility, and who receives corn for resale.

(4) "Commodity" means the Commodity Credit Corporation.

(5) "Chief of AAA" means the Chief of the Agricultural Adjustment Agency, War Food Administration, or any employee or agency of the Department of Agriculture designated by him.

(6) "Designated area" includes the following:

*Illinois*, Counties of: Bureau, Cass, Champaign, Christian, De Witt, Douglas, Edgar, Ford, Fulton, Grundy, Iroquois, Kankakee, Kendall, Knox, LaSalle, Lee, Livingston, Logan, McLean, Macon, Marshall, Mason, Menard, Morgan, Moultrie, Peoria, Piatt, Putnam, Sangamon, Scott, Stark, Tasewell, Vermillion, Will, and Woodford.

*Indiana*, Counties of: Benton, Fountain, Jasper, Montgomery, Newton, Pulaski, Starke, Tippecanoe, Vermillion, Warren, and White.

*Iowa*, Counties of: Audubon, Boone, Buena Vista, Calhoun, Carroll, Cerro Gordo, Cherokee, Clay, Crawford, Dallas, Dickinson, Emmet, Franklin, Fremont, Greene, Grundy, Guthrie, Hamilton, Hancock, Hardin, Harri-

son, Humboldt, Ida, Jasper, Kossuth, Lyon, Marshall, Mills, Monona, Montgomery, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Polk, Pottawatomie, Poweshiek, Sac, Shelby, Sioux, Story, Tama, Webster, Winnabago, Woodbury, and Wright.

*Minnesota*, Counties of: Blue Earth, Brown, Chippewa, Cottonwood, Faribault, Jackson, Lac Qui Parle, Lincoln, Lyon, Martin, Murray, Nobles, Pipestone, Redwood, Renville, Rock, Watonwan, and Yellow Medicine.

*Nebraska*, Counties of: Burt, Butler, Cass, Cuming, Dodge, Douglas, Lancaster, Otoe, Sarpy, Saunders, Seward, Thurston, and Washington.

(7) "Designated agent" means an elevator operator located in the designated area and authorized by Commodity to receive corn for the account of Commodity.

(8) "County committee" means the County Agricultural Conservation Committee.

(9) "Feeder" means any farmer or other person who acquires corn for the purpose of feeding livestock or poultry.

(10) "Mixed feed manufacturer" means any person who uses corn in the manufacture of mixed feed for sale.

(b) *Purchase, sale, and delivery.* Except as hereinafter otherwise provided, no person shall sell or deliver corn located in the designated area to any person other than the Commodity or its designated agent, and no person other than Commodity or its designated agent shall purchase or accept delivery of corn located in such area.

(c) *Exemptions.* (1) Any feeder whose establishment is located in the designated area and who has less than a 30-day supply of corn for feeding requirements may, upon application to the County committee for the county in which his establishment is located, be authorized by the committee, in writing, to purchase, accept delivery of, and ship:

(i) From any person other than an elevator operator in the designated area, either 50 bushels of corn located in such area or such amount of corn as is necessary to make his inventory equal to a 30-day supply, whichever is the greater; or

(ii) From any elevator operator located in the designated area, either 50 bushels of corn not subject to the set-aside requirements of War Food Order No. 96 (9 F. R. 3253) or War Food Order No. 96-1 (9 F. R. 3628), or such amount of such corn as is necessary to make his inventory equal to a 30-day supply, whichever is the greater.

(2) Upon the surrender to the seller of an authorization issued by the appropriate County committee in accordance with (c) (1) hereof:

(i) Any person other than an elevator operator in the designated area may sell, deliver and ship to the person named in such authorization the amount of corn specified therein; and

(ii) Any elevator operator located in the designated area may sell, deliver and ship to the person named in such authorization corn not subject to the set-aside requirements of War Food Order No. 96, supra, or War Food Order No. 96-1, supra, in the amount specified in such authorization.

(3) Any person who buys, sells, delivers, accepts delivery of, or ships, corn in accordance with the provisions of any authorization issued by a County committee under this order shall comply with all the directions contained in such authorization.

(d) *Use.* (1) No feeder shall use corn located within the designated area for feeding livestock or poultry located outside of such area, except that any feeder, upon application to the County committee for the county where corn owned by him is located, may be authorized by such committee, in writing, to ship to, and use such corn in, any county adjoining the designated area for the purpose of feeding livestock or poultry owned by him.

(2) Beginning May 1, 1944, no mixed feed manufacturer located in the designated area shall use during any month any quantity of corn in the manufacture of mixed feed which is in excess of the average quantity of corn used by him in the manufacture of mixed feed during the corresponding month of the calendar years 1942 and 1943.

(3) Every person who, under an authorization from Commodity, acquires corn from Commodity or any of its designated agents shall comply with all the terms and conditions specified in such authorization, and any failure to comply with such terms and conditions shall constitute a violation of this order.

(e) *Contracts.* The provisions of this order and of all orders or regulations issued pursuant thereto shall be observed without regard to contracts heretofore or hereafter made, or any rights accrued or payments made thereunder.

(f) *Records and reports.* (1) The Chief of AAA 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 one year (or for such period of time as the Chief of AAA may designate), maintain an accurate record of his transactions in corn.

(3) Every elevator operator shall, prior to any sale or delivery of corn under the provisions of (c) hereof, report to the County committee for the county in which his elevator or other facility is located the amount of corn on hand on the effective date of this order which was not subject to the set-aside requirements of War Food Order No. 96, supra, or War Food Order No. 96-1, supra.

(g) *Audits and inspections.* The Chief of AAA shall be entitled to make such audit or inspection of the books, records and other writings, premises, or stocks of corn 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.

(h) *Request for relief from hardship.* Any person located in the designated area who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a request for relief with the County committee for the county in which such person's establishment is located. Any other person

affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a request for relief with the Chief of the Agricultural Adjustment Agency, Washington 25, D. C. All requests shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. Such requests shall be acted upon by the Chief of AAA or any employee of the Agricultural Adjustment Agency designated by him.

(i) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using corn or any other material subject to priority or allocation control by any governmental agency. 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. Civil action may also be instituted to enforce any liability or duty, created by, or to enjoin any violation of, any provision of this order.

(j) *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 Chief of AAA. The Chief of AAA is authorized to redelegate to any employee of the United States Department of Agriculture, or to any agency or employee of the United States, any or all of the authority vested in him by this order, and to utilize the services of any Federal, State, or local agency in the administration of this order.

(k) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless herein otherwise provided or unless instructions to the contrary are issued by the Chief of AAA, be addressed to the Chief of Agricultural Adjustment Agency, United States Department of Agriculture, Washington 25, D. C., Ref.: WFO 98.

This order shall be effective from 12:01 a. m., c. w. t., May 23, 1944, until 12:01 a. m., c. w. t., June 24, 1944.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under War Food Order No. 98, as amended, prior to the effective date of this amendment, all provisions of said War Food Order No. 98, as amended, in effect prior hereto shall be deemed to remain in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

NOTE: All reporting and record-keeping requirements of this order have been approved by, and all subsequent reporting and record-keeping requirements of this order will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 22d day of May 1944.

ASHLEY SELLERS,  
Assistant War Food Administrator.

[F. R. Doc. 44-7301; Filed, May 23, 1944; 11:22 a. m.]

[WFO 70, Amdt. 3]

PART 1470—FOOD STORAGE FACILITIES  
REFRIGERATED FOOD STORAGE FACILITIES

War Food Order No. 70 (originally issued as Food Distribution Order No. 70, 8 F.R. 10703, as amended on August 31, 1943, 8 F.R. 12039, and on March 21, 1944, 9 F.R. 3222, and redesignated as War Food Order No. 70, 9 F.R. 4319) is amended as follows:

1. By deleting therefrom paragraph (c) (2) of § 1470.1.

This order shall become effective at 12:01 a. m., e. w. t., on the 19th day of May 1944.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under War Food Order No. 70 prior to the effective date of this amendment, War Food Order No. 70 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violations, rights, or liabilities.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14785)

ASHLEY SELLERS,  
Assistant War Food Administrator.

May 18, 1944.

[F. R. Doc. 44-7219; Filed, May 19, 1944; 2:17 p. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 51059]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

INVOICES FOR VESSELS' SUPPLIES AND EQUIPMENT

Section 8.13,<sup>1</sup> Customs Regulations of 1943 (19 CFR 8.13), is amended by deleting paragraph (e) and by redesignating paragraphs (f), (g), (h), (i), (j), (k), (l), and (m) as paragraphs (e), (f), (g), (h), (i), (j), (k), and (l).

(Par. 602; sec. 1, 46 Stat. 590, secs. 481, 624, 46 Stat. 719, 759, sec. 484, 46 Stat. 722, sec. 12, 52 Stat. 1083; 19 U.S.C. 1001, 1481, 1624, 19 U.S.C. 1484)

[SEAL]

W. R. JOHNSON,  
Commissioner of Customs.

Approved: May 19, 1944.

JOHN L. SULLIVAN,  
Acting Secretary of the Treasury.

[F. R. Doc. 44-7283; Filed, May 22, 1944; 9:50 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 345—EMPLOYERS' CONTRIBUTIONS AND CONTRIBUTION REPORTS

ADJUSTMENTS, RECORDS, ETC.

Pursuant to the authority contained in section 12 of the Act of June 25, 1938 (52 Stat. 1094 1107; 45 U. S. C. 1940 ed. 362).

<sup>1</sup> 8 F.R. 8212, 10812, 13883; 9 F.R. 2816, 3381.

Part 345 of the regulations of the Railroad Retirement Board under the Railroad Unemployment Insurance Act is amended by Board Order 44-289 dated May 11, 1944, as follows:

By amending § 345.12 to read as follows:

§ 345.12 *Adjustments*—(a) *In general.* Section 8 (d) of the act provides that if more or less than the correct amount of employer's contribution is paid with respect to any compensation, proper adjustments with respect to the contribution shall, under regulations prescribed by the Board, be made, without interest, in connection with subsequent contribution payments by the same employer.

(b) *Compensation adjustment.* A compensation adjustment is the amount of any adjustment, as disclosed by a report on Form BA-4, in the employer's report to the Board of the compensation of an individual employee.

(c) *Adjustment of contributions.* (1) All adjustments of contributions based on compensation adjustments shall be accounted for by the employer on the contribution report for the same quarter in which the Form BA-4 reflecting the compensation adjustments is filed with the Board.

(2) If less than the correct amount of contributions is paid for any previous calendar quarter because of an error that does not constitute a compensation adjustment as defined in paragraph (b) above, the employer shall adjust the error by (i) reporting the additional amount due and payable by reason of the underpayment as additional contribution on his next report filed after discovery of the error and (ii) paying the amount thereof to the Board at the time such report is filed.

If more than the correct amount of contribution is paid for any previous quarter because of an error that does not constitute a compensation adjustment as defined in paragraph (b) above, the employer shall adjust the error by applying the excess payment as a credit against the contribution due on his next report filed after the discovery of the error.

(d) *Limitations on adjustments.* No overpayment shall be adjusted under this section after the expiration of four years from the date the overpayment was received by the Board. No underpayment shall be adjusted under this section after the receipt from the Board of formal notice and demand for payment based upon an assessment, but the amount thereof shall be paid to the Board pursuant to such notice and demand.

By amending § 345.14 as follows:

Delete last part of first paragraph in parenthesis which reads as follows: "and whether or not a certificate of underpayment has been issued."

By amending § 345.15 as follows:

Delete title, "Director of Unemployment Insurance" and insert "Board."

By adding a new § 345.24 as follows:

§ 345.24 *Records.* Every employer subject to contributions for any calendar

quarter shall, with respect to each such quarter, keep such permanent records as are necessary to establish the total amount of compensation payable to his employees, during each such quarter for services performed after June 30, 1939. The record should be in such form as to contain the information required to be shown on the quarterly contribution report. All records required by these regulations shall be kept at a safe and convenient location accessible to inspection by the board or any of its officers or employees thereto designated. Such records shall be at all times open for inspection by such officers or employees.

Records required by these regulations shall be maintained for a period of at least four years after the date the contribution to which they relate becomes due, or the date the contribution is paid, whichever is later.

By authority of the Board.

[SEAL] MARY B. LINKINS,  
Secretary.

MAY 18, 1944.

[F. R. Doc. 44-7269; Filed, May 20, 1944;  
3:28 p. m.]

TITLE 24—HOUSING CREDIT

Chapter IV—Home Owners' Loan Corporation

[Bulletin 284]

PART 407—TREASURY DIVISION

PAID LOAN SECTION

The first paragraph of § 407.42 (6 F.R. 4096) shall be amended to read as follows:

§ 407.42 *Paid loan section.* Upon receipt of any satisfaction, release or other appropriate instruments (in connection with a loan paid in full, a loan to be recast under a new set of collateral instruments, a substitution of collateral, or a partial release) from Regional Counsel, accompanied by his certificate that such instruments are in proper legal form for execution, and (on paid-in-full transactions) a paid-in-full notice issued by the Regional Accountant, or a remittance sufficient to liquidate the amount shown on a "Small Balance" statement (reflecting a debit balance of less than one monthly instalment) prior to the expiration date reflected thereon, the Regional Treasurer and the Assistant Regional Treasurer are each authorized and directed, individually, to execute such satisfaction, release, or other appropriate instruments.

(Secs. 4 (a), 4 (k), 48 Stat. 129, 132, as amended by sec. 13, 48 Stat. 647; 12 U.S.C. 1463 (a), (k), E.O. 9070, 7 F.R. 1529)

Effective May 19, 1944.

[SEAL] J. FRANCIS MOORE,  
Secretary.

[F. R. Doc. 44-7224; Filed, May 19, 1944;  
3:55 p. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs

Subchapter L—Irrigation Projects; Operation and Maintenance

PART 130—ORDER FIXING OPERATION AND MAINTENANCE CHARGES

FLATHEAD IRRIGATION DISTRICT, FLATHEAD INDIAN IRRIGATION PROJECT, MONT.

Section 130.24 of Part 130 as amended by the Assistant Secretary of the Interior on June 4, 1943, 8 F.R. 9735, is hereby further amended to read as follows:

§ 130.24 *Charges.* Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Montana, on May 12, 1928, as supplemented by later contracts dated February 27, 1929, March 28, 1934, and August 26, 1936, notice is hereby given that an assessment of \$94,000 is fixed for the season of 1945 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines of the Flathead Irrigation District. This assessment involves an area of approximately 68,176.2 acres, does not include any land held in trust for Indians, and covers all proper general charges and project overhead.

(38 Stat. 583, 39 Stat. 142, 45 Stat. 210, 46 Stat. 291; 25 U.S.C., 385, 387)

OSCAR L. CHAPMAN,  
Assistant Secretary.

MAY 1, 1944.

[F. R. Doc. 44-7248; Filed, May 20, 1944;  
10:45 a. m.]

PART 130—ORDER FIXING OPERATION AND MAINTENANCE CHARGES

JOCKO VALLEY IRRIGATION DISTRICT, FLATHEAD INDIAN IRRIGATION PROJECT, MONT.

Section 130.28 of Part 130, as amended by the Assistant Secretary of the Interior on June 4, 1943, 8 F.R. 9735, is hereby further amended to read as follows:

§ 130.28 *Charges.* Pursuant to a contract executed by the Jocko Valley Irrigation District, Flathead Indian Irrigation Project, Montana, on November 13, 1934, approved by the Secretary of the Interior on February 26, 1935, as supplemented by a later contract dated August 26, 1936, notice is hereby given that an assessment of \$8,000 is fixed for the season of 1945 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines of the Jocko Valley Irrigation District. This assessment involves an area of 5,501.9 acres, does not include any land held in trust for Indians, and covers all proper general charges and project overhead.

(38 Stat. 583, 39 Stat. 142, 45 Stat. 210, 46 Stat. 291; 25 U.S.C. 385, 387)

OSCAR L. CHAPMAN,  
Assistant Secretary.

MAY 1, 1944.

[F. R. Doc. 44-7249; Filed, May 20, 1944;  
10:45 a. m.]

## TITLE 29—LABOR

## Chapter VII—War Manpower Commission

[Reg. 7, Amdt. 1]

## PART 907—GOVERNING EMPLOYMENT STABILIZATION PROGRAMS

## OPTIONAL PROVISIONS

Pursuant to the authority vested in me as Chairman of the War Manpower Commission by Executive Orders Nos. 9139 and 9279, subparagraph (4) of § 907.5 (a) of War Manpower Commission Regulation No. 7 (8 F.R. 11338), is hereby amended, effective May 22, 1944, by deleting therefrom the following clause: "a program containing such a provision may apply only to a labor market area which, on the date of the approval of the program, was classified by the War Manpower Commission as a 'Group I,' or 'Group II,' area,"

PAUL V. McNUTT,  
Chairman.

MAY 19, 1944.

[F. R. Doc. 44-7221; Filed, May 19, 1944;  
3:07 p. m.]

[Reg. 7, Amdt. 2]

## PART 907—GOVERNING EMPLOYMENT STABILIZATION PROGRAM

## OPTIONAL PROVISIONS

Pursuant to the authority vested in me as Chairman of the War Manpower Commission by Executive Orders Nos. 9139 and 9279, § 907.5 of War Manpower Commission Regulation No. 7 is hereby amended, effective May 22, 1944, by adding at the end thereof the following new paragraph:

(j) Subject to standards and instructions approved by the Chairman of the War Manpower Commission, provisions for regulating the hiring of new employees through the establishment of fair and reasonable employment ceilings which limit the number of workers or of specified types of workers which may be employed in an establishment or place of employment during specified periods.

PAUL V. McNUTT,  
Chairman.

MAY 19, 1944.

[F. R. Doc. 44-7220; Filed, May 19, 1944;  
3:07 p. m.]

## TITLE 32—NATIONAL DEFENSE

## Chapter IX—War Production Board

## Subchapter A—General Provisions

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 903—DELEGATIONS OF AUTHORITY

[Directive 27, Interpretation 2]

## LENGTH OF VALIDITY OF RATINGS ASSIGNED ON EXPORT LICENSES

The following interpretation is issued with respect to Directive 27.

A rating assigned by the Foreign Economic Administration, under the authority of Directive 27, by endorsing the required legend on an export license is valid for the life of the export license. This means that the rating must be applied and the material covered by the rating must have been delivered to the holder of the export license before the expiration of the life of the license. Otherwise, the procedure applicable when an individually assigned rating is revoked, provided in § 944.4a of Priorities Regulation 1, will be deemed applicable. On the other hand, if the rating has been applied and the material to which it has been applied has been delivered before the expiration of the life of the export license, its subsequent expiration will not affect the right of the supplier to extend the rating in order to replenish his inventory. Such extension is, of course, subject to the provisions of paragraph (h) (1) of Priorities Regulation 3.

Revocation of an export license on which a rating has been assigned by the Foreign Economic Administration revokes the rating, and § 944.4a of Priorities Regulation 1 is consequently applicable. Extension of the life of an export license, on the other hand, extends the period for which a rating assigned on the export license is valid.

Issued this 20th day of May 1944.

C. E. WILSON,  
Executive Vice Chairman.

[F. R. Doc. 44-7253; Filed, May 20, 1944;  
11:10 a. 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 1010—SUSPENSION ORDERS

[Suspension Order S-506, Reinstatement]

## SINGER STEEL CO.

Albert Singer, who owns and operates a steel warehouse under the trade name of Singer Steel Company, at 6316 Kinsman Road, Cleveland, Ohio, was suspended on March 24, 1944, by Suspension Order No. S-506. He appealed from the provisions of the suspension order and, pending determination of the appeal, the suspension order was stayed by the Chief Compliance Commissioner on March 24, 1944. The appeal has been considered by the Deputy Chief Compliance Commissioner who has dismissed the appeal and directed that the stay be terminated and the suspension order reinstated. In view of the foregoing: *It is hereby ordered, That:*

Section 1010.506, *Suspension Order No. S-506* issued March 17, 1944, and effective March 24, 1944, be and hereby is reinstated; the stay of execution directed by the Chief Compliance Commissioner on March 24 and confirmed by official stay on March 28, 1944, be and hereby is revoked; and paragraph (c) of the suspension order be and hereby is amended to read as follows:

(c) This order shall take effect on May 17, 1944, and shall expire on September 17, 1944.

Issued this 17th day of May 1944.

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

[F. R. Doc. 44-7192; Filed, May 18, 1944;  
4:36 p. m.]

## PART 3201—MINING

[Preference Rating Order P-56, as Amended  
May 20, 1944]

## MINES AND SMELTERS

§ 3201.11 *Preference Rating Order P-56*—(a) *Purpose and scope.* This order explains how operators of mines and smelters in the United States and in foreign countries may get the materials and products they need to carry on their operations. The materials covered include not only maintenance, repair, and operating supplies, including controlled materials, but also machinery, other kinds of materials, and equipment. This order does not apply, however, to an operator of a nonessential mine as defined in Limitation Order L-208.

(b) *Definitions.* (1) "Producer" means a person operating any of the following enterprises, whether in the United States, or any of its territories, or in a foreign country, but does not include any enterprise defined as a "nonessential" mine in Order L-208 or any like enterprise located outside the United States, its territories or possessions: (i) any plant actually engaged in the extraction by surface, open-pit, or underground methods, or in the beneficiation, concentration, or preparation for shipment of the products of mining activity; (ii) any plant wholly engaged in the processing and burning of refractories; (iii) any plant producing any material listed below by smelting or refining processes, and to whom a serial number has been issued under Preference Rating Order P-73, or is hereafter issued as provided in paragraph (c):

|            |          |
|------------|----------|
| Antimony   | Nickel   |
| Cobalt     | Platinum |
| Copper     | Tin      |
| Iridium    | Tungsten |
| Lead       | Vanadium |
| Mercury    | Zinc     |
| Molybdenum |          |

(iv) any prospecting enterprise for the discovery, exploration, or development of new or additional mining projects, including the construction of access roads; and (v) mines, concentrating mills, smelters, railroads, power plants, refineries, and appurtenances owned and operated by the companies holding serial numbers under Preference Rating Order P-58 on December 24, 1943.

(2) "District" means a mine supply control district of the Foreign Economic Administration.

(3) "Maintenance, repair, and operating supplies" means material used for the following purposes by producers in the conduct of enterprises described above in paragraph (b) (1): (i) minimum upkeep necessary to continue the working condition of essential property or equipment, and (ii) restoration of essential property or equipment to a sound working condition after wear and tear, damage, destruction or failure of parts, or the like have made the property or equipment unfit or unsafe for service; and supplies which are essential to and consumed or worn out in the conduct of such enterprises. In addition, except as hereinafter noted, the term "maintenance, repair, and operating supplies" includes minor capital additions normally necessary to the operation of the enterprise, but not exceeding in cost \$500 (excluding purchaser's cost of labor) for any one complete capital addition. The term "one complete capital addition" includes a group of items customarily purchased together and all items which would normally be purchased as part of a single project or plan. No capital addition shall be subdivided for the purpose of coming within this paragraph.

#### Producers Holding Serial Numbers

(c) (1) *Maintenance, repair, and operating supplies for domestic producers with serial numbers.* Producers located within the United States, its territories and possessions (herein called "domestic" producers), holding serial numbers, which may be obtained in the manner specified in paragraph (f), are hereby assigned a preference rating of AA-1 for the purchase of maintenance, repair, and operating supplies, other than controlled materials. This rating may be applied by the producer by placing on his delivery order the endorsement described in paragraph (g). The producer may obtain controlled materials for maintenance, repair, and operating supplies by endorsing his delivery order with the endorsement described in paragraph (g) and inserting the allotment symbol "S-7" therein. An order bearing this endorsement constitutes an authorized controlled material order. No serialized producer shall order for delivery during any calendar quarter, with or without preference ratings, or allotment number, maintenance, repair, or operating supplies in an aggregate amount exceeding 120 percent of his aggregate expenditures for maintenance, repair, and operating supplies during the corresponding calendar quarter of 1943. A producer who has several plants or other operating units which maintain separate records of

maintenance, repair, and operating supplies may treat each of them separately for purposes of complying with the provisions of this paragraph (c) (1).

(2) *Maintenance, repair, and operating supplies for foreign producers with serial numbers.* Producers located outside the United States, its territories and possessions and outside of Canada,<sup>1</sup> (herein called "foreign" producers), holding serial numbers, which may be obtained in the manner specified in paragraph (f), may apply for priorities assistance for maintenance, repair, and operating supplies by filing the foreign mine quota application Form WPB-2937 with the Mining Division, War Production Board, Washington 25, D. C.

(3) *Machinery and equipment.* All producers holding serial numbers, whether domestic, foreign, or Canadian, may apply for priority assistance in obtaining machinery and equipment by filing Form WPB-1319 in accordance with the WPB-1319 instruction pamphlet for items of equipment listed therein. Also, for items of equipment not listed in the instruction pamphlet for which a preference rating is required without authorization on a special form, application should be made on Form WPB-1319. For items of equipment not listed in the WPB-1319 instruction pamphlet, for which orders of the War Production Board require application for specific authorization to be made on a special form, application should be made on such special form. All applications should be filed with the Mining Division, War Production Board, Washington 25, D. C., Ref. P-56, unless otherwise provided in the WPB-1319 instructions. If necessary, Form WPB-1319 or the special form may be accompanied by a letter explaining any unusual circumstances. No application is necessary in the case of minor capital additions as defined in paragraph (b) (3) unless a special form is required by another order of the War Production Board.

#### Foreign Producers Operating Under Mine Supply Control Districts

(d) *Priorities assistance for certain foreign producers operating under mine supply control districts.* To enable a producer not holding a serial number hereunder and located outside the continental United States and within the jurisdiction of a district to obtain priorities assistance, the following procedure is established:

(1) For maintenance, repair, and operating supplies a district may apply for priorities assistance by filing the foreign mine quota application Form WPB-2937 with the Mining Division, War Production Board, Washington 25, D. C., Ref: P-56. A producer not holding a

<sup>1</sup> Producers located in Canada, whether or not they hold serial numbers issued under this order, may obtain maintenance, repair, and operating supplies in the United States under Canadian order PO5B.

serial number and located in a district may apply for priorities assistance by submitting to such district his purchase orders for maintenance, repair, or operating supplies, together with such information as may be required by the district. Within the limits of the priorities assistance granted to it pursuant to this paragraph (d) (1), such district may authenticate any such purchase order for maintenance, repair, or operating supplies by indicating the appropriate priorities assistance and countersigning the purchase order as follows:

Approved:

-----  
Name of district  
-----  
Signature of authorized official

(2) For other machinery, materials, and equipment, a producer not holding a serial number and located within a district may submit to the War Production Board, Form WPB-1319 or any prescribed special application form, following the procedure specified for serialized producers in paragraph (c) (3), such application to be endorsed with the signed approval of the district within which the applicant is located.

(3) A distributor of maintenance, repair, or operating supplies or of other machinery, materials, or equipment used by producers, who is located outside the United States and within the jurisdiction of a district, may apply for priorities assistance in the same manner as prescribed in paragraphs (d) (1) and (d) (2) for producers not holding serial numbers and located within the jurisdiction of a district.

#### Other Producers Not Holding Serial Numbers

(e) (1) *Priorities assistance for other producers not holding serial numbers.* A preference rating of AA-5 is hereby assigned to delivery orders for maintenance, repair, and operating supplies (including minor capital additions as defined in paragraph (b) (3)), other than controlled materials, placed by domestic producers not holding serial numbers (other than operators of nonessential mines as defined in Limitation Order L-208). This rating may be applied by the producer by placing on his delivery order the endorsement described in paragraph (g). The producer may obtain controlled materials for maintenance, repair, and operating supplies by placing on his delivery order the endorsement described in paragraph (g) and inserting the allotment symbol "S-7" therein. An order bearing this endorsement constitutes an authorized controlled material order. No producer who uses the allotment symbol assigned by this order shall order controlled materials for delivery during any calendar quarter in an amount exceeding 120 percent of his aggregate expenditures for controlled materials for use as maintenance, repair, and operating supplies during the corresponding calendar quarter of 1943. Such producers may apply for higher ratings for maintenance, repair, or operating supplies exclusive of minor capital additions by filing Form

WPB-2910 with the Mining Division of the War Production Board, Washington 25, D. C., Ref: P-56. Such producers may apply for priorities assistance for machinery or equipment and minor capital additions by filing Form WPB-1319 or any prescribed special application form, following the procedure specified for serialized producers in paragraph (c) (3), with the Mining Division of the War Production Board, Washington 25, D. C., Ref: P-56. Foreign producers, not holding serial numbers and not located in a mine supply control district, may apply for priorities assistance for maintenance, repair, and operating supplies, exclusive of minor capital additions, by filing Form WPB-2910 with the Mining Division of the War Production Board, Washington 25, D. C., Ref: P-56, and for machinery or equipment, including minor capital additions, by filing Form WPB-1319 or any prescribed special application form, following the procedure specified for serialized producers in paragraph (c) (3), with the Mining Division of the War Production Board, Washington 25, D. C., Ref: P-56.

#### Serial Numbers

(f) *Issuance of serial numbers.* Applications for serial numbers may, in the case of producers within the continental limits of the United States, be filed with the appropriate War Production Board Regional Office, Attention: Regional Technical Advisor, Mining Division; or with the appropriate State Coordinator of Mines for transmission to such Regional Advisor; or with the Mining Division, War Production Board, Washington, D. C. Serial number application by districts must be filed with the Mining Division, War Production Board, Washington 25, D. C., Ref: P-56. Applications by Canadian and all other foreign producers should also be filed with the Mining Division, War Production Board, Washington 25, D. C., Ref: P-56. In filing such application, the following forms shall be used:

|                               |               |
|-------------------------------|---------------|
| Metal mines.....              | Form WPB-1212 |
| Coal mines.....               | Form WPB-2784 |
| Non-metallic mines.....       | Form WPB-2758 |
| Core or churn drill operators | Form WPB-2952 |

Smelters and refineries shall apply by letter. In issuing and cancelling serial numbers, the War Production Board will consider the importance to national defense of the present and prospective output of materials to be produced, the consumption of the critical material involved, and the importance to national defense of competing demands for such material, and competing demands for manpower and transportation. Serial numbers issued under Preference Rating Orders P-58 and P-73, and not cancelled prior to December 24, 1943, are hereby confirmed and shall be considered as having been issued under this Order P-56.

#### Use of Priorities Assistance; All Producers

(g) *Application and extension of priorities assistance.* The way to use pref-

erence ratings is explained in Priorities Regulation No. 3, and the way to use allotments, both in placing authorized controlled material orders and in making allotments, is explained in CMP Regulation No. 1. Instead of using the certification prescribed by those regulations or by any other regulation of the War Production Board, including Priorities Regulation No. 7, the producer may use the following endorsement signed manually or as provided in Priorities Regulation No. 7:

Allotment number \_\_\_\_\_  
 Preference rating \_\_\_\_\_  
 Order authorized under Preference Rating  
 Order P-56, Serial No. \_\_\_\_\_

He shall not add the symbol "MRO" despite the certification instructions in CMP Regulation No. 5 or any other regulation. Requirements of other orders of the War Production Board as to special certifications remain applicable, but the foregoing endorsement shall be added to such certification. The use of the foregoing endorsement by a producer shall constitute a representation by the producer to the seller and to the War Production Board, subject to the penalties of section 35A of the United States Criminal Code (18 U. S. C. 80), that to the best of the producer's knowledge and belief he is authorized under applicable War Production Board orders and regulations to place the delivery order, to receive the item ordered for the purpose for which ordered, and to use the preference rating or allotment symbol for this purpose. Preference ratings assigned under this order for maintenance, repair, and operating supplies may not be used to obtain items on List A or List B of Priorities Regulation No. 3, except where that regulation permits the use of a P-56 rating for a particular item.

(h) *Restrictions on receipts and inventories.* Notwithstanding the provisions of any other order or regulation of the War Production Board, including CMP Regulation 2, receipts and inventories of producers shall be subject to the following restrictions only: No producer shall receive any delivery of material which will increase his inventory of such material to an amount greater than the minimum necessary to sustain his current level of operations; and the ratio of such inventory to current production shall in no event exceed the ratio of average inventory to average production for the years 1938, 1939, and 1940.

(i) *Restrictions on use and resale of material.* Notwithstanding § 944.11 of Priorities Regulation No. 1, no producer shall use any material, whether or not obtained pursuant to this order, for any purpose other than that for which priorities assistance was granted to acquire it; nor may he sell any material (including machinery and equipment), which he has used in the conduct of any enterprise described in paragraph (b) (1), whether or not he obtained such material with priorities assistance under this or any other order, except:

(1) To a producer holding a serial number hereunder, or

(2) With the written approval of the War Production Board applied for by letter to the Mining Division, or

(3) With the written approval of a district if he is a non-serialized producer located within such district, or

(4) As permitted by Priorities Regulation No. 13.

#### Applicability of Other Regulations and Orders

(j) (1) *CMP Regulation No. 5 and other regulations of the War Production Board.* None of the restrictions contained in CMP Regulation No. 5 shall be applicable to producers, and no producer shall obtain any material under CMP Regulation No. 5. However, privileges under other orders and regulations of the War Production Board granted to persons on Schedules I and II of CMP Regulation No. 5 shall be considered as applicable to producers operating under this order. For example, Order E-5-a on gauges and precision measuring hand tools classifies a person on Schedules I and II of CMP Regulation No. 5 as an "approved user." Producers operating under Order P-56 are in the same position providing that certification clauses and all other provisions of such other orders are complied with.

(2) *Restriction on use of priorities assistance.* No foreign producer or district shall acquire maintenance, repair, or operating supplies through the use of any preference rating except after having received an approved application on the foreign mine quota application Form WPB-2937, from the Mining Division, War Production Board, Washington 25, D. C. No producer shall acquire any machinery or equipment (other than maintenance, repair, and operating supplies) through the use of any preference rating or any specific authorization of the War Production Board except after filing Form WPB-V1319 or any prescribed special application form in the manner above provided, or except after filing a project application.

#### Miscellaneous Provisions

(k) *Records and orders.* Each producer and each distributor acquiring maintenance, repair, or operating supplies pursuant to this order shall keep and preserve for a period of not less than two years accurate and complete records of all such materials so acquired and used or disposed of which shall upon request be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(l) *Reports.* Producers shall file such report forms as may be required from time to time by the War Production Board, subject to the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942. The reporting requirements of this order have received the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(m) *Additional assistance and appeals in individual cases.* If the sound working condition of a producer is adversely affected by any provisions of this order or by inability to obtain material



essential for repair, maintenance, or operating supplies, the producer may apply to the War Production Board for additional assistance by letter, in triplicate, giving the reasons why such assistance is essential. In case of breakdown, imminent breakdown, or other emergency, the application may be made by telegraph or telephone.

(n) *Communications.* All reports and applications hereunder and all other communications with respect to this order shall, except as otherwise specifically provided, be addressed to the Mining Division, War Production Board, Washington 25, D. C., Ref: P-56.

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

Issued this 20th day of May 1944.

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

#### INTERPRETATION 1

##### APPLICABILITY TO CUTTING AND POLISHING OPERATIONS AT THE QUARRY

The term "producer" as defined in Preference Rating Order P-56 includes persons operating a quarry and also persons conducting further cutting and polishing operations at the quarry site, such as the manufacture of building stone and tombstones. These latter operations are included in the phrase "preparation for shipment, of the products of mining activity" appearing in paragraph (b) (1) (i) (§ 3201.11) of the order.

Since paragraph (j) (1) of the order forbids "producers" from obtaining any materials under CMP Regulation 5, producers of tombstones or other stone products at the quarry site may not operate under this regulation but must get priorities assistance exclusively under Order P-56.

The manufacture of tombstones and structural stone at a separate plant away from the quarry is not covered by Order P-56, and priorities assistance for MRO supplies required in such operations may be obtained under CMP Regulation 5. Under CMP Regulation 5, a rating of AA-2 is assigned to persons engaged in the manufacture of structural stone, while persons engaged in the manufacture of tombstones and monuments may use the AA-5 rating which is assigned under that regulation to unlisted business. (Issued Nov. 13, 1943.)

[F. R. Doc. 44-7252; Filed, May 20, 1944; 11:10 a. m.]

#### PART 3294—IRON AND STEEL PRODUCTION

[General Conservation Order M-126, as Amended Mar. 31, 1944, Amdt. 2]

Section 3294.63 (General Conservation Order M-126) is hereby amended by amending the lines of List A which now read:

Pulp, paper, paper products and converter machinery and equipment\*—(i) except graphic arts machinery or equipment as may be permitted under Limitation Order L-226, and (ii) except machinery or equipment for the fabrication of containers.

to be and read as follows:

Pulp, paper, paper products and converter machinery and equipment\*—(i) except graphic arts machinery or equipment when its production is permitted under Limitation Order L-226; and (ii) except paper mill machinery as defined in Limitation Order L-83 and container machinery of the types listed on Schedule A of Limitation Order L-332.

Issued this 20th day of May 1944.

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

[F. R. Doc. 44-7250; Filed, May 20, 1944; 11:10 a. m.]

#### PART 3302—SERVICE EQUIPMENT

[Limitation Order L-222, as Amended May 20, 1944]

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 the materials used in the manufacture of floor sanding, floor finishing, floor maintenance, and portable rug scrubbing machines, industrial vacuum cleaners, and blowers for cleaning purposes; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

##### § 3302.26 Limitation Order L-222—

(a) *What this order does.* This order controls the production of floor sanding, floor finishing, floor maintenance, and portable rug scrubbing machines, industrial vacuum cleaners, and blowers designed for cleaning purposes. It also regulates the distribution of some of these machines.

##### Floor Sanding Machines

(b) *What is meant by "floor sanding machines."* "Floor sanding machines" are machines designed for the smoothing of floors or decks, by using abrasives, such as sand paper and steel wool. However, floor sanding machines do not include any machines used for smoothing stone or tile floors. The latter are floor finishing machines, and are controlled by a different part of this order.

(c) *Production of floor sanding machines is prohibited.* No person may produce any floor sanding machines.

(d) *Distribution of these machines is not restricted.* In the past the War Production Board restricted the distribution of certain sizes of floor sanding machines. Those restrictions are no longer in effect, and it is not necessary to get permission from the War Production Board to sell or deliver floor sanding machines.

##### Portable Electric Hand Blowers

(e) *What is meant by "blowers."* As used in this order, "blowers" means combination blowers and exhausters de-

signed for removing dust, reclaimable materials or refuse by either air pressure or suction. These machines consist of a combination of a motor operated air pressure producer, an air impeller line, and a portable tool with attachments. Blowers do not include any machines used solely for the handling of air or other gaseous mixtures.

(f) *Production of blowers is limited.* A person may produce blowers only to fulfill an authorized production schedule under the Controlled Materials Plan (CMP), as explained in CMP Regulation No. 1. Production will be authorized so that the total production will not exceed the approved War Production Board program and so that the production in any one plant, or labor requirements therefor, will not interfere with war production in that plant or in any other plant located in the same area.

(g) *Distribution of blowers is not restricted.* In the past the War Production Board restricted the distribution of blowers. Those restrictions are no longer in effect, and it is not necessary to get permission from the War Production Board to sell or deliver blowers.

##### Industrial Vacuum Cleaners, Portable Rug Scrubbing Machines, and Floor Finishing and Floor Maintenance Machines

(h) *What is meant by "industrial vacuum cleaners."* "Industrial vacuum cleaners" are machines (either stationary or portable) which consist of a combination of a motor-operated vacuum producer, an air impeller line, and a portable tool with attachments, and which are designed primarily for the collection and removal of dust, oil, and reclaimable materials or refuse by suction, in either the wet or dry state. Industrial vacuum cleaners do not include any vacuum cleaners designed primarily for household use, or any motor-operated vacuum producing units which are part of floor sanding, floor finishing or floor maintenance machines.

(i) *What is meant by "portable rug scrubbing machines."* "Portable rug scrubbing machines" means motorized portable devices for cleaning rugs, including portable rug shampooing machines. Stationary rug cleaning machines are not restricted by this order but are restricted by Limitation Order L-91.

(j) *What is meant by "floor finishing and floor maintenance machines."* A "floor finishing or floor maintenance machine" is a motorized or handpowered mechanical device used for grinding, staining, sealing, scraping, oiling, waxing, scrubbing, or polishing floors or decks, or for collecting and removing dust, grime, oil, reclaimable materials or refuse from floors or decks. Some machines do these things separately. In other cases the floors and decks are also washed, sterilized or wiped. Typical floor finishing and floor maintenance machines include terazzo grinders, waxing and polishing machines, wet or dry scrubbers, combination scrubbers with water pick-up, drum type sweepers, and scari-fying machines. Floor finishing and

floor maintenance machines do not include floor sanding machines, or machines specifically designed for manipulating wet cement.

(k) *Delivery of industrial vacuum cleaners, portable rug scrubbing machines, and some floor finishing and floor maintenance machines is restricted.* New industrial vacuum cleaners, new portable rug scrubbing machines, new drum type floor finishing and floor maintenance machines making a six-inch path or wider, and new disk type floor finishing and floor maintenance machines making a ten-inch path or wider, may be delivered only under the following circumstances:

Delivery may be made to anyone whose order has been approved by the War Production Board on Form WPB-1843 before May 16, 1944, or on Form WPB-1319.

Delivery may also be made to any manufacturer or dealer who needs an industrial vacuum cleaner or other restricted machine to fill a specific order, or part of a specific order, which has been approved on Form WPB-1843 before May 16, 1944, or on Form WPB-1319.

(l) *How to get an order approved for delivery.* Those who want to get their orders approved for delivery should apply on Form WPB-1319 to the War Production Board, Service Equipment Division, Washington 25, D. C.: Ref. L-222. The instructions for the use of the form must be carefully followed; otherwise, the application will not be considered by the War Production Board. Copies of this form and the instructions can be obtained from the nearest field office of the War Production Board.

(m) *How to use a Form WPB-1843 or a Form WPB-1319 after approval is given.* If the War Production Board approves an order on Form WPB-1843 or Form WPB-1319, the form on which approval is given will be returned to the applicant, who must then give the form to the person delivering the equipment before the delivery is made. Only the supplier named in the form may deliver the equipment. Moreover, unless the form is given to the supplier within thirty days after the date on which the delivery was officially approved, the War Production Board's approval of the delivery is automatically withdrawn.

(n) *Production of industrial vacuum cleaners, portable rug scrubbing machines, and floor finishing and floor maintenance machines is limited.* The production of portable rug scrubbing machines is prohibited. The production of industrial vacuum cleaners and floor finishing and floor maintenance machines is forbidden, except to the following extent: A person may produce industrial vacuum cleaners, and floor finishing and floor maintenance machines, to fill orders approved by the War Production Board. In addition, a person may produce and maintain a stock of new industrial vacuum cleaners and floor finishing and floor maintenance machines of the sizes restricted under paragraph (k) numbering up to 15 percent of the total number of these machines shipped from his factory during the calendar year 1941.

Restricted industrial vacuum cleaners and floor machines produced before 1944 are not to be counted as part of this stock, but must be held as a stock pile to fill orders approved by the War Production Board just for delivery from that supply. A person may not produce a machine to fill an order approved for delivery only from the stock pile, nor may he produce a machine to replace one taken from the stock pile to fill an approved order.

In approving orders, and in processing applications for priorities assistance on Form CMP-4B, the War Production Board will be guided by the policy that the total production of the entire industry must not exceed the approved War Production Board program for these products, and that the production in any one plant, or labor requirements therefor, must not interfere with war production in that plant or in any other plant located in the same area.

#### General Provisions

(o) *Production of supplies and repair parts is not limited.* This order does not limit the production of supplies and repair parts for equipment controlled under this order.

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

(q) *Reports on Form WPB-3495 by producers of blowers are required monthly.* Before the 15th of each month, every person in the business of producing blowers must send to the War Production Board a report on Form WPB-3495. This reporting requirement has the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(r) *Miscellaneous reports.* Subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, each person affected by this order must execute and file with the War Production Board whatever reports, information, and answers to questionnaires the War Production Board from time to time requests.

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

(t) *Appeals.* An appeal from this order may be made by filing a letter referring to the particular provision appealed from and stating fully the grounds of the appeal.

(u) *Communications to War Production Board.* All reports required by this order, and all communications concerning its provisions should be addressed to: War Production Board, Service Equip-

ment Division, Washington 25, D. C.: Ref. L-222.

Issued this 20th day of May 1944.

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

[F. R. Doc. 44-7251; Filed, May 20, 1944;  
11:10 a. m.]

#### PART 1010—SUSPENSION ORDERS

[Suspension Order S-503]

NILE E. YEARWOOD

Nile E. Yearwood, of Route #1, Columbia, Tennessee, on or about May 7, 1943, began construction of a residence on premises known as Graymere Farm, Columbia, Tennessee. He had obtained authorization from the War Production Board to commence construction work of an estimated cost of not over \$7,000; the estimated cost of the work done amounted to approximately \$25,000. This was a violation of the authorization given upon Mr. Yearwood's application and of Conservation Order L-41. Mr. Yearwood was familiar with Order L-41, and with the restrictions upon construction, and his violation was wilful.

This violation of Conservation Order L-41 has diverted scarce materials to uses not authorized by the War Production Board, and has hampered and impeded the war effort of the United States. In view of the foregoing: it is hereby ordered, that:

§ 1010.503 *Suspension Order No. S-503.* (a) Neither Nile E. Yearwood, his successor or assigns, nor any other person, shall do any construction on the premises known as Graymere Farm, Columbia, Tennessee, including putting up or altering the structure, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Nile E. Yearwood, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on May 20, 1944.

Issued this 13th day of May 1944.

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

[F. R. Doc. 44-7270; Filed, May 20, 1944;  
4:00 p. m.]

#### PART 1010—SUSPENSION ORDERS

[Suspension Order S-551]

WILLIAM BRODY

William Brody, of Clearfield, Pennsylvania, purchased, about July 8, 1943, a one-story commercial building, located at 22 North Second Street, Clearfield, Pennsylvania. The building had been partly consumed by fire in December, 1942, and its owner had obtained author-

ity for emergency repairs, which were being carried on when Mr. Brody bought the building. Mr. Brody continued with these repairs, and did additional construction work at an estimated cost of approximately \$8,000, without War Production Board approval; this was a violation of Conservation Order L-41, which placed a limit of \$200 upon such construction. This violation resulted from Mr. Brody's gross negligence through failure to inquire as to the requirements of Order L-41 after being fairly charged with notice of its existence. As a result of the violation, critical materials were diverted to uses not authorized by the War Production Board. In view of the foregoing: it is hereby ordered, that:

§ 1010.551 *Suspension Order No. S-551.* (a) Neither William Brody, his successors or assigns, nor any other person, shall do any construction on the premises at 22 North Second Street, Clearfield, Pennsylvania, including putting up or altering the structure, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve William Brody, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on May 20, 1944.

Issued this 13th day of May 1944.

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

[F. R. Doc. 44-7271; Filed, May 20, 1944;  
4:00 p. m.]

#### PART 933—COPPER

[Supplementary Order M-9-c-4, as Amended  
May 22, 1944]

#### INSTALLATION AND SALE OF PIPE, TUBING, FITTINGS AND BUILDING MATERIAL<sup>1</sup>

§ 933.15 *Supplementary Conservation Order M-9-c-4—(a) Definitions.* For the purposes of this order:

(1) "Copper" means unalloyed copper metal. It shall include unalloyed copper metal produced from scrap.

(2) "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 metal. It shall include alloy metal produced from scrap.

(3) "Copper or copper base alloy pipe or tubing" means any pipe, tube or tubing into which there has been incorporated any copper or copper base alloy

<sup>1</sup> This order used also to apply to certain plumbing fixture fittings and trim. The use of copper or copper base alloy in the manufacture of all items of plumbing fixture fittings and trim is prohibited or restricted by Order M-9-c and Order L-42, Schedules V and XII. The change in this order releases for use only finished items. For restrictions on the manufacture and installation of copper and copper base alloy screening, see Conservation Order M-9-c.

(except as plating or where the item contains less than 25% of copper or copper base alloy by weight).

(4) "Copper or copper base alloy fittings" means any fittings for use in connection with any pipe, tube or tubing (other than valves, corporation stops and couplings therefor, curb stops and couplings therefor, adaptors, unions, ferrules and solder nipples) into which there has been incorporated any copper or copper base alloy (except as plating or where the item contains less than 25% of copper or copper base alloy by weight).

(5) "Copper or copper base alloy building material" means any of the following items, whether fabricated or unfabricated, into which there has been incorporated any copper or copper base alloy (except as plating or where the item contains less than 25% of copper or copper base alloy by weight):

Access panels.  
Anchors and dowels.  
Cornices.  
Drip pans.  
Fences and gates.  
Flashings and flashing valley lining.  
Gravel stops and snow guards.  
Grilles, grids and gratings.  
Gutters, leaders, downspouts, sheet metal expansion joints and accessories thereto.  
Lightning rods, cables and accessories.  
Louvers and marquees.  
Mouldings and trim.  
Ornamental metal work.  
Partitions.  
Railings.  
Reglets.  
Radiators, shields and covers.  
Roof, roofing and other roofing items.  
Sheet, roll, strip and rod for building construction.  
Stair treads, nosing and etgings.  
Store fronts.  
Strip for laying linoleum.  
Terrazzo strip.  
Termite shields.  
Thresholds and saddles.  
Tie rods.  
Weatherstripping and insulation.  
Window frames and sills.  
Ventilators and skylights.  
Vents.

(b) *Restrictions on installations of certain copper products—(1) Restrictions.* Installation of certain copper and copper base alloy products is prohibited notwithstanding any contract or agreement of any person to make the installation and notwithstanding any preference rating or CMP allotment, in the following instances:

(i) The installation in place, of any copper or copper base alloy building material in or on any building or structure, or in or on any cooling tower or water tower.

(ii) The installation in place, for plumbing, heating or cooking purposes, of any copper or copper base alloy pipe, tubing or fittings, in any building or structure.

(iii) The installation in place, whether inside or outside of a building, of any copper or copper base alloy pipe, tubing or fittings in any water supply or water distribution system, in any water sprinkling system, in any underground gas supply or gas distribution system, or in or on any cooling tower or water tower.

(2) *Exceptions.* Notwithstanding the prohibitions against installation of paragraph (b) (1):

(i) Copper or copper base alloy building material, pipe or tubing may be installed in place when necessary to replace in or on a building, structure or system, like items of copper or copper base alloy.

(ii) Copper or copper base alloy fittings may be installed in place for purposes of repair and maintenance, if at least one end of the fitting is connected to copper or copper base alloy pipe or tubing; and copper or copper base alloy fittings may be connected to a water supply or water distribution system or to any underground gas supply or gas distribution system, if the fittings are to be used both underground and outside of a building.

(iii) Copper or copper base alloy pipe and tubing which were, on January 1, 1944, in the inventory of a plumber, may be connected by the plumber in whose inventory the material was on that date, to a water supply or water distribution system or to any underground gas supply or gas distribution system, if the pipe or tubing are to be used both underground and outside of a building; and copper or copper base alloy pipe and tubing which were, on January 1, 1944, in the inventory of a water or gas utility may be connected by a utility to a water supply or water distribution system or to any underground gas supply or gas distribution system, if the pipe or tubing are to be used both underground and outside of a building.

(iv) Copper or copper base alloy tubing or fittings may be installed in place in a heat exchanger for a cooling tower.

(v) Copper or copper base alloy building material, pipe, tubing and fittings purchased by or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration may be installed in place: *Provided, however,* That nothing in this order shall supersede any applicable instructions to any officers of the foregoing, including without limitation the directive for War Time Construction dated May 20, 1942, issued by the Chairman of the War Production Board, the Secretary of War and the Secretary of the Navy, or the List of Prohibited Items for Construction Work dated April 1, 1942, issued by the Army and Navy Munitions Board, as amended from time to time.

(vi) Copper or copper base alloy building material, pipe, tubing and fittings may be installed in place, upon the written authorization of the War Production Board, authorizing the specific installation. Applications for such authorization may be made by letter setting forth the reasons why the person applying believes such material should be installed in or connected to a structure or system. If the applicant is applying for authorization to begin construction on Form WPB-617, he may apply for authorization under this order on that Form or in a supplemental letter attached thereto, and need not make a separate application.

(c) *Restrictions on delivery.* Notwithstanding any contract or agreement to the contrary or the receipt of any CMP order or a preference rating, no person shall deliver, sell or otherwise dispose of any copper or copper base alloy building material, pipe, tubing, or fittings if it is to be used for a purpose prohibited by this order; and no person shall accept delivery or a transfer of, or purchase, such building material, pipe, tubing or fittings unless the person making the delivery, sale or other disposition was permitted to do so. The foregoing shall not prevent:

(1) Delivery, sale or disposal to, or acceptance of delivery or transfer by or purchase by, a brass mill or a person regularly engaged in the business of selling copper or copper base alloy scrap.

(2) Delivery, sale or disposal to, or acceptance of delivery or transfer by or purchase by Defense Supplies Corporation, Metals Reserve Company or any other corporation organized under section 5 (d) of the Reconstruction Finance Act as amended (except Defense Plant Corporation) or any person acting as agent for any such corporation (except Defense Plant Corporation).

(3) Delivery, sale or disposal to, or acceptance of delivery or of transfer by or purchase by, any person upon the written authorization of the War Production Board permitting the specific delivery sale or disposal. Applications for authorization may be made by the person seeking to make delivery, sale or disposal, by letter setting forth the reasons why the person believes such material should be delivered, sold or otherwise disposed of.

(d) *Restrictions on sale and use of nails, tacks, screws, nuts, bolts, rivets, washers, and expansion shields.* (1) No manufacturer, warehouse, store or outlet, other than a retail store or retail outlet, shall sell or deliver, without the specific authorization in writing of the War Production Board, any copper or copper base alloy nails, tacks, screws, nuts, bolts, rivets, washers or expansion shields except on a preference rating of AA-5 or higher.

(2) No retail store or retail outlet shall sell or deliver, without the specific authorization in writing of the War Production Board, any copper or copper base alloy nails, tacks, screws, nuts, bolts, rivets, washers or expansion shields except on a preference rating of AA-5 or higher. However, each store or outlet may sell such products to fill unrated orders or orders rated lower than AA-5 provided that the total sales of such products after December 31, 1943, to fill unrated orders or rated lower than AA-5, does not exceed \$25 in amount.

(3) No person engaged in the business of building or repairing a building, structure, cooling tower or water tower, and no corporation or other organization, shall install in place, without the specific authorization in writing of the War Production Board, any copper or copper base alloy nails, tacks, screws, nuts, bolts, rivets, washers, or expansion shields in a building, structure, cooling tower or water tower.

(4) The foregoing restrictions of this paragraph (d) are not applicable if the items have been placed in packages with builders' finished hardware items, such as locks and hinges, prior to June 24, 1943, for the purpose of attaching or installing the hardware, nor to iron or steel items which are plated or washed with copper.

(5) Application for specific authorization under this paragraph (d) shall be made by letter, setting forth the reasons why the person applying believes the nails, tacks, screws, nuts, bolts, rivets, washers and expansion shields should be installed, or be sold or delivered to fill unrated orders or orders rated lower than AA-5.

(e) *Communications to the War Production Board.* All requests for authorization and communications referring to this order, shall unless otherwise directed, be addressed to: War Production Board, Copper Division, Washington 25, D. C. Reference: M-9-c-4.

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

(g) *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.

Issued this 22d day of May 1944.

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

[F. R. Doc. 44-7328; Filed, May 22, 1944;  
11:05 a. m.]

PART 3175—REGULATIONS APPLICABLE TO  
THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1 as Amended Feb. 2, 1944,  
Amdt. 3]

Section 3175.1 *CMP Regulation No. 1* is amended as follows:

Schedule 1 of the regulation is amended under the general heading "Steel, Carbon Steel", by changing the second column of item No. 2061 "Wire rods, wire and wire products", to strike "(including chain link fence fabric)"; and inserting in the third column of the same item the phrase "chain link fence fabric and" before the item "chain link fence, completely fabricated".

Issued this 22d day of May 1944.

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

[F. R. Doc. 44-7322; Filed, May 22, 1944;  
11:49 a. m.]

PART 3175—REGULATIONS APPLICABLE TO  
THE CONTROLLED MATERIALS PLAN

[CMP Reg. 5, Interpretation 11 as amended  
May 22, 1944]

PURCHASER'S COST OF LABOR FOR MINOR  
CAPITAL ADDITIONS

The following amended interpretation is issued with respect to CMP Regulation 5:

Interpretation No. 11 to CMP Regulation No. 5 is amended to read as follows: (a) Paragraph (b) (3) of CMP Regulation No. 5 permits the use of the MRO symbol and rating to get materials or equipment for a minor capital addition, where the cost of the minor capital addition does not exceed \$500 "excluding the purchaser's cost of labor."

(b) This means that the cost of the materials or equipment going into the minor capital addition must not exceed \$500. The cost of labor for the manufacture of the materials or equipment must be included in figuring their cost. The cost of labor used in construction or installation of the minor capital addition need not be included.

(c) This applies whether the owner of the plant uses his own employees to do the construction or installation work or hires an independent contractor to supply this construction or installation labor.

(d) It also applies where the owner of the plant gets an independent contractor to furnish the materials and the labor for the job, and where the owner of the plant buys a machine or other article and has the seller do the work of installation.

(e) Direction 15 to CMP Regulation 5 explains the rules for buying \$500 worth of materials needed for installation or relocation of equipment which is not bought by use of the MRO rating or symbol. In that case, the same principles apply in determining what labor costs are to be included.

Issued this 22d day of May, 1944.

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

[F. R. Doc. 44-7323; Filed, May 22, 1944;  
11:49 a. m.]

PART 3175—REGULATIONS APPLICABLE TO  
THE CONTROLLED MATERIALS PLAN

[CMP Reg. 6, Direction 3]

SPECIAL PROCEDURE FOR ARMY AND NAVY  
CONSTRUCTION

The following direction is issued pursuant to CMP Regulation 6:

(a) *What this direction does.* This direction explains how private contractors doing Army and Navy command construction, Engineer Corps construction or Civil Aeronautics Administration Construction obtain controlled materials, Class A products, and other materials and products which they need for the construction work. It also applies to purchases by the Army and Navy when constructing a particular project with their own personnel. This direction applies only to construction of the kinds described in paragraph (f). It does not apply to any other kind of construction.

(b) *Allotment symbol and preference rating.* The Army or Navy will issue an authorization for construction on Form CMPL-593 Navy (Army). The allotment symbol N-O for Navy construction or W-6 for Army construction and the preference rating assigned on Form CMPL-593 Navy (Army) may be used to order all products, machinery,

equipment and material needed to complete the project described in the CMPL-593 Navy (Army). In certain cases, an order of the War Production Board may require specific authorization on a special form or letter before a person may get or use a particular product or material. In such cases, the Bureau or Service indicated in the executed Form will obtain such authorization, including any scheduling authority required under any scheduling order, and will furnish the authorization either on the prescribed form or otherwise to the person engaged in the construction.

(c) *Restrictions on construction.* Any person engaging in construction which is authorized on form CMPL-593 Navy (Army), must follow the restrictions on construction contained in the ANMB List of Prohibited Items for Construction Work. Authority to deviate from these standards will be obtained from the Army and Navy Munitions Board by the Bureau or Service indicated and will be specifically set forth on Form CMPL-593 Navy (Army) or other appropriate Army or Navy document.

(d) *How to order material.* (1) The allotment symbol N-O for Navy construction or W-6 for Army construction may be used to order controlled materials and Class A products by (i) the person to whom Form CMPL-593 Navy (Army), is issued, whether a private contractor or an Officer of the Army or Navy, (ii) by manufacturers of Class A products or Class A components of Class A products to be incorporated in the project, (iii) by subcontractors doing all or any part of the construction work.

A builder must not use the allotment symbol or give others the right to use it before he has received an authorization on Form CMPL-593 Navy (Army). A person who has received an authorization on Form CMPL-593 Navy (Army) may give a manufacturer, contractor or subcontractor the right to use the allotment symbol by endorsing the order or contract in the following form, signed manually or in the way explained in Priorities Regulation No. 7:

Purchase Order or Contract No. ....  
(identifying project). You are authorized to use the allotment symbol N-O (W-6) to order controlled materials and Class A products needed to fill this order or contract.

A manufacturer, or subcontractor must not use the allotment symbol nor give others the right to use it until he has received an order or contract endorsed with the above statement.

It is not necessary to show the quantities of controlled materials in this statement. Its use shall constitute a representation by the person signing it to the person with whom the order or contract is placed, and to the War Production Board, subject to the penalties of section 35A of the United States Criminal Code, that he has the right to authorize the person with whom the order or contract is placed to use the allotment symbol to fill the order or contract. The standard form described in Priorities Regulation No. 7 cannot be used instead of the above statement.

A person who has the right under this direction to use the allotment symbol N-O or W-6 in ordering controlled materials must endorse the symbol on his order and the form of certification set out in CMP Regulation No. 7, signed manually or in the way explained in Priorities Regulation No. 7. An order so endorsed is an authorized controlled

material order (1) if it is a "delivery order" as defined in paragraph (b) (9) of CMP Regulation No. 6, and (ii) if it is in sufficient detail to permit entry on mill schedules, and (iii) if, when placed with a controlled materials producer, it is received at such time in advance as is specified in Schedule III of CMP Regulation No. 1, or at such later time as the controlled materials producer may find it practicable to accept the same.

(2) The preference rating may be used to order all materials other than controlled materials. The builder receiving a CMPL-593 Navy (Army) authorization may use the preference rating on an order by using the certification set forth in Priorities Regulation No. 7 together with the allotment symbol N-O or W-6 for purposes of identification. Whenever the builder or subcontractor orders a Class A product the statement set forth in paragraph (d) (1) above must also be used.

(3) Each person using the allotment symbol or preference rating must maintain at his regular place of business, for a period of two years, records of the right to use the symbol or preference rating, records, kept by purchase order or contract number identifying the project, of the amounts of materials and products ordered with the allotment symbol or preference rating and records adequate to show that the materials and products so ordered were used for the purpose for which the right to use the symbol or rating was granted.

(4) The use of the allotment symbol N-O or W-6 will not be limited to any particular month or quarter and, therefore, no quarterly identification need be shown when using it. Authorized controlled material orders must, however, show the month in which delivery is requested. The allotment symbol and rating may not be used by the builder, contractor or subcontractor in placing orders after the expiration date of the project but delivery after such date may be specified on orders placed before then.

(5) The allotment symbol and preference rating must not be used to order materials in greater quantities, or on earlier dates, than needed for the construction. It may be used not only to order materials needed for the construction but also to replace in inventory materials used for the construction. Attention is called to CMP Regulation No. 2 which places a restriction on inventories of controlled materials.

(e) *Relation to WPB Directive 23 and WPB Directive 31.* The preference rating assigned on Form CMPL-593 Navy (Army) is assigned in lieu of a preference rating assigned for such construction on Form WPB-542 (formerly PD-3A) under the provisions of WPB Directive 31, and is subject to any review which may be required by WPB Directive 23 from time to time.

(f) *Construction covered by this direction—(1) Command construction within the continental limits of the United States.* The following types of projects within the continental limits of the United States ordered built by either the Chief of Staff, U. S. Army, or the Chief of Naval Operations, U. S. Navy: Airfields; military housing; alien housing; facilities for the repair of finished items of munitions; seacoast fortifications; ports and depots; camouflage and other passive defense projects (whether or not owned and operated by the Army or Navy); emergency flood control projects having a value of less than \$100,000; military hospitals; maneuver training and staging areas and proving grounds.

(2) *Command construction outside of the continental limits of the United States.* All

construction ordered built by the Chief of Staff, U. S. Army, and built by or under the supervision of the Chief of Engineers or Commanding Generals of Service Commands, U. S. Army, or ordered built by the Chief of Naval Operations, U. S. Navy, and built by or under the supervision of the Chief of the Bureau of Yards and Docks, U. S. Navy, outside the United States, but not including construction within active theatres of operations.

(3) *Corps of Engineers construction within the continental limits of the United States.* Projects within the continental limits of the United States which (1) have been determined by the War Production Board to be essential, (ii) are built by or under the supervision of the Corps of Engineers (and where appropriate, completed by the Army Air Forces), in accordance with a design directive approved by an authorized representative of the War Production Board, and (iii), will be owned, leased, maintained or operated by or under the direction of the War Department and financed by War Department funds.

(4) *Civil Aeronautics Administration Construction,* that is (1) projects for the construction of airports financed under the appropriation for "Development of Landing Areas for National Defense" (Public Law 528, 77th Congress, 2d Session) and which:

(a) Have been determined by the War Production Board to be essential.

(b) Are built under the supervision of the Army, Navy, or Civil Aeronautics Administration.

(c) Are built in accordance with specifications of the Bureau of Yards and Docks, U. S. Navy, or the Corps of Engineers, U. S. Army; and

(ii) Projects for the construction of the following airway facilities requested by the Army or Navy and financed from Civil Aeronautics Administration, Army, or Navy appropriations:

(a) Immediate landing fields to be operated by and situated on property owned or leased by the United States government;

(b) Airway lighted aids, that is, automatically operated lighted aids to contact flight operations on a designated flying route between airfields;

(c) Radio facilities, that is, radio transmitting stations producing identifying signals received by aircraft in flight; and

(d) Communication facilities, that is, facilities to collect and disseminate weather reports and maintain two-way communications with aircraft in flight or with other stations.

Issued this 22d day of May 1944.

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

[F. R. Doc. 44-7324; Filed, May 22, 1944;  
11:49 a. m.]

#### PART 3208—SCHEDULED PRODUCTS

[General Scheduling Order M-293, Table 13,  
as Amended May 22, 1944]

CORK, ASBESTOS AND FIBROUS GLASS DIVISION

§ 3208.14 *Table for Cork, Asbestos and Fibrous Glass Division.* (a) The following amended table is issued pursuant to the provisions of General Scheduling Order M-293:

| Type of M-293 product   | Designation | Applicable forms columns |                                |                                    |   |
|---|-------------|--------------------------|--------------------------------|------------------------------------|---|
|   |             | 1<br>Operations report   | Shipping schedule <sup>1</sup> | 2<br>Application and authorization | 4<br>Calendar month frozen <sup>2</sup> |
| (1) Fibrous glass textiles, including cloth, tape, cord, sleeving, thread, yarn, sliver, M. Q. webbing and other products abraded wholly from textile type glass fibers |             | 3624                     | 3401                           |                                    |   |
| (2) Clutch facings (flat, asbestos; moulded and textile types)—all purchase orders in excess of 1000 facings  |             | 3002                     | 3401                           |                                    | 1                                       |

<sup>1</sup> Form WPB-3003 may be used instead of Form WPB-3401.

<sup>2</sup> For an explanation of the calendar months frozen see paragraph (c) of M-293.

(b) Any manufacturer whose production of fibrous glass textiles is less than 20,000 lbs. per month need not file an operations report on fibrous glass textiles on Form WPB-3624.

(c) A manufacturer's intra-company deliveries of fibrous glass textiles shall be treated in the same way as shipments to his customers. Company requisitions must be treated and scheduled as purchase orders. In reporting company requisitions on Forms WPB-3401 and 3003 the applicable preference rating is the rating assigned to the purchase order for the products into which the fibrous glass textiles will go.

(d) This table took effect April 1, 1944, with respect to fibrous glass textiles, and shall take effect May 22, 1944, with respect to clutch facings.

Issued this 22d day of May 1944.

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

[F. R. Doc. 44-7330; Filed, May 22, 1944;  
11:51 a. m.]

#### PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-85, as Amended May 22, 1944]

##### KAPOK

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of kapok 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.

§ 3290.331 *General Conservation Order M-85—(a) Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

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

(1) "Kapok" means the fiber or pulp from the pod of the Ceiba or Kapok tree before incorporation into a finished product.

(2) [Deleted May 22, 1944]

(3) "Manufacturer" means any person producing any product of which kapok is a component part or into which it is physically incorporated.

(c) *Restrictions on sales and deliveries of kapok.* No person shall buy, sell, deliver, or accept delivery of any kapok, unless specifically authorized in writing by the War Production Board. This shall not apply to sales to the Defense Supplies Corporation. Anyone wishing to buy kapok from the Defense Supplies Corporation may apply to the War Production Board on Form WPB-2562.

(d) *Restrictions on the use of kapok for manufacturing purposes.* Unless authorized pursuant to application filed on Form WPB-1076, no manufacturer shall use any kapok of Java grades except for life vests, life jackets and collars to fill orders to be submitted for approval as specified in paragraph (e) below and placed directly by:

(1) The Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, or by prime contractors or subcontractors therefor; or

(2) Ship chandlers and marine supply distributors to whom preference ratings have been assigned on Form WPB-646.

No manufacturer shall use kapok of grades other than Java in any product unless required by a defense order and authorized pursuant to application on Form WPB-1076.

Upon completion of any order requiring the use of kapok the remaining inventory is subject to all the provisions of this order and may be disposed of only as permitted in paragraph (c).

(e) *Specific approval required for filling orders for life vests or life jackets and collars.* No manufacturer may make any delivery under any order for kapok life vests, or life jackets and collars unless he has the written approval of such order by the War Production Board. Application for such approval may be made by letter or telegram addressed to the War Production Board, Equipage Branch, Textile, Clothing and Leather Bureau, Washington 25, D. C. Manufacturers shall return all orders not approved to the Procurement Officer issuing such order advising him of the action taken by the War Production Board.

(f) *Restrictions on inventory.* No person may accept title to or accept delivery of any kapok if his inventory will thereby exceed the amount required for continuing his operations at his current rate for a thirty-day period, unless otherwise authorized in writing by the War Production Board.

NOTE: Paragraphs (g) through (k), formerly (e) through (i), redesignated May 22, 1944.

(g) *Assignment of preference rating.* A preference rating of AA-5 is hereby assigned to all orders for kapok placed by the Foreign Economic Administration, the Defense Supplies Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose by any of the foregoing, and such rating may be applied in the manner prescribed by Priorities Regulation No. 3, as amended.

(h) *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.

(i) *Communications to the 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, Textile, Clothing and Leather Division, Washington 25, D. C., Ref.: M-85.

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

(k) *Reports.* On or before the 15th day of each calendar month all owners of kapok shall file two copies of Form WPB-642 with the United States Tariff Commission, 7th and E Streets, N. W., Washington 25, D. C.

Issued this 22d day of May 1944.

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

[F. R. Doc. 44-7329; Filed, May 22, 1944;  
11:50 a. m.]

#### PART 3302—SERVICE EQUIPMENT

[General Limitation Order L-91, as Amended May 22, 1944]

COMMERCIAL LAUNDRY EQUIPMENT, COMMERCIAL DRY CLEANING EQUIPMENT, AND TAILORS' PRESSING EQUIPMENT

§ 3302.16 *General Limitation Order L-91—(a) What this order does.* This

order restricts the production and distribution of certain kinds of laundry equipment, dry cleaning equipment, and tailors' pressing equipment. This equipment is divided into two groups. The order restricts both production and distribution of the first group. Production of equipment in the second group is restricted, but distribution is not.

(b) *What equipment is in the first group.* The first group consists of the following kinds of laundry, dry cleaning and tailors' pressing equipment:

NOTE: "Dry cleaning units, synthetic" deleted May 22, 1944.

Blocking machines, garment  
Boards, ironing  
Boards, pressing  
Boards, shirt folding  
Boards, steam spotting  
Cabinets, deodorizing, drying or sterilizing  
Conveyors, bag (wet wash)  
Conveyors, "go back"  
Conveyors, monorail  
Conveyors, shirt  
Dry cleaning units, naphtha  
Dry rooms, conveyor  
Dryers, garment, hot air  
Dryers, hosiery and sock  
Dye machines  
Extractors (including mechanical unloading)  
Forms, collar  
Forms, hosiery and sock  
Forms, overall  
Forms, sleeve  
Forms, trouser  
Filters, solvent, for drycleaning  
Finishers, garment  
Finishers, sleeve  
Fluffers, handkerchief  
Folding machines, automatic  
Ironers, collar  
Ironers, flatwork  
Ironers, handkerchief  
Ironer attachments:  
Canopies  
Feeding devices  
Irons, puff  
Listing machines  
Marking machines  
Presses  
Shakers, flatwork  
Shapers, sleeve  
Shapers, trouser  
Spreaders, flatwork  
Stackers, flatwork, automatic  
Stackers, handkerchief, automatic  
Starch cookers  
Starching and extracting machines  
Starching machines  
Stillis, vacuum, for drycleaning  
Stretchers, trouser  
Tables, marking  
Tumblers  
Washers (except glove)

(c) *What equipment is in the second group.* The second group consists of the following kinds of laundry, dry cleaning, and tailors' pressing equipment:

NOTE: List amended May 22, 1944.

Boards, pressing, velvet and nap  
Boards, spotting, except steam  
Boards, steam  
Collar shapers  
Collar tippers  
Cuff cleaners  
Dampeners, cloth  
Dampeners, collar and seam  
Dryers, blanket and curtain  
Dryers, rug  
Dryers, windwhip  
Dry cleaning units, synthetic

Dry rooms, sectional  
Dye kettles  
Feather sanitizing machines  
Fluting machines  
Forms, glove  
Fur cleaning equipment  
Glazers, fur  
Glove cleaning machines  
Hangers, revolving shirt  
Hatters' equipment  
Holders, bag  
Holders, net  
Irons, rotary  
Ironers, edger  
Ironers, hat crown  
Ironers, ruffie  
Ironer attachments:  
String mark eliminators  
Napping machines (carding machines for blanket finishing)  
Puffers, steam  
Rug cleaning machines (stationary)  
Sand bags, hat  
Seam cleaners  
Shirt envelope machines  
Steamers, garment  
Steamers, velvet  
Sterilizers, feather  
Stretchers, blanket and curtain  
Stretchers, dress  
Tables, steam  
Tubs, scrub  
Tubs, starch  
Tubs, stationary laundry  
Washers, glove

(d) *Production of both groups is restricted.* A person may produce the equipment listed in paragraph (b) and (c) only to the extent authorized by this order or by written instructions from the War Production Board.

(e) *Production is permitted to fill U. S. Army and Navy orders.* A person may produce equipment if he builds it according to United States Army or Navy specifications in order to fill a specific United States Army or Navy order. This includes orders placed by prime contractors or subcontractors of the Army or Navy for equipment which will eventually be delivered to the Army or Navy and will be installed under Army or Navy supervision. It does not include any orders placed by any U. S. Army or Marine Corps Post Exchange, or any U. S. Navy or Coast Guard Ship's Service Department.

(f) *Production of equipment in first group is permitted to fill approved orders.* A person may produce equipment listed in paragraph (b) to fill orders approved for delivery under paragraph (k), and in addition to maintain an inventory of new equipment listed in paragraph (b) worth up to 5 per cent of the total value of new equipment listed in paragraph (b) which he billed to his customers during the calendar years 1939, 1940 and 1941. His total billings during that period and the value of his current inventory are to be calculated at his established prices f. o. b. shipping point. Production of equipment listed in paragraph (b) which was specifically authorized by the War Production Board, through the granting of appeals or otherwise, before May 22, 1944, may take place after that date only

to the extent permitted by this paragraph.

In approving orders, and in processing applications for priorities assistance on Form CMP-4B, the War Production Board will be guided by the policy that the total production of the entire industry must not exceed the approved War Production Board program for the equipment listed in paragraph (b), and that the production in any one plant, or labor requirements therefor, must not interfere with war production in that plant or in any other plant located in the same area.

(g) *Production of equipment in second group is permitted to fill certain kinds of approved orders.* A person may assemble equipment listed in paragraph (c) to fill a specific order approved for delivery under paragraph (k), by assembling the equipment from parts completely fabricated before July 1, 1942. He may not make any parts for this purpose. Also, a person may produce equipment listed in paragraph (c) to fill a specific order approved for delivery under paragraph (k) for any of the following persons:

(1) The armed forces and maritime agencies of any foreign government friendly to the United States.

(2) The United States Maritime Commission.

(3) The War Shipping Administration.

(4) Privately owned ordnance plants.

(h) *Production of repair parts is permitted.* A person may make parts to use or sell for repairing, rebuilding or maintaining equipment.

(i) *Delivery of new equipment in first group is restricted.* A person may deliver new equipment listed in paragraph (b) only in those cases specified in the following paragraphs. There is no restriction on the delivery of secondhand equipment, including rebuilt equipment listed in paragraph (b). The delivery of both new and secondhand equipment listed in paragraph (c) is unrestricted.

(j) *Delivery to the United States Army and Navy is permitted.* A person may deliver new equipment listed in paragraph (b) to the United States Army or the United States Navy. A person may also deliver this equipment to a prime contractor or subcontractor of the Army or Navy, if the equipment will eventually be delivered to the Army or Navy and will be installed under Army or Navy supervision. The terms "Army" and "Navy", as used in this paragraph, do not include any U. S. Army or Marine Corps Post Exchange, or any U. S. Navy or Coast Guard Ship's Service Department.

(k) *Approved deliveries are permitted.* A person may deliver new equipment listed in paragraph (b) to anyone whose order has been approved for delivery on Form WPB-924, issued before July 1,

1944, or a Form WPB-1319, or a Form GA-1456.

Form GA-1456 will be used to approve delivery to persons who request such approval when applying for authority to begin construction, and for priority assistance in obtaining materials for construction. Orders approved for delivery on Form GA-1456 should be accompanied by the following certification (in addition to the certification in Priorities Regulation 7):

Delivery approved on Form GA-1456.

Those who want to get their orders approved when construction is not involved should send an application to the War Production Board, Service Equipment Division, Washington 25, D. C.: Ref. L-91. Applications submitted before June 1, 1944, should be on Form WPB-924. Applications submitted after that date should be on Form WPB-1319. If the War Production Board approves an order for delivery on either of those forms, the approved form must be given to the person making the delivery before the equipment may be delivered. Moreover, if the form is not given to this person within thirty days after the date of official approval, the War Production Board's permission to deliver the equipment automatically expires.

(l) *Deliveries for resale are permitted.* A person may deliver new equipment listed in paragraph (b) to anyone who needs the equipment to fill an order or part of an order approved for delivery under paragraph (k). A person may also deliver this equipment to anyone who is acquiring the equipment only for resale within the United States (48 States and the District of Columbia). In the latter case the person delivering the equipment must continue to count it as part of his inventory under paragraph (f) until the equipment is redelivered to the United States Army, the United States Navy, or a person whose order has been approved for delivery under paragraph (k).

(m) *Use of equipment by manufacturers or dealers is restricted.* No person who produces equipment for sale or acquires new equipment listed in paragraph (b) for resale may put that equipment into use, unless the War Production Board gives him written permission to do so.

(n) *Emergency repair loans are sometimes permitted.* The War Production Board will consider written or telegraphic requests for permission to lend equipment listed in paragraph (b) to someone whose own equipment is undergoing emergency repairs. If the War Production Board gives permission in writing, a person may deliver equipment to another person for use while the latter's equipment is being repaired. When

the repairs are finished, the borrowed equipment must be returned to the person who lent it. Equipment listed in paragraph (b) is still considered new equipment even though it has been used for repair loans of the sort contemplated by this paragraph, and is still subject to the restrictions of paragraph (i) after it has been returned to the person who lent it.

(o) *Use of metal parts for rebuilding equipment is restricted.* A person may use metal parts, including cast iron, for rebuilding equipment listed in paragraph (b) or paragraph (c) only to the following extent:

A person rebuilding equipment for the United States Army, the United States Navy, the United States Maritime Commission, or the War Shipping Administration, may use metal parts to the extent necessary to meet their specifications. These agencies do not include any U. S. Army or Marine Corps Post Exchange, any U. S. Navy or Coast Guard Ship's Service Department, or any War Shipping Administration Training Organization Ship's Service activity.

A person may also use metal parts in rebuilding a piece of equipment if their total weight will be less than 40 per cent of the total weight of the piece of equipment rebuilt, after the job is finished. A person may use additional metal parts for rebuilding a piece of equipment to the extent specifically authorized by the War Production Board in writing.

(p) *Reports on Form WPB-923 are required monthly.* Before the fifteenth of each month every person in the business of producing equipment listed in paragraph (b) or (c), and every person in the business of selling new equipment listed in paragraph (b) must send to the War Production Board a report on Form WPB-923. This reporting requirement has the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(q) *Miscellaneous reports.* Subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, each person affected by this order must execute and file with the War Production Board whatever reports, information, and answers to questionnaires the War Production Board from time to time requests.

(r) *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, with the exception of Priorities Regulation No. 17.

(s) *Violations.* Any person who willfully violates any provisions 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.

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

(u) *Communications to War Production Board.* All reports required by this order, and all communications concerning its provisions should be addressed to: War Production Board, Service Equipment Division, Washington 25, D. C., Ref. L-91.

Issued this 22d day of May 1944.

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

[F. R. Doc. 44-7327; Filed, May 22, 1944;  
11:50 a. m.]

#### PART 3302—SERVICE EQUIPMENT

[General Limitation Order L-91, Interpretation 1, as Amended May 22, 1944]

#### LAUNDRY, DRY CLEANING AND TAILORS' PRESSES

The following amended interpretation is issued pursuant to General Limitation Order L-91:

General Limitation Order L-91 restricts the production and distribution of certain kinds of laundry equipment, dry cleaning equipment, and tailors' pressing equipment. The first group of such equipment listed in paragraph (b) includes "presses". All presses of the types commonly known as laundry, dry cleaning or tailors' presses are controlled by Order L-91, including those produced or delivered for purposes other than laundering, dry cleaning or tailoring. For example, all pants top presses, pants leg presses, off pressing machines with bucks 38 inches long or longer, and 38 inch to 45 inch utility presses, are restricted by Order L-91 regardless of whether they are being produced and delivered to dry cleaning plants or to clothing manufacturers. On the other hand, Order L-91 is inapplicable to the following types of presses, since they are not commonly known as laundry, dry cleaning, or tailors' presses:

- Back and blade presses.
- Canvas front presses.
- Coat front presses.
- Collar presses.
- Double bosom presses of the type used by shirt manufacturers.
- Edge presses.
- Fuse ply presses of the type used by shirt manufacturers.
- Knit goods presses.
- Off pressing machines, except those with bucks 38 inches long or longer.
- Pocket presses.
- Seam opening and under pressing presses.
- Shoulder presses.
- Side and back presses.
- Sleeve and shrinking presses.
- Vest presses.
- Vest back presses.
- Vest front presses.
- Vest, neck and shoulder presses.

Issued this 22d day of May 1944.

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

[F. R. Doc. 44-7326; Filed, May 22, 1944;  
11:50 a. m.]



## Chapter XI—Office of Price Administration

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

[MPR 478, Incl. Amdts. 1-3]

## COATED AND COMBINED FABRICS

This compilation of Maximum Price Regulation 478 includes Amendment 3, effective May 24, 1944. The text added or amended by Amendment 3 is underscored.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.<sup>2</sup>

§ 1400.202 *Maximum prices for coated and combined fabrics, and the coating and combining of fabrics.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation 478 (Coated and Combined Fabrics), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1400.202 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

## MAXIMUM PRICE REGULATION 478—COATED AND COMBINED FABRICS

## ARTICLE I—SCOPE AND PROHIBITIONS OF THE REGULATION

## Sec.

1. To what commodities, services, persons and geographical area this regulation applies.
2. Exclusions.
3. Relationship to other regulations.
4. Prohibition against dealing in fabrics and services at higher than maximum prices.
5. Less than maximum prices.

## ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

6. Base periods.
7. Maximum manufacturers' prices for fabrics and services which are the same as those dealt in by the manufacturer during the base period.
- 7a. Maximum manufacturers' prices for job coating or combining services which are the same as those performed on the manufacturers' own fabric during the base period.
8. Maximum manufacturers' prices for fabrics and services which are not the same as those dealt in by the manufacturer during the base period.
- 8a. Maximum manufacturers' prices for rejects and seconds.
- 8b. Maximum manufacturers' prices for coated or combined fabrics made from odd lots of cloths.
9. Maximum wholesalers' prices.

<sup>1</sup> 8 F.R. 14080.

<sup>2</sup> Statements of Considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

## Sec.

10. Maximum prices for sales or supply of fabrics or services covered by this regulation that cannot be priced under sections 7, 8 or 9.
11. Fractions of a cent.
12. Federal and state taxes.
13. Terms and conditions of sale.
14. Transfers of business or stock in trade.

## ARTICLE III—MISCELLANEOUS

15. Applications for adjustment.
  16. Petitions for amendment.
  17. Adjustable pricing.
  18. Records.
  19. Licensing.
  20. Evasion.
  21. Enforcement.
  22. Definitions.
- Appendix A: Form for reports of maximum prices determined under section 8.  
Appendix B: Forms for applications for adjustment.

## ARTICLE I—SCOPE AND PROHIBITIONS OF THE REGULATION

SECTION 1. *To what commodities, services, persons, and geographical area this regulation applies—(a) Commodities.* Except for the specific exclusions contained in section 2, this regulation applies to all coated or combined fabrics. When used in this regulation the term:

(1) "Coated fabric" means any knitted or woven fabric coated with a continuous film (for example, rubber, synthetic rubber, pyroxylin, cellulose ester, cellulose ether, synthetic resin or oxidizable oil). For the purpose of this regulation, the term "coated fabric" also includes artificial leather made from non-woven fibrous products, and oilcloth, bookcloth, window shade cloth, and tire cords.

[Subparagraph (1) amended by Am. 1, 9 F.R. 577, effective 1-19-44.]

(2) "Combined fabric" means two or more fabrics joined together with an adhesive.

(3) "Knitted or woven fabric" includes knitted or woven fabrics composed of cotton, wool, silk, glass, synthetic fibers, or any mixture of such fibers.

(b) *Services.* Except for the specific exclusions contained in section 2, this regulation applies to any service performed on a fabric owned by another which transforms the fabric into a coated or combined fabric.

(c) *Persons.* This regulation applies to any manufacturer or wholesaler of coated or combined fabrics. A person may be a manufacturer as to certain fabrics and a wholesaler as to others, depending upon the functions that he performs with respect to the fabric in question. When used in this regulation, the term:

[Above paragraph amended by Am. 2, 9 F.R. 1321, effective 2-5-44.]

(1) "Manufacturer" means any producer, converter, job coater or job combiner.

(2) "Producer" means any person who sells a coated or combined fabric on which he, himself, has performed the coating or combining service.

(3) "Converter" means any person who sells a coated or combined fabric on

which a job coater or job combiner has performed the coating or combining service on his account.

(4) "Job coater" means any person who performs a coating service on a fabric owned by another.

(5) "Job combiner" means any person who combines, by means of an adhesive, two or more fabrics, one or more of which is owned by another.

(6) "Wholesaler" means a person, other than a manufacturer, who sells coated or combined fabrics to resellers of such fabrics or to an industrial or commercial user, the United States, any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(d) *Geographical area.* This regulation applies in the 48 States of the United States and in the District of Columbia, but not in the territories and possessions of the United States.

SEC. 2. *Exclusions—(a) Commodities.* This regulation does not apply to the following commodities:

- (1) Surgical adhesive tape.
- (2) Paraffin-coated fabrics used as a substitute for glass.

(3) Any fabric covered by Maximum Price Regulation No. 39<sup>3</sup> (Woven Decorative Fabrics) or Maximum Price Regulation No. 358<sup>4</sup> (Insulation Cambrics and Separator Cloth).

(4) Floor coverings or roofing materials.

(5) Sized, back filled, water repellent treated, bleached, napped, dyed, printed or mercerized fabrics (unless they are also coated), except those listed in paragraph (a) (1) of section 1.

(6) Finished products made of coated or combined fabrics.

(7) Cable wrapping tape materials.

(8) Barrage balloon cloth.

[Subparagraph (5) amended and subparagraphs (6), (7) and (8) added by Am. 1, 9 F.R. 577, effective 1-19-44.]

(b) *Services.* This regulation does not apply to the following services:

(1) Processing services involved in sizing, back-filling or applying water repellent treatment to fabrics (unless as a part of the same service the fabric is also coated).

(2) Processing services involved in bleaching, napping, dyeing, printing or mercerizing fabrics.

(c) *Secret contracts.* This regulation does not apply to the sale, delivery or supply of any fabric or service sold or supplied pursuant to a contract or subcontract that is officially classified as "secret" and certified as such to the Office of Price Administration by the United States, the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Lend-Lease Act, or any agency of any of the foregoing. Such certification shall set forth the date of the secret contract or subcontract and its number or other designation. The certifying government

<sup>3</sup> 8 F.R. 7622, 17426; 9 F.R. 458.

<sup>4</sup> 8 F.R. 4480; 9 F.R. 2865.

agency shall notify the seller or supplier and the Office of Price Administration whenever such contract or subcontract ceases to be secret. This exception shall not apply after the certifying government agency notifies the seller or supplier that such contract or subcontract has ceased to be secret.

(d) *Contracts certified as developmental by a governmental agency*—(1) *Exclusion.* If the seller or supplier files a report pursuant to subparagraph (2), the sale, delivery or supply by him of any fabric or service covered by this regulation and sold or supplied pursuant to a contract or subcontract certified in writing to the Office of Price Administration by the United States, the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Lend-Lease Act, or any agency of any of the foregoing as being developmental shall not be subject to the provisions of this regulation. For the purposes of this subparagraph, a contract is deemed to be "developmental" during the period required for the selection of a product by the purchaser or for the accumulation of sufficient production experience by the manufacturer or supplier to permit a fair estimate of the manufacturing costs, or both. If the Office of Price Administration determines after consultation with the appropriate governmental agency that the period necessary for development has expired, and in writing so notifies such agency and the seller or supplier, this regulation shall apply to all subsequent sales, deliveries or supply of such fabric or service.

(2) *Report for developmental contracts.* Within ten days after entering into any such developmental contract or subcontract the seller or supplier shall file a report with the Office of Price Administration, Washington, D. C., containing a description of the fabrics or services which are the subject of the contract, a summary of the terms of the contract or subcontract, including all pricing provisions and an estimate of the expected duration of such developmental work. For any such contract or subcontract in effect on November 1, 1943, such report shall be filed prior to December 1, 1943.

SEC. 3. *Relationship to other regulations*—(a) *Regulations superseded.* Except as otherwise provided by this regulation, this regulation supersedes any other regulation issued by the Office of Price Administration with respect to sales, deliveries or transfers covered by this regulation. Specifically, but not exclusively, the following regulations are superseded by this regulation: The General Maximum Price Regulation<sup>6</sup>; Maximum Price Regulation No. 128<sup>7</sup> (Processing Piece Goods); Maximum Price Regulation No. 157<sup>8</sup> (Sales and Fabrica-

tion of Textiles, Apparel and Related Articles for Military Purposes); and Maximum Price Regulation No. 220<sup>9</sup> (Certain Rubber Commodities).

(b) *Applicability of the Second Revised Maximum Export Price Regulation.* The maximum price at which a person may make any export sales or sales to exporters of any coated or combined fabrics covered by this regulation shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation or any revisions thereto. When used in this paragraph the terms "export sale" and "exporter" have the meanings given to them by section 11 of the Second Revised Maximum Export Price Regulation.

SEC. 4. *Prohibition against dealing in fabrics and services at higher than maximum prices.* (a) On and after November 1, 1943, regardless of the terms of any contract or other obligation (except as provided in paragraph (c) of this section):

(1) No person shall sell or deliver any fabric or service covered by this regulation at a price higher than the maximum price permitted by this regulation.

(2) No person in the course of business shall buy or receive any fabric or service covered by this regulation at a price higher than the maximum price permitted by this regulation. If the purchaser receives from the seller or supplier a written statement that the price does not exceed the maximum price fixed by this regulation, the purchaser shall be deemed to have complied with this subparagraph.

(3) No person shall agree, offer, solicit, or attempt to do any of the acts prohibited by subparagraphs (1) or (2).

(b) The provisions of paragraph (a) (2) of this section shall not be applicable to any war procurement agency or any contracting officer thereof, and with respect to purchases made in his official capacity, any such contracting officer or any paying finance officer shall be relieved of any and every liability, civil or criminal, imposed by this regulation or by the Emergency Price Control Act of 1942, as amended.

(c) Nothing in this regulation shall be deemed to prohibit the fulfillment of any contract entered into before November 1, 1943, for the sale of any fabric, or the supplying of a service which does not involve the use of synthetic rubber, if the price under such contract was permissible under the maximum price regulation or price schedule which was applicable to the transaction on October 31, 1943.

SEC. 5. *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid or offered.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

SEC. 6. *Base periods*—(a) *Fabrics or services sold or supplied to a governmental agency or used in products covered by Maximum Price Regulation 403.*<sup>10</sup> April, 1943, is the base period for:

(1) Fabrics or services which are sold or supplied to the United States, the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Lend-Lease Act, or any agency of any of the foregoing; and

(2) Fabrics which are used in the production of a commodity covered by Maximum Price Regulation 403 (Certain Rubber Commodities Purchased for Governmental Use) and services rendered on such fabrics. If the seller or supplier is unable to determine whether a particular fabric will be used in the production of a commodity covered by Maximum Price Regulation No. 403, the fabric and services rendered thereon shall have March, 1942, as their base period.

(3) Fabrics which are used in the production of combat vehicles or airplanes specifically designed for military use and services rendered on such fabrics.

[Subparagraph (3) added by Am. 2, 9 F.R. 1321, effective 2-5-44]

(b) *Fabrics and services not covered by paragraph (a).* The base period for fabrics and services not covered by paragraph (a) of this section shall be March, 1942.

SEC. 7. *Maximum manufacturers' prices for fabrics and services which are the same as those dealt in by the manufacturer during the base period*—

(a) *Applicability of this section*—(1) *Coverage.* This section is applicable to the following:

(i) Any fabric or service which is the same as a fabric or service delivered or supplied or offered for delivery or supply by the manufacturer during the base period;

(ii) Any fabric or service which is the same as a fabric or service delivered or supplied or offered for delivery or supply by the manufacturer during the base period, except for a variation in width, coating compound, weight of coating, color or a similar variant, and for which the manufacturer had an established differential during the base period;

(iii) Any fabric or service listed in paragraph (a) of section 6 which is the same as a fabric or service delivered or supplied or offered for delivery or supply by the manufacturer during the period, May 1, 1942, to March 31, 1943, inclusive; and

(iv) Any fabric or service listed in paragraph (a) of section 6 which is the same as a fabric or service delivered or supplied or offered for delivery or supply by the manufacturer during the period,

<sup>6</sup> 9 F.R. 1385.

<sup>7</sup> 7 F.R. 3117, 4659, 6615; 9 F.R. 1907, 2667.

<sup>8</sup> 7 F.R. 4273, 4541, 4618, 5180, 5716, 6004, 6424, 8948, 7507; 8 F.R. 15609, 16605, 17374; 9 F.R. 1456.

<sup>9</sup> 8 F.R. 16689; 9 F.R. 1116.

<sup>10</sup> 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1086.

<sup>11</sup> 8 F.R. 7498, 10419, 10434, 11039, 16406, 16743; 9 F.R. 1116, 1318.

May 1, 1942, to March 31, 1943, inclusive, except for a variation in width, coating compound, weight of coating, color or a similar variant, and for which the manufacturer had an established differential during such period.

(2) *Definition of "same as"*. The fabric or service being priced shall be deemed to be the same as the fabric or service delivered or supplied or offered for delivery or supply by the manufacturer during the base period, and, in the case of those fabrics or services whose base period is April, 1943, the fabric or service delivered or supplied or offered for delivery or supply by the manufacturer during the period May 1, 1942, to March 31, 1943, inclusive:

(i) If it is identical to a fabric or service delivered or supplied or offered for delivery or supply by the manufacturer during such period;

(ii) If it differs from a fabric or service delivered or supplied or offered for delivery or supply by the manufacturer during such period, only by reason of the changes made necessary by the substitution of buna-S (GR-S) or butyl (GR-I) for natural rubber; or

(iii) If it has the same use as a fabric or service delivered or supplied or offered for delivery or supply by the manufacturer during such period, and if its factory costs do not differ from the factory costs of that fabric or service by more than 3 percent. The manufacturer shall determine the factory costs of both commodities or services in accordance with the provisions of paragraph (d) of the next section (section 8).

(b) *Maximum prices*. The maximum manufacturer's price of any fabric or service covered by this section shall be determined as follows: The manufacturer shall first determine the base price. This base price shall be determined in accordance with the next paragraph (c). The manufacturer shall then add to or subtract from the base price the differentials set forth in paragraphs (d), (e), and (f), below, wherever applicable. These differentials reflect the decreased cost of synthetic and substitute rubber, the increase or decrease in cost resulting from the purchase of materials from a war procurement agency, and the decrease in costs resulting from the removal of the federal excise tax on rubber products. The manufacturer shall then determine the maximum price by deducting from the resultant price all discounts and allowances, including trade, quantity and cash discounts, if any, which he had in effect to a purchaser of the same class during the base period.

(c) *Base price*—(1) *When the manufacturer does not use a list price*. The base price where a manufacturer did not use a list price during the base period for the fabric or service in question is the first applicable of the following prices:

(i) The highest price at which the manufacturer during the base period delivered, or if no delivery was made, at which he offered to deliver during that month a fabric or service which is the

same as the fabric or service being priced, to a purchaser of the same class.

(ii) The highest price at which the manufacturer during the base period delivered, or if no delivery was made, at which he offered to deliver during that month a fabric or service, which is the same as the fabric or service being priced, to a purchaser of a different class, adjusted to reflect the manufacturer's base period differential between the two classes of purchasers.

(iii) The highest price at which the manufacturer during the base period delivered, or if no delivery was made, at which he offered to deliver during that month a fabric or service, which is the same as the fabric or service being priced, except for a variation in width, coating compound, weight of coating, color, or other similar variant, adjusted to reflect the manufacturer's base period differential between the variations in the fabric or service. This price must also be adjusted to reflect the manufacturer's base period differentials between classes of purchasers.

(iv) In the case of a fabric or service whose base period is April, 1943, which cannot be priced by (i) to (iii), inclusive, the first applicable of the prices set forth in (i) to (iii), inclusive, except that the period May 1, 1942, to March 31, 1943, inclusive, shall be substituted for the base period and the applicable price shall be the last price at which the fabric or service was delivered or offered for delivery during such period.

(2) *When the manufacturer uses a list price*. Where the manufacturer used a list price during the base period for the fabric or service in question, the base price shall be determined as provided in subparagraph (1) of this paragraph, except that the phrase "list price" shall be substituted for the word "price".

[Paragraphs (a), (b) and (c) amended by Am. 1, 9 F.R. 577, effective 1-9-44.]

(d) *Differential for synthetic or substitute rubber*—(1) *Applicability*. This paragraph is applicable to all fabrics or services which contain the same type of synthetic or substitute rubber that they contained during the base period. However, this paragraph is applicable to such fabrics or services only if the price of the synthetic or substitute rubber contained in the fabric or involved in the supply of the service was lower on August 1, 1943, than it was on March 31, 1942, in the case of those fabrics or services whose base period is March, 1942, or on January 1, 1943, in the case of those fabrics or services whose base period is April, 1943.

(2) *Differential where the manufacturer compounds the synthetic or substitute rubber*. The differential for synthetic or substitute rubber which must be subtracted from the base price in the case where the manufacturer compounds the synthetic or substitute rubber contained in the fabric or involved in the supply of the service shall be determined as follows: The manufacturer shall first determine the amount of each type of synthetic or substitute rubber required to produce the fabric or supply the service. The manufacturer shall then mul-

tiply this amount by the difference between the price of the synthetic or substitute rubber in effect to him on August 1, 1943, and the price for that material in effect to him (i) on March 31, 1942, in the case of those fabrics or services whose base period is March, 1942, or (ii) on January 1, 1943, in the case of those fabrics or services whose base period is April, 1943. The resulting figure is the differential.

[Subparagraph (2) amended by Am. 1, 9 F.R. 577, effective 1-10-44]

(3) *Differential where the manufacturer does not compound the synthetic or substitute rubber*. The differential for synthetic or substitute rubber which must be subtracted from the base price in the case where the manufacturer did not compound the synthetic or substitute rubber contained in the fabric or involved in the supply of the service shall be determined as follows: The manufacturer shall first determine the price of the material purchased by him which contains synthetic or substitute rubber in accordance with paragraph (d) (2) (i) of the next section (section 8). The manufacturer shall then deduct from that price the first price, not to exceed the applicable maximum price, at which the material or part containing the synthetic or substitute rubber was sold to him after October 31, 1943. The resulting figure is the differential.

(4) *Special cases*. (i) If the manufacturer customarily sold several widths, styles, or compounds of the fabric at the same price to the same class of purchasers, he shall use the same differential for all widths, styles or compounds that he sold at the same price to the same class of purchasers. This differential shall be calculated in the manner just set forth, except that in applying that method the manufacturer shall use the method he customarily used during the base period to arrive at a uniform price. If the manufacturer had no such customary method, he shall use as a basis for calculating the differential the width, style, or compound of the fabric of which he sold the largest quantity during the period January 1, to July 1, 1943, inclusive.

(ii) If the manufacturer during the base period had established price differentials between various widths, coating compounds, weights of coating, colors or other similar variants, he shall continue that practice. This shall be done by deducting the differential from the base price (determined under paragraph (c) of this section 7) of that width, coating compound, etc., which he used during the base period as a basis for calculating the prices of other widths, coating compounds, etc. The manufacturer shall then apply his base period differential for the variant in question to the resultant price. If the manufacturer had no customary width, coating compound, etc., which he used as a basis for determining the prices of other widths, coating compounds, etc., he shall use as a basis for determining the maximum price that width, coating compound, etc. of which he sold the largest quantity during the period January 1, to July 1, 1943, inclusive.

(iii) In the case of a fabric or service whose base period is April, 1943, if the manufacturer during the period January 1 to April 30, 1943, inclusive, reduced the price of the fabric or service being priced in order to reflect the decreased cost of synthetic or substitute rubber occurring after January 1, 1943, he may subtract the amount by which he reduced his selling price to reflect that decreased cost from the differential determined under the applicable provisions of subparagraph (2) or (3). If the amount by which the manufacturer reduced his selling price during the period January 1, to April 30, 1943, inclusive, to reflect the decreased cost of synthetic or substitute rubber exceeds the differential required to be deducted by the applicable provisions of subparagraph (2) or (3), the manufacturer's maximum price shall be the base price determined in accordance with paragraph (c).

[Subparagraph (4) added by Am. 1, 9 F.R. 577, effective 1-19-44]

(e) *Differential for fabrics or services involving the use of materials purchased from a war procurement agency.* The differential which must be added to or subtracted from the base price of any fabric or service which involves the use of any materials purchased from a war procurement agency shall be determined as follows: The manufacturer shall multiply the estimated quantity of the material required to produce the fabric or supply the service being priced by the difference between the price of the material which he used during the base period, determined in accordance with paragraph (d) (2) (i) of the next section (section 8) and the price he pays the war procurement agency for the material. When used in this paragraph the term "war procurement agency" means the War Department, the Department of the Navy, the United States Maritime Commission, the Lend-Lease Section of the Procurement Division of the Treasury Department, or any agency of any of the foregoing.

(f) *Deduction of the amount of the federal excise tax.* If during March, 1942, in the case of fabrics or services whose base period is March, 1942, the manufacturer did not bill the federal excise tax on rubber products separately, he shall deduct the amount of such tax from the price determined in accordance with the provisions of the above paragraphs (b) to (e), inclusive.

**Sec. 7a. Maximum manufacturers' prices for job coating or combining services which are the same as those performed on the manufacturers' own fabric during the base period—(a) Applicability.** This section covers any job coating or combining service performed by a manufacturer on a customer's fabric, which is the same as a job coating or combining service which he performed on his own fabric during the base period, but which he did not perform on fabrics owned by others during the base period. "Same as" is defined in section 7 (a) (2).

(b) *Maximum prices.* The maximum manufacturer's price of a service covered

by this section shall be determined as follows:

(1) The manufacturer shall first determine the maximum price of the coated or combined fabric which he sold during the base period and on which he performed the same coating or combining service as that being priced. This maximum price shall be determined in accordance with section 7.

(2) The manufacturer shall find the total of the following:

(i) The cost of the cloth used in the production of the coated or combined fabric he sold during the base period. The cost shall be determined in accordance with section 8 (d) (2).

(ii) The value of the cloth specified as the manufacturer's working allowance in the contract for the coating or combining service being priced. This value shall be computed by multiplying the percentage amount of cloth specified as working allowance by the price of the cloth in effect to the manufacturer during the base period. For example, if such price of the cloth is 25 cents per yard and the working allowance is 3 percent the amount to be deducted for working allowance per yard would be  $.03 \times \$25$  or \$.0075.

(3) The maximum price for the service being priced shall be the difference between the amount obtained in subparagraph (1) and the total amount obtained in subparagraph (2).

(c) *Reports of maximum prices.* The manufacturer shall file a report with the Office of Price Administration, Washington, D. C., within ten days after he begins to perform any service required to be priced under this section. He may not accept payment for any services priced under this section until the price reported has been approved in writing by the Office of Price Administration or until fifteen days have elapsed after the mailing of the report without the Office of Price Administration objecting to the maximum price reported. Within this fifteen-day period the price so reported shall be subject to adjustment by the Office of Price Administration. Subsequent to this fifteen-day period, such price shall be subject to adjustment (not to apply retroactively) at any time upon the written order of the Office of Price Administration. The report to the Office of Price Administration shall contain the following information:

(1) A description of the service being priced and the coated or combined fabric used as a basis for pricing.

(2) The maximum price of the coated or combined fabric used as a basis for pricing, the cost (as defined in section 8 (d) (2)) of the cloth used in its pro-

duction, the date on which the cost price of the cloth used was in effect in the manufacturer's plant, and the value of the cloth specified as the working allowance provided for in the service being priced.

(3) The computed maximum price for the service.

[Sec. 7a added by Am. 3, effective 5-24-44]

**SEC. 8. Maximum manufacturers' prices for fabrics and services which are not the same as those dealt in by the manufacturer during the base period—**

(a) *Applicability of this section.* This section is applicable to any fabric or service covered by this regulation which is not the same (as defined in paragraph (a) (2) of section 7) as a fabric or service delivered or supplied or offered for delivery or supply by the manufacturer during the base period, and whose factory costs do not differ from the factory costs of the fabric or service with which it is being compared by more than 25 percent. The manufacturer may also compute his maximum price under this section if the factory costs of the fabric or service being priced exceed the factory costs of the fabric or service with which it is being compared by more than 25 percent. Factory costs shall be determined in accordance with the provisions of paragraph (d) of this section. The fabric or service with which the fabric or service being priced shall be compared shall be selected in accordance with the provisions of paragraph (e) of this section.

[Paragraph (a) amended by Am. 3, effective 5-24-44]

(b) *How the manufacturer calculates his maximum price.* The maximum manufacturer's price of a fabric or service covered by this section shall be determined as follows:

(1) The manufacturer shall first determine the factory costs of the fabric or service being priced in accordance with paragraph (d) of this section.

(2) The manufacturer shall then select the fabric or service he must use in determining the maximum price of the fabric or service being priced. The method for selecting this fabric or service is explained in paragraph (e) of this section.

(3) The manufacturer shall then subtract the factory costs of that fabric or service from its maximum list price, or if the fabric or service has no maximum list price, from its maximum price to the class of purchasers to which the present sale is being made. The maximum price shall be determined in accordance with section 7 and factory costs shall be determined in accordance with paragraph (d) of this section.

(4) The manufacturer shall then add the amount obtained in the preceding subparagraph (3) to the factory costs of the fabric or service being priced.

(5) If the price determined under subparagraph (4) above was obtained by using a list price, the manufacturer shall

then determine the maximum price by deducting from the price determined under subparagraph (4) all discounts, allowances and any other deductions from the list price that he had in effect to a purchaser of the same class during the base period. If the price determined under subparagraph (4) was obtained by using a price in effect to a purchaser of the same class, the price determined under subparagraph (4) is the maximum price.

[Subparagraphs (3) and (4) amended and subparagraph (5) added by Am. 1, 9 F.R. 577, effective 1-19-44.]

(c) *Recomputation of the maximum price.* If a fabric or service covered by this section is produced or supplied by the manufacturer for a period of 2 months without being modified, the maximum price of such fabric or service shall be redetermined by substituting actual labor hours and actual quantity of materials for the estimated labor hours and the estimated quantity of materials used in the original computation of the maximum price. This adjustment in the maximum price of the fabric or service shall be made between 60 and 75 days after the manufacturer begins production or supply of the fabric or service. If the manufacturer's production experience during the first 2 months of production is inadequate to accurately determine his costs, he may request and receive approval from the Office of Price Administration, Washington, D. C., for a further period for recomputation. This request must be made at the time of first recomputation.

[Paragraph (c) amended by Am. 1, 9 F.R. 577, effective 1-19-44 and by Am. 3, effective 5-24-44.]

(d) *Computation of factory costs.* The factory costs of a fabric or service for manufacturers, other than converters, shall be the sum total of direct labor costs, direct materials costs including waste, and factory overhead costs. The factory costs of a fabric for converters shall be the sum total of direct materials costs including waste, and the amount paid by the converter for the coating or combining services. The direct labor costs shall be determined by multiplying the estimated number of hours of each type of labor required in the manufacture or supply of the fabric or service by the wage rates determined in accordance with subparagraph (1) of this paragraph. The direct materials costs shall be determined by multiplying the estimated quantity of each type of material required in the manufacture or supply of the fabric or service by the materials prices determined in accordance with subparagraph (2) of this paragraph. Waste shall be determined by applying the same methods as were used or would have been used by the manufacturer in similar production during the base period, adjusted to reflect the actual quantity of waste in the production or supply of the fabric or service being priced. The charge for coating or combining services shall be the price charged the converter by the job coater or combiner, not to exceed the maximum price

established by this regulation for such service. Factory overhead costs shall be determined in the manner set forth in subparagraph (3) of this paragraph.

(1) *Wage rates—(i) Fabrics and services with a March, 1942, base period.* The wage rates applicable to any fabric or service, for which the applicable base period is March, 1942, shall be the basic wage rates in effect in the manufacturer's plant during March, 1942, for each class of labor involved in the production or supply of the fabric or service. If such manufacturer did not employ a given class of labor during March, 1942, he shall use the wage rates paid during March, 1942, by the nearest employer operating under comparable conditions who employed that class of labor during that period.

(ii) *Fabrics and services with an April, 1943, base period.* The wage rates applicable to any fabric or service, for which the applicable base period is April 1943, shall be the wage rates in effect in the manufacturer's plant on October 3, 1942, for each class of labor involved in the production or supply of the fabric or service. If the manufacturer did not employ a given class of labor on October 3, 1942, he shall use the wage rate paid on October 3, 1942, by the nearest employer operating under comparable conditions who employed that class of labor on that date. If after October 3, 1942, and before May 1, 1943, the manufacturer voluntarily or involuntarily granted a wage increase, which was approved by the National War Labor Board, the manufacturer shall use that higher wage rate instead of the rate in effect in his plant on October 3, 1942. Also, if the manufacturer's establishment is exempted by the National War Labor Board, he shall use the wage rates in effect in his plant on April 30, 1943. For the purposes of this subparagraph, the wage rates in effect in the manufacturer's plant shall include an allowance for eight hours of overtime a week.

(2) *Materials prices—(i) All materials, except synthetic or substitute rubber.* Except as provided in subdivision (iii), this subdivision is applicable to any material, except synthetic or substitute rubber. The price for any material covered by this subdivision shall be the highest price in effect to the manufacturer, or if no price was in effect to the manufacturer, the highest price in effect to a purchaser of the same class, during the base period, or the maximum price set by the Office of Price Administration, whichever is the lower. If there was no price for the material in effect to the manufacturer or a purchaser of the same class during the base period, the price for the material shall be the first price at which the material was offered for sale to the manufacturer after the last day of the base period, or the maximum price set by the Office of Price Administration, whichever is the lower.

(ii) *Synthetic and substitute rubber.* This subdivision is applicable to any synthetic or substitute rubber. The price for such material shall be the highest price for the material in effect to the manufacturer, or, if no price was in effect to the manufacturer, the highest price in effect to a purchaser of the same class,

on August 1, 1943, or the maximum price set by the Office of Price Administration, whichever is the lower. If there was no price for the material in effect to the manufacturer or a purchaser of the same class on August 1, 1943, the price for the material shall be the first price at which the material was offered for sale to the manufacturer after August 1, 1943, or the maximum price set by the Office of Price Administration, whichever is the lower.

(iii) *Materials purchased from a war procurement agency.* The price for any material purchased from a war procurement agency shall be the actual cost of the material to the manufacturer. The term "war procurement agency" is defined in paragraph (e) of section 7.

(3) *Factory overhead costs.* Factory overhead costs shall be determined by using the methods and rates which were in effect in the manufacturer's plant during the base period, for operations similar to those employed in the manufacture or supply of the fabric or service being priced. It shall include only those costs which the manufacturer during the base period used in calculating factory overhead costs. In no case shall factory overhead costs include allowances for selling or general administrative expenses.

[Subparagraph (3) amended by Am. 1, 9 F.R. 577, effective 1-19-44.]

(e) *Method of selecting the fabric or service to be used in determining the maximum price.* In determining the maximum price, the manufacturer shall use the first applicable of the following fabrics or services covered by this regulation which he delivered or offered for delivery during the base period.

[Above paragraph amended by Am. 1, 9 F.R. 577, effective 1-19-44.]

(1) The fabric or service which would be the same as the fabric or service being priced but for changes in specifications that have taken place since the last day of the base period.

(2) The fabric or service having the same use as the fabric or service being priced. If there is more than one such fabric or service, the manufacturer shall use that one of those fabrics or services whose factory costs are nearest to the factory costs of the fabric or service being priced. Factory costs shall be determined in accordance with the provisions of paragraph (d) of this section.

(3) The fabric manufactured or the service supplied by the same process as the fabric or service being priced. If there is more than one such fabric or service, the manufacturer shall use that one of those fabrics or services whose factory costs are nearest to the factory costs of the fabric or service being priced. Factory costs shall be determined in accordance with the provisions of paragraph (d) of this section.

(4) The fabric or service whose factory costs are nearest to the factory costs of the fabric or service being priced. Factory costs shall be determined in accordance with the provisions of paragraph (d) of this section.

(f) *Reports of maximum prices—(1) Report of price computed under para-*

graph (b). If after October 31, 1943, a manufacturer receives total orders exceeding \$1,000, in the case of a fabric, or exceeding \$500 in the case of a service, for a fabric or service that must be priced under this section, he shall file a report. This report shall be filed with the Office of Price Administration, Washington, D. C., within ten days after the manufacturer has received a sufficient dollar volume of orders to necessitate the filing of the report. This report shall contain the information required by the form set forth in Appendix A and shall be made on a copy of that form. The manufacturer may not accept payment for any further orders of the fabric or service until the price so reported has been approved in writing by the Office of Price Administration or until fifteen days have elapsed after the mailing of the report without the Office of Price Administration objecting to the proposed maximum price. Within this fifteen day period the price so reported shall be subject to adjustment by the Office of Price Administration. Subsequent to this fifteen day period, this price will be subject to adjustment (not to apply retroactively) at any time upon the written order of the Office of Price Administration. However, the report required by this paragraph does not have to be filed if (i) the fabric or service being priced has the same use as a fabric or service which the manufacturer delivered or supplied or offered for delivery or supply during the base period, (ii) if it differs from the base period fabric or service by reason of the substitution of materials which would result in a higher maximum price, and (iii) if the manufacturer does not sell the fabric or service at a price higher than the price he charged during the base period for the base period fabric or service that he must use in computing the maximum price of the fabric or service being priced.

(2) *Report where recomputation results in a higher price.* If the recomputation required by paragraph (c) results in a higher maximum price and if on any subsequent order the manufacturer elects to charge a higher price than the maximum price resulting from the first computation, he must file a report with the Office of Price Administration, Washington 25, D. C., within ten days after entering into a contract at such increased price. This report shall contain the information required by the form set forth in Appendix A and shall be made on a copy of that form. The manufacturer may not receive payment for the fabric or service at this increased price until that price has been approved in writing by the Office of Price Administration or until fifteen days have elapsed after the mailing of the report without the Office of Price Administration objecting to the increased price. Within this fifteen day period the price so reported shall be subject to adjustment by the Office of Price Administration. Subsequent to this fifteen day period, such price shall be subject to adjustment (not to apply retroactively) at any time upon the written order of the Office of Price Administration.

[Paragraph (f) amended by Am. 1, 9 F.R. 577, effective 1-19-44.]

SEC. 8a. *Maximum manufacturers' prices for rejects and seconds—(a) Fabrics whose base period is April, 1943.* The maximum manufacturers' price for the sale of any fabric which is a government second and whose base period is April, 1943, shall be 75% of the contract price for the sale of the government fabric. The maximum price of any fabric which is rejected only because it fails to meet government specifications shall be 90% of the contract price for the perfect fabric. If the manufacturer does not have a contract price for a reject or second covered by this paragraph (a), he shall substitute the total of his charge for the coating and the price he must pay for the piece goods (not in excess of the applicable maximum price) for the contract price in determining his maximum price.

(b) *Fabrics whose base period is March 1942.* The maximum manufacturers' price for the sale of other than first quality fabrics (including seconds, jobs and shorts) whose base period is March 1942, shall be determined as follows: The manufacturer shall deduct from the maximum price for the first quality fabric all discounts and allowances which he had in effect during March 1942, for other than first quality fabrics.

[Sec. 8a added by Am. 1, 9 F.R. 577, effective 1-19-44.]

SEC. 8b. *Maximum manufacturers' prices for coated or combined fabrics made from odd lots of cloths—(a) Applicability.* Notwithstanding any other provisions of this regulation, this section is applicable to a coated or combined fabric which is identical with a coated or combined fabric which the manufacturer has priced under sections 7 or 8, except for the substitution of an odd lot of cloth. An odd lot of cloth shall mean a quality or type of cloth not ordinarily used by the manufacturer, and which he is able to buy only in limited quantities.

(b) *Maximum prices.* The maximum price of a coated or combined fabric priced under this section shall be the maximum price as established under sections 7 or 8, of the coated or combined fabric used as a basis for pricing, plus or minus, as the case may be, the difference in the costs of the cloths used in producing the two fabrics. The fabric used as a basis for pricing shall be a fabric priced under sections 7 or 8 which is identical with the fabric being priced except for the substitution of odd cloth. The costs of the cloths shall be determined in accordance with section 8 (d) (2).

(c) *Reports of maximum prices.* The manufacturer shall file a report with the Office of Price Administration, Washington, D. C., within ten days after he has sold or delivered any fabric priced under this section. He may not accept payment for any fabric priced under this section until the price reported has been

approved in writing by the Office of Price Administration or until fifteen days have elapsed after the mailing of the report without the Office of Price Administration objecting to the maximum price reported. Within this fifteen-day period the price so reported shall be subject to adjustment by the Office of Price Administration. Subsequent to this fifteen-day period, such price shall be subject to adjustment (not to apply retroactively) at any time upon the written order of the Office of Price Administration. The report to the Office of Price Administration shall contain the following information:

(1) A description of the coated or combined fabric being priced, including the number of yards involved, and of the fabric used as a basis for pricing.

(2) The maximum price of the coated or combined fabric used as a basis for pricing and a statement of the section of this regulation under which this maximum price was determined.

(3) The cost of the cloths used in the coated or combined fabric used as a basis for pricing and in the fabric being priced. The cost of the cloths shall be determined in accordance with section 8 (d) (2). The dates on which the prices of the cloths used were in effect in the manufacturer's plant must be reported.

[Sec. 8b added by Am. 3, effective 5-24-44]

SEC. 9. *Maximum wholesale prices—(a) How the wholesaler determines the maximum price.* The maximum price for a sale at wholesale of any fabric covered by this regulation shall be determined by dividing the purchase price determined in accordance with the next paragraph (b) by the percentage determined in accordance with paragraph (c) below.

(b) *How the wholesaler determines his purchase price.* The purchase price which the wholesaler must use in determining the maximum price shall be determined as follows:

(1) The wholesaler shall first determine the net invoiced cost before cash discounts of the fabric, if available, not to exceed the applicable maximum price; or

(2) If actual cost is not available, the net invoiced cost before cash discounts of the fabric as estimated by the wholesaler's supplier: *Provided*, That the wholesaler has no reason to believe that the price so estimated exceeds the maximum price.

(3) If the cost determined under subparagraph (1) or (2) above is not on a delivered basis, the wholesaler shall add the actual cost of transportation to his place of business.

(c) *How the wholesaler determines the percentage which must be used in determining the maximum price.* The percentage which the wholesaler must use in determining the maximum price shall be determined as follows:

(1) The wholesaler shall first determine what fabric he must use in determining the percentage. That fabric shall be the first applicable of the following fabrics which he delivered or offered for delivery during the base period:

(i) The fabric which is the same as the fabric being priced.

(ii) The fabric which has the same use as the fabric being priced. If there is more than one fabric which has the same use as the fabric being priced, the wholesaler shall use that one of those fabrics whose purchase price is nearest to the purchase price of the fabric being priced. The purchase price of both fabrics shall be determined in accordance with paragraph (b) of this section.

(iii) The fabric whose purchase price is the nearest to the purchase price of the fabric being priced. The purchase price of both fabrics shall be determined in accordance with paragraph (b) of this section.

(2) The wholesaler shall then determine the highest price at which he, during the base period delivered, or if no delivery was made, at which he offered to deliver that fabric during the base period to a purchaser of the same class.

(3) The wholesaler shall then determine the percentage by dividing the purchase price in effect to him on the date on which he established that selling price by the selling price. The purchase price shall be determined in accordance with paragraph (b) of this section.

**SEC. 10. Maximum prices for sales or supply of fabrics or services covered by this regulation that cannot be priced under sections 7, 8 or 9—(a) Maximum price.** The maximum price for any fabric or service which cannot be priced under sections 7, 8 or 9 of this regulation shall be a price, in line with the level of maximum prices established by this regulation, specifically authorized by the Office of Price Administration.

(b) *Method of establishing a maximum price.* The seller of any fabric or service covered by this section shall file an application for a maximum price with the Office of Price Administration in Washington, D. C., prior to first offering the fabric or service for sale, or on or before November 15, 1943, whichever is the later date. This application shall contain:

(1) A description in detail of the fabric or service (including the manufacturing processes).

(2) A statement of the facts which make it necessary to price the fabric or service under this section.

(3) If the seller is a manufacturer, he shall submit detailed cost estimate sheets for the fabric or service, following the seller's usual accounting procedures, using (i) costs, methods and rates in effect on the date of application, and (ii) if he was in production during the base period, costs, methods and rates in effect during that period. If the seller is a wholesaler, he shall submit the cost of the fabric to him, plus the actual cost of transportation, if any.

(4) A proposed pricing method and the price for the fabric or service determined in accordance with this method, and

(5) A statement of the reasons why the seller believes that the use of this method will result in prices in line with the level of maximum prices established by this regulation.

After receipt of this application, the Office of Price Administration will establish in writing a maximum price or a method of determining the maximum price for some or all of the fabrics or services covered by this regulation and sold by the applicant, which cannot be priced under sections 7, 8 or 9. The applicant shall not receive payment for such fabric or service until he receives this authorization.

**SEC. 11. Fractions of a cent.** Notwithstanding any other provisions of this regulation, maximum prices determined under this regulation shall be adjusted to the nearest fraction of a cent that the manufacturer or wholesaler customarily used during the base period in pricing fabrics or services in the same line.

**SEC. 12. Federal and state taxes.** Any tax upon, or incident to the sale, delivery or processing of fabrics, or the supplying of services, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof shall be treated as follows in determining the seller's maximum price for the fabric or service: If the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased. The tax on the transportation of all property imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any fabric or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated as a tax for which a charge may be made in addition to the maximum price.

**SEC. 13. Terms and conditions of sale—(a) Discounts and allowances.** Except for such changes as result from the application of the pricing methods contained in sections 7, 8 or 9 no seller shall change the allowances, discounts or other price differentials which he had in effect during the base period, for the same or similar fabrics or services, unless such change results in a lower net price.

(b) *Transportation charges.* No seller shall require any purchaser, and no purchaser is permitted, to pay a larger proportion of the transportation costs incurred in the delivery of fabrics or the supplying of services than the seller required purchasers of the same class to pay on deliveries of the same or similar fabrics or services during the base period. Where the seller during the base period quoted prices on an f. o. b. basis, he may determine his delivered maximum price by adding transportation costs to his

f. o. b. maximum price. Where the seller during the base period quoted prices on a delivered basis, he may determine his f. o. b. maximum price by deducting transportation costs from his delivered maximum price. Transportation costs shall be determined by the method used by the manufacturer during the base period.

[Paragraph (b) amended by Am. 1, 9 F.R. 577, effective 1-19-44.]

(c) *Credit charges.* Charges for the extension of credit may be added to the maximum prices established by the regulation if: (1) The seller during the base period required payment of a separately stated additional charge for the extension of credit by purchasers of the same class on sales or supply of fabrics or services; (2) the amount charged for the extension of credit is not in excess of the charge in effect during the base period for the extension of credit involving the same amount and term on sales or supply of fabrics or services; and (3) such charges are quoted and billed separately. No seller may require as a condition of sale that the purchaser must buy on credit.

**SEC. 14. Transfers of business or stock in trade.** If the business, assets or stock in trade are sold or otherwise transferred after March 31, 1942, and the transferee carries on the business, or continues to deal in the same type of fabrics or services, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

#### ARTICLE III—MISCELLANEOUS

**SEC. 15. Applications for adjustment—(a) Application by a seller of fabrics—**

(1) *Who may receive an adjustment.* The maximum price for fabrics established by this regulation may be adjusted only in the case of an essential supplier of an essential fabric. An "essential fabric" is one which contributes to the effective prosecution of the war. An "essential supplier" is one whose output or supply of the fabric cannot be reasonably expected to be replaced at prices lower than the proposed adjusted maximum price. In addition, any person who has entered into or proposes to enter into a war contract (as defined in subparagraph (5)) or a subcontract thereunder is an essential supplier of an essential fabric.

(2) *When adjustment may be granted—(i) In general.* The Office of Price Administration, any regional office, or such other offices as may be authorized by order issued by the appropriate regional office, may adjust the maximum price in the case of an essential supplier of an essential fabric upon the basis of information submitted by the supplier or

of other information. It may make that adjustment whenever it finds that the maximum price of a fabric is at such a level that (taking into account the costs thereof, the profits position of the supplier and the nature of his business) production or supply of the fabric is impeded or threatened and that the adjustment would not cause an increase in the cost of living.

(ii) *Factors which may be considered.*

(a) The following factors are relevant to the consideration of whether production or supply of the fabric is impeded or threatened:

(1) Whether, and by what amount, the maximum price is below or above (i) the total unit costs, less selling and administrative expenses properly allocable to the internal management of the business in the case of a manufacturer and (ii) the current price being charged the seller in the case of any other seller.

(2) Whether, and by what amount, the maximum price is above total unit costs.

(3) Whether, and by what amount, the seller's current over-all profits, before income and excess profit taxes, are greater or less than his average over-all profits during the normal base period, increased by 7% of the additional capital investment contributed entirely by the seller, or its stockholders, since the normal base period. Capital investment will be construed as including accumulated profits.

(4) Whether the proposed price is higher than the price prevailing in the industry.

(5) Whether the seller's sales of the fabric represent only a very small part of his total sales.

(6) Whether the seller previously sold the same type of fabric at a price which was below its total unit costs.

(b) The following factors are relevant to consideration of whether the adjustment would cause an increase in the cost of living:

(1) Whether the fabric or a commodity produced therefrom is of a type sold to civilian consumers other than industrial consumers.

(2) If such is the case, whether the increase in price allowed by the adjustment would be absorbed prior to sale to a non-industrial consumer.

(3) Whether, if the applicant did not produce or supply the fabric, his output or supply would be replaced by the same or a substitute fabric only at prices equal to or higher than the proposed adjusted maximum price.

(3) *How the seller proceeds in applying for an adjustment—(i) In general.* An application for adjustment under this paragraph (a) shall be filed in accordance with Revised Procedural Regulation No. 1, and shall be made on a copy of Form OPA 696-515 set out in paragraph (a) of Appendix B. If the seller's total sales of all fabrics and services in the calendar year 1942, or in the fiscal year ending in 1942, exceeded \$500,000, the application shall be filed with the Office of Price Administration in Washington, D. C. If the seller's total sales of all fabrics and services during that period did not exceed \$500,000, the application shall be filed with the regional

office of the Office of Price Administration located in the same region in which the seller's business is located.

(ii) *Application based on proposed wage or salary increase to be authorized by the National War Labor Board.* A seller who believes that the conditions for an adjustment set forth in this paragraph (a) would exist if the National War Labor Board should grant a pending application for wage or salary increase may file an application for adjustment under this paragraph. Applications for adjustment of maximum prices based on wage or salary increases requiring the approval of the National War Labor Board must also comply with Supplementary Order No. 28,<sup>21</sup> which requires, among other things, that an application for adjustment in such case be filed within 15 days after an application for a wage or salary adjustment has been filed with the National War Labor Board, or, in a disputed wage proceeding, within 15 days after the employer receives notification that the National War Labor Board has taken jurisdiction of the dispute.

(4) *Prices for deliveries made pending disposition of the application.* A seller who has filed an application under this paragraph (a) may contract or agree that deliveries made during the pendency of the application shall be at a specific price which is higher than the existing maximum price which the seller wants to have adjusted. But no payment in excess of that existing maximum price may be received until the application is finally disposed of, and at that time the price received may not exceed the maximum price as determined by the Office of Price Administration.

A seller who wishes to enter into such arrangement must specifically state to the buyer the following:

(i) The maximum price for the fabric;

(ii) The fact that an appropriate application for an adjustment of that maximum price has been filed with the Office of Price Administration; and

(iii) The fact that the specific price quoted by the seller is subject to the approval of the Office of Price Administration.

(5) *Definitions—(i) Normal base period.* The term "normal base period" means the period 1936-1939. If the applicant shall demonstrate to the satisfaction of the Office of Price Administration either (a) that his entire industry was operating during the greater part of such period at an unusually depressed level or (b) that because of unusual conditions prevailing during that period, the seller was operating during that period at an unusually depressed level in comparison to other sellers in the industry, and in addition that some other period prior to January 1, 1941, represents a proper "normal base period" such other period may be considered. The mere fact that the rate of production or supply has increased since 1936-1939 will not be deemed evidence that the seller was operating at an "unusually depressed level" during that period. If the seller was not in business prior to January 1, 1941, he shall state that fact in his application.

<sup>21</sup> 7 F.R. 9619; 8 F.R. 7256.

(ii) *Over-all profits.* The term "over-all profits" means net profit resulting from the operation of all divisions of the seller, before the creation of any reserves, except ordinary reserves for depreciation and bad debts, and before income and excess profit taxes. In the case of a subsidiary wholly owned by a parent corporation, the term "over-all profits" means the consolidated net profit before the creation of any reserves, except ordinary reserves for depreciation and bad debts, and before income and excess profit taxes.

(iii) *Subcontract.* The term "subcontract" means any purchase order or agreement to perform all or any part of the work, or to make or furnish any commodity required for the performance of another contract or subcontract.

(iv) *Total unit costs.* (a) In the case of a manufacturer, the term "total unit costs" means the direct unit cost of labor, materials, and subcontracted services, plus a proportion of factory overhead, administrative and other expenses, based on actual operating experience, properly allocable to the production of the fabric, but does not include provisions for income or excess profit taxes. In evaluating total unit costs, the Office of Price Administration will determine whether the allocation of factory overhead, administrative and other expenses is based on a representative period of continuous, normal production.

(b) In the case of a seller, other than a manufacturer, "total unit costs" means the current price the seller is paying for the fabric plus the handling and administrative expense, normally applicable to the handling of the fabric, properly allocable to the supplier's total cost of doing business, but does not include provisions for income or excess profits taxes.

(v) *War contract.* The term "war contract" means any contract with the United States, or any agency thereof, or with the government, or any agency thereof, of any country whose defense the President deems vital to the defense of the United States, under the terms of the Lend-Lease Act, for the sale of any fabric purchased (a) for the ultimate use of the armed forces of the United States or for lend-lease purposes, or (b) by any government (or agency thereof) of any country whose defense the President deems vital to the defense of the United States under the terms of the Lend-Lease Act, or (c) for use in the production or manufacture of any fabric described in (a) or (b).

(b) *Application by a supplier of coating or combining services.* Paragraph (a) applies, insofar as practicable, to adjustments of the maximum price of suppliers of coating or combining services and to applications for such adjustments. However, the application for adjustment shall be made on a copy of Form OPA 696-516 set out in paragraph (b) of Appendix B.

(c) *Application by a seller of a fabric or a supplier of a service based upon an appropriate decrease of other prices—(1) Who may receive an adjustment under this paragraph.* Adjustments under this paragraph will be granted only in the case of an essential supplier



of an essential fabric or service. The meaning of these terms is explained in paragraph (a) (1) of this section.

(2) *When adjustment may be granted.* The Office of Price Administration, any regional office, or such other offices as may be authorized by order issued by the appropriate regional office, may make an adjustment of the maximum price in any case in which the seller or supplier agrees to make and (simultaneously with any increase in the maximum price that may be authorized under this paragraph (c)) makes a reduction in the selling price of other fabrics or services which will equal or exceed the total dollar amount of the adjustment granted under this paragraph.

(3) *What an application under this paragraph must show.* An application for price adjustment under this paragraph (c) shall contain information indicating that if the proposed adjustment is granted, the gross dollar amount of sales of the fabrics or services affected by the adjustment will not be greater than it would have been in the absence of the adjustment. In any case where such an adjustment is granted, the Office of Price Administration will require appropriate reports relating to the fabrics or services affected.

(4) *How the seller or supplier proceeds in applying for an adjustment.* An application for adjustment under this paragraph (c) shall be filed in accordance with Revised Procedural Regulation No. 1.<sup>22</sup> If the seller's or supplier's total sales of all fabrics and services for the calendar year 1942, or for the fiscal year ending in 1942, exceeded \$500,000, the application shall be filed with the Office of Price Administration in Washington, D. C. If the seller's total sales of all fabrics and services during that period did not exceed \$500,000, the application shall be filed with the regional office of the Office of Price Administration located in the same region in which the seller's or supplier's business is located.

(d) *Application by a seller or a supplier under a combination of paragraphs (a) and (c) or (b) and (c).* A seller or a supplier who desires to apply for an adjustment under paragraph (c) may, at the time he applies under that paragraph, also apply under paragraphs (a) or (b), if the facts of his case entitle him to do so. In such case, the office considering his application will give the adjustment available under paragraphs (a) or (b) before applying paragraph (c).

(e) *Procedural Regulation No. 6<sup>23</sup> superseded.* No application for adjustment filed after October 31, 1943, under Procedural Regulation No. 6 with respect to fabrics or services covered by this regulation will be granted.

**SEC. 16. *Petitions for amendment.*** Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

<sup>22</sup> 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806; 9 F.R. 1594, 3075.

<sup>23</sup> 7 F.R. 5087, 5664, 6173, 6174, 12024.

**SEC. 17. *Adjustable pricing.*** If the seller or supplier wishes, he may agree with the buyer to charge a price higher than the maximum price permitted by this regulation if that higher price becomes the legal maximum price by the time delivery is made. But he must never charge a price which is higher than the maximum price in effect at the time of delivery. Where the seller or supplier has filed an application for adjustment under section 15, he may, in accordance with the provisions of that section, deliver at a price which will be adjusted upwards in accordance with the action taken by the Office of Price Administration on his application. In all other cases, unless authorized by the Office of Price Administration, the seller or supplier must not deliver at a price which is to be adjusted upward in accordance with the action taken by the Office of Price Administration after delivery. This authorization will be given only where: (1) a request for a change in the applicable price is pending; (2) authorization is necessary to promote distribution or production; and (3) it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended.

**SEC. 18. *Records.*** To aid in the enforcement of this regulation, every seller subject to this regulation is required to keep certain records for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect. These records are described in two paragraphs as follows:

(a) *Records of sales.* Every manufacturer and wholesaler subject to this regulation shall keep accurate records of every sale of fabrics or services. These records shall show:

(1) The date thereof.

(2) The name and address of the purchaser.

(3) The quantity of each kind, type, and grade of fabric or service sold.

(4) The price received.

(b) *Records of the bases on which maximum prices are determined.* Every manufacturer subject to this regulation shall keep accurate records of the following:

(1) The prices charged during the base period for each kind, type and grade of fabric delivered or offered for delivery during the base period, and for each kind, type and grade of service supplied or offered for supply during the base period, including records of customary discounts, allowances and trade practices with respect to each class of purchaser.

(2) Records of base period differentials between different widths, coating compounds, weight of coating, color, or similar variants in effect for fabrics or services during the base period, which were in use during that month in determining the price of one width, etc., in respect to the price of another width, etc.

[Subparagraph (2) amended by Am. 1, 9 F.R. 577, effective 1-19-44.]

(3) Labor rates in effect to him during the base period.

(4) Materials prices and waste and factory overhead rates in effect to him during the base period.

(5) Cost estimate sheets and other data showing the calculation of prices for all fabrics or services covered by this regulation for which the maximum price must be determined in accordance with the provisions of sections 8 or 10 of this regulation.

**SEC. 19. *Licensing.*** The provisions of Licensing Order No. 1,<sup>24</sup> licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

**SEC. 20. *Evasion.*** The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase of or relating to a fabric or service covered by this regulation alone or in conjunction with any other commodity or service or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

**SEC. 21. *Enforcement.*** Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

**SEC. 22. *Definitions.*** (a) When used in this regulation, the term:

(1) "Purchaser of the same class" and "class of purchaser" refer to the practice adopted by the seller in setting different prices for fabrics or services for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas, or for different quantities or grades or under different conditions of sale.

(2) "Natural rubber" means all forms and types of crude rubber, natural latex, reclaimed rubber and scrap rubber.

(3) "Rubber" means substitute rubber and all forms and types of rubber including natural and synthetic rubber.

(4) "Substitute rubber" means a substance made in whole or in part by a chemical process or from natural gums, resins or oils which in physical properties sufficiently resembles natural or synthetic rubber to replace either of them for particular uses, including uses where only some and not all of the physical characteristics of natural or synthetic

<sup>24</sup> 8 F.R. 13240.

rubber are needed, and which serves the same use as natural or synthetic rubber in the particular application in which it is applied. Substitute rubber includes balata.

(5) "Synthetic rubber" means a material obtained by chemical synthesis, possessing the approximate physical properties of natural rubber, when compared in either the vulcanized or unvulcanized condition, which can be vulcanized with sulphur or other chemicals with the application of heat, and which, when vulcanized, is capable of rapid elastic recovery after being stretched to at least twice its length at temperatures ranging from 0° F. to 150° F. at any humidity.

(6) "List price" means a price to which discounts or allowances (other than cash discounts) are applied in order to arrive at prices to different classes of purchasers. The term "list price" includes prices quoted through the medium of a schedule or price list.

[Subparagraph (6) added by Am. 1, 9 F.R. 577, effective 1-19-44]

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

APPENDIX A—FORM FOR REPORTS OF MAXIMUM PRICES DETERMINED UNDER SECTION 8

Form OPA 696-514

Form Approved Budget Bureau No. 08-R664

UNITED STATES OF AMERICA  
OFFICE OF PRICE ADMINISTRATION  
WASHINGTON, D. C.  
MPR-478

Coated and Combined Fabrics

Report to be filed under paragraph (f) of Section 8.

Manufacturer \_\_\_\_\_ Date \_\_\_\_\_  
Address \_\_\_\_\_  
(Street) (City) (State)

(NOTE: There are no printed copies of this form. You may reproduce it in a manner convenient to you, omitting as much of the instructions as you wish.)

1. Description of fabric or service being priced: (Include specification number, if any, a sufficient description to identify the fabric or service and a statement of the type of rubber, if any, involved, as defined in paragraph (a) (3) of Section 22).

2. Description of fabric or service used as a basis for pricing:

3. Reason for the choice of this fabric or service as a basis for pricing: (Explain how the fabric or service was selected, following the directions in paragraph (e) of Section 8).

4. Factory Costs: Unit used in this calculation: (yard, sq. ft., etc.) \_\_\_\_\_

These discounts and allowances need not be shown if you have already reported them to this office. If you did not use a list price and discount system during the base period, you must compute the maximum price to each class of purchaser. The margin (d) is found by subtracting the factory costs of the fabric or service used as a basis for pricing (c) from its maximum price (b). This dollar margin is then added to the factory cost (e) of the fabric or service being priced.)

[Above paragraph amended by Am. 1, 9 F.R. 577, effective 1-19-44]

6. Method by which factory overhead was computed:

(State the method employed, including the rates used and the bases to which the rates were applied. These need not be shown if you have already reported them to this Office.)

[Above paragraph amended by Am. 1, 9 F.R. 577, effective 1-19-44]

Signature of Reporting Officer \_\_\_\_\_

Official Title \_\_\_\_\_

APPENDIX B—FORMS FOR APPLICATIONS FOR ADJUSTMENT

(a) Form for application for adjustment of the maximum prices of coated or combined fabrics.

Form OPA 696-515  
Form Approved—Budget Bureau No. 08-R665

UNITED STATES OF AMERICA  
OFFICE OF PRICE ADMINISTRATION  
WASHINGTON, D. C.

APPLICATION FOR ADJUSTMENT OF MAXIMUM PRICES UNDER MAXIMUM PRICE REGULATION 478

Company Name \_\_\_\_\_

Address \_\_\_\_\_  
(Street) (City) (State)

NOTE: If any difficulty is experienced in completing this form, it may be taken to the nearest OPA district accountant, who will give his assistance in its preparation.

The following facts are furnished to the Office of Price Administration in support of this Application:

SCHEDULE A

1. Describe the company's business.
2. Designate and describe the fabric or fabrics for which a price increase is requested.
3. Present the following information for each fabric listed in 2 above:

NOTE: If more than one fabric is being reported, present the required information on another sheet.

- (a) Dollar volume of unfilled orders \$ \_\_\_\_\_
- (b) Unit volume of unfilled orders. (Indicate unit used) \_\_\_\_\_

4. Present a statement why it is believed that the company is an essential supplier of an essential fabric. This shall include:

(a) Whether the sale of the fabric is part of a war contract or subcontract which the company has entered into, or proposes to enter into.

- (1) Identification of contract \_\_\_\_\_
- (2) Name of purchaser \_\_\_\_\_
- (3) Address of purchaser \_\_\_\_\_

(Street) (City) (State)

(b) The civilian requirement which the fabric is designed to meet.

| Item of cost           | Article used as a basis for pricing  | Article being priced | Date price or rate in effect |
|------------------------|--|----------------------|------------------------------|
| a. Direct labor        | \$ _____<br>(March, 1942, labor rates must be used in these calculations for fabrics or services whose base period is March, 1942. For fabrics or services whose base period is April, 1943, October 3, 1942, labor rates must be used unless a wage increase has been approved up to April 30, 1943, by the National War Labor Board, in which case such rates shall be used, but if your establishment is exempted by the National War Labor Board use April 30, 1943, labor rates.) | \$ _____             |                              |
| b. Direct materials    | \$ _____<br>(August 1, 1943, prices must be used in your calculations. If OPA has established lower maximum prices, such prices must be used.)   | \$ _____             |                              |
| Rubber (if any)        |  |                      |                              |
| Other materials        | \$ _____<br>(Base period prices must be used in your calculations. If there was no base period price, you must use the first price after the base period. If OPA has established lower maximum prices, such prices must be used.)  | \$ _____             |                              |
| c. Waste               | \$ _____<br>(Apply the same methods you used in the base period, adjusted to reflect the actual quantity of waste. If included under materials costs, do not fill in.)   | \$ _____             |                              |
| d. Factory overhead    | \$ _____<br>(Factory overhead must be computed in exactly the same manner, using the same elements of costs and same rates in effect in your plant during the base period, for similar operations. Factory overhead shall not include any selling or administrative expenses.)   | \$ _____             |                              |
| e. Total factory costs | \$ _____   | \$ _____             |                              |

5. Computation of maximum prices:

| Class of purchaser | Fabric or service used as a basis for pricing |               | Margin | Fabric or service being priced |               |
|--------------------|---|---------------|--------|--------------------------------|---------------|
|                    | Maximum price                                 | Factory costs |        | Factory costs                  | Maximum price |
| (a)                | (b)   | (c)           | (d)    | (e)                            | (f)           |
|                    |   |               |        |                                |               |
|                    |   |               |        |                                |               |
|                    |   |               |        |                                |               |
|                    |   |               |        |                                |               |

(If you used a list price and discount system during the base period, only state the maximum list price. In such case, also indi-

cate all applicable discounts and allowances and the classes of purchasers to which those discounts and allowances are applicable.

(c) Whether similar fabrics are sold by competitors. If yes, give names and addresses of competitors and their prices for such fabrics.

**SCHEDULE B**

**Important:** If you have submitted any of the following information on Office of Price Administration Financial Report Forms A and B for certain periods or have furnished same on a previous application for adjustment of a maximum price, you may omit those periods in your present report. In the case of a subsidiary wholly owned by a parent corporation, consolidated statements as well as statements for the subsidiary should be submitted.

1. Submit balance sheets and profit and loss statements for the years 1941 and 1942, and for the most recent accounting period.

(NOTE: Each profit and loss statement must contain a detailed breakdown of cost of goods sold, administrative expense, selling expense, the total amount of officers' salaries and the number of officers.)

2. Financial data 1936-1940.

(NOTE: The filing of the financial data designated in this item is optional. Should the applicant prefer, this information will be obtained by the Office of Price Administration directly from the Bureau of Internal Revenue.)

Either submit balance sheets and profit and loss statements for the years 1936-1940, or fill in the following condensed table.

|   | 1936 | 1937 | 1938 | 1939 | 1940 |
|---|------|------|------|------|------|
| Net sales.....                            |      |      |      |      |      |
| Cost of goods sold.....                   |      |      |      |      |      |
| Gross profit.....                         |      |      |      |      |      |
| Administrative expense.....               |      |      |      |      |      |
| Selling expenses.....                     |      |      |      |      |      |
| Net operating profit.....                 |      |      |      |      |      |
| Other income less other expenses.....     |      |      |      |      |      |
| Net profit before income taxes.....       |      |      |      |      |      |
| Debt (except current) at end of year..... |      |      |      |      |      |
| Net worth at end of year.....             |      |      |      |      |      |
| Total assets.....                         |      |      |      |      |      |

3. Are the salaries and wages of all your employees in compliance with the maximum established by the Office for Economic Stabilization? \_\_\_\_\_ If no, state exceptions. (Yes or No)

**SCHEDULE C**

**Unit Price and Unit Cost Information**

Designation of the fabric.....

NOTE: If more than one fabric is involved, prepare and file separate reports on this schedule for each fabric that you consider necessary to convey an adequate understanding of the situation which gave rise to this application.

1. Price data.  
(a) Net realized price:

|  | Ceiling price<br>....., 194.. | Requested<br>price |
|--|-------------------------------|--------------------|
| 1. (List) (gross) price.....<br>(Please indicate whether the price is a list or a gross price by crossing out the term that does not apply.) |                               |                    |
| 2. Net realized price.....   |                               |                    |
| 3. Net realized price at maximum discount and/or commission.....   |                               |                    |

(b) Analysis of Sales of the Above Designated Item:  
Sales for \_\_\_\_\_ month, period ending \_\_\_\_\_, 1943.  
(Number of months)  
(Month and day)

(Use a sufficient number of months prior to the date of the application to give an adequate understanding of the situation. Name the period in the allotted space and fill in commission rates or discounts.)

|   | Percent-<br>age<br>amount<br>of<br>commis-<br>sion or<br>dis-<br>counts | Dollar<br>value of<br>sales<br>after<br>dis-<br>counts |
|---|---|--|
| Sales subject to commission of.....       | (1).....%   | \$.....  |
| Sales subject to commission of.....       | (2).....%   | .....  |
| Sales not subject to commission.....      | XXXX  | .....  |
| Sales subject to discount of.....         | (1).....%   | .....  |
| Sales subject to discount of.....         | (2).....%   | .....  |
| Sales subject to discount of.....         | (3).....%   | .....  |
| Sales subject to discount of.....         | (4).....%   | .....  |
| Sales subject to discount of.....         | (5).....%   | .....  |
| Sales not subject to discount.....        | XXXX  | .....  |
| Total sales of above designated item..... | XXXX  | .....  |

(c) Total sales for the above designated item only:

|   | 1940    | 1941    | 1942    | Months<br>ending<br>1943 |
|---|---------|---------|---------|--------------------------|
| Total unit volume of sales.....         |         |         |         |                          |
| Total dollar volume of sales (net)..... | \$..... | \$..... | \$..... | \$.....                  |

(d) Is the price currently charged for the fabric the same as the maximum price filed with OPA? \_\_\_\_\_ (Yes or No)  
(If the answer is "No", state date when increased price was first charged.)  
Date: \_\_\_\_\_, 194..  
Month

(e) Indicate whether the current maximum price is a list or established price \_\_\_\_\_ or a formula price \_\_\_\_\_ (check one).  
Price used since \_\_\_\_\_, 194..  
Month

(f) State the reasons for the need of the requested price increase.

2. Unit cost data:

(In presenting unit cost data be sure to include only costs actually incurred. In the case of a seller other than a manufacturer submit information only on the applicable items of cost.)

(Material cost must represent actual cost. State separately any charges added to costs of materials. In the case of a seller other than a manufacturer direct material cost means the price at which the seller purchased the fabric.)

(Where standard costs are used, adjust costs for over- or under-absorption during the period to which the costs apply, if possible.)

(If the fabric covered by the application was not manufactured during the base period, the cost data for that month must be computed in accordance with the procedure outlined in the applicable section of the regulation for determining your maximum price. Under items (f), (g), and (h) include only costs borne by the seller and not billed separately to the buyer.)

|   | Ceiling date<br>costs.....<br>194.. | Current<br>date costs<br>.....1943 |
|---|-------------------------------------|------------------------------------|
| (a) Direct material.....  | \$.....                             | \$.....                            |
| (b) Direct labor.....   | .....                               | .....                              |
| (c) Factory overhead.....   | .....                               | .....                              |
| (d) Selling expense (do not include discounts and commissions deducted under price data above)..... | .....                               | .....                              |
| (e) Administrative expense.....   | .....                               | .....                              |
| (f) Freight out, if any.....  | .....                               | .....                              |
| (g) Installation expense, if any.....   | .....                               | .....                              |
| (h) Other expense, specify.....   | .....                               | .....                              |
| (i) Total cost per unit.....  | .....                               | .....                              |

(j) What method is used in allocating factory overhead?

1. Standard ( ) : Actual ( ) : Other ( ).  
(Check one)  
2. Direct labor cost ( ) : Direct labor hours ( ) : Machine hours ( ) : Other ( ).  
(Explain separately if "other" or combination).

By \_\_\_\_\_  
(Applicant)  
(Title)

Affidavit  
State of \_\_\_\_\_ } ss:  
County of \_\_\_\_\_ }

The undersigned \_\_\_\_\_ being first duly sworn according to law, on oath deposes and says:

That he is the person whose name appears subscribed to the above Application for Adjustment; and that he has read the same and knows to his own knowledge that the facts contained therein are true and correct.

(Signature)  
Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 1943.

Officer Administering Oath.

(b) Form for application for adjustment of maximum prices of coating and combining services.

Form Approved—Budget Bureau No. 03-RC63  
Form OPA 696-516

UNITED STATES OF AMERICA  
OFFICE OF PRICE ADMINISTRATION  
WASHINGTON, D. C.  
APPLICATION FOR ADJUSTMENT OF MAXIMUM PRICES FOR COATING AND COMBINING SERVICES UNDER MAXIMUM PRICE REGULATION No. 478.  
Company Name \_\_\_\_\_  
Address \_\_\_\_\_  
(Street) (City) (State)

The following facts are furnished to the Office of Price Administration in support of this Application:

1. Describe the company's business.  
2. Describe the type of service for which price increase is requested.

3. Present a statement why it is believed that the company is an essential supplier of an essential service. This shall include:

(a) Whether the service is supplied on a fabric the sale of which is part of a war contract or subcontract.

(1) Identification of contract.....  
(2) Name of purchaser.....  
(3) Address of purchaser.....  
(Street) (City) (State)

(b) The civilian requirement which the fabric on which the service is supplied is designed to meet.

(c) Whether similar services are supplied by competitors. If yes, give names and addresses of competitors and their prices for such services.

4. State, on a separate sheet, the reasons for the requested price increase.

5. File the following information for the service described in Item 2 above.

(a)  
 Highest price during base period..... \$  
 Present price..... \$  
 Requested price..... \$  
 per  
 Service unit (running yard, square yard, ounce of coating, etc.) (If the prices submitted are not net prices state the discounts and allowances granted to each class of purchasers.)

(b)

|   | Year ended 194.. | Year ended 194.. | months ending 194.. |
|---|------------------|------------------|---------------------|
| Total number of service units performed including those not billed..... |                  |                  |                     |
| Number of service units billed.....                                     |                  |                  |                     |
| Dollar amount of service billings.....                                  |                  |                  |                     |

6. Costs per service.  
 (In presenting cost data be sure to include only costs actually incurred.  
 (Material cost must represent actual cost. State separately any charges added to costs of materials.  
 (Where standard costs are used, adjust costs for over- or under-absorption during the period to which the costs apply, if possible.  
 (If the service covered by the application was not supplied during the base period, the cost data for that month must be computed in accordance with the procedure outlined in the applicable section of the regulation for determining your maximum price.)

|  | Celling date 194.. (month) | Current date 194.. (month) | Basis of allocation (specify below) |
|--|----------------------------|----------------------------|-------------------------------------|
| Direct labor.....  |                            |                            | XXXXXXXXXXXXXX                      |
| Direct materials.....  |                            |                            | XXXXXXXXXXXXXX                      |
| Shop overhead.....   |                            |                            |                                     |
| Administrative expense.....  |                            |                            |                                     |
| Selling expense.....   |                            |                            |                                     |
| Other expense (specify).....   |                            |                            |                                     |
| Total cost per service unit.....   |                            |                            | XXXXXXXXXXXXXX                      |
| Average hourly wage rate, exclusive of overtime, for direct labor engaged in this service..... |                            |                            | XXXXXXXXXXXXXX                      |
| Average number of hours worked per man per week (direct labor only).....                       |                            |                            | XXXXXXXXXXXXXX                      |

Important: If you have submitted any of the following information on Office of Price Administration Financial Report Forms A and B for certain periods or have reported the same on a previous application for adjustment of a maximum price, you may omit those periods in your present report. In the case of a subsidiary wholly owned by a parent corporation, consolidated statements as well as statements for the subsidiary should be submitted.

7. Submit balance sheets and profit and loss statements for the years 1941 and 1942, and the most recent accounting period.

(Note: Each profit and loss statement must contain a detailed breakdown of cost of goods sold, administrative expenses, selling expenses and officers' salaries, including the number of officers.)

8. Financial data, 1936-1940.

(NOTE: The filing of the financial data designated in this item is optional. Should the applicant prefer, this information will be obtained by the Office of Price Administration directly from the Bureau of Internal Revenue.)

Either submit balance sheets and profit and loss statements for the years 1936-1940, or fill in the following condensed table.

|   | 1936 | 1937 | 1938 | 1939 | 1940 |
|---|------|------|------|------|------|
| Net sales.....                            |      |      |      |      |      |
| Cost of goods sold.....                   |      |      |      |      |      |
| Gross profit.....                         |      |      |      |      |      |
| Administrative expenses.....              |      |      |      |      |      |
| Selling expense.....                      |      |      |      |      |      |
| Net operating profit.....                 |      |      |      |      |      |
| Other income less other expenses.....     |      |      |      |      |      |
| Net profit before income taxes.....       |      |      |      |      |      |
| Debt (except current) at end of year..... |      |      |      |      |      |
| Net worth at end of year.....             |      |      |      |      |      |
| Total assets.....                         |      |      |      |      |      |

9. Are the salaries and wages of all your employees in compliance with the maximum established by the Office for Economic Stabilization? Yes or No If "No" state exceptions: \_\_\_\_\_

Applicant  
 By \_\_\_\_\_  
 Title

AFFIDAVIT

STATE OF \_\_\_\_\_  
 County of \_\_\_\_\_, ss:  
 The undersigned \_\_\_\_\_ being first duly sworn according to law, on oath deposes and says:  
 That he is the person whose name appears subscribed to the above Application for Adjustment, and that he has read the same and knows to his own knowledge that the facts contained therein are true and correct.

Signature  
 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 1943.  
 Officer Administering Oath

Effective date. This regulation shall become effective November 1, 1943. [MPR 478 originally issued October 14, 1943]

[Effective dates of amendments are shown in notes following parts affected.]

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 19th day of May 1944.

CHESTER BOWLES,  
 Administrator.

[F. R. Doc. 44-7225; Filed, May 19, 1944; 4:21 p. m.]

PART 1381—SOFTWOOD LUMBER  
 [MPR 402, Amdt. 1]

WESTERN RED CEDAR 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.\*

Maximum Price Regulation 402 is amended in the following respects:

1. In section 5 (b), immediately after the phrase "the maximum price when cash is paid is \$29.40," the following sentence is inserted: "If the seller was not in business in August 1941, the discount for cash is 2 percent."

2. In section 7 (d) the word "three" is deleted; subparagraph (2) is deleted; and subparagraph (3) is redesignated "(2)".

3. In section 7, paragraph (g) "California mills" is deleted, and in its place a new paragraph (g) is added, to read as follows:

(g) Government bill of lading. Where shipment is made on government bill of lading, the maximum price payable to the seller may be computed by determining what would be the maximum delivered price on the basis of estimated weights and commercial rates and subtracting therefrom the commercial rate times the actual weights.

4. In section 8, at the end of the paragraph, the following sentence is added: "Any other species of lumber irrespective of the number of items, or red cedar shingles irrespective of grades and sizes, shall count as a single classification."

5. In section 15 (b), a subparagraph (13) is added, to read as follows:

(13) Applying additions permitted by the footnotes to the tables in Article V unless the order in writing expressly requires the working, grade, size, length, or condition for which the additions are permitted.

6. Section 15 (d) is amended to read as follows:

(d) Combination grades. Lumber sold on combination grades may not be sold above the maximum price for the lowest priced grade actually named in the combination. For example, the maximum price for lumber sold as No. 2 and better is the maximum price fixed for No. 2. It is permissible to quote with higher and/or lower grades developing, but when the lumber is shipped, the quantities falling in each grade must be tallied separately on a board foot basis, separately identified by grade and separately invoiced at prices not in excess of ceiling prices for the respective grades.

7. Article V—Price Tables and General Notes is amended in its entirety, to read as follows:

\*Copies may be obtained from the Office of Price Administration. 18 F.R. 7662.

ARTICLE V—PRICE TABLES AND GENERAL NOTES

The maximum prices for Western Red Cedar lumber, f. o. b. mill for one thousand feet board measure or other measure where so designated, shall be as follows:

TABLE 1—BEVEL SIDING

| Regular loading, dry bundled, per M'BM     | Clear   | A       | B       | C       | No. 3 common reroofing |
|--|---------|---------|---------|---------|------------------------|
| 1 1/2" x 4"-6' to 16' or longer R/L, N. B. | \$31.00 | \$28.00 | \$22.00 |         |                        |
| 1 1/2" x 4"-6' and 7', O. B.               | 19.50   | 18.00   | 15.50   |         |                        |
| 1 1/2" x 4"-4' and 5', O. B.               | 16.50   | 14.50   | 12.50   |         |                        |
| 1 1/2" x 4"-3' and 3 1/2', O. B.           | 12.00   | 9.00    | 8.00    |         |                        |
| 1 1/2" x 4"-3' to 16' or longer R/L, N. B. |         |         |         | \$13.00 |                        |
| 1 1/2" x 4"-3' to 16' or longer R/L, O. B. |         |         |         |         | \$11.00                |
| 1 1/2" x 5"-6' to 16' or longer R/L, N. B. | 35.00   | 27.00   | 23.00   |         |                        |
| 1 1/2" x 5"-6' and 7', O. B.               | 27.00   | 21.00   | 17.00   |         |                        |
| 1 1/2" x 5"-4' and 5', O. B.               | 25.00   | 18.00   | 14.00   |         |                        |
| 1 1/2" x 5"-3' and 3 1/2', O. B.           | 15.00   | 14.00   | 12.00   |         |                        |
| 1 1/2" x 5"-3' to 16' or longer R/L, N. B. |         |         |         | 14.00   |                        |
| 1 1/2" x 6"-6' to 16' or longer R/L, N. B. | 43.00   | 41.00   | 35.00   |         |                        |
| 1 1/2" x 6"-6' and 7', O. B.               | 30.00   | 26.00   | 20.00   |         |                        |
| 1 1/2" x 6"-4' and 5', O. B.               | 26.00   | 22.00   | 17.00   |         |                        |
| 1 1/2" x 6"-3' and 3 1/2', O. B.           | 22.00   | 20.00   | 15.00   |         |                        |
| 1 1/2" x 6"-3' to 16' or longer R/L, N. B. |         |         |         | 19.00   |                        |
| 1 1/2" x 6"-3' to 16' or longer R/L, O. B. |         |         |         |         | 12.00                  |
| 1 1/2" x 8"-6' to 16' or longer R/L, N. B. | 57.00   | 56.00   | 44.00   |         |                        |
| 1 1/2" x 8"-6' and 7', O. B.               | 33.00   | 32.00   | 28.00   |         |                        |
| 1 1/2" x 8"-4' and 5', O. B.               | 30.00   | 29.00   | 25.00   |         |                        |
| 1 1/2" x 8"-3' to 16' or longer R/L, N. B. | 20.00   | 19.00   | 16.00   |         |                        |
| 1 1/2" x 8"-3' to 16' or longer R/L, O. B. |         |         |         | 19.00   |                        |

Additions and deductions per 1,000 feet board measure. (See sec. 15 (b) (13).)

- Lengths: 1. Specified lengths add \$3.00. 2. Random lengths as set forth in Standard Grading and Dressing Rules No. 12, paragraph 734.
- Working charges: 3. Rabbed siding add \$2.50.
- Miscellaneous: 4. For old bundling where new bundling specified add \$2.00, the usual percentage of short lengths to be included. 5. Deduct \$1.00 for orders totaling 35 M' or more in one shipment of items listed in tables 1, 2 and/or 3; except on shipments where orders specify separated lots, and where a lot contains less than 35 M', the deduction does not apply on the less-than-35 M' lots.

TABLE 2—BUNGALOW SIDING

| Regular, loading, dry, bundled, per M'BM    | Clear   | A       | B       | C       |
|---|---------|---------|---------|---------|
| 3 1/2" x 8"-6' to 16' or longer R/L, N. B.  | \$67.00 | \$65.00 | \$50.00 |         |
| 3 1/2" x 8"-3' to 7', O. B.                 | 43.00   | 39.00   | 29.00   |         |
| 3 1/2" x 8"-3' to 5', O. B.                 | 38.00   | 34.00   | 24.00   |         |
| 3 1/2" x 8"-3' to 16' or longer R/L, O. B.  |         |         |         | \$22.00 |
| 3 1/2" x 10"-6' to 16' or longer R/L, N. B. | 73.00   | 71.00   | 62.00   |         |
| 3 1/2" x 10"-3' to 7', O. B.                | 52.00   | 50.00   | 44.00   |         |
| 3 1/2" x 10"-3' to 5', O. B.                | 47.00   | 45.00   | 39.00   |         |
| 3 1/2" x 10"-3' to 16' or longer R/L, O. B. |         |         |         | 23.00   |
| 3 1/2" x 12"-6' to 16' or longer R/L, N. B. | 75.00   | 73.00   | 63.00   |         |
| 3 1/2" x 12"-3' to 16' or longer R/L, O. B. |         |         |         | 25.00   |
| 3 1/2" x 12"-3' to 7', O. B.                | 54.00   | 52.00   | 45.00   |         |
| 3 1/2" x 12"-3' to 5', O. B.                | 49.00   | 47.00   | 40.00   |         |

Additions and deductions per 1,000 feet board measure. (See sec. 15 (b) (13).)

- Lengths: 1. Specified lengths add \$1.50. 2. Random lengths as set forth in Standard Grading and Dressing Rules No. 12, paragraph 734.
- Working charges: 3. Rabbed siding add \$2.50.
- Miscellaneous: 4. For old bundling where new bundling specified add \$2.00, the usual percentage of short lengths to be included. 5. Deduct \$1.00 for orders totaling 35 M' or more in one shipment of items listed in tables 1, 2 and/or 3; except on shipments where orders specify separated lots, and where a lot contains less than 35 M', the deduction does not apply on the less-than-35 M' lots.

TABLE 3—SPECIAL SIDING

| Regular loading, dry bundled mixed grain per M'BM                   | Clear A | B       | C       | No. 1 knotty |
|---|---------|---------|---------|--------------|
| 1 1/2" x 6"-3' to 16' or longer R/L, O. B., sq. edge                | \$50.00 | \$44.00 | \$20.00 |              |
| 1 1/2" x 4"-6' to 16' or longer R/L, N. B.                          | 39.00   | 29.00   | 14.00   | \$27.00      |
| 1 1/2" x 6"-6' to 16' or longer R/L, N. B.                          | 50.00   | 46.00   | 22.00   | 35.00        |
| 1 1/2" x 8"-6' to 16' or longer R/L, smooth sawn, N. B.             | 48.00   |         |         | 37.00        |
| 1 1/2" x 10"-6' to 16' or longer R/L, smooth sawn, N. B.            | 55.00   |         |         | 37.00        |
| 1 1/2" x 10"-6' to 16' or longer R/L, smooth sawn, N. B.            |         |         |         | 40.00        |
| 1 1/2" x 10"-6' to 16' or longer R/L, wavy edge, smooth sawn, N. B. |         |         |         | 42.00        |
| 1 1/2" x 12"-6' to 16' or longer R/L, wavy edge, smooth sawn, N. B. | 60.00   |         |         | 42.00        |
| 1 1/2" x 4" R/L 3' to 16' or longer, O. B., S3S                     | 35.00   | 28.00   | 14.00   |              |
| 1 1/2" x 6" R/L 3' to 16' or longer, O. B., S3S                     | 47.00   | 40.00   | 18.00   |              |
| 1 1/2" x 8" R/L 3' to 16' or longer, O. B., S3S                     | 61.00   | 49.00   | 20.00   |              |
| 1 1/2" x 10" R/L 3' to 16' or longer, O. B., S3S                    | 61.00   | 49.00   | 20.00   |              |
| 1 1/2" x 6" R/L 3' to 16' or longer, O. B., S3S                     | 55.00   | 46.00   | 20.00   |              |
| 1 1/2" x 8" R/L 3' to 16' or longer, O. B., S3S                     | 72.00   | 55.00   | 24.00   |              |
| 1 1/2" x 10" R/L 3' to 16' or longer, O. B., S3S                    | 77.00   | 67.00   | 24.00   |              |

Additions and deductions per 1,000 feet board measure. (See sec. 15 (b) (13).)

- Grain: 1. For vertical grain clear A grade add \$2.00.
- Lengths: 2. Specified lengths add \$1.50. 3. Random lengths as set forth in Standard Grading and Dressing Rules No. 12, paragraph 734.
- Working charges: 4. Rabbed siding add \$2.50.
- Miscellaneous: 5. For old bundling where new bundling specified add \$2.00, the usual percentage of short lengths to be included. 6. Deduct \$1.00 for orders totaling 35 M' or more in one shipment of items listed in tables 1, 2 and/or 3; except on shipments where orders specify separated lots, and where a lot contains less than 35 M', the deduction does not apply on the less-than-35 M' lots.

TABLE 4—DROP SIDING AND RUSTIC

| Regular loading mixed grain, per M'BM dry R/L 4' to 16' or longer | B and better | C       | D       |
|---|--------------|---------|---------|
| 1 x 4" patterns 120 and 122                                       | \$45.00      | \$43.00 | \$32.00 |
| 1 x 6" patterns 105 and 106                                       | 70.00        | 67.00   | 47.00   |
| 1 x 6" patterns 115 and 117                                       | 70.00        | 67.00   | 47.00   |
| 1 x 8" patterns 116   | 70.00        | 67.00   | 47.00   |
| 1 x 8" patterns 105, 106, 116                                     | 80.00        | 77.00   | 57.00   |
| 1 x 10" patterns 105, 106, 116                                    | 85.00        | 82.00   | 62.00   |
| 1 x 12" patterns 105, 106, 116                                    | 90.00        | 87.00   | 67.00   |

Additions and deductions per 1,000 feet board measure. (See sec. 15 (b) (13).)

- Grain: 1. For vertical grain: 4" to 6" wide, add \$5.00. 8" to 12" wide, add \$10.00.
- Lengths: 2. Regular loading: 3% 4' and/or 5'-7% 6' and/or 7'-90% 8' to 16' or longer. 3. Short lengths: 3' to 7' in 4" to 8" widths, deduct \$15.00 per M'BM. 4. Specified lengths, add \$5.00 up to 15'; 16' to 20' add \$10.00 to R/L price. 5. Additions for omitting short lengths: 7' and shorter \$2.00. 9' and shorter 3.00. 10' and shorter 5.00. 12' and shorter 6.00.
- Miscellaneous: 6. Patterns not conforming to association standard patterns or finished to greater overall size add \$2.00.

TABLE 5—FLOORING—CEILING

| Regular loading, dry mixed grain per M'BM             | B and better | C       | D       |
|---|--------------|---------|---------|
| 3/8" x 3" S1S R/L 4' to 16' or longer                 | \$31.00      | \$28.00 | \$18.00 |
| 3/8" x 3" S1S R/L 3' to 7'                            | 22.00        | 19.00   | 9.00    |
| 1/2" x 3" and 4" V or B1 side R/L 4' to 16' or longer | 35.00        | 32.00   | 22.00   |
| 1/2" x 3" and 4" V or B1 side R/L 3' to 7'            | 30.00        | 27.00   | 17.00   |
| 1" x 3" V or B1 side R/L 4' to 16' or longer          | 45.00        | 42.00   | 32.00   |
| 1" x 3" V or B1 side R/L 3' to 7'                     | 32.00        | 30.00   | 20.00   |
| 1" x 4" V or B1 side R/L 4' to 16' or longer          | 55.00        | 52.00   | 42.00   |
| 1" x 4" V or B1 side R/L 3' to 7'                     | 40.00        | 37.00   | 27.00   |
| 1" x 5" V or B1 side R/L 4' to 16' or longer          | 60.00        | 57.00   | 47.00   |
| 1" x 5" V or B1 side R/L 3' to 7'                     | 50.00        | 47.00   | 37.00   |
| 1" x 6" V or B1 side R/L 4' to 16' or longer          | 75.00        | 72.00   | 52.00   |
| 1" x 6" V or B1 side R/L 3' to 7'                     | 60.00        | 57.00   | 37.00   |

Additions and deductions per 1,000 feet board measure. (See sec. 15 (b) (13).)

- Grain: 1. For vertical grain, add \$5.00 for 1"; \$2.50 for 3/8" and 1/2".
- Lengths: 2. Regular loading: 3% 4' and/or 5'. 7% 6' and/or 7'. 90% 8' to 16' or longer. 3. Specified lengths, add \$5.00 per M'. 4. Shorts: 3' to 5' deduct \$15.00; 1' to 2 1/2' deduct \$25.00 from R/L 4' to 16' price.
- Thickness: 5. For 3/8" thickness, deduct \$2.00 from 1" price of same width.

TABLE 6—FINISH

| Regular loading R/L, 6' to 16' or longer, Dry S2S or S4S, A. L. S. mixed grain per M'BM. | B and better | C       | D       |
|--|--------------|---------|---------|
| 1" x 2"  | \$60.00      | \$57.00 | \$47.00 |
| 1" x 3"  | 60.00        | 57.00   | 47.00   |
| 1" x 4"  | 60.00        | 57.00   | 47.00   |
| 1" x 5"  | 67.00        | 64.00   | 54.00   |
| 1" x 6"  | 80.00        | 77.00   | 57.00   |
| 1" x 8"  | 90.00        | 87.00   | 67.00   |
| 1" x 10"   | 95.00        | 92.00   | 72.00   |
| 1" x 12"   | 100.00       | 97.00   | 77.00   |
| 1" x 14"   | 105.00       | 102.00  | 77.00   |
| 1" x 16"   | 110.00       | 107.00  | 82.00   |
| 1" x 18"   | 115.00       | 112.00  | 87.00   |
| 1" x 20"   | 125.00       | 122.00  | 92.00   |
| 1" x 22"   | 130.00       | 127.00  | 97.00   |
| 1" x 24"   | 130.00       | 127.00  | 97.00   |

Additions and deductions per 1,000 feet board measure. (See sec. 15 (b) (13).)

NOTES

Grain:

|  |        |
|--|--------|
| 1. Specified grain add to mixed grain same size and grade: |        |
| 2" to 6" widths.....                                       | \$5.00 |
| 8" to 12" widths.....                                      | 10.00  |
| 14" to 18" widths.....                                     | 15.00  |
| 20" to 24" widths.....                                     | 20.00  |

Lengths:

|  |         |
|--|---------|
| 2. Regular loading: 5% 6' and/or 7'; 95% 8' to 16' or longer.  |         |
| 3. Shorts deduct from the R/L price of the same size and grade:  |         |
| 1' to 2 1/2'-2" to 6".....   | \$30.00 |
| 1' to 2 1/2'-8" to 12".....  | 35.00   |
| 1' to 2 1/2'-14" and wider.....  | 45.00   |
| 3' to 5'-2" to 6" widths.....  | 20.00   |
| 3' to 5'-8" to 12" widths.....   | 25.00   |
| 3' to 5'-14" and wider.....  | 30.00   |
| 4. Specified lengths add to the R/L price of the same size and grade:  |         |
| 15' and shorter.....   | \$5.00  |
| 16' to 20'.....  | 10.00   |
| 21' to 24'.....  | 15.00   |
| 25' to 32'.....  | 25.00   |
| Longer than 32'.....   | 30.00   |
| Specified 6' and 7' deduct \$5.00 per M'BM from R/L price.   |         |
| 5. Omitting lengths from R/L specifications add to the R/L price of the same size and grade:   |         |
| 6' and 7'.....   | \$1.00  |
| 9' and shorter.....  | 3.00    |
| 10' and shorter.....   | 5.00    |
| 12' and shorter.....   | 6.00    |
| 6. Fractional lengths add \$3.00 per M'BM to the specified length price of the next longer length and compute footage on next longer length. |         |

Widths:

|  |  |
|--|--|
| 7. Fractional and odd widths not listed, same price and weight as next wider listed width. Compute footage on next wider listed width. |  |
|--|--|

Thickness:

|  |  |
|--|--|
| 8. For 3/16" to 1/2" S2S net, deduct \$5.00 from 1" prices of corresponding size and grade.  |  |
| 9. For 1/4" to 1 1/4" inclusive S2S net, price same as 1" of corresponding size and grade.   |  |
| 10. Shims, 3/16" surfaced hit and miss or full rough thickness, price by adding \$2.50 to 3/4 price of corresponding size and grade, and reduce this price by 3/4 and compute on 1" surface measure. |  |

Working Charges:

|  |  |
|--|--|
| 11. Surfacing green, deduct \$5.00 from surfaced dry price.  |  |
| 12. Surfacing thicker and/or wider than American Lumber Standards add \$5.00 to the standard surfaced price and use standard surfaced weights. |  |
| 13. Resawing add \$4.00.   |  |

Miscellaneous:

|   |  |
|---|--|
| 14. Selecting B & Better all clear (eliminating knots and sap), including boat lumber, add \$10.00 to the B & Better price of the same size and length. |  |
| 15. Tank stock, paragraph 777, add \$5.00 to the B & Better price of the same size and length.  |  |
| 16. Pipe stock, paragraph 727, add \$4.00 to the B & Better price of the same size and length.  |  |
| 17. Casing, Base and Jamb, 1 x 4" and thicker, and/or wider, use corresponding finish price, size and weight.   |  |
| 18. Rough dry deduct \$3.00 from surfaced dry price. Rough green deduct \$8.00 from surfaced dry price.   |  |

TABLE 7—THICK CLEARS

| Regular loading R/L 6' to 16' or longer, dry per M'BM S2S or S4S mixed grain. | B and better | C       | D       |
|---|--------------|---------|---------|
| 5/4", 6/4", and 8/4" x 2", 3" and 4".....                                     | \$75.00      | \$72.00 | \$52.00 |
| 5/4", 6/4", and 8/4" x 5".....  | 85.00        | 82.00   | 62.00   |
| 5/4", 6/4", and 8/4" x 6".....  | 85.00        | 82.00   | 62.00   |
| 5/4", 6/4", and 8/4" x 8".....  | 100.00       | 97.00   | 77.00   |
| 5/4", 6/4", and 8/4" x 10".....   | 105.00       | 102.00  | 82.00   |
| 5/4", 6/4", and 8/4" x 12".....   | 110.00       | 107.00  | 87.00   |
| 5/4", 6/4", and 8/4" x 14".....   | 115.00       | 112.00  | 87.00   |
| 5/4", 6/4", and 8/4" x 16".....   | 120.00       | 117.00  | 92.00   |
| 5/4", 6/4", and 8/4" x 18".....   | 125.00       | 122.00  | 97.00   |
| 5/4", 6/4", and 8/4" x 20".....   | 135.00       | 132.00  | 102.00  |
| 5/4", 6/4", and 8/4" x 22".....   | 140.00       | 137.00  | 107.00  |
| 5/4", 6/4", and 8/4" x 24".....   | 140.00       | 137.00  | 107.00  |
| 2 1/2" and 3" x 3" to 6".....   | 80.00        | 77.00   |         |
| 2 1/2" and 3" x 8".....   | 90.00        | 87.00   |         |
| 2 1/2" and 3" x 10".....  | 90.00        | 87.00   |         |
| 2 1/2" and 3" x 12".....  | 100.00       | 97.00   |         |
| 2 1/2" and 3" x 6" to 12" R/W.....  | 90.00        | 87.00   |         |
| 4" and thicker x 4" to 6".....  | 85.00        | 82.00   |         |
| 4" and thicker x 7" to 10".....   | 95.00        | 92.00   |         |
| 4" and thicker x 12".....   | 110.00       | 107.00  |         |

Additions and deductions per 1,000 feet board measure. (See sec. 15 (b) (13).)

NOTES

Grain:

|  |        |
|--|--------|
| 1. Specified grain add to mixed grain same size and grade: |        |
| 2" to 6" widths.....                                       | \$5.00 |
| 8" to 12" widths.....                                      | 10.00  |
| 14" to 18" widths.....                                     | 15.00  |
| 20" to 24" widths.....                                     | 20.00  |

Lengths:

|   |         |
|---|---------|
| 2. Regular loading: 5% 6' and/or 7'; 95% 8' to 16' or longer.   |         |
| 3. Shorts deduct from the R/L price of the same size and grade:   |         |
| 1' to 2 1/2'-2" to 6".....  | \$30.00 |
| 1' to 2 1/2'-8" to 12".....   | 35.00   |
| 1' to 2 1/2'-14" and wider.....   | 45.00   |
| 3' to 5'-2" to 6" widths.....   | 20.00   |
| 3' to 5'-8" to 12" widths.....  | 25.00   |
| 3' to 5'-14" and wider.....   | 30.00   |
| 4. Specified lengths add to the R/L price of the same size and grade:   |         |
| 15' and shorter.....  | \$5.00  |
| 16' to 20'.....   | 10.00   |
| 21' to 24'.....   | 15.00   |
| 25' to 32'.....   | 25.00   |
| Longer than 32'.....  | 30.00   |
| Specified 6' and 7' deduct \$5.00 from R/L price.   |         |
| 5. Omitting lengths from R/L specifications add to the R/L price of the same size and grade:  |         |
| 6' and 7'.....  | \$1.00  |
| 9' and shorter.....   | 3.00    |
| 10' and shorter.....  | 5.00    |
| 12' and shorter.....  | 6.00    |
| 6. Fractional lengths add \$3.00 to the specified length price of the next longer length and compute footage on next longer length. |         |

Widths:

|  |  |
|--|--|
| 7. Fractional and odd widths not listed, same price and weight as next wider listed width. Compute footage on next wider listed width. |  |
|--|--|

Thickness:

|   |  |
|---|--|
| 8. Fractional and odd thickness not listed, add \$3.50 to next less listed size and compute footage on actual rough measure.                  |  |
| 9. Surfacing green, deduct \$5.00 from surfaced dry price.  |  |
| 10. Surfacing thicker and/or wider than American lumber standards add \$5.00 to the standard surfaced price and use standard surface weights. |  |
| 11. Resawing add \$4.00.  |  |

Miscellaneous:

|  |  |
|--|--|
| 12. Selecting B & better all clear (eliminating knots and sap) including boat lumber, add \$10.00 to the B & better price of the same size and length. |  |
| 13. Tank stock, paragraph 777, add \$5.00 to the B & better price of the same size and length.   |  |
| 14. Pipe stock, paragraph 727, add \$4.00 to the B & better price of the same size and length.   |  |
| 15. Casing, base and jamba, 5/4 x 4" and thicker and/or wider use corresponding finish price, size and weight.   |  |
| 16. Rough dry deduct \$3.00 from the surfaced dry price. Rough green deduct \$8.00 from surfaced dry price.  |  |

TABLE 8—NO. 1 SHOP

| Mixed grain rough, dry, R/L, 6' and longer: | Per M'BM |
|---|----------|
| 4/4" x 6" and wider, R/W.....               | \$40.00  |
| 5/4" x 6" and wider, R/W.....               | 43.00    |
| 6/4" x 6" and wider, R/W.....               | 43.00    |
| 8/4" x 6" and wider, R/W.....               | 48.00    |
| 12/4" x 6" and wider, R/W.....              | 68.00    |

Additions and deductions per 1,000 feet board measure. (See sec. 15 (b) (13).)

NOTES

|  |  |
|--|--|
| 1. For surfacing add \$3.00.                 |  |
| 2. For No. 2 shop developing deduct \$12.50. |  |
| 3. For green deduct \$5.00.                  |  |

TABLE 9—GUTTER

| B & Better green (Ohio or Boston pattern), R/L, 8' and longer: | Per M'BM |
|--|----------|
| 3" x 4".....   | \$80.00  |
| 4" x 4".....   | 85.00    |
| 4" x 5".....   | 85.00    |
| 4" x 6".....   | 85.00    |
| 5" x 7".....   | 95.00    |
| 6" x 8".....   | 95.00    |

Additions and deductions per 1,000 feet board measure. (See sec. 15 (b) (13).)

NOTES

|   |        |
|---|--------|
| 1. Specified lengths add to the R/L price of the same size and grade: |        |
| 15' and shorter.....  | \$5.00 |
| 16' to 20'.....   | 10.00  |
| 21' to 24'.....   | 15.00  |
| 25' to 32'.....   | 25.00  |
| Longer than 32'.....  | 30.00  |
| 2. Specified 16' and longer: add \$10.00.                             |        |
| Miscellaneous:  |        |
| 3. All other patterns, except Ohio or Boston, add \$10.00.            |        |
| 4. For dry stock add \$5.00.  |        |

TABLE 10—DOWNSPOUT

| Dry R/L 3' and longer per lineal foot (includes all members) | B and better | C      |
|--|--------------|--------|
| 2 3/8" x 2 3/8"—1 1/2" inside diameter.....                  | \$0.12       | \$0.09 |
| 3 3/8" x 3 3/8"—2 1/4" inside diameter.....                  | .16          | .12    |
| 3 3/8" x 3 3/8" with 3" spline.....                          | .22          |        |
| 3 3/8" x 3 3/8" with 4" spline.....                          | .24          |        |

NOTES

|   |                    |
|---|--------------------|
| 1. Regular loading random length is as follows:   |                    |
| "B and better".....   | 10%, 3' to 7'      |
| "C".....  | 90%, 8' and longer |
| At the option of shipper, 10%, 3' to 7" "B and better" may be included in the "C" at the "C" R/L price. |                    |
| 2. For specified lengths, add 2¢ per lineal foot.   |                    |

TABLE 11—PICKETS

| No. 1 pickets, dry square or gothic point per 1,000 pieces, S4S, bundled | 3'      | 3 1/2'  | 4'      | 5'      | 6'      |
|--|---------|---------|---------|---------|---------|
| 1 x 2".....  | \$28.00 | \$31.00 | \$33.00 |         |         |
| 1 x 3".....  | 32.00   | 36.00   | 42.00   | \$45.00 | \$57.00 |
| 1 x 4".....  | 31.00   | 35.00   | 45.00   | 51.00   | 70.00   |
| 1 1/4 x 1 1/4".....  | 28.00   | 33.00   | 41.00   |         |         |
| 1 1/2 x 1 1/2".....  | 38.00   | 45.00   | 49.00   |         |         |

NOTES

|   |  |
|---|--|
| 1. Number 2 pickets, deduct \$3.00 per M pieces from No. 1 price. |  |
|---|--|

TABLE 12—BATTENS

|  |        |
|--|--------|
| Regular loading R/L 6' to 16' or longer dry bundled per 100 lineal feet: |        |
| 3" flat.....   | \$0.70 |
| 2" O. G.....   | .80    |
| 2 1/2" O. G.....   | 1.00   |

NOTES

|   |  |
|---|--|
| 1. Regular loading, 10% 6' and 7', 90% 8' and longer. |  |
| 2. Specified lengths, add \$0.10 per 100 lineal feet. |  |

TABLE 13—LATH

|   |        |
|---|--------|
| Green or dry, bundled per 1,000 pieces:                           |        |
| 3/4" x 1 1/2" or 1 3/4" No. 1, 4' (use dry weight).....           | \$6.50 |
| 3/4" x 1 1/2" or 1 3/4" No. 2, 4' (use dry weight).....           | 4.50   |
| 3/4" x 1 1/2"—19 1/2" shingle bands green (use green weight)..... | 6.50   |

TABLE 14—MOULDINGS

|  |     |
|--|-----|
| Discount applicable to 8000 series moulding book, mixed cars |     |
| Regular loading R/L dry, bundled:                            |     |
| Patterns listing under \$4.00.....                           | 45% |
| Patterns listing \$4.00 and over.....                        | 40% |

NOTES

|   |  |
|---|--|
| Lengths:  |  |
| 1. Regular loading random lengths 6' to 16' or longer in multiples of 1', not over 15% in lengths under 10'.        |  |
| 2. Specified lengths: shorten discount 5 points.  |  |
| 3. Excessive short lengths 4' to 9': lengthen discount 10 points.   |  |
| Miscellaneous:  |  |
| 4. Special patterns 3 M lineal feet or more, same discounts; less than 3 M lineal feet add \$3.00 net setup charge. |  |
| 5. 1 M lineal feet or less per item: shorten discount 2 points.   |  |
| 6. Delivered prices: deduct 1 point for each 8 cents freight rate, compute discount to nearest 1/2 point.           |  |

TABLE 15—LATTICE

|  |        |
|--|--------|
| Dry, regular loading, S4S, bundled, per 100 lineal feet: |        |
| 3/4" x 1 1/2".....                                       | \$0.41 |
| 3/4" x 1 3/4".....                                       | .46    |
| 3/4" x 1 3/4".....                                       | .54    |

NOTES

|   |  |
|---|--|
| 1. Regular loading, random lengths 6' to 16' or longer in multiples of 1', not over 15% in lengths under 10'. |  |
| Lengths:  |  |
| 2. Excess short lengths 4' to 9', deduct \$0.05 per 100 lineal feet.  |  |
| 3. For specified lengths, add \$0.05 per 100 lineal feet.   |  |
| Thickness:  |  |
| 4. For S4S 3/2" thickness deduct \$0.09 per 100 lineal feet.  |  |

TABLE 16—LOG SIDING

| No. 1 green, R/L, 4' to 16' or longer:       | Per M'BM |
|--|----------|
| 2" x 6", 8" and 10", finished to 1 3/4"..... | \$37.00  |
| 3" x 8" and 10", finished to 2 3/4".....     | 37.00    |

Additions and deductions per 1,000 feet board measure (see sec. 15 (b) (13).)

NOTES

|   |  |
|---|--|
| Grade:  |  |
| 1. No. 2 deduct \$5.00.                           |  |
| Lengths:  |  |
| 2. Specified lengths add \$3.00.                  |  |
| 3. For omitting 4' to 9' add \$2.00 to R/L price. |  |
| Condition:  |  |
| 4. For dry stock add \$5.00.                      |  |

TABLE 17—BOARDS AND SHEATHING

| Dry, R/L 6' to 16' or longer, S2S, S4S, D and M or shiplap, per M'BM | Add to No. 1 for select mech. par. 186 | No. 1   | No. 2   | No. 3   |
|--|--|---------|---------|---------|
| 1" x 2"  | \$4.00                                 | \$38.00 | \$28.00 | \$23.00 |
| 1" x 3"  | 4.00                                   | 38.00   | 28.00   | 23.00   |
| 1" x 4"  | 4.00                                   | 34.00   | 24.00   | 19.00   |
| 1" x 5"  | 5.00                                   | 43.00   | 33.00   | 28.00   |
| 1" x 6"  | 6.00                                   | 43.00   | 33.00   | 28.00   |
| 1" x 8"  | 7.00                                   | 43.00   | 33.00   | 28.00   |
| 1" x 10"   | 8.00                                   | 47.00   | 37.00   | 32.00   |

Additions and deductions per 1,000 feet board measure. (See sec. 15 (b) (13).)

NOTES

- Lengths:
- Specified lengths add \$3.00 to R/L price of same size and grade.
  - Fractional lengths add \$1.00 to the specified length price of the next longer length. Compute footage on next longer length.
  - 4' and 5' lengths, all grades (No. 3 and better) may be included in No. 3 at R/L No. 3 price.
- Widths:
- Fractional or odd widths same price as, and compute footage on the next wider even width.
- Thickness:
- For 3/4" or 1/2" add \$3.00 to 1" price of the same width and grade.
- Working charges:
- Surfaced green deduct \$3.00.
  - Surfacing thicker and/or wider than American Lumber Standards add \$3.00 and use standard surfaced weights.
- Miscellaneous:
- Knotty red cedar, colonial paneling R/L D & M V edge, paragraph 749: No. 1 grade add \$5.00 per M'BM to the No. 1 price of the same width and thickness; No. 2 grade add \$5.00 per M'BM to the No. 2 price of the same width and thickness.
  - No. 4 rough or surfaced, dry or green, 1 x AW-R/L \$15.00. Use green weights for green and dry weights for dry.
  - Rough dry deduct \$2.00.
  - Rough green deduct \$5.00.
  - Shims (see note 8, general notes) 1/4" and thinner add \$2.50 to 3/4" price of corresponding size and grade and then reduce this price by 3/8, 1/2 and thicker add \$2.50 to 3/4 price and reduce this price 1/4. Compute on 1" surface measure.

TABLE 18—DIMENSION, PLANK AND TIMBERS

| Rough, green R/L 8' to 16' or longer per M'BM | Add to No. 1 for select mech. par. 194 and 199 | No. 1   | No. 2   | No. 3   |
|---|--|---------|---------|---------|
| 2" x 3", 4", 6", 8", 10", and 12"             | \$3.00   | \$32.00 | \$27.00 | \$24.00 |
| 3" x 4", 6", 8", 10", and 12"                 | 3.50   | 33.00   | 28.00   | 25.00   |
| 4" x 4", 6", 8", 10", and 12"                 | 3.50   | 33.00   | 28.00   | 25.00   |
| 5" x 6", 8", 10", and 12"                     | 3.00   | 31.00   | 26.00   | 23.00   |
| 6" x 6", 8", 10", and 12"                     | 3.00   | 31.00   | 26.00   | 23.00   |
| 8" x 8", 10", and 12"                         | 2.00   | 31.00   | 26.00   | 23.00   |
| 10" x 10" and 12"                             | 2.00   | 31.00   | 26.00   | 23.00   |

Additions and deductions per 1,000 feet board measure. (See sec. 15 (b) (13).)

NOTES

- Lengths:
- Specified lengths add \$3.00 to R/L price.
  - Odd or fractional lengths add \$1.00 to the specified length price of the next longer even length. Compute footage on next longer even length.
- Widths:
- Odd or fractional widths not listed same price as next even wider width. Compute footage and use weight of next even wider width.
- Thickness:
- Odd and/or fractional thicknesses not listed add \$3.50 to the next less listed size. Compute footage on actual rough measure.
- Working charges:
- Surfacing add \$2.00 to corresponding rough price.
  - Surfacing 1/4" off add \$3.00 to corresponding rough price.

Working charges—Continued.

- Surfacing thicker and/or wider than American Lumber Standards other than 1/4" off add \$5.00 and use standard surfaced weights.
  - T & G, grooved for splines, and outgauging add \$5.00 to the rough price.
  - Square butting add \$1.00.
- Miscellaneous:
- Rough dry, stock up to 6" thicknesses, add \$5.00.
  - No. 4 rough or surfaced, dry or green, 2" and thicker x A. W.—A. L. \$15.00. Use green weights for green and dry weights for dry.
  - All heart foundation lumber, paragraph 760, add \$5.00 to No. 1 price.

TABLE 19—BOX LUMBER

| R/L per M'BM:       |         |
|---------------------|---------|
| 4/4 and thicker RW: |         |
| Rough dry.....      | \$25.50 |
| Rough green.....    | 23.00   |
| Surfaced dry.....   | 26.50   |
| Surfaced green..... | 24.50   |

NOTES

- No additions for specified widths.
- Grade as provided in paragraph No. 780 of West Coast Lumbermen's Association Standard Grading and Dressing Rules No. 12.

TABLE 20—CAPPING AND GROOVED TRUNKING

| Green or dry, mill's option worked to pattern:        |         |
|---|---------|
| Capping, paragraph 769:                               |         |
| 1 x 4, 1 x 6, 2 x 4 and 2 x 6" R/L 4' and longer..... | \$32.00 |
| 3/4 and 5/4 x 4" and 6" R/L 4' and longer.....        | 35.00   |
| Trunking, paragraph 768:                              |         |
| 2 x 4, 3 x 4 and 4 x 6" R/L 4' and longer.....        | 35.00   |

Additions and deductions per 1,000 feet board measure (see sec. 15 (b) (13)).

NOTES

- Lengths:
- Omitting 4' to 9' add \$2.00.
  - Lengths 21' to 24' add \$2.00.
  - Specified lengths add \$5.00.

GENERAL NOTES

- All grade and size terms and "paragraph" references and measuring terms appearing in this regulation refer to, and have the meaning given in, the Standard Grading and Dressing Rules No. 12, issued by the West Coast Lumbermen's Association, effective March 1, 1943.
- The reference "N. B." and "O. B." as employed in siding schedules is descriptive of the manner in which lengths are bundled. "N. B." or new bundling is as defined in paragraph 734 of Standard Grading and Dressing Rules No. 12. "O. B." or old bundling contemplates lengths 3 feet and longer in multiples of one foot, with each length bundled separately. Random length shipments of "N. B." and "O. B." includes 33 1/3% of 7' and shorter lengths.
- No. 4 covers the down-fall which otherwise would be wasted. May be rough or surfaced. Defects include splits, check, shake, skips, rot, stain, worm holes, knot holes, wane and other defects which in combination will not impair the lumber for the purpose intended.
- No lumber is sold on less than 1" count. All lumber is priced per 1000 feet, board measure, except downspouts, pickets, battens, lath, moldings and lattice which are priced as designated.
- Ripping and/or resawing not otherwise provided add \$1.00 per m'bm; for diagonal or tapered add \$5.00 per m'bm, and product of strip to be shipped.
- For bundled where not provided add \$1.00 per m'bm; on standard bundled items, where not bundled deduct \$1.00 per m'bm.
- Prices in all tables applying to items covered by American Lumber Standards apply to any standard working when finished A. L. E. size.
- Shims: Shims are boards that are too thin to be surfaced to standard thickness but of sufficient thickness to surface hit and miss to 7/16", 1/2", 9/16", 5/8" or 11/16" or may be rough if full thickness.

8. Article VI is amended in its entirety, to read as follows:

ARTICLE VI—TABLES OF PERMITTED ESTIMATED WEIGHTS

The use of the following estimated weights, even though they may be higher than actual weights, is permitted:

| Bevel, bungalow siding and special siding | Dry  | Green |
|---|------|-------|
| 1/4" bevel siding.....                    | M'BM | 600   |
| 1/2" bevel siding No. 1 knotty.....       |      | 700   |
| 5/8" bungalow siding.....                 |      | 750   |
| 3/4" bungalow siding.....                 |      | 900   |
| 5/8" bungalow siding No. 1 knotty.....    |      | 1,000 |
| 3/4" bungalow siding rough.....           |      | 1,100 |
| 1 1/2" special siding S3s.....            |      | 600   |
| 1 3/4" special siding S3s.....            |      | 900   |

ARTICLE VI—TABLES OF PERMITTED ESTIMATED WEIGHTS—continued

| Drop siding and rustic                                 | Dry  | Green |
|--|------|-------|
| 1" x 4" patterns 120 and 122.....                      | M'BM | 1,100 |
| 1" x 6" patterns 103 and 104.....                      |      | 1,300 |
| 1" x 6" patterns 105, 106 and rustic.....              |      | 1,400 |
| 1" x 6" patterns 115 and 117.....                      |      | 1,200 |
| 1" x 6" pattern 116.....                               |      | 1,500 |
| 1" x 8" and 10" add 100 lbs. to above 1" x 6" weights. |      |       |

| Flooring and ceiling   | Dry  | Green |
|------------------------|------|-------|
| 3 3/4" x 3" or 4"..... | M'BM | 600   |
| 1 1/2" x 3" or 4"..... |      | 700   |
| 5/8" x 3" or 4".....   |      | 1,000 |
| 1" x 3" to 6".....     |      | 1,500 |
| 1" x 8".....           |      | 1,600 |

| Finish                              | Dry   | Green |
|-------------------------------------|-------|-------|
| 1 1/2" finish S2S or S4S 7/16"..... | M'BM  | M'BM  |
| 5/8" finish S2S or S4S 3/16".....   | 800   | 2,400 |
| 1" finish S2S or S4S 1/4".....      | 1,100 | 3,000 |
| 1" rough.....                       | 1,700 | 2,400 |
|                                     | 2,100 | 3,000 |

| Thick clears and tank stock                   | Dry   | Green |
|---|-------|-------|
| 5/4" to 8/4" S2S or S4S.....                  | M'BM  | M'BM  |
| 5/4" to 8/4" rough.....                       | 1,800 | 2,400 |
| 2 1/2" and 3" x 4" and wider S2S or S4S.....  | 2,300 | 3,000 |
| 2 1/2" and 3" x 4" and wider rough.....       | 2,800 | 3,000 |
| 4" and thicker x 5" and wider S2S or S4S..... | 2,200 | 2,600 |
| 4" and thicker x 5" and wider rough.....      | 2,800 | 3,000 |

| Shop and box                     | Dry   | Green |
|----------------------------------|-------|-------|
| 4/4" rough.....                  | M'BM  | M'BM  |
| 4/4" S2S or S4S.....             | 2,100 | 3,000 |
| 5/4" and thicker S2S or S4S..... | 1,700 | 2,400 |
| 5/4" and thicker rough.....      | 1,800 | 2,400 |
|                                  | 2,300 | 3,000 |

| Gutter              | Dry   | Green |
|---------------------|-------|-------|
| 3" and thicker..... | M'BM  | M'BM  |
|                     | 1,350 | 1,600 |

Downspouts, dry:

|                                     |                       |
|-------------------------------------|-----------------------|
| 2 1/2" x 2 1/2".....                | 70 per 100 lin. feet  |
| 3 1/2" x 3 1/2".....                | 100 per 100 lin. feet |
| 3 3/4" x 3 3/4" with 3" spline..... | 125 per 100 lin. feet |
| 3 3/4" x 3 3/4" with 4" spline..... | 200 per 100 lin. feet |

| Pickets                     | Dry            | Green |
|-----------------------------|----------------|-------|
| 1" x 2"-3".....             | 800 M pieces   |       |
| 1" x 2"-4".....             | 1,100 M pieces |       |
| 1" x 3"-3".....             | 1,200 M pieces |       |
| 1" x 3"-3 1/2".....         | 1,400 M pieces |       |
| 1" x 3"-4".....             | 1,600 M pieces |       |
| 1" x 3"-5".....             | 2,000 M pieces |       |
| 1" x 3"-6".....             | 2,400 M pieces |       |
| 1" x 4"-3".....             | 1,600 M pieces |       |
| 1" x 4"-3 1/2".....         | 1,850 M pieces |       |
| 1" x 4"-4".....             | 2,150 M pieces |       |
| 1" x 4"-5".....             | 2,700 M pieces |       |
| 1" x 4"-6".....             | 3,200 M pieces |       |
| 1 1/4" x 1 1/4"-3".....     | 800 M pieces   |       |
| 1 1/4" x 1 1/4"-3 1/2"..... | 900 M pieces   |       |
| 1 1/4" x 1 1/4"-4".....     | 1,000 M pieces |       |
| 1 1/4" x 1 1/4"-3".....     | 1,100 M pieces |       |
| 1 1/2" x 1 1/2"-3 1/2"..... | 1,300 M pieces |       |
| 1 3/4" x 1 1/2"-4".....     | 1,500 M pieces |       |

| Battens          | Dry                 | Green |
|------------------|---------------------|-------|
| 3" flat.....     | 15 per 100 lin. ft. |       |
| 2" O. G.....     | 18 per 100 lin. ft. |       |
| 2 1/2" O. G..... | 20 per 100 lin. ft. |       |

ARTICLE VI—TABLES OF PERMITTED ESTIMATED WEIGHTS—continued

| Lath and shingle band strips | Dry               | Green         |
|------------------------------|-------------------|---------------|
| 3/4" x 1 1/2"—4'             | 400 M pieces..... |               |
| 3/4" x 1 5/8"—4'             | 450 M pieces..... |               |
| 3/4" x 1 1/2"—10 1/2'        |                   | 500 M pieces. |

| Lattice                                 | Dry                    | Green |
|---|------------------------|-------|
| 5/8" x 1 1/4".....                      | 6 per 100 lin. ft..... |       |
| 5/8" x 1 3/8".....                      | 8 per 100 lin. ft..... |       |
| 5/8" x 1 1/2".....                      | 9 per 100 lin. ft..... |       |
| For S4S 5/8", use same weights as 5/8". |                        |       |

Casing, base and jambs:  
1 x 4" thicker and wider same weight as finish of same size.

| Log siding                          | Dry lb.       | Green lb.     |
|-------------------------------------|---------------|---------------|
| 2" and thicker by 6" and wider..... | M/BM<br>1,800 | M/BM<br>2,100 |

| Boards and sheathing                    | Dry   | Green |
|---|-------|-------|
| 1" x 2" and wider S2S or S4S.....       | 1,800 | 2,200 |
| 1" x 4" and wider D & M or shiplap..... | 1,700 | 2,100 |
| 1" rough.....                           | 2,100 | 3,000 |

Knotty cedar paneling: Same weights as boards and sheathing.

| Dimension, planks, timbers                 | Dry   | Green |
|--|-------|-------|
| 2" x 2" and wider rough.....               | 2,700 | 3,000 |
| 3" x 3" and wider rough.....               | 2,800 | 3,000 |
| 4" x 4" and wider rough.....               | 2,800 | 3,000 |
| 2" x 2" to 2" x 4" S4S.....                | 1,900 | 2,300 |
| 2" x 6" to 2" x 12" S4S.....               | 2,000 | 2,400 |
| 5" and thicker by all widths rough.....    | 2,800 | 3,000 |
| 5" and thicker by all widths surfaced..... | 2,000 | 2,400 |
| For S4S 3/4" off, add.....                 | 200   | 200   |

| Capping and trunking         | Dry | Green |
|------------------------------|-----|-------|
| Capping:                     |     |       |
| 1 x 4 and 1 x 6".....        |     | 2,400 |
| 2 x 4 and 2 x 6".....        |     | 2,500 |
| 5/4 and 6/4 x 4" and 6"..... |     | 2,500 |
| Trunking:                    |     |       |
| 2 x 4".....                  |     | 2,500 |
| 3 x 4 and 3 x 6".....        |     | 2,600 |

When surfacing is specified other than standard or where weights are not provided in this list, weight is to be computed by applying the following weights and deducting the equivalent to the percentage of difference between the rough and surfaced or fractional rough size, breaking on the next greater 50 pounds:

|  | Pounds |
|--|--------|
| Cedar, rough green clear.....                  | 3,000  |
| Cedar, rough dry clear 1".....                 | 2,100  |
| Cedar, rough dry clear 5/8" to 3/4".....       | 2,300  |
| Cedar, rough dry clear 2 3/4" and thicker..... | 2,800  |
| Cedar, rough green common.....                 | 3,000  |
| Cedar, rough dry common 1".....                | 2,100  |
| Cedar, rough dry common 2".....                | 2,700  |
| Cedar, rough dry common 3" and thicker.....    | 2,800  |

This amendment shall become effective May 25, 1944.

(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 20th day of May 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-7274; Filed, May 20, 1944; 4:02 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 3, Amdt. 18]

SUGAR

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Revised Ration Order 3 is amended in the following respect:

1. Section 1407.168 (d) is amended by inserting between the words "liquid sugar" and "or soft sugar" the words "confectioners' sugar (powdered)".

This amendment shall become effective May 24, 1944.

(Pub. Law 421, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965; War Food Order No 56, 8 F.R. 2005; War Food Order No. 64, 8 F.R. 7093)

Issued this 20th day of May 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-7275; Filed, May 20, 1944; 4:02 p. m.]

PART 1300—PROCEDURE

[Rev. Procedural Reg. 4, Amdt. 1.]

ISSUANCE OF RATIONING SUSPENSION ORDERS

Revised Procedural Regulation No. 4 is amended in the following respects:

1. Section 2.2 is amended to read as follows:

SEC. 2.2 *Notice of hearing.* (a) A notice of any hearing to be held pursuant to this regulation shall be issued by the District Enforcement Attorney. It shall set forth the time and place of hearing, a clear statement of the charges against the respondent with a reference to the particular section of the regulation or order involved or alleged to have been violated, and a statement of the purpose or purposes for which the hearing is to be held. The notice shall also state that a suspension order may be entered by default in case of failure to appear at the hearing.

(b) A copy of Revised Procedural Regulation No. 4 shall be attached to the notice of hearing served upon any respondent.

2. Section 2.7 (a) is amended to read as follows:

(a) If a respondent fails to appear at a hearing the charges set forth in the notice of hearing may be deemed to be admitted by default, and a hearing need not be held. The District Enforcement Attorney shall, however, present evidence relevant to the determination of the effective period of any suspension order.

3. Section 2.10 is amended to read as follows:

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

<sup>1</sup> 9 F.R. 1433, 1534, 2233, 2826, 3031, 3513, 3579, 3847, 3944, 4350, 4474, 4880.

<sup>2</sup> Issued 3-6-44, 9 F.R. 2558.

SEC. 2.10 *Contemptuous conduct.* Contemptuous conduct at any hearing shall be ground for exclusion from the hearing.

4. Section 3.1 (a) is amended to read as follows:

(a) If the Hearing Commissioner determines that a respondent has violated a rationing regulation or order, or that he has sold or transferred or offered or attempted to sell or transfer, or in the course of trade or business has bought or received or offered or attempted to buy or receive any rationed commodity at a price in excess of the applicable maximum price established for the commodity by the Office of Price Administration, he may issue a suspension order.

5. Section 6.3 (e) is amended to read as follows:

(e) "Suspension order" means an order of allocation which regulates or suspends for a period the acquisition, sale, transfer, delivery or other disposition or use of rationed commodities or facilities, issued against a person who has acted in violation of a ration order or regulation, or who has sold or transferred or offered or attempted to sell or transfer, or in the course of trade or business has bought or received or offered or attempted to buy or receive, any rationed commodity at a price in excess of the applicable maximum price established for that commodity by the Office of Price Administration.

This amendment shall become effective May 27, 1944.

(Pub. Law 421, 77th Cong.; Sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; WPB Dir. No. 1, 7 F.R. 562, as supplemented; Food Dir. No. 3, 8 F.R. 2005; Food Dir. No. 5, 8 F.R. 2251; Food Dir. No. 6, 8 F.R. 3471, and Food Dir. No. 7, 8 F.R. 3471)

Issued this 22d day of May 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-7305; Filed, May 22, 1944; 11:49 a. m.]

PART 1305—ADMINISTRATION

[Gen. RO 3, Amdt. 6]

RATION BANKING: BANKS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

General Ration Order No. 3 is amended in the following respects:

1. Section 1305.411 (c) (3) is amended to read as follows:

(3) Each participating bank shall receive five (5) cents for each deposit made, plus two (2) cents for each box of tokens included in the deposit, plus

<sup>1</sup> 8 F.R. 865, 2858, 4627, 9456, 12611, 9 F.R. 2212.



one (1) cent for each other item included in the deposit.

2. Section 1305.411 (c) (7) is amended to read as follows:

(7) Each participating bank shall receive five (5) cents for each ration check it properly issues against its Processed Foods or Ration Order 16 Food Ration bank account.

3. Section 1305.411 (c) (8) is redesignated (11) and a new (8) is added to read as follows:

(8) Each participating bank shall receive two (2) cents for each box of tokens received from non-depositors.

4. Section 1305.411 (c) (9) is redesignated (13) and a new (9) is added to read as follows:

(9) Each participating bank shall receive one-half (1/2) cent for each box of tokens disbursed by it in exchange for valid ration evidences.

5. Section 1305.411 (c) (10) is redesignated (14) and a new (10) is added to read as follows:

(10) Each participating bank shall receive one (1) cent for each item properly received in exchange for a box of tokens.

6. Subdivision (iv) of the newly designated § 1305.411 (c) (11) is amended to read as follows:

(iv) Each separate evidence shall be deemed to be a separate item, except that, in the case of coupons or stamps or tokens required by the Office of Price Administration to be affixed to a card or sheet or to be enclosed in a sealed envelope or to be put in containers, each card or sheet bearing or each sealed envelope containing or each container holding, stamps or coupons or tokens shall be deemed one item. A deposit slip shall not be deemed an item.

7. Section 1305.411 (c) (12) is added to read as follows:

(12) The payments provided by this paragraph (c) shall be effective as of February 17, 1944.

This amendment shall become effective May 22, 1944.

(Pub. Laws 421, 507, and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; WPB Dir. 1, 7 F.R. 562)

Issued this 22d day of May 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-7306; Filed, May 22, 1944; 11:40 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS  
[RMPR 289; Amdt. 1]

DAIRY PRODUCTS; CHEESE

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

Revised Maximum Price Regulation 289 is amended in the following respects:

No. 102---5

1. Section 1 (i) is added to read as follows:

(i) Limburger, Brick and Munster cheese.

2. Section 27 is added to read as follows:

Sec. 27. Maximum prices for Limburger, Brick and Munster cheese. (a) Sales by cheese factories or cheese mak-

ers, assemblers, primary wholesalers and service wholesalers.

(1) In Wisconsin. (i) The maximum prices for the sale of Limburger, Brick and Munster cheese conforming with the standards prescribed in paragraph (c) (8) (i), (ii) and (iii) respectively of this section, and delivered at any place in Wisconsin shall be the appropriate price set forth in Table A below:

TABLE A  
[In cents per pound]

| Sales and deliveries by  | Limburger in "factory wrapped packages." See paragraph (b) (2) |         | Brick  | Munster |
|--|--|---------|--------|---------|
|  | 1 lb. and 2 lbs.   | 1/2 lb. |        |         |
| Cheese factories or cheese makers (see par. (c) (7) (ii))..... | 26   | 26 3/4  | 26 1/4 | 26 1/4  |
| Assemblers (see par. (b) (1)).....                             | 27 1/2   | 28 1/4  | 27     | 27      |
| Primary wholesalers.....                                       | 28 1/2   | 29 1/4  | 27 3/4 | 28      |
| Service wholesalers.....                                       | 32 1/2   | 33 1/4  | 30 3/4 | 31      |

(ii) The maximum prices for the sale of Limburger, Brick and Munster cheese containing either more moisture or less milk fat, or more moisture and less milk fat than prescribed in paragraph (c)

(8) (i), (ii) and (iii) respectively of this section, and delivered at any place in Wisconsin shall be the appropriate price set forth in Table B below and shall become effective 90 days after May 27, 1944.

TABLE B  
[In cents per pound]

| Sales and deliveries by--                                      | Limburger in "factory wrapped packages." See paragraph (v) (2) |         | Brick  | Munster |
|--|--|---------|--------|---------|
|  | 1 lb. and 2 lbs.   | 1/2 lb. |        |         |
| Cheese factories or cheese makers (see par. (c) (7) (ii))..... | 12   | 12 3/4  | 12     | 12      |
| Assemblers (see par. (b) (1)).....                             | 13 1/2   | 14 1/4  | 12 3/4 | 12 3/4  |
| Primary wholesalers.....                                       | 14 1/2   | 15      | 13 1/4 | 13 1/2  |
| Service wholesalers.....                                       | 16 1/4   | 17      | 14 3/4 | 15      |

(2) Outside Wisconsin. The maximum price for the sale of cheese delivered at any place outside of Wisconsin, shall be the appropriate price set forth in Table A or B above plus the lowest published railroad carlot freight rate per pound gross weight from the applicable point named below to the place of delivery multiplied by 1.15:

From Monroe, Wisconsin for Limburger  
From Plymouth, Wisconsin for Brick and Munster.

In calculating the transportation charge the 3% transportation tax imposed by section 620 of the Revenue Act of 1942 shall be included.

(b) General provisions—(1) Transportation charges; cheese factory to assembler. (i) In addition to the maximum prices established in paragraph (a), a cheese assembler may compensate any cheese factory, cheese maker, or other person who hauls cheese from the cheese factory to the assembler's warehouse for such hauling services. The maximum price which may be paid by a cheese assembler or charged by a cheese factory or hauler or other carrier for this service may not exceed the appropriate price set

forth in Table C below. This price must be based on the actual distance from the cheese factory to the assembler's warehouse. The distance between the cheese factory and the assembler's warehouse shall be computed via the shortest publicly traveled route.

TABLE C

| Miles (one way), not over-- | Cents per 100 lbs. net weight | Miles (one way), not over-- | Cents per 100 lbs. net weight |
|-----------------------------|-------------------------------|-----------------------------|-------------------------------|
| 5.....                      | 17                            | 120.....                    | 46                            |
| 10.....                     | 18                            | 130.....                    | 47                            |
| 15.....                     | 20                            | 140.....                    | 49                            |
| 20.....                     | 21                            | 150.....                    | 51                            |
| 25.....                     | 23                            | 160.....                    | 53                            |
| 30.....                     | 24                            | 170.....                    | 55                            |
| 35.....                     | 26                            | 180.....                    | 56                            |
| 40.....                     | 27                            | 190.....                    | 58                            |
| 45.....                     | 29                            | 200.....                    | 60                            |
| 50.....                     | 30                            | 210.....                    | 62                            |
| 55.....                     | 31                            | 220.....                    | 63                            |
| 60.....                     | 32                            | 230.....                    | 65                            |
| 65.....                     | 34                            | 240.....                    | 66                            |
| 70.....                     | 35                            | 250.....                    | 68                            |
| 75.....                     | 36                            | 260.....                    | 69                            |
| 80.....                     | 37                            | 270.....                    | 71                            |
| 85.....                     | 38                            | 280.....                    | 72                            |
| 90.....                     | 40                            | 290.....                    | 74                            |
| 100.....                    | 42                            | Over 290.....               | 75                            |
| 110.....                    | 44                            |                             |                               |

(ii) Except that if the hauling service is performed by a common or a contract carrier, the maximum price for such hauling service shall be the appropriate published rate of such carrier.

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

19 F.R. 2135, 2289, 3649, 3072, 3947, 4440.

(iii) An assembler who, either with his own truck or by other means, performs the hauling service from the factory to the assembling warehouse, may not pay the allowable hauling charge or any portion thereof to any person not actually performing the service; and no person, including factory, cheese maker, trustee, or any agent thereof, may charge or accept any payment for such service which is in fact performed by the assembler or his agent.

(2) *Special wrapping of Limburger cheese.* When a "factory wrapped package" of Limburger cheese is further wrapped with a special outside wrapper, marked with the net weight of the cheese, the person performing the special outside wrapping service may increase his established maximum price by  $\frac{1}{2}$  cent for each  $\frac{1}{2}$  lb. package and 1 cent for each 1 pound and 2 pound package; *Provided, however,* Only one special wrapping charge may be added to the basic maximum prices set forth in Table A and Table B of paragraph (a).

*Example:* If a one pound package of cheese is specially wrapped at the cheese factory the maximum price in Table A at the cheese factory shall be increased from 26¢ to 27¢ and the respective maximum prices on one pound packages for assemblers, primary wholesalers and service wholesalers shall likewise be increased one cent; or if the pound package is specially wrapped by a primary wholesaler, his maximum price shall be increased from 28 $\frac{1}{2}$  cents to 29 $\frac{1}{2}$  cents and the maximum price for service wholesalers shall likewise be increased one cent, but the maximum prices for cheese factories and assemblers shall not be increased.

(3) *Allowances and fees.* (i) The maximum prices established in paragraph (a) shall not be increased by brokerage fees, commissions or other charges not specifically authorized by this paragraph (b).

(ii) When a person described in paragraph (a) employs a person in the brokerage of cheese, the provisions of Maximum Price Regulation 165<sup>2</sup> shall apply. The fee established by that regulation shall be paid without increasing any of the maximum prices established in paragraph (a).

(4) *Calculations.* All calculations of any transportation rate or charge and of any maximum price established by this section shall be made on a cents per pound basis and shall be carried to the second decimal point. The price per pound (carried to the second decimal point) shall be multiplied by the number of pounds sold and the total price then adjusted to the nearest cent, or the next higher cent where the total price ends with a decimal of \$.0050.

(5) *Maximum prices for sales at retail by factories, assemblers and wholesalers.*

(i) The maximum price for the sale at retail of any cheese delivered at any place by a cheese factory, cheese maker, assembler, primary wholesaler or service

wholesaler, shall be the appropriate maximum price established in that place for a sale by a cheese factory plus 27 percent.

(ii) No sale to any person of a quantity in excess of 12 pounds by a cheese factory or cheese maker, or in excess of 5 pounds by other sellers shall be considered a sale at retail.

(6) *Maximum prices in places not on railroad line or siding.* The maximum price for the sale of any cheese delivered in a place not on a railroad line or siding shall be the maximum price for a similar sale of that cheese in the nearest place that is located on a railroad line or siding. *Provided, however,* Where the latter place is more than 50 miles from the place of delivery, transportation costs from that place to the place of delivery, not to exceed the lowest common carrier rate where one exists may be added.

(7) *Maximum prices for sales not already provided for.* The maximum price for the sale or delivery in any place of any cheese described in this section for which a maximum price is not established by this section shall be the maximum price established for "Sales by cheese factories" of that particular cheese in that place by paragraph (a) of this section except that where the requirements of paragraph (c) (1) of this section are satisfied, the appropriate price established for assemblers shall be the maximum price.

(8) *Special provisions for records and reports.* The provisions of section 5 shall apply to all sales of cheese as described in this section other than those by a cheese factory or cheese maker to an assembler. However, for all such latter sales the cheese factory or cheese maker shall preserve for inspection by the Office of Price Administration for so long as the Emergency Price Control Act, as amended, remains in effect, remittance statements furnished to the cheese factory or cheese maker by the assembler.

(c) *Definitions*—(1) "Assembler" means a person who accumulates cheese and grades it in accordance with legal requirements, or, in the absence of such requirements, in accordance with customary industry practices; stores it in a refrigerated space; paraffins (if not already paraffined) or otherwise prepares it for shipment, weighs, packs and customarily ships it.

(i) No person shall be entitled to charge the maximum prices established for "assemblers" unless he performs all of the above described functions.

(ii) The prices established for "assemblers" shall include transportation costs, if any, from the cheese factory or cheese maker to the assembling warehouse, whether the assembling warehouse is located inside or outside the State of Wisconsin.

(2) "Delivered at any place." The phrase, "delivered at any place" comprehends all sales whether made on the basis of actual delivery to the point of shipping destination or on the basis of f. o. b. shipping point or some other point. Sales f. o. b. any point shall be considered "delivered" at that point.

(3) "Factory wrapped packages" means pieces of partially cured Limburger cheese which have been wrapped at the cheese factory with parchment, Manila paper and lead-tin foil or otherwise according to customary trade practice.

(4) "Place" means any city, town, village or hamlet within the United States.

(5) "Primary wholesaler" means a person who sells to a wholesaler or to a retailer distributing warehouse, or who sells to, and makes delivery of cheese in large lots (as stated below) to the physical premises of, an individual retail store or individual commercial, industrial, institutional or federal or non-federal governmental users:

Limburger, in lots of more than 15 pounds.  
Brick, in lots of more than 20 pounds.  
Munster, in lots of more than 20 pounds.

(No assembler, however, shall be considered a primary wholesaler as to any cheese sold to a processor for processing.)

(i) The physical premises of an individual retail store means the place where the cheeses described in this section are sold to ultimate household users. The physical premises of individual commercial, industrial, institutional or federal or non-federal governmental users means the place where such cheeses are consumed by such users.

(6) "Retailer distributing warehouse" means a place where cheese is received and held for disposition to retail stores. Chain store warehouses and retailer owned cooperative warehouses are included in the meaning of "retailer distributing warehouse."

(7) "Service wholesaler" means a person who sells to, and makes delivery of cheese in small lots (as stated below) to the physical premises of, an individual retail store or individual commercial, industrial, institutional or federal or non-federal governmental users:

Limburger, in lots of 15 pounds or less.  
Brick, in lots of 20 pounds or less.  
Munster, in lots of 20 pounds or less.

(i) No person shall be deemed a "service wholesaler" unless he owns or maintains a warehouse in the marketing area in which the physical premises of the above described purchasers are located. The physical premises of an individual retail store means the place where the cheeses described in this section are sold to ultimate household users. The physical premises of an individual commercial, industrial, institutional, or federal or non-federal governmental users means the place where such cheeses are consumed by such users.

(ii) The maximum prices established for "service wholesalers" shall not apply to any sale by a cheese factory or cheese maker or association of cheese factories or cheese makers to any purchaser described in this subparagraph (7) whose physical premises are located

(a) At a point on or east of the 99th meridian and more than 50 miles from the place where the cheese factory is located, or

(b) At a point west of the 99th meridian and more than 100 miles from the place where the cheese factory is located,

<sup>2</sup> 7 F.R. 165, 4734, 5028, 5567, 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10619, 10718, 11010; 8 F.R. 1060, 3324, 4782, 5681, 5755, 5933, 6364, 8506, 8873, 10671, 10939, 11754, 12023, 12710, 13302, 13472, 14990; 9 F.R. 1819.

where the sale or delivery is made by, through, or with the assistance of any agent, commission salesman, or trucking or hauling agent or contractor. For any such sales, the maximum price shall not exceed the appropriate maximum price in that place for a sale by a cheese factory or cheese maker for the particular type of cheese as established in paragraph (a) of this section, plus the total of the exact sums paid by the cheese factory, cheese maker or association, to the agent, commission salesman and trucking or hauling agent or contractor for making the sale to the purchaser, and for performing "local transportation services". *Provided, however,* That in no case may the maximum price exceed the appropriate maximum price established in paragraph (a) for "primary wholesalers", or, in the event the cheese factory, cheese maker or association owns or maintains a warehouse in the marketing area and sales and deliveries are made in small lots as prescribed in this subparagraph (7), in no case may the maximum price exceed the appropriate maximum price established in paragraph (a) for "service wholesalers". "Local transportation services" means and is limited to, the actual distance traversed from the railroad siding in, or point of entrance to, the city, town, village, or hamlet in which the physical premises of the purchaser are located, to such physical premises.

(8) The maximum prices in Table A of paragraph (a) are for cheeses covered by the definitions set forth below which definitions are for the purpose of establishing standards of identity for specific pricing; *Provided, however,* The prescribed moisture and milk fat standards shall become effective 90 days after May 27, 1944.

(i) *Limburger cheese.* The food product commonly known as Limburger cheese, a soft smear ripened cheese with a strong and characteristic odor and taste, is prepared from cow's milk by the following process:

Milk may or may not be pasteurized. It may be standardized to adjust the fat content by removing a portion of the fat, by the adding of skim milk, or by adding cream. The milk is warmed, when necessary, and subjected to the action of harmless lactic acid forming bacteria present in such milk or which may be added. Sufficient rennet is then added to cause setting to a semi-solid mass. The mass is so cut, stirred, and heated as to promote separation of whey and curd. The final cooking temperature is about 98° F. When the curd is sufficiently firm about one-half of the whey is removed. The curd and whey remaining in the vat is stirred and immediately dipped into forms or molds. (Another method requires draining practically all of the whey and the addition of salt brine to the curd in the vat before dipping.) The forms containing the cheese are usually turned at regular intervals during the first day, and a slight pressure may or may not be applied to the cheese. The cheeses may or may not be cut before being placed on a salting table where they are rubbed with dry salt two or three times during the first 48 hours.

The cheeses are then placed in a curing room at a temperature of about 60° F. having a relative humidity of about 95 percent. To develop and control the proper rind smear each cheese is washed in a weak brine solution about every other day until proper color and smear are obtained, which usually requires about 12 days. The cheese is wrapped in parchment, wax and foil, and placed in a cold room for further curing or until shipped. The cheese contains not more than 48 percent of moisture and its solids contain not less than 50 percent of milk fat.

(ii) *Brick cheese.* The food product commonly known as Brick cheese is prepared from cow's milk by the following process:

Milk may or may not be pasteurized. It may be standardized to adjust the fat content by removing a portion of the fat, by adding skim milk, or by adding cream. The milk is warmed, when necessary, and subjected to the action of harmless lactic acid forming bacteria which may be present in the milk or which may be added. Sufficient rennet or other suitable coagulant is added to cause setting to a semi-solid mass. This mass is so cut, stirred, and heated as to promote separation of the whey and curd. The final cooking temperature is about 108° F. When the curd is sufficiently firm about one-half of the whey is removed. The whey and curd remaining in the vat is again stirred and immediately dipped into forms or molds. (Another method requires draining practically all of the whey and the addition of salt brine to the curd in the vat before dipping.) The forms containing the cheese are then turned at regular intervals during the first day and a slight pressure may or may not be applied to the cheese. The cheeses are then salted. They may be dry salted or immersed in brine. They are then placed on shelves in a curing room having a temperature of about 65° F. and a relative humidity of about 85 percent. The cheeses are then washed frequently in a weak brine solution over a period of about 12 days. The cheeses are usually paraffined or waxed, wrapped in parchment or suitable moisture resistant wrapper and then with an overwrap of suitable paper and packed in boxes for further holding or for shipment. The cheese contains not more than 43 percent of moisture and its solids contain not less than 50 percent of milk fat.

The term Brick cheese includes a pasteurized cured Brick cheese made by approximately the same process, including, but not limited to Beer Kaese cheese and cheese sold under such names as Bier Kase, Lager Kase, Baummeister, Milltown Bar and Beer Cheese, which cheese contains not more than 43 percent of moisture and its solids contain not less than 50 percent of milk fat.

(iii) *Munster cheese.* The food product commonly known as Munster cheese, also known as Muenster cheese is prepared from cow's milk by the following process:

Milk may or may not be pasteurized. It may be standardized to adjust the fat content by removing a portion of the

fat, by adding skim milk, or by adding cream. The milk may be warmed, when necessary, and subjected to the action of harmless lactic acid forming bacteria which may be present in the milk or which may be added. Sufficient rennet is added to cause setting to a semi-solid mass. The mass is cut into small cubes and stirred gently for a few minutes and then allowed to settle. The final cooking temperature is usually higher than the setting temperature. When the curd is sufficiently firm and there is a slight development of acid the whey is removed and the curd is dipped into perforated round or oblong hoops or forms.

The forms containing the cheese are turned several times at regular intervals during the first day. It is then taken out of the hoop and rubbed with dry salt about 3 days in succession, or it can be brine salted. The cheese is then transferred to the ripening cellar which should have a uniform temperature of about 55° F. and a relative humidity of about 75 percent. During the ripening period the cheese is usually kept on shelves and turned about twice a week. The rind of the cheese is usually colored by dipping in a vegetable coloring matter or by applying the color to the surface of the cheese. It is then wrapped in parchment or moisture resistant material and packed in boxes. The cheese contains not more than 44 percent of moisture and its solids contain not less than 50 percent of milk fat.

(d) Reference to other maximum price regulations governing sales of cheese:

(1) Sales at retail shall be priced under the provisions of Maximum Price Regulation Nos. 422<sup>3</sup> and 423.<sup>4</sup>

This amendment shall become effective May 27, 1944, except as provided in paragraphs (a) (1) (ii) and (c) (8).

(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 22d day of May 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-7307; Filed, May 22, 1944;  
11:39 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 289<sup>1</sup>, Amdt. 2]

DAIRY PRODUCTS; CHEESE

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

Revised Maximum Price Regulation 289 is amended in the following respects:

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

<sup>1</sup> 9 F.R. 2135, 2289, 3649, 3072, 3947, 4440.

<sup>2</sup> 8 F.R. 9395, 10569, 10987, 12243, 12611, 13294, 14853, 15251, 15586, 15607, 17369, 17370; 9 F.R. 95, 3510, 3648, 4017, 4214, 4434.

<sup>3</sup> 8 F.R. 9407, 10570, 10988, 12443, 12611, 13294, 14854, 15587, 15608, 16031, 17371; 9 F.R. 95, 3510, 3648, 4017, 4217, 4434.

Section 1 (j) is added to read as follows:

(j) Colby cheese, washed curd cheese, soaked curd cheese, and skim milk cheese.

Section 28 is added to read as follows:

SEC. 28. *Maximum prices for Colby cheese, washed curd cheese, soaked curd cheese, and skim milk cheese—(a) Sales by manufacturers and assemblers—(1) Sales by a cheese factory or cheese maker—(i) In Wisconsin.* The maximum price for the sale of Colby cheese, washed curd cheese, soaked curd cheese and skim milk cheese by a cheese factory or cheese maker delivered at any place in Wisconsin shall be the appropriate price set forth in Table A below:

TABLE A

[In cents per pound]

| Styles and approximate weight (in pounds)       | Colby cheese | Washed or soaked curd cheese | Skim milk cheese |
|---|--------------|------------------------------|------------------|
| Cheddars, twins and larger, 70 or more.....     | 26½          | 25¼                          | 12               |
| Flats, 35.....                                  | 26¾          | 26                           | 12½              |
| Double Daisies, 44.....                         | 27           | 26½                          | 12½              |
| Triple Daisies, 60.....                         | 27½          | 26¾                          | 12¾              |
| Single Daisies, 22.....                         | 27½          | 26¾                          | 13               |
| Longhorns, 12.....                              | 27½          | 26¾                          | 13               |
| Young Americas, 12.....                         | 27½          | 26¾                          | 13               |
| Picnics and Midgets, 12.....                    | 27¾          | 27                           | 13½              |
| Square Prints, 10.....                          | 27¾          | 27                           | 13½              |
| Natural Loaf and Smaller Styles, 5 or less..... | 27¾          | 27                           | 13½              |

(ii) *Outside Wisconsin.* The maximum price for the sale of cheese described in this section by a cheese factory or cheese maker delivered at any place outside Wisconsin shall be the appropriate price set forth in Table A above plus a "transportation factor".

(iii) The prices in the preceding subdivisions (i) and (ii) are prices for unparaffined, ungraded, bulk cheese as described in this section packed in boxes customarily employed for the particular styles listed in Table A.

(iv) *Marking of date and place of manufacture.* On and after May 27, 1944 every person engaged in the manufacture of cheese shall mark plainly and conspicuously on the side of such cheese before it leaves the cheese factory, with dark colored vegetable ink, the name of the state in which the cheese has been manufactured and the day, month, and year of manufacture.

(2) *Transportation charges; cheese factory to assembler.* (i) In addition to the maximum prices established in subparagraph (1) of this paragraph, a cheese assembler may compensate any cheese factory, cheese maker, or other person who hauls cheese from the cheese factory to the assembler's warehouse for such hauling services. The maximum price which may be paid by a cheese assembler or charged by a cheese factory or hauler or other carrier for this service may not exceed the appropriate price set forth in Table B below. This price must be based on the actual distance from the cheese factory to the assembler's warehouse. The distance between the cheese factory and the assembler's warehouse shall be computed via the nearest publicly traveled route.

TABLE B

| Miles (one way), not over— | Cents per 100 lbs. net weight | Miles (one way), not over— | Cents per 100 lbs. net weight |
|----------------------------|-------------------------------|----------------------------|-------------------------------|
| 5.....                     | 17                            | 120.....                   | 46                            |
| 10.....                    | 18                            | 130.....                   | 47                            |
| 15.....                    | 20                            | 140.....                   | 49                            |
| 20.....                    | 21                            | 150.....                   | 51                            |
| 25.....                    | 23                            | 160.....                   | 53                            |
| 30.....                    | 24                            | 170.....                   | 55                            |
| 35.....                    | 26                            | 180.....                   | 56                            |
| 40.....                    | 27                            | 190.....                   | 58                            |
| 45.....                    | 29                            | 200.....                   | 62                            |
| 50.....                    | 30                            | 210.....                   | 63                            |
| 55.....                    | 31                            | 220.....                   | 65                            |
| 60.....                    | 32                            | 230.....                   | 66                            |
| 65.....                    | 34                            | 240.....                   | 68                            |
| 70.....                    | 35                            | 250.....                   | 69                            |
| 75.....                    | 36                            | 260.....                   | 71                            |
| 80.....                    | 37                            | 270.....                   | 72                            |
| 85.....                    | 38                            | 280.....                   | 74                            |
| 90.....                    | 40                            | 290.....                   | 74                            |
| 100.....                   | 42                            | Over 290.....              | 75                            |
| 110.....                   | 44                            |                            |                               |

(ii) *Provided,* That if the hauling service is performed by a common or a contract carrier, the maximum price for such hauling service shall be the appropriate published rate of such carrier.

(iii) An assembler who, either with his own truck or by other means, performs the hauling service from the factory to the assembling warehouse, may not pay the allowable hauling charge or any portion thereof to any person not actually performing the service; and no person, including factory, cheese maker, trustee, or any agent thereof, may charge or accept any payment for such service which is in fact performed by the assembler or his agent.

(3) *Assembling costs.* (i) Whenever assembling operations are performed by an assembler, ¾ cents per pound may be added to the maximum prices established in subparagraph (1) of this paragraph for each pound of cheese so assembled.

(ii) For the purpose of this paragraph, no person shall be entitled to the additional assembling allowance unless he performs all of the following functions; accumulates cheese; grades it in accordance with legal requirements, or, in the absence of such requirements, in accordance with customary industry practices; paraffins (if not already paraffined) or otherwise prepares it for shipment, weighs it; stores it in a refrigerated space; and customarily ships it. For the purpose of this subparagraph paraffining means a covering of all surfaces of the cheese by dipping in paraffin having a temperature of not less than 240° Fahrenheit. The cheese, before paraffining, must have dry, clean surfaces free of mold and be not less than 3 days old at the time of dipping.

(iii) This assembly allowance shall include transportation costs, if any, from the cheese factory to the assembling warehouse, whether the assembling warehouse is located inside or outside the State of Wisconsin.

(b) *Sales by wholesalers—(1) Sales by a "primary wholesaler"—(i) Definition.* A "primary wholesaler" is a person who sells to a wholesaler or to a retailer distributing warehouse. (No assembler, however, shall be considered a primary wholesaler as to any cheese sold to a processor for processing.)

(ii) *In Wisconsin.* The maximum price for the sale of any "cheese item" by a "primary wholesaler" delivered at

any place in Wisconsin shall be the appropriate price set forth in Table C below:

TABLE C

[In cents per pound]

| Styles (see table A for weights)                                   | Colby cheese | Washed or soaked curd cheese | Skim milk cheese |
|--|--------------|------------------------------|------------------|
| Cheddars, Twins and larger.....                                    | 27.79        | 27.03                        | 13.00            |
| Flats.....   | 28.05        | 27.28                        | 13.26            |
| Double and Triple Daisies.....                                     | 28.30        | 27.54                        | 13.51            |
| Single Daisies, Longhorns, and Young Americas.....                 | 28.81        | 28.05                        | 14.02            |
| Picnics, Midgets, Square Prints, and Natural Loaf and smaller..... | 29.07        | 28.30                        | 14.28            |

(iii) *Outside Wisconsin.* The maximum price for the sale of any "cheese item" by a "primary wholesaler" delivered at any place outside Wisconsin shall be the appropriate price set forth in Table C above plus a "transportation factor".

(2) *Sales by a "service wholesaler"—(i) Definition.* A "service wholesaler" is a person who sells to, and makes delivery to the physical premises of, an individual retail store or an individual commercial, industrial, institutional, or non-federal governmental user. No person shall be deemed a "service wholesaler" unless he owns or maintains a warehouse in the marketing area in which the physical premises of the above described purchaser are located. The physical premises of an individual retail store means the place where "cheese items" are sold to ultimate household users. The physical premises of individual commercial, industrial, institutional, or non-federal governmental users means the place where "cheese items" are consumed by such users.

(ii) *In Wisconsin.* The maximum price for the sale of any "cheese items" by a "service wholesaler" delivered to the physical premises of a purchaser, (designated in subdivision (i) of this subparagraph) at any place in Wisconsin shall be as set forth in Table D below:

TABLE D

[In cents per pound]

| Styles (see table A for weights)                                  | Colby cheese | Washed or soaked curd cheese | Skim milk cheese |
|---|--------------|------------------------------|------------------|
| Cheddars, twins and larger.....                                   | 30.24        | 29.41                        | 14.15            |
| Flats.....  | 30.52        | 29.69                        | 14.43            |
| Double and Triple Daisies.....                                    | 30.80        | 29.97                        | 14.70            |
| Single Daisies, Longhorns, and Young Americas.....                | 31.35        | 30.52                        | 15.25            |
| Picnics, Midgets, Square Prints and Natural Loaf and smaller..... | 31.63        | 30.80                        | 15.54            |

(iii) *Outside Wisconsin.* The maximum price for the sale of any "cheese item" by a service wholesaler delivered to the physical premises of a purchaser (designated in subdivision (i) of this subparagraph), at any place outside Wisconsin shall be the appropriate price set forth in Table D above plus a "transportation factor".

(iv) The maximum prices established in subdivisions (ii) and (iii) of this subparagraph shall not apply to any sale by a cheese factory or association of cheese

factories to any purchaser whose physical premises are located:

(a) At a point on or east of the 99th meridian and more than 50 miles from the place where the cheese factory is located, or

(b) At a point west of the 99th meridian and more than 100 miles from the place where the cheese factory is located

where the sale or delivery is made by, through, or with the assistance of any agent, commission salesman, or trucking or hauling agent or contractor. For any such sales, the maximum price shall not exceed the maximum price in that place for a sale by a cheese factory of the particular "cheese item" sold as established in paragraph (a) (1) of this section, plus an assembling allowance of 3/4 cents per pound (if the cheese has been assembled by an assembler), plus the total of the exact sums paid by the cheese factory or association to the agent, commission sales man, and trucking or hauling agent or contractor for making the sale to the purchaser, and for performing "Local transportation services". *Provided, however,* That in no case may the maximum price exceed the maximum price established in Table C of paragraph (b) (1) of this section, or, in the event a cheese factory, cheese maker or association owns or maintains a warehouse in the marketing area, in no case may the maximum price exceed the maximum price established in Table D of this subparagraph (2). "Local transportation services" means and is limited to, the actual distance traversed from the railroad siding in, or point of entrance to, the city, town, village, or hamlet in which the physical premises of the purchaser are located to such physical premises.

(3) *Sales by a cash and carry wholesaler*—(1) *Definition.* A "cash and carry wholesaler" is a person who sells to and does not make delivery to the physical premises of an individual retail store or to an individual commercial, industrial, institutional or non-federal governmental user. No person shall be deemed a "cash and carry wholesaler" unless he owns or maintains a warehouse within a distance of 50 miles from the physical premises of the above described purchaser. The physical premises of an individual retail store means the place where "cheese items" are sold to ultimate household users. The physical premises of individual commercial, industrial, institutional, or non-federal governmental users means the place where "cheese items" are consumed by such users.

(ii) *In Wisconsin.* The maximum price for the sale of any "cheese item" by a "cash and carry wholesaler" delivered at any place in Wisconsin shall be as set forth in Table E below:

TABLE E  
[In cents per pound]

| Styles (see table A for weights)                                   | Colby cheese | Washed or soaked curd cheese | Skim milk cheese |
|--|--------------|------------------------------|------------------|
| Cheddars, twins and larger..                                       | 29.15        | 28.35                        | 13.64            |
| Flats.....   | 29.42        | 28.62                        | 13.91            |
| Double and Triple Daisies..  | 29.69        | 28.89                        | 14.17            |
| Single Daisies, Longhorns, and Young Americas.....                 | 30.22        | 29.42                        | 14.71            |
| Picnics, Midgets, Square Prints, and Natural Loaf and smaller..... | 30.49        | 29.69                        | 14.98            |

(ii) *Outside Wisconsin.* The maximum price for the sale of any "cheese item" by a "cash and carry wholesaler" delivered at any place outside Wisconsin shall be the appropriate price set forth in Table E above plus a "transportation factor."

(4) *Reference to assembling allowance.* (1) The maximum prices established in subparagraphs (1), (2), and (3) of this paragraph (b) for sales "by wholesalers" are for any "cheese item" which has been assembled by an assembler in accordance with the requirements of paragraph (a) (3) of this section.

(ii) The maximum price for the sale of any "cheese item" by a wholesaler which has not been assembled by an assembler in accordance with the requirements of paragraph (a) (3) of this section shall be the appropriate maximum price established in subparagraphs (1), (2), or (3) of this paragraph (b) minus 3/4¢ per pound.

(c) *Sales and deliveries to individual army posts, naval bases, or Federal hospitals, schools, or penal institutions*—(1) *In Wisconsin.* The maximum price for the sale of any "cheese item" where delivery is made to the physical location of, an individual army post or naval base, or a Federal hospital, school, or penal institution located at any place in Wisconsin shall be as follows:

(i) For sales and deliveries of quantities of less than carload lots but more than 5,000 pounds, the maximum prices set forth in Table F below:

TABLE F  
[In cents per pound]

| Styles (see table A for weights)                                   | Colby cheese | Washed or soaked curd cheese | Skim milk cheese |
|--|--------------|------------------------------|------------------|
| Cheddars, twins and larger..                                       | 27.79        | 27.03                        | 13.00            |
| Flats.....   | 28.05        | 27.28                        | 13.26            |
| Double and Triple Daisies..  | 28.30        | 27.54                        | 13.51            |
| Single Daisies, Longhorns, and Young Americas.....                 | 28.81        | 28.05                        | 14.02            |
| Picnics, Midgets, Square Prints, and Natural Loaf and smaller..... | 29.07        | 28.30                        | 14.28            |

(ii) For sales and deliveries of quantities of 5,000 pounds or less, the maximum prices set forth in table G below:

TABLE G  
[In cents per pound]

| Styles (see table A for weights)                                   | Colby cheese | Washed or soaked curd cheese | Skim milk cheese |
|--|--------------|------------------------------|------------------|
| Cheddars, twins and larger..                                       | 29.15        | 28.35                        | 13.64            |
| Flats.....   | 29.42        | 28.62                        | 13.91            |
| Double or Triple Daisies..   | 29.69        | 28.89                        | 14.17            |
| Single Daisies, Longhorns, and Young Americas.....                 | 30.22        | 29.42                        | 14.71            |
| Picnics, Midgets, Square Prints, and Natural Loaf and smaller..... | 30.49        | 29.69                        | 14.98            |

(2) *Outside Wisconsin.* And, *Provided further,* The maximum price for the sale of any "cheese item" made to, and delivery made to the physical premises of, an individual army post or naval base, or a Federal hospital, school, or penal institution located at any place outside Wisconsin shall be the appropriate price in either Table F or Table G above, whichever is applicable, plus a "transportation factor".

(d) *Calculations.* All calculations of any "transportation factor" and of any maximum price established by this section shall be made on a cents per pound basis and shall be carried to the second decimal point. The prices per pound carried to the second decimal point shall be multiplied by the number of pounds sold and the total price then adjusted to the nearest cent, or the next higher cent where the total price ends with a decimal of \$.005.

(e) *Discounts and allowances.* The maximum prices established in the foregoing paragraphs of this section shall not be increased by brokerage fees, commissions or other charges.

(f) *Evasive practices prohibited*—(1) *Used cheese boxes.* The maximum prices established by this section shall not be evaded by the selling or furnishing of used cheese boxes at less than their true economic value by any buyer of a "cheese item" or his agent or affiliate to any seller of a "cheese item" or his agent or affiliate. Any sale of used cheese boxes by a buyer of a "cheese item", his agent or affiliate to a seller of a "cheese item", his agent or affiliate at any price less than the prices established in Table H below shall be considered prima facie evidence of an evasion of the maximum prices established by this section.

TABLE H

| Used boxes for—         | F. o. b. assembling warehouse | Delivered to cheese factory |
|-------------------------|-------------------------------|-----------------------------|
|                         | <i>Cents</i>                  | <i>Cents</i>                |
| Twins and Cheddars..... | 20                            | 21                          |
| Single Daisies.....     | 12                            | 13                          |
| Longhorns.....          | 17                            | 18                          |
| Flats.....              | 14                            | 15                          |

(2) *Supplies.* No buyer of a "cheese item," his agent or affiliate, shall sell, lend, or otherwise transfer supplies or equipment, except cheese hoops, to a seller of a "cheese item," his agent or affiliate at less than the true value of such supplies and equipment. Any sale or transfer contrary to the provisions of this subparagraph is an evasion of paragraph (a) (1) of this section and is hereby prohibited.

(3) The practices described in subparagraphs (1) and (2) of this paragraph as evasions of this regulation are in addition to any evasive practices prohibited by section 6 of this regulation.

(g) *Special provisions for records and reports.* The provisions of section 5 shall apply to all sales of cheese as described in this section other than those by a cheese factory or cheese maker to an assembler. However, for all such latter sales the cheese factory or cheese maker shall preserve for inspection by the Office of Price Administration for so long as the Emergency Price Control Act, as amended, remains in effect, remittance statements furnished to the cheese factory or cheese maker by the assembler.

(h) *Maximum prices in places not on railroad line or siding.* The maximum price for the sale of any "cheese item" delivered in a place not on a railroad line or siding shall be the maximum price for a similar sale of that "cheese item" in the nearest place that is located on a railroad line or siding: *Provided, however,* Where the latter place is more than 50 miles from the place of delivery, transportation costs from that place to the place of delivery, not to exceed the lowest common carrier rate where one exists may be added.

(i) *Maximum prices for sales at retail by manufacturers, assemblers and wholesalers.* (1) The maximum price for the sale at retail of any "cheese item" delivered at any place by a cheese factory, cheese maker, assembler or wholesaler, shall be the appropriate maximum price established in that place for a sale of that "cheese item" by a retail store classified in Group 1 under Maximum Price Regulation No. 423.<sup>2</sup> (A Group 1 retail store is any independent retail store having a gross sales volume during 1942 of less than \$50,000).

(2) No sale of a quantity in excess of 5 pounds shall be considered a sale at retail.

(j) *Maximum prices for "cut" cheese items.* (1) Whenever any "cheese item" prior to its sale or delivery is cut or sliced into pieces, cuts, or slices, the maximum price for the sale of any such pieces, cuts, or slices shall be the same as the maximum price for that "cheese item" from which the pieces, cuts, or slices are made.

(k) *Maximum prices for sales not already provided for.* (1) The maximum price for the sale or delivery in any place of any "cheese item" for which a maximum price is not established by any of the foregoing paragraphs of this section shall be the maximum prices estab-

lished for "sales by a cheese factory" of that style in that place by paragraph (a) (1) of this section plus (where the requirements of paragraph (a) (3) of this section are satisfied) an assembling allowance of  $\frac{3}{4}\%$  per pound.

(1) *Definitions—(1) Cheese item.* "Cheese item" means any style, form, size and color of any of the particular types of Colby cheese and of washed or soaked curd cheese and skim milk cheese listed in Tables C, D, E, F and G of this section.

(2) *"Delivered at any place".* The phrase, "delivered at any place" comprehends all sales whether made on the basis of actual delivery to the point of shipping destination or on the basis of f. o. b. shipping point or some other point. Any cheese item sold f. o. b. any point shall be considered "delivered" at that point.

(3) *Place.* "Place" means any city, town, village or hamlet within the United States.

(4) *Retailer distributing warehouse.* "A retailer distributing warehouse" is a place where cheese is received and held for disposition to retail stores. Chain store warehouses and retailer owned cooperative warehouses are included in the meaning of "retailer distributing warehouse".

(5) *Transportation factor.* A "transportation factor" means the lowest published railroad carlot freight rate per pound gross weight from Plymouth, Wisconsin, to the place of delivery multiplied by 1.15. In calculating transportation charges referred to in the foregoing paragraphs, the 3% transportation tax imposed by section 620 of the Revenue Act of 1942 shall be included.

(6) The maximum prices in this section are for cheese covered by the definitions set forth below. The definition for skim milk cheese is for the purpose of establishing standards of identity for specific pricing.

(i) *"Colby cheese",* means "Colby cheese" as defined in the "Standards of Identity for Cheddar cheese, cheese, washed curd cheese, soaked curd cheese, Colby cheese" promulgated by the Food and Drug Administration and published in the FEDERAL REGISTER of January 9, 1941, Page 196. It contains not more than 40% of moisture and its solids contain not less than 50% of milk fat.

(ii) *"Washed or soaked curd cheese",* means "washed curd cheese, soaked curd cheese" as defined in the "Standards of Identity for Cheddar cheese, cheese, washed curd cheese, soaked curd cheese, Colby cheese" promulgated by the Food and Drug Administration and published in the FEDERAL REGISTER of January 9, 1941, Page 196. It contains not more than 42% of moisture and its solids contain not less than 50% of milk fat.

(iii) *"Skim milk cheese",* means all cheese (including but not limited to Scarmorze cheese and Cacio Cavallo cheese) made from cows' milk by the Cheddar, washed curd, soaked curd, Colby, Monterey or Provolone processes described in subdivisions (a), (b) and (c) below, or by any minor variations of such processes and in any style, form and size, containing either more moisture or

less milk fat, or, more moisture and less milk fat than moisture of 41% or milk fat of 50% in the water free substance: *Provided, however,* The following cheeses and cheese products are excluded from the provisions of this definition:

Processed cheese of all kinds.  
Cheese foods and spreads.  
Monterey cheese containing not more than 44% moisture and not less than 50% milk fat.  
High moisture Jack cheese containing not more than 50% moisture and not less than 50% milk fat.  
Provolone, Salami, Provolone and Provolone (Giant) cheese containing not more than 45% moisture and not less than 45% milk fat.  
Baker's cheese.  
Pot cheese.  
Smearcase cheese.  
Hand cheese.  
Farmer's cheese.  
Creamed cottage cheese, cottage cheese, cream cheese, Neufchatel cheese and all other cheese for which "Standards of Identity" have been promulgated by the Food and Drug Administration, or which are specifically priced in this Revised Maximum Price Regulation No. 289, or which may be specifically excepted from the provisions of this section, in writing, by the Office of Price Administration.

(a) The Cheddar, washed curd, soaked curd or Colby cheese process is as described in the "Standards of Identity for Cheddar cheese, cheese, washed curd cheese, soaked curd cheese, Colby cheese" promulgated by the Food and Drug Administration and published in the FEDERAL REGISTER of January 9, 1941, pages 195 and 196.

(b) The Monterey cheese process is as follows:

"Milk may or may not be pasteurized. It may be standardized to adjust the fat content by removing a portion of the fat, by adding skim milk, or by adding cream. The milk is warmed, when necessary, and subjected to the action of harmless lactic acid forming bacteria which may be present in the milk or which may be added. Sufficient rennet is added to cause setting to a semi-solid mass. This mass is so cut, stirred, and heated as to promote acid development and separation of the whey and curd. The final cooking temperature is about 110° F. About seventy minutes after heat is applied the whey is removed and the curd cooled by circulating cold water through the jacket of the vat or directly into the curd. The curd is then salted and placed in suitable forms of different sizes and shapes for pressing. The cheese is pressed for about 16 hours and then placed on shelves in the curing room at a temperature of about 60° F."

(c) The Provolone cheese process is as follows:

"Milk may or may not be pasteurized. It may be standardized by removing a portion of the fat or by adding skim milk. The milk is warmed, when necessary, and subjected to the action of harmless lactic acid forming bacteria which may be present in the milk or which may be added. A special rennet paste is used to set the milk to a semi-solid mass. This mass is so cut, stirred, and heated as to promote acid development and the

<sup>2</sup> 8 F.R. 9407, 10570, 10988, 12443, 12611, 13294, 14854, 15587, 15608, 16031, 17371; 9 F.R. 95, 3510, 3648, 4017, 4217, 4434.

separation of whey and curd. The final cooking temperature is about 125° F. When the curd is of the proper consistency it is molded into loaves which vary greatly in sizes and shapes, by dipping in hot water, then kneading and pulling until smooth and free from lumps and brittleness. It is then salted in brine and smoked. The cheese may be hung in warehouses or packed in specially constructed wooden crates for curing."

(m) Reference to other maximum price regulations governing sales of cheese:

(1) Except as provided in paragraph (i), sales at retail shall be priced under the provisions of Maximum Price Regulations Nos. 422<sup>2</sup> and 423.

This amendment shall become effective May 27, 1944, except that the effective date for skim milk cheese (other than skim milk cheese containing no milk fat) manufactured prior to the above effective date shall be 90 days after the effective date of this amendment, and for such 90 day period either the price for the cheese item established under the provisions of Maximum Price Regulation No. 280,<sup>4</sup> or, the prices established in this section for Colby cheese, whichever is lower, shall govern.

(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 22d day of May 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-7308; Filed, May 22, 1944;  
11:44 a. m.]

PART 1358—TOBACCO

[RMPR 532]

MARYLAND TOBACCO

Maximum Price Regulation No. 532 is redesignated Revised Maximum Price Regulation No. 532 and is revised and amended to read as follows:

In the judgment of the Price Administrator, the maximum prices established by this regulation are generally fair and equitable and will effectuate the purposes of, and comply with, the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328. So far as practicable, the Price Administrator has advised and consulted with the members of the industry which will be affected by this regulation.

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected, or have previously been promulgated and their use lawfully required by another government agency.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith

<sup>2</sup> 8 F.R. 9395, 10569, 10987, 12243, 12611, 13294, 14853, 15251, 15586, 15607, 17369, 17370; 9 F.R. 95, 3510, 3648, 4017, 4214, 4434.

<sup>4</sup> 8 F.R. 5165, 7566, 6357, 7196, 7599, 7670, 8065, 8180, 9521, 9386, 9883, 10513, 11811, 13060, 13721, 16296, 16597, 16795; 9 F.R. 343, 753, 1622, 2238, 2176, 4027.

and filed with the Division of the Federal Register.\*

§ 1358.259 *Maximum prices for Maryland tobacco.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Revised Maximum Price Regulation No. 532 (Maryland Tobacco) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1538.259 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

REVISED MAXIMUM PRICE REGULATION No. 532—  
MARYLAND TOBACCO

CONTENTS

SEC.

1. Explanation of this regulation.
2. Compliance with this regulation.
3. General pricing provision.
4. Records and reports.
5. Export sales.
6. Petitions for amendment.
7. Geographical applicability.
8. Meaning of certain terms.

SECTION 1. *Explanation of this regulation.* This regulation establishes maximum prices that may be paid by a dealer, manufacturer or other purchaser for Maryland tobacco. It also establishes maximum prices that may be charged for sales of that tobacco.

"Maryland tobacco" means United States Type No. 32 tobacco (as specified in Regulatory Announcement No. 118 of the Bureau of Agricultural Economics, United States Department of Agriculture) of the 1943 crop, and of previous crops purchased or delivered after May 20, 1944.

SEC. 2. *Compliance with this regulation—(a) No buying or selling above maximum prices.* On and after May 20, 1944 regardless of any contract, lease or other obligation, no dealer or other purchaser shall buy or receive, or agree, offer, solicit or attempt to buy or receive, and no person, for whose sales of Maryland tobacco maximum prices are established by this regulation, shall sell or deliver, or agree, offer, solicit or attempt to sell or deliver any Maryland tobacco at prices higher than the appropriate maximum price established by this regulation. However, lower prices may be charged, paid, offered and received.

(b) *Evasion—(1) In general.* The price limitations in this regulation shall not be evaded, directly or indirectly, whether by commission, service, transportation or other charge or discount, premium or other privilege; or by tying agreement, by any change in manner of packing, or any business practice or trade understanding, or in any other way.

(2) *Specific practices which are evasions.* Specifically but not exclusively, the following practices are evasions:

(i) In the case of a dealer, making a separate charge for warehousing or for services in the purchase of Maryland tobacco on direct order or otherwise where no practice of separate charge has previously existed.

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

(ii) In the case of a dealer, reduction or elimination by the dealer of his customary discounts or initial credit terms allowed on his most recent sales of the 1941 crop to the same purchaser, or if he made no sales of the 1941 crop to the purchaser, reduction or elimination of his customary discounts or initial credit terms allowed on his most recent sales of the 1941 crop to purchasers of the same class, except where accompanied by a compensating reduction in his maximum price.

"Initial credit terms" means terms fixing the time for payment of the purchase price agreed to by the dealer and buyer at or prior to delivery of the tobacco.

(c) *Penalties for violations.* Any person violating a provision of this regulation is subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

(d) *Licensing.* The provisions of Licensing Order No. 1,<sup>1</sup> licensing all persons who make sales under price control, apply to all sellers (except growers) of Maryland tobacco. A seller's license may be suspended for violations of the license or of one or more applicable price regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 3. *General pricing provisions—(a) Maximum prices for dealer's sales of Maryland tobacco purchased on the loose leaf or hogshead markets or otherwise—(1) Tobacco purchased on direct order.* For Maryland tobacco purchased on the loose leaf or hogshead markets or otherwise on direct order by dealers, the dealer's maximum price shall be an amount figured as follows:

(i) Divide his highest selling price per pound on his similar sales of the 1941 crop to purchasers of the same class by his purchase price per pound of the tobacco thus sold.

(ii) Multiply his purchase price per pound farm weight for the tobacco being priced by the figure obtained in (i) above. The resulting figure is the dealer's maximum price.

NOTE: Definitions of "selling price" and "purchase price" follow subparagraph (2) below.

(2) *Tobacco purchased other than on direct order.* For a dealer's sales of Maryland tobacco purchased on the loose leaf or hogshead markets or otherwise (other than on direct order) the dealer's maximum price shall be an amount figured as follows:

(i) The dealer shall ascertain his average purchase price per pound for his purchases of the 1941 crop by dividing the purchase price he paid for that crop by the number of pounds he purchased thereof.

(ii) The dealer shall ascertain his average selling price per pound for his sales of stemmed tobacco of the 1941 crop by dividing his total selling price for stemmed tobacco of that crop by the

<sup>1</sup> 8 F.R. 13240.

number of pounds of stemmed tobacco of that crop he sold.

(iii) The dealer shall ascertain his average selling price per pound for his sales of unstemmed tobacco of the 1941 crop by dividing his total selling price for unstemmed tobacco of that crop by the number of pounds of unstemmed tobacco of that crop he sold.

(iv) The dealer shall then ascertain his markup factor for sales of stemmed tobacco by dividing the resulting figure at (ii) by the resulting figure at (i), and his markup factor for his sales of unstemmed tobacco by dividing the resulting figure at (iii) by the resulting figure at (i).

(v) The dealer shall then multiply his weighted average purchase price per pound farm weight of the Maryland tobacco being priced by the appropriate markup factor obtained at (iv) according to whether the tobacco being priced is to be sold as stemmed or unstemmed tobacco. The resulting figure is the dealer's maximum price.

"Selling price" means the net amount paid to the dealer for the tobacco plus any discount allowed to the purchaser for prompt payment but exclusive of any transportation expense paid by the dealer for the account of the purchaser. In figuring a selling price under subparagraph (1), amounts paid to the dealer for tobacco purchased other than on direct order shall not be included. In figuring a selling price under subparagraph (2), amounts paid to the dealer for tobacco purchased on direct order shall not be included.

"Purchase price" means the price actually paid by the dealer in his purchase on the loose leaf or hogshead markets plus any discounts allowed to him for prompt payment but exclusive of any transportation expenses paid by him. In figuring a purchase price under subparagraph (1), amounts paid by the dealer for tobacco purchased other than on direct order shall not be included. In figuring a purchase price under subparagraph (2), amounts paid by the dealer for tobacco purchased on direct order shall not be included.

"Weighted average purchase price" means the total purchase price paid by the dealer for the Maryland tobacco being priced, divided by the total number of pounds of such tobacco purchased.

(b) *Maximum prices for Maryland tobacco.* The maximum prices which may be charged, demanded, offered, paid or received for Maryland tobacco purchased on and after May 20, 1944, on the loose leaf or hogshead markets or otherwise (except tobacco purchased from dealers in sales for which maximum prices are established under paragraphs (a) (1) and (2) above) shall not exceed \$62.00 per hundredweight.

(c) *Dealers unable to determine maximum prices under paragraph (a).* If a dealer is unable to determine a maximum price under paragraph (a) above for a particular sale of Maryland tobacco purchased by him on the loose leaf or hogshead markets, he shall apply by letter to the Office of Price Administration, Washington, D. C., requesting that

a maximum price, or a method for determining a maximum price for that sale be established. The letter shall set forth:

(1) The name and address of the dealer making the request.

(2) A description of the tobacco he wishes to sell, including a statement of the manner in which he has acquired it, its location, the quantity of tobacco involved, and the purchase price he has paid for it.

(3) The name and address of the buyer who proposes to purchase the tobacco.

(4) Any other pertinent information which the dealer desires to submit.

After receipt of the letter, the Office of Price Administration will by order establish a maximum price for such sale found to be in line with maximum prices established under paragraph (a) for similar sales of other dealers, or prescribe a method for determining such maximum price. Until a maximum price, or a method of determining a maximum price, is thus established, the dealer may deliver the tobacco but may not receive payment for it.

SEC. 4. *Records and reports.* (a) Every buyer of Maryland tobacco shall make and preserve for examination by the Office of Price Administration, for as long as the Emergency Price Control Act of 1942, as amended, remains in effect, records setting forth with respect to each purchase of such tobacco (1) the name of the seller and the date of purchase, (2) the total number of pounds purchased, (3) the purchase price paid, and (4) any other records of the same kind as he has customarily kept, relating to the prices he pays for Maryland tobacco after the effective date of this regulation.

(b) Every dealer for whose sales of Maryland tobacco maximum prices are established or a method for determining maximum prices is prescribed by this regulation, must make and keep available for inspection by the Office of Price Administration, for as long as the Emergency Price Control Act of 1942, as amended, remains in effect, records of the same kind as he has customarily kept relating to the prices he charges for and the persons to whom he sells that tobacco.

(c) Within 20 days after the close of the 1944 marketing season for Maryland tobacco, but in no event later than October 15, 1944, every purchaser and every warehouseman, dealer or other seller of Maryland tobacco shall file with the Office of Price Administration, Tobacco Section, Washington, D. C., a statement that no purchase or sale covered by this regulation was made by him at a price higher than the maximum price fixed by the regulation for that particular purchase or sale.

(d) Every dealer or purchaser of Maryland tobacco must submit to the Office of Price Administration any reports based on the records required to be kept by this section as may later be required, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

SEC. 5. *Export sales.* The maximum price at which a person may export Maryland tobacco shall be determined in accordance with the Second Revised Maximum Export Regulation,<sup>2</sup> issued by the Office of Price Administration.

SEC. 6. *Petitions for amendment.* Any person seeking a general modification of this regulation may file a petition for amendment in accordance with Revised Procedural Regulation No. 1<sup>3</sup> issued by the Office of Price Administration.

SEC. 7. *Geographical applicability.* The provisions of this regulation are applicable in the forty-eight states of the United States and the District of Columbia.

SEC. 8. *Meaning of certain terms.* (a) When used in this regulation, the term: (1) "Person" includes an individual, corporation, partnership, association or any other organized group of persons or the legal successor or representative of any of the foregoing, and includes the United States Government or any agency thereof, or any other government, or any of its political subdivisions or any agency of any of the foregoing.

(2) "1941 crop" means Type No. 32 tobacco grown during the 1941 growing season and sold and delivered during 1942.

(3) "1943 crop" means Type No. 32 tobacco grown during the 1943 growing season and sold or delivered after May 20, 1944.

(4) "Dealer" means any person who engaged in the business of buying Maryland tobacco on the loose leaf or hogshead markets for his own account or on direct order.

(5) "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for sales to different purchasers or kinds of purchasers (for example, manufacturer, jobber, government agency, consumer) or for purchasers located in different areas or for different quantities or grades or under different conditions of sale.

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

This regulation shall become effective May 20, 1944.

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 20th day of May 1944.

CHESTER BOWLES,  
Administrator.

Approved: May 19, 1944.

ASHLEY SELLERS,  
Assistant War Food Administrator.

[F. R. Doc. 44-7272; Filed, May 20, 1944;  
3:57 p. m.]

<sup>2</sup> 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036.

<sup>3</sup> 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806; 9 F.R. 1594, 3075.



PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 469, Amdt. 7]

LIVE HOGS

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

Maximum Price Regulation No. 469 is amended in the following respects:

1. Section 7 (d) is amended by adding at the end thereof a sentence to read as follows:

In the event that the price charged or paid per cwt. for a lot of live hogs sold does not exceed the ceiling price, at the point of weighing of such lot of live hogs, for live hogs weighing more than 240 pounds each, the person weighing such lot of live hogs may write on the invoice of such sale or the receipt evidencing such sale the weight and number of hogs weighed in place of the information required by subdivisions (1) and (2) of this section 7 (d).

2. Section 8 (b) is amended by adding at the end thereof a sentence to read as follows:

The provisions of this paragraph (b) shall not supersede the provisions of paragraph (a) of this section with respect to a lot of live hogs sold where the price charged or paid per cwt. for such lot of live hogs does not exceed the ceiling price, at the point of weighing of such lot of live hogs, for live hogs weighing more than 240 pounds each.

3. Section 12 (a) is amended by adding at the end thereof a sentence to read as follows:

In the event that the price charged or paid per cwt. for a lot of live hogs sold does not exceed the ceiling price, at the point of weighing of such lot of live hogs, for live hogs weighing more than 240 pounds each, the invoice or receipt, whichever is used, may show the weight and number of hogs sold, and the price charged or received therefor, including all allowances and payments for all services rendered in connection with the sale, in place of the information required by subparagraphs (3), (4) and (5) of this section 12 (a).

4. Section 12 (b) is amended to read as follows:

(b) The invoice shall be delivered to the buyer or the receipt shall be delivered to the seller on the day of weighing of the hogs sold or on the day of delivery of the hogs to the buyer, whichever day is later; and no invoice shall be delivered to the buyer or receipt delivered to the seller until the person weighing the hogs has endorsed on the invoice or receipt the information required to be so endorsed by section 7 (d).

This amendment shall become effective as of May 15, 1944.

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

<sup>1</sup>8 F.R. 12562, 13741, 13847, 9 F.R. 694, 1522, 2654, 5075.

(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 20th day of May 1944.

JAMES G. ROGERS, Jr.,  
Acting Administrator.

[F. R. Doc. 44-7273; Filed, May 20, 1944;  
3:57 p. m.]

PART 1375—EXPORT PRICES

[2d Rev. Maximum Export Price Reg.,  
Amdt. 6]

IRON AND STEEL PRODUCTS

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

Section 8 (b) (2) (i) of the 2d Revised Maximum Export Price Regulation is amended to read as follows:

(i) The maximum price, including applicable extras, which would be applicable to a current sale of the product to the exporter by the supplier thereof: *Provided, however,* That such maximum price shall, in the case of "excess stock" exported by a "holder" or by a purchaser from a "holder," be the maximum delivered price at the port of exit established by § 1306.166 of Revised Price Schedule No. 49 for sale by a "holder" to a person acquiring such "excess stock" for use: but *Provided further,* That, until September 1, 1944, any person who had acquired and taken delivery of such "excess stock" before June 1, 1944 and who, prior to that date, had made a binding contract for the export sale thereof and had secured an export license or equivalent therefor, may export such "excess stock" in performance of such contract at a base maximum price equal to his supplier's maximum price in effect at the time he took delivery (the quoted terms having the meaning given to them in § 1306.166 of Revised Price Schedule No. 49); and

This Amendment No. 6 shall become effective June 1, 1944.

(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 22d day of May 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-7309; Filed, May 22, 1944;  
11:43 a. m.]

PART 1377—WOODEN CONTAINERS

[RMPR 195, Amdt. 4]

INDUSTRIAL WOODEN BOXES

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.\*

<sup>1</sup>8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036.

<sup>2</sup>7 F.R. 9393; 8 F.R. 3529, 3843, 8180.

Section 1377.151, the next to last sentence of the first paragraph is amended to read as follows:

It does not include cooperage products or parts, used containers or any wire-bound boxes; nor does it include cut-to-size pallet or reel stock which can be priced as lumber under the appropriate lumber regulation.

This amendment shall become effective May 27, 1944.

(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 22d day of May 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-7310; Filed, May 22, 1944;  
11:43 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C, Amdt. 123]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Ration Order 5C is amended in the following respects:

Section 1394.8018 is added to read as follows:

§ 1394.8018 *Issuance of rations where board is served by Ration Currency Issuing Center.* Notwithstanding any other provisions of Ration Order 5C, a Board which is served by a Ration Currency Issuing Center may issue rations pursuant to the following:

(a) A Board or person issuing a ration on behalf of the Board shall only be required to make such notations upon registration cards, ration books, folders, applications, tire inspection records, gasoline deposit certificates, and ration evidences as shall be prescribed in any procedure approved by the Deputy Administrator in Charge of Rationing for the issuance of rations by a Ration Currency Issuing Center.

(b) In emergency cases, where to withhold a ration from the applicant pending issuance of the ration by a Ration Currency Issuing Center would result in a hardship upon the applicant, impede essential transportation or be contrary to the public interest, a Board may issue to the applicant one or more gasoline purchase permits or one or more coupons accompanied by an appropriate folder to provide all or part of the mileage or gallonage allowed by the Board. A Board may issue one or more gasoline purchase permits to provide the amount of gasoline allowed notwithstanding the fact that the total amount of gasoline allowed exceeds twenty gallons, provided that no gasoline purchase permit shall be issued for an amount in excess of ten gallons of gasoline or for a fractional part of a gallon.

<sup>1</sup>8 F.R. 15937.

This amendment shall become effective May 26, 1944.

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

Issued this 22d day of May 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-7311; Filed, May 22, 1944;  
11:40 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13, Amdt. 34]

PROCESSED FOODS

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

Revised Ration Order 13 is amended in the following respects:

1. Section 3.2 (b) is amended by adding the following at the end of the paragraph:

A processor who has reported on OPA Form R-1305 that he does not have processed foods on hand and that none were produced, acquired, sold, or transferred during his last reporting period, need not file a report for any subsequent period in which he does not operate. However, he must show on his last report on OPA Form R-1305 the month in which he will resume his operations and he must again file reports beginning with the month in which he resumes his operations.

2. Section 6.1 (b) is amended by adding the following at the end:

An industrial user who ceases to make an industrial use of processed foods (other than temporarily) is not regarded as an industrial user after he ceases.

This amendment shall become effective May 26, 1944.

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

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; War Food Order No. 56, 8 F.R. 2005, 9 F.R. 4320, and War Food Order No. 58, 8 F.R. 2251, 9 F.R. 4320)

Issued this 22d day of May 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-7312; Filed, May 22, 1944;  
11:41 a. m.]

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

<sup>1</sup> 9 F.R. 3, 104, 574, 695, 765, 848, 1397, 1727, 1817, 1908, 2233, 2234, 2240, 2440, 2567, 2791, 3032, 3513, 3579, 3708, 3710, 3947, 3944, 4026, 4351, 4475, 4604, 4818, 4876, 4881.

PART 1418—TERRITORIES AND POSSESSIONS  
[RMPR 183, Amdt. 38]

TEXTILE PRODUCTS IN PUERTO RICO

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 54 is amended to read as follows:

SEC. 54. *Maximum prices for textile products sold or delivered in the Territory of Puerto Rico*—(a) *Definitions*. When used in this section, the term:

(1) "Textile product" means a manufactured material or article consisting in chief part of wool or other animal fibre, cotton, rayon, silk, linen or synthetic textile fibre by whatever process manufactured, which falls within either Group A, Group B, or Group C, as listed below:

GROUP A

Piece goods, yard goods or pound goods, and all garments with the exception of headwear and footwear and garments enumerated in Group B or Group C.

GROUP B

Aprons.  
Arm bands.  
Awnings.  
Bandanas.  
Bath mats.  
Bedspreads.  
Belts.  
Bibs.  
Blankets.  
Canvas.  
Chair slip covers.  
Cleaning rags.  
Clothes lines.  
Collars.  
Comforts.  
Couch slip covers.  
Counterpanes.  
Cuffs.  
Curtains.  
Diapers.  
Dinner sets.  
Dish cloths.  
Dollies.  
Drapes.  
Dress arm shields.  
Dresses (women's and misses') having a direct cost to the importer or factory price if locally produced of less than \$5.00 each.  
Duffel bags.  
Dust shields for garments.  
Dusting cloths.  
Elastic.  
Garters.  
Fishing line.  
Gloves.  
Handkerchiefs.  
Hostery.  
Hot dish holders.  
Hot pot holders.  
Infant's binders.  
Laundry bags.  
Luncheon sets.  
Mantillas.  
Mattress covers.  
Mattress pads.

<sup>2</sup> 8 F.R. 9532, 10763, 10908, 11437, 11847, 12549, 10937, 12632, 13165, 13847, 14090, 14765, 15195, 15369, 15739, 15586, 15704, 15862, 16034, 16063; 9 F.R. 300, 398, 849, 579, 686, 1158, 1486, 1942, 1944, 2831, 3156, 3158, 8341, 3514, 3747, 8949, 4820, 4821.

GROUP B—Continued

Men's suits having a direct cost to the importer or factory price if locally produced of more than \$13.00 each.  
Mittens.  
Mops.  
Mosquito nets.  
Napkins.  
Neckties.  
Oilcloth.  
Pillow cases.  
Polishing cloths.  
Quilts.  
Rugs.  
Scarfs.  
Seat covers.  
Sewing thread.  
Sheets.  
Shawls.  
Shoe bags.  
Shower curtains.  
Slacks having a direct cost to the importer or factory price if locally produced of more than \$5.00 each.  
Sport coats having a direct cost to the importer or factory price if locally produced of more than \$10.00 each.  
Suspenders.  
Table cloths.  
Table pads.  
Tape measures.  
Ticking.  
Toilet seat covers.  
Towels.  
Umbrellas.  
Vells.  
Wash cloths.  
Wrapping twine-string.  
Yarn.

GROUP C

Dresses (women's and misses') having a direct cost to the importer or factory price if locally produced of \$5.00 or more each.  
Dresses and suits (children's) sizes 12 or under in dresses and 16 or under in suits, having a direct cost to the importer, or factory price if locally produced, of more than \$18.00 per dozen.  
Ribbon-dress, laces, lace edgings, rick-racks, bias tape, garment bindings, embroidery and tape other than gummed or adhesive.

(2) "Job lot" means a single purchase of a group of units of textile products all of which in trade terms are "remnants", "shorts", "seconds", "pound goods", "imperfects", "close outs", or "substandards".

(3) "Textile reference book" means a book containing the seller's descriptive entries of the stock which he has on hand and which he is offering for sale.

(4) "Reference stock number" means the numbers employed by the manufacturer or supplier and the seller to identify a textile product.

(5) "Class of textile products" means a group of units of a textile product all of which are identically priced and which are received in one delivery.

(6) "Custom tailor" and "dressmaker" means manufacturers who sell to ultimate consumers in their own establishment, garments manufactured by them to individual specifications and at the special order of such ultimate consumer.

(b) *Maximum prices for imported textile products*. Seller's maximum prices for imported textile products sold or delivered in the Territory of Puerto Rico shall be:

(1) For a product which is not part of a job lot and which has been imported

by the seller, the maximum price shall be the direct cost to the importer multiplied by:

| Group  | Sales at wholesale | Sales at retail |
|--------|--------------------|-----------------|
| A..... | 1.20               | 1.50            |
| B..... | 1.25               | 1.60            |
| C..... | 1.25               | 1.75            |

(2) For a product which is not part of a job lot and which has not been imported by the seller:

(i) The maximum price at wholesale shall be the price paid for it by the seller if he purchased it before December 13, 1943, and the price which the importer is permitted to charge for it under this regulation if the seller purchased it on or after December 13, 1943.

(ii) The maximum price at retail shall be the price paid by the retailer multiplied by:

| Group: | Sales at retail |
|--------|-----------------|
| A..... | \$1.25          |
| B..... | 1.28            |
| C..... | 1.40            |

(3) For a product received in a job lot part of which job lot has been sold prior to December 13, 1943, the maximum price shall continue to be established in accordance with the General Maximum Price Regulation.<sup>2</sup>

(4) For a job lot sold intact as received the maximum price shall be computed by multiplying the direct cost of the job lot by the applicable multiplier in accordance with section 54 (b) (1).

(5) For each product received in a job lot, the maximum price shall be the price fixed by the seller, provided that the total of the prices charged for each product within the job lot in which the particular product was received, does not exceed the maximum price for the job lot, and provided that he notifies the Office of Price Administration of such prices in accordance with the requirements of section 54 (f).

(6) If a job lot consists of items falling within more than one of the groups of textile products set forth in section 54 (a) (1), the maximum price for the entire lot shall be computed by applying the lowest multiplier appropriate to any item in the lot.

(7) Notwithstanding the foregoing provisions, any seller who has continuously sold an imported textile product pursuant to the conditions and prices of a written resale price maintenance contract executed by him with the manufacturer prior to April 1942 without any deterioration in quality since that date may apply to the Director of the Office of Price Administration for an order permitting him and other sellers similarly situated to sell such product at the price specified in the contract, or at a price equal to the direct cost to the importer of such product multiplied by 1.67, whichever is lower.

(c) *Maximum prices at retail for locally manufactured textile products.* A seller's maximum prices for locally manufactured textile products sold or deliv-

ered in the Territory of Puerto Rico shall be:

(1) The maximum price at retail for a product which is not part of a job lot shall be the factory price paid by the retailer, multiplied by:

| Group: | Sales at retail |
|--------|-----------------|
| A..... | \$1.50          |
| B..... | 1.60            |
| C..... | 1.75            |

(2) The maximum price at retail for a product which is part of a job lot shall be the price fixed by the seller: *Provided*, That the total of the prices charged for each product within the job lot in which the particular product was received does not exceed the maximum price for the entire job lot determined in accordance with section 54 (c) (1): *And provided*, That he notifies the Office of Price Administration of such prices in accordance with the requirements of section 54 (f) as applicable.

(3) Sellers at retail of locally manufactured textile products shall request from the manufacturer a sales invoice showing the following information: (i) date of the sale, (ii) number and description of units sold, (iii) the price charged per unit or in the sale of a job lot the price charged for the entire lot.

(4) If a job lot consists of items falling within more than one of the groups of textile products set forth in section 54 (a) (1), the maximum price for the entire lot shall be computed by applying the lowest multiplier appropriate to any item in the lot.

(d) *Trade practices.* The markups authorized herein are gross markups which shall not be exceeded regardless of the number of sellers handling a textile product. No seller shall change his customary allowances, discounts or other price differentials or his customary alteration charges unless such change results in a lower net price.

(e) *Prohibited practices.* It shall be unlawful for any seller to improperly classify a textile product for the purpose of evading the appropriate pricing provision herein. It shall be unlawful for any seller to revise any maximum price fixed on a textile product and entered in his textile reference book except as otherwise provided in paragraph (h) (2).

(f) *Notification to OPA on sales of job lots.* Within five days of his first sale of a textile product from a job lot the seller shall file a statement with the Territorial Office of Price Administration, San Juan, Puerto Rico, and a duplicate thereof with his local War Price and Rationing Board, which statement shall show (1) the name and address of the person from whom the job lot was purchased, (2) a description of the job lot, (3) the number of units included in each class of textile products, (4) the direct cost of the job lot to the seller if it was imported by the seller, or the price paid for the job lot if it was not imported by the seller, (5) the reference stock numbers assigned as provided in paragraph (f), (6) the selling price of each unit or group of units as determined in accordance with the pricing provisions of paragraph (b) of this section, and the over-all markup taken by the seller on the job lot.

(g) *Identification of textile products.* Every seller shall assign a separate reference stock number to each price classification of textile products and shall clearly identify the physical merchandise with the reference stock number by use of a label, tag, slip, sticker, mark, or other similar appropriate marking.

(h) *Textile reference book.* (1) Every person selling textile products shall prepare a textile reference book which he shall keep and make available for examination by the Office of Price Administration, in which shall be entered prior to the time any textile product is sold or offered for sale, the following information for each price classification of textile products in the seller's stock: (i) The reference stock number, (ii) a description of the units comprised, (iii) the name and address of the supplier, except in the case of merchandise from a job lot, (iv) the date of delivery except in the case of merchandise in a job lot, (v) the multiplier used in computing the maximum price, (vi) the direct cost to the seller or the price paid by the seller whichever price is material in accordance with the pricing provisions utilized, and (vii) the seller's selling price at wholesale or at retail depending upon the level at which he sells.

(2) The maximum price charged by each seller and entered in his textile reference book shall in no instance be altered except that should the seller have erroneously computed the price for an item entered in such book, the seller's local War Price and Rationing Board may, after having received a written statement of the fact from the seller, if satisfied that the entry was the result of a miscalculation, authorize such seller to change the entry to correspond with the maximum price which he is authorized to charge in accordance with this regulation.

(3) All entries in the textile reference book shall be made in numerical sequence. Textile products received by the seller which are identical to products earlier entered into the reference book shall be re-entered under a new reference stock number.

(i) *Notification to customers.* Every person selling an imported textile product except at retail shall with each delivery supply the purchaser with a statement, which may be included in and made a part of the seller's invoice, specifying with respect to each price classification delivered: (1) the seller's reference stock number, (2) a notation of the pricing provision employed, (3) the number and description of units sold, and (4) the price charged. This provision supersedes section 11 (b) (1) of Revised Maximum Price Regulation 183 with respect to sales of imported textile products.

Section 14 ("Sales Slip and Receipts" of the General Maximum Price Regulation) apply to sales of textile products by local manufacturers.

(j) *Exemptions.* The provisions of this section 54 shall not apply to the following:

(1) Sales of textile products by religious or charitable institutions. These

<sup>2</sup> 9 FR. 1385.

sales continue to be covered by the provisions of the General Maximum Price Regulation.

(2) Sales of uniforms and accessories for the armed forces. Prices are established by the Army or Navy Uniform Services.

(3) Sales at retail by manufacturers, of textile products manufactured in their own factory. These sales continue to be covered by the provisions of the General Maximum Price Regulation.

(4) Sales by custom tailors and dress-makers, as defined in paragraph (a) (6) of this section. These sales continue to be covered by the provisions of the General Maximum Price Regulation.

This amendment shall become effective May 22, 1944.

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

(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 22d day of May 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-7313; Filed, May 22, 1944; 11:44 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS  
[MPR 373, Amdt. 58]

GROCERY ITEMS AND USED CARS IN HAWAII

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

Maximum Price Regulation No. 373 is amended in the following respects:

1. Section 18 (j) is amended by changing the prices of 1-pint and 1-quart containers of Mazola Salad Oil, set forth under Item No. 4, to read as follows:

4. Salad Oils: Ma- .38 per 1-pint container.  
zoia. .71 per 1-quart container.

2. Section 41 Table K (5) (ii) is amended by adding three new items and by changing the prices of two items to read as follows:

|  | Cents |
|--|-------|
| Rolled Oats, Quaker, all types, 3 lbs..... | 38    |
| Rolled Oats, Quaker, all types, 20 oz..... | 18    |
| Oats, Carnival, 3 lbs.....                 | 47    |
| Quick Wheat, Carnation, 2½ lbs.....        | 36    |
| Quick Wheat, Carnation, 16 oz.....         | 17    |

3. Section 41 Table A (14) is amended to read as follows:

|                                  |        |
|----------------------------------|--------|
| (14) Flour, baker's and family:  |        |
| Flour, family, 4.9 or 5 lbs..... | 31¢    |
| Flour, family, 49 or 50 lbs..... | \$2.70 |

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

8 F.R. 5388, 6359, 6849, 7200, 7457, 8064, 8550, 10270, 10666, 10984, 11247, 11437, 11849, 12299, 12703, 13023, 13342, 13500, 14139, 14305, 14688, 15253, 15369, 15851, 15852, 15862, 16886, 16997, 17201; 9 F.R. 173, 393, 580, 584, 1158, 1487, 1489, 1528, 1530, 2177, 2659, 2660, 3153, 3232, 3341, 3987, 3947, 3945, 4240, 4194, 4245, 4351, 4783, 4821, 4785, 4819.

For all other baker's and family flour the maximum price shall be determined by multiplying the invoice cost by 1.2.

4. Section 41 Table A (15) is amended by changing the price of one item to read as follows:

Aunt Jemima Pancake Flour, 20 ozs..... 17¢

5. Section 41 Table A (17b) is amended by changing the items "Del Monte (Royal Anne) Cherries, No. 303 Gl." and "Libby Pears"; by changing the prices of certain items, and by adding five new items, all to read as follows:

|   | Cents |
|---|-------|
| Cherries:   |       |
| Del Monte (Royal Anne) Light Sweet, No. 303 Gl..... | 30    |
| Del Monte (Royal Anne) Dark Sweet, No. 303 Gl.....  | 31    |
| Fruit Cocktail: Libby, No. 2½ can.....              | 37    |
| Peaches:  |       |
| FSCC "C" (various brands) Sliced, No. 2½ can.....   | 28    |
| FSCC "D" (various brands) Sliced, No. 2½ can.....   | 25    |
| Pears:  |       |
| Libby, Bartlett, No. 2½ can.....                    | 36    |
| Libby, Bartlett, No. 2½ gl.....                     | 39    |
| Prunes: All Gold prepared, No. 2½ gl.....           | 30    |

6. Section 41 Table A (18) is amended to read as follows:

| (18) Dried fruits:                  | Cents |
|-------------------------------------|-------|
| Prunes "30/40", 1 lb. Cont.....     | 22    |
| Prunes "40/50", 1 lb. Cont.....     | 21    |
| Prunes "50/60", 1 lb. Cont.....     | 19    |
| Prunes "60/70", 1 lb. Cont.....     | 19    |
| Prunes "70/80", 1 lb. Cont.....     | 19    |
| Prunes "80/90", 1 lb. Cont.....     | 17    |
| Prunes "90/100", 1 lb. Cont.....    | 16    |
| Raisins, FSCC only, 15 oz. box..... | 17    |

For all other dried fruits the division factor is .80.

7. Section 41 Table A (19) is amended by adding the words "FSCC only" after the words "Tomato juice."

8. Section 41 Table A (23) is amended by changing two items to read as follows:

|   | Cents        |
|---|--------------|
| Eagle Condensed Milk, 14 oz. can.....         | 24           |
| Evaporated Milk, all brands, 14½ oz. can..... | 13, 2 for 25 |

9. Section 41 Table A (28) is amended by changing the price of one item to read as follows:

|                              | Cents |
|------------------------------|-------|
| Bird seed: S & W, 12 oz..... | 28    |

10. Section 41 Table A (29) is amended by changing the prices of four items and by adding two new items to read as follows:

| Pickles:                     | Cents |
|------------------------------|-------|
| CHB Sweet Whole, 12 oz.....  | 31    |
| CHB Sweet Mixed, 12 oz.....  | 31    |
| CHB Chow Chow, 12 oz.....    | 31    |
| CHB Chili Pepper, 12 oz..... | 27    |
| CHB Sweet Whole, 24 oz.....  | 52    |
| CHB Sweet Mixed, 24 oz.....  | 52    |

11. Section 41 Table A (32) is amended to read as follows:

| 32 Rice      | U. S. No. 1 | U. S. No. 2 | U. S. No. 3 and brown | U. S. No. 4 | U. S. No. 5 |
|--------------|-------------|-------------|-----------------------|-------------|-------------|
| 100 lbs..... | \$8.62      | \$8.47      | \$8.37                | \$8.27      | \$8.30      |
| 50 lbs.....  | 4.39        | 4.29        | 4.24                  | 4.19        | 4.25        |
| 25 lbs.....  | 2.21        | 2.17        | 2.15                  | 2.12        | 2.15        |
| 10 lbs.....  | .89         | .88         | .87                   | .86         | .88         |
| 1 lb.....    | .09         | .09         | .09                   | .09         | .09         |

For all other rice the maximum price shall be determined by multiplying the invoice cost by 1.2.

12. Section 41 Table A (35) is amended by changing the price of one item to read as follows:

|                                     |               |
|-------------------------------------|---------------|
| Soap, bar, package and laundry:     |               |
| Strykers Kitchen Soap, Regular..... | 6¢, 2 for 11¢ |

13. Section 41 Table A (37) is amended by changing the prices of certain items to read as follows:

| Campbell's Soups:                  | New Conden.    |
|------------------------------------|----------------|
| Chicken, No. 1 can.....            | 20¢, 2 for 39¢ |
| Chicken-Noodle, No. 1 can.....     | 18¢, 2 for 35¢ |
| Vegetable, No. 1 can.....          | 15¢            |
| Vegetarian Veg., No. 1 can.....    | 15¢            |
| Pea and Green Pea, No. 1 can.....  | 15¢, 2 for 29¢ |
| Scotch Broth, No. 1 can.....       | 15¢, 2 for 29¢ |
| Asparagus, No. 1 can.....          | 15¢, 2 for 29¢ |
| Bean with Bacon, No. 1 can.....    | 15¢, 2 for 29¢ |
| Clam Chowder, No. 1 can.....       | 15¢, 2 for 29¢ |
| Mock Turtle, No. 1 can.....        | 15¢, 2 for 29¢ |
| Oxtail, No. 1 can.....             | 15¢, 2 for 29¢ |
| Pepper Pot, No. 1 can.....         | 15¢, 2 for 29¢ |
| Consomme Madrilene, No. 1 can..... | 15¢, 2 for 29¢ |
| Tomato, No. 1 can.....             | 11¢            |

14. Section 41 Table A (44) is amended by changing the item "Del Monte Corn, all kinds, No. 2 can", by changing the price of one item and by adding two new items to read as follows:

| Carrots: All Gold, diced, No. 303 gl..... | Cents |
|---|-------|
|   | 16    |
| Corn:                                     |       |
| Del Monte, tiny kernel, No. 2 can.....    | 17    |
| Del Monte, Golden C. S., No. 2 can.....   | 17    |

15. The table following section 41 Table E (b) is amended by adding certain new items and by changing the prices of certain items, all to read as follows:

| Defi- nition (see par. (f)) | Commodity   | Size            | Cell- ing price |
|-----------------------------|---|-----------------|-----------------|
| 14.....                     | Flour, family, 4.9 or 5 lbs.....                    |                 | \$0.30          |
| 14.....                     | Flour, family, 49 or 50 lbs.....                    |                 | 2.62            |
| 17.....                     | Peaches, FSCC "C" (various brands) Sliced, can..... | N o. 2½         | .27             |
| 17.....                     | Peaches, FSCC "D" (various brands) Sliced, can..... | N o. 2½         | .24             |
| 18.....                     | Prunes "30/40".....                                 | 1 lb. cont..... | .21             |
| 18.....                     | Prunes "40/50".....                                 | 1 lb. cont..... | .20             |
| 18.....                     | Prunes "50/60".....                                 | 1 lb. cont..... | .18             |
| 18.....                     | Prunes "60/70".....                                 | 1 lb. cont..... | .18             |
| 18.....                     | Prunes "70/80".....                                 | 1 lb. cont..... | .18             |
| 18.....                     | Prunes "80/90".....                                 | 1 lb. cont..... | .16             |
| 18.....                     | Prunes "90/100".....                                | 1 lb. cont..... | .15             |
| 18.....                     | Raisi-s, FSCC only.....                             | 15 oz. box..... | .16             |

| 32 Rice      | U. S. No. 1 | U. S. No. 2 | U. S. No. 3 and brown | U. S. No. 4 | U. S. No. 5 |
|--------------|-------------|-------------|-----------------------|-------------|-------------|
| 100 lbs..... | \$8.36      | \$8.22      | \$8.12                | \$8.02      | \$8.05      |
| 50 lbs.....  | 4.26        | 4.16        | 4.11                  | 4.06        | 4.12        |
| 25 lbs.....  | 2.14        | 2.10        | 2.09                  | 2.06        | 2.09        |
| 10 lbs.....  | .86         | .85         | .84                   | .83         | .85         |
| 1 lb.....    | .09         | .09         | .09                   | .09         | .09         |

16. Section 41 Table F is amended to read as follows:

TABLE F—MAXIMUM PRICES FOR THE ISLAND OF LANAI

(a) This Table shall apply to the Island of Lanai only.

(b) The following maximum prices shall apply in the Island of Lanai. To these prices may be added the differentials permitted by paragraph (e) below.

| Definition No. (see par. (f)) | Commodity                                 | Size           | Ceiling price |
|-------------------------------|---|----------------|---------------|
| 14                            | Flour, family                             | 4.9 or 5 lbs.  | \$0.30        |
| 14                            | Flour, family                             | 4.9 or 50 lbs. | 2.65          |
| 17                            | Peaches, FSCC "C" (various brands) sliced | No. 2 1/2 can. | .27           |
| 17                            | Peaches, FSCC "D" (various brands) sliced | No. 2 1/2 can. | .24           |

  

| 32 Rice  | U. S. No. 1 | U. S. No. 2 | U. S. No. 3 and Brown | U. S. No. 4 | U. S. No. 5 |
|----------|-------------|-------------|-----------------------|-------------|-------------|
| 100 lbs. | \$8.45      | \$8.30      | \$8.20                | \$8.10      | \$8.13      |
| 50 lbs.  | 4.30        | 4.20        | 4.16                  | 4.11        | 4.16        |
| 25 lbs.  | 2.17        | 2.13        | 2.11                  | 2.08        | 2.11        |
| 10 lbs.  | .87         | .86         | .85                   | .84         | .86         |
| 1 lb.    | .09         | .09         | .09                   | .09         | .09         |

(c) The specific dollars and cents ceiling prices listed in Table A for the Island of Oahu shall apply to the Island of Lanai in all cases where the commodity ceiling price is not set forth in paragraph (b) of this table. To these prices may be added the differentials permitted by paragraph (e) below.

(d) In all cases where a specific dollar and cent ceiling price is not provided in Table A or paragraph (b) of this Table F, the maximum price shall be computed by means of the "net cost" as defined in paragraph (e) of this section 41, and the appropriate division factor or multiplication factor named in Table A. No transportation cost from the Islands of Oahu or Maui to the Island of Lanai shall be included in "net cost". To the prices thus computed may be added the differentials permitted by paragraph (e) of this Table F.

(e) All retail grocery stores on the Island of Lanai may add 2% to the maximum retail sales prices listed or computed in accordance with this Table F. This addition must be made as a separate computation at the time of payment. Prior to the addition of the 2% differential, stores shall obtain and prominently display the poster issued by the Office of Price Administration stating the right of the store to this differential.

17. Section 57 (k) is amended to read as follows:

(k) Report of transfer which must be completed for sale of a used car. Every person, when he sells a used car, shall complete a Report of Transfer of Used Passenger Automobile, OPA Form THP 3, which may be obtained from any dealer or from any War Price and Rationing Board. The seller shall insert the details of the sale on the said report form, and shall sign such report and certify as to the truth and accuracy of the same before the Executive Secretary or an authorized clerk of the War Price and Rationing Board that issued the gasoline rations for the car that is being sold. Upon completion of the above requirements, the seller shall deliver such report to the buyer, who shall then sign and certify as to the truth and accuracy of the same before the Executive Secretary or an authorized clerk of his local War Price and Rationing Board. The completed report must then be filed by the buyer with the said Board. However, where a dealer is the buyer, he shall file the report with said board within 5 days of the purchase.

This amendment shall become effective as follows:

(a) As to section 18, as of April 13, 1944.

(b) As to section 41, as of April 13, 1944, on the Island of Oahu, and as of April 17, 1944 on all other islands.

(c) As to section 57, as of April 1, 1944.

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

(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 22d day of May 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-7314; Filed, May 22, 1944; 11:43 a. m.]

PART 1432—RATIONING OF CONSUMERS' DURABLE GOODS

[RO 9A, Amdt. 8 to Supp. 1]

STOVES

Supplement 1 to Ration Order 9A is amendment in the following respects:

1. The text of § 1432.69 (b) (1) (i) is amended to read as follows:

(i) General. A dealer or distributor located in the area covered by Table III (set forth in subdivision (ii) of this paragraph) may apply to his Board for an increase in his allowable inventory so that his current allowable inventory will be equal to the amount found by multiplying his allowable inventory for each type of stove determined from Table I (set forth in paragraph (a)) by the percentage for that type of stove shown in Table III. If the District or Washington Office determined the allowable inventory, the Board will multiply the figure to be furnished it by the District or Washington Office (as the equivalent of the amount in Table I), by the percentage shown in Table III. However, the applicant may not obtain the increase authorized by this subparagraph (1) for any type of stove of which his sales in 1941 or 1942 totaled less than five (5) stoves, or for which his allowable inventory was previously increased as a result of an application for adjustment or relief under section 3.8 unless:

2. Section 1432.69 (b) (1) (ii) is amended to read as follows:

(ii) Table III. Table III referred to in subdivision (i) of this subparagraph (1) is as follows:

PERCENTAGE FOR FIGURING CURRENT ALLOWABLE INVENTORIES

Allowable inventory determined from Table I is to be multiplied by the applicable percentage figure shown below.

| OPA Districts in— | Heating stoves of following types |      |      | Cooking stoves of following types |      |      |
|-------------------|-----------------------------------|------|------|-----------------------------------|------|------|
|                   | Coal or wood                      | Oil  | Gas  | Coal or wood                      | Oil  | Gas  |
| Region I:         | Pct.                              | Pct. | Pct. | Pct.                              | Pct. | Pct. |
| Hartford          | 300                               | 400  | 200  | 100                               | 100  | 150  |
| Augusta           | 350                               | 300  | 200  | 150                               | 100  | 150  |
| Boston            | 200                               | 500  | 200  | 100                               | 100  | 200  |
| Concord           | 250                               | 350  | 200  | 100                               | 150  | 150  |
| Providence        | 200                               | 350  | 200  | 100                               | 100  | 250  |
| Montpellier       | 300                               | 300  | 200  | 150                               | 100  | 200  |
| Region II:        |                                   |      |      |                                   |      |      |
| Wilmington        | 300                               | 400  | 250  | 200                               | 200  | 150  |
| Washington, D. C. | 200                               | 250  | 200  | 100                               | 100  | 150  |
| Baltimore         | 200                               | 300  | 200  | 150                               | 150  | 150  |
| Camden            | 300                               | 400  | 250  | 150                               | 150  | 200  |
| Newark            | 200                               | 300  | 200  | 100                               | 100  | 200  |
| Trenton           | 300                               | 400  | 200  | 100                               | 150  | 200  |
| Albany            | 200                               | 250  | 200  | 100                               | 100  | 150  |
| Binghamton        | 300                               | 300  | 250  | 100                               | 100  | 150  |
| Buffalo           | 200                               | 250  | 200  | 150                               | 100  | 200  |
| New York City     | 200                               | 250  | 200  | 100                               | 100  | 150  |
| Syracuse          | 250                               | 250  | 250  | 100                               | 100  | 150  |
| Altoona           | 250                               | 200  | 200  | 100                               | 100  | 150  |
| Eric              | 250                               | 200  | 250  | 150                               | 100  | 150  |
| Harrisburg        | 200                               | 200  | 200  | 100                               | 100  | 150  |
| Philadelphia      | 200                               | 200  | 200  | 100                               | 100  | 150  |
| Pittsburgh        | 300                               | 200  | 200  | 150                               | 100  | 150  |
| Scranton          | 200                               | 200  | 300  | 150                               | 100  | 150  |
| Williamsport      | 250                               | 200  | 300  | 150                               | 100  | 150  |
| Region III:       |                                   |      |      |                                   |      |      |
| Indianapolis      | 300                               | 200  | 250  | 150                               | 150  | 150  |
| Lexington         | 250                               | 200  | 400  | 150                               | 150  | 150  |
| Louisville        | 250                               | 200  | 200  | 150                               | 150  | 150  |
| Detroit           | 300                               | 200  | 250  | 150                               | 150  | 200  |
| Grand Rapids      | 250                               | 200  | 200  | 150                               | 150  | 150  |
| Escanaba          | 300                               | 250  | 250  | 150                               | 150  | 150  |
| Saginaw           | 300                               | 200  | 200  | 150                               | 150  | 200  |
| Cincinnati        | 200                               | 200  | 250  | 150                               | 150  | 150  |
| Cleveland         | 200                               | 200  | 200  | 150                               | 150  | 150  |
| Columbus          | 300                               | 200  | 200  | 150                               | 150  | 150  |
| Toledo            | 200                               | 200  | 200  | 150                               | 150  | 150  |
| Charleston        | 200                               | 200  | 300  | 150                               | 150  | 150  |
| Region IV:        |                                   |      |      |                                   |      |      |
| Birmingham        | 200                               | 200  | 200  | 150                               | 200  | 150  |
| Montgomery        | 200                               | 250  | 350  | 150                               | 200  | 200  |
| Jacksonville      | 200                               | 300  | 250  | 150                               | 200  | 200  |
| Atlanta           | 200                               | 200  | 200  | 150                               | 150  | 200  |
| Savannah          | 200                               | 300  | 250  | 200                               | 300  | 250  |
| Jackson           | 200                               | 250  | 300  | 150                               | 250  | 250  |
| Charlotte         | 200                               | 200  | 200  | 150                               | 150  | 150  |
| Raleigh           | 250                               | 200  | 200  | 200                               | 300  | 150  |
| Columbia          | 200                               | 300  | 250  | 150                               | 200  | 150  |
| Memphis           | 200                               | 300  | 200  | 150                               | 200  | 200  |
| Nashville         | 200                               | 200  | 200  | 150                               | 150  | 250  |
| Richmond          | 250                               | 200  | 200  | 200                               | 150  | 150  |
| Roanoke           | 250                               | 200  | 250  | 150                               | 150  | 150  |
| Region V:         |                                   |      |      |                                   |      |      |
| Little Rock       | 200                               | 250  | 250  | 150                               | 250  | 200  |
| Wichita           | 200                               | 250  | 300  | 150                               | 150  | 150  |
| New Orleans       | 200                               | 300  | 200  | 150                               | 200  | 200  |
| Shreveport        | 200                               | 250  | 350  | 200                               | 250  | 250  |
| Kansas City       | 250                               | 250  | 200  | 150                               | 150  | 150  |
| St. Louis         | 250                               | 200  | 200  | 150                               | 150  | 150  |
| Oklahoma City     | 200                               | 300  | 300  | 100                               | 150  | 250  |
| Tulsa             | 200                               | 250  | 400  | 100                               | 150  | 250  |
| Dallas            | 200                               | 300  | 300  | 100                               | 150  | 250  |
| Fort Worth        | 200                               | 300  | 350  | 100                               | 150  | 300  |
| Houston           | 200                               | 250  | 350  | 150                               | 200  | 150  |
| Lubbock           | 200                               | 300  | 350  | 150                               | 150  | 300  |
| San Antonio       | 200                               | 300  | 350  | 150                               | 250  | 300  |
| Region VI:        |                                   |      |      |                                   |      |      |
| Chicago           | 250                               | 250  | 200  | 150                               | 150  | 200  |
| Moline            | 200                               | 200  | 200  | 150                               | 100  | 150  |
| Peoria            | 250                               | 200  | 250  | 150                               | 150  | 150  |
| Springfield       | 300                               | 200  | 250  | 150                               | 150  | 200  |
| Des Moines        | 200                               | 200  | 200  | 150                               | 100  | 150  |
| Sioux City        | 300                               | 200  | 250  | 150                               | 100  | 150  |
| Duluth            | 200                               | 200  | 250  | 150                               | 100  | 150  |
| St. Paul          | 200                               | 200  | 200  | 150                               | 100  | 150  |
| North Platte      | 250                               | 400  | 300  | 150                               | 150  | 150  |
| Omaha             | 300                               | 250  | 200  | 200                               | 100  | 155  |
| Fargo             | 300                               | 250  | 300  | 150                               | 100  | 150  |
| Sioux Falls       | 250                               | 250  | 300  | 150                               | 100  | 100  |
| Green Bay         | 200                               | 200  | 250  | 150                               | 100  | 150  |
| La Crosse         | 300                               | 250  | 200  | 150                               | 100  | 150  |
| Milwaukee         | 250                               | 250  | 250  | 150                               | 100  | 150  |
| Region VII:       |                                   |      |      |                                   |      |      |
| Denver            | 200                               | 300  | 200  | 150                               | 100  | 150  |
| Boise             | 500                               | 1000 | 300  | 300                               | 200  | 200  |
| Helena            | 200                               | 350  | 350  | 150                               | 100  | 200  |
| Albuquerque       | 200                               | 500  | 500  | 150                               | 300  | 300  |
| Salt Lake City    | 200                               | 400  | 200  | 150                               | 200  | 200  |
| Cheyenne          | 200                               | 400  | 400  | 150                               | 300  | 150  |
| Region VIII:      |                                   |      |      |                                   |      |      |
| Phoenix           | 200                               | 500  | 250  | 150                               | 400  | 250  |
| Fresno            | 200                               | 600  | 400  | 150                               | 300  | 300  |
| Los Angeles       | 200                               | 350  | 300  | 150                               | 150  | 250  |
| Sacramento        | 200                               | 500  | 400  | 200                               | 150  | 250  |

18 F.R. 11564.

PERCENTAGE FOR FIGURING CURRENT ALLOWABLE INVENTORIES—Continued

| OPA Districts in — | Heating stoves of following types |      |      | Cooking stoves of following types |      |      |
|--------------------|-----------------------------------|------|------|-----------------------------------|------|------|
|                    | Coal or wood                      | Oil  | Gas  | Coal or wood                      | Oil  | Gas  |
| Region VIII—Con.   | Pct.                              | Pct. | Pct. | Pct.                              | Pct. | Pct. |
| San Diego.....     | 300                               | 350  | 300  | 150                               | 200  | 250  |
| San Francisco..... | 200                               | 300  | 250  | 150                               | 100  | 250  |
| Reno.....          | 300                               | 400  | 600  | 150                               | 200  | 250  |
| Portland.....      | 250                               | 300  | 300  | 150                               | 100  | 250  |
| Seattle.....       | 350                               | 400  | 300  | 250                               | 100  | 200  |
| Spokane.....       | 300                               | 350  | 300  | 200                               | 200  | 200  |

3. Section 1432.69 (b) (1) (iii) is amended to read as follows:

(iii) Where sales in base period totaled less than five stoves. A dealer or distributor whose sales of a type of stove in 1941 or 1942 totaled less than five (5) stoves may apply only under paragraph (b) (4) of this section for an increase in allowable inventory for that type.

4. Section 1432.69 (b) (1) (iv) is deleted.

5. Section 1432.69 (b) (1) (v) is deleted.

6. Section 1432.69 (b) (4) is amended to read as follows:

(4) *Alternative method for determining current allowable inventories for coal and wood or gas heating stoves, or coal and wood, oil or gas cooking stoves.* (i) A dealer or distributor whose sales of coal and wood or gas heating stoves, or coal and wood, oil or gas cooking stoves in 1941 or 1942 were within the range for such types of stoves, as shown in Table IV (set forth in subdivision (ii) of this subparagraph (4) ), may, instead of applying for an increase in his allowable inventory for those types of stoves under paragraph (b) (1) of this section, apply to his Board for an increase equal to the amount by which the allowable inventory for those types of stoves shown in Table IV exceeds his present allowable inventory for those types. A dealer or distributor whose sales of a type of stove in 1941 or 1942 totaled less than five (5) stoves, may apply for an increase in his allowable inventory for that type of stove only under this subparagraph.

(ii) *Table IV.* Table IV referred to in subdivision (i) of this subparagraph is as follows:

CURRENT ALLOWABLE INVENTORIES FOR COAL AND WOOD OR GAS HEATING STOVES AND ALL TYPES OF COOKING STOVES WHEN ALTERNATE METHOD IS USED

| Allowable in inventory. (To be assigned on basis of figures in applicable sales column) | Reported sales (1941 or 1942) |                 |                 |                 |                  | Allowable inventory. (To be assigned on basis of figures in applicable sales column) |
|---|-------------------------------|-----------------|-----------------|-----------------|------------------|--|
|   | Heating stoves                |                 | Cooking stoves  |                 |                  |  |
|   | Coal or wood                  | Gas             | Coal or wood    | Oil             | Gas              |  |
| 1.....  | 1-2.....                      | 1-2.....        | 1-2.....        | 1-2.....        | 1-4.....         | 1  |
| 2.....  | 1-2.....                      | 3-4.....        | 3-4.....        | 3-4.....        | 5-8.....         | 2  |
| 3.....  | 3-4.....                      | 5-6.....        | 5-6.....        | 5-6.....        | 9-12.....        | 3  |
| 4.....  | 5.....                        | 7-8.....        | 7-8.....        | 7-8.....        | 13-16.....       | 4  |
| 5.....  | 6-7.....                      | 9 and over..... | 9 and over..... | 9 and over..... | 17 and over..... | 5  |
| 6.....  | 8.....                        |                 |                 |                 |                  | 6  |
| 7.....  | 9.....                        |                 |                 |                 |                  | 7  |
| 8.....  | 10-11.....                    |                 |                 |                 |                  | 8  |
| 9.....  | 12.....                       |                 |                 |                 |                  | 9  |
| 10.....   | 13 and over.....              |                 |                 |                 |                  | 10   |

7. Section 1432.69 (b) (4) (iii) is deleted.

This amendment shall become effective on May 26, 1944.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; W.P.B. Dir. 1, 7 F.R. 562, and Supp. Dir. 1-8, 8 F.R. 6018)

Issued this 22d day of May 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-7315; Filed, May 22, 1944; 11:41 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[RMPR 487, Amdt. 2]

WHEAT

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.\*

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

<sup>1</sup>9 F.R. 305, 1489, 3034.

Section 4 of Revised Maximum Price Regulation No. 487 is amended to read as follows:

SEC. 4. *Maximum prices of producers.* (a) The maximum price per bushel, bulk, for the sale of any wheat by a producer shall be as follows:

(1) If delivered to the purchaser at the farm where grown, the formula price at the nearest interior rail point less 4½ cents per bushel.

(2) If delivered to a commercial elevator or warehouse at an interior point, the formula price at that point less 3 cents per bushel.

(3) If delivered to the purchaser loaded aboard a rail car at the point of loading, the formula price at such point of loading less 1 cent per bushel.

(4) If delivered to the purchaser loaded aboard a rail car after movement by rail the formula price at the interior rail point of loading, plus seller's transportation cost from the point of loading to the point of delivery to the purchaser.

(5) If delivered to the purchaser at any other point, the formula price at the interior rail loading point nearest to the point of production less 4½ cents per bushel, plus the seller's transportation cost to the point of delivery to the purchaser.

(b) If the purchaser performs any services connected with the growing, harvesting, collecting from field or assembling at point on the farm where available for ready transportation from the farm, the reasonable value of all such services must be deducted in paying the appropriate maximum price hereinbefore set forth.

This amendment shall become effective May 27, 1944.

(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 22d day of May 1944.

JAMES F. BROWNLEE,  
Acting Administrator.

Approved: May 15, 1944.

MARVIN JONES,  
War Food Administrator.

[F. R. Doc. 44-7316; Filed, May 22, 1944; 11:42 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 518, Amdt. 1]

ROUGH RICE

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

Maximum Price Regulation 518 is amended in the following respects:

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

(8) "Transportation charges" shall be the reasonable value of transporting the lot in question between the points involved by a usual route and method of transportation, not to exceed the lowest published common carrier rate, if any, where common carrier service is available.

2. Section 4 (a) is amended to read as follows:

(a) The maximum prices for the sale and delivery of rough rice not grown in the State of California, bulk, containing not more than 17 percent moisture, at the country shipping point nearest (by the most usually traveled route) to the point of production shall be as follows:

| Varieties (or class)     | Maximum price |            |
|--------------------------|---------------|------------|
|                          | Per barrel    | Per bushel |
| Rexoro.....              | \$7.05        | \$1.958    |
| Texas Patna.....         | 7.05          | 1.958      |
| Nira.....                | 6.65          | 1.847      |
| Fortuna.....             | 6.15          | 1.708      |
| Edith.....               | 6.10          | 1.694      |
| Blue Rose.....           | 6.15          | 1.708      |
| Southern Pearl.....      | 6.15          | 1.708      |
| Lady Wright.....         | 6.00          | 1.667      |
| Zenith.....              | 6.15          | 1.708      |
| Early Prolific.....      | 5.60          | 1.556      |
| Prelude.....             | 6.10          | 1.694      |
| Ark-Rose.....            | 6.15          | 1.708      |
| All other varieties..... | 5.60          | 1.556      |
| Mixed rough rice.....    | (1)           | (1)        |

<sup>1</sup>Multiply the percentage of each variety contained in the mixture by its respective maximum price as above set forth and total the results.

3. Section 4 (c) is amended to read as follows:

<sup>1</sup>9 F.R. 2657.

(c) The maximum price for the sale and delivery of rough rice at the point of production shall be the applicable maximum prices specified in paragraphs (a) or (b) of this section less transportation charges from the point of production to the nearest country shipping point.

4. Section 4 (d) is amended to read as follows:

(d) The maximum price for the sale and delivery of rough rice at any point other than the country shipping point or the point of production shall be the applicable maximum prices specified in paragraphs (a) or (b) of this section, plus transportation charges from the country shipping point nearest to the point of production to the buyer's actual receiving point.

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

(a) The maximum price for the sale and delivery of rough rice grown in California, per one hundred pounds, base quality, bulk, containing not over 15 percent moisture, shall be as follows:

(1) At the basing points of San Francisco, California, or Imperial, California.

| Varieties:               | Maximum Price for Base Quality Per Hundred Pounds |
|--------------------------|---|
| California Pearl.....    | \$3.57  |
| Calady.....              | 3.64  |
| Blue Rose.....           | 3.57  |
| Rexoro.....              | 4.20  |
| Nira.....                | 4.20  |
| All other varieties..... | 3.57  |
| Mixed rough rice.....    | (1)   |

<sup>1</sup>Multiply the percentage of each variety contained in the mixture by its respective maximum price as set forth and total the results.

(2) At any country shipping point: The maximum price at the basing points less transportation charges from the country shipping point in question to Imperial or San Francisco, whichever is lower.

(3) At any point other than the basing point or country shipping point: The maximum price at the country shipping point nearest thereto less transportation charges from said point other than the basing point or country shipping point to said country shipping point.

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

(c) The foregoing maximum prices specified in paragraphs (a) and (b) of this section shall be altered for all varieties, except Rexoro and Nira, as follows:

(1) Increased 1.62 cents per hundred pounds for each 1 pound of whole kernels and 5 cents per hundred pounds for each 1 pound of total milled rice (all classes) which any lot is appraised to yield above base quality.

(2) Decreased 1.62 cents per hundred pounds for each 1 pound of whole kernels and 5 cents per hundred pounds for each 1 pound of total milled rice (all

classes) which any lot is appraised to yield less than base quality.

7. Section 5 (d) is added to read as follows:

(d) The foregoing maximum prices specified in paragraphs (a) and (b) of this section shall be altered for Rexoro and Nira as follows:

(1) Increased 3.3 cents per hundred pounds for each 1 pound of whole kernels and 5 cents per hundred pounds for each 1 pound of total milled rice (all classes) which any lot is appraised to yield above base quality.

(2) Decreased 3.3 cents per hundred pounds for each 1 pound of whole kernels and 5 cents per hundred pounds for each 1 pound of total milled rice (all classes) which any lot is appraised to yield less than base quality.

8. Section 17 is added to read as follows:

SEC. 17. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

9. Section 18 is added to read as follows:

SEC. 18. *Position of commission agents.* In no case shall the amount paid to a commission agent or any other person negotiating the purchase or sale of rough rice, when added to the amount paid by the buyer to the seller exceed the seller's maximum price.

This amendment shall become effective May 27, 1944.

(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 22d day of May 1944.

CHESTER BOWLES,  
Administrator.

Approved: May 11, 1944.

MARVIN JONES,  
War Food Administrator.

[F. R. Doc. 44-7318; Filed, May 22, 1944; 11:40 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 11 to GMPR, Amdt. 49]

CORROSION INHIBITER SERVICES

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

Paragraph (b) of § 1499.46 is amended by adding a new subparagraph to read as follows:

(144) Corrosion inhibitor service for boilers and heating systems—fees and charges for.

This amendment shall become effective May 27, 1944.

(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 22d day of May 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-7317; Filed, May 22, 1944; 11:43 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 28—PHOTOGRAPHING

PROHIBITED AREAS

Effective June 1, 1944 paragraph (c), § 28.3 of Title 35, Code of Federal Regulations (7 F.R. 6170), is amended to read as follows:

§ 28.3 *Areas within which possession of cameras is prohibited.* No person shall have any camera in his possession within any of the following areas in the Canal Zone, without first obtaining the permission of the Governor of The Panama Canal:

(a) \* \* \*

(2) The airspace above the Canal Zone. See paragraph (c) hereof.

\* \* \* \* \*

(c) While on board any aircraft in the airspace above the Canal Zone no person shall have any camera in his possession except as otherwise provided in these regulations. A person destined for travel into, within, or through the airspace above the Canal Zone shall at a point of departure prior to entering such airspace, including any point of departure in the Canal Zone, (1) place in his baggage any and all cameras in his possession, (2) surrender to the commander or person in responsible charge of the aircraft, or to a representative of such commander or person in responsible charge, any of his baggage which contains any camera, and (3) sign and deliver to such commander or person, or to a representative of such commander or person, a certificate to the effect that he has complied with the two preceding requirements of this paragraph. The commander or person in responsible charge of the aircraft shall (1) cause the baggage surrendered as hereinbefore pro-

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

vided to be received, (2) cause such baggage to be sealed by the Customs authorities of such point of departure, (3) cause such baggage to be placed in a compartment separate from the space occupied by passengers, (4) cause the compartment to be and remain locked while within the airspace above the Canal Zone, and (5) cause the certificates provided for in this paragraph to be delivered to the Canal Zone Customs authorities upon arrival or prior to departure as the case may be: *Provided, however*, That if the Customs authorities of such point of departure should decline to seal such baggage, as hereinbefore provided, or should at the time have no representative present at such point of departure, the commander or person in responsible charge of the aircraft may before the departure of the aircraft seal such baggage, or cause it to be sealed, and in such event he shall upon arrival in the Canal Zone submit a written report of the facts to the Canal Zone Customs authorities.

J. C. MEHAFFEY,  
Acting Governor.

MAY 8, 1944.

[F. R. Doc. 44-7291; Filed, May 22, 1944;  
10:47 a. m.]

## TITLE 36—PARKS AND FORESTS

### Chapter II—Forest Service

[Reg. S-30, Amdt.]

#### PART 221—TIMBER

##### ESTABLISHMENT OF SUSTAINED YIELD UNITS

By virtue of the authority vested in the Secretary of Agriculture by the Act of March 29, 1944 (Public Law 273, 78th Congress), Regulation S-30, which constitutes § 221.30, Part 221, Chapter II, Title 36, Code of Federal Regulations, is amended to read as follows:

§ 221.30 *Establishment of sustained yield units.* The Chief of the Forest Service is authorized with respect to forest lands administered by the Forest Service to exercise all of the powers and duties conferred on the Secretary of Agriculture by the Act of March 29, 1944 (Public Law 273, 78th Congress), and to delegate to other officers and employees of the Forest Service such of these powers and duties as he may consider desirable in carrying out the purposes of said act.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, this 20th day of May 1944.

[SEAL] GROVER B. HILL,  
Acting Secretary of Agriculture.

[F. R. Doc. 44-7282; Filed, May 20, 1944;  
3:17 p. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

#### PART 4—RULES GOVERNING BROADCAST SERVICES OTHER THAN STANDARD BROADCAST

##### MULTIPLE OWNERSHIP

The Commission, on May 16, 1944, effective immediately, amended § 4.226 to read as follows:

§ 4.226 *Multiple ownership.* No person (including all persons under common control)<sup>1</sup> shall, directly or indirectly, own, operate, or control more than one television broadcast station, except upon a showing (1) that such ownership, operation, or control would foster competition among television broadcast stations or provide a television broadcast service distinct and separate from existing services, and (2) that such ownership, operation or control would not result in the concentration of control of television broadcasting facilities in a manner inconsistent with public interest, convenience, or necessity: *Provided, however*, That no person (including all persons under common control), shall directly or indirectly own, operate, or control more than one television broadcast station that would serve substantially the same service area: *And provided, further*, That the Commission will regard the ownership, operation, or control of more than five television broadcast stations as constituting a concentration of control of television broadcasting facilities in a manner inconsistent with public interest, convenience, or necessity.

(Sec. 4 (i), 48 Stat. 1066; 47 U. S. C. 154 (i))

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 44-7290; Filed, May 22, 1944;  
10:42 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### Chapter I—Interstate Commerce Commission

#### Subchapter A—General Rules and Regulations

[S. O. 208]

##### PART 95—CAR SERVICE

#### TRANSPORTATION OF CORN FROM OR WITHIN DESIGNATED AREA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of May, A. D. 1944.

It appearing, That Marvin Jones, Food Administrator, has issued May 22, 1944,

<sup>1</sup> The word "control", as used herein, is not limited to majority stock ownership, but includes actual working control in whatever manner exercised.

Title 7—Agriculture, Chapter XI—War Food Administration, War Food Order No. 98, Amendment 2, Part 1468—Grain, Limitations on Purchase, Sale, Delivery, and Use of Corn, 49 C.F.R. § 1468.8, effective at 12:01 a. m., c. w. t., May 23, 1944 (9 F.R. 4379, 4738, *supra*), which provides that "No person shall sell or deliver corn located in the designated area to any person other than Commodity Credit Corporation or its designated agent, and no person other than Commodity or its designated agent shall purchase or accept delivery of corn located in such area"; that the Director of the Office of Defense Transportation has requested this Commission to take such action as it deems necessary to prohibit transportation thereof from or within such counties as are listed in the appendix hereof; the Commission is of opinion that an emergency exists requiring immediate action; *It is ordered*, That:

§ 95.39 *Transportation of corn from or within a designated area—(a) Definition.* As used in this section the term "corn" means yellow, white, or mixed shelled corn, ear corn, or snap corn, of the dent or flint varieties, whole or crushed or mixed with other whole grains, excluding, however, seed corn, popcorn grain sorghums, sweet corn, broom corn, corn used for canning purposes, and packaged corn meal, corn grits, or other corn products packaged for human consumption.

(b) *Corn not to be transported except to or from Commodity Credit Corporation or its designated agents.* No common carrier by railroad subject to the Interstate Commerce Act shall accept for transportation or move interstate or intrastate any less-carload or carload shipment of corn from or within the counties in Illinois, Indiana, Iowa, Minnesota, and Nebraska listed in the appendix hereof, unless the shipment is consigned to or from the Commodity Credit Corporation or its designated agents as provided in War Food Order No. 98, Amendment 2, issued by the War Food Administrator on May 22, 1944 (9 F.R. 4379, 4738, *supra*), amendments thereto or reissues thereof.

(c) *Shipping orders and waybills to be endorsed when consigned to or from Commodity Credit Corporation or its designated agents.* Each shipping order, prior to acceptance by the carrier to which it is tendered, shall be endorsed by the shipper or consignor thereof stating that the shipment is consigned to or from the Commodity Credit Corporation or its designated agents, and carrier's agent shall make such notation on each waybill.

(d) *Inspection authorized by representative of Agricultural Adjustment Agency.* Any common carrier by railroad shall, upon request of a representative of the Agricultural Adjustment Agency, permit inspection of any ship-



ment of corn moving from or within the counties in Illinois, Indiana, Iowa, Minnesota, and Nebraska listed in the appendix hereof.

(e) *Exemptions.* The requirements of paragraph (b) of this section shall not apply to any transportation of corn not covered by the provisions of War Food Order No. 98, Amendment 2, amendments thereto or reissues thereof.

*It is further ordered,* That this order shall become effective at 12:01 a. m., c. w. t., May 23, 1944, and shall remain in effect until 12:01 a. m., c. w. t., June 24, 1944; that copies thereof shall be served upon the State Commissions of Illinois, Indiana, Iowa, Minnesota, and Nebraska; and 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, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,  
Secretary.

APPENDIX

Illinois counties: Bureau, Cass, Champaign, Christian, De Witt, Douglas, Edgar, Ford, Fulton, Grundy, Iroquois, Kankakee, Kendall, Knox, LaSalle, Lee, Livingston, Logan, McLean, Macon, Marshall, Mason, Menard, Moultrie, Peoria, Piatt, Putnam, Sangamon, Scott, Stark, Tazewell, Vermillion, Will, and Woodford.

Indiana counties: Benton, Fountain, Jasper, Montgomery, Newton, Pulaski, Starke, Tippecanoe, Vermillion, Warren, and White.

Iowa counties: Audubon, Boone, Buena Vista, Calhoun, Carroll, Cerro Gordo, Cherokee, Clay, Crawford, Dallas, Dickinson, Emmet, Franklin, Fremont, Greene, Grundy, Guthrie, Hamilton, Hancock, Hardin, Harrison, Humboldt, Ida, Jasper, Kossuth, Lyon, Marshall, Mills, Monona, Montgomery, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Polk, Pottawattamie, Poweshiek, Sac, Shelby, Sioux, Story, Tama, Webster, Winnebago, Woodbury, and Wright.

Minnesota counties: Blue Earth, Brown, Chippewa, Cottonwood, Faribault, Jackson, Lac Qui Parle, Lincoln, Lyon, Martin, Murray, Nobles, Pipestone, Redwood, Renville, Rock, Watonwan, and Yellow Medicine.

Nebraska counties: Burt, Butler, Cass, Cuming, Dodge, Douglas, Lancaster, Otoe, Sarpy, Saunders, Seward, Thurston, and Washington.

[F. R. Doc. 44-7302; Filed, May 22, 1944; 11:33 a. m.]

Chapter II—Office of Defense Transportation

[General Permit ODT 17-5A]

PART 521—CONSERVATION OF MOTOR EQUIPMENT; EXCEPTIONS, PERMITS AND EXEMPTIONS

MOTOR CARRIERS OF PROPERTY; TRANSPORTATION OF MINE PRODUCTS

Pursuant to § 501.71 of General Order ODT 17, as amended, General Permit ODT 17-5 (7 F.R. 5888) shall be superseded, and it is hereby authorized, that:

§ 521.2880 *Transportation of mine products.* Any motor carrier when operating a motor truck engaged exclusively in the transportation of the products of a mining, smelting, or refining enterprise, if such enterprise is operating under a preference rating order or a certificate of operation issued by the War Production Board, from a mine to the preparing, smelting, or refining facilities or to the nearest adequate rail or water shipping point, or between preparing, smelting, or refining facilities; or when operating a motor truck engaged exclusively in the transportation of the waste products of such a mining, smelting, or refining enterprise from the mine, preparing, smelting, or refining facilities to the point of disposal of such waste products, is hereby relieved, in respect of such truck, from compliance with the provisions of § 501.67 (mileage reduction requirements) and of subparagraphs (1) and (2) of paragraph (a) of § 501.69 (registering of empty or partially loaded trucks) of General Order ODT 17, as amended: *Provided,* That such trucks be loaded to capacity while operated over a considerable portion of the outbound or inbound route travelled in over-the-road service, and that the carrier use due diligence in maintaining a capacity load upon such trucks at all times while en route.

General Permit ODT 17-5 is hereby revoked as of the effective date of this General Permit ODT 17-5A.

This General Permit ODT 17-5A shall become effective May 20, 1944.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623, 8 F.R. 12750, 14582, 9 F.R. 2795)

Issued at Washington, D. C., this 20th day of May 1944.

J. M. JOHNSON,  
Director,

Office of Defense Transportation.

[F. R. Doc. 44-7236; Filed, May 20, 1944; 10:18 a. m.]

[General Permit ODT 17-11A]

PART 521—CONSERVATION OF MOTOR EQUIPMENT; EXCEPTIONS, PERMITS AND EXEMPTIONS

MOTOR CARRIERS OF PROPERTY; TRANSPORTATION OF FOREST PRODUCTS

Pursuant to § 501.71 of General Order ODT 17, as amended, General Permit ODT 17-11 (7 F.R. 5951) shall be superseded, and it is hereby authorized, that:

§ 521.2886 *Transportation of forest products.* Any motor carrier operating a truck exclusively in the transportation of forest products, as follows: (a) sawlogs, veneer logs, peeler logs, bolts, or unfinished lumber, from the point of production to a sawmill, a processing plant, the nearest point at which adequate rail or water transportation is available, or to any other point which is nearer to such point of production than such rail or water transportation point; or, (b) finished lumber from a

processing plant which does not have rail or water shipping facilities to the nearest point at which adequate rail or water transportation is available; or, (c) poles, pilings, posts, round timbers, hewn ties, or fuelwood from the point of production to the nearest point at which adequate rail or water transportation is available, or to any other point which is nearer to such point of production than such rail or water transportation point; or, (d) pulpwood, chemical wood, extract wood, or pulpwood logs to a point at which adequate rail or water transportation is available, or to a consuming, processing or storage point, is hereby relieved, in respect of such truck, from compliance with the provisions of § 501.67 (mileage reduction requirements) and of subparagraphs (1) and (2) of paragraph (a) of § 501.69 (registering of empty or partially loaded trucks) of General Order ODT 17, as amended: *Provided,* That such trucks be loaded to capacity while operated over a considerable portion of the outbound or inbound route travelled in over-the-road service, and that the carrier use due diligence in maintaining a capacity load upon such trucks at all times while en route.

General Permit ODT 17-11 is hereby revoked as of the effective date of this General Permit ODT 17-11A.

This General Permit ODT 17-11A shall become effective May 20, 1944.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183, E.O. 9156, 7 F.R. 3349; General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623, 8 F.R. 12750, 14582, 9 F.R. 2795)

Issued at Washington, D. C., this 20th day of May 1944.

J. M. JOHNSON,  
Director,

Office of Defense Transportation.

[F. R. Doc. 44-7234; Filed, May 20, 1944; 10:18 a. m.]

[General Permit ODT 17-12A]

PART 521—CONSERVATION OF MOTOR EQUIPMENT; EXCEPTIONS, PERMITS AND EXEMPTIONS

MOTOR CARRIERS OF PROPERTY; TRANSPORTATION IN CONNECTION WITH CONSTRUCTION

Pursuant to § 501.71 of General Order ODT 17, as amended, General Permit ODT 17-12 (7 F.R. 5951) shall be superseded, and it is hereby authorized, that:

§ 521.2887 *Operations within a construction area.* Any motor carrier when operating a motor truck wholly within the territorial limits of a construction project and engaged in the transportation of property used or to be used in or in connection with such construction project is hereby relieved, in respect of such truck, from compliance with the provisions of § 501.67 (mileage reduction requirements) and paragraph (c) of § 501.68 (limiting the number of deliveries) of General Order ODT 17, as amended.

§ 521.2888 *Operations of dump trucks.* Any motor carrier when operating a dump truck engaged exclusively in

the transportation in local delivery service of soil or waste material from or to a construction project is hereby relieved, in respect of such truck from compliance with the provisions of paragraph (c) of § 501.68 (limiting the number of deliveries) of General Order ODT 17, as amended.

General Permit ODT 17-12 is hereby revoked as of the effective date of this General Permit ODT 17-12A.

This General Permit ODT 17-12A shall become effective May 20, 1944.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183, E.O. 9156, 7 F.R. 3349; General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623, 8 F.R. 12750, 14582, 9 F.R. 2795)

Issued at Washington, D. C., this 20th day of May 1944.

J. M. JOHNSON,  
Director,  
Office of Defense Transportation.

[F. R. Doc. 44-7235; Filed, May 20, 1944;  
10:18 a. m.]

[General Order ODT L-2]

PART 504—DIRECTION OF MOTOR TRAFFIC  
MOVEMENT

MOTOR TRANSPORTATION OF CORN FROM OR  
WITHIN A DESIGNATED AREA

**General outline.** This order relates to the transportation of certain types of corn, from or within certain designated counties in the States of Illinois, Indiana, Iowa, Minnesota, and Nebraska, by common, contract and private carriers by motor vehicle. Such transportation, except to or for the account of, or from, the Commodity Credit Corporation, is prohibited unless written authorization therefor has been issued pursuant to War Food Order No. 98 of the War Food Administration, as amended (9 F.R. 4379, 4738, *supra*). Issuance of the written authorization shall be by the Agricultural Adjustment Agency, not by the Office of Defense Transportation. Application for such authorization should be filed with the County Agricultural Conservation Committee for the county in which the corn is located. The restriction of this order does not apply to transportation of corn within the designated area when the corn is transported by or for the owner for his own use and not for sale or delivery to any other person. Any inquiry regarding the requirements or effect of War Food Order No. 98, as amended, should be addressed to the Chief of Agricultural Adjustment Agency, United States Department of Agriculture, Washington 25, D. C.

This general outline shall not be construed to alter the meaning of any provision contained in the order. The text of General Order ODT L-2 follows:

Pursuant to the Act of May 31, 1941, as amended by the Second War Powers Act, 1942, Executive Orders 8989, as amended, and 9156, War Production Board Directive 21, and an authoriza-

tion and request contained in a certificate of the War Food Administration dated May 12, 1944, it is hereby ordered, That:

- Sec.
- 504.10 Restriction upon transportation by motor vehicle of corn from or within designated area.
- 504.11 Submission of records and property for examination and inspection by authorized representative.
- 504.12 Definitions.
- 504.13 Communications.

AUTHORITY: §§ 504.10 through 504.13 issued under the Act of May 31, 1941, as amended by the Second War Powers Act, 1942, 56 Stat. 176, 50 U. S. Code, §§ 631 through 645a; E.O. 8989, as amended, 6 F.R. 6725 and 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; War Production Board Directive 21, 8 F.R. 5834; Certificate of War Food Administration dated May 12, 1944.

§ 504.10 *Restriction upon transportation by motor vehicle of corn from or within designated area.* No person shall transport by motor vehicle, as a common carrier, contract carrier or private carrier, from or within the following designated area, to wit:

*State of Illinois*, counties of: Bureau, Cass, Champaign, Christian, De Witt, Douglas, Edgar, Ford, Fulton, Grundy, Iroquois, Kankakee, Kendall, Knox, La Salle, Lee, Livingston, Logan, McLean, Macon, Marshall, Mason, Menard, Morgan, Moultrie, Peoria, Piatt, Putnam, Sangamon, Scott, Stark, Tazewell, Vermilion, Will, and Woodford.

*State of Indiana*, counties of: Benton, Fountain, Jasper, Montgomery, Newton, Pulaski, Starke, Tippecanoe, Vermillion, Warren, and White.

*State of Iowa*, counties of: Audubon, Boone, Buena Vista, Calhoun, Carroll, Cerro Gordo, Cherokee, Clay, Crawford, Dallas, Dickinson, Emmet, Franklin, Fremont, Greene, Grundy, Guthrie, Hamilton, Hancock, Hardin, Harrison, Humboldt, Ida, Jasper, Kossuth, Lyon, Marshall, Mills, Monona, Montgomery, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Polk, Pottawattamie, Poweshiek, Sac, Shelby, Sioux, Story, Tama, Webster, Winnebago, Woodbury, and Wright.

*State of Minnesota*, counties of: Blue Earth, Brown, Chippewa, Cottonwood, Faribault, Jackson, Lac Qui Parle, Lincoln, Lyon, Martin, Murray, Nobles, Pipestone, Redwood, Renville, Rock, Watonwan, and Yellow Medicine.

*State of Nebraska*, counties of: Burt, Butler, Cass, Cuming, Dodge, Douglas, Lancaster, Otoe, Sarpy, Saunders, Seward, Thurston, and Washington.

except to or for the account of, or from, the Commodity Credit Corporation, unless the shipper thereof presents to such common carrier or contract carrier, or such private carrier obtains, written authorization for the shipment of such corn as provided in War Food Order No. 98, as amended, issued by the War Food Administration (9 F.R. 4379, 4738, *supra*), or in any supplement thereto or amendment or reissue thereof: *Provided, however*, That the restriction of this section shall not apply to the transportation of corn from any point within the above-designated area to any other point within such area when such corn is transported by or for the owner thereof for his own use and not for sale or delivery to any other person. A copy of any written authorization for shipment of corn, issued

pursuant to War Food Order No. 93, as amended, shall be carried in the transporting motor vehicle.

§ 504.11 *Submission of records and property for examination and inspection by authorized representative.* Any person transporting corn from or within the area designated in § 504.10 of this order by motor vehicle, as a common carrier, contract carrier or private carrier, shall submit his books, records, and other writings, including a copy of any authorization issued pursuant to War Food Order No. 98, as amended, pertaining to such transportation; and premises and property used in connection therewith, to any accredited representative of the Agricultural Adjustment Agency or of the Office of Defense Transportation, upon demand and the display of proper credentials, for such examination and inspection as may be necessary or appropriate to the enforcement or administration of this order.

§ 504.12 *Definitions.* As used in this order, and unless otherwise indicated by the context, the term:

(a) "Person" means any individual, partnership, corporation, association, joint-stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee or personal representative, and includes any department or agency of the United States, any State, the District of Columbia, or any other political, governmental or legal entity.

(b) "Corn" means yellow, white, or mixed shelled corn, ear corn, or snap corn, of the dent or flint varieties, whole or crushed or mixed with other whole grains, excluding, however, seed corn, popcorn, grain sorghums, sweet corn, broom corn, corn used for canning purposes, and packaged corn meal, corn grits, or other corn products packaged for human consumption.

(c) "Motor vehicle" means any rubber-tired vehicle propelled or drawn by mechanical power.

(d) "Common carrier" means any person that holds itself out to the general public to engage in transportation of property by motor vehicle for compensation.

(e) "Contract carrier" means any person that, under individual contracts or agreements, engages in the transportation of property by motor vehicle for compensation.

(f) "Private carrier" means any person not included in the term "common carrier" that transports by motor vehicle property of which such person is the owner, lessee, or bailee, when such transportation is for the purpose of sale, lease, rent, or bailment, or in furtherance of any commercial enterprise.

§ 504.13 *Communications.* Communications concerning this order should refer to "General Order ODT L-2," and unless otherwise directed, should be addressed to the Director, Division of Motor Transport, Office of Defense Transportation, Washington 25, D. C.

This General Order ODT L-2 shall become effective May 23, 1944.

Issued at Washington, D. C., this 22d day of May 1944.

J. M. JOHNSON,  
Director,  
Office of Defense Transportation.

[F. R. Doc. 44-7819; Filed, May 22, 1944; 11:48 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.  
General Land Office.

[Public Land Order 229]

WASHINGTON

WITHDRAWING PUBLIC LANDS FOR USE IN CONNECTION WITH THE OLYMPIC PUBLIC WORKS PROJECT

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved under the jurisdiction of the Secretary of the Interior for use by the National Park Service, Department of the Interior, in connection with the Olympic Public Works Project (F. P. 723) in Clallam and Jefferson Counties, Washington:

WILLAMETTE MERIDIAN

T. 27 N., R. 14 W.,  
Sec. 17, lot 1;  
Sec. 18, lots 1 and 2.  
T. 28 N., R. 15 W.,  
Sec. 5, lot 8.

The areas described aggregate 130.45 acres.

This order shall take precedence over but not modify the withdrawal for classification and other purposes made by Executive Order No. 6964 of February 5, 1935, as amended.

ABE FORTAS,  
Acting Secretary of the Interior.

[F. R. Doc. 44-7246; Filed, May 20, 1944; 10:45 a. m.]

[Public Land Order 230]

NEW MEXICO

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS A DEMOLITION RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the public lands within the following-described areas in the Santa Fe National Forest are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the War Department as a demolition range:

NEW MEXICO PRINCIPAL MERIDIAN

T. 19 N., R. 5 E.,  
Secs. 1, 2, and 3, unsurveyed.  
T. 20 N., R. 5 E., unsurveyed,  
Sec. 22;  
Sec. 23, S $\frac{1}{2}$ ;

No. 102—7

Sec. 24, S $\frac{1}{2}$ ;  
Secs. 25 to 27 and secs. 34 to 36, inclusive.  
T. 19 N., R. 6 E.,  
Secs. 1 to 6, inclusive;  
Sec. 10, N $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
Sec. 11, lots 1, 2, NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 12.  
T. 20 N., R. 6 E.,  
Sec. 13, S $\frac{1}{2}$ ;  
Secs. 14 and 15;  
Sec. 19, S $\frac{1}{2}$ ;  
Sec. 20, S $\frac{1}{2}$ ;  
Secs. 21 to 36, inclusive.

The areas described, including both public and non-public lands, aggregate 23,760 acres.

This order shall take precedence over, but not modify, the withdrawal for national forest purposes made by the Executive order of April 6, 1915, so far as such order affects the above-described lands.

The jurisdiction granted by this order shall cease at the expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other Department or agency of the Federal Government according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

ABE FORTAS,  
Acting Secretary of the Interior.

MAY 10, 1944.

[F. R. Doc. 44-7247; Filed, May 20, 1944; 10:45 a. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

PONTOTOC COUNTY, MISS.

DESIGNATION OF LOCALITIES FOR LOANS

Designation of localities in county in which loans, pursuant to Title I of the Bankhead-Jones Farm Tenant Act, may be made.

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, as extended by the War Food Administrator's Delegation of Authority issued November 3, 1943, loans made in the county mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

REGION VI

MISSISSIPPI

County—Pontotoc

Locality I: Consisting of Beat 1... \$2,083  
Locality II: Consisting of Beat 2... 1,260  
Locality III: Consisting of Beat 3... 1,294  
Locality IV: Consisting of Beat 4... 2,150  
Locality V: Consisting of Beat 5... 1,733

The purchase price limit previously established for the county above-mentioned is hereby cancelled.

Approved May 18, 1944.

FRANK HANCOCK,  
Administrator.

[F. R. Doc. 44-7254; Filed, May 20, 1944; 11:17 a. m.]

BIBB COUNTY, ALA.

DESIGNATION OF LOCALITIES FOR LOANS

Designation of localities in county in which loans, pursuant to Title I of the Bankhead-Jones Farm Tenant Act, may be made.

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, as extended by the War Food Administrator's Delegation of Authority issued November 3, 1943, loans made in the county mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

REGION V

ALABAMA

County—Bibb

Locality I: Consisting of the precincts of Belle Ellen, Blocton, Kingdom, McGraws, Oldham Place, and Scottsville..... \$905  
Locality II: Consisting of the precinct of Hallman..... 1,320  
Locality III: Consisting of the precincts of Ashby, Centerville, Eoline, James, Randolph, and Six Mile..... 1,919

The purchase price limit previously established for the county above-mentioned is hereby cancelled.

Approved May 18, 1944.

FRANK HANCOCK,  
Administrator.

[F. R. Doc. 44-7255; Filed, May 20, 1944; 11:17 a. m.]

Rural Electrification Administration.

[A. O. 824]

ALLOCATION OF FUNDS FOR LOANS

MAY 6, 1944.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation                 | Amount    |
|-------------------------------------|-----------|
| Colorado 4014E1 Alamosa.....        | \$200,000 |
| Louisiana 4010E1 Washington....     | 100,000   |
| Minnesota 4034D1 Stearns.....       | 100,000   |
| Texas 4059D2 Lamb.....              | 50,000    |
| Virginia 4022H3 Caroline.....       | 60,000    |
| Washington 4023A3 Grays Harbor..... | 3,000     |

HARRY SLATTERY,  
Administrator.

[F. R. Doc. 44-7222; Filed, May 19, 1944; 3:18 p. m.]

[A. O. 825]

## ALLOCATION OF FUNDS FOR LOANS

MAY 10, 1944.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation:                 | Amount   |
|--------------------------------------|----------|
| Arkansas 4013E1 Johnson.....         | \$50,000 |
| Arkansas 4024F1 Washington.....      | 105,000  |
| Kentucky 4038C3 Fulton.....          | 75,000   |
| Maryland 4007E3 Caroline.....        | 20,000   |
| Minnesota 4061C3 Freeborn.....       | 75,000   |
| Minnesota 4084A3 Traverse.....       | 80,000   |
| Missouri 4-3041A3 Platte.....        | 20,000   |
| Missouri 4-3051A3 Nodaway.....       | 25,000   |
| North Carolina 4016D3 Edgecombe..... | 25,000   |
| Oklahoma 4001F1 Kingfisher.....      | 185,000  |
| Pennsylvania 4021C2 Somerset.....    | 20,000   |
| Pennsylvania 4022B3 Jefferson.....   | 15,000   |
| Texas 4055C3 Floyd.....              | 50,000   |
| Texas 4095D3 Medina.....             | 70,000   |
| Texas 4101D1 Parker.....             | 50,000   |
| Virginia 4027H4 Nottaway.....        | 50,000   |
| Virginia 4031D4 Mecklenburg.....     | 50,000   |
| Virginia 4035D2 Madison.....         | 15,000   |

HARRY SLATTERY,  
Administrator.

[F. R. Doc. 44-7223; Filed, May 19, 1944;  
3:18 p. 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 ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATE

## APPAREL INDUSTRY

Advertisers Manufacturing Company, 121-131 E. Jackson Street, Ripon, Wisconsin; cotton cloth advertising caps, carpenters' aprons, danger flags, etc.; 10 percent (T); effective May 20, 1944, expiring May 19, 1945.

Ware Shoals Mfg. Company, Ware Shoals, South Carolina; handkerchiefs; 5 percent (T); effective May 20, 1944, expiring May 19, 1945.

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

Co-Ed Frocks, Inc., Roodhouse, Illinois; ladies' cotton washable outer clothing; 30 learners (E); effective May 23, 1944, expiring November 22, 1944.

Co-Ed Frocks, Inc., White Hall, Illinois; ladies' cotton washable outer clothing; 25 learners (AT); effective May 26, 1944, expiring November 25, 1944.

Co-Ed Frocks, Inc., Winchester, Illinois; ladies' cotton washable outer clothing; 30 learners (E); effective May 23, 1944, expiring November 22, 1944.

Freeland Manufacturing Company, 156 Ridge Street, Freeland, Pennsylvania; work clothing; 10 percent (T); effective May 20, 1944, expiring May 19, 1945.

H. B. Glover Company, Union Street, Dyersville, Iowa; shirts; 10 learners (T); effective May 23, 1944, expiring May 22, 1945.

The Mack Shirt Corporation, 209 East 6th Street, Cincinnati, Ohio; men's dress and sport shirts; 10 percent (T); effective May 23, 1944, expiring May 22, 1945.

Prevue Sportswear, Inc., 31 N. Spruce Street, Mt. Carmel, Pennsylvania; children's dresses and blouses; 10 percent (T); effective May 22, 1944, expiring May 21, 1945.

The Roswell Company, Roswell, Georgia; trousers; 10 percent (T); effective May 25, 1944, expiring May 24, 1945.

Roy Manufacturing Company, 125 S. Spruce Street, Mt. Carmel, Pennsylvania; cotton wash dresses; 10 percent (T); effective May 27, 1944, expiring May 26, 1945.

Jules L. Simon, Incorporated, 600 W. Kyger Street, Frankfort, Indiana; jackets, shirts, pants and shorts; 10 percent (T); effective May 20, 1944, expiring May 19, 1945.

Wyoming Dress Company, 133 East Eighth Street, Wyoming, Pennsylvania; dresses; 10 percent (T); effective May 25, 1944, expiring May 24, 1945.

## GLOVE INDUSTRY

J. A. Bruggeman & Company, P. O. Box 576, Worcester, New York; work gloves; 2 learners (T); effective May 19, 1944, expiring May 18, 1945.

## HOSIERY INDUSTRY

Asheboro Hosiery Mills, Inc., Asheboro, North Carolina; full-fashioned hosiery; 5 percent (T); effective May 27, 1944, expiring May 26, 1945.

Barber Hosiery Mills, Inc., Mount Airy, North Carolina; seamless hosiery; 10 percent (AT); effective May 20, 1944, expiring November 19, 1944.

John L. Fead & Sons, Port Huron, Michigan; seamless hosiery; 15 percent (AT); effective May 18, 1944, expiring November 17, 1944.

Galax Knitting Company, Inc., Virginia Street, Galax, Virginia; seamless hosiery; 40 learners (AT); effective May 20, 1944, expiring November 19, 1944.

Hollar Hosiery Mills, Hickory, North Carolina; seamless hosiery; 10 learners (AT); effective May 30, 1944, expiring November 29, 1944.

Lawler Hosiery Mills, Inc., 53 Bradley Street, Carrollton, Georgia; seamless hosiery; 5 percent (T); effective May 24, 1944, expiring November 23, 1944.

## TELEPHONE INDUSTRY

Mutual Telephone, Sioux Center, Iowa; to employ learners as commercial switchboard operators at its Sioux Center exchange, located at Sioux Center, Iowa; effective May 19, 1944, expiring May 18, 1945.

## TEXTILE INDUSTRY

Plaza Mills, Middleburg, Pennsylvania; rayon; 3 percent (T); effective May 27, 1944, expiring May 26, 1945.

Signed at New York, N. Y., this 20th day of May 1944.

MERLE D. VINCENT,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 44-7303; Filed, May 22, 1944;  
11:37 a. m.]

## CIVIL AERONAUTICS BOARD.

[Docket Nos. 519, 582, 1028, 1040, 1131]

WESTERN AIR LINES, INC., ET AL.

## NOTICE OF ORAL ARGUMENT

Western Air Lines, Inc., United Air Lines, Inc., Transcontinental & Western Air, Inc., and Continental Air Lines, Inc. Applications for certificates and amendment of existing certificates of public convenience and necessity, Denver-Los Angeles.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, oral argument before the Board in the above-entitled proceeding is hereby assigned for June 1, 1944, 10:00 a. m. (eastern war time) in Room 5042, Commerce Building, 14th and Constitution Avenue, N. W., Washington, D. C.

Dated: Washington, D. C., May 19, 1944.

By the Civil Aeronautics Board.

[SEAL]

FRED A. TOOMBS,  
Secretary.

[F. R. Doc. 44-7293; Filed, May 22, 1944;  
10:51 a. m.]

[Docket No. 930]

## ALASKA AIRLINES, INC. AND CORDOVA AIR SERVICE, INC.

## NOTICE OF ORAL ARGUMENT

Application for approval under sections 408 (b) and 401 (i) of the Civil Aeronautics Act of 1938, as amended, of the purchase by Alaska Airlines, Inc., of the property and business of Cordova Air Service, Inc., and the transfer of the certificate of public convenience and necessity held by Cordova Air Service, Inc., to Alaska Airlines, Inc.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 408 and 1001 of said act, that oral argument in the above-entitled proceeding is assigned to be held on May 29, 1944, at 10:00 a. m. (eastern war time) in Room 5042, Commerce Building, 14th and Constitution Avenue, N. W., Washington, D. C.

Dated: Washington, D. C., May 20, 1944.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,  
Secretary.

[F. R. Doc. 44-7292; Filed, May 22, 1944;  
10:51 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

[Order 120]

## STANDARD AND HIGH FREQUENCY BROADCAST STATIONS

## MECHANICAL RECORDS; PROPOSED AMENDMENT

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of May 1944;

Whereas the Commission is of the opinion that public interest, convenience and necessity may be served by amending § 3.407 of the rules and regulations to read as follows:

§ 3.407 *Mechanical records.* (a) No recorded program consisting of a speech, news events, news commentator, forum, panel discussion, special event, or any other recorded program in which the element of time is of special significance and a presentation of which would create, whether intentionally or otherwise, the impression or belief on the part of the radio audience that the event or program being broadcast is in fact occurring simultaneously with the broadcast, shall be broadcast without an appropriate announcement being made at the beginning and conclusion of the broadcast that it is a recorded program. The identifying announcement shall accurately describe the type of mechanical record used.

(b) Any other program consisting of a mechanical record or series of mechanical records need not be announced as provided in paragraph (a), but the licensee shall not attempt affirmatively to create the impression that the program being so broadcast consists of live talent. At least once each hour the licensee shall announce which of the programs other than those specified in paragraph (a), presented during the previous hour, were

broadcast by means of mechanical records.

And, whereas, the Commission is of the opinion that it will best conduce to the proper dispatch of business and to the ends of justice that all interested persons be given an opportunity to file statements or briefs showing why the above proposal should not be adopted, or why it should not be adopted in the form proposed by this order;

Now, therefore, it is hereby ordered, That any person desiring to do so may, on or before the 16th day of June, 1944, file statements or briefs as to why the above proposed amendment to § 3.407 should not be adopted or why it should not be adopted in the form proposed by this order. Requests for oral argument, if made with briefs or statements, will be considered.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 44-7288; Filed, May 22, 1944;  
10:42 a. m.]

[File No. T5-PH-526]

## CHARLES EDWARD STUART

## ORDER SETTING HEARING DATE ON STATED ISSUES

In re application of Charles Edward Stuart, Ventura, California, for a construction permit for a point-to-point radiotelegraph station, Docket No. 6553.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 16th day of May 1944;

The Commission, having under consideration an application of Charles Edward Stuart for a construction permit for a point-to-point radiotelegraph station for operation of a radio circuit between the United States and China; and

It appearing that upon examination and investigation of said application the Commission is unable to determine that a grant thereof would serve public interest, convenience, or necessity, and has so advised the applicant and that the applicant has communicated to the Commission his desire to proceed with a formal hearing with respect thereto;

It is ordered, That said application be, and it is hereby designated for hearing in San Francisco, California, commencing at 10:00 a. m., p. w. t. on May 31, 1944, at the offices of the Commission, Room 902, 100 McAllister Street, for the following reasons:

1. To determine the nature and extent of the communications service now rendered and hereafter proposed to be rendered by the applicant.

2. To determine whether the applicant is a representative of an alien or of a foreign government within the meaning of section 310 of the Communications Act of 1934, as amended.

3. To determine the adequacy of existing facilities and services for the rendition of the same or similar communications service as that proposed by the applicant.

4. To determine the desirability of applicant's existing and proposed service insofar as the same relates to the needs of any United States or Chinese government authority.

5. To determine what frequencies applicant proposes to use and whether the same will avoid interference with existing government and commercial services.

6. To determine the desirability, from the standpoint of conservation of frequencies, of assigning frequencies for the limited purpose of a contact control channel for use solely in connection with the receipt and delivery of private and public correspondence.

7. To determine all facts bearing upon the status of the applicant as a common carrier, as defined in the Communications Act of 1934, as amended, with respect to present and proposed communications service.

8. To determine what action should be taken with respect to applicant's non-compliance with any applicable statutory requirements and the Commission's rules and regulations related to communications common carriers.

9. To determine whether the applicant has satisfied the requirements of the Commission's memorandum opinion of January 26, 1944.

10. To determine whether, in the light of the evidence adduced upon the foregoing issues, public interest, convenience and necessity would be served by a grant of the application herein designated for hearing.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 44-7289; Filed, May 22, 1944;  
10:42 a. m.]

## FEDERAL POWER COMMISSION.

[Docket No. G-545]

## MISSOURI WESTERN GAS CO.

## NOTICE OF APPLICATION

Notice is hereby given that on May 2, 1944, the Missouri Western Gas Company a Delaware corporation having its principal place of business in Butler, Missouri, filed with the Federal Power Commission an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize the construction and operation of the facilities herein-after described.

The proposed construction consists of a 3½-inch and 4-inch pipe line approximately 21 miles in length, extending from and connected with Panhandle Eastern Pipe Line Company's measuring station 1½ miles north of Harrisonville, Missouri, along U. S. Highway No. 71 to the 4-inch transmission pipe line of the Applicant at Adrian, Missouri, and one regulator station.

It appears from the application that the operation of the above described facilities will make available to the Missouri Western Gas Company natural gas from

the Panhandle Eastern Pipe Line Company, which will permit the Applicant to continue to render natural gas service in the town of Adrian, Amoret and Butler in Bates County, Missouri.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 6th day of June 1944, file with the Federal Power Commission a petition or protest in accordance with the Commission's provisional rules of practice and regulations under the Natural Gas Act.

[SEAL] LEON M. FUQUAY,  
Secretary.

MAY 20, 1944.

[F. R. Doc. 44-7284; Filed, May 22, 1944;  
10:25 a. m.]

#### INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 252]

#### RECONSIGNMENT OF ONIONS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, May 17, 1944, by Abe Cohen Company, Rochester, New York, of cars ART 17006, 20719 and SFRD 19616, onions, now on the Wabash Railroad, to Albany, New York, Syracuse, New York, and Youngstown, Ohio, respectively.

The waybills shall show reference to this special permit.

A copy of this special 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 17th day of May 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-7256; Filed, May 20, 1944;  
11:24 a. m.]

[S. O. 70-A, Special Permit 253]

#### RECONSIGNMENT OF ORANGES AT YOUNGSTOWN, OHIO

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies

to the reconsignment at Youngstown, Ohio, May 17, 1944, by Mutual Orange Distributors, of car MDT 7238, oranges, now on the Erie Railroad, to Waverly, New Jersey.

The waybill shall show reference to this special permit.

A copy of this special 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 17th day of May 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-7257; Filed, May 20, 1944;  
11:24 a. m.]

[S. O. 70-A, Special Permit 254]

#### RECONSIGNMENT OF POTATOES AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Kansas City, Missouri-Kansas, May 17, 1944, by Gochrane Brokerage Company of car NRC 10145, potatoes, now on the Burlington Lines, to Lawton, Oklahoma. (Rock Island)

The waybill shall show reference to this special permit.

A copy of this special 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 17th day of May 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-7258; Filed, May 20, 1944;  
11:24 a. m.]

[S. O. 70-A, Special Permit 255]

#### RECONSIGNMENT OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, May 17, 1944, by R. A. Klotz and Company of car ART 23321, potatoes, now on the Chicago Produce Terminal, to Van Brokerage Company, Galesburg, Illinois.

The waybill shall show reference to this special permit.

A copy of this special 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 17th day of May 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-7259; Filed, May 20, 1944;  
11:24 a. m.]

[S. O. 70-A, Special Permit 256]

#### RECONSIGNMENT OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, May 17, 1944, by National Produce Company of cars URT 9369 and WFE 60975, potatoes, now on the Chicago Produce Terminal, to Mark Twain Produce Company, Hannibal, Missouri, and to Mark Twain Produce Company, Macomb, Illinois, respectively.

The waybills shall show reference to this special permit.

A copy of this special 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 17th day of May 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-7260; Filed, May 20, 1944;  
11:24 a. m.]

[S. O. 70-A, Special Permit 257]

#### RECONSIGNMENT OF ONIONS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of

Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconignment at Chicago, Illinois, May 17, 1944, by Kramer Brothers Company of cars NRC 5531 and MDT 3391, onions, now on the Chicago Produce Terminal, to Strock and Company, Boston, Massachusetts.

The waybills shall show reference to this special permit.

A copy of this special 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 17th day of May 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-7261; Filed, May 20, 1944; 11:24 a. m.]

[S. O. 70-A, Special Permit 258]

RECONIGNMENT OF POTATOES AT ST. LOUIS, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconignment at St. Louis, Missouri, May 17, 1944, by A. M. Machecha Company of car WFE 62158, potatoes, now on the Wabash Railroad to Kansas City, Missouri-Kansas.

The waybill shall show reference to this special permit.

A copy of this special 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 17th day of May 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-7262; Filed, May 20, 1944; 11:24 a. m.]

[S. O. 164, 2d Amended Gen. Permit 14]

REFRIGERATION OF CITRUS FRUIT FROM TEXAS

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of

Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To provide standard refrigeration on any refrigerator car loaded with citrus fruit originating at any point or points in the State of Texas.

This general permit shall become effective at 12:01 a. m., May 20, 1944, and shall apply to such cars billed or moving at that time, and it shall expire with July 31, 1944.

The waybills shall show reference to this general permit.

A copy of this general 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 18th day of May 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-7263; Filed, May 20, 1944; 11:25 a. m.]

[S. O. 164, 3d Amended Gen. Permit 15]

REFRIGERATION OF CITRUS FRUITS FROM FLORIDA

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To provide standard refrigeration on any refrigerator car loaded with citrus fruit, originating at any point or points in the State of Florida.

This general permit shall become effective at 12:01 a. m., May 20, 1944, and shall apply only to such cars billed on or after that date, and it shall expire with July 31, 1944.

The waybills shall show reference to this general permit.

A copy of this general 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 18th day of May 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-7264; Filed, May 20, 1944; 11:25 a. m.]

[S. O. 164, Special Permit 61]

REICING OF ORANGES AT MILWAUKEE, WIS.

Pursuant to the authority vested in me by paragraph (g) of the first order-

ing paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To reice one time only, at Milwaukee, Wisconsin, as ordered by Heller Brothers Packing Company, Winter Garden, Florida, Car NRC 8305, oranges, now on the C. & N. W. Ry. (to be reconsigned to Chicago, Illinois).

The waybill shall show reference to this special permit.

A copy of this special 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 17th day of May 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-7265; Filed, May 20, 1944; 11:25 a. m.]

[S. O. 200, 3d Amended Gen. Permit 1]

REICING OF POTATOES FROM ALABAMA OR MISSISSIPPI

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

On any refrigerator car loaded with potatoes originating at any point in Alabama or Mississippi, after the first or initial icing at an icing station not beyond Atlanta, Georgia, or Jackson, Memphis or Nashville, Tennessee, to reice once in transit to full bunker capacity at any regular icing station enroute beyond the station where car was initially iced.

This general permit shall become effective at 12:01 a. m., May 20, 1944, and the reicing authorized herein may be accorded on such refrigerator cars moving at that time. This general permit shall expire at 12:01 a. m., June 20, 1944.

The waybills shall show reference to this general permit.

A copy of this general 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 18th day of May 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-7266; Filed, May 20, 1944; 11:25 a. m.]

[S. O. 200, Gen. Permit 5]

## ICING OF POTATOES FROM SOUTH CAROLINA

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

On any refrigerator car loaded with potatoes originating at any point in the state of South Carolina, at the carriers option, to accord the first or initial icing at a regular icing station en route after the car is loaded and billed.

This general permit shall become effective at 12:01 a. m., May 19, 1944, and the icing authorized herein may be accorded on such refrigerator cars moving at that time. This general permit shall expire with June 30, 1944.

The waybills shall show reference to this general permit.

A copy of this general 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 18th day of May 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-7267; Filed, May 20, 1944;  
11:25 a. m.]

[S. O. 200, Special Permit 11]

## REICING OF POTATOES FROM TYLERTOWN, MISS.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To reice once in transit to full bunker capacity, car MDT 146180, potatoes, shipped by Bacon Brothers, Tylertown, Mississippi, consigned to C. A. Robrecht and Company, Wheeling, West Virginia, with stop-off at Parkersburg, West Virginia, to partly unload. (F. C. & G.-Ill. Cent.-B. & O.)

The waybill shall show reference to this special permit.

A copy of this special 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 17th day of May 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-7268; Filed, May 20, 1944;  
11:25 a. m.]

## OFFICE OF ALIEN PROPERTY CUSTODIAN.

ALFRED CERUTTI

## ORDER FOR AND NOTICE OF HEARING

In the matter of Alfred Cerutti, also known as Alfredo Cerutti, an incompetent, represented by his Committee, Maurice Josephberg, Giuseppe Giavani, and Lorenzo Bonfantini, appointed by order of the Supreme Court of the State of New York, New York County, March 21st, 1939.

Whereas by Vesting Order No. 1911 dated August 3, 1943 (8 F.R. 11187), the Alien Property Custodian vested all the property and estate of Alfred Cerutti (also known as Alfredo Cerutti) of any nature whatsoever in the possession of Maurice Josephberg, Giuseppe Giavani and Lorenzo Bonfantini as Committee of the property of the said Alfred Cerutti, in which vesting order there was recited, among other things, a finding that said Alfred Cerutti is a national of a designated enemy country (Italy); and

Whereas the said Maurice Josephberg, Giuseppe Giavani and Lorenzo Bonfantini as the Committee for Alfred Cerutti have filed a notice of claim No. 1120 which appears to assert that the said Alfred Cerutti is not and was not at the time of vesting a national of a designated enemy country; and

Now therefore, it is ordered, Pursuant to the regulations heretofore issued by the Alien Property Custodian, as amended (8 F.R. 16709), that a hearing thereon be held before the Vested Property Claims Committee on Thursday, June 1, 1944, at 10:00 a. m. eastern war time, at room 633, National Press Building, 14th and F Streets NW., Washington, D. C., to continue thereafter at such times and places as the Vested Property Claims Committee may determine. It is further ordered, That copies of this notice of hearing be served by registered mail on each member of the Committee for Alfred Cerutti, and upon the person designated in paragraph 2 of the said notice of claim, and be filed with the Division of the Federal Register.

Any person desiring to be heard either in support of or in opposition to the claim may appear at the hearing, and is requested to notify the Vested Property Claims Committee, Office of Alien Property Custodian, National Press Building, 14th and F Streets NW., Washington (25), D. C., on or before May 25, 1944.

The foregoing characterization of the claim is for informational purposes only, and shall not be construed to constitute an admission or an adjudication by the Office of Alien Property Custodian as to

the nature or validity of the claim. Copies of the claim and of the said vesting order are available for public inspection at the address last above stated.

[SEAL] VESTED PROPERTY CLAIMS  
COMMITTEE.  
JOHN C. FITZGERALD,  
Chairman.  
MICHAEL F. KRESKY.  
NUGENT DODDS.

MAY 19, 1944.

[F. R. Doc. 44-7240; Filed, May 20, 1944;  
10:49 a. m.]

[Vesting Order 3340]

## EAST TWENTY FIRST STREET LIGHTER CORP.

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 all of the issued and outstanding capital stock of East Twenty First Street Lighter Corporation, 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 100 shares of no par value stock, is registered in the names of the persons listed below in the number appearing opposite each name and is beneficially owned by Rudolf Buchmann, and is evidence of ownership and control of said business enterprise:

| Name and Number of Shares |     |
|---------------------------|-----|
| C. N. Shaffer.....        | 60  |
| C. McShane.....           | 40  |
| Total.....                | 100 |

2. That Rudolf Buchmann, whose last known address is Vienna, Germany, is a national of a designated enemy country (Germany);

3. That Rudolf Buchmann has claims against East Twenty First Street Lighter Corporation, which claims, as of September 16, 1943, aggregated \$3,223.42, subject, however, to any accruals or deductions subsequent thereto, and represent an interest in said business enterprise;

and determining:

4. That East Twenty First Street Lighter Corporation is controlled by Rudolf Buchmann and is a national of a designated enemy country (Germany);

5. 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 100 shares of capital stock of East Twenty First Street Lighter Corporation, registered in the names of C. N. Shaffer and C. McShane, and the interest of Rudolf Buchmann in East Twenty First Street Lighter Corporation, represented on the books and records of said corporation as royalties payable, and



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 and all property of any nature whatsoever situated in the United States, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to 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 March 20, 1944.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 44-7238; Filed, May 20, 1944; 10:49 a. m.]

[Vesting Order 3631]

ALFOL INSULATION COMPANY, 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 of the outstanding capital stock of Alfol Insulation Company, Inc., a corporation organized under the laws of the State of Delaware and doing business under the laws of the State of New York and a business enterprise within the United States, consisting of 1,765 shares of common of no par value, 650 shares (36.83%) are owned by and registered in the name of N. V. Internationale Alfol Mij. and are evidence of control of the said business enterprise;

2. That N. V. Internationale Alfol Mij., whose principal place of business is Amsterdam, Holland, is a corporation organized under the laws of The Netherlands;

3. That Rhodius Koenigs Handelmaatschappij N. V. whose principal place of business is Amsterdam, Holland, is a corpora-

tion organized under the laws of The Netherlands and is directly or indirectly acting for the benefit or on behalf of persons within a designated enemy country (Germany);

and determining:

4. That Rhodius Koenigs Handelmaatschappij N. V. is controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

5. That N. V. Internationale Alfol Mij., is controlled by Rhodius Koenigs Handelmaatschappij N. V. and is acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

6. That Alfol Insulation Company, Inc., is controlled by N. V. Internationale Alfol Mij. and is acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

7. 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 650 shares of the no par value common capital stock of Alfol Insulation Company, Inc., 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 and all property of any nature whatsoever situated in the United States, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to 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 May 10, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 44-7239; Filed, May 20, 1944; 10:49 a. m.]

[Vesting Order 3454]

THE NATIONAL SEED CO., 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 all of the issued and outstanding capital stock of The National Seed Company, 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 50 shares of \$100 par value common stock, registered in the names of the persons listed below in the number appearing opposite each name, is beneficially owned by Zuckerfabrik Klein-Wanzleben vormals Rabbethge & Giesecke, A. G., and is evidence of ownership and control of said business enterprise;

Name and Number of Shares

|   |    |
|---|----|
| Algemeene Zaaeteelt-en Handelmaatschappij | 45 |
| Rudolf Beyer                              | 1  |
| George C. Castell                         | 2  |
| A. Behncke                                | 2  |
| Total                                     | 50 |

2. That Algemeene Zaaeteelt-en Handelmaatschappij has a claim against The National Seed Company, Inc., which claim as of August 31, 1942, aggregated \$11,430.62, subject, however, to any accruals or deductions subsequent thereto and is described on the books and records of said company as an account payable, and represents an interest in said business enterprise;

3. That Algemeene Zaaeteelt-en Handelmaatschappij, whose principal place of business is located at Rosendaal, Holland, is a wholly owned subsidiary of Zuckerfabrik Klein-Wanzleben vormals Rabbethge & Giesecke, A. G.;

4. That Zuckerfabrik Klein-Wanzleben vormals Rabbethge & Giesecke, A. G., whose principal place of business is located at Klein-Wanzleben, Germany, is a national of a designated enemy country (Germany);

and determining:

5. That The National Seed Company, Inc., and Algemeene Zaaeteelt-en Handelmaatschappij are controlled by Zuckerfabrik Klein-Wanzleben vormals Rabbethge & Giesecke, A. G., and are nationals of a designated enemy country (Germany);

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 (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 50 shares of \$100 par value common capital stock of The National

Seed Company, Inc., hereinbefore more fully described, and the interest of Algemeene Zaadteelt-en Handelmaatschappij in The National Seed Company, Inc., as represented on the books and records of said company as an account payable 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 and all property of any nature whatsoever situated in the United States, owned or controlled by, payable or deliverable to, or held on behalf of or on account, of, or owing to 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 April 17, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 44-7294; Filed, May 22, 1944;  
10:51 a. m.]

[Vesting Order 3524]

TOYOJIRO YAMANAKA

In re: One Leica camera owned by Toyojiro Yamanaka.

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 Toyojiro Yamanaka is a citizen and resident of Japan, and a national of a designated enemy country (Japan);
2. That Toyojiro Yamanaka is the owner of the property described in paragraph 3 hereof;

3. That the property described as follows: One Leica camera bearing serial No. 245801 now in the possession of Yamanaka & Co., Inc., in liquidation, under the supervision of the Alien Property Custodian, 680 Fifth Avenue, New York City,

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

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 (Japan);

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 paragraph 3 hereof, 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 April 24, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 44-7295; Filed, May 22, 1944;  
10:51 a. m.]

[Vesting Order 3568]

GERMAN AMERICAN BUND

In re: Claim owned by German American Bund.

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 German American Bund is an unincorporated national association organized and doing business within the United States;

2. That the National Socialist Party (National Sozialistische Partei) located in Germany is composed of nationals of Germany and is a national of a designated enemy country (Germany);

3. That the German American Bund since April 10, 1940, was or has been controlled by the National Socialist Party and the German Government;

4. That the German American Bund is controlled by or acts for or on behalf of the National Socialist Party and a designated enemy country (Germany) and is therefore a national of a designated enemy country (Germany);

5. That the German American Bund is the owner of the property described in paragraph 6 hereof;

6. That the property described as follows: All right, title, interest and claim of any name and nature whatsoever of the German American Bund, in and to any and all obligations, contingent or otherwise and whether or not matured, owing to the German American Bund by Arthur L. Wilcox, Clerk of the County of Sussex, Town of Newton, State of New Jersey, including but not limited to the sum of \$18,000 now on deposit with the said Arthur L. Wilcox, Clerk of the County of Sussex, Newton, New Jersey, in the name of Gustav J. Elmer, which sum was deposited with the said Arthur L. Wilcox at the times, in the amounts and as for cash bail and/or recognizances for the release of the persons particularly described in Exhibit A, attached hereto and by reference made a part hereof,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

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 (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 in paragraph 6 hereof, 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 May 3, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

EXHIBIT A

| Name of defendant and date of deposit: | Amount of deposit |
|--|-------------------|
| Leonard D. Clark, 10-18-40             | \$1,000.00        |
| Leonard D. Clark, 2-3-41               | 1,000.00          |
| August Klapprott, 10-18-40             | 1,000.00          |
| August Klapprott, 1-31-41              | 1,000.00          |
| Mathias Kohler, 10-18-40               | 1,000.00          |
| Mathias Kohler, 1-31-41                | 1,000.00          |
| John C. Fitting, 10-18-40              | 1,000.00          |
| John C. Fitting, 1-31-41               | 1,000.00          |
| Richard Schefe, 10-18-40               | 1,000.00          |
| Richard Schiefe, 2-3-41                | 1,000.00          |
| Paul Schaarschmidt, 10-18-40           | 1,000.00          |
| Paul Schaarschmidt, 1-31-41            | 1,000.00          |
| Carl Schipphorst, 10-18-40             | 1,000.00          |
| Carl Schipphorst, 2-3-41               | 1,000.00          |
| George Neupert, 10-18-40               | 1,000.00          |
| George Neupert, 2-3-41                 | 1,000.00          |
| Wilhelm Kunze, 11-15-40                | 1,000.00          |
| Wilhelm Kunze, 1-31-41                 | 1,000.00          |

EXHIBIT B

William Luedtke, did make the following statement this 7th day of March 1944:

I am former national secretary of the German American Bund. With reference to the so-called "Nordland Ball Fund", which was raised and deposited with the Court in Newton, New Jersey, this fund was raised by loans and contributions. The money was raised as an activity of the German American Bund. The loans and contributions were turned over to Gustav Elmer by the local unit leaders and by individual contributors and lenders. The fund was raised under the supervision of Gerhard Wilhelm Kunze and Elmer. The receipts, if I recall correctly, were made up at Bund headquarters at 85th Street by Elmer. These loans were to the German American Bund and it was to the Bund that the contributors and leaders looked for repayment.

WM. LUEDTKE.

Witnessed:

MICHAEL M. COON,  
New York City.

[F. R. Doc. 44-7296; Filed, May 22, 1944; 10:52 a. m.]

[Vesting Order 3572]

HERMAN OTTEN, ET AL.

In re: Interests in real property, fire insurance policy, and claim owned by Herman Otten, and others.

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 persons whose names and last known addresses are set forth below are residents of Germany and are nationals of a designated enemy country (Germany):

Names and Last Known Addresses

Herman Otten, Frankfurt, Germany.  
Johannes Otten, also known as Hans Otten, Frankfurt, Germany.  
Dr. Carl Otten, Frankfurt, Germany.  
Lisette Louise Wilhelmine, also known as Wilma Nagel, Bremen, Germany.  
Wilhelm Otten, Hessen-Nassau, Germany.

2. That Herman Otten, Johannes, also known as Hans Otten, Dr. Carl Otten, Lisette Louise Wilhelmine, also known as Wilma Nagel, and Wilhelm Otten are the owners

of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in the Borough and County of Queens, 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. All right, title and interest of Herman Otten, Johannes Otten, Dr. Carl Otten, Lisette Louise Wilhelmine and Wilhelm Otten in and to Fire Insurance Policy No. 3158 of the Home Insurance Company, New York insuring the premises described in subparagraph 3-a hereof, and

c. All right, title, interest and claim of any name or nature whatsoever of Herman Otten, Johannes Otten, Dr. Carl Otten, Lisette Louise Wilhelmine and Wilhelm Otten in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Herman Otten, Johannes Otten, Dr. Carl Otten, Lisette Louise Wilhelmine and Wilhelm Otten by Charles Recht of 10 East 40th Street, New York, New York, 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 subparagraphs 3-b and 3-c 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 (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 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 subparagraphs 3-b and 3-c 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 May 3, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

EXHIBIT A

All that certain lot, piece or parcel of land with the buildings and improvements thereon in the Borough and County of Queens, formerly the town of Flushing;

Beginning at a point on the Westerly side of Smart Avenue, distant 400 feet 6 inches Northerly from the corner formed by the intersection of the Westerly side of Smart Avenue with the Northerly side of Forest Avenue, and running thence Westerly parallel with Forest Avenue 100 feet; thence running Northerly parallel with Smart Avenue 25 feet 6 inches; thence running Easterly parallel with Forest Avenue 100 feet to Westerly side of Smart Avenue; thence running Southerly along Westerly side of Smart Avenue 25 feet 6 inches to the point or place of beginning.

[F. R. Doc. 44-7297; Filed, May 22, 1944; 10:52 a. m.]

[Vesting Order 3575]

NISSEN-STIFTUNG

In re: Pearl owned by Nissen Stiftung, also known as Nissen Foundation.

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 Nissen Stiftung, also known as Nissen Foundation, is a business enterprise organized under the laws of Germany, with its principal place of business at Husum, Schleswig-Holstein, Germany, and is a national of a designated enemy country (Germany);

2. That Nissen Stiftung, also known as Nissen Foundation, is the owner of the property described in paragraph 3 hereof;

3. That the property described as follows: One pearl believed to weigh 23.68 grains, identified as Lot 1282 and in the possession of Walter Eitelbach & Co., Inc., of 608 5th Avenue, New York, New York,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

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 (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 in paragraph 3 hereof, 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 May 3, 1944.

[SEAL]

JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 44-7298; Filed, May 22, 1944;  
10:52 a. m.]

#### OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 20A-117]

#### CERTAIN TAXICAB OPERATORS

#### COORDINATED OPERATIONS IN BURLINGTON, IOWA, AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,<sup>1</sup> and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Burlington, Iowa, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies

<sup>1</sup> Filed as part of the original document.

having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. 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 operating authority of any operator named herein, such operator 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 operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Davenport, Iowa, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-117" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Davenport, Iowa.

8. This order shall become effective May 27, 1944, 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 20th day of May 1944.

J. M. JOHNSON,  
Director,  
Office of Defense Transportation.

#### APPENDIX 1

Yellow Cab Company, 211 Valley Street, Burlington, Iowa.

Boyd Upton, Union Company, 309 South Main Street, Burlington, Iowa.

[F. R. Doc. 44-7237; Filed, May 20, 1944;  
10:17 a. m.]

[Supp. Order ODT 20A-118]

#### CERTAIN TAXICAB OPERATORS

#### COORDINATED OPERATIONS IN SPRINGFIELD, MASS., AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,<sup>1</sup> and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Springfield, Massachusetts, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *it is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. 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 operating authority of any operator named herein, such operator 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 operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the

<sup>1</sup> Filed with the Division of the Federal Register.

Division of Motor Transport, Office of Defense Transportation, Springfield, Massachusetts, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-118" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Springfield, Massachusetts.

8. This order shall become effective May 29, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 22d day of May 1944.

J. M. JOHNSON,  
Director,

Office of Defense Transportation.

APPENDIX 1

Springfield Black & White Taxi Service, Inc., Room 101, Union Station, Springfield, Massachusetts.

Peter J. Miller, d/b/a Miller Taxi Service, 112 State Street, Springfield, Massachusetts.

[F. R. Doc. 44-7320; Filed, May 22, 1944; 11:48 a. m.]

[Supp. Order ODT 20A-119]

CERTAIN TAXICAB OPERATORS IN THE  
SCHENECTADY, N. Y., AREA  
COORDINATED OPERATIONS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,<sup>1</sup> and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Schenectady, New York, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

<sup>1</sup> Filed with the Division of the Federal Register.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. 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 operating authority of any operator named herein, such operator 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 operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Albany, New York, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-119" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of

Defense Transportation, Albany, New York.

8. This order shall become effective May 29, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 22d day of May 1944.

J. M. JOHNSON,  
Director,

Office of Defense Transportation.

APPENDIX 1

Central Taxi, 527 State Street, Schenectady, New York.

Town Taxi, 130 South Church Street, Schenectady, New York.

Harry's Taxi, 220 Broadway, Schenectady, New York.

Brown Taxi, 8 Yates Street Schenectady, New York.

City Taxi, 354 Erie Boulevard, Schenectady, New York.

Public Taxi, 510 1/2 State Street, Schenectady, New York.

Diamond Taxi Service, N. Y. C. Station, Schenectady, New York.

[F. R. Doc. 44-7321; Filed, May 22, 1944; 11:48 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 120, Order 772]

GENEVA STEEL CO.

ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MAXIMUM PRICES

Order No. 772 under Maximum Price Regulation No. 120. Bituminous coal delivered from mine or preparation plant.

For the reasons given in an opinion issued simultaneously herewith and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, *It is ordered:*

(a) The Plancor No. 301 Mine of the Geneva Steel Company, Emery County Utah in District No. 20, is hereby assigned Mine Index No. 1001 and classified in Subdistrict No. 1. Price Group.

(b) Coals produced by the Geneva Steel Company at its Plancor No. 301 Mine, Mine Index No. 1001, located in Emery County, Utah in District No. 20, for the uses indicated and by methods of transportation appearing herein, may be sold and purchased at per net ton prices not exceeding the following:

|  | Size groups |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|--|-------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|  | 1           | 2      | 3      | 4      | 5      | 6      | 7      | 8      | 9      | 10     | 11     | 12     | 13     | 14     | 15     |
| Rail shipments, including railroad fuel..... | \$4.05      | \$4.05 | \$3.85 | \$3.90 | \$3.85 | \$3.80 | \$3.20 | \$3.00 | \$3.00 | \$2.55 | \$2.55 | \$2.35 | \$3.20 | \$2.95 | \$2.75 |
| Truck shipments.....                         | 4.90        | 4.50   | 4.35   | 4.15   | 4.20   | 3.60   | 3.35   | 2.95   | 2.85   | 2.65   | 2.55   | 2.30   | 3.50   | 3.20   | 2.95   |

(c) The maximum prices established herein are f. o. b. the mine for truck shipment and f. o. b. the rail shipping point for rail shipment and for railroad fuel.

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

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

This order shall become effective May 22, 1944.

(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 20th day of May 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-7277; Filed, May 20, 1944;  
4:01 p. m.]

#### Regional and District Office Orders.

[Region I Order G-14 Under RMPR 122,  
Amdt. 5]

#### SOLID FUELS IN LOWELL, MASS., AREA

Amendment No. 5 to Order No. G-14 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels; Lowell, 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 § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, Region I Order No. G-14 under Revised Maximum Price Regulation No. 122 is hereby amended in the following respects:

1. In Price Schedule I, paragraph (b) (1), under the heading "Coke", the following prices are added for pea size coke:

| Kind and size | Per net ton | ½ ton  | ¼ ton  | 100 lbs. |
|---------------|-------------|--------|--------|----------|
| Coke:         | .           | .      | .      | .        |
| Pea.....      | \$13.65     | \$7.10 | \$3.55 | \$0.57   |

2. In Price Schedule II, paragraph (c) (1), under the heading "Coke", the following prices are added for pea size coke:

| Kind and size | Per net ton | ½ ton  | ¼ ton  | 100 lbs. |
|---------------|-------------|--------|--------|----------|
| Coke:         | .           | .      | .      | .        |
| Pea.....      | \$12.65     | \$6.00 | \$3.30 | \$0.70   |

3. In Price Schedule III, paragraph (d) (1), under the heading "Coke", the following price is added for pea size coke:

| Kind and size | Per net ton |
|---------------|-------------|
| Coke          | .           |
| Pea.....      | \$10.40     |

This Amendment No. 5 shall become effective May 22, 1944.

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

Issued this 13th day of May 1944.

ELDON C. SHOUP,  
Regional Administrator.

[F. R. Doc. 44-7232; Filed, May 19, 1944;  
4:22 p. m.]

[Region I Order G-32 Under RMPR 122,  
Amdt. 2]

#### SOLID FUELS IN ROCKLAND, MAINE, AREA

Amendment No. 2 to Order No. G-32 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels; Rockland, Maine, 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 § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, Region I Order No. G-32 under Revised Maximum Price Regulation No. 122 is hereby amended in the following respects:

1. The following prices for cannel coal are added to Price Schedule I in paragraph (b) (1):

| Kind and size    | Per net ton | ½ ton   | ¼ ton  | 100 lbs. |
|------------------|-------------|---------|--------|----------|
| Cannel coal..... | \$20.00     | \$10.00 | \$5.25 | \$1.10   |

2. The following prices for cannel coal are added to Price Schedule II in paragraph (c) (1):

| Kind and size    | Per net ton | ½ ton  | ¼ ton  | 100 lbs. |
|------------------|-------------|--------|--------|----------|
| Cannel coal..... | \$19.50     | \$9.75 | \$4.90 | \$1.00   |

3. Paragraph (d) is amended to read as follows:

(d) *Terms of sale*—(1) *Entire area except Union*. If payment is made by the buyer within ten days after receipt of the fuel, the maximum prices established by paragraphs (b) and (c) shall be reduced by \$1.00 per ton on sales of ambricoal, coke, cannel coal and broken, egg, stove, chestnut and pea sizes of Pennsylvania anthracite, and by 50 cents per ton on sales of buckwheat and rice sizes of Pennsylvania anthracite, which reductions are "cash discounts". No further discount is required for cash on delivery, and no "cash discount" is required on sales of less than a ton or on sales of any quantity of Pennsylvania anthracite yard screenings. If payment is not required or made at the time of delivery or (except in the cases of Pennsylvania anthracite yard screenings and less than ton lots) within ten days thereafter, terms shall be net thirty days.

(2) *Union*. For deliveries in Union (both delivered and yard sales), 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.

4. Subparagraph (2) of paragraph (g) is amended to read as follows:

(2) "Specified solid fuels" shall include all Pennsylvania anthracite, ambricoal, cannel coal and coke.

This Amendment No. 2 to Order No. G-32 shall become effective May 22, 1944.

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

Issued this 13th day of May 1944.

ELDON C. SHOUP,  
Regional Administrator.

[F. R. Doc. 44-7231; Filed, May 19, 1944;  
4:22 p. m.]

[Region II Rev. Order G-14 Under RMPR 122,  
Amdt. 1]

#### SOLID FUELS IN RICHMOND COUNTY, N. Y.

Amendment No. 1 to Revised Order No. G-14 under §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Pennsylvania anthracite delivered by dealers in Richmond County, (Borough of Richmond, City of New York), State of New York, Coal Area II.

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, Revised Order No. G-14 is amended in the following respect:

1. Paragraph (j) is amended to read as follows:

(j) *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 an 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 or to the State of New York or any political subdivision thereof, you need not state this tax separately. You may also collect, in addition to the specific maximum prices established herein, provided you state it separately, the amount of the N. Y. C. sales tax payable by you.

This Amendment No. 1 to Revised Order No. G-14 shall become effective May 1, 1944.

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

Issued this 1st day of May 1944.

DANIEL P. WOOLLEY,  
Regional Administrator.

[F. R. Doc. 44-7229; Filed, May 19, 1944;  
4:24 p. m.]

[Region II Order G-41 Under RMPR 122]

#### SOLID FUELS IN DESIGNATED COUNTIES OF MARYLAND

Order No. G-41 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 Howard, Carroll, Harford, and Cecil Counties, and in designated portions of Baltimore and Anne Arundel Counties, State of Maryland, Coal Area II.

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 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 delivered to or at any point in the zones comprising State of Maryland, Coal Area II. That area consists of five zones, as follows:

*Zone 1.* Zone 1 includes Anne Arundel County, except election district 5.

*Zone 2.* Zone 2 includes Howard County.

*Zone 3.* Zone 3 includes Carroll County and election districts 4, 5 and 6 of Baltimore County.

*Zone 4.* Zone 4 includes Harford County and election districts 7, 8, 10 and 11 of Baltimore County.

*Zone 5.* Zone 5 includes Cecil County.

(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 Zones 1, 2, 3, 4 and 5 are set forth in Schedules I, II, III, IV and V, respectively.

(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 Zones 1, 2, 3, 4 and 5.

You shall determine the maximum price for "direct-delivery" sales, as hereinafter defined, by reference to the appropriate schedule of this order covering the zone to which delivery is made, whether or not you are located in one of the five zones.

You shall determine your maximum price for a "yard" sale, as hereinafter defined, by reference to the appropriate schedule of this order covering the zone in which the purchaser takes physical possession or custody of the solid fuel.

(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, "yard sales", and sales of Virginia anthracite in 19 lb. paper bags, within Zone 1. In like manner, Schedules II, III, IV, and V apply to "direct-delivery" sales and "yard sales" in Zones 2, 3, 4, and 5, respectively. You will find Schedule I in paragraph (d), Schedule II in paragraph (e), Schedule III in paragraph (f), Schedule IV in paragraph (g), and Schedule V in paragraph (h).)

(2) Take the dollars-and-cents figure given in the applicable table of 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 therein. 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 the schedules.

(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 33¢ 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.* Schedule I establishes a specific maximum price for certain kinds, sizes and quantities of solid fuel, delivered to or at any point within Zone 1. There is a separate table of prices for "direct-delivery" sales, "yard sales", and sales of Virginia anthracite in 19 lb. paper bags.

(1) *Sales on a "direct-delivery" basis.*

*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 lbs. for sales of 100 lbs. or more but less than ½ ton |
|---|-------------|---------------|--|
| Pennsylvania anthracite:                                      |             |               |  |
| Broken, egg, stove, nut.....                                  | \$14.50     | \$7.50        | \$0.55   |
| Pea.....  | 12.70       | 6.60          | .75  |
| Buckwheat.....  | 11.30       | 5.90          | .70  |
| Rice.....   | 10.20       | 5.35          |  |
| Barley.....   | 9.20        | 4.85          |  |
| Screenings.....   | 4.00        | 2.00          |  |
| Virginia anthracite:  |             |               |  |
| Egg, stove, nut.....  | 12.30       | 6.40          | .75  |
| Pea.....  | 10.90       | 5.70          | .65  |
| Buckwheat.....  | 10.25       | 5.40          | .60  |
| Bituminous coal—Low volatile:                                 |             |               |  |
| Producing district 1:   |             |               |  |
| Lump or egg (size group 1, price classification D and E)..... | 10.30       | 5.40          | .65  |
| Nut and slack (size group 4, price classification G).....     | 8.35        | 4.40          | .55  |
| Run-of-mine (size group 3, price classification E and G)..... | 9.00        | 4.75          | .60  |
| Producing district 2:   |             |               |  |
| Run of mine (size group 6, price classification D).....       | 9.00        | 4.75          | .60  |
| Producing district 3:   |             |               |  |
| Lump (size group 3, price classification "DE").....           | 8.60        | 4.55          | .55  |
| Stoker (size group 5, price classification E).....            | 8.45        | 4.50          | .55  |

*Required discounts.* You shall deduct from the prices set forth in table (1) of this schedule, on sales and deliveries of all sizes except Pennsylvania anthracite screenings, in quantities of ½ ton or more, a discount of 50¢ per net ton and 25¢ per net ½ ton, where payment is made within ten days after delivery. Nothing herein requires that you sell on other than a cash basis.

MAXIMUM AUTHORIZED SERVICE CHARGES

Special service rendered at the request of the purchaser:

"Carry" or "wheel" (except for sales amounting to less than ½ ton). 50¢ per net ton. 25¢ per net ½ ton.

Carrying upstairs, for each full flight above the ground floor (except for sales amounting to less than ½ ton). This charge shall be in addition to any charge for "carry" or "wheel". 50¢ per net ton. 25¢ per net ½ ton.

For deliveries involving hauling beyond seven miles from dealer's yard (except for sales amounting to less than ½ ton). This charge shall apply only to deliveries from yards in State of Maryland—Coal Area II. 50¢ per net ton for each 5 miles or fraction thereof beyond seven miles from dealer's yard.

(2) "Yard sales."

For sales of coal of the kinds and sizes, and in the quantities specified:

| Kind and size of coal   | Per net ton for sales of ½ ton or more | Per 100 lbs. for sales of 100 lbs. or more but less than ½ ton |
|---|--|--|
| Pennsylvania anthracite:                                      |  |  |
| Broken, egg, stove, nut.....                                  | \$13.50                                | \$0.75   |
| Pea.....  | 11.70                                  | .65  |
| Buckwheat.....  | 10.30                                  | .60  |
| Rice.....   | 9.20                                   | -----  |
| Barley.....   | 8.20                                   | -----  |
| Screenings.....   | 3.00                                   | -----  |
| Virginia anthracite:  |  |  |
| Egg, stove, nut.....  | 11.30                                  | .65  |
| Pea.....  | 9.90                                   | .55  |
| Buckwheat.....  | 9.25                                   | .50  |
| Bituminous coal—Low volatile:                                 |  |  |
| Producing district 1:   |  |  |
| Lump or egg (size group 1, price classification D and E)..... | 9.30                                   | .55  |
| Nut and slack (size group 4, price classification G).....     | 7.35                                   | .45  |
| Run-of-mine (size group 3, price classification E and G)..... | 8.00                                   | .50  |
| Producing district 2:   |  |  |
| Run-of-mine (size group 6, price classification D).....       | 8.00                                   | .50  |
| Producing district 3:   |  |  |
| Lump (size group 3, price classification "DE").....           | 7.00                                   | .45  |
| Stoker (size group 5, price classification E).....            | 7.45                                   | .45  |

Required discounts. You shall deduct from the prices set forth in table (2) of this schedule, on sales and deliveries of all sizes except screenings, in quantities of ½ ton or more, a discount of 50¢ per net ton and 25¢ per net ½ ton, where payment is made within ten days after delivery. Nothing herein requires that you sell on other than a cash basis.

(3) Virginia anthracite in 19 lb. paper bags (¼ bushel).

| Size              | Delivered at dealer's yard |              | Delivered to retail stores | Sales to ultimate consumers |
|-------------------|----------------------------|--------------|----------------------------|-----------------------------|
|                   | To dealers                 | To consumers |                            |                             |
| Stove or nut..... | \$0.12                     | \$0.14       | \$0.14                     | \$0.16                      |

(e) Schedule II. Schedule II establishes a specific maximum price for certain kinds, sizes and quantities of solid fuel, delivered to or at any point within Zone 2. There is a separate table of prices for "direct-delivery" sales and "yard sales".

(1) Sales on a "direct-delivery" basis.

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 lbs. for sales of 100 lbs. or more but less than ½ ton |
|---|-------------|---------------|--|
| Pennsylvania anthracite:                                |             |               |  |
| Broken, egg, stove, nut.....                            | \$13.95     | \$7.25        | \$0.85   |
| Pea.....  | 12.30       | 6.40          | .75  |
| Buckwheat.....  | 10.70       | 5.60          | .65  |
| Rice.....   | 9.60        | 5.05          | -----  |
| Barley.....   | 8.35        | 4.45          | -----  |
| Screenings.....   | 4.00        | 2.00          | -----  |
| Bituminous coal—Low volatile:                           |             |               |  |
| Producing district 1:                                   |             |               |  |
| Lump (size group 1, price classification D and E).....  | 8.80        | 4.65          | .60  |
| Run-of-mine (size group 3, price classification E)..... | 9.00        | 4.75          | .60  |
| Producing district 7:                                   |             |               |  |
| Stove (size group 3, price classification A and D)..... | 9.80        | 5.15          | .60  |

Required discounts. You shall deduct from the prices set forth in table (1) of this schedule, on sales and deliveries of all sizes except Pennsylvania anthracite screenings, in quantities of ½ ton or more, a discount of 50¢ per net ton and 25¢ per net ½ ton, where payment is made within ten days after delivery. Nothing herein requires that you sell on other than a cash basis.

MAXIMUM AUTHORIZED SERVICE CHARGES

Special service rendered at the request of the purchaser:

|  |   |
|--|---|
| "Carry" or "wheel" (except for sales amounting to less than ½ ton).  | 50¢ per net ton. 25¢ per net ½ ton.   |
| Carrying upstairs, for each full flight above the ground floor (except for sales amounting to less than ½ ton). This charge shall be in addition to any charge for "carry" or "wheel".                           | 50¢ per net ton. 25¢ per net ½ ton.   |
| For deliveries involving hauling beyond seven miles from dealer's yard (except for sales amounting to less than ½ ton). This charge shall apply only to deliveries from yards in State of Maryland—Coal Area II. | 50¢ per net ton for each 5 miles or fraction thereof beyond seven miles from dealer's yard. |

(2) "Yard sales."

For sales of coal of the kinds and sizes, and in the quantities specified:

| Kind and size of coal                                   | Per net ton for sales of ½ ton or more | Per 100 lbs. for sales of 100 lbs. or more but less than ½ ton |
|---|--|--|
| Pennsylvania anthracite:                                |  |  |
| Broken, egg, stove, nut.....                            | \$12.95                                | \$0.75   |
| Pea.....  | 11.30                                  | .65  |
| Buckwheat.....  | 9.70                                   | .55  |
| Rice.....   | 8.60                                   | -----  |
| Barley.....   | 7.35                                   | -----  |
| Screenings.....   | 3.00                                   | -----  |
| Bituminous coal—Low volatile:                           |  |  |
| Producing district 1:                                   |  |  |
| Lump (size group 1, price classification D and E).....  | 7.80                                   | .50  |
| Run-of-mine (size group 3, price classification E)..... | 8.00                                   | .50  |
| Producing district 7:                                   |  |  |
| Stove (size group 3, price classification A and D)..... | 8.80                                   | .55  |

Required discounts. You shall deduct from the prices set forth in table (2) of this schedule, on sales and deliveries of all sizes except Pennsylvania anthracite screenings, in quantities of ½ ton or more, a discount of 50¢ per net ton and 25¢ per net ½ ton, where payment is made within ten days after delivery. Nothing herein requires that you sell on other than a cash basis.

(f) Schedule III.—Schedule III establishes a specific maximum price for certain kinds, sizes and quantities of solid fuel, delivered to or at any point within Zone 3. There is a separate table of prices for "direct-delivery" sales and "yard sales".

(1) Sales on a "direct-delivery" basis.

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 lbs. for sales of 100 lbs. or more but less than ½ ton |
|--|-------------|---------------|--|
| Pennsylvania anthracite:   |             |               |  |
| Broken, egg, stove, nut.....                                       | \$13.45     | \$7.00        | \$0.80   |
| Pea.....   | 11.80       | 6.15          | .70  |
| Buckwheat.....   | 10.15       | 5.35          | .65  |
| Rice.....  | 9.05        | 4.80          | -----  |
| Barley.....  | 7.80        | 4.15          | -----  |
| Screenings.....  | 3.50        | 1.75          | -----  |
| Anthracite briquettes.....   | 9.60        | 5.05          | .60  |
| Bituminous coal—Low volatile:                                      |             |               |  |
| Producing district 1:  |             |               |  |
| Lump (size group 1, price classification A, C, D, E, G and H)..... | 8.65        | 4.60          | .55  |
| Run-of-mine (size group 3, price classification D and E).....      | 8.30        | 4.40          | .55  |
| Producing district 3:  |             |               |  |
| Lump (size group 1, price classification G).....                   | 7.30        | 3.90          | .50  |
| Producing district 7:  |             |               |  |
| Egg (size group 2, price classification D).....                    | 10.55       | 5.55          | .65  |
| Stove (size group 3, price classification A).....                  | 10.75       | 5.65          | .65  |
| Stove (size group 3, price classification C and D).....            | 10.25       | 5.40          | .65  |
| Nut (size group 4, price classification A).....                    | 10.45       | 5.50          | .65  |
| Pea (size group 5, price classification A).....                    | 9.50        | 5.00          | .60  |

Required discounts. You shall deduct from the prices set forth in table (1) of this schedule, on sales and deliveries of all sizes except Pennsylvania anthracite screenings, in quantities of one ton or more, a discount of 25¢ per net ton, where payment is made within ten days after delivery. Nothing herein requires that you sell on other than a cash basis.

MAXIMUM AUTHORIZED SERVICE CHARGES

Special service rendered at the request of the purchaser:

|  |   |
|--|---|
| "Carry" or "wheel" (except for sales amounting to less than ½ ton).  | 50¢ per net ton. 25¢ per net ½ ton.   |
| Carrying upstairs, for each full flight above the ground floor (except for sales amounting to less than ½ ton). This charge shall be in addition to any charge for "carry" or "wheel".                           | 50¢ per net ton. 25¢ per net ½ ton.   |
| For deliveries involving hauling beyond seven miles from dealer's yard (except for sales amounting to less than ½ ton). This charge shall apply only to deliveries from yards in State of Maryland—Coal Area II. | 50¢ per net ton for each 5 miles or fraction thereof beyond seven miles from dealer's yard. |



(2) "Yard sales."  
For sales of coal of the kinds and sizes, and in the quantities specified:

| Kind and size of coal   | Per net ton for sales of ½ ton or more | Per 100 lbs. for sales of 100 lbs. or more but less than ½ ton |
|---|--|--|
| Pennsylvania anthracite:  |  |  |
| Broken, egg, stove, nut.....  | \$12.45                                | \$0.70   |
| Pea.....  | 10.80                                  | .60  |
| Buckwheat.....  | 9.15                                   | .55  |
| Rice.....   | 8.05                                   | .....  |
| Barley.....   | 6.80                                   | .....  |
| Screenings.....   | 2.50                                   | .....  |
| Anthracite briquettes.....  | 8.00                                   | .50  |
| Bituminous coal—Low volatile:                                       |  |  |
| Producing district 1:   |  |  |
| Lump (size group 1, price classification A, C, D, E, G, and H)..... | 7.65                                   | .45  |
| Run-of-mine (size group 3, price classification D and E).....       | 7.30                                   | .45  |
| Producing district 3:   |  |  |
| Lump (size group 1, price classification G).....                    | 6.30                                   | .40  |
| Producing district 7:   |  |  |
| Egg (size group 2, price classification D).....                     | 9.55                                   | .55  |
| Stove (size group 3, price classification A).....                   | 9.75                                   | .55  |
| Stove (size group 3, price classification C and D).....             | 9.25                                   | .55  |
| Nut (size group 4, price classification A).....                     | 9.45                                   | .55  |
| Pea (size group 5, price classification A).....                     | 8.30                                   | .50  |

Required discounts. You shall deduct from the prices set forth in table (2) of this schedule, on sales and deliveries of all sizes except Pennsylvania anthracite screenings, in quantities of one ton or more, a discount of 25¢ per net ton, where payment is made within ten days after delivery. Nothing herein requires that you sell on other than a cash basis.

(g) Schedule IV. Schedule IV establishes a specific maximum price for cer-

MAXIMUM AUTHORIZED SERVICE CHARGES

Special service rendered at the request of the purchaser:

- "Carry" or "wheel" (except for sales amounting to less than ½ ton). 50¢ per net ton. 25¢ per net ½ ton.
- Carrying upstairs, for each full flight above the ground floor (except for sales amounting to less than ½ ton). This charge shall be in addition to any charge for "carry" or "wheel".
- For deliveries involving hauling beyond seven miles from dealer's yard (except for sales amounting to less than ½ ton). This charge shall apply only to deliveries from yards in State of Maryland—Coal Area II.

(2) "Yard sales."  
For sales of coal of the kinds and sizes, and in the quantities specified:

| Kind and size of coal   | Per net ton for sales of ½ ton or more | Per 100 lbs. for sales of 100 lbs. or more but less than ½ ton |
|---|--|--|
| Pennsylvania anthracite:  |  |  |
| Broken, egg, stove, nut.....  | \$12.85                                | \$0.70   |
| Pea.....  | 11.00                                  | .65  |
| Buckwheat.....  | 9.55                                   | .55  |
| Rice.....   | 8.65                                   | .....  |
| Barley.....   | 7.40                                   | .....  |
| Screenings.....   | 2.50                                   | .....  |
| Bituminous coal—Low volatile:   |  |  |
| Producing district 1:   |  |  |
| Lump (size group 1, price classification D and E).....                                | 8.15                                   | .50  |
| Double screened coal 2' and smaller (size group 2, price classification E and F)..... | 7.80                                   | .45  |
| Run-of-mine (size group 3, price classification E and F).....                         | 7.80                                   | .45  |
| Producing district 7:   |  |  |
| Stove (size group 3, price classification A).....                                     | 9.70                                   | .55  |
| Pea (size group 5, price classification A).....                                       | 8.15                                   | .50  |

Required discounts. You shall deduct from the prices set forth in table (2) of this schedule, on sales and deliveries of all sizes except Pennsylvania anthracite screenings, in quantities of ½ ton or more, a discount of 50¢ per net ton and 25¢ per net ½ ton, where payment is made within ten days after delivery. Nothing herein requires that you sell on other than a cash basis.

(h) Schedule V. Schedule V establishes a specific maximum price for cer-

MAXIMUM AUTHORIZED SERVICE CHARGES

- Special service rendered at the request of the purchaser:
- "Carry" or "wheel" (except for sales amounting to less than ½ ton). 50¢ per net ton. 25¢ per net ½ ton.
- Carrying upstairs, for each full flight above the ground floor (except for sales amounting to less than ½ ton). This charge shall be in addition to any charge for "carry" or "wheel".
- For deliveries involving hauling beyond seven miles from dealer's yard (except for sales amounting to less than ½ ton). This charge shall apply only to deliveries from yards in State of Maryland—Coal Area II.

prices for "direct-delivery" sales and "yard sales".  
(1) Sales on a "direct-delivery" basis.  
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 lbs. for sales of 100 lbs. or more but less than ½ ton |
|--|-------------|---------------|--|
| Pennsylvania anthracite:   |             |               |  |
| Broken, egg, stove, nut.....   | \$13.80     | \$7.15        | \$0.80   |
| Pea.....   | 12.05       | 6.30          | .75  |
| Buckwheat.....   | 10.15       | 5.35          | .65  |
| Rice.....  | 9.00        | 4.75          | .....  |
| Barley.....  | 7.75        | 4.15          | .....  |
| Screenings.....  | 3.50        | 1.75          | .....  |
| Bituminous coal—Low volatile:  |             |               |  |
| Producing district 1:  |             |               |  |
| Lump (size group 1, price classification C and H).....                           | 10.70       | 5.60          | .65  |
| Run-of-mine (size group 3, price classification E and H).....                    | 9.30        | 4.90          | .60  |
| High volatile:   |             |               |  |
| Producing district 2:  |             |               |  |
| Lump 5' x 2' (size group 2, price classification E).....                         | 10.25       | 5.40          | .65  |
| Lump 6' and larger x 1½' and smaller (size group 4, price classification D)..... | 9.30        | 4.90          | .60  |
| Double screened coal 2' and smaller (size group 5, price classification F).....  | 9.05        | 4.80          | .....  |

Required discounts. You shall deduct from the prices set forth in table (1) of this schedule, on sales and deliveries of all sizes except Pennsylvania anthracite screenings, in quantities of ½ ton or more, a discount of 50¢ per net ton and 25¢ per net ½ ton, where payment is made within ten days after delivery. Nothing herein requires that you sell on other than a cash basis.

## (2) "Yard sales."

For sales of coal of the kinds and sizes, and in the quantities specified:

| Kind and size of coal   | Per net ton for sales of ½ ton or more | Per 100 lbs. for sales of 100 lbs. or more but less than ½ ton |
|---|--|--|
| Pennsylvania anthracite:  |  |  |
| Broken, egg, stove, nut   | \$12.80                                | \$0.70   |
| Pea   | 11.05                                  | .65  |
| Buckwheat   | 9.15                                   | .55  |
| Rice  | 8.00                                   |  |
| Barley  | 6.75                                   |  |
| Screenings  | 2.50                                   |  |
| Bituminous coal—Low volatile:   |  |  |
| Producing district 1:   |  |  |
| Lump (size group 1, price classification C and H)                               | 9.70                                   | .55  |
| Run-of-mine (size group 3, price classification E and H)                        | 8.30                                   | .50  |
| High volatile: Producing district 2:  |  |  |
| Lump 5' x 2' (size group 2, price classification E)                             | 9.25                                   | .55  |
| Lump 6' and larger x 13 1/4" and smaller (size group 4, price classification D) | 8.30                                   | .50  |
| Producing district 3:   |  |  |
| Double screened coal 2' and smaller (size group 5, price classification F)      | 8.05                                   | .50  |

**Required discounts.** You shall deduct from the prices set forth in table (2) of this schedule, on sales and deliveries of all sizes except Pennsylvania anthracite screenings, in quantities of ½ ton or more, a discount of 50¢ per net ton and 25¢ per net ½ ton, where payment is made within ten days after delivery. Nothing herein requires that you sell on other than a cash basis.

(i) **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.

(j) **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.

(k) **Addition of increase in supplier's 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.

(l) **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, or to the State of Maryland or any political subdivision thereof, you need not state this tax separately.

(m) **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.

(n) **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.

(o) **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.

(p) **Applicability of other regulations.** If you are a dealer subject to this order, you are governed by the licensing provisions of Licensing Order 1. Licensing Order 1 provides, in brief, that a license is required of all persons making sales for which maximum prices are established. A license is automatically granted. It is not necessary to apply for the license. 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.

(q) **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, a record of every sale of solid fuel hereunder, showing the date, the name and address of the buyer, if known, the per net ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also state separately each service rendered and the charge made for it.

(r) **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.

(s) **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, or with the Price Panel of the appropriate War Price and Rationing Board.

(t) **Definitions and explanations.** When used in this Order No. G-41, 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 subdivisions, or any agency 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 the same sizes of the same fuel as were sold and delivered in the State of Maryland, Coal Area II with such designation during December 1941.

(9) "Virginia anthracite" means non-bituminous coal produced in the State of Virginia.

(10) "Egg, stove, nut, pea and buckwheat" 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, etc., applicable to bituminous coal, refer to the sizes, classifications, 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. (See appendix for definitions of pertinent size groups.)

(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.

(u) Effect of order on Revised Maximum Price Regulation No. 122. To the extent applicable this order supersedes Revised Maximum Price Regulation No. 122.

NOTE: 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.

This Order No. G-41 shall become effective May 22, 1944.

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

Issued this 15th day of May 1944.

DANIEL P. WOOLLEY,  
Regional Administrator.

APPENDIX

Definitions of size groups, in the several production districts established in the Bituminous Coal Act of 1937 as amended, and defined in the minimum price schedules of the Bituminous Coal Division of the Department of the Interior and in effect August 23, 1943.

| Production district | Size group | Size           | Definition  |
|---------------------|------------|----------------|---|
| 1                   | 1          | Lump and egg   | All lump coal. All double screened coal having a top size over 2 inches.  |
|                     | 2          | 2" and smaller | All double screened coal with top size not exceeding 2 inches.  |
|                     | 3          | Run-of-mine    | Run-of-mine, modified run-of-mine and minus resultant with top size over 2 inches.  |
| 2                   | 4          | Nut and slack  | All minus resultant with top size over 3/4 inch and not exceeding 2 inches.   |
|                     | 2          | Lump or egg    | Lump coal larger than 2 inches but not exceeding 5 inches bottom size. Double screened coal with a bottom size larger than 2 inches.                                      |
| 2                   | 4          | Lump or egg    | Lump coal with bottom size 1 1/4" and smaller. Double screened coal with a bottom size of 1 1/4" and smaller and a top size larger than 2 inches.                         |
|                     | 6          | Run-of-mine    | Straight run-of-mine and resultants larger than 2" x 0 and any altered mine run, or altered screenings, from which any intermediate size has been removed.                |
| 3                   | 1          | Lump           | Lump coal larger than 5" bottom size.   |
|                     | 3          | Lump           | Lump coal larger than 1 1/4" but not exceeding 2" bottom size. Double screened coal with a bottom size larger than 1 1/4" but not over 2", and a top size larger than 2". |
| 7                   | 5          | Stoker         | All double screened coal with a top size 2" and smaller.  |
|                     | 2          | Egg            | Egg: Top size larger than 3"; bottom size no limit.   |
|                     | 3          | Stove          | Stove or dedusted screenings: top size larger than 1 1/4" but not exceeding 3"; bottom size smaller than 3".  |
|                     | 4          | Nut            | Nut or dedusted screenings: top size larger than 3/4" but not exceeding 1 1/4"; bottom size smaller than 1 1/4".  |
|                     | 5          | Pea            | Pea or dedusted screenings: top size not exceeding 3/4"; bottom size smaller than 3/4".   |

[F. R. Doc. 44-7228; Filed, May 19, 1944; 4:24 p. m.]

[Region V Order G-2 Under RMPR 122, Amdt. 2]  
SOLID FUELS IN KANSAS CITY, MO.-KANS., AREA

Amendment No. 2 to Order No. G-2 under Revised Maximum Price Regulation No. 122. Maximum prices for solid fuels sold in the cities of Kansas City, Missouri, Kansas City, Kansas, and

parts of the counties adjacent to these cities.

Pursuant to the Emergency Price Control Act of 1942, as amended, and the authority vested in the Regional Administrator of Region V by § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the opinion issued simultaneously herewith, *It is ordered:*

Paragraph (a), What this order does, is amended to read as follows:

(a) *What this order does.* This order establishes maximum prices for sales of specified solid fuels covered by Revised Maximum Price Regulation No. 122 in the greater Kansas City, Missouri and Kansas City, Kansas metropolitan area. These are the highest prices that any dealer may charge when he sells or delivers any of such fuels at or to a point within the following described boundary line:

Beginning at the north end of the Fairfax Bridge across the Missouri River; thence north and east along U. S. Highway 69 to Claycomo; then south along an unnumbered road to the Missouri River; thence straight south across the Missouri River and along the south bank thereof to and including Cement City; thence southwest along County Road 7E to Sugar Creek Road (4N); thence east along Sugar Creek Road (4N) to a common junction thereof with U. S. Highway 24 and an unnumbered highway; thence southeast over such unnumbered highway to its junctions with Jones Road and south thereon and on Necessary Road to Holke Road; thence west thereon to Kiger Road; thence south thereon to Evans & Sheley Lane; thence west thereon to Noland Road (U. S. Highway 71 By-Pass); thence south thereon to junction with U. S. Highway 40; thence west along U. S. Highway 40 and Alternate U. S. Highway 40 to Norfleet Road; thence south thereon to Smith Road (or an unnumbered highway representing an extension thereof); thence generally west thereon to Woodson Road; thence south on Woodson Road to junction with County Road (8E); thence west to Raytown South Road; thence south on Raytown South Road (5E) to Bannister Road; thence west on Bannister Road to Blue Ridge Boulevard Extension (County Road 4E); thence south on Blue Ridge Boulevard Extension to junction with U. S. Highway 71; thence south on U. S. Highway 71 to Outer Belt Road; thence west on Outer Belt Road to Missouri-Kansas State line; thence south on Missouri-Kansas State line to southern boundary of Johnson County, Kansas; thence west on southern boundary of Johnson County to western boundary of Johnson County; thence north on western boundary of Johnson County to the Kansas River; thence along the southern bank of the Kansas River to a point north of Morris; thence north to Muncie; thence northeast from Muncie on State Highway 32 to its junction with Francis Road; thence generally north along Francis Road to its junction with U. S. Highway 40; thence east on U. S. Highway 40 to its junction with Brenner Heights Road; thence generally north on Brenner Heights Road to Parallel Avenue; thence west thereon to Mahan Road and north thereon to its junction with Dickenson Road; thence east on Dickenson Road to Nearman; thence north to the Missouri River and thence east and south along the south bank of the Missouri River to Fairfax Bridge; thence across the bridge to point of beginning (including all points and places within the limits of all points described as on said boundary). The boundary line so described shall be construed as following the center of the public highways named.

(1) The territorial limits as outlined above are the boundary lines of the Kansas City, Missouri and Kansas City, Kansas trade areas as suggested by the retail coal dealers of that area.

Paragraph (d), Price Schedule, section III, shall be amended by adding to said section III, paragraph (F), Produc-

tion Group 9, which shall read as follows:

(F) *Production Group 9.* The following price is for the specified size of Bituminous Coal produced at strip mines in Coal County, Oklahoma:

(1) Lump (Bottom size 2" or larger)-----\$10.75

(56 Stat. 23, 765, Pub. Law 151, 76th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 6 F.R. 4631)

Issued at Dallas, Texas, on this 10th day of May 1944, and effective on the 15th day of May 1944.

MAX McCULLOUGH,  
Regional Administrator.

[F. R. Doc. 44-7230; Filed, May 19, 1944; 4:24 p. m.]

[Region VIII Order G-2 Under 18 (c),  
Amdt. 25]

#### FLUID MILK IN CALIFORNIA

Amendment No. 25 to Order No. G-2 under § 1499.18 (c), as amended, of the General Maximum Price Regulation.

Fluid milk prices at wholesale and retail in certain localities in the State of California.

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 § 1499.78 (a) (9) of Supplementary Regulation No. 15 of the General Maximum Price Regulation, *It is hereby ordered*, That Order No. G-2 under § 1499.18 (c), as amended, of the General Maximum Price Regulation be amended as set forth below:

(a) Schedule A is hereby amended by striking out the heading "Ventura County and that portion of Santa Barbara County lying east of the line beginning at the Pacific Ocean thence north along the range line between ranges 33 and 34 west to the line between townships 5 and 6 north, thence east along that line to the range line between ranges 32 and 33 west, thence north along that line to the line between townships 7 and 8 north, thence east along that line to the range line between ranges 31 and 32 west and thence north along that line to the San Luis Obispo County line" and substituting therefor the heading "Ventura County and that portion of the Santa Barbara Marketing Area lying east of the line beginning at the Pacific Ocean thence north along the range line between ranges 33 and 34 west to the line between townships 5 and 6 north, thence east along that line to a line beginning 2 miles west of the range line between ranges 31 and 32 west and thence north to the San Luis Obispo Marketing Area line."

(b) Schedule A is hereby amended by striking out the heading "San Luis Obispo Marketing Area and that portion of Santa Barbara County lying west of the line beginning at the Pacific Ocean thence north along the range line between 33 and 34 west to the line between townships 5 and 6 north, thence east along that line to the range line between ranges 32 and 33 west, thence north along that line to the line between town-

ships 7 and 8 north, thence east along that line to the range line between ranges 31 and 32 west and thence north along that line to the San Luis Obispo County Line" and substituting therefor the heading "San Luis Obispo Marketing Area".

(c) Schedule A is hereby amended by adding at the end thereof the following:

#### LOMPOC AREA

| Quantity         | Wholesale delivered                | Retail store | Retail home delivered |
|------------------|------------------------------------|--------------|-----------------------|
|                  | Not less than 3.8 percent milk fat |              |                       |
| Gallon.....      | \$0.48                             | \$0.53       | \$0.55                |
| Half-gallon..... | .25                                | .28          | .30                   |
| Quart glass..... | .1275                              | .145         | .15                   |
| Quart fibre..... | .1325                              | .145         | .15                   |
| Pint glass.....  | .07                                | -----        | -----                 |
| Pint fibre.....  | .075                               | -----        | -----                 |
| Half pint.....   | .045                               | -----        | -----                 |

(d) Paragraph (3) (d) is hereby amended to read as follows:

(d) Any "marketing area" means a marketing area of that name as defined on April 1, 1943, by the California State Bureau of Market Enforcement, operated under the Department of Agriculture, State of California, except that in the case of San Luis Obispo and Santa Barbara Marketing Areas, the marketing area boundaries shall be as defined May 15, 1944.

(e) Paragraph (3) is hereby amended by adding a new subparagraph (3) (g) to read as follows:

(g) "Lompoc Area" means that portion of the Santa Barbara Marketing Area lying west of the line beginning at the Pacific Ocean thence north along the range line between ranges 33 and 34 west to the line between townships 5 and 6 north, thence east along that line to a line beginning 2 miles west of the range line between ranges 31 and 32 west and thence north to the San Luis Obispo Marketing Area line.

This amendment to Order No. G-2 shall become effective May 15, 1944.

(56 Stat. 23, 765; Pub. Law 181, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 15th day of May 1944.

L. F. GENTNER,  
Regional Administrator.

[F. R. Doc. 44-7226; Filed, May 19, 1944; 4:25 p. m.]

[Region VIII Order G-3 Under MPR 329,  
Amdt. 6]

#### FLUID MILK IN SANTA BARBARA, CALIF., AREA

Amendment No. 6 to Order No. G-3 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 of Maximum Price Regulation No. 329, Order No. G-3

under Maximum Price Regulation No. 329 is hereby amended as follows:

(a) Paragraph (a) (1) is hereby amended by striking from said paragraph the following description of areas:

Santa Barbara County—that portion east of the line beginning at the Pacific Ocean thence north along the range line between ranges 33 and 34 west to the line between townships 3 and 6 north, thence east along that line to the range line between ranges 32 and 33 west, thence north along that line to the line between townships 7 and 8 north, thence east along that line to the range line between ranges 31 and 32 west and thence north along that line to the San Luis Obispo County line

And "Santa Barbara County—the remaining portion" and the accompanying prices, and substituting therefor the following:

| Location of dairy:   | Maximum price |
|--|---------------|
| Santa Barbara Marketing Area—that portion east of the line beginning at the Pacific Ocean thence north along the range line between ranges 33 and 34 west to the line between townships 5 and 6 north, thence east along that line to a line beginning 2 miles west of the range line between ranges 31 and 32 west and thence north to the San Luis Obispo Marketing Area line..... | \$1.02        |
| Santa Barbara Marketing Area—the remaining portion.....  | .985          |

This amendment shall become effective May 15, 1944.

(56 Stat. 23, 765; Pub. Law 181, 78th Cong.; E. O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 15th day of May 1944.

L. F. GENTNER,  
Regional Administrator.

[F. R. Doc. 44-7227; Filed, May 19, 1944; 4:25 p. m.]

[Detroit Order G-4 Under MPR 426]

#### FRUITS AND VEGETABLES IN DETROIT, MICH.

Order No. G-4 under Maximum Price Regulation No. 426, as amended. Establishing maximum markup for purveyors at the Detroit wholesale receiving point.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by Article 1, section 2 (d) of Maximum Price Regulation No. 426, as amended, and by him delegated to the Detroit District Director by Delegation Order No. 1-A, Revised, this Order No. G-4 under Maximum Price Regulation No. 426, as amended, is hereby issued.

SECTION 1. *What this order does.* This order adjusts the maximum markup for sales of covered fruits and vegetables by purveyors, as defined.

SEC. 2. *Geographical coverage.* This order shall apply to sales made within the City of Detroit, Michigan, and within a radius of ten (10) miles of the boundary lines thereof.

SEC. 3. *Items covered.* The items covered by this order are snap beans, pep-

pers, egg plant, cucumbers, spinach, carrots and peas.

**Sec. 4. Sales covered.** The sales covered by this order are sales to hotels, restaurants, hospitals, ships, camps and other institutional users. This order applies only to sales of broken boxes which means in less-than-original-container lots or container lots which have been broken and which have been handled or processed by two or more of the following steps: washing, trimming, sorting, grading, repacking and warehousing.

**Sec. 5. Adjustment provided.** Section 2 (d) provides for a purveyor's markup. To the maximum markups of service-and-delivery wholesalers as otherwise calculated under Column 9 of Appendix H of Maximum Price Regulation No. 426, as amended, an additional markup of 25% may be added for such sales by purveyors who qualify hereunder.

**Sec. 6. Qualifications.** To qualify for the markup granted herein, a purveyor must make sworn application and have his name included in this order. He must file a statement under oath showing that not less than 75% of his sales of fresh fruits and vegetables have been made to institutional users for the months of October, November, and December of 1943.

**Sec. 7. Definitions.** A purveyor is defined as follows:

"Purveyor" means a person who (i) purchases the kind of fresh fruits and vegetables being priced, (ii) maintains facilities for washing, trimming, sorting, grading, repacking and warehousing and employs such of these facilities in connection with the sale of the particular goods being sold, as specified, (iv) makes less-than-original-container sales to restaurants, ships, hotels, hospitals, camps or other institutional users, and (v) delivers to the premises of all purchasers located within the area specified in section 2 hereof, without extra charge. A seller shall be considered a purveyor only when making sales to institutional users of goods which have been handled and sold in this manner, and no seller shall be considered a purveyor when selling unbroken containers.

Unless otherwise provided for or designated herein, the definitions of Maximum Price Regulation No. 426, as amended, when applicable shall be used in this order.

**Sec. 8. Prohibitions.** No purveyor shall use any purveyor's markup until he has filed the sworn statement as required above, has had his claim processed, and in addition thereto has had his name included in the list of purveyors contained in the next section.

**Sec. 9. List of purveyors.** The purveyors covered by this order are:

(1) City Fruit and Produce Company, 1301 Winder Street, Detroit, Wayne County, Michigan.

**Sec. 10. Effective date.** This order shall become effective as of the 9th day of May 1944.

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

Issued this 8th day of May 1944.

JACOB ZWEEBYK,  
Acting District Director.

Approved:

EARL O. POLLACK,  
Regional Director,  
Mid-West Region.  
War Food Administration.

[F. R. Doc. 44-7233; Filed, May 19, 1944;  
4:22 p. m.]

[Region II Order G-2 Under MPR 426,  
Amdt. 1]

#### LETTUCE IN NEW YORK REGION

Amendment No. 1 to Order No. G-2 under section 2 of Maximum Price Regulation No. 426. Lettuce in Region II.

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 for Region II by section 2 of Maximum Price Regulation No. 426, Order No. G-2 under that regulation is amended as follows:

1. Section 6 is amended to read as follows:

**Sec. 6. Effective date.** This order shall become effective at 12:01 a. m. on May 13, 1944, as to sales by secondary jobbers and service wholesalers; it shall become effective at 12:01 a. m. on May 13, 1944 as to sales by growers, country shippers and carlot or trucklot receivers of lettuce shipped from the country shipping point after May 12, 1944; it shall become effective at 12:01 a. m. on May 27, 1944 as to sales by growers, country shippers and carlot or trucklot receivers of lettuce shipped from the country shipping point on or before May 12, 1944.

2. This amendment shall become effective on May 13, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; MPR 426, 8 F.R. 16409)

Issued this 13th day of May 1944.

DANIEL P. WOOLLEY,  
Regional Administrator.

Approved:

F. D. CRONIN,  
Regional Director of Food  
Distribution.

[F. R. Doc. 44-7278; Filed, May 20, 1944;  
3:58 p. m.]

[Region III Order G-2 Under MPR 280]

#### FLUID MILK IN CLEVELAND REGION

Order No. G-2 under Maximum Price Regulation No. 280. Maximum prices for specific food products. Fixing the maximum prices of bulk milk sold in the States of Indiana, (except Lake County), Kentucky, Michigan, Ohio and West Virginia.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the

Office of Price Administration by § 1351.817a of Maximum Price Regulation No. 280, it is hereby ordered:

(a) *What this order does.* This order fixes the maximum prices which may be received by any handler (as hereinafter defined) of fluid milk bought from producers, associations of producers, or other handlers, and sold for human consumption in bulk (other than in glass or paper containers) to any person, other than stores, hotels, restaurants and institutions. It also fixes said maximum prices as the prices which may be paid for such fluid milk in the course of trade or business, by the buyer, other than stores, hotels, restaurants and institutions.

(b) *Maximum price.* On and after the effective date of this order, regardless of any contract, agreement or other obligation, no handler shall sell or deliver, or agree to sell or deliver, fluid milk in bulk (other than in glass or paper containers) bought from producers, associations of producers, or other handlers, to any person other than stores, hotels, restaurants, and institutions, and no such person shall in the course of trade or business, buy or agree to buy such fluid milk from any such handler at prices higher than the following:

(1) *Primary handlers.* Subject to the limitations set forth in subparagraph (4) hereof, the maximum price at which a primary handler may sell such fluid milk shall be determined as follows:

(i) The purchase price of said milk adjusted by the required butterfat differential set forth in subparagraph (3) hereof, plus

(ii) A handling charge not exceeding 40¢ per cwt. when such milk is delivered into containers of a capacity greater than 10 gallons, including tank trucks or tank cars, or

(iii) A handling charge not exceeding 45¢ per cwt. when such milk is delivered into containers of 10 gallons capacity or less.

(2) *Secondary handlers.* Subject to the limitations set forth in subparagraph (4) hereof, the maximum price at which a secondary handler may sell such milk shall be determined as follows:

(i) The price which such secondary handler actually paid for such fluid milk not exceeding the maximum price provided by section (1) of this paragraph (b), adjusted by the required butterfat differential set forth in subparagraph (3) hereof, plus

(ii) A handling charge not exceeding 20¢ per cwt.

(3) The following butterfat differential shall be applicable only in the event the butterfat content of milk sold by a handler varies from the butterfat content of said milk at the time of purchase:

(i) For each 1/10 of 1% by which the butterfat content is increased on resale, 5¢ may be added.

(ii) For each 1/10 of 1% by which the butterfat content is decreased on resale, 5¢ shall be deducted.

(4) *Provided, however,* That in no event shall the total of all handling charges exceed 60¢ per cwt. for milk de-

livered into containers of a capacity greater than 10 gallons including tank trucks or tank cars, and 65¢ per cwt. for milk delivered into containers of 10

gallons capacity or less, nor shall the maximum price for any fluid milk sold by either a primary or secondary handler exceed the following:

| Butterfat content (percent) | Delivered into containers of more than 10 gallon capacity, including tank trucks and tank cars | Delivered in containers of 10 gallon capacity or less                      |
|-----------------------------|--|--|
| 2.5                         | \$3.75   | \$3.80.  |
| Less than 3.5               | \$3.75 less 5¢ for each $\frac{1}{10}$ of 1% under 3.5% butterfat content.                     | \$3.80 less 5¢ for each $\frac{1}{10}$ of 1% under 3.5% butterfat content. |
| More than 3.5               | \$3.75 plus 5¢ for each $\frac{1}{10}$ of 1% over 3.5% butterfat content.                      | \$3.80 plus 5¢ for each $\frac{1}{10}$ of 1% over 3.5% butterfat content.  |

(5) Where milk is purchased at different prices, and/or of different butterfat content, and is thereafter commingled, the weighted average, both as to purchase price and as to butterfat content, shall be used in calculating maximum resale prices under this paragraph (b).

(6) The purchase price to which the handling charges set forth in subparagraphs (1) and (2) hereof may be added shall be the price paid by the first purchaser to any producer per 100 pounds of fluid milk, and in no event shall it include any bonus or additional payment based upon quality, quantity, special equipment or any other special consideration.

(c) *Definition.* As used in this order, the following definitions shall apply:

(1) "Fluid milk" means liquid cow's milk sold or resold for human consumption in fluid form.

(2) "Handler" means any person, firm or corporation who, on his own behalf or on behalf of another, purchases fluid milk from any producer, association of producers, or other handler, and who sells such fluid milk at wholesale in bulk (other than in glass or paper containers) to any person, firm or corporation other than stores, hotels, restaurants and institutions.

(i) A producer is a "handler" with respect to that fluid milk purchased by him from any producer, association of producers, or other handlers, which fluid milk is sold by him at wholesale in bulk (other than in glass or paper containers) to any person other than stores, hotels, restaurants and institutions.

(ii) A farmers' cooperative association is a "handler" with respect to that fluid milk processed for it by any operator of a receiving or processing plant, and with respect to that fluid milk handled in physical facilities for receiving, processing or distributing fluid milk which are owned or leased by the cooperative, which fluid milk is sold by it at wholesale in bulk (other than in glass or paper containers) to any person other than stores, hotels, restaurants and institutions.

(3) A "primary handler" of fluid milk is a handler who purchases or receives fluid milk from any producer at a receiving station or processing plant within Region III. Such handler shall use the pricing provisions of paragraph (b) of this order governing primary handlers only with respect to that fluid milk to which he performs a function of a primary handler.

(4) A "secondary handler" of fluid milk is a handler who purchases or receives fluid milk from another handler

for resale at wholesale in bulk to persons other than stores, hotels, restaurants and institutions. Such a handler shall use the pricing provisions of paragraph (b) governing secondary handlers only with respect to that fluid milk to which he performs a function of a secondary handler.

(5) "Person" means individual, corporation, partnership, association or other organized group of persons or the legal successor or representative of any of the foregoing and includes the United States or any agency thereof, any other government or any political sub-division and any agencies of the foregoing.

(6) Unless the content otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, in the General Maximum Price Regulation and Maximum Price Regulation No. 280, issued by the Office of Price Administration, shall apply to other terms used herein.

(d) Every handler making a sale of fluid milk shall render to the purchaser an invoice showing separately the purchase price of said milk determined as herein provided, the butterfat content thereof and the handling charge added to the purchase price under the provisions of paragraph (b) hereof.

(e) *Geographical applicability.* This order shall apply to all sales of fluid milk first physically received from producers by any handler at a receiving station or processing plant within the States of Indiana, (except the County of Lake), Ohio, Michigan, Kentucky and West Virginia.

(f) This order shall not be construed as amending, modifying, revoking or repealing any order, agreement or license issued pursuant to the Agricultural Marketing Agreement Act of 1937, and in the event of any conflict between this order or any of the provisions thereof, and any such order, agreement, or license, or any of the provisions thereof, the provisions of such order, agreement or license shall prevail over those of this order.

(g) *Evasion.* The price limitations set forth in this order shall not be evaded either directly or indirectly by any scheme or device, or by any practice which is used to get the effect of a higher than maximum price. The prices established by this order are maximum prices for the commodities and all services ordinarily rendered in connection with the sale of the commodities. Therefore, you may not charge any additional amounts for any services ordinarily connected with the sale of these commodities.

(h) *Licensing.* The provisions of Licensing Order No. 1 licensing all persons who make sales under price control, shall

apply to every seller subject to the provisions of this order. These sections provide in brief that a license is required of all persons selling commodities for which ceiling prices are established. The license is automatically granted and it is not necessary to apply for the license. Such license may be suspended for violation in connection with the sale of any commodity for which ceiling prices are established.

No person, whose license is suspended, may sell any such commodity during the period of suspension.

(i) *Enforcement.* On and after the effective date of this order, any person who sells at a price higher than the maximum price permitted by this order, or otherwise violates any of the provisions of this order, shall be subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended. In addition, any person who, in the course of trade of business, buys at a price higher than the maximum price permitted by this order, is subject to criminal penalties and civil enforcement actions provided for by such act.

(j) *Revocability.* This order may be revoked, amended or corrected at any time by the Office of Price Administration.

This order shall become effective on the 16th day of May 1944.

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

Issued this 11th day of May 1944.

CLIFFORD J. HOUSER,  
Acting Regional Administrator.

[F. R. Doc. 44-7279; Filed, May 20, 1944;  
4:00 p. m.]

[Region III Order G-6 Under RMPR 122,  
Amtd. 3]

#### SOLID FUELS IN LIMA, OHIO, AREA

Amendment No. 3 to Order No. G-6 under Revised Maximum Price Regulation No. 122. Maximum prices for solid fuels in the Lima, Ohio, area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, *It is hereby ordered*, That Order No. G-6 under Revised Maximum Price Regulation No. 122 be amended in the following respects:

(a) Section (a) of said Order No. G-6 under Revised Maximum Price Regulation No. 122 is hereby amended to read as follows:

(a) This order establishes maximum prices for sales of specified solid fuels made within the Lima, Ohio, area defined for the purpose of this order as follows:

Commencing at the inter-section of Breese Road and Yoakum Road in Shawnee Township running thence northerly on Yoakum Road to Amanda Road; thence westerly on Amanda Road to Wonderlick Road; thence north on Wonderlick Road to State Route

No. 117; thence easterly on State Route No. 117 to Seriff Road; thence northerly on Seriff to Elm Street Road; thence easterly on Elm Street Road to Easttown Road; thence northerly on Easttown Road to Diller Road; thence easterly on Diller Road to Coal Street; thence northerly on Cole Street to Early Road; thence easterly on Early Road and Blue Lick Road to Slabtown Road; thence southerly on Slabtown Road to State Route No. 81; thence easterly on State Route No. 81 to Fetter Road; thence southerly on Fetter Road to High Street Road; thence easterly on High Street Road to Mumaugh Road; thence southerly on Mumaugh Road to United States Route No. 30-S; thence easterly on United States Route No. 30-S to Chapel Road; thence southerly on Chapel Road and Perry Road to Hanthorn Road, thence westerly on Hanthorn Road to Bowman Road; thence southerly on Bowman Road to Roathe Road; thence westerly on Roathe Road to Breese Road; thence westerly on Breese Road to point of beginning including all territory

within said boundaries, said marketing area also to contain for the purpose of this order all property abutting on any of the boundaries designated herein.

(b) Paragraph (c) of said Order No. G-6 under Revised Maximum Price Regulation No. 122, is hereby amended to read as follows:

(c) *Price schedules.* Immediately below and as a part of this paragraph (c), is a schedule which sets forth maximum prices for sales of specified sizes, kinds, and quantities of solid fuels sold in the area set forth in paragraph (a). Column I describes the coal for which prices are established; Column II shows maximum prices for sales by direct delivery to consumers at any point in the said area; and Column III shows maximum prices for yard sales to dealers purchasing for the purpose of resale. All sales shall be on a net ton weight basis.

| Column I  | Column II | Column III |
|---|-----------|------------|
| I. High volatile bituminous coals from producing district No. 8 (eastern Ky., southern W. Va., western Va., northeastern Tennessee):  |           |            |
| A. Lump, Size Groups Nos. 1 and 2 (larger than 3")  |           |            |
| 1. Mine Price Classifications A through E.....  | \$8.95    | \$8.45     |
| 2. Mine Price Classifications, other.....   | 8.50      | 8.00       |
| B. Egg, Size Group Nos. 5, 6, and 7 (top size larger than 5" but not exceeding 6" x bottom size 3" and smaller; top size larger than 3" x bottom size 2" and smaller; top size 3" but not exceeding 5" x bottom size larger than 2" but not exceeding 3")   | 8.25      | 7.75       |
| C. Stoker, Size Group No. 10 (top size 1 1/4" and smaller x bottom size 3/8" and larger) Mine Price Classifications A through G.....  | 8.45      | 7.95       |
| D. Nut and slack:   |           |            |
| 1. Produced at Auxier Mine, Index No. 25 of the Northeast Coal Company.....   | 7.85      | 7.35       |
| 2. Produced at all other mines.....   | 7.65      | 7.15       |
| E. To the prices stated in sections A, B, C, and D of Part I may be added \$0.15 per ton provided the coal is mined in Subdistrict 6 of producing district No. 8. Subdistrict 6 includes that portion of District 8 which is in northern Tennessee and the following counties in Kentucky: Bell, Clay, Clinton, Jackson, Knox, Laurel, Leslie, Madison, McCreary, Owsley, Pulaski, Rockcastle, Wayne and Whitley. |           |            |
| II. High volatile bituminous coals from producing district No. 4 (Ohio):  |           |            |
| A. Lump, Size Group Nos. 1 and 2 (larger than 2").....  | 7.65      | 7.15       |
| B. Stoker, Size Group No. 5 (double screened coal with top size 2" and smaller).....  | 7.70      | 7.20       |
| III. High volatile bituminous coals from producing district No. 3 (northwestern W. Va., excluding Panhandle):   |           |            |
| A. Lump and egg, Size Group No. 1 (bottom size larger than 2").....   | 8.25      | 8.05       |
| B. Lump and egg, Size Group No. 2 (bottom size 2" and smaller).....   | 8.25      | 7.75       |
| IV. High volatile bituminous coals from producing district No. 6 (W. Va. Panhandle):  |           |            |
| A. Lump, Size Group Nos. 1 and 2 (larger than 2").....  | 8.55      | 8.05       |
| B. Egg, Size Group Nos. 2 and 3 (double screened coals with bottom size larger than 1 1/4").....  | 8.25      | 7.75       |
| C. Stoker, Size Group No. 5 (double screened coals with top size 2" and smaller).....   | 8.45      | 7.95       |
| V. Low volatile bituminous coals from producing district Nos. 7, and 8 (southern W. Va. and western Va.):   |           |            |
| A. Lump, Size Group No. 1 (bottom size larger than that designated for Screened Run of Mine) Mine Price Classification A.....   | 9.60      | 9.10       |
| B. Egg, Size Group No. 2 (top size larger than 3" x bottom size no limit) Mine Price Classification A.....  | 9.55      | 9.05       |
| C. Stoker, Size Group No. 5 (pea or dedusted screenings; top size not exceeding 3/4" x bottom size smaller than 3/4") Mine Price Classification A.....  | 8.45      | 7.95       |

This amendment to Order No. G-6 under Revised Maximum Price Regulation No. 122 shall become effective May 10, 1944.

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

Issued: May 10, 1944.

BIRKETT L. WILLIAMS,  
Regional Administrator.

[F. R. Doc. 44-7280; Filed, May 20, 1944; 3:57 p. m.]

[Region III Order G-20 Under 18 (c), Amdt. 5].

FLUID MILK IN MICHIGAN

Amendment No. 5 to Order No. G-20 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Adjustment of the maximum prices of fluid whole milk and special milk sold at retail and wholesale in the State of Michigan.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation and § 1351.807 of Maximum Price Regulation No. 280, Order No. G-20 under § 1499.18 (c) of the General Maximum Price Regulation is hereby amended in the following respects:

(a) The Counties of Allegan, Antrim, Barry, Benzie, Charlevoix, Clinton, Emmet, Grand Traverse, Ionia, Kalkaska, Lake, Leelanau, Manistee, Mason, Mecosta, Misaukee, Montcalm, Newaygo, Oceana, Osceola and Wexford be and the same are hereby deleted from the list of counties set forth in paragraph 1 of Schedule A and added to the list of counties set forth in paragraph 2 of Schedule A.

This Amendment No. 5 to Order No. G-20 under § 1499.18 (c) of the General Maximum Price Regulation shall become effective May 10, 1944.

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

Issued May 10, 1944.

BIRKETT L. WILLIAMS,  
Regional Administrator.

[F. R. Doc. 44-7281; Filed, May 20, 1944; 3:58 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register on May 17, 1944.

REGION I

- Boston Order 4-F, Amendment 3, covering certain fresh fruits and vegetables in certain areas in Massachusetts. Filed 10:00 a. m.
- Connecticut Order 2-F, Amendment 7, covering certain fresh fruits and vegetables in Hartford, New Haven, Bridgeport & Waterbury Areas. Filed 9:30 a. m.
- Connecticut Order 3-F, Amendment 3, covering certain fresh fruits and vegetables in Hartford, New Haven, Bridgeport & Waterbury Areas. Filed 9:29 a. m.
- Connecticut Order 6, Amendment 2, covering community food prices in the State of Connecticut. Filed 9:29 a. m.
- Connecticut Order 6, Amendment 3, covering community food prices in Connecticut. Filed 9:29 a. m.
- Connecticut Order 6, Amendment 4, covering community food prices in Connecticut. Filed 10:07 a. m.

REGION II

- Altoona Order 1-F, Amendment 5, covering certain fresh fruits and vegetables in Altoona and Johnson, Pennsylvania. Filed 10:00 a. m.
- Harrisburg Order 1-F, Amendment 2, covering certain fresh fruits and vegetables in Harrisburg, Lancaster, Lebanon & York, Pa. Filed 10:02 a. m.
- New York Order 1-F, Amendment 7, covering certain fresh fruits and vegetables in Bronx, Kings, New York, Queens & Richmond Counties in New York. Filed 9:31 a. m.
- Maryland Order B-I, covering retail food prices for dry grocery and perishable foods in various areas in Maryland. Filed 9:32 a. m.
- Maryland Order 1-F, Amendment 6, covering fresh fruits and vegetables in Baltimore, Maryland area. Filed 9:34 a. m.
- Newark Order 4-F, covering certain fresh fruits and vegetables in certain specified counties in New Jersey. Filed 9:32 a. m.
- Wilmington Order 2-F, Amendment 4, covering certain fresh fruit & Vegetables in territory between New Castle and Newark—North of Delaware State Line. Filed 9:34 a. m.
- Trenton Order 1-F, Amendment 5, covering certain fresh fruits and vegetables in Mercer County, New Jersey. Filed 10:00 a. m.
- Trenton Order 2-F, Amendment 2, covering certain fresh fruits and vegetables in Middlesex County, N. J. Filed 10:01 a. m.
- Trenton Order 3-F, Amendment 1, covering fresh fruits and vegetables in Monmouth County, N. J. Filed 10:00 a. m.
- Trenton Order 3-F, Amendment 1, covering fresh fruits and vegetables in Monmouth County, N. J. Filed 10:00 a. m.

## REGION III

Columbus Order 9, Amendment 6, covering community food prices in certain areas in Ohio. Filed 9:30 a. m.

Indianapolis Order 18, Amendment 2, covering community food prices for dry groceries in Central Indiana. Filed 9:34 a. m.

Indianapolis Order 19, Amendment 2, covering dry grocery prices at retail in Western Indiana. Filed 9:35 a. m.

Indianapolis Order 20, Amendment 2, covering retail prices on dry groceries in Southwestern Indiana. Filed 9:35 a. m.

Indianapolis Order 21, Amendment 2, covering retail prices for dry groceries in Southeastern Indiana. Filed 9:36 a. m.

Indianapolis Order 22, Amendment 2, covering retail prices for dry groceries in Eastern Indiana. Filed 9:37 a. m.

Indianapolis Order 23, Amendment 2, covering retail prices for dry groceries in Central Indiana. Filed 9:37 a. m.

Indianapolis Order 24, Amendment 2, covering retail prices for dry groceries in Northwestern Indiana. Filed 9:38 a. m.

Indianapolis Order 26, Amendment 2, covering retail prices for dry groceries in Northeastern Indiana. Filed 9:38 a. m.

Detroit Order 11, Amendment 2, covering community food prices in designated counties of Michigan. Filed 9:39 a. m.

Detroit Order 1-F, Amendment 15, covering retail fresh fruit & vegetable prices in Wayne, Oakland & Macomb Counties in Michigan. Filed 9:59 a. m.

Charleston Order 1-F, Amendment 24, covering retail fresh fruit & vegetable prices in Kanawha County, & City of Montgomery, Fayette County, W. Va. Filed 9:56 a. m.

Charleston Order 1-F, Amendment 25 covering retail fresh fruits & vegetable prices in Kanawha County, & City of Montgomery, Fayette County, W. Va. Filed 9:57 a. m.

Charleston Order 3-F, Amendment 20, covering retail fresh fruits and vegetable prices in Huntington, Cabell Counties, West Virginia. Filed 9:57 a. m.

Charleston Order 6-F, Amendment 13, covering retail fresh fruits and vegetable prices in McDowell, Mercer & Wyoming Counties, W. Va. Filed 9:58 a. m.

Charleston Order 7-F, Amendment 6, covering certain fresh fruits and vegetables in Lincoln, Logan, Mingo and Wayne Counties, W. Va. Filed 9:58 a. m.

Charleston Order 8-F, Amendment 6, covering fresh fruit and vegetables in Doddridge, Harrison, Lewis, Marion, Monongalia & Taylor Counties, W. Virginia. Filed 9:59 a. m.

Charleston Order 9-F, Amendment 5, covering fresh fruits and vegetables at retail in Cabell County and City of Huntington, W. Va. Filed 10:13 a. m.

Charleston Order 9-F, Amendment 6, covering fresh fruits and vegetables at retail in Cabell County and City of Huntington, W. Va. Filed 9:31 a. m.

Charleston Order 10-F, Amendment 5, covering fresh fruits and vegetables at retail in Calhoun, Jackson, Mason, Pleasant, Ritchie, Roane, Wirt and Wood Counties, W. Va. Filed 10:13 a. m.

Louisville Order 4-F, Amendment 2, covering fresh fruits and vegetables at retail in certain counties in Kentucky. Filed 10:02 a. m.

Louisville Order 5-F, Amendment 2, covering fresh fruits and vegetables at retail in certain specified counties in Kentucky. Filed 10:02 a. m.

Louisville Order 6-F, Amendment 2, covering certain fresh fruits and vegetables in certain specified counties in Kentucky. Filed 10:03 a. m.

Louisville Order 7-F, Amendment 2, covering certain fresh fruits and vegetables in certain specified counties in Kentucky. Filed 9:56 a. m.

## REGION IV

Montgomery Order 7-F, Amendment 5, covering fresh fruits and vegetables at retail in Dothan, Enterprise & Ozark, Alabama. Filed 9:41 a. m.

Montgomery Order 8-F, Amendment 10, covering fresh fruits and vegetables at retail in Selma, Alabama. Filed 9:42 a. m.

Montgomery Order 9-F, Amendment 5, covering certain fresh fruits and vegetables in Mobile County, Alabama. Filed 9:42 a. m.

Montgomery Order 10-F, Amendment 2, covering certain fresh fruits and vegetables in specified counties in the Montgomery District. Filed 9:43 a. m.

Roanoke Order 2-F, Amendment 6, covering certain fresh fruits and vegetables in certain counties in the Roanoke District. Filed 9:40 a. m.

Jackson Order 2-F, Amendment 10, covering fresh fruits and vegetables at retail in certain counties in Mississippi. Filed 9:39 a. m.

Jackson Order 10, covering community food prices for poultry in Mississippi Area. Filed 9:40 a. m.

Jacksonville Order No. 17, Amendment 3, covering community food prices in the Jacksonville, Florida, Area. Filed 10:15 a. m.

Jacksonville Order 18, Amendment 3, covering community food prices in the Northern Florida Area. Filed 10:18 a. m.

Jacksonville Order 19, Amendment 3, covering community food prices in the Miami-Tampa, Florida, Area. Filed 10:18 a. m.

Jacksonville Order 20, Amendment 3, covering community food prices in the Southern Florida Area. Filed 10:18 a. m.

Jacksonville Order 21, Amendment 3, covering community food prices in the Key West, Florida, Area. Filed 10:19 a. m.

Richmond Order 5-F, Amendment 1, covering certain fresh fruits and vegetables in certain counties in Virginia. Filed 10:15 a. m.

Memphis Order 4-F, Amendment 33, covering certain fresh fruits and vegetables in Memphis and Shelby Counties, Tennessee. Filed 10:22 a. m.

## REGION V

Dallas Order 1-F, Amendment 16, covering fresh fruits and vegetables at retail in County of Dallas, Texas. Filed 9:45 a. m.

Dallas Order 2-F, Amendment 4, covering fresh fruits and vegetables at retail in certain areas in Texas. Filed 9:45 a. m.

Dallas Order 3-F, Amendment 12, covering fresh fruits and vegetables at retail in Bowie County, Texas. Filed 9:46 a. m.

Lubbock Order 1-W, Amendment 2, covering dry groceries at wholesale in certain counties in Texas. Filed 9:43 a. m.

Lubbock Order 3-F, Amendment 1, covering certain fresh fruits and vegetables in Lubbock District Area. Filed 9:43 a. m. (El Paso County).

Lubbock Order 3-F, covering certain fresh fruits and vegetables in El Paso County, Texas. Filed 10:08 a. m.

Lubbock Order 4-F, covering certain fresh fruits and vegetables in certain specified counties in Texas. Filed 10:09 a. m.

Oklahoma City Order G-9, Amendment 1, covering certain food items at retail in certain counties in Oklahoma. Filed 9:56 a. m.

Oklahoma City Order G-10, Amendment 1, covering certain food items at retail in certain counties in Oklahoma. Filed 10:08 a. m.

Shreveport Order G-11, Amendment 2, covering community poultry prices in certain parishes in Louisiana. Filed 9:46 a. m.

Shreveport Order G-12, Amendment 2, covering community poultry prices in certain parishes in Louisiana. Filed 9:46 a. m.

San Antonio, Order 1-F, Amendment 4, covering certain fresh fruits and vegetables in Austin, Texas. Filed 9:54 a. m.

San Antonio, Order 3-F, covering certain fresh fruits and vegetables in Austin, Texas. Filed 9:54 a. m.

San Antonio, Order 4-F, covering fresh fruits and vegetables in Corpus Christi, Texas. Filed 9:54 a. m.

New Orleans Order 1-F, Amendment 5, covering certain fresh fruits and vegetables in certain parishes in Louisiana. Filed 9:53 a. m.

New Orleans Order 2-F, Amendment 17, covering certain fresh fruits and vegetables in Parishes of Orleans, St. Bernard and Jefferson in La. Filed 9:53 a. m.

## REGION VI

Green Bay Order 3-F, Amendment 8, covering certain fresh fruits and vegetables in certain specified areas in Wisconsin. Filed 10:04 a. m.

Duluth-Superior Order 1-F, Amendment 16, covering certain fresh fruits and vegetables in Duluth & Village of Proctor, Minnesota and Superior, Douglas County, Wisconsin. Filed 10:04 a. m.

Moline Order 2-F, Amendment 13, covering certain fresh fruits and vegetables in certain specified cities in Illinois and Iowa. Filed 9:48 a. m.

Moline Order 4-F, covering certain fresh fruits and vegetables in certain counties in the State of Illinois. Filed 9:47 a. m.

Moline Order 4-F, Amendment 1, covering fresh fruits and vegetables in certain specified counties in Illinois. Filed 9:48 a. m.

Peoria Order 1-F, Amendment 4, covering certain fresh fruits and vegetables in certain counties in Illinois. Filed 9:48 a. m.

Peoria Order 1-F, Amendment 5, covering certain fresh fruits and vegetables in certain counties in Illinois. Filed 9:50 a. m.

Peoria Order 2-F, covering certain fresh fruits and vegetables in certain areas in Illinois. Filed 9:50 a. m.

Peoria Order 3-F, covering certain fresh fruits and vegetables in Joliet, Rockdale, Ridgewood & County of Will, Illinois. Filed 9:50 a. m.

Peoria Order 4, Revocation, covering community food prices in Peoria district area. Filed 10:19 a. m.

Sioux City Order 2-F, Amendment 14, covering certain fresh fruits and vegetables in Sioux City, Iowa and Sioux City, Nebraska. Filed 10:03 a. m.

Sioux City Order 13, Amendment 2, covering community food prices in Sioux City, Iowa and Sioux City, Nebraska. Filed 10:09 a. m.

Twin Cities, Order 1-F, Amendment 11, covering certain fresh fruits and vegetables, in Minneapolis and adjoining municipalities. Filed 10:20 a. m.

## REGION VII

Montana Order 1-B, covering dry groceries and certain perishable foods in certain areas in Montana. Filed 10:19 a. m.

New Mexico Order F-1, covering fresh fruit and vegetable prices in Albuquerque Area. Filed 10:10 a. m.

New Mexico Order F-1, covering fresh fruit and vegetable prices in Albuquerque Area. Filed 10:09 a. m.

## REGION VIII

Fresno Order 1-F, Amendment 16, covering certain fresh fruits and vegetables in certain described areas in California. Filed 10:11 a. m.

Fresno Order 2-F, Amendment 4, covering fresh fruits and vegetables in certain described area in California. Filed 10:11 a. m.

Fresno Order 15, Amendment 1, covering community food prices in Fresno, Calif. Filed 10:11 a. m.



Los Angeles Order 1-F, Amendment 12, covering certain fresh fruits and vegetables in Los Angeles Metropolitan Area. Filed 10:21 a. m.

Phoenix Order 3-F, Amendment 15, covering certain fresh fruits and vegetables in the "Phoenix Area". Filed 10:13 a. m.

Portland Order 1-F, Amendment 15, covering certain fresh fruits and vegetables in Portland, Vanport, Oregon and Vancouver, Washington. Filed 10:06 a. m.

San Francisco Order G-8, Amendment 6, covering community food prices in San Francisco Bay Area. Filed 10:06 a. m.

San Francisco Order G-9, Amendment 4, covering community food prices in Napa-Vallejo Marketing Area. Filed 10:05 a. m.

San Francisco Order G-10, Amendment 4, covering community food prices in San Jose Marketing Area. Filed 10:05 a. m.

San Francisco Order G-11, Amendment 4, covering community food prices in Santa Rosa Marketing Area. Filed 10:06 a. m.

San Francisco Order G-12, Amendment 4, covering community food prices in Monterey-Watsonville Marketing Area. Filed 10:06 a. m.

San Francisco Order G-14, covering retail prices for poultry, including turkey in the San Francisco District Office Area except Del Norte & Humboldt. Filed 10:05 a. m.

Seattle Order 3-F, Amendment 15, covering certain fresh fruits and vegetables in Everett, Washington. Filed 10:10 a. m.

Seattle Order 4-F, Amendment 15, covering certain fresh fruits and vegetables in Bremerton, Washington. Filed 10:11 a. m.

Seattle Order 5-F, Amendment 13, covering certain fresh fruits and vegetables in Bellingham, Washington. Filed 10:10 a. m.

San Diego Order 1-F, Amendment 1, covering certain fresh fruits and vegetables in San Diego Metropolitan Marketing Area. Filed 10:22 a. m.

San Diego Order 6, Amendment 8, covering community prices for poultry in the San Diego Metropolitan Marketing Area. Filed 10:22 a. m.

Spokane Order 3-F, Amendment 1, covering certain fresh fruits and vegetables in Shoshone & Kootenai Counties, Idaho. Filed 10:20 a. m.

Spokane Order 6-F, Amendment 5, covering certain fresh fruits and vegetables in Columbia and Walla Walla Counties, Washington. Filed 10:21 a. m.

Copies of any of these orders may be obtained from the OPA office in the designated city.

ERVIN H. POLLACK,  
Secretary.

[F. R. Doc. 44-7276; Filed, May 20, 1944;  
4:01 p. m.]

#### SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-66, 59-61; 59-35]

FEDERAL WATER AND GAS CORP., ET AL.

#### ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 19th day of May, A. D. 1944.

In the matters of Federal Water and Gas Corporation and subsidiary companies, File No. 54-66; Federal Water and Gas Corporation and subsidiary companies, Respondents, File No. 59-61; and New York Water Service Corporation, Federal Water and Gas Corporation, File No. 59-35.

The Commission having by order dated February 10, 1943, entered pursuant to

section 11 of the Public Utility Holding Company Act of 1935, directed that Federal Water and Gas Corporation, a registered holding company, and its subsidiaries take certain steps as specified in said order to comply with the provisions of section 11 (b) of the said act;

Federal Water and Gas Corporation having filed an application requesting an extension of time for one year within which to comply with said order of February 10, 1943; and

The Commission having found that Federal Water and Gas Corporation has been unable in the exercise of due diligence to comply with the divestment provisions of said order within the initial statutory period of one year from the date thereof, and that a limited extension of time is necessary and appropriate in the public interest and for the protection of investors and consumers; and that under the circumstances an extension shall be granted for a period of six months from February 10, 1944;

It is ordered, That Federal Water and Gas Corporation and subsidiaries be, and they are hereby, granted an additional period of six months from February 10, 1944 within which to comply with said provisions of said order of February 10, 1943, such extension to be without prejudice to the applicants to apply for an additional extension if the circumstances warrant.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 44-7242; Filed, May 20, 1944;  
10:46 a. m.]

[File Nos. 70-836, 70-884]

COLUMBIA GAS & ELECTRIC CORP. AND  
CONSOLIDATED NATURAL GAS CO.

#### ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 18th day of May 1944.

Columbia Gas & Electric Corporation and Consolidated Natural Gas Company, both registered holding companies, having filed their respective declarations and amendments thereto, pursuant to section 12 of the Public Utility Holding Company Act of 1935 and Rule U-44 promulgated thereunder, with respect to the following transactions:

Columbia Gas & Electric Corporation and Consolidated Natural Gas Company propose to cause their respective subsidiaries, The Ohio Fuel Gas Company and The East Ohio Gas Company, to effectuate an exchange of certain natural gas production properties and equipment as follows:

The Ohio Fuel Gas Company will transfer to The East Ohio Gas Company all of the former's 74 natural gas wells with appurtenant mineral rights, operated and unoperated leaseholds, in Jackson and Plain Townships, Stark County, Ohio, together with five gas purchase contracts and all the land, rights of way and related equipment and structures in said townships used in the operation,

production and delivery of gas from these wells; The East Ohio Gas Company will transfer to The Ohio Fuel Gas Company all of the former's 88 natural gas wells with appurtenant mineral rights and operated leaseholds in Ashland, Conshoc-ton, Holmes, Knox, Medina and Wayne Counties, Ohio, together with three gas purchase contracts, and all the land, rights of way and related equipment and structures used in the operation, production and delivery of gas from these wells and the buildings, piping and equipment comprising and appurtenant to The East Ohio Gas Company's Shreve Compressor Station, situated in Clinton Township, Wayne County, Ohio. In connection therewith and in order to equalize the exchange, The East Ohio Gas Company will pay The Ohio Fuel Gas Company the sum of \$89,997 in cash and deliver 1,648,647 Mcf of natural gas to The Ohio Fuel Gas Company at the rate of approximately 1,000,000 Mcf per year; and

It appearing from the record that the proposed transactions have been authorized by the Public Utilities Commission of Ohio and are for the purpose of "effecting improvements in the location and delivery capacity of the properties of the respective companies in accordance with the suggestions of the War Production Board for developing and maintaining adequate natural gas supplies for necessary uses in Ohio and other Appalachian areas"; and

The declarations of Columbia Gas & Electric Corporation and Consolidated Natural Gas Company having been filed on December 14, 1943 and on April 7, 1944, respectively, and amendments thereto having been filed on subsequent dates, the last of such amendments being filed on April 11, 1944, and notice of said filings having been duly given in the form and manner prescribed by Rule U-23, and the Commission not having received a request for a hearing with respect to said declarations within the period prescribed in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of section 12 (d) of the act and Rule U-44 thereunder are satisfied, and deeming it appropriate in the public interest and in the interests of investors and consumers to permit said respective declarations, as amended, to become effective;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declarations, as amended, be, and the same hereby are, permitted to become effective forthwith; *Provided, however,* That nothing herein contained shall be deemed to be an approval by this Commission of the accounting entries proposed to be made by The Ohio Fuel Gas Company and The East Ohio Gas Company, or as affecting the authority of any regulatory commission having jurisdiction with respect to the matters herein concerned.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 44-7244; Filed, May 20, 1944;  
10:46 a. m.]

[File No. 70-893]

## RAILWAY AND BUS ASSOCIATES

## 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 19th day of May 1944.

In the matter of the Railway and Bus Associates, trustees under Pension Trust Agreement dated December 14, 1937, as amended.

Notice is hereby given that an application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by the Trustees Under Pension Trust Agreement Dated December 14, 1937, As Amended, and The Railway and Bus Associates, respectively a direct and an indirect subsidiary of Stanley Clarke, Trustee of Associated Gas and Electric Company, a registered holding company; and

All interested persons are referred to the said application-declaration which is on file in the office of the said Commission for a statement of the transactions therein proposed which are summarized below:

The Railway and Bus Associates, a sub-holding company in the Associated Gas and Electric Company system, proposes to purchase from Trustees Under Pension Trust Agreement Dated December 14, 1937, As Amended, certain of the outstanding bonds and debentures of NY PA NJ Utilities Company, one of the principal sub-holding companies in the Associated Gas and Electric Company system, at the respective call prices and accrued interest to the date of purchase, as follows:

|   | Aggregate<br>call price |
|---|-------------------------|
| \$201,900 principal amount of The Metropolitan Edison Corporation Secured Consolidated Refunding Bonds, 6% Series, due September 1, 1961 at 105 (call price)----- | \$211,995               |
| \$200,000 principal amount of The Mohawk Valley Company 6% Consolidated Refunding Bonds, due November 1, 1991 at 105 (call price)-----                            | 210,000                 |
| \$1,000 principal amount of The Mohawk Valley Company 6% Debentures, due October 1, 2031 at 101 (call price)-----   | 1,010                   |
| \$170,000 principal amount of NY PA NJ Utilities Company Secured 5% Debentures, due February 1, 1956 at 102 (call price)-----                                     | 173,400                 |
|   | 596,405                 |

NY PA NJ Utilities Company is successor by merger to The Metropolitan Edison Corporation and The Mohawk Valley Company.

The Railway and Bus Associates also proposes to purchase from non-affiliates certain additional bonds and debentures of the above described issues at the respective call prices and accrued interest, at an aggregate cost of \$500,000.

Applicants-declarants have designated section 9 (a) (1), 10, and 12 (f) of the act and Rule U-43 thereunder as applicable to the proposed transactions.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers

that a hearing be held with respect to such matters:

*It is ordered,* That a hearing on such matters under the applicable provisions of said act and the rules of the Commission thereunder be held on May 31, 1944 at 10:00 A. M., E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in room 318 will advise as to the room in which such hearing will be held.

*It is further ordered,* That Henry C. Lank, or any other officer or officers of the Commission designated for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

*It is further ordered,* That, without limiting the scope of the issues presented by said application-declaration, particular attention will be directed at such hearing to the following matters and questions:

1. Whether the proposed transactions are appropriate and in the public interest and the interest of investors and consumers;

2. The propriety of the proposed accounting treatment of the proposed transactions on the books of the applicants-declarants;

3. Whether it is necessary or appropriate to impose terms or conditions in the public interest or for the protection of investors; and

4. Whether the proposed transactions comply with all the provisions and requirements of the Public Utility Holding Company Act of 1935 and rules and regulations promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 44-7245; Filed, May 20, 1944;  
10:46 a. m.]

[File No. 1-2726]

## 208 SOUTH LA SALLE STREET CORP.

## ORDER SETTING HEARING ON APPLICATION TO WITHDRAW 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 18th day of May, A. D. 1944.

The 208 South La Salle Street Corp., pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock. No Par Value, from listing and registration on the Board of Trade of the City of Chicago;

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 Thursday, June 15, 1944, at the office of the Securities and Exchange Commission, 105 West Adams Street, Chicago, Illinois, 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 Henry Fitts, 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. 44-7241; Filed, May 20, 1944;  
10:46 a. m.]

[File Nos. 54-68, 59-55, 70-806]

## COMMUNITY GAS AND POWER CO., ET AL.

## ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 18th day of May A. D., 1944.

In the matter of Community Gas and Power Company, American Gas and Power Company, File No. 54-68; Community Gas and Power Company, American Gas and Power Company, and the subsidiary companies thereof, File No. 59-55, Respondents; Alpha Association, File No. 70-806.

This Commission by order dated March 2, 1944, having approved a plan of American Gas and Power Company subject to the conditions specified in Rule U-24; and

American Gas and Power Company having requested that the time within which the transactions proposed in said plan may be consummated, be extended for at least ninety days beyond the period provided by Rule U-24; and

The Commission having considered such request and deeming it appropriate that it be granted;

*It is ordered,* That the conditions contained in said order dated March 2, 1944, be and they are hereby modified to extend to July 31, 1944, the time within which the transactions proposed in said plan are to be consummated.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 44-7243; Filed, May 20, 1944;  
10:46 a. m.]

[File No. 1-1905]

## SUBURBAN ELECTRIC SECURITIES CO.

## ORDER FOR HEARING AND DESIGNATING OFFICER TO TAKE TESTIMONY

At a regular session of the Securities and Exchange Commission held at its of-

office in the City of Philadelphia, Pa. on the 19th day of May, A. D. 1944.

In the matter of proceeding under section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, to determine whether the registration of Suburban Electric Securities Company, Second Preferred Shares, \$4.00 per year cumulative, no par value common shares, no par value, should be suspended or withdrawn.

I. It appearing to the Commission:

That Suburban Electric Securities Company, an unincorporated company organized in the Commonwealth of Massachusetts under an Agreement and Declaration of Trust dated January 28, 1921, is the issuer of Second Preferred Shares, \$4.00 per year cumulative, no par value, and Common Shares, no par value; and

That said Suburban Electric Securities Company registered its Second Preferred Shares, \$4.00 per year cumulative, no par value, and Common Shares, no par value, on the Boston Stock Exchange, a national securities exchange, by filing with the exchange and with the Commission on or about July 13, 1935, an application on Form 11, pursuant to section 12 (b) and (c) of the Securities Exchange Act of 1934, and the Rule X-12B-1, as amended, promulgated by the Commission thereunder, registration pursuant to such application having become effective on or about August 12, 1935, and remaining in effect to and including the date hereof; and

It further appearing to the Commission:

That Rule X-13A-1, promulgated pursuant to section 13 of the Securities Exchange Act of 1934, as amended, did and does require that an annual report for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That Rule X-13A-2, promulgated pursuant to section 13 of the Securities Exchange Act of 1934, as amended, did and does prescribe Form 11-K as the annual report form to be used for the annual reports of all unincorporated issuers except those for which another form is specified, and that no other form was or is specified for use by the said Suburban Electric Securities Company; and

That said Rule X-13A-1 requires that said annual report be filed not more than 120 days after the close of each fiscal year or such other period as may be prescribed in the instruction book applicable to the particular form; that the instruction book for Form 11-K does not prescribe any period other than such 120 days; and that pursuant to said Rule X-13A-1 the annual report must be filed within such period unless the registrant files with the Commission a request for an extension of time to a specified date within six months after the close of the fiscal year; and

That said Suburban Electric Securities Company has a fiscal year ending December 31; that the annual reports of Suburban Electric Securities Company for its fiscal years ended December 31, 1942, and December 31, 1943, were due to be filed not later than April 30, 1943, and

April 30, 1944, respectively, and that to date the registrant has not filed with the Commission such annual reports, nor has it filed with the Commission a request for an extension of time within which to file same; and

II. The Commission having reasonable cause to believe:

That the said Suburban Electric Securities Company has failed to comply with the provisions of section 13 of the Securities Exchange Act of 1934, as amended, and Rules X-13A-1 and X-13A-2 promulgated thereunder, in that (1) it has failed to file its annual reports for the years ended December 31, 1942, and December 31, 1943, within the time prescribed to file said reports, and (2) it has failed to file such annual reports at any later date; and

That the said Suburban Electric Securities Company has failed to comply with the provisions of section 13 of the Securities Exchange Act of 1934, as amended, and Rules X-13A-1 and X-13A-2 promulgated thereunder, in that the annual reports on Form 11-K filed by said Suburban Electric Securities Company for the fiscal years ended December 31, 1938, December 31, 1939, December 31, 1940, and December 31, 1941,

(a) Contain financial statements which at the time and in the light of the circumstances, were false and misleading with respect to material facts, to wit:

(1) the balance sheets dated December 31, 1938, December 31, 1939, December 31, 1940, and December 31, 1941, fail to recognize in the accounts of the registrant a substantial impairment of its investments in its subsidiary companies, Middlesex and Boston Street Railway Company and Norumbega Park Company, (2) the statements of profit and loss of the registrant for the years ended December 31, 1938, December 31, 1939, December 31, 1940, and December 31, 1941, include as income, interest on indebtedness of its subsidiary Middlesex and Boston Street Railway Company, although the investment of the registrant was substantially impaired during those years, and the said subsidiary reported a net loss for each of those years, and (3) the financial statements of Middlesex and Boston Street Railway Company for the years ended December 31, 1938, December 31, 1939, December 31, 1940, and December 31, 1941, disclose no depreciation was provided on certain depreciable assets of the Middlesex and Boston Street Railway Company; and

(b) Fail to include remuneration received directly or indirectly by John P. Carr, Secretary of the registrant, as required by Item 10 of Form 11-K; and

III. It being the opinion of the Commission that the hearing herein ordered to be held is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended;

It is ordered, Pursuant to section 19 (a) (2) of said Act, that a public hearing be held to determine whether Suburban Electric Securities Company has failed to comply with section 13 of the Securities Exchange Act of 1934, as

amended, and the rules, regulations and forms promulgated by the Commission thereunder, in the respects set forth above; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the Second Preferred Shares, \$4.00 per year cumulative, no par value, and Common Shares, no par value, of the said Suburban Electric Securities Company on said Boston Stock Exchange;

It is further ordered, Pursuant to the provisions of section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purpose of such hearing, Frank Kopelman, an officer of the Commission, is hereby 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;

It is further ordered, That the taking of testimony in this hearing begin on the 2nd day of June, 1944, at 10:00 a. m. eastern war time at the Regional Office of the Securities and Exchange Commission, Room 426, Shawmut Bank Building, 82 Devonshire Street, Boston, Massachusetts, and continue thereafter at such time and place as the officer hereinbefore designated may determine.

By direction of the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 44-7285; Filed, May 22, 1944;  
10:25 a. m.]

[File No. 812-352]

LEHMAN BROTHERS, ET AL.

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 20th day of May, A. D. 1944.

In the matter of Lehman Brothers, Atlas Corporation, and Radio-Keith-Orpheum Corporation.

An application having been filed by Lehman Brothers (Lehman) pursuant to section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) of said act a transaction in which Lehman as a participant and joint manager with Goldman, Sachs & Co. of a group of underwriters who propose to purchase from Atlas Corporation (Atlas), a closed-end non-diversified management company registered under the Investment Company Act of 1940, an aggregate of 57,337 shares of the 6% Preferred Stock of Radio-Keith-Orpheum Corporation (RKO), an affiliated person of Atlas Corporation, at a price related to the market for such stock at the time such stock is offered to the public, less a gross underwriting commission which will not exceed \$3.50 per share as a maximum or \$3.00 per share as a minimum, Frederick L. Ehrman, a partner of Lehman, being a director of RKO and therefore an affili-

ated person of an affiliated person of Atlas,

*It is ordered,* Pursuant to section 40 (a) of said act that a hearing on the aforesaid application be held on May 29, 1944 at 11:00 a. m., eastern war time, in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

*It is further ordered,* That Charles S. Lobinger, Esq., or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to Lehman Brothers, One William Street, New York 4, New York, Atlas Corporation, Thirty-Three Pine Street, New York 5, New York, and Radio-Keith-Orpheum Corporation, 1270 Sixth Avenue, New York, New York, 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. 44-7287; Filed, May 22, 1944;  
10:25 a. m.]

[File No. 811-210]

PRUDENTIAL INVESTORS, INC.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of May, A. D., 1944.

The Commission having reasonable cause to believe that Prudential Investors, Inc., has been dissolved and its assets distributed to or in trust for its stockholders;

*It is ordered,* Pursuant to section 40 (a) of the Investment Company Act of 1940 that a hearing be held on May 29, 1944, at 10 a. m., eastern war time, in Room 318, Securities and Exchange Commis-

sion 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 Prudential Investors, Inc., has ceased to be an investment company; and

*It is further ordered,* That Charles S. Lobinger, 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 hearings is hereby given to Prudential Investors, Inc., 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. 44-7286; Filed, May 22, 1944;  
10:25 a. m.]