

# FEDERAL REGISTER



VOLUME 9

NUMBER 222

Washington, Tuesday, November 7, 1944

## The President

### EXECUTIVE ORDER 9496

AUTHORIZING THE SECRETARY OF WAR TO TAKE POSSESSION OF AND OPERATE THE PLANTS AND FACILITIES OF CERTAIN COMPANIES LOCATED IN OR NEAR TOLEDO, OHIO

WHEREAS after an investigation I find and proclaim that the plants and facilities of the companies listed in appendix A, attached hereto, located in or near Toledo, Ohio, 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 interruptions of the operation of certain of said plants and facilities and threatened interruptions of the operation of the others of said plants and facilities, as a result of a labor disturbance; 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 interest 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 (54 Stat. 892) as amended by the War Labor Disputes Act (57 Stat. 163), as President of the United States and Commander in Chief of the Army and Navy of the United States, it is hereby ordered 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, or any part thereof in which production is interrupted or threatened with interruption, of the companies listed in appendix A attached hereto, located in or near Toledo, Ohio, 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 operations thereof; to operate or to

arrange for the operation of the plants and facilities in such manner as he deems necessary for the successful prosecution of the war; to exercise any contractual or other rights of the said companies, 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 in accordance with the terms and conditions of employment which are in effect at the time possession thereof is taken, subject to the provisions of section 5 of the War Labor Disputes Act.

3. The Secretary of War shall permit the management of the plants and facilities taken under the provisions of this order to continue with its managerial functions to the maximum degree possible, consistent with the aims of this order.

4. 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, and their families and homes. All Federal agencies, including but not limited to the War Manpower Commission, the National Selective Service System, and the Department of Justice, are directed to cooperate with the Secretary of War to the fullest extent possible in carrying out the purposes of this order.

5. 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 60 days after he determines that the productive efficiency of the plant, facility, or part thereof prevailing prior to the existing interruptions of production, referred to in the recitals of this order, has been restored.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
November 3, 1944.

(Continued on p. 13189)

## CONTENTS

### THE PRESIDENT

EXECUTIVE ORDER:	Page
Toledo, Ohio; authorizing Secretary of War to take possession of and operate plants and facilities of certain companies in	13187

### REGULATIONS AND NOTICES

CIVIL SERVICE COMMISSION:	
Veterans' Preference Act of 1944; appeals of preference eligibles	13189

COAST GUARD:	
Approval of equipment	13240

FARM CREDIT ADMINISTRATION:	
Federal Land Banks; conditional payments	13191

FEDERAL COMMUNICATIONS COMMISSION:	
Hearings, etc.:	
Birdwell, J. W.	13215
Capitol Broadcasting Co.	13216
Finger Lakes Broadcasting System	13214
Monroe County, Wis.	13214
Nashville Broadcasting Co.	13214
Nashville Radio Corp.	13216
National Association of Broadcasters	13214
Tennessee Broadcasters	13215

FEDERAL POWER COMMISSION:	
Hearings, etc.:	
Hanley and Bird	13218
United Fuel Gas Co., et al.	13217

FEDERAL RESERVE SYSTEM:	
Consumer credit; servicemen's guaranteed loans	13193

FEDERAL TRADE COMMISSION:	
Erlanger, N., Blumgart & Co., Inc., hearing	13218
Rainey, J. P., & Co., cease and desist order	13193

FOREIGN ECONOMIC ADMINISTRATION:	
See also Surplus War Property Administration.	
United Nations Relief and Rehabilitation Administration, exports for account of	13197
(Continued on p. 13188)	



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 unit. 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.
- Book 5, Part 1: Title 26, Parts 2-178.
- Book 5, Part 2: Title 26, completed; Title 27; with index.
- Book 6: Titles 28-32, with index.

### CONTENTS—Continued

FOREST SERVICE:	Page
Trespass; temporary suspension of certain wildlife regulations	13211
INTERNAL REVENUE BUREAU:	
Excess profits tax, Act of 1940 and taxable years beginning after December 31, 1941; general relief	13193
Stabilization of salaries	13195
INTERSTATE COMMERCE COMMISSION:	
Coal, loading at Gary, W. Va.	13212
Reconsignment permits:	
Apples, Minneapolis, Minn.	13220
Carrots, Fort Wayne, Ind.	13220

### CONTENTS—Continued

INTERSTATE COMMERCE COMMISSION—Continued.	
Reconsignment permits—Con.	Page
Lettuce:	
Chicago, Ill.	13220
Kansas City, Mo.	13220
Onions, Chicago, Ill.	13220
Potatoes, Chicago, Ill.	13220
LABOR DEPARTMENT:	
Findings as to war contracts:	
Pringle Barge Lines	13213
Two-one Two-one Laundry	
and Cairo Laundry	13212
MARITIME COMMISSION:	
See Surplus War Property Administration.	
NAVY DEPARTMENT:	
See Surplus War Property Administration.	
OFFICE OF DEFENSE TRANSPORTATION:	
Common carriers, coordinated operations:	
Buffalo and Binghamton, N. Y.	13221
Great Falls and Sweetgrass, Mont.	13221
OFFICE OF PRICE ADMINISTRATION:	
Adjustments, etc.:	
Allain Brothers	13225
Boulder Valley Coal Co.	13222
Bryan Industries Inc.	13226
General Electric Supply Corp.	13224
Gersten Brothers	13224
Goodyear Supply Co., Inc.	13227
Great American Furniture Corp.	13223
Hincher Mfg. Co. of Indiana, Inc.	13226
J. C. Plating Works	13223
Leinow's Cabinet Shop	13225
Nine Mile Mine	13227
Selenium Rust-proof Co.	13222
Shurtliff, R., Co.	13225
Wedgewood Co. (2 documents)	13231
Alaska:	
Beef cuts (MPR 288, Am. 36)	13209
Turkeys (MPR 288, Am. 38)	13210
Automotive vehicles and farm equipment, repair (RMPR 165, Am. 1 to Supp. Service Reg. 6)	13211
Beef and veal carcasses and wholesale cuts (RMPR 169, Am. 47, Corr.)	13206
Cooperage, slack and stock (MPR 481, Am. 7)	13208
Ethyl alcohol (MPR 28, Am. 10)	13209
French bread in Los Angeles County, Calif.	13227
Fruits and vegetables, fresh (MPR 426, Am. 69)	13205
Fuel oil (Rev. RO 11, Am. 29, Am. 30, Am. 31) (3 documents)	13204, 13205, 13209
Industrial materials, special sales (RMPR 204, Am. 5)	13211
Petroleum, crude, and natural and petroleum gas (RMPR 436, Am. 7)	13202
Pulpwood, contract logging services in designated states (MPR 565)	13206

### CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued.	Page
Regional and district office orders. <i>See also</i> Adjustments, etc., above.	
Community ceiling prices, list of orders filed (2 documents)	13228
Eggs and egg products, Louisiana	13228
Mortuary services, designated counties in California	13234
Oil burner services, Los Angeles, Calif.	13231
Solid fuels:	
Dutchess and Putnam Counties, N. Y.	13229
Tacoma, Wash., area	13232
Resins, synthetic, and plastic materials and substitute rubber (MPR 406, Am. 6)	13210
Services (RMPR 165, Am. 5)	13211
Exceptions:	
Alarm equipment (Rev. SR 11, Am. 55)	13211
Antiques, servicing of (Rev. SR 11, Am. 54)	13211
Solid fuels sold and delivered by dealers (RMPR 122, Am. 27)	13206
Soups, new-formula condensed (MPR 181, Am. 5)	13206
Tires and tubes, original equipment (RMPR 119, Am. 2)	13206
Waxes, vegetable, and beeswax (RMPR 264, Am. 2)	13209
RECLAMATION BUREAU:	
Land withdrawal:	
Colorado River Storage Project, Calif.	13212
Milk River Project, Mont.	13212
RECONSTRUCTION FINANCE CORPORATION:	
See Surplus War Property Administration.	
SECURITIES AND EXCHANGE COMMISSION:	
Hearings, etc.:	
American Telephone and Telegraph Co.	13234
Associated Electric Co. and Missouri Southern Public Service Co.	13237
Capital Transit Co.	13235
Mobile Gas Service Corp.	13235
North American Co.	13238
North Continent Utilities Corp., et al.	13236
Potomac Edison Co.	13234
Sisto, J. A., & Co.	13234
United Gas Corporation, et al.	13237
West Kentucky Coal Co.	13238
SELECTIVE SERVICE SYSTEM:	
Classification; Class IV-E, conscientious objector, etc.	13197
Work of national importance under civilian direction:	
Assignment and delivery of persons; cover sheets to be forwarded to director	13197
Separate classification	13197
SURPLUS WAR PROPERTY ADMINISTRATION:	
Surplus Property Board, conduct of operations pending appointment	13239

(Continued on next page)

## CONTENTS—Continued

TREASURY DEPARTMENT. <i>See also</i> Surplus War Property Administration.	
Foreign funds control:	Page
Corsica	13196
France, including Monaco and Corsica	13196
WAGE AND HOUR DIVISION:	
Learner employment certificates, issuance to various industries (2 documents)	13213
WAR DEPARTMENT.	
<i>See</i> Surplus War Property Administration.	
WAR FOOD ADMINISTRATION. <i>See also</i> Surplus War Property Administration.	
Delegation of authority with respect to milk prices, Diary and Poultry Branch:	
Chief	13241
Field representatives	13240
Milk products; general amendment to certain war food orders issued by director	13192
WAR MANPOWER COMMISSION:	
Employment stabilization programs:	
Beloit-Janesville, Wis.	13241
Camden, N. J.	13248
Greensburg, Pa.	13242
Newark, N. J.	13244
New Brunswick, N. J.	13246
WAR PRODUCTION BOARD:	
Certification to Attorney General; petroleum compensatory adjustment program (Cert. 209)	13250
Closure tapes, priorities assistance for cotton yarns for (M-317, Dir. 3)	13202
Containers, sanitary food (L-336)	13200
Controlled materials plan:	
Jigs, dies, special tooling, and fixtures to be used for product now being produced (CMP Reg. 5, Dir. 25)	13198
MRO symbol and rating, use to buy installation materials (CMP Reg. 5, Dir. 15)	13198
Hardware simplification (L-236, Sch. III)	13198
Industrial equipment, general (L-332, Rev.)	13198
Pigments, white (M-353)	13200
Suspension order; Gordon Stores Co., Inc.	13202
Tubes, collapsible (M-115)	13198
Worsted yarn, use and delivery (M-73, Dir. 3)	13200

APPENDIX A—LIST OF COMPANIES  
TOLEDO, OHIO

Baker Bros., Inc.  
Willys-Overland Motors, Inc.  
Great Lakes Stamping & Manufacturing Company.  
Ohio Tool and Die Company.  
The Inshield Products Company.  
The Crescent Engineering Corporation.  
The Toledo Steel Tube Company.  
Wayne Metal Products Company.

[F. R. Doc. 44-16987; Filed, Nov. 4, 1944;  
3:04 p. m.]

## Regulations

## TITLE 5—ADMINISTRATIVE PERSONNEL

## Chapter I—Civil Service Commission

## PART 22—REGULATIONS GOVERNING APPEALS OF PREFERENCE ELIGIBLES UNDER THE VETERANS' PREFERENCE ACT OF 1944

Under authority conferred upon the Commission the following regulations are prescribed for appeals to the Commission by employees entitled to veterans preference. Section 14 of the act provides that certain preference eligibles may appeal to the Commission from adverse decisions of administrative officers of the Federal government and of the District of Columbia government in cases involving discharges, suspensions for more than thirty (30) days, furloughs without pay, and reductions in rank or compensation. The purpose of these regulations is to establish procedures which will carry into full effect the intent of section 14 of the Veterans' Preference Act and safeguard the rights of the employees affected. (These regulations do not cover appeals in reduction-in-force cases. Appeals in such cases are governed by §§ 12.335 to 12.337 of this chapter (9 F.R. 9575).)

## Sec.

- 22.1 Applicability of regulations.
- 22.2 Notification of proposed actions; charges and opportunity for answer.
- 22.3 Adverse decisions of administrative officers of agencies.
- 22.4 Appeals to the Commission.
- 22.5 Form of appeal.
- 22.6 Where appeals shall be filed.
- 22.7 Preliminary consideration of appeals in the Commission.
- 22.8 Investigations.
- 22.9 Hearings.
- 22.10 Decision in the Commission.
- 22.11 Further appeals to the Commissioners.
- 22.12 Availability of Commission's appeals records.
- 22.13 Effective date.

AUTHORITY: §§ 22.1 to 22.13, inclusive, issued under sections 11, 14 and 19 of the Veterans' Preference Act of June 27, 1944; Pub. 359, 78th Cong., 2d Sess.; 58 Stat. 387; 5 U.S.C., 860, 863, 868.

§ 22.1 *Applicability of regulations.* These regulations shall govern appeals to the Commission by permanent and indefinite preference eligible employees from adverse decisions of administrative officers of the Federal government and the government of the District of Columbia, more specifically defined hereinafter:

(a) *Definitions.* (1) "Employees covered." Employees affected are permanent and indefinite preference eligible employees who have completed a probationary or trial period (where a probationary or trial period was provided) or one year of current continuous employment, in the civil service, or in the service of an establishment, agency, bureau, administration, project or department created by acts of Congress or Presidential Executive order, or in the service of the District of Columbia, except employees under the legislative or judicial

branch of the government, and employees who were appointed to any positions required to be confirmed by or made with the advice and consent of the United States Senate other than postmasters in the offices of the first, second and third classes.

(2) "Preference eligible employees." The term "preference eligible employees" referred to in this section includes the following persons:

(i) Those ex-service men and women who have served on active duty in any branch of the armed forces of the United States and have been separated therefrom under honorable conditions and who have established the present existence of a service-connected disability or who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the Veterans Administration, the War Department or the Navy Department;

(ii) The wives of such service-connected disabled ex-servicemen as have themselves been unable to qualify for any civil service appointment;

(iii) The unmarried widows of deceased ex-servicemen who served on active duty in any branch of the armed forces of the United States during any war, or in any campaign or expedition (for which a campaign badge has been authorized), and who were separated therefrom under honorable conditions;

(iv) Those ex-servicemen and women who have served on active duty in any branch of the armed forces of the United States, during any war, or in any campaign or expedition (for which a campaign badge has been authorized), and who have been separated therefrom under honorable conditions;

(v) Those persons who on the effective date of these regulations were entitled to preference and employed in the Federal government or in the government of the District of Columbia, and those whose names were on such date on eligible registers or employment lists of the Commission or other agency authorized to maintain registers and employment lists.

(3) *Separation under "honorable conditions"* means separation from active duty in any branch of the armed forces by transfer to inactive status, transfer to retired status, acceptance of a resignation, or the issuance of a discharge, if such separation was under honorable conditions.

(b) *Adverse decisions which may be appealed.* Appeals may be made from the decisions of administrative officers in cases of discharges, suspensions for more than thirty (30) days, furloughs without pay, and reduction in rank or compensation for reasons other than reduction in force which are covered by reduction in force regulations.

(c) *Efficiency ratings of "Fair" and "Unsatisfactory".* These regulations are applicable to cases where it is proposed to reduce the salary of an employee on the basis of a "Fair" efficiency rating, requiring such salary reduction, and in cases where it is proposed to separate or

demote an employee on the basis of an "Unsatisfactory" efficiency rating, but do not affect the right of the employee to appeal for a review of his efficiency rating to an efficiency rating board of review as provided in 5 CFR, Cum. Supp., 56.4 and 9 F.R. 11731.

(d) *Appeals not governed by these regulations.* These regulations are not applicable to decisions of the Commission relative to applications, examinations, promotions, transfers, reinstatements, reappointments, classifications and other civil service proceedings, nor to actions of administrative officers which are taken under instructions from the Commission in cases in which the Commission has jurisdiction. Appeals in such cases will continue to be entertained by the Commission in accordance with its established administrative procedures.

§ 22.2 *Notification of proposed actions; charges and opportunity for answer*—(a) *Advance written notice of thirty days.* No employee covered by these regulations shall be discharged, suspended for more than thirty (30) days, furloughed without pay, reduced in rank or compensation, or debarred for future appointment except for such cause as will promote the efficiency of the service and for reasons given in writing, and the employee whose discharge, suspension for more than thirty (30) days, furlough without pay, or reduction in rank or compensation is sought shall have at least (30) days advance written notice (except where there is reasonable cause to believe the employee to be guilty of a crime for which a sentence of imprisonment can be imposed), stating any and all reasons, specifically and in detail, for any such proposed action.

(b) *Reasonable time to answer.* A reasonable time shall be allowed employees for answering personally and in writing, charges and notifications of proposed adverse actions, and for furnishing affidavits in support of such answers, and the reasonable time required shall depend on all the facts and circumstances of each case, and be sufficient in all cases to afford the employee ample opportunity to prepare answers and secure affidavits.

(c) *Status of an employee during period of advance notice.* The advance written notice which is required when a proposed adverse action is sought by an employing agency, shall be submitted to the employee at least thirty (30) days before the effective date of such proposed action, and during such thirty (30) day period the employee shall continue in an active duty status; but in cases of furlough without pay due to unforeseeable circumstances such as sudden breakdowns in equipment or acts of God, advance notice shall not be necessary.

(d) *Notice and answer in "Fair" and "Unsatisfactory" efficiency rating cases.* In cases where it is proposed to reduce the salary of an employee on the basis of a "Fair" efficiency rating, requiring such salary reduction, and in cases where it is proposed to separate or demote an employee on the basis of an "Unsatisfactory" efficiency rating, the employee shall be given the advance notice in writing of the proposed action at least thirty (30) days before the effective date and said notice shall inform the employee of his rights to answer within a reasonable time and object to the proposed action and show cause why it should not be taken. This right of advance notification of proposed action based on an unfavorable efficiency rating does not affect the right of an employee to appeal for a review of his efficiency rating to a board of review established under the provisions of section 9 of the Classification Act of 1923, as amended by section 7 of the Act of November 26, 1940 (5 U.S.C. 669). (See regulations in 5 CFR, Cum. Supp., 56.4 and 9 F.R. 11731.)

§ 22.3 *Adverse decisions of administrative officers of agencies.* Adverse decisions by administrative officers following notifications of proposed adverse actions, charges and answers of employees, shall be in writing and dated and submitted to the employee prior to or on the effective date of the action and shall set forth (a) any and all reasons, specifically and in detail, for the adverse decisions; and (b) a statement of the right of the employee to appeal the decision to the Commission.

§ 22.4 *Appeals to the Commission*—(a) *Right to appeal.* After receipt by the employee of notice of an adverse decision or of a notification of proposed action which is defective because the period of required advance notice is less than thirty (30) days or for other reasons, such employees may, as a matter of right, appeal to the Commission immediately or within a reasonable time thereafter.

(b) *Time limit for filing appeals.* (1) Thirty (30) days from the date of receipt of notice of an adverse decision or a defective notification of proposed action shall be considered a reasonable time to prepare and submit an appeal under this regulation, but the Commission may, in its discretion, and where good cause is shown for failure to file the appeal within the prescribed period, consider appeals submitted after the expiration of thirty (30) days.

(2) Nothing in this regulation shall affect the right of an employee to appeal an adverse decision occurring between the time of the effective date of the Veterans Preference Act of 1944 (June 27, 1944) and the date of the promulgation of these regulations: *Provided*, That such an appeal is made to the Commission within six months after the effective date of these regulations, unless good cause is shown for failure to file the appeal within the prescribed period.

§ 22.5 *Form of appeal*—(a) *Contents.* The appeal of the employee to the Commission shall be in writing and (1) shall set forth in detail all the facts and circumstances of the adverse decision; (2) shall be accompanied by copies of charges, answer, affidavits in support of answer, and notice of the adverse decision, and by such documentary evidence in support of the appeal as the employee may wish to submit; (3) shall

state whether the employee desires to make a personal appearance or an appearance through or accompanied by a representative designated by him before a representative of the Commission; (4) shall be supported by acceptable evidence of entitlement to preference and (5) shall set forth detailed information regarding the employee's status, such as the date and nature of appointment and whether the employee has completed a probationary or trial period or one year of current continuous employment in the civil service of the Federal government or District of Columbia, and any other data bearing on whether the employee is within the purview of these regulations.

§ 22.6 *Where appeals shall be filed.* Appeals from employees in the Departmental Service in Washington, D. C. and the metropolitan area shall be submitted to the Chief Law Officer, United States Civil Service Commission, Washington 25, D. C.; appeals from employees in the Field Service in Washington, D. C. and the metropolitan area shall be submitted to the Manager, Branch Regional Office, Fourth U. S. Civil Service Region, Washington 25, D. C., and appeals from employees outside of these areas shall be submitted to the Director of the appropriate Civil Service Region or Manager of any Branch Regional Office.

§ 22.7 *Preliminary consideration of appeals in the Commission.* When an appeal is received it will be examined for the purpose of determining whether or not it is within the scope of these regulations. If the determination is that it is not, the employee will be so advised and informed as to the basis for such determination. Thereafter the employee or his designated representative may make request for reconsideration of this determination and may submit evidence and make representations in support of his request. The record will then be considered and the employee or his designated representative advised as to the decision reached. If it is found to be an appeal within the purview of the regulations, it will be docketed for investigation adjudication and the employee or his designated representative and the employing agency will be so advised.

§ 22.8 *Investigations*—(a) *When made.* Investigations will be made as necessary, to develop all the facts and circumstances relative to the adverse decision and to obtain necessary copies of the official record, charges, answer, decision and the reasons therefor, and pertinent testimony of witnesses.

(b) *Manner of taking testimony.* Testimony of witnesses will be by affidavit, without any pledge of confidence.

(c) *Information obtained discussed with agency and with employee.* The evidence submitted by the employee in connection with his appeal will be discussed by the investigator of the Commission with the administrative officer who made the decision and other proper officials of the employing agency concerned, and such officials shall be requested to state their side of the case. Similarly the employee should be informed of the information furnished by

the officials of the agency and given the opportunity to insert his side of the case into the record of investigation.

**NOTE:** For the duty of officers and employees in the executive civil service to furnish proper and competent information and testimony to the Commission and the penalties provided for refusal to do so by incumbents in classified civil service positions see Civil Service Rules XIV and XV (5 CFR, Cum. Supp., 14.1 and 15.1).

**§ 22.9 Hearings—(a) Right to appear personally or by representative.** The appellant shall have the right to appear personally or through or accompanied by a designated representative in connection with his appeal and if an appellant has expressed the desire for such a personal appearance arrangements will be made for a hearing following the investigation.

**(b) Notice of hearings and where scheduled.** (1) If the appellant and the employing agency are located in or near Washington, D. C., or any Regional Office, or Branch Regional Office of the Commission, a hearing will be scheduled and notifications thereof transmitted to the appellant or his designated representative and to the employing agency, advising the latter that it may participate, and informing both parties of a right to produce evidence and witnesses.

(2) If it is not practicable to schedule a joint hearing of all parties concerned because the appellant and the officials of the employing agency are not located in or near Washington, D. C. or a Regional Office or a Branch Regional Office of the Commission, or because the parties cannot for other reasons be conveniently brought together at a suitable point, the employee will be accorded such hearing as the circumstances will permit, any question of fact being thereafter resolved by such further contacts and investigation as may be found necessary.

**(c) How conducted.** Hearings will be conducted by a representative of the Commission in an informal manner with an opportunity afforded for the introduction of evidence, including testimony and statements by the appellant and his designated representative and witnesses and representatives of the employing agency and witnesses, and for the cross-examination of witnesses.

**(d) Admission of evidence.** Rules of evidence will not be strictly applied during hearings, but the Commission representative in charge of the hearing shall use reasonable discretion to exclude irrelevant testimony.

**(e) Testimony taken under oath; record of hearing; not open to public.** The testimony at hearings shall be under oath. Hearings in Regional Offices, Branch Regional Offices, and the Office of the Chief Law Officer will be recorded stenographically. Hearings in the field will be so recorded if suitable stenographic service is available. If no such service is available, statements of the appellant, his designated representative and witnesses will be reduced to writing and sworn to and matters agreed to be "off the record" will not be recorded. Hearings will not be open to the general public or the press and attendance shall be limited to per-

sons having a direct connection with the appeal.

**(f) Appearance of witnesses.** The Commission does not have the power of subpoena and appellants and their designated representatives, and employing agencies, will be required to make their own arrangements for the appearance of witnesses.

**(g) Inspection of transcript of hearing.** Copies of transcripts of hearing will not be furnished but the record will be made available for inspection in accordance with § 22.12.

**§ 22.10 Decision in the Commission—(a) By whom made; contents.** The decision on the appeal shall be made by the Chief Law Officer or the Regional Office, as appropriate, in a formal finding, consisting of an analysis of the evidence, the reasons for the conclusions reached and a recommendation for action to be taken by the employing agency concerned.

**(b) Copy of decision furnished appellant and agency; appeal to Commissioners.** Copies of the analysis, conclusions and recommendation shall be furnished to the employing agency and to the appellant or his designated representative, and both parties shall be notified of the right of a further appeal to the Commissioners of the U. S. Civil Service Commission, Washington 25, D. C.

**§ 22.11 Further appeals to the Commissioners—(a) Time limit for filing.** An appeal may be made by the employee or employing agency affected from a decision of the Chief Law Officer or Regional Office to the Commissioners of the U. S. Civil Service Commission within thirty (30) days of the date of receipt of notification of the decision.

**(b) Referred to Board of Appeals and Review.** Appeals under this regulation shall be referred to the Board of Appeals and Review of the Commission in Washington, D. C., for appropriate action and recommendation to the Commissioners.

**(c) Hearing before Board of Appeals and Review.** The Board of Appeals and Review shall review the record and in its discretion grant hearings with an opportunity for the production of evidence and cross-examination of witnesses.

**(d) Final appeal is to the Commissioners.** Decisions on appeals to the Commissioners will be transmitted to the appellant or his designated representative and the employing agency concerned with notifications to both parties that no further appeals will be entertained as to the particular case unless new and material evidence is submitted.

**§ 22.12 Availability of Commission's appeal records.** By suitable prearrangement the record of the Commission relative to an appeal shall be available for inspection in the Central Office at Washington, D. C., or any of the various Regional Offices or Branches of Regional Offices, by the appellant, his designated representative and representatives of the employing agency, except that where it is determined that the disclosure of any part of the record to the veteran may be

injurious to his health, such part of the record shall not be disclosed to him, but may, in the discretion of the Commission, be disclosed to the representative designated by him.

**§ 22.13 Effective date.** These regulations shall be effective as of June 27, 1944, the effective date of the Veterans' Preference Act of 1944.

By the United States Civil Service Commission.

[SEAL]

H. B. MITCHELL,  
President.

OCTOBER 20, 1944.

[F. R. Doc. 44-16926; Filed, Nov. 3, 1944;  
4:08 p. m.]

## TITLE 6—AGRICULTURAL CREDIT

### Chapter I—Farm Credit Administration

#### PART 10—FEDERAL LAND BANKS CONDITIONAL PAYMENTS

Part 10 of Chapter I, Title 6, Code of Federal Regulations is hereby amended by revoking §§ 10.245 and 10.246, by adding § 10.241-50, and by amending §§ 10.236, 10.238, 10.239, 10.241 and 10.242 to read as follows:

Sec.	
10.236	Conditional payments; joint indebtedness to a bank and the Corporation.
10.238	Conditional payments; unrelated loans.
10.239	Interest allowance.
10.241	Application of conditional payments on indebtedness.
10.241-50	Transfer of conditional payments from bank to Corporation.
10.242	Disposition of unapplied conditional payments.

**AUTHORITY:** §§ 10.236 to 10.242, inclusive, issued under the authority contained in sec. 4, 39 Stat. 303, sec. 17, 50 Stat. 708; 12 U.S.C. 676, 781 "Eighteenth".

**§ 10.236 Conditional payments; joint indebtedness to a bank and the Corporation.** In cases where the respective indebtedness of the borrower to the bank and Corporation are secured by the same or common real property, amounts to be accepted as conditional payments (by the bank for subsequent credit on its indebtedness and by the Corporation for subsequent credit on its indebtedness) should ordinarily be allocated to each indebtedness in such manner as to assure the borrower of relatively the same security against future delinquency on the respective indebtednesses.

**§ 10.238 Conditional payments; unrelated loans.** In those cases in which a borrower has indebtedness to the bank and/or Corporation, which are not secured by the same or common real property, determination should be made by the bank, on the basis of the facts in each case, as to the indebtedness or indebtednesses on which conditional payments are to be accepted and held for subsequent credit. When conditional payments are accepted in these cases, they shall be subject to all the provisions of these regulations governing conditional payments insofar as practicable.

§ 10.239 *Interest allowance.* Interest shall be allowed on conditional payments in accordance with the following terms and conditions:

(a) The rate(s) at which interest is allowed the borrower on a conditional payment shall be the rate(s) effective on those installment dates of the indebtedness to which the conditional payments are applied and which installment dates occurred during the period such conditional payments were held. As used herein, "effective interest rate" means the rate actually charged the borrower on the indebtedness on which a conditional payment is applied.

(b) Interest shall be allowed on conditional payments from the date of acceptance of such payments to the date of application on the borrower's indebtedness and such interest shall be compounded as of the installment dates of such indebtedness which occurred during the period the conditional payments were held by the bank: *Provided*, That, at the option of the bank, interest need not be allowed upon any amount which has not been held for the credit of the borrower as an unapplied conditional payment for a period up to 1 month: *And provided further*, That in any case where the aggregate interest credit does not exceed 25 cents, no allowance need be made.

(c) Interest allowed on a conditional payment shall be credited to the borrower as of the date of application of a conditional payment on his indebtedness, or returned to him in accordance with § 10.242.

§ 10.241 *Application of conditional payments on indebtedness.* Conditional payments shall be applied on the borrower's indebtedness in connection with which they are held, or on the borrower's indebtedness to the Corporation when such indebtedness is secured by the same or common real property, in accordance with the following terms and conditions:

(a) As the borrower may direct in writing, the bank shall pay out of conditional payments held for the borrower's credit any portion of the indebtedness to the bank on regular installment dates: *Provided*, That, upon the written request of the borrower, the bank may, at any time, pay out of conditional payments held for the borrower's credit any portion of the indebtedness to the bank.

(b) At its option the bank may pay out of conditional payments held for the borrower's credit on his bank indebtedness any portion of the indebtedness to the bank as and when the same becomes due and payable, if it is not otherwise paid by the borrower at or before maturity.

(c) If at any time the balance of unapplied conditional payments held for a borrower's credit together with the interest allowance thereon equals or exceeds the total amount of the indebtedness, the whole indebtedness shall become due and payable at once and shall be paid out of such balance.

(d) In the event of the borrower's death or bankruptcy, or in the event of transfer of the indebtedness by the bank

or conveyance of title to the property securing the indebtedness by the borrower, the bank at its option may apply all or any portion of the conditional payments held for the borrower's credit on the indebtedness.

§ 10.241-50 *Transfer of conditional payments from bank to Corporation.* Conditional payments held for the credit of the borrower on his bank indebtedness shall be applied on the borrower's indebtedness to the Corporation in accordance with the following terms and conditions:

(a) At the borrower's written direction the bank shall pay out of conditional payments held for the borrower's credit on his bank indebtedness, any portion of the borrower's indebtedness to the Corporation as and when the same becomes due and payable, if it is not otherwise paid by the borrower at or before maturity.

(b) At the option of the bank and with the consent of the Corporation, the bank may pay out of conditional payments held for the borrower's credit on his bank indebtedness, any portion of the borrower's indebtedness to the Corporation which is secured in whole or in part by the same real property securing the indebtedness to the bank as and when the same becomes due and payable, if it is not otherwise paid by the borrower at or before maturity; in the case of indebtedness not secured by the same or common real property, the bank may make such payment with the consent of the borrower in addition to that of the Corporation.

The bank shall transfer the full amount required to take up the matured indebtedness of the Corporation and no reimbursement for interest credited thereon as of prior installment dates nor as of the date of transfer shall be made to the bank by the Corporation: *Provided, however*, That if the indebtedness of the Corporation to which the payment is to be applied bears a higher effective rate of interest than the indebtedness on which the payments were held unapplied, then the Corporation shall allow a simple interest credit at the difference in such rates from the date(s) such payments were accepted by the bank to the date of maturity of the indebtedness upon which such payments were applied, and the bank shall transfer an amount which, together with the simple interest credit allowed by the Corporation, will take up the matured indebtedness. The first amount accepted as conditional payments by the bank shall be considered as the first amount paid out of the conditional payments either on the indebtedness to the bank or on the indebtedness of the Corporation.

(c) If at any time the total of unapplied conditional payments held for a borrower's credit on his indebtedness to both the bank and the Corporation together with the interest allowance thereon equals or exceeds the total amount of his indebtedness to the Corporation, at the discretion of the bank, upon written direction from the borrower and with the consent of the Corporation, the whole indebtedness to the Corporation

may be regarded as having become due and payable at once and may be paid out of such total payments. The Corporation shall make any additional interest allowance required in accordance with paragraph (b) above.

§ 10.242 *Disposition of unapplied conditional payments.* When the balance of unapplied conditional payments held by the bank together with interest allowance thereon is reduced to \$10 or less, at its option the bank may apply such balance on the borrower's indebtedness to the bank, subject to notification to the borrower of such action and reversal if he so requests. Any balance of unapplied conditional payments together with interest allowance thereon held in connection with the borrower's indebtedness shall be refunded to the borrower by the bank when the indebtedness is paid in full: *Provided, however*, That amounts of conditional payments held by the bank for the credit of a borrower who is indebted also to the Corporation, may, at the written direction of the borrower, be transferred to the Corporation, when the borrower's indebtedness to the bank is paid in full. Such payments transferred shall be subject to an interest allowance by the Corporation, in accordance with §§ 10.239 (a) and 10.241-50 (b).

Sections 10.245 and 10.246 are hereby revoked.

W. E. RHEA,  
Land Bank Commissioner.

[F. R. Doc. 44-17008; Filed, Nov. 6, 1944;  
11:15 a. m.]

## TITLE 7—AGRICULTURE

### Chapter XI—War Food Administration (Distribution Orders)

[WFO 79-1 to 79-33, incl.; 79-35; 79-38 to 79-81, incl.; 79-83 to 79-101, incl.; 79-141; 79-142; and 79-144, Gen. Amdt. 7]

#### PART 1401—DAIRY PRODUCTS

##### GENERAL AMENDMENT TO CERTAIN WAR FOOD ORDERS ISSUED BY THE DIRECTOR ALLOCATING MILK PRODUCTS PURSUANT TO WAR FOOD ORDER NO. 79, AS AMENDED

In the determination of quotas for milk byproducts, wherever a percentage specification appears for the determination of quota for milk byproducts, delete that percentage and substitute the specification "100 percent." This amendment shall be effective (notwithstanding quotas heretofore assigned) in each of the following orders:

The orders issued by the Director of Distribution in accordance with the provisions of War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319) dated September 7, 1943, as amended, and said orders issued by the Director are designated as WFO 79-1 to 79-33, inclusive; 79-35; 79-38 to 79-81, inclusive; 79-83 to 79-101, inclusive; 79-141; 79-142; and 79-144.

This order shall become effective as of 12:01 a. m., e. w. t., November 1, 1944. With respect to violations of said War Food Order No. 79, as amended, or any

of the aforesaid orders issued by the Director pursuant thereto, rights accrued, liabilities incurred, or appeals taken thereunder, prior to the effective time of this amendment, all provisions of said orders in effect prior to the effective time hereof shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(EO. 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; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4321, 4319)

Issued this 2d day of November 1944.

LEE MARSHALL,  
Director of Distribution.

[F. R. Doc. 44-16920; Filed, Nov. 8, 1944;  
12:15 p. m.]

## TITLE 12—BANKS AND BANKING

### Chapter II—Board of Governors of the Federal Reserve System

#### PART 222—CONSUMER CREDIT

##### SERVICEMEN'S GUARANTEED LOANS

On November 3, 1944, the Board of Governors of the Federal Reserve System amended Part 222 effective November 6, 1944, by adding to § 222.8 entitled "Exceptions" the following new paragraph:

(q) *Servicemen's guaranteed loans.* Any extension of credit guaranteed in whole or in part by the Administrator of Veterans' Affairs pursuant to the provisions of Title III of the Servicemen's Readjustment Act of 1944.

[SEAL] BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,  
S. R. CARPENTER,  
Assistant Secretary.

[F. R. Doc. 44-16958; Filed, Nov. 4, 1944;  
12:09 p. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket No. 4800]

#### PART 3—DIGEST OF CEASE AND DESIST ORDERS

J. P. RAINY & CO.

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.30 (c 5) *Cutting off competitors' access to customers or market—Interfering with competitive bids or price quotations:* § 3.72 (c 10) *Offering deceptive inducements to purchase or deal—Fictitious bids or price quotations:* § 3.92 *Submitting sham or fictitious bids or price quotations.* In connection with the offering for sale, sale, and distribution in commerce, of electric cable, electric wire, electric switches, electric conduit, fittings, condulets, potheads, cableheads, transformers, insulators, lighting fixtures, lamps, accessories, or other electrical

equipment or supplies, (1) submitting or procuring, assisting, or cooperating in the submission to any buyer of multiple bids or price quotations for the same materials for use on the same project but in the names of different or apparently different prospective sellers; (2) aiding, assisting, or cooperating in any manner in the submission of any sham, fictitious, fraudulent, or non-competitive bids or price quotations to any buyer or prospective buyer, or to any official or awarding authority of any Federal agency or to any one acting for or on its behalf, or for or on behalf of any contractor with such agency; (3) interfering with or assisting in interfering with the procurement or consideration of genuinely competitive bids or price quotations by any Federal agency or any official or awarding authority of such agency, or by any buyer or prospective buyer; (4) promoting, establishing, carrying out, or continuing any act or practice for the purpose or with the effect of maintaining or presenting a false appearance of competition between or among sellers in the submission of price quotations or bids to buyers or prospective buyers; or (5) arranging or attempting to arrange for the filing of any bid in the name of one ostensibly competing bidder when the prices and terms are in fact determined by some other bidder or when in fact the bid is not a bona fide bid; prohibited. (Sec. 5, 38 Stat. 719 as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, J. P. Rainey & Company, Docket 4800, October 9, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of October, A. D. 1944.

*In the Matter of J. P. Rainey, an Individual Trading as J. P. Rainey & Company*

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer respondent admits all of the material allegations set forth in said complaint and waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that respondent has violated the provisions of section 5 of the Federal Trade Commission Act:

*It is ordered, That the respondent, J. P. Rainey, individually and trading as J. P. Rainey & Company, or trading under any other name, and his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of electric cable, electric wire, electric switches, electric conduit, fittings, condulets, potheads, cableheads, transformers, insulators, lighting fixtures, lamps, accessories, or other electrical equipment or supplies, do forthwith cease and desist from doing or performing any of the following acts, things, or practices:*

1. Submitting or procuring, assisting, or cooperating in the submission to any buyer of multiple bids or price quotations for the same materials for use on the same project but in the names of different or apparently different prospective sellers.

2. Aiding, assisting, or cooperating in any manner in the submission of any sham, fictitious, fraudulent, or non-competitive bids or price quotations to any buyer or prospective buyer, or to any official or awarding authority of any Federal agency or to anyone acting for or on its behalf, or for or on behalf of any contractor with such agency.

3. Interfering with or assisting in interfering with the procurement or consideration of genuinely competitive bids or price quotations by any Federal agency or any official or awarding authority of such agency, or by any buyer or prospective buyer.

4. Promoting, establishing, carrying out, or continuing any act or practice for the purpose or with the effect of maintaining or presenting a false appearance of competition between or among sellers in the submission of price quotations or bids to buyers or prospective buyers.

5. Arranging or attempting to arrange for the filing of any bid in the name of one ostensibly competing bidder when the prices and terms are in fact determined by some other bidder or when in fact the bid is not a bona fide bid.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 44-16950; Filed, Nov. 4, 1944;  
11:39 a. m.]

## TITLE 26—INTERNAL REVENUE

### Chapter I—Bureau of Internal Revenue

#### Subchapter A—Income and Excess-Profits Taxes

[T. D. 5415]

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

#### PART 35—EXCESS PROFITS TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

##### GENERAL EXCESS PROFITS TAX RELIEF

Provisions of Regulations 109 and 112 prescribed under section 722 of the Internal Revenue Code, relating to general excess profits tax relief, amended.

Regulations 109 (26 CFR, 1941 Supp., Part 30) as amended by Treasury Decision 5264, approved May 8, 1943, and Regulations 112 (26 CFR, Cum. Supp., Part 35) are amended as follows:

PARAGRAPH 1. Section 30.722-2 (b) is amended as follows:

(A) By striking out the last two sentences of subparagraph (1) and inserting in lieu thereof the following:

Therefore, in computing such amount a taxpayer is not entitled to use the rules provided by section 713 (e) (1) (prior to its amendment by the Revenue Act of 1942), relating to exclusion of deficit, or by section 713 (f), relating to average base period net income in case of increased earnings in last half of base period. Since the constructive average base period net income is the fair and just amount representing normal earnings and will reflect adjustments for abnormally low base period years, a taxpayer having computed such amount is not entitled in addition to apply the rules provided by section 713 (e) (1). In a proper case, however, the principles underlying section 713 (f) relating to growth may be taken into account in arriving at the fair and just amount representing normal earnings if, and to the extent that, the application of such principles is reasonable and consistent with the conditions and limitations of section 722.

(B) By inserting immediately after subparagraph (9) the following new subparagraph:

(10) In all cases, including the case of a taxpayer the last base period year of which ends after December 31, 1939, the constructive average base period net income is to be determined without regard to events or conditions affecting the taxpayer, the industry of which it is a member, or taxpayers generally occurring or existing after December 31, 1939, except as provided in the last sentence of section 722 (a). If the last base period year of the taxpayer ends after December 31, 1939, normal earnings attributable to that portion of the last base period year occurring after that date shall be based upon the normal operations and normal earning capacity which the taxpayer as of December 31, 1939, could reasonably have expected to reach in the remaining portion of such year. If the base period ends after that date, the last day in the base period as of which events or conditions may be regarded in making such determination shall be taken to be December 31, 1939, despite the fact that normal earnings are to be determined for the entire base period.

PAR. 2. Section 30.722-3 (a) is amended by striking out the parenthetical clause in the second sentence of the fourth paragraph and inserting in lieu thereof "(but not after December 31, 1939)".

PAR. 3. Section 30.722-3 (c) (2) is amended by striking out the parenthetical clause in the third sentence of the last paragraph and inserting in lieu thereof "(but not after December 31, 1939)".

PAR. 4. Section 30.722-3 (d) is amended as follows:

(A) By adding the following new sentence at the end of the ninth paragraph: "In neither event shall any regard be given to events or conditions occurring or existing after December 31, 1939, except for the limited purpose set forth in the last sentence of section 722 (a) with respect to cases described in the last sentence of section 722 (b) (4)."

(B) By striking out the next to the last sentence of subparagraph (3) and inserting in lieu thereof the following: "A taxpayer, in addition to its regular business of manufacturing dental equipment, in 1937 entered the field of manufacture of custom-built precision parts and instruments for the aviation industry, using in the new manufacturing process surplus dental manufacturing equipment which it substantially reconverted for that purpose."

(C) By adding at the end of the seventh paragraph following subparagraph (5) the following new paragraph:

However, if the changed capacity or the acquired assets have been abandoned or otherwise permanently disposed of and have not been replaced by other assets producing income for excess profits tax purposes, the taxpayer's actual average base period net income may no longer be an inadequate standard of normal earnings and the constructive average base period net income previously determined and based upon such capacity or assets will no longer be allowable. The principles set forth in the preceding sentence are applicable not only to a changed capacity or to assets acquired as described in the last sentence of section 722 (b) (4), but also to all changes in the character of the business described in section 722 (b) (4), except that in cases not involving the abandonment or disposition of assets, temporary changes in operations, production, or management are not to be construed as the abandonment of the character of the business which has been previously established.

PAR. 5. Section 30.722-3 (e) is amended by adding at the end the following new paragraph:

If the facts and circumstances on the basis of which a claim for relief was previously allowed are different in the taxable year from what the facts and circumstances were for the year of allowance, or if all or part of such facts and circumstances do not exist in the taxable year, the taxpayer's actual average base period net income may no longer be an inadequate standard of normal earnings and the constructive average base period net income previously determined based on such facts and circumstances will no longer be allowable. However, in cases not involving the abandonment or disposition of assets, temporary changes in operations, production, or management are not to be construed as a change in the facts and circumstances on the basis of which relief was previously allowed.

PAR. 6. Section 30.722-4 is amended as follows:

(A) By striking out the parenthetical clause in the second sentence of the second paragraph following paragraph (c) and inserting in lieu thereof "(but not considering events or conditions occurring or existing after December 31, 1939, other than those necessary to determine the nature of the taxpayer and the character of its business)".

(B) By inserting at the end the following new paragraph:

If the new business with respect to which relief has been allowed subse-

quently undergoes a change in character or if the facts and circumstances on the basis of which a claim for relief has been allowed are different in a taxable year subsequent to the year for which such relief has been allowed, the taxpayer's excess profits credit based on invested capital may no longer be an inadequate standard for determining excess profits and the constructive average base period net income previously determined based upon the former character or facts and circumstances will no longer be allowable. However, in cases not involving the abandonment or disposition of assets, temporary changes in operations, production, or management are not to be construed as the abandonment of the character of the business which has been previously established or a change in the facts and circumstances on the basis of which relief was previously allowed.

PAR. 7. Section 35.722-2 (b) is amended as follows:

(A) By striking out the last two sentences of subparagraph (1) and inserting in lieu thereof the following:

Therefore, in computing such amount a taxpayer is not entitled to use the rules provided by section 713 (e) (1), relating to increase in base period net income of lowest year of base period, or by section 713 (f), relating to average base period net income in case of increased earnings in last half of base period. Since the constructive average base period net income is the fair and just amount representing normal earnings and will reflect adjustments for abnormally low base period years, a taxpayer having computed such amount is not entitled in addition to apply the rules provided by section 713 (e) (1). In a proper case, however, the principles underlying section 713 (f) relating to growth may be taken into account in arriving at the fair and just amount representing normal earnings if, and to the extent that, the application of such principles is reasonable and consistent with the conditions and limitations of section 722.

(B) By inserting immediately after subparagraph (9) the following new subparagraph:

(10) In all cases, including the case of a taxpayer the last base period year of which ends after December 31, 1939, the constructive average base period net income is to be determined without regard to events or conditions affecting the taxpayer, the industry of which it is a member, or taxpayers generally occurring or existing after December 31, 1939, except as provided in the last sentence of section 722 (a). If the last base period year of the taxpayer ends after December 31, 1939, normal earnings attributable to that portion of the last base period year occurring after that date shall be based upon the normal operations and normal earning capacity which the taxpayer as of December 31, 1939, could reasonably have expected to reach in the remaining portion of such year. If the base period ends after that date, the last day in the base period as of which events or conditions may be regarded in making such determination shall be taken to be De-

ember 31, 1939, despite the fact that normal earnings are to be determined for the entire base period.

PAR. 8. Section 35.722-3 (a) is amended by striking out the parenthetical clause in the second sentence of the fourth paragraph and inserting in lieu thereof "(but not after December 31, 1939)".

PAR. 9. Section 35.722-3 (c) (2) is amended by striking out the parenthetical clause in the third sentence of the last paragraph and inserting in lieu thereof "(but not after December 31, 1939)".

PAR. 10. Section 35.722-3 (d) is amended as follows:

(A) By adding the following new sentence at the end of the ninth paragraph: "In neither event shall any regard be given to events or conditions occurring or existing after December 31, 1939, except for the limited purpose set forth in the last sentence of section 722 (a) with respect to cases described in the last sentence of section 722 (b) (4)."

(B) By striking out the next to the last sentence of subparagraph (3) and inserting in lieu thereof the following: "A taxpayer, in addition to its regular business of manufacturing dental equipment, in 1937 entered the field of manufacture of custom-built precision parts surplus dental manufacturing equipment and instruments for the aviation industry, using in the new manufacturing process surplus dental manufacturing equipment which it substantially reconverted for that purpose."

(C) By adding at the end of the seventh paragraph following subparagraph (5) the following new paragraph:

However, if the changed capacity or the acquired assets have been abandoned or otherwise permanently disposed of and have not been replaced by other assets producing income for excess profits tax purposes, the taxpayer's actual average base period net income may no longer be an inadequate standard of normal earnings and the constructive average base period net income previously determined and based upon such capacity or assets will no longer be allowable. The principles set forth in the preceding sentence are applicable not only to a changed capacity or to assets acquired as described in the last sentence of section 722 (b) (4), but also to all changes in the character of the business described in section 722 (b) (4), except that in cases not involving the abandonment or disposition of assets, temporary changes in operations, production, or management are not to be construed as the abandonment of the character of the business which has been previously established.

PAR. 11. Section 35.722-3 (e) is amended by adding at the end the following new paragraph:

If the facts and circumstances on the basis of which a claim for relief was previously allowed are different in the taxable year from what the facts and circumstances were for the year of allowance, or if all or part of such facts and circumstances do not exist in the taxable year, the taxpayer's actual average

base period net income may no longer be an inadequate standard of normal earnings and the constructive average base period net income previously determined based on such facts and circumstances will no longer be allowable. However, in cases not involving the abandonment or disposition of assets, temporary changes in operations, production, or management are not to be construed as a change in the facts and circumstances on the basis of which relief was previously allowed.

PAR. 12. Section 35.722-4 is amended as follows:

(A) By striking out the parenthetical clause in the second sentence of the second paragraph following paragraph (c) and inserting in lieu thereof "(but not considering events or conditions occurring or existing after December 31, 1939, other than those necessary to determine the nature of the taxpayer and the character of its business)".

(B) By inserting at the end the following new paragraph:

If the new business with respect to which relief has been allowed subsequently undergoes a change in character or if the facts and circumstances on the basis of which a claim for relief has been allowed are different in a taxable year subsequent to the year for which such relief has been allowed, the taxpayer's excess profits credit based on invested capital may no longer be an inadequate standard for determining excess profits and the constructive average base period net income previously determined based upon the former character or facts and circumstances will no longer be allowable. However, in cases not involving the abandonment or disposition of assets, temporary changes in operations, production, or management are not to be construed as the abandonment of the character of the business which has been previously established or a change in the facts and circumstances on the basis of which relief was previously allowed.

(Sec. 62, I.R.C. (53 Stat. 32; 26 U.S.C. 62) as made applicable by sec. 729 (a), I.R.C. (54 Stat. 989; 26 U.S.C. 729 (a)))

GEO. J. SCHOENEMAN,  
Acting Commissioner of  
Internal Revenue.

Approved: November 3, 1944.

HERBERT E. GASTON,  
Acting Secretary of the Treasury.

[F. R. Doc. 44-16959; Filed, Nov. 4, 1944;  
12:31 p. m.]

## TITLE 29—LABOR

### Chapter VIII—Commissioner of Internal Revenue

[T. D. 5418]

#### PART 1002—STABILIZATION OF SALARIES

On August 28, 1943, the Economic Stabilization Director promulgated amended regulations relating to wages and salaries (8 F.R. 11960) by virtue of the authority vested in the President by the

Act of October 2, 1942, entitled "An act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes" (Pub. No. 729, 77th Cong., 2d sess.), as amended by the Public Debt Act of 1943, entitled "An act to increase the debt limit of the United States, and for other purposes" (Pub. No. 34, 78th Cong., 1st sess.), and vested in turn by the President in the Economic Stabilization Director under Executive Order 9328, dated April 8, 1943 (8 F.R. 4681). These regulations conferred on the Commissioner of Internal Revenue, except as otherwise provided in Executive Order 9299 of February 4, 1943 prescribing regulations and procedure with respect to wage and salary adjustments for employees subject to the Railway Labor Act, authority to determine, under regulations to be prescribed by him with the approval of the Secretary of the Treasury, whether any salary payments other than those specified in paragraph (b) of § 4001.2 and § 4001.6 are made in contravention of the act, or any regulations or rulings promulgated thereunder. In the exercise of the authority so conferred upon the Commissioner of Internal Revenue, the following amendments to the regulations relating to salaries, issued by him and approved by the Acting Secretary of the Treasury on September 4, 1943 (T.D. 5295, 8 F.R. 12429) are hereby promulgated.

PARAGRAPH 1. The table of contents is amended by striking § 1002.35 from Subpart H and by adding a new subpart with sections thereunder, as follows:

#### SUBPART J—PROCEDURE RELATIVE TO THE DETERMINATION BY THE COMMISSIONER OF CONTRAVENTION

Sec.	
1002.36	Preliminary investigation.
1002.37	Submission of report.
1002.38	Preliminary notice.
1002.39	Final notice.
1002.40	Notice of hearing.
1002.41	Hearing officer.
1002.42	Conduct of hearing.
1002.43	Findings of fact and recommendations.
1002.44	Determination by the Commissioner.
1002.45	Petition for reconsideration.
1002.46	Determination of contravention.
1002.47	Applicability.

PAR. 2. The following Subpart J (§§ 1002.36 to 1002.47 inclusive) is inserted immediately following Subpart H:

#### SUBPART J—PROCEDURE RELATIVE TO THE DETERMINATION BY THE COMMISSIONER OF CONTRAVENTION

§ 1002.36 *Preliminary investigation.* Upon receipt of information indicating a possible contravention of the act, the Head of the Regional Office, in whose jurisdiction the employer is located, shall institute an investigation. This investigation may be made by a representative of the Salary Stabilization Unit, Internal Revenue Agent or any other employee of the Bureau of Internal Revenue.

If, upon review of the report of investigation, the Head of the Regional Office is satisfied that the salary payments in question were not made in contravention, he shall so notify the employer and refer the case to the Commissioner for review.

## FEDERAL REGISTER, Tuesday, November 7, 1944

§ 1002.37 *Submission of report.* If, upon review of the report of investigation, the Head of the Regional Office believes that the salary payment was made in contravention, he shall submit a report, in detail, to the Commissioner, together with the original report of investigation. The employer, if he so desires, may have a conference with the Head of the Regional Office prior to the submission of the report to the Commissioner.

§ 1002.38 *Preliminary notice.* If, upon consideration of the report of the Head of the Regional Office, the Commissioner is satisfied that there is reasonable cause for believing that a salary payment has been made in contravention of the act, a preliminary notice to such effect shall be sent to the employer. Such preliminary notice shall contain a concise statement of the nature of the alleged contravention payment and the employer shall have an opportunity, within the time specified, to submit additional evidence and for conference.

§ 1002.39 *Final notice.* If no reply is received by the Commissioner within the specified time, or the additional evidence, if any is submitted, is not sufficient to warrant any change in the preliminary notice, a final notice shall be sent to the employer by registered mail ordering the employer to show cause why the alleged salary payments shall not be held in contravention of the act. Such notice shall contain a concise statement of the nature of the alleged contravention payments and advise the employer of his right to have a hearing, if one is requested at the time of filing the answer, and that answer, under oath, to the notice shall be made by the employer within the time specified in the final notice. Unless a hearing is requested at the time of filing the answer, the hearing shall be deemed to have been waived. Upon good cause shown, the time for answering the final notice may be extended by the Commissioner.

If no answer is received within the time specified in the final notice, or as extended, a notice of the determination with respect to contravention will be issued by the Commissioner by registered mail.

§ 1002.40 *Notice of hearing.* If a hearing is requested, notice of the hearing shall be sent by registered mail to the employer not less than 15 days prior to the date of the hearing. Such notice shall contain (a) a statement of the time and place of hearing; (b) the name of the hearing officer; (c) a concise statement of the allegations of fact which constitute the basis for the proceeding; (d) a statement that the employer may be represented by counsel and given full opportunity to present written or oral testimony and to examine and cross-examine witnesses on all matters relating to the charge and (e) a statement informing the employer that failure to appear will not preclude the Commissioner from taking testimony, receiving evidence and making findings and recommendations with respect to the charges.

For good cause shown, the date of the hearing may be postponed.

§ 1002.41 *Hearing officer.* The Commissioner, or the Deputy Commissioner of the Salary Stabilization Unit, may conduct hearings, or may, in writing, authorize some official or employee of the Bureau of Internal Revenue as a hearing officer to conduct and hold hearings and make findings of fact as hereinafter provided.

§ 1002.42 *Conduct of hearing.* Attempt should be made by the parties to stipulate with respect to such facts with which there is no substantial dispute.

The parties shall have every opportunity to present and introduce such evidence as they deem necessary in support of their positions.

The hearing officer shall afford the parties reasonable opportunity for examination of witnesses.

Before closing a hearing, the hearing officer shall inquire of each party whether he has any further evidence to offer.

The hearing officer at his discretion may, at the close of the hearing, allow a short period for presentation of oral argument or for summary of the facts disclosed at the hearing, and may allow briefs to be filed within a period prescribed by him, such period not to exceed 15 days.

The employer may, at his own expense, provide for the taking of a stenographic report of the hearing, in which case a copy shall be furnished without cost to the hearing officer.

§ 1002.43 *Findings of fact and recommendations.* Within a reasonable time after the conclusion of the hearing, the hearing officer shall prepare findings of fact in which he shall state briefly the issues involved and his recommendation. Such findings of fact and recommendation shall be transmitted to the Commissioner and a copy shall be transmitted to the employer.

§ 1002.44 *Determination by the Commissioner.* After consideration of the findings and recommendation of the hearing officer, the Commissioner shall determine whether the salary payments in question were made in contravention of the act. A copy of such determination shall be sent by registered mail to the employer.

§ 1002.45 *Petition for reconsideration.* Within 15 days after the mailing of notice of determination of contravention by the Commissioner, the employer may file with the Commissioner a petition for reconsideration of such determination. This petition may be accompanied by any affidavits or briefs which the employer desires to submit. Within a reasonable time after receiving such request for reconsideration, the Commissioner may affirm, modify or reverse his original determination or direct a further hearing to be held. Such further hearing shall follow the procedure prescribed for the original hearing. After consideration of the findings of fact of the second hearing, the Commissioner shall issue his determination as to whether the salary payments were made in contravention of the act.

§ 1002.46 *Determination of contravention.* The Deputy Commissioner of the Salary Stabilization Unit, or any other duly authorized employee of the Bureau of Internal Revenue, may act for the Commissioner in making determinations of contravention, except that if the Deputy Commissioner of the Salary Stabilization Unit is the hearing officer, the determination of contravention shall be made by the Commissioner.

PAR. 3. Section 1002.35 is amended by renumbering it § 1002.47 and placing it immediately after § 1002.46.

[SEAL] JOSEPH D. NUNAN,  
Commissioner of Internal Revenue.

Approved: November 3, 1944.

HERBERT E. GASTON,  
Acting Secretary of the Treasury.

[F. R. Doc. 44-16960; Filed, Nov. 4, 1944;  
12:31 p. m.]

## TITLE 31—MONEY AND FINANCE: TREASURY

### Chapter I—Monetary Offices, Department of the Treasury

#### APPENDIX A—GENERAL RULINGS UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

FOREIGN FUNDS CONTROL; FRANCE

NOVEMBER 4, 1944.

Amendment to General Ruling No. 11 under Executive Order No. 8389, as amended, Executive Order No. 9193, sections 3 (a) and 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

General Ruling No. 11 is hereby amended by deleting the following from paragraph (4) (b) (ii) of such general ruling: "that portion of France within continental Europe, including Monaco and Corsica;"

(Sec. 3 (a), 40 Stat. 412; sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; 55 Stat. 838; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] HERBERT E. GASTON,  
Acting Secretary of the Treasury.

[F. R. Doc. 44-16938; Filed, Nov. 4, 1944;  
9:45 a. m.]

#### APPENDIX B—PUBLIC CIRCULARS UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

FOREIGN FUNDS CONTROL; CORSICA

NOVEMBER 4, 1944.

Revocation of Public Circular No. 24 under Executive Order No. 8389, as amended, Executive Order No. 9193, sec-

tions 3 (a) and 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

Public Circular No. 24 is hereby revoked in view of the deletion of the reference to Corsica in the definition of enemy territory contained in General Ruling No. 11.

(Sec. 3 (a), 40 Stat. 412; Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; 55 Stat. 838; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193 July 6, 1942; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] HERBERT E. GASTON,  
Acting Secretary of the Treasury.

[F. R. Doc. 44-16937; Filed, Nov. 4, 1944;  
9:45 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter VI—Selective Service System

#### PART 622—CLASSIFICATION

[Amdt. 262]

##### CONSCIENTIOUS OBJECTORS; WORK OF NATIONAL IMPORTANCE

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 622.51 by adding new paragraphs (c), (d), and (e) to read as follows:

§ 622.51 *Class IV-E: Conscientious objector available for, assigned to, or released from work of national importance.* \* \* \*

(c) A registrant placed in Class IV-E who is assigned to and reports for work of national importance under civilian direction shall be retained in Class IV-E unless his reclassification into some other class is specifically authorized by the Director of Selective Service.

(d) A registrant placed in Class IV-E who has been separated other than by death from work of national importance under civilian direction shall be retained in Class IV-E unless his reclassification into some other class is specifically authorized by the Director. (Each such registrant shall be identified in the manner provided in § 622.86-2.)

(e) A registrant placed in Class IV-E who has been separated by death from work of national importance under civilian direction shall be retained in Class IV-E. (Each such registrant shall be identified in the manner provided in § 622.86.)

2. Amend the regulations by adding a new section to be known as § 622.86-2 to read as follows:

§ 622.86-2 *Identification of Class IV-E registrants separated from work of national importance.* A registrant who was heretofore or is hereafter separated other than by death from work of national importance under civilian direc-

tion and who is retained in Class IV-E shall be identified in all records by following his classification with the abbreviation "Disc."

The foregoing amendments to the Selective Service Regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHY,  
Director.

OCTOBER 21, 1944.

[F. R. Doc. 44-16988; Filed, Nov. 4, 1944;  
3:15 p. m.]

#### PART 652—ASSIGNMENT AND DELIVERY OF PERSONS TO WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

[Amdt. 263]

##### MISCELLANEOUS AMENDMENTS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 652.1 by deleting paragraph (b) and relettering paragraphs (c) and (d) as paragraphs (b) and (c) respectively.

2. Amend the regulations by adding a new section to be known as § 652.13-1 to read as follows:

§ 652.13-1 *Cover sheets to be forwarded to Director.* When the local board is advised by receipt of a completed copy of Order to Report for Work of National Importance (Form 50) that a registrant has reported for work of national importance pursuant to this part, it shall forward the Cover Sheet (Form 53) and the file contained therein for such registrant to the State Director of Selective Service for transmittal to the Director of Selective Service.

The foregoing amendments to the Selective Service Regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHY,  
Director.

OCTOBER 21, 1944.

[F. R. Doc. 44-16989; Filed, Nov. 4, 1944;  
3:15 p. m.]

#### PART 653—WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

[Amdt. 264]

##### SEPARATE CLASSIFICATION

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

Amend the regulations by deleting § 653.11-1 in its entirety.

The foregoing amendment to the Selective Service Regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register, and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHY,  
Director.

OCTOBER 21, 1944.

[F. R. Doc. 44-16990; Filed, Nov. 4, 1944;  
3:15 p. m.]

## Chapter VIII—Foreign Economic Administration

### Subchapter B—Export Control

[Amdt. 247]

#### PART 801—GENERAL REGULATIONS

##### EXPORTS FOR ACCOUNT OF UNITED NATIONS RELIEF AND REHABILITATION ADMINISTRATION

Part 801, General Regulations, is hereby amended by adding thereto § 801.18 as follows:

§ 801.18 *Exports for the account of United Nations Relief and Rehabilitation Administration.* All commodities procured for the account of the United Nations Relief and Rehabilitation Administration by the Procurement Division of the Treasury Department, the Department of Agriculture, the War Department or any other United States procurement agency pursuant to authority granted by the Foreign Economic Administration in a commitment letter duly issued to such United States procurement agency may be exported by or for the account of the United Nations Relief and Rehabilitation Administration, without regard to any of the other regulations contained in this subchapter. Collectors of Customs are authorized to clear such shipments for export without requiring presentation of the commitment letter or any other export license document provided such shipments are cleared under a Defense Aid Shipper's Export Declaration (Department of Commerce Form 7525-DA-V) containing reference to the requisition number or numbers under which such commodities were procured and such requisition number or numbers are identified by the prefix symbol "UA".

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 238, 77th Cong.; Pub. Law 397, 78th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: November 4, 1944.

S. H. LEBENSBURGER,  
Director,  
Requirements and Supply Branch,  
Bureau of Supplies.

[F. R. Doc. 44-17001; Filed, Nov. 6, 1944;  
9:33 a. m.]

## Chapter IX—War Production Board

**AUTHORITY:** Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

## PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[General Limitation Order L-332, Revocation]

Section 1226.137 *General Limitation Order L-332* is revoked. This revocation does not affect any liabilities incurred under the order.

Issued this 4th day of November 1944.

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

[F. R. Doc. 44-16952; Filed, Nov. 4, 1944;  
11:57 a. m.]

## PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 5, Direction 15, as Amended, Nov. 4, 1944]

## USE OF MRO SYMBOL AND RATING TO BUY INSTALLATION MATERIALS WHERE AUTHORIZATION TO CONSTRUCT IS NOT REQUIRED UNDER L-41

The following direction is issued pursuant to CMP Reg. 5:

(a) (1) Any person who has obtained machinery or equipment which he is permitted to install or relocate under Direction 2 to L-41 and who needs priorities assistance to get building materials to install or relocate the machinery or to make building alterations required in connection with the installation or relocation may use (i) the MRO symbol and rating assigned by CMP Regulation 5 if he is in a business on List A of that Regulation, or (ii) the MRO symbol and rating assigned by CMP Regulation 5A if he is in a business on Schedule I or II of that Regulation, or (iii) the rating and symbol assigned by any P or U order for MRO if he is in a business given such priorities assistance, for the purpose of getting the building materials necessary for such an installation or relocation and any connected building alteration.

(2) Any person who has obtained machinery or equipment for use in a business which is not listed on Schedule A of CMP Regulation 5 may use the MRO symbol and a preference rating of AA-5 to get up to \$500 worth of building materials (including controlled materials) needed to install or relocate any piece of machinery or equipment which Direction 2 to L-41 permits him to install or relocate without getting an authorization under that order and to make a building alteration allowed in connection with the installation or relocation.

(3) If construction as defined in L-41 is not involved in an installation, for example

in installing an engine in a boat, a person in a business on List A of CMP Regulation 5 or Schedule I or II of CMP Regulation 5A or given priorities assistance for MRO under any P or U order may use this priorities assistance to get \$500 worth of materials required for such an installation of any piece of machinery or equipment.

(b) Deleted Aug. 19, 1944.

(c) *MRO quota need not be charged.* A person buying installation materials under this direction need not charge the amount he spends for them against his MRO quota under paragraph (f) of the regulation.

(d) *Relation to minor capital addition provision of CMP Regulation No. 5.* The purchase of installation materials under this direction is not affected by the restrictions on purchases of minor capital additions under paragraph (b) (3) of CMP Regulation No. 5. This direction applies only in cases where machinery or equipment which is installed or relocated is acquired without using the MRO rating for a minor capital addition under paragraph (b) (3) of the regulation. Under this direction, it does not matter whether the machinery or equipment costs more than \$500. However, if machinery or equipment is acquired with the MRO rating under paragraph (b) (3) of the regulation, installation materials are considered part of the same capital addition, in which case the total must not exceed \$500 and the cost of the installation materials as well as cost of the machinery or equipment must be charged to the MRO quota.

(e) *Applications.* Where permission to install or relocate machinery is required by Order L-41, application for such permission should be made on the appropriate form indicated on Schedule C of Order L-41. Also, such form should be used in applying for priorities assistance to buy installation materials where they cannot be bought under this direction, even if permission to install or relocate is not required by Order L-41.

Issued this 4th day of November 1944.

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

[F. R. Doc. 44-16957; Filed, Nov. 4, 1944;  
11:58 a. m.]

## PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 5, Direction 25]

## CONTROLLED MATERIALS REQUIRED FOR JIGS, DIES, SPECIAL TOOLING, AND FIXTURES TO BE USED FOR A PRODUCT NOT NOW BEING PRODUCED

The following direction is issued pursuant to CMP Reg. 5:

(a) Any person who wants to make special tooling (as defined in Direction 35 CMP Regulation 1) and other jigs, dies or fixtures, which are carried in his books as operating supplies and which he will use himself in manufacturing any product which he is not presently manufacturing, whether or not the product is listed in Schedule A of CMP Regulation 5, may get the controlled material required by placing on his order the CMP allotment symbol MRO and the standard certification in Priorities Regulation 7. He may also buy controlled material and furnish it to a maker of special tooling under the provisions of Direction 35 to CMP Regulation 1.

(b) Such purchases must be charged against his MRO quota under paragraph (f) of CMP Regulation 5, or his quota under a "P" or "U" order.

Issued this 4th day of November 1944.

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

[F. R. Doc. 44-16955; Filed, Nov. 4, 1944;  
11:57 a. m.]

## PART 3270—CONTAINERS

[Conservation Order M-115 as Amended Nov. 4, 1944]

## COLLAPSIBLE TUBES

Section 3270.39 *Conservation Order M-115* is hereby amended to read as follows:

§ 3270.39 *Conservation Order M-115*—(a) *What this order does.* This order controls the amount of tin that may be contained in collapsible tubes for packing various products.

(b) *Definition of collapsible tubes.* For the purpose of this order, a "collapsible tube" shall mean any collapsible container in the shape of a tube made in whole or in part of tin.

(c) *Restrictions on sales of tin.* No person shall sell or deliver tin to any tube or tube blank manufacturer or tube packer which he knows or has reason to believe will be accepted or used in violation of the terms of this order.

(d) *Restrictions on manufacture, sale or delivery.* No person shall manufacture, sell or deliver any collapsible tubes or tube blanks which he knows or has reason to believe will be accepted or used in violation of the terms of this order.

(e) *Restrictions on packing.* No person shall purchase, accept delivery of or use collapsible tubes for packing products except as specifically permitted in Schedule I at the end of this order. This schedule specifies the tin content for collapsible tubes for packing each product. These restrictions shall not apply to a lead tube containing not more than .5 per cent tin derived only from secondary sources.

(f) *Certification.* No manufacturer shall sell or deliver a collapsible tube (excluding a lead tube containing not more than .5 per cent tin derived only from secondary sources) unless he has received from the purchaser, a certificate signed manually or as provided in Priorities Regulation 7. This certificate shall be in substantially the following form; and once filed by a purchaser with a manufacturer, covers all future deliveries from the manufacturer to that purchaser:

The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that he is familiar with Order M-115 of the War Production Board, and that all purchases from you of items regulated by that order, and the use of the same by the undersigned, will be in compliance with the order, as amended from time to time.

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

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order,

wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(1) *Communications to the War Production Board.* Communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Containers Division, Washington 25, D. C. Ref: M-115.

Issued this 4th day of November 1944.

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

Product:

	Permitted tin content of tubes
1. Ointments and other preparations for ophthalmic use.	Unlimited.
2. Sulfa drugs in ointment or jelly form.	Unlimited.
3. Diagnostic extracts (allergens).	Unlimited.
4. Morphine or hypodermic injection.	Unlimited.
5. (a) Medicinal and pharmaceutical ointments.	Not to exceed 7½ per cent by weight of tube.
(b) Preparations which are intended for introduction into the body orifices (nasal, vaginal, rectal, surgical jelly, etc.).	Not to exceed 7½ per cent by weight of tube.
6. Dental cleansing preparations.	Not to exceed 3 per cent by weight of tube.

[F. R. Doc. 44-16954; Filed, Nov. 4, 1944; 11:57 a. m.]

PART 3284—BUILDING MATERIALS

[Limitation Order L-236, Schedule III, as Amended Nov. 4, 1944]

MARINE FITTINGS HARDWARE

§ 3284.84 Schedule III to Limitation Order L-236—(a) *Definitions.* For the purposes of this schedule:

(1) "Producer" means any person who forges, manufactures, fabricates, or assembles marine fittings hardware as defined in paragraph (a) (2) of this schedule.

(2) "Marine fittings hardware" means turnbuckles, shackles, thimbles, rope sockets, and hooks, as listed in Tables I through V of this schedule.

(b) *Simplified practices.* After February 26, 1944, no producer shall manufacture, fabricate or assemble items of marine fittings hardware listed in Tables I through V of this schedule which fail to conform with the sizes, types, grades and provisions set forth in those tables.

(c) *Exceptions.* The provisions of this schedule do not apply to:

(1) Parts manufactured for repair of marine fittings hardware.

(2) Marine fittings hardware manufactured, fabricated or assembled to fill a contract for the Army, Navy, Maritime Commission or War Shipping Administration, provided such contract for marine fittings hardware was executed prior to October 14, 1943.

(3) Marine fittings hardware manufactured, fabricated or assembled in establishments wholly owned and operated by the Navy.

(4) Marine fittings hardware specially designed and constructed for use on or operation of lifeboats, lifeboat equipment or lifelines.

(5) Marine fittings hardware specially designed and constructed for use on or operation of aircraft or underwater craft.

(6) Turnbuckles, rope sockets or rope thimbles less than  $\frac{1}{4}$  inch in size.

(7) Turnbuckles specially designed and constructed for use on radio antenna.

(8) Hooks manufactured for attachment as an integral part of a chain hoist, electric hoist or tackle block.

(9) Hoist hooks larger than sizes 15 or 35 and grab or slip hooks larger than 1" size.

(10) [Deleted Nov. 4, 1944.]

(d) *Permitted finishes.* Finish of marine fittings hardware may be galvanized, lead coated, painted or self-colored.

(e) *Restriction on marine fittings hardware for pleasure boats.* No producer shall manufacture any marine fittings hardware designed for use on pleasure boats.

Issued this 4th day of November 1944.

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

TABLE I—FORGED, FABRICATED AND PIPE TURNBUCKLES

Forged and pipe turnbuckle bodies may be made with either round or hexagon ends. Pipe turnbuckles shall not be made with hexagon body.

Turnbuckles up to and including  $\frac{3}{4}$ " diameter may be equipped only with eyes, jaws, open hooks, sister hooks and stubs or combinations thereof. Turnbuckles  $\frac{5}{8}$ " diameter and larger may be equipped only with eyes, jaws and stubs or combinations thereof.

(1) *Open type turnbuckles (forged or fabricated).* The following sizes only may be manufactured. Sizes are the amount of take-up in inches and the diameter in inches of end fittings.

Takeup (inches):	Diameter (inches)
4	$\frac{1}{4}$
4½	$\frac{5}{16}$
5	$\frac{1}{2}$
6	$\frac{3}{8}$ , $\frac{1}{2}$ , $\frac{5}{8}$ , $\frac{3}{4}$ , $\frac{7}{8}$ , 1, $1\frac{1}{8}$ , $1\frac{1}{4}$
9	$\frac{1}{2}$ , $\frac{3}{8}$ , $\frac{3}{4}$
12	$\frac{1}{2}$ , $\frac{5}{8}$ , $\frac{3}{4}$ , $\frac{7}{8}$ , 1, $1\frac{1}{8}$ , $1\frac{1}{4}$ , $1\frac{1}{2}$ , $1\frac{3}{4}$ , 2
18	$\frac{3}{4}$ , $\frac{7}{8}$ , 1, $1\frac{1}{8}$ , $1\frac{1}{4}$ , $1\frac{1}{2}$ , $1\frac{3}{4}$ , 2, $2\frac{1}{2}$ , 3
24	$1\frac{1}{4}$ , $1\frac{1}{2}$ , $1\frac{3}{4}$ , $2\frac{1}{2}$ , 3
36	$2$ , $2\frac{1}{2}$
48	$2\frac{1}{2}$ , 3, $3\frac{1}{2}$

(2) *Pipe turnbuckles.* The following sizes only may be manufactured. Sizes are the diameter in inches of the end fittings.  $\frac{1}{2}$ ,  $\frac{5}{8}$ ,  $\frac{3}{4}$ ,  $\frac{5}{6}$ , 1,  $1\frac{1}{4}$ ,  $1\frac{1}{2}$ ,  $1\frac{3}{4}$ ,  $2$ ,  $2\frac{1}{2}$ , 3.

(3) *Turnbuckle bodies.* Turnbuckle bodies (without fittings) may only be manufactured in the sizes specified for open type turnbuckles and in addition the following sizes. 6 inch takeup— $1\frac{1}{2}$ ,  $1\frac{1}{2}$ ,  $1\frac{3}{8}$ ,  $1\frac{3}{4}$ ,  $1\frac{7}{8}$ , 2,  $2\frac{1}{2}$ ,  $2\frac{3}{8}$ ,  $2\frac{1}{2}$ ,  $2\frac{3}{4}$ , 3,  $3\frac{1}{4}$ ,  $3\frac{1}{2}$  and 4 inch diameters. 9 inch takeup— $3\frac{1}{4}$ ,  $3\frac{1}{2}$ , 4,  $4\frac{1}{2}$ , 5 and  $5\frac{1}{2}$  inch diameters.

*Exception.* Special types and sizes of turnbuckles may be made for use by the Navy if approval is given by the Chief of the appropriate Navy Bureau, the Supervisor of Shipbuilding of the Navy or the Inspector of Naval Materials.

TABLE II—FORGED SHACKLES

Oval pin shackles may be made for Army, Navy and Maritime Commission use only. The following types and sizes only may be manufactured. Sizes are the diameter in inches of the body stock in the bow of the shackle.

*Screw pin, round pin and oval pin anchor shackles.*  $\frac{1}{4}$ ,  $\frac{5}{16}$ ,  $\frac{3}{8}$ ,  $\frac{7}{16}$ ,  $\frac{1}{2}$ ,  $\frac{5}{8}$ ,  $\frac{3}{4}$ ,  $\frac{7}{8}$ , 1,  $1\frac{1}{8}$ ,  $1\frac{1}{4}$ ,  $1\frac{1}{2}$ ,  $1\frac{3}{4}$ ,  $2$ ,  $2\frac{1}{2}$ , 3,  $3\frac{1}{4}$ ,  $3\frac{1}{2}$ .

*Boat anchor shackles.*  $\frac{3}{4}$ ,  $\frac{5}{8}$ , 1,  $1\frac{1}{8}$ ,  $1\frac{1}{4}$ ,  $1\frac{1}{2}$ ,  $1\frac{3}{4}$ ,  $2$ ,  $2\frac{1}{2}$ .

*Screw pin, round pin and oval pin chain shackles.*  $\frac{1}{4}$ ,  $\frac{5}{16}$ ,  $\frac{3}{8}$ ,  $\frac{7}{16}$ ,  $\frac{1}{2}$ ,  $\frac{5}{8}$ ,  $\frac{3}{4}$ ,  $\frac{7}{8}$ , 1,  $1\frac{1}{8}$ ,  $1\frac{1}{4}$ ,  $1\frac{1}{2}$ ,  $1\frac{3}{4}$ ,  $2$ ,  $2\frac{1}{2}$ , 3,  $3\frac{1}{4}$ ,  $3\frac{1}{2}$ .

*Boat chain shackles.*  $\frac{3}{4}$ ,  $\frac{5}{8}$ , 1,  $1\frac{1}{8}$ ,  $1\frac{1}{4}$ ,  $1\frac{1}{2}$ ,  $1\frac{3}{4}$ ,  $2$ ,  $2\frac{1}{2}$ , 3,  $3\frac{1}{4}$ ,  $3\frac{1}{2}$ .

*Exception.* Special types and sizes of shackles may be made for use by the Navy if approval is given by the Chief of the appropriate Navy Bureau, the Supervisor of Shipbuilding of the Navy or the Inspector of Naval Materials.

TABLE III—ROPE THIMBLES

The following sizes only may be manufactured. Sizes are the width of the rope channel in inches.

*Thimbles for Manila rope.*  $\frac{1}{4}$ ,  $\frac{5}{16}$ ,  $\frac{3}{8}$ ,  $\frac{7}{16}$ ,  $\frac{1}{2}$ ,  $\frac{5}{8}$ ,  $\frac{3}{4}$ ,  $\frac{7}{8}$ , 1,  $1\frac{1}{8}$ ,  $1\frac{1}{4}$ ,  $1\frac{1}{2}$ ,  $1\frac{3}{4}$ ,  $2$ ,  $2\frac{1}{2}$ ,  $2\frac{3}{8}$ ,  $3\frac{1}{2}$ , 4.

*Thimbles for wire rope.*  $\frac{1}{4}$ ,  $\frac{5}{16}$ ,  $\frac{3}{8}$ ,  $\frac{7}{16}$ ,  $\frac{1}{2}$ ,  $\frac{5}{8}$ ,  $\frac{3}{4}$ ,  $\frac{7}{8}$ , 1,  $1\frac{1}{8}$ ,  $1\frac{1}{4}$ ,  $1\frac{1}{2}$ ,  $1\frac{3}{4}$ ,  $2$ ,  $2\frac{1}{2}$ , 3,  $3\frac{1}{2}$ , 4.

*Heavy towing thimbles.*  $2\frac{1}{2}$ , 3,  $3\frac{1}{2}$ , 4.

TABLE IV—ROPE SOCKETS

The following sizes only may be manufactured. Sizes are for the accommodating rope diameter in inches.  $\frac{1}{4}$ ,  $\frac{5}{16}$ ,  $\frac{3}{8}$ ,  $\frac{7}{16}$ ,  $\frac{1}{2}$ ,  $\frac{5}{8}$ ,  $\frac{3}{4}$ ,  $\frac{7}{8}$ , 1,  $1\frac{1}{8}$ ,  $1\frac{1}{4}$ ,  $1\frac{1}{2}$ ,  $1\frac{3}{4}$ ,  $2$ ,  $2\frac{1}{2}$ ,  $2\frac{3}{8}$ ,  $2\frac{1}{2}$ ,  $2\frac{3}{4}$ ,  $2\frac{1}{2}$ , 3.

TABLE V—FORGED HOIST, GRAB AND SLIP HOOKS

Eye hoist hooks may be equipped with thimbles of the sizes permitted in Table III. Shank hoist hooks may be equipped with swivel eye. All hoist hooks may be equipped with safety device. The following sizes only may be manufactured. Numbers are taken from the catalog of J. H. Williams & Company (current on February 26, 1944), and from catalog 130 of the Thomas Laughlin Company for use as a guide. Similar products of other manufacturers are permitted. Sizes of grab and slip hooks are for the accommodating size of chain in inches.

*Shank hoist hook.* Numbers 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15.

*Regular eye hoist hook.* Numbers 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35.

*Reversed eye hoist hook.* Numbers 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35.

*Grab hooks.*  $\frac{1}{4}$ ,  $\frac{5}{16}$ ,  $\frac{3}{8}$ ,  $\frac{7}{16}$ ,  $\frac{1}{2}$ ,  $\frac{5}{8}$ ,  $\frac{3}{4}$ ,  $\frac{7}{8}$ , 1.

*Slip hooks.*  $\frac{1}{4}$ ,  $\frac{5}{16}$ ,  $\frac{3}{8}$ ,  $\frac{7}{16}$ ,  $\frac{1}{2}$ ,  $\frac{5}{8}$ ,  $\frac{3}{4}$ ,  $\frac{7}{8}$ , 1.

*NOTE:* Table VI and VII deleted Nov. 4, 1944.

[F. R. Doc. 44-16953; Filed, Nov. 4, 1944; 11:57 a. m.]

## PART 3293—CHEMICALS

[Limitation Order M-353 as Amended Nov. 4, 1944]

## WHITE PIGMENTS

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

§ 3293.546 Limitation Order M-353—  
(a) *Definitions.* (1) "White pigments" means titanium dioxide and zinc sulfide as defined herein.

(2) "Titanium dioxide" means any pigment containing more than 12 per cent titanium dioxide whether alone or admixed with or precipitated on inerts, extenders, or opaque pigments.

(3) "Zinc sulfide" means any pigment containing more than 12% zinc sulfide whether alone or admixed with, or precipitated on inerts, extenders or opaque pigments. The term includes all the commercial grades of lithopone, but does not include luminescent pigments containing zinc sulfide.

(4) "Preferred order" means any purchase order for white pigments (i) rated under Preference Rating Order P-65; or (ii) rated under Preference Rating Order P-149 for coatings for interior linings only; or (iii) where the white pigments are to be delivered, or used on or incorporated in material to be delivered, to the United States Army, Navy, Veterans' Administration, Marine Corps, Coast Guard, Maritime Commission, War Shipping Administration, Bureau of Engraving and Printing, U. S. Government Printing Office, or the government of any country whose defense the President deems vital to the defense of the United States pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(b) *Inapplicability of certain preference ratings.* No person shall give any effect to any preference rating on any purchase order for white pigments, unless the person placing such purchase order furnishes a certificate in substantially the following form, signed by a duly authorized official, either manually or as provided by Priorities Regulation No. 7:

The undersigned hereby certifies to the War Production Board and to the seller that his purchase order No. \_\_\_\_\_, dated \_\_\_\_\_, for white pigments is a "Preferred Order" as defined in Order M-353, or is for replacement of white pigments withdrawn from inventory within the previous 30 days to fill "preferred orders" but which had not been originally acquired to fill "preferred orders".

Rated orders not accompanied by a certificate, may be filled as unrated or-

ders to the extent permitted by Priorities Regulation No. 1. The certificate need not be filed with the War Production Board. Any person receiving it may rely upon it in filling orders unless he knows or has reason to believe that it is false. The standard certification described in Priorities Regulation No. 7 may not be used instead.

(c) *Special directives.* The War Production Board may at any time issue special directives to any person respecting the production or delivery of white pigments, notwithstanding the other provisions of this order.

(d) *Applicability of regulations.* Except as provided in paragraph (b) above, this order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(e) *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.

(f) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-353.

Issued this 4th day of November 1944.

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

[F. R. Doc. 44-16956; Filed, Nov. 4, 1944;  
11:57 a. m.]

Issued this 4th day of November 1944.

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

[F. R. Doc. 44-16996; Filed, Nov. 4, 1944;  
4:45 p. m.]

## PART 3270—CONTAINERS

[Limitation Order L-336 as Amended Nov. 6, 1944]

## SANITARY FOOD CONTAINERS

§ 3270.61 Limitation Order L-336—  
(a) *What this order does.* This order sets forth restrictions affecting paper cups, paper food containers, paper milk containers and liquid tight paper containers. The restrictions common to all of these containers are contained in the section headed "General restrictions." Other restrictions applicable to paper cups are set forth under a separate heading.

(b) *For the purpose of this order.* (1) "Paper cups" means all empty open nested paper cups with or without lids including "hot drink cups", "cold drink cups" and "hot food cups" but excluding flat envelope types of cups.

(2) "Paper food container" means all empty round nested paper food containers with or without lids excluding wedge shaped food pails and nested paper plates.

(3) "Hot drink cup" means any cup made directly from moulded pulp, or any untreated tall cup, double-wrapped or single-wrapped of comparable weight, which is suitable for dispensing hot beverages.

(4) "Cold drink cup" means any one or two-piece cup, treated or untreated, of 6-ounce size or larger, and not suitable for dispensing hot beverages.

(5) "Hot food cup" means any untreated squat cup, double-wrapped or single-wrapped of comparable weight, which is suitable for dispensing hot foods.

(6) "In-plant feeding" means the serving of food, drink or refreshments on the premises of a plant, governmental agency or institution to its employees. For the purpose of this order, it shall also include the serving of food, drink and refreshments by (i) the Armed Forces including Post Exchanges and Ship's Service Stores; (ii) Veterans' Administration; (iii) hospitals serving their patients; (iv) welfare organizations such as USO, Red Cross, etc.; (v) persons engaged in serving passengers in planes and in trains, and (vi) educational institutions serving their students. In-plant feeding as described above, includes the serving of food, drink and refreshments between meals as well as at mealtime. For instance, the use of paper cups for drinking water is included within the meaning of the term.

(7) "Caterer or concessionaire" means a person who has an agreement with an operator of a plant, governmental agency or institution to regularly provide in-plant feeding for its employees.

(8) "Paper milk container" means any treated paper container, blank or folded carton of the type which is used to package fluid milk and fluid milk products.

5  
—  
—

(9) "Liquid-tight paper container" means any spiral or convolute wound paper container with a slip-on cover made of paperboard commonly known in the trade as liquid-tight container and of the type which is used to package foods for human consumption.

(10) "Sanitary food container" means paper cups, paper food containers, paper milk containers and liquid-tight paper containers.

#### RESTRICTIONS ON PAPER CUPS

(c) *Prohibited sales and deliveries.*

(1) No person shall manufacture, sell or deliver the following types of paper cups if he knows or has reason to believe that they will be used for the purposes stated: (i) Packages of cups for retail sales. This restriction shall not apply to stocks of paper cups made up for retail sales which were on hand on January 29, 1944. (ii) Hot drink cups for any purpose other than in-plant feeding. (iii) Portion control or souffle cups for retail sales or for party favors.

(d) *Limitation on use of hot drink cups.* No person shall commercially use more hot drink cups in any month than 80 per cent of his average monthly consumption during the months of January through March, 1944. This provision does not apply to the Armed Forces, including post exchanges and ship's service stores.

(e) *Maintenance of production of hot drink cups and flat-bottom cold drink cups.* To meet the requirements of in-plant feeding operations, manufacturers of hot drink cups and flat-bottom cold drink cups shall maintain during each calendar quarter a production of these items equivalent to the highest quarterly production attained during any calendar quarter beginning on or after October 1, 1943, to the extent permitted by paragraph (i) and subject to contingencies beyond his control.

(f) *Distribution of production between military and civilian requirements.* (1) Regardless of preference ratings on other orders, each manufacturer of paper cups must set aside the following percentages of his production of paper cups in each month beginning with October, 1944, for delivery to the Army and the Navy (excluding domestic post exchanges and ship's service stores, but including those located outside of continental United States) in the sizes ordered by them: 35 per cent of his monthly production of 6 to 9 ounce hot drink cups inclusive (not more than 60 per cent of the total production of any one size to be produced need be included in the set-aside); 70 per cent of his monthly production of 6 to 9 ounce flat-bottom cold drink cups inclusive; 100 per cent of his monthly production of 10 to 24-ounce flat-bottom cold drink cups inclusive. For the month of November, 1944, and each succeeding month, he must make this set-aside only to the extent that he has received orders from the Army and the Navy for such cups on or before the 15th day of the preceding month. For the month of October, he must do it to the extent that

he has received orders from the Army, and the Navy on or before the 15th of October. If a manufacturer has not received orders from the Army and Navy (excluding domestic post exchanges and ship's service stores, but including those located outside of continental United States) by the dates specified above for the full amount of his set-aside, he must release any surplus for delivery on orders as specified in paragraph (f) (2). Set-asides under this paragraph shall be computed on the basis of number of cups.

The production and delivery of any of the above types of cups prior to October 14, 1944, in compliance with paragraph (g) of Order L-336 as amended August 29, 1944, shall not constitute a violation of this paragraph.

(2) The balance of each manufacturer's production of hot drink cups and flat-bottom cold drink cups shall be used exclusively to fill orders other than Army and Navy orders (excluding domestic post exchanges and ship's service stores, but including those located outside the continental United States) in accordance with Priorities Regulation 1 and the provisions of this order.

(3) Any distributor who delivers hot drink cups or flat-bottom cold drink cups to the Army and Navy, including post exchanges and ship's service stores outside continental United States, shall notify the manufacturer who supplied him with the cups, giving the contract or purchase number, and the cups so sold shall be deducted from the set-aside for the following calendar month by the manufacturer. No manufacturer shall make any deduction from the set-aside because of deliveries made by a distributor, unless he has received the above information from the distributor.

(g) *Use of MRO preference ratings.*

(1) Subject to the other provisions of this order, any person may use the blanket MRO rating assigned to him by any regulation of the War Production Board including CMP Regulation 5, CMP Regulation 5A, and orders in the P or U series to buy paper cups for in-plant feeding. Also, a caterer or concessionaire may use his customer's blanket MRO rating to buy paper cups for use in providing in-plant feeding to employees of the customer. Furthermore, persons whose employees are being fed may distribute paper cups obtained by them to the person who is engaged in in-plant feeding of their employees.

(2) Except as permitted above for caterers and concessionaires for in-plant feeding, blanket MRO ratings may not be used to get paper cups for commercially packaging food or other products for shipment or delivery. Also, persons engaged in in-plant feeding operations may not use their blanket MRO ratings to buy paper cups which are to be sent to a commercial food packer to be filled and returned to the plant for in-plant feeding.

(h) *Certification.* No person shall sell or deliver any hot drink cups after October 26, 1944, unless he has received from the purchaser a certification signed

manually or as provided in Priorities Regulation 7. This certification shall be in substantially the following form and, once filed by a purchaser with a supplier, covers all future deliveries from the supplier to that purchaser:

The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that he is familiar with Order L-336 of the War Production Board, and that all purchases from you of items regulated by that order, and the use of the same by the undersigned will be in compliance with the order, as amended from time to time.

#### GENERAL RESTRICTIONS

(i) *Restrictions on tonnage of sanitary food container stock to be processed.* No manufacturer of sanitary food containers shall accept delivery of any sanitary food container stock except as authorized by the War Production Board pursuant to Appendix B in Order M-241. A manufacturer may use the stock allocated to him only for the purpose for which it was allocated.

(j) *Inventory.* No person shall accept, have set aside or held for his account, any quantity of sanitary food containers which will increase his inventory for such containers to more than his reasonably anticipated requirements for the next 45 days, except that, whenever his inventory is less than a 45-days' supply, he may accept the minimum delivery required by his supplier under a published price list or sales policy in effect on October 29, 1943. No person shall order any quantity of sanitary food containers for delivery to him or for his account on any date, if receipt thereof on that date would increase his inventory of such containers to more than the amount permitted in the first sentence of this paragraph. This provision does not apply to the Armed Forces, Post Exchanges and Ship's Service Stores.

(k) *Appeals.* Appeals from Order L-336 shall be filed by addressing a letter to the appropriate field office of the War Production Board.

The letter of appeal need not follow any particular form. It should state informally, but completely, the particular provisions appealed from, the precise relief desired, the reasons why denial of the appeal would result in undue and excessive hardship, and such other statistical and narrative information as may be pertinent.

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

(m) *Reports.* Any person affected by this order shall file such reports and questionnaires as the War Production Board may request from time to time

subject to the approval of the Bureau of the Budget pursuant to the Federal Re-ports Act of 1942.

(n) *Communications.* All inquiries relating to this order other than requests for authorization or appeals shall be ad-dressed to the War Production Board, Containers Division, Washington 25, D. C., reference Order L-336.

Issued this 6th day of November 1944.

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

[F. R. Doc. 44-17003; Filed, Nov. 6, 1944;  
11:28 a. m.]

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

[Conservation Order M-317, Direction 3]

**PRIORITIES ASSISTANCE FOR COTTON YARNS FOR THE PRODUCTION OF CLOSURE TAPES, 4TH QUARTER 1944**

The following direction is issued pur-suant to Conservation Order M-317.

Manufacturers of selvage closure tapes may apply on Form WPB-2842 for priorities assistance to obtain cotton yarns to be used for the manufacture of button and button-hole tape, hook and eye tape, snap fastener tape and slide fastener tape. Applications must be filed with the War Production Board, Textile, Clothing and Leather Bureau, Wash-ing-ton 25, D. C., not later than November 16, 1944. Priorities assistance will be granted only for 30/2 and finer combed cotton yarns, and 16/2 to 26/2 carded cotton yarns. Yarns for which priorities assistance is given must be purchased for delivery not later than December 31, 1944 and must be consumed in the production of selvage closure tape prior to January 31, 1945. No person whose appli-cation is granted may purchase for delivery during the balance of the 4th calendar quarter of 1944 or during this period accept delivery of cotton yarns to be used for the production of closure tapes except upon a rated order.

The total amount of cotton yarn for which priorities assistance will be granted under this program is limited. If the applications received exceed the total quantity of yarn allotted to this program, applications will be granted pro rata.

Issued this 6th day of November 1944.

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

[F. R. Doc. 44-17002; Filed, Nov. 6, 1944;  
11:28 a. m.]

**PART 1010—SUSPENSION ORDERS**

[Suspension Order S-560, Amdt. 1]

GORDON STORES CO., INC.

The Gordon Stores Company, Inc., of Denver, Colorado, has appealed from the suspension order. The Chief Compliance Commissioner has reviewed the case, and has directed that the suspension order be amended.

In view of the foregoing: It is hereby ordered, That: § 1010.560, Suspension Order No. S-560 issued June 8, 1944, and effective June 19, 1944, be, and hereby is,

amended by the substitution of the fol-lowing paragraph (a) for the present paragraph (a):

(a) Neither The Gordon Stores Com-pany, Inc., its successors or assigns, nor any other person, shall do any construction on the premises at 315 Main Street, Montrose, Colorado, including putting up or altering the structure, or on any of the other stores owned or operated by that corporation, unless hereafter spe-cifically authorized in writing by the War Production Board, except that The Gordon Stores Company, Inc., may apply to the Regional Office of the War Production Board at Denver, Colorado, for au-thorization to do such construction as is necessary to protect the property and its contents from damage by the elements, and to do such construction as is nec-essary to remove the fire hazard; said construction to be under the supervision of the Regional Compliance Chief, at Den-Ver.

Issued this 4th day of November 1944.

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

[F. R. Doc. 44-16993; Filed, Nov. 4, 1944;  
4:15 p. m.]

**Chapter XI—Office of Price Administration**

**PART 1340—FUEL**

[RMPR 436, Amdt. 7]

**CRUDE PETROLEUM, AND NATURAL AND PETROLEUM GAS**

A statement of the considerations in-volved in the issuance of this amend-ment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Revised Maximum Price Regulation No. 436 is amended in the following re-spects:

1. Section 9 (b) is amended to read as follows:

(b) "Posted purchase price as of Octo-ber 1, 1941," means a price posted by a person who, during the 60-day period after October 1, 1941, actually purchased from an operator crude petroleum pro-duced at any pool to which the posted price was applicable.

2. Section 10 (b) (2) is amended by adding the following footnote after the words "shall be as follows" in the first paragraph:

\* Where on October 1, 1941, it was the es-tablished practice to post the price for each gravity at the .5 point and to interpolate prices to the nearest cent per barrel for the intermediate gravities such practice may be continued using the price in the table for each degree of gravity as the price for the .5 point.

3. Section 10 (f) (11) is added to read as follows:

(11) *Miscellaneous fields.* The maxi-mum price at the receiving tank for crude petroleum produced in the Avery Island,

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

Barataria, Bateman Lake Crude Oil, Bateman Lake Cycle Condensate, Bay de Chene, Delacroix Island, Delta Duck, Delta Farms, Dog Lake, Erath, Fausse Point, Golden Meadow, Horshoe Bayou, Jefferson Island, Lake Salvador, Lafitte, Paradis, Plumb Bob, Stella, Vermillion Bay, and West Cote Blanche Bay fields in the State of Louisiana shall be as follows:

API gravity	Dollars per 42-gallon barrel
Below 21	\$0.90
21-21.9	.92
22-22.9	.94
23-23.9	.96
24-24.9	.98
25-25.9	1.00
26-26.9	1.02
27-27.9	1.04
28-28.9	1.06
29-29.9	1.08
30-30.9	1.10
31-31.9	1.12
32-32.9	1.14
33-33.9	1.16
34-34.9	1.18
35-35.9	1.20
36-36.9	1.22
37-37.9	1.24
38-38.9	1.26
39-39.9	1.28
40 and above	1.30

4. Section 10 (f) (12) is added to read as follows:

(12) *Lisbon Field.* The maximum price at the receiving tank for crude distillate produced in the Lisbon Field, Claiborne Parish, Louisiana, shall be \$1.40 per barrel.

5. Section 10 (1) is amended to read as follows:

(1) *Oklahoma.*—(1) *Bald Hill, Edna East, Pollyanna, Kellyville and Slick Pools.* On and after August 1, 1944, the maximum price at the receiving tank for crude petroleum produced from the Bald Hill, Edna East, and Pollyanna Pools, Okmulgee County and the Kellyville and Slick Pools, Creek County, Oklahoma, shall be as follows:

API gravity	Dollars per 42-gallon barrel
Below 29	\$1.01
29-29.9	1.03
30-30.9	1.05
31-31.9	1.07
32-32.9	1.09
33-33.9	1.11
34-34.9	1.13
35-35.9	1.15
36-36.9	1.17
37-37.9	1.19
38-38.9	1.21
39-39.9	1.23
40 and above	1.25

(2) On and after August 1, 1944, the maximum price at the receiving tank for crude petroleum produced from all pools in the State of Oklahoma with the ex-ception of the pools listed in (1) above shall be as follows:<sup>1</sup>

<sup>1</sup> The maximum price for the Cement Pool in Caddo County, Oklahoma, and the Okla-homa City Pool, Oklahoma County, Okla-homa, shall be according to the above scale but shall be reduced 3¢ for each degree of gravity below 20 down to 16 degrees. Below 16 gravity \$.70.

API gravity	Dollars per 42-gallon barrel
Below 21	.85
21-21.9	.87
22-22.9	.89
23-23.9	.91
24-24.9	.93
25-25.9	.95
26-26.9	.97
27-27.9	.99
28-28.9	1.01
29-29.9	1.03
30-30.9	1.05
31-31.9	1.07
32-32.9	1.09
33-33.9	1.11
34-34.9	1.13
35-35.9	1.15
36-36.9	1.17
37-37.9	1.19
38-38.9	1.21
39-39.9	1.23
40 and above	1.25

6. Section 10 (m) is amended to read as follows:

(m) *Pennsylvania grade area.* The maximum price at the receiving tank for crude petroleum produced in the Pennsylvania grade area shall be as follows:

API gravity	Maximum price per barrel
Below 21	\$3.00
21-21.9	2.65
22-22.9	2.59
23-23.9	2.55
24-24.9	2.25
25-25.9	2.25
26-26.9	2.25
27-27.9	2.25
28-28.9	2.25
29-29.9	2.25
30-30.9	2.25
31-31.9	2.25
32-32.9	2.25
33-33.9	2.25
34-34.9	2.25
35-35.9	2.25
36-36.9	2.25
37-37.9	2.25
38-38.9	2.25
39-39.9	2.25
40 and above	2.25

The maximum price at the receiving tank to each purchaser of Pennsylvania grade crude petroleum produced in any other area in Pennsylvania shall be the price paid by such purchaser for such crude petroleum produced in such area on October 1, 1941, plus 25 cents a barrel. Each purchaser is required within 30 days of the effective date of this amendment to submit to the Petroleum Branch of the Office of Price Administration, Washington, D. C., a schedule of the prices actually paid on October 1, 1941.

7. Section 10 (n) (11) is added to read as follows:

(n) *Joe's Lake and Silsbee Fields.* The maximum price at the receiving tank for crude petroleum of 34° API gravity and above produced in the Joe's Lake and Silsbee Fields, Texas, shall be \$1.36 per barrel with the customary differentials for lower gravity crudes.

8. Section 10 (n) (12) is added to read as follows:

(12) The maximum price at the receiving tank for crude petroleum of 40° API gravity and above produced in the Abell (Ordovician) Field in Pecos County and in the Barnhart (Ordovician) Field in Reagan County, Texas, shall be \$1.25 with a 2¢ differential for lower gravities down to 93¢ for below 25°.

9. Section 10 (p) is amended to read as follows:

(p) *Kansas—(1) Dopita, Morel and Penny-Wann Pools.* On and after August 1, 1944, the maximum price at the receiving tank for crude petroleum produced from the Dopita Pool, Rooks County; Morel Pool, Graham County;

and Penny-Wann Pool, Ellis County, Kansas, shall be as follows:

API gravity	Dollars per 42-gallon barrel
Below 29	\$1.01
29-29.9	1.03
30-30.9	1.05
31-31.9	1.07
32-32.9	1.09
33-33.9	1.11
34-34.9	1.13
35-35.9	1.15
36-36.9	1.17
37-37.9	1.19
38-38.9	1.21
39-39.9	1.23
40 and above	1.25

(2) On and after August 1, 1944 the maximum price at the receiving tank for crude petroleum produced from all pools in the State of Kansas, with the exception of the pools listed in (1) above, shall be as follows:

API gravity	Dollars per 42-gallon barrel
Below 21	\$0.85
21-21.9	.87
22-22.9	.89
23-23.9	.91
24-24.9	.93
25-25.9	.95
26-26.9	.97
27-27.9	.99
28-28.9	1.01
29-29.9	1.03
30-30.9	1.05
31-31.9	1.07
32-32.9	1.09
33-33.9	1.11
34-34.9	1.13
35-35.9	1.15
36-36.9	1.17
37-37.9	1.19
38-38.9	1.21
39-39.9	1.23
40 and above	1.25

10. Section 11 (a) is amended to read as follows:

(a) The maximum price at the receiving tank for crude petroleum from any given pool shall be the posted purchase price as of October 1, 1941 for such pool, except that the maximum price at any receiving tank, without pipe line gathering facilities, for crude petroleum produced from any pool listed under section 12 of this regulation or included by order-pursuant to the provisions of such section 12, shall be the price paid at such receiving tank as of August 1, 1944, unless a higher price, not to exceed the posted price, is approved in writing by the Price Executive of the Petroleum Branch.

11. Section 11 (b) is amended by substituting the word "operator" for the word "producer" where it appears in this section.

12. Section 14 (c) is amended to read as follows:

(c) Where a maximum price for wet gas cannot be determined under (a) or (b) or where a maximum price has been determined under (a) or (b) and a product is being extracted, condensed, or saved by the purchaser from the wet gas which is either of substantially greater value than its value at the time of execution of the contract or is a product that the parties to the

contract did not contemplate would be extracted, condensed or saved at the time of the execution of the contract, the seller or purchaser shall set a tentative price for the wet gas. Within 15 days after setting such a tentative price the seller or purchaser shall file with the Petroleum Branch of the Office of Price Administration, Washington, D. C., a written request for approval of such tentative price. The person filing such request shall file in connection therewith a statement setting forth:

(1) An explanation as to why it is impossible for the seller to establish a maximum price under paragraphs (a) or (b).

(2) The tentative maximum price and an explanation of the method used in arriving at such price.

(3) The maximum prices for sellers and purchasers of the same class at the two nearest fields to the one in question, if known, and

(4) If a written contract has been entered into, an authenticated copy thereof.

Such tentative price shall be the maximum price for the production from the field to such purchasers until a substitute maximum price is set in writing by the Petroleum Branch of the Office of Price Administration, Washington, D. C. Ordinarily, a tentative price set under this paragraph (c) will not be approved unless such price is in line with the maximum prices for sellers and purchasers of the same class at the nearest fields to the one in question.

13. Section 15 (a) is amended by deleting the period at the end of the paragraph, inserting a semicolon in place thereof and adding the following: "and (3) That notwithstanding the terms of any contract, and regardless of the manner in which the price is expressed, whether in terms of carbon black or in any other way, a seller's maximum price for dry gas used in the manufacture of channel carbon black shall not be increased after June 30, 1944, by the establishment of or increase in a maximum price for carbon black or dry gas unless such seller of dry gas is specifically allowed an increase by written order of the Price Administrator."

14. Section 15 (c) (5) is amended to read as follows:

(5) A statement in writing signed by the purchaser or purchasers that they will not institute any proceeding before any governmental agency for an increase in their resale price or prices using the increased cost as a basis for such proceeding. If the resale price of the purchaser is controlled by a governmental agency other than the Office of Price Administration then the purchaser shall at the same time an application is made with said governmental agency for an increase in the purchaser's resale price or at the same time the purchaser is notified that an action has been instituted, report such fact and submit a copy of the petition to the Petroleum Branch, Office of Price Administration, Washington, D. C.

The information required to be submitted by either the purchaser or the seller may be filed either with the report or separately. Information required of either the seller or the purchaser, if filed separately, will upon request be treated as confidential.

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

This amendment shall become effective November 9, 1944.

Issued this 4th day of November 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-16968; Filed, Nov. 4, 1944;  
2:38 p. m.]

**PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS**

[Rev. RO 11, Amdt. 29]

**FUEL OIL**

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

Revised Ration Order 11 is amended in the following respects:

1. An undesignated center headnote is added preceding § 1394.5162 to read as follows: "Restrictions on Use of Heat And Hot Water Rations Issued to Residual Users."

2. Section 1394.5162 is added as follows:

**§ 1394.5162 Rations restricted to residual oil.** (a) A ration figured pursuant to §§ 1394.5361 (a) (1), 1394.5362 (a) (1), 1394.5366 (a) (4), 1394.5373 (b) or 1394.5378 (b) may not be used to acquire or consume any grade of fuel oil other than No. 5, No. 6, or Bunker "C" having an A. P. I. gravity of 20° or below.

3. Section 1394.5349 is added as follows:

**§ 1394.5349 Additional rations for consumers using residual oil—(a) When allowed.** A person to whom a ration for heat or hot water, or both, for the 1944-45 heating year was issued before November 1, 1944, and whose equipment for the purpose is designed to use and regularly uses residual oil (Grades Nos. 5, 6 or Bunker "C" having an A. P. I. gravity of 20° or below) may apply to his Board for an additional ration for the purpose. The application shall be made on OPA Form R-1104 (Revised). Instead of the information required by that form, he shall state on it that the equipment is designed to use and regularly uses residual oil (as defined above). He must submit with his application a certification from his fuel oil supplier that the equipment regularly uses residual oil for the purpose. The Board shall not grant

to any applicant more than one additional ration under this section, for the equipment, and during the period, for which the ration was issued.

(b) *How the additional ration is figured for private dwellings—(1) Base period consumption used.* If the amount of fuel oil consumed in heating the premises during the base period was used as a basis for figuring the applicant's allowable ration for heat, the additional ration shall be the difference between the adjusted base period consumption and the applicant's allowable ration for heat, multiplied by the appropriate percentage figure, determined from Revised Table VIII (OPA Form R-1130).

(2) *Midrange used.* If the applicant's ration for heat was based on the midpoint of the range for the dwelling, the additional ration for heat shall be the difference between the applicant's allowable ration for heat and 150% of the midpoint of the range for the floor area to be heated (without regard to the limitations in section 5 (c) (2) of Appendix A), multiplied by the appropriate percentage figure, determined from Revised Table VIII (OPA Form R-1130).

(3) *Hot water.* If the applicant's ration includes an allowance for hot water, the additional ration (figured pursuant to subparagraph (1) or (2) above) shall be increased by an amount equal to 50% of the applicant's allowable ration for hot water for the period for which the additional ration is to be issued.

(c) *How the additional ration is figured for premises other than private dwellings.* The additional ration shall be 50% of the applicant's allowable ration for the purpose, multiplied by the appropriate percentage figure, determined from Revised Table VIII (OPA Form R-1130).

(d) *Appropriate percentage figure.* The appropriate percentage figure is the number representing the difference between the percentage opposite the date of application for the additional ration and the percentage opposite the date which is the end of the period for which the allowable ration was figured. If the dates are not listed, the appropriate percentages are determined by the Board from the nearest dates which are listed.

(e) *How the additional ration is evidenced.* The additional ration shall be issued pursuant to § 1394.5348.

(f) An additional ration issued under this section may not be used to acquire or consume any grade of fuel oil other than residual oil (as defined in paragraph (a) of this section).

(g) This section does not apply in Zone A-3, B-3 or C-3 or to a person whose ration was figured according to §§ 1394.5361 (a) (1), 1394.5362 (a) (1), 1394.5366 (a) (4), 1394.5373 (b) or 1394.5378 (b).

4. Section 1394.5361 (a) (1) is added as follows:

(1) However, beginning November 1, 1944, in all zones other than A-3, B-3 and C-3, if the applicant submits his written

statement that the equipment is designed to use and regularly uses residual oil (Grades Nos. 5, 6, or Bunker "C" having an A. P. I. gravity of 20° or below), and if the applicant presents a certification by his fuel oil supplier that the equipment regularly uses residual oil for the purpose, the renewed annual ration shall be figured as follows:

(i) If the amount of fuel oil consumed in heating the premises during the base period was used as a basis for figuring the ration to be renewed, the annual heat ration for the 1944-45 heating year shall be the adjusted base period consumption.

(ii) If the heat ration to be renewed was based on the midpoint of the range for the dwelling, the annual heat ration for the 1944-45 heating year shall be 150% of the midpoint of the range for the floor area to be heated (without regard to the limitations in section 5 (c) (2) of Appendix A).

5. Section 1394.5362 (a) (1) (i) is added as follows:

(i) However, beginning November 1, 1944, in all zones other than A-3, B-3 and C-3, if the applicant submits his written statement that the equipment is designed to use and regularly uses residual oil (as defined in § 1394.5361 (a) (1)), and also presents a certification by his fuel oil supplier that the equipment regularly uses residual oil for the purpose, the renewed ration for hot water shall be the figure obtained by adding twenty (20) gallons for the first person plus five (5) gallons for each additional person regularly living in the dwelling, and multiplying that sum by the number of months for which the ration is needed.

6. Section 1394.5366 (a) (4) is added as follows:

(4) Beginning November 1, 1944, in all zones other than A-3, B-3 and C-3, if the applicant submits his written statement that the equipment is designed to use and regularly uses residual oil (as defined in § 1394.5361 (a) (1)), and also presents a certification by his fuel oil supplier that the equipment regularly uses residual oil for the purpose, the renewed ration shall be:

(i) If a renewed ration for the purpose was granted to the applicant for the 1943-44 heating year, 150% of the amount of that ration;

(ii) If a ration for the purpose for the 1943-44 heating year was granted to the applicant as a new applicant under Section 21, Appendix A, 150% of the amount of fuel oil that the applicant was entitled to use for that year (excluding all additional rations); or

(iii) If a ration for the purpose for the 1943-44 heating year was granted to the applicant as a late applicant under Section 33, Appendix A, an amount equal to the fuel oil consumed for the purpose during the base period (adjusted to normal). However, if fuel oil was not used for the purpose during the base period, or if for any reason (other than weather conditions) the fuel oil consumption during the base period is not representative

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

<sup>1</sup>9 F.R. 2357.

of normal fuel oil requirements during the 1944-45 heating year, or if the consumption during the base period cannot be determined, the amount needed to meet the normal fuel oil requirements of the premises for such purpose.

7. Section 1394.5372 (c) (1) is amended by deleting the period at the end of the subparagraph and adding after the phrase "all such units" the phrase "unless one or more of the units use residual oil (as defined in § 1394.5361 (a) (1)) and the others use distillate oil; in which event, a separate application must be made for the units using residual oil."

8. The texts of paragraphs (b), (c) and (d) of § 1394.5373 are redesignated (c), (d) and (e) respectively.

9. Section 1394.5373 (b) is added as follows:

(b) Beginning November 1, 1944 in all zones other than A-3, B-3 and C-3, if the applicant submits his written statement that the equipment is designed to use and regularly uses residual oil (as defined in § 1394.5361 (a) (1)), and also presents a certification by his fuel oil supplier that the equipment regularly uses residual oil for the purpose, the annual ration shall be the amount of fuel oil consumed in heating the dwelling during the base period (adjusted to normal) as determined by the Board. If the fuel oil consumption during the base period was not determined by the Board for the purpose of figuring the ration for any previous heating year, or if such consumption was then found to be not representative of normal fuel oil requirements for heating the dwelling, or if such consumption is not available to the Board, the annual ration shall be 150% of the midpoint of the range for the floor area to be heated (without regard to the limitations in section 5 (c) (2) of Appendix A).

10. Section 1394.5373 (e) is amended by substituting for the phrase "according to paragraphs (a) and (b)" the phrase "according to paragraphs (a) (or (b) if applicable) and (c)".

11. Section 1394.5378 (b) is added as follows:

(b) However, beginning November 1, 1944, in all zones other than A-3, B-3 and C-3, if the applicant submits his written statement that the equipment is designed to use and regularly uses residual oil (as defined in § 1394.5361 (a) (1)), and also presents a certification by his fuel oil supplier that the equipment regularly uses residual oil for the purpose, the ration shall be:

(1) If the conditions specified in paragraph (a) (1) of this section apply, an amount equal to the fuel oil consumed for the purpose (adjusted to normal) during the corresponding or equivalent months; or

(2) If the conditions specified in paragraph (a) (2) apply, the amount needed to meet the normal fuel oil requirements of the premises for the purpose for that part of the 1944-45 heating year for which the ration is needed.

This amendment shall become effective on November 6, 1944.

Note: All reporting and record keeping requirements of this amendment to Revised

Ration Order 11 have been approved by the Bureau of the Budget in accordance with the provisions of the Federal Reports Act of 1942.

Issued this 4th day of November 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-16966; Filed, Nov. 4, 1944;  
2:37 p. m.]

**PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS**

[Rev. RO 11,<sup>1</sup> Amdt. 30]

**FUEL OIL**

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

Revised Ration Order 11 is amended in the following respects:

1. Sections 1394.5153 (c), 1394.5157 (a) (5) and 1394.5159 (a) (3) are hereby revoked.

2. Section 1394.5001 (a) (27) is amended to read as follows:

(27) "Standby facility" means equipment (other than fire places) designed to use an alternate fuel and in serviceable operating condition or which can be placed in serviceable operating condition at reasonable expense, which is available as a substitute for the fuel oil burning equipment for which a ration is sought.

3. Section 1394.5154 (a) is amended as follows:

(a) *General.* No ration shall be issued or used for the operation of central heating equipment furnishing heat or hot water, or for the operation of separate water heating equipment (for which application is made on OPA Forms R-1100 (Revised) or R-1101 (Revised)), if:

(1) The equipment is a new facility; or

(2) In Zones A-3, B-3 and C-3, the equipment is a reinstalled facility; or

(3) In zones other than A-3, B-3, and C-3, the equipment is a reinstalled facility serving a premise other than a private dwelling, and the ration for the entire heating year during which the application is made would be 10,000 gallons or more; or

(4) There is a standby facility. If the standby facility is not in serviceable operating condition but can be placed in such condition at reasonable expense, an interim ration for the operation of the fuel oil burning equipment may be issued for the period ending on the earliest date when the standby facility can be placed in such condition.

This amendment shall become effective on November 6, 1944.

Issued this 4th day of November 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-16967; Filed, Nov. 4, 1944;  
2:38 p. m.]

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

<sup>1</sup> 9 F.R. 2357.

**PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES**

[MPR 426,<sup>1</sup> Amdt. 69]

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

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

Section 15, Appendix I, paragraph (c) is amended in the following respects:

1. In Table 2, a footnote reference 10 is added to items 1, 3, 5 and 7 in Column 5 and a footnote 10 is added to read as follows:

<sup>10</sup> From November 6, 1944, through December 31, 1944, for oranges produced in Florida (except those marked "Indian River"), the Column 5 price shall be for item 1—\$3.90, for item 3—4.3 cents per pound, for item 5—3.5 cents per pound, and for item 7—3 cents per pound.

2. In Table 3, a footnote reference 10 is added to items 1, 3, 5 and 7 in Column 5 and a footnote reference 10 is added to read as follows:

<sup>10</sup> From November 6, 1944, through December 31, 1944, the Column 5 price shall be for item 1—\$4.34, for item 3—4.8 cents per pound, for item 5—4 cents per pound and for item 7—3.5 cents per pound.

3. In Table 6, a footnote reference 10 is added to items 1, 3, 5 and 7 in Column 5 and a footnote 10 is added to read as follows:

<sup>10</sup> From November 6, 1944, through December 31, 1944, for white grapefruit produced in Florida (except those marked "Indian River"), the Column 5 price shall be for item 1—\$3.32, for item 3—4.15 cents per pound, for item 5—3.25 cents per pound and for item 7—2.81 cents per pound.

4. In Table 7, a footnote reference 10 is added to items 1, 3, 5 and 7 in Column 5 and a footnote 10 is added to read as follows:

<sup>10</sup> From November 6, 1944, through December 31, 1944, the Column 5 price shall be for item 1—\$3.82, for item 3—4.78 cents per pound, for item 5—3.88 cents per pound and for item 7—3.41 cents per pound.

5. In Table 8, a footnote reference 9 is added to items 1, 3, 5 and 7 in Column 5 and a footnote 9 is added to read as follows:

<sup>9</sup> From November 6, 1944, through December 31, 1944, for pink grapefruit produced in Florida, the Column 5 price shall be for item 1—\$3.77, for item 3—4.71 cents per pound, for item 5—3.81 cents per pound and for item 7—3.41 cents per pound.

This amendment shall become effective at 12:01 a. m. November 6, 1944.

Issued this 3d day of November 1944.

CHESTER BOWLES,  
Administrator.

Approved: November 3, 1944.  
MARVIN JONES,  
War Food Administrator.

[F. R. Doc. 44-16927; Filed, Nov. 3, 1944;  
4:43 p. m.]

<sup>1</sup> 8 F.R. 16409, 16294, 16519, 16423, 17372; 9 F.R. 790, 902, 1581, 2008, 2023, 2081, 2493, 4030, 4086, 4088, 4434, 4786, 4787, 4877, 5926, 5929, 6104, 6108, 6420, 6711, 7259, 7268, 7434, 7425, 7580, 7584, 7759, 7774, 7834, 8148, 9066, 9090, 9289, 9356, 9509, 9512, 9549, 9785, 9896, 9897, 10192, 10499, 10877, 10777, 10878, 11350, 11534, 11546, 12038, 12208, 12340, 12341, 12263, 12412, 12537, 12643.

## FEDERAL REGISTER, Tuesday, November 7, 1944

## PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[RMPR 169, Amdt. 47]

## BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

## Correction

In the second line of paragraph 37, in F.R. Doc. 44-16909, appearing at page 13158 of the issue for Saturday, November 4, 1944, the reference to § 1364.45 (a) should read "§ 1364.455 (a)".

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

[RMPR 119,<sup>1</sup> Amdt. 2]

## ORIGINAL EQUIPMENT TIRES AND TUBES

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

Section 2 (d) is revoked.

This amendment shall become effective November 11, 1944.

Issued this 6th day of November 1944.

CHESTER BOWLES,  
Administrator.[F. R. Doc. 44-17025; Filed, Nov. 6, 1944;  
12:07 p. m.]

## PART 1340—FUEL

[RMPR 122,<sup>2</sup> Amdt. 27]

## SOLID FUELS SOLD AND DELIVERED BY DEALERS

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

Section 1340.263 (b) is amended to read as follows:

(b) Every person selling solid fuels subject to this regulation shall, either at the time of, or within thirty days after the date of a sale or delivery of solid fuels governed by this regulation, give to his purchaser an invoice, sales slip or receipt, and shall keep an exact copy thereof for so long as this regulation is in effect or for so long as the Emergency Price Control Act of 1942, as amended, shall permit, whichever period is longer, showing the following information:

The name and address of the seller and the purchaser; the kind, size, and quantity of the solid fuels sold, the date of the sale or delivery and the price charged. In addition, he shall separately state on each such invoice, sales slip or receipt, the amount, if any, of the required discounts, authorized service charges and taxes which must be deducted from or which may be added to the established maximum prices: *Provided*, That a dealer who is authorized to make a special service charge for chemical or oil treatment of coal need not

separately state the amount of such service charge if he clearly indicates on the invoice that such coal is so treated; and further provided that provisions of this paragraph (b) shall not apply to sales of solid fuels in less than quarter ton lots unless requested by the purchaser.

Amendment No. 27 to Revised Maximum Price Regulation No. 122 shall become effective November 11, 1944.

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

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of November 1944.

CHESTER BOWLES,  
Administrator.[F. R. Doc. 44-17026; Filed, Nov. 6, 1944;  
12:07 p. m.]

## PART 1341—CANNED AND PRESERVED FOODS

[MPR 181,<sup>1</sup> Amdt. 5]

## NEW-FORMULA CONDENSED SOUPS PACKED UNDER WPB CONSERVATION ORDER M-81

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 1341.65 is amended to read as follows:

§ 1341.65 *Applicability*. The provisions of this Maximum Price Regulation No. 181 shall be applicable to the 48 States of the United States, the District of Columbia, and all of the Territories and Possessions of the United States except Puerto Rico.

This amendment shall become effective November 11, 1944.

CHESTER BOWLES,  
Administrator.[F. R. Doc. 44-17019; Filed, Nov. 6, 1944;  
12:04 p. m.]

## PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 565]

## PULPWOOD CONTRACT LOGGING SERVICES IN DESIGNATED STATES

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for pulpwood contract logging services in the States of Maine, Vermont, New Hampshire, New York and that portion of Connecticut and Massachusetts west of the Connecticut River.

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

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, and of Executive Orders 9250 and 9328. So far as practicable, the Price Administrator has advised and consulted with 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.

Sec.

1. Maximum prices.
2. Prohibitions.
3. Less than maximum prices.
4. Adjustable pricing.
5. Evasion.
6. Enforcement.
7. Records and reports.
8. Petitions for amendment.
9. Applications for adjustment.
10. Definitions.

AUTHORITY: § 1347.809 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECTION 1. *Maximum prices.* (a) The maximum price per cord for contract logging services rendered in connection with the production and/or transportation of pulpwood in each of the zones hereinafter indicated shall not exceed the following when such pulpwood is delivered at the seller's expense at the points indicated.

Zone I—State of Maine.

Species	F. o. b. car	Lake or stream	Road- side	Deliver- ed mill (by truck)	Deliver- ed mill boonby vessel via tidewater
Spruce and fir:					
Pealed.....	\$13.50	\$12.75	\$11.50	\$14.50	\$15.50
Rough.....	11.50	10.75	9.00	12.50	13.50
Hemlock:					
Pealed.....	14.00	13.25	12.00	15.00	-----
Rough.....	11.75	11.00	9.25	12.75	-----
Poplar:					
Pealed.....	13.00	12.25	11.00	14.00	-----
Rough.....	11.25	10.50	8.75	12.25	-----
Northern hardwood:					
Pealed.....	14.00	-----	12.00	15.00	-----
Rough.....	11.75	-----	9.25	12.75	-----
Pine:					
Pealed.....	13.50	12.75	11.50	14.50	-----
Rough.....	11.25	10.50	8.75	12.25	-----

Zone II—State of New Hampshire, and in the State of Vermont, Essex County, Caledonia County and Orange County, the townships of Woodbury, Cabot, Calais, Marshfield and Plainfield in Washington County, and the townships of Norwich, Hartford, Hartland, Windsor, West Windsor, Weathersfield and Springfield in Windsor County.

Species	F. o. b. car	Lake or stream	Road- side	Deliver- ed mill (by truck)
Spruce and fir:				
Pealed.....	\$14.50	\$13.75	\$12.50	\$15.50
Rough.....	12.50	11.75	10.00	13.50
Hemlock:				
Pealed.....	15.00	14.25	13.00	16.00
Rough.....	12.75	12.00	10.25	13.75
Poplar:				
Pealed.....	13.50	12.75	11.50	14.50
Rough.....	11.75	11.00	9.25	12.75
Northern hardwood:				
Pealed.....	15.00	-----	13.00	16.00
Rough.....	12.75	-----	10.25	13.75
Pine:				
Pealed.....	14.00	13.25	12.00	15.00
Rough.....	11.75	11.00	9.25	12.75

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

<sup>1</sup>9 F.R. 4010, 6881.

<sup>2</sup>9 F.R. 2128.

Zone III—In the State of Vermont, Franklin County, Orleans County, Chittenden County, and Lamoille County, and the townships of Worcester, Waterbury, Middlesex, East Montpelier, Barre, Berlin, Moretown, Duxbury, Fayston, Waitefield, Northfield, Warren and Roxbury in Washington County.

Species	F. o. b. car	Lake or stream	Road- side	Deliv- ered mill (by truck)
Spruce and fir:				
Peeled	\$14.50		\$12.50	\$16.75
Rough	12.50		10.00	14.75
Hemlock:				
Peeled	15.00		13.00	17.25
Rough	12.75		10.25	15.00
Poplar:				
Peeled	13.50		11.50	15.75
Rough	11.75		9.25	14.00
Northern hardwood:				
Peeled	15.00		13.00	17.25
Rough	12.75		10.25	15.00
Pine:				
Peeled	14.00		12.00	16.25
Rough	11.75		9.25	14.00

Zone IV—In the State of Vermont, Addison County, Rutland County, Bennington County, Windham County, and the Townships of Rochester, Bethel, Royalton, Sharon, Stockbridge, Barnard, Pemfret, Bridgewater, Woodstock, Plymouth, Reading, Ludlow, Cavendish, Baltimore, Weston, Andover and Chester in Windsor County, that portion of the States of Connecticut and Massachusetts West of the Connecticut River and that portion of the State of New York not included in Zone V.

Species	F. o. b. car	Lake or stream	Road- side	Deliv- ered mill (by truck)
Spruce and Fir:				
Peeled	\$15.50	\$14.75	\$12.50	\$17.50
Rough	13.00	11.75	9.50	15.50
Hemlock:				
Peeled	14.25		12.25	16.50
Rough	12.00		9.50	14.25
Poplar:				
Peeled	13.50		11.50	15.75
Rough	11.75		9.25	14.00
Northern hardwood:				
Peeled	14.25		12.25	16.50
Rough	12.00		9.50	14.25
Pine:				
Peeled	14.00		12.00	16.25
Rough	11.75		9.25	14.00

Zone V—In the State of New York, Chautauqua Co., Cattaraugus Co., Allegany Co., Steuben Co., Channing Co., Tioga Co., Broome Co., Delaware Co., Sullivan Co., Orange Co., and Rockland Co.

Species	F. o. b. car	Lake or stream	Road- side	Deliv- ered mill (by truck)
Spruce and fir:				
Peeled	\$15.00		\$12.00	\$17.00
Rough	12.50		9.50	14.50
Hemlock:				
Peeled	12.00		10.00	14.00
Rough	9.75		7.75	11.75
Poplar:				
Peeled	11.25		9.25	13.25
Rough	9.50		7.50	11.50
Northern hardwood:				
Peeled	12.00		10.00	14.00
Rough	9.75		7.75	11.75
Pine:				
Peeled	11.25		9.25	13.25
Rough	9.50		7.50	11.50

(b) Notwithstanding the previous provisions of this regulation, if the contract between the consumer and the contractor requires the production of at least 1000 cords of pulpwood, the buyer may pay and the seller may receive in addition to the maximum prices set forth in paragraph (a) above, a sum not in excess of \$1.00 per cord.

SEC. 2. *Prohibitions.* (a) On and after November 11, 1944, regardless of any contract, lease, agreement or any other obligation, no person shall sell or provide

contract logging services rendered in connection with the production and/or transportation of pulpwood in the States of Maine, Vermont, New Hampshire, New York and that portion of Connecticut and Massachusetts West of the Connecticut River, and no person shall buy or receive such contract logging services, in the course of trade or business at prices in excess of the maximum prices established by this regulation; and no person shall agree, offer, solicit, or attempt to do any of the foregoing.

(b) On and after November 11, 1944, regardless of any contract, lease, agreement or any other obligation, no purchaser of contract logging services rendered in connection with the production and/or transportation of pulpwood in the aforesaid states, shall incur a total cost for such pulpwood, including stumpage, production and delivery costs, in excess of the appropriate maximum prices provided in Revised Maximum Price Regulation 361 nor shall any such purchaser agree, offer, solicit or attempt to do any of the foregoing except as provided in section 9 of this regulation. The provisions of this paragraph (b) shall not apply to stumpage purchased or acquired prior to April 12, 1943.

"Stumpage cost" means the actual acquisition cost of the standing timber (exclusive of values ascribed to the land and for other rights).

(c) *Prohibited practices.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this regulation as an outright over-ceiling price.

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

(1) Up-grading, up-scaling or allowing a greater net scale than the actual scale content of the logs or bolts;

(2) Increasing the price of logs or bolts by failing to make an effort in good faith to collect monetary or other advances such as trucks, tires or other equipment to contractors. Any advance whatsoever to a contractor is to be considered as part of the price of the logs or bolts to be supplied by the contractor.

SEC. 3. *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid or offered.

SEC. 4. *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery.

SEC. 5. *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, or receipt of, or relating to contract logging services rendered in connection with the production and/or transportation of pulpwood produced in the States of Maine, Vermont, New Hampshire, New York and that portion of Connecticut and Massachusetts West of the Connecticut River, alone or in conjunction with any other commodity, or

by way of commission, service, transportation, or other charge, discount, premium or other privilege, or by tying agreement or other understanding, or otherwise.

SEC. 6. *Records and reports.* (a) Every person making a purchase or sale of pulpwood contract logging services for which a maximum price is established by this regulation, shall make and shall preserve, 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, the same records of such purchases and sales as such person customarily made prior to the effective date of this regulation. Every person buying or receiving such service shall also keep the name and address of each contractor used, location of the operation involved; stumpage cost and all other costs assigned to the particular tract or portion being cut under contract, as well as a copy of each contract.

(b) Every person required to keep records by paragraph (a) of this section shall submit such reports as the Office of Price Administration may from time to time require, with the approval of the Bureau of the Budget.

SEC. 7. *Enforcement.* (a) Persons violating any provision 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.

(b) *Licensing.* The provisions of Licensing Order No. 1,<sup>1</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 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. 8. *Petition for amendment.* (a) Persons seeking any amendment of this regulation may file petitions for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,<sup>2</sup> issued by the Office of Price Administration.

SEC. 9. *Applications for adjustment—*

(a) *When adjustments may be granted.* (1) The Office of Price Administration may adjust the maximum prices of pulpwood contract logging services established by this regulation in any case in which it finds that the contractor suffers substantial hardship which renders him unable to maintain his production at these maximum prices and that either:

(i) Continuance of such service is required to meet a military or essential civilian need, or

(ii) Loss of the contractor's services will force the consumer to resort to higher priced methods or sources of supply, and that no adequate substitute for that service is available to the consumer at a price equal to or lower than

<sup>1</sup> 8 F.R. 13240.

<sup>2</sup> 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

the adjusted maximum price which he requests.

(2) The Office of Price Administration may permit a consumer to incur a total cost in excess of the appropriate maximum price established by Revised Maximum Price Regulation No. 361 if it finds:

(i) That the stumpage cost is reasonable and that

(ii) The stumpage cost plus contract logging services must exceed the appropriate maximum price in Revised Maximum Price Regulation No. 361 if the pulpwood is to be produced.

(3) Notwithstanding any of the provisions of this section 9, the Office of Price Administration may deny any application filed under said section if it finds

(i) That the proposed adjustment would be used by the buyer to obtain a buying advantage over competing purchasers of pulpwood or logs, or of contract logging services of any sort or description; or

(ii) That the buyer cannot absorb the amount of the adjustment in the maximum price or prices for his end product or products legally established and in effect at the time the application for adjustment is filed.

(b) *Amount of adjustment.* The relief granted under this section shall be limited to the amount reasonably necessary to permit the production of the pulpwood involved.

(c) *Form of application, place and time of filing.* All applications for adjustment filed under paragraph (a)\* (1) and (2) of this section must be filed in duplicate with the Paper and Paper Products Branch of the Office of Price Administration at Washington, D. C. by both the consumer and the contractor of the service, jointly. All applications must be filed in the above manner on all operations in progress within 15 days from the effective date of this regulation and prior to the commencement of any operations on either OPA Form 08-R956 (incomplete logging service) or OPA Form 08-R957 (complete logging service) to show an estimated cost analysis, and shall be accompanied by copies of proposed contracts between the contractor and the consumer. Prior to final settlement of any contract involving an adjustment under this section, either OPA Form 08-R956 (incomplete logging service) or OPA Form 08-R957 (complete logging service) to show an actual cost analysis, must be filed in the above manner.

(d) *Effective date of adjustment.* Unless the Office of Price Administration or a duly authorized representative thereof shall, by notice mailed to the applicants within 15 days from the date of filing either estimated cost analysis or actual cost analysis on either OPA Form 08-R956 (incomplete logging service) or OPA Form 08-R957 (complete logging service), respectively, approve, disapprove, adjust or extend the time within which to do any of the foregoing, such application shall be deemed to have been approved, subject to non-retroactive written disapproval or adjustment at any later time by the Office of Price Administration.

SEC. 10. *Definitions.* (a) When used in this regulation the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of the foregoing.

(2) "Contract logging services" covers only services rendered by independent contractors who do not own or control the stumpage. It does not include transactions where commodities, as distinguished from services, are sold; in that case, the ceiling on pulpwood governs the transaction. The term "logging service" includes all services in connection with the transportation and/or production of pulpwood, including all operations in connection therewith, such as hauling, road construction, felling, bucking, cutting, skidding, yarding, peeling, loading and reloading, etc. It also covers the transportation of gravel, building materials, machinery and the like when performed solely in connection with a logging operation. It includes driving, booming and rafting when performed by the log producer but not when rendered as a separate service;

(3) "Consumer" means any person who purchases pulpwood for its own consumption and includes a wholly owned subsidiary of such person;

(4) "Pulpwood" means any species of wood exclusive of mill waste or mill by-products sold for manufacture into wood-pulp;

(5) "Spruce and fir wood" includes black spruce (*Picea mariana*), white spruce (*Picea glauca*), red spruce (*Picea rubens*), and balsam fir (*Abies balsamea*);

(6) "Hemlock wood" includes hemlock (*Tsuga canadensis*), and tamarack (*Larix laricina*);

(7) "Northern hardwoods" includes beech (*Fagus grandifolia*), paper birch (*Betula papyrifera*), yellow birch (*Betula lutea*), gray birch (*Betula populifolia*), sugar maple (*Acer saccharum*), red maple (*Acer rubrum*), and all other Northern deciduous species except those referred to in subparagraph (9) below;

(8) "Pine" includes any species of the genus *Pinus*;

(9) "Poplar wood" includes basswood (*Tilia americana*), butternut (*Juglans cinerea*), cucumber (*Magnolia acuminata*), yellow poplar (*Liriodendron tulipifera*) and any species of the genus *Populus*, sometimes referred to as the "soft-hardwood group";

(10) "Peeled pulpwood" includes any pulpwood which has been sap peeled or barked prior to its delivery to consumer;

(11) "Rough pulpwood" means pulpwood from which the bark has not been removed;

(12) "Cord of pulpwood" means an amount of pulpwood (whether peeled, rossed, or rough) which, when properly prepared and stacked, contains 128 cubic feet, or, when pulpwood is sold in the form of logs, means 128 cubic feet at a ratio in proportion to the log scale used;

(13) "Lake or stream" has reference to wood which has been properly landed

and boomed in the lake or on the bank of or in the stream by which it is to be carried to the consumer;

(14) "Roadside" is any point at which pulpwood can be loaded on a truck for delivery;

(15) "Sale" or "sold" includes sales and deliveries, and sales and contracts to sell pulpwood contract logging services.

(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.

This regulation shall become effective November 11, 1944.

NOTE: The reporting provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 6th day of November 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-17024; Filed, Nov. 6, 1944;  
12:02 p. m.]

#### PART 1377—WOODEN CONTAINERS

[MPR 481,<sup>1</sup> Amdt. 7]

##### SLACK COOPERAGE AND COOPERAGE STOCK

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

Maximum Price Regulation 481 is amended in the following respects:

1. In section 4, Table I is amended to read as follows:

TABLE I—SLACK STAVES, KNIFE CUT, HARDWOOD, AIR DRIED, JOINTED  
(Per M pc. grading rule average measurement f. o. b. mill or railhead)

Item	Mill Run	#1	#2 <sup>1</sup>	#3
All Hardwood Species except Ash #1: <sup>2</sup>				
Over 30" through 34"	\$23.50	\$25.50	\$21.50	\$18.00
28" through 30"	20.00	22.00	18.00	15.00
23" to 28"	17.00	19.00	15.00	
Over 18" to 23"	14.00	16.00	12.00	
18" and under	11.00	13.00	9.00	
Ash #1:				
100% white butter tub stock 30"		26.00		
Red butter tub stock 30"		23.00		
Woods Run butter tub stock 30" <sup>3</sup>		25.00		

<sup>1</sup> Except mouldy, mildewed and stained.

<sup>2</sup> Individually or mixed.

<sup>3</sup> Must contain at least 66% all white.

##### NOTES:

A. Allowable additions to maximum prices for staves per M:

1. Kiln drying to 7% or less... \$1.50  
2. Tongue and groove through 30"..... \$2.00

Over 30" through 34"..... 2.50

B. The maximum price for mouldy, mildewed and/or stained staves is \$1.00 per M less than the regular grade. In #2, this is an exception to the grading rule.

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

<sup>1</sup> 8 F.R. 14812, 16790; 9 F.R. 2946, 3512, 4985, 8815, 8931, 10776.

2. Section 5 (a) is amended by adding at the end thereof the following sentence:

In calculating the increased cost of materials, no cost of material shall be considered which is higher than the ceiling prices in effect on July 1, 1944 or those established by this amendment, whichever are lower.

This amendment shall become effective November 11, 1944.

Issued this 6th day of November 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-17023; Filed, Nov. 6, 1944;  
12:03 p. m.]

**PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS**

[Rev. RO 11, Amdt. 31]

**FUEL OIL**

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

Revised Ration Order 11 is amended in the following respects:

1. Section 1394.5153 (b) (3) is amended to read as follows:

(3) *Standby facility inadequate.* The standby facility is not adequate for the purpose for which the ration is sought. In such case, the allowable ration shall be reduced by the amount that can be saved by the use of the standby facility operated at maximum capacity.

2. Section 1394.5157 (a) (2) is amended to read as follows:

(2) *Standby facility inadequate.* The standby facility is not adequate for the purpose for which the ration is sought. In such case, the amount of fuel oil, used as a basis for figuring the allowable ration, shall be reduced by the amount that can be saved by the use of the standby facility operated at maximum capacity.

3. Section 1394.5402 (g) is added to read as follows:

(g) No ration shall be issued for the operation of a ship of foreign registry for which an individual export license for fuel oil issued by the Foreign Economic Administration is required except upon presentation to the Board of satisfactory evidence that the applicant has been authorized by that agency to acquire fuel oil for the purpose. The ration shall be the amount of oil approved by the Foreign Economic Administration for the operation of the ship.

4. Section 1394.5402 (h) is added to read as follows:

(h) No ration shall be issued for the operation of a ship if fuel oil may be ac-

quired for its operation by checks drawn upon a ration bank account of the War Shipping Administration.

5. Section 1394.5696 (c) is amended to read as follows:

(c) *Use of ration checks by exempt agencies.* The Army, Navy, Marine Corps and Coast Guard may issue a ration check only in exchange for a transfer of fuel oil into stationary storage facilities (i. e., a bulk transfer). For other transfers see paragraph (d) below. The War Shipping Administration and Maritime Commission may use ration checks for all their acquisitions of fuel oil. The War Shipping Administration may also authorize the operator of any ship of foreign registry to draw checks upon its account for the acquisition of fuel oil for the operation of the ship. In this event the check must be drawn in the name of the War Shipping Administration and signed by the operator of the ship on behalf of the War Shipping Administration.

This amendment shall become effective on November 10, 1944.

Issued this 6th day of November 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-17031; Filed, Nov. 6, 1944;  
12:05 p. m.]

**PART 1412—SOLVENTS**  
[MPR 28, Amdt. 10]

**ETHYL ALCOHOL (EXCLUDING WEST COAST ETHYL ALCOHOL)**

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 1412.263 (h) (1) (vi) is amended to read as follows:

(vi) General and administrative expense, not in excess of \$.03 per gallon.

This amendment shall become effective November 11, 1944.

Issued this 6th day of November 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-17018; Filed, Nov. 6, 1944;  
12:07 p. m.]

**PART 1415—PROTECTIVE COATINGS**  
[RMPR 264, Amdt. 2]

**VEGETABLE WAXES AND BEESWAX**

A statement of the considerations involved in the issuance of this amend-

ment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Revised Maximum Price Regulation 264 is amended in the following respects:

1. By adding the following new definition to section 11 (a):

(7) "Ocean port of origin" means the port at which a vegetable wax or beeswax is placed upon an ocean-going vessel with through bill of lading to the United States.

2. The introductory paragraph of paragraph (a) of Appendix A is amended to read as follows:

(a) *Carnauba wax, ouricury wax and beeswax.* The following maximum prices for quantities of one ton or more are f. o. b. ocean port of origin (or f. o. b. the United States border point of arrival on shipments of beeswax from Mexico on other than ocean going vessels). However, if due to a shortage of United States bound vessels at the ocean port normally used by the seller, the wax has moved to a more distant ocean port of origin, the buyer may pay, in addition to the maximum prices specified in this paragraph, the amount by which the freight charges from the seller's shipping point to the ocean port of origin via the cheapest route, exceed the freight charges to the port normally used by the seller.

The following maximum prices are based on net shipping weight. However, a 1 percent franchise shall apply and the buyer may not pay for any difference between net shipping weight and net landed weight in excess of 1 percent.

3. Subdivision (ii) of paragraph (a) (3) of Appendix A is deleted and the following new subdivisions are inserted:

(i) Imported from Portuguese West Africa	33 1/4
(ii) Imported from other African territories	31 1/4

4. Subdivision (ii) of paragraph (a) (3) of Appendix B is deleted and the following new subdivisions are inserted:

(i) From Portuguese West Africa	40.00
(ii) From other African territories	37.50

This amendment shall become effective November 11, 1944.

Issued this 6th day of November 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-17030; Filed, Nov. 6, 1944;  
12:03 p. m.]

**PART 1418—TERRITORIES AND POSSESSIONS**  
[MPR 288, Corr. to Amdt. 36]

**BEEF CUTS IN ALASKA**

The prices of Grade B Rump (boneless) Roasts in subparagraph (5) (ii) 5 of Amendment 36 to Maximum Price Regulation 288 are corrected to read as follows:

Beef cut	Ketchikan, Wrangell, Peters- burg	Juneau, Douglas, Skagway, Sitka	Cordova, Valdez, Seward	Kodiak	Nome	Anchor- age	Palmer	Nenana, Fair- banks
<i>(ii) Roasts</i>								
Rump, boneless.....	\$0.50	\$0.50	\$0.52	\$0.52	\$0.54	\$0.56	\$0.56	\$0.59

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

19 F.R. 2357.

<sup>1</sup> 8 F.R. 2339, 4256, 4852, 8016, 12879; 9 F.R. 2668, 3330, 4198, 4883.

<sup>2</sup> 9 F.R. 5956.

This correction shall become effective November 7, 1944.

Issued this 6th day of November 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-17020; Filed, Nov. 6, 1944;  
12:06 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 288;<sup>1</sup> Amdt. 38]

TURKEYS IN ALASKA

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 1418.363 (a), Table I, is amended to read as follows:

**§ 1418.363 Tables of maximum prices—(a) Table I: Maximum retail prices for turkeys—(1) Definitions.**

When used in this section, the term:

(i) "Drawn turkey" means a dressed turkey from which the head, shank, crop, windpipe, esophagus, and entrails have been wholly removed without contamination of the body cavity; the gizzard cleaned by removing the contents and lining, and the cleaned gizzard, heart and liver then included with carcass.

(ii) "Dressed turkey" means a turkey which has been killed, bled and plucked, but not eviscerated.

(iii) "Quick-frozen eviscerated turkey" means a dressed turkey which has

been eviscerated and quick-frozen in the continental United States and completely meets the requirements listed in the definition of "frozen eviscerated poultry" set forth in § 1429.19 (i) (4) of Revised Maximum Price Regulation No. 269—Poultry. (A copy of these requirements may be obtained from the OPA upon request.) In no event may any turkey item be sold as "quick-frozen eviscerated turkey" if it has been quick-frozen in Alaska. If a turkey item has been quick-frozen in Alaska, the processed turkey, if drawn in accordance with all the requirements established for drawn turkey, shall be sold at a price not in excess of that established for corresponding drawn turkey items. If not drawn in accordance with all the requirements established for drawn turkey, then the dressed turkey shall be sold at a price not in excess of that established for a corresponding dressed turkey item.

(iv) Type, age and grade specifications promulgated by the United States Department of Agriculture in the publication, "Tentative U. S. Standards for Classes and Grades for Dressed Turkeys," shall be used as the type, age and grade specifications for all turkey items listed in this section.

(2) *Invoices.* The seller of any turkey priced by this section must give an invoice to the purchaser setting forth the name and address of the seller, the date of sale, and the age, type, grade, weight (where weight is a factor in the price) and price of each turkey sold.

(3) *Maximum prices for young grade A turkeys.*

Hens and Toms by type and weight class	1st Judicial Division <sup>2</sup>	Cordova Valdez Seward	Kodiak	Anchorage	Palmer	Nenana Fairbanks
Dressed young turkeys, light, medium or heavy...	\$0.61	\$0.63	\$0.64	\$0.66	\$0.67	\$0.68
Drawn young turkeys:						
Light—under 13 lbs.....	.72	.74	.75	.77	.78	.79
Medium—13 to 16½ lbs.....	.71	.73	.74	.76	.76	.78
Heavy—16½ lbs. and up.....	.70	.72	.72	.74	.75	.77
Quick-frozen eviscerated turkeys:						
Light—under 13 lbs.....	.76	.78	.79	.81	.82	.83
Medium—13 to 16½ lbs.....	.75	.77	.78	.80	.80	.82
Heavy—16½ lbs. and up.....	.74	.76	.76	.78	.79	.81

<sup>1</sup> 1st Judicial Division includes all that part of the Territory of Alaska lying east of the 141st meridian of west longitude.

(4) *Maximum prices for turkeys other than Grade A.* The maximum prices for other turkeys sold at retail shall be:

(i) Grade B turkeys (including "hard scalded"): All Grade B turkeys, as well as "hard scalded" turkeys, shall be 2 cents per pound less than the corresponding Grade A turkey items listed in the table above.

(ii) Grade C turkeys. All Grade C turkeys shall be 5 cents per pound less than the corresponding young Grade A turkey items listed in the table above.

(iii) Old turkeys: All old Grade A turkeys shall be 2 cents per pound less in price than the corresponding young Grade A turkey items listed in the table above. Deduct 2 cents from the resulting price for old Grade B turkeys, or 5 cents from the resulting price for Grade C turkeys.

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

<sup>1</sup> 9 F.R. 10581.

No. 222—4

Section 20 is amended to read as follows:

**SEC. 20. Ester gum containing gum rosin—(a) Rosin content consisting wholly of gum rosin.** This paragraph (a) applies to ester gum the rosin content of which consists wholly of gum rosin. The maximum price for sales of such ester gum by any person to that class of purchasers to whom he sells at the lowest price shall be the maximum price established under any other provision of this regulation (or under the General Maximum Price Regulation, in the case of resellers) or \$0.1150 per pound delivered at buyer's place of business, whichever is higher. All differentials, discounts, allowances and trade practices in effect on sales of such ester gum during March 1942 shall apply to the base price of \$0.1150 set forth above.

(b) *Rosin content consisting of gum rosin and wood rosin.* This paragraph (b) applies to ester gum the rosin content of which consists of both gum rosin and wood rosin. The maximum price for sales of such ester gum by any person to that class of purchasers to whom he sells at the lowest price shall be the higher of the following: (1) The maximum price established under any other provision of this regulation (or under the General Maximum Price Regulation, in the case of resellers) or (2) A price per pound delivered at buyer's place of business equal to the weighted average of \$0.1150 and \$0.095, weighted according to the percentages by weight of gum rosin and wood rosin contained in the total rosin content. All differentials, discounts, allowances and trade practices in effect on sales of such ester gum during March 1942 shall apply to the base weighted average price set forth above.

(c) *Ester gum containing gum rosin in solution or in physical mixtures with other materials (other than chemical reaction).* The maximum price for sales by any person of ester gum containing gum rosin in solution or in physical mixtures with other materials (other than chemical reaction) shall be the higher of the following:

(1) The maximum price established under any other provision of this regulation (or under the General Maximum Price Regulation, in the case of resellers).

(2) The maximum price per pound to any class of purchasers established under any other provision of this regulation (or under the General Maximum Price Regulation, in the case of resellers) prior to September 21, 1944 plus the amount of the increase permitted by paragraph (a) or (b) above in the seller's maximum price to the same class of purchasers for the ester gum contained in a pound of the solution or mixture over the maximum price for such ester gum in effect prior to September 21, 1944.

This amendment shall become effective November 11, 1944.

Issued this 6th day of November 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-17022; Filed, Nov. 6, 1944;  
12:03 p. m.]

PART 1436—PLASTIC AND SYNTHETIC RESINS

[MPR 406;<sup>1</sup> Amdt. 6]

SYNTHETIC RESINS AND PLASTIC MATERIALS  
AND SUBSTITUTE RUBBER

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

<sup>1</sup> 8 F.R. 8372, 10825, 12879; 9 F.R. 6885, 11513.

## PART 1499—COMMODITIES AND SERVICES

[Rev. SR 11<sup>1</sup> to GMPR,<sup>2</sup> Amdt. 54]

## EXCEPTIONS FOR SERVICING OF ANTIQUES

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.\*

A new subparagraph is added to § 1499.46 (b) to read as follows:

(146) Antiques—repair, maintenance, and other servicing of.

This amendment shall become effective November 11, 1944.

Issued this 6th day of November 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-17032; Filed, Nov. 6, 1944;  
12:03 p. m.]

## PART 1499—COMMODITIES AND SERVICES

[Rev. SR 11<sup>1</sup> to GMPR,<sup>2</sup> Amdt. 55]

## EXCEPTIONS FOR ALARM EQUIPMENT

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.\*

A new subparagraph is added to § 1499.46 (b) to read as follows:

(145) Equipment used for the detection of, and protection against fire, theft, burglary, or sabotage)—maintenance, not limited to fire alarms, burglar alarms, watchman boxes, sprinkler systems, and electrical or mechanical devices used in connection therewith for the detection of, and for protection against, loss or damage by fire, theft, burglary, and sabotage (including but supervision, operation, and inspection, to the extent that those services involve more than the installation, rental, or repair of such equipment and are not rendered in connection with the processing, distribution, storage, installation, repair, or negotiation of purchases or sales of a commodity, or in connection with the operation of any service establishment for the servicing of a commodity).

This amendment shall become effective November 11, 1944.

Issued this 6th day of November 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-17033; Filed, Nov. 6, 1944;  
12:02 p. m.]

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

<sup>1</sup>9 F.R. 4775, 5314, 5441, 5722, 7020, 8145, 10778.

<sup>2</sup>9 F.R. 1385, 5169, 6106, 8150, 10193, 11274.

## PART 1499—COMMODITIES AND SERVICES

[RMPR 165,<sup>1</sup> Amdt. 5]

## SERVICES

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

Section 24 is amended by the substitution of "16 (a), (b)" for "16."

This amendment shall become effective November 11, 1944.

Issued this 6th day of November 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-17027; Filed, Nov. 6, 1944;  
12:05 p. m.]

## PART 1499—COMMODITIES AND SERVICES

[RMPR 165,<sup>1</sup> Amdt. 1 to Supp. Service Reg. 6]

## REPAIR OF AUTOMOTIVE VEHICLES AND FARM EQUIPMENT

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

Supplementary Service Regulation No. 6 is amended in the following respects:

1. The last paragraph in paragraph (b) in § 1499.656 is amended to read as follows:

This statement shall be prepared in the form set forth in Appendix A and shall, together with the lists of employees, be kept for examination by any person during ordinary business hours. A signed duplicate of the statement and of the lists shall be filed with the appropriate War Price and Rationing Board, on or before the date of any price increase made under this regulation.

No customer's hourly rate in effect under this regulation on December 6, 1944 and no customer's hourly rate established under this regulation thereafter shall be lawful until the statement and lists in connection with such adjustment have been prepared and duplicates thereof have been filed with the appropriate War Price and Rationing Board.

2. Section 1499.656 (c) is amended by the insertion of the words "and filing" following the word "preparation."

3. A new § 1499.656 (g) is added, to read as follows:

(g) Any person who has increased his maximum price under this regulation shall, upon request, furnish the customer with an invoice for the service supplied to the customer showing, in addition to the information otherwise required by section 13 of RMPR 165, the number of hours worked or (if the service is priced according to a flat rate manual or labor

<sup>1</sup>9 F.R. 7439, 9107, 9411, 11173, 11204.

schedule) the flat rate manual or labor schedule number of the operation.

4. The first paragraph in Appendix A is amended to read as follows:

(If you increase your maximum customer's hourly rate, you must fill out this form and keep it as part of your permanent records, and make it available for inspection during your regular business hours. You must also file a copy with your War Price and Rationing Board.)

This amendment shall become effective December 6, 1944.

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

Issued this 6th day of November 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-17028; Filed, Nov. 6, 1944;  
12:04 p. m.]

## PART 1499—COMMODITIES AND SERVICES

[RMPR 204,<sup>1</sup> Amdt. 5]

## SPECIAL SALES OF INDUSTRIAL MATERIALS

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

Revised Maximum Price Regulation No. 204 is amended in the following respects:

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

(1) Scrap, i. e., the waste or by-product of any kind of fabrication or manufacturing operation, including all material defined as scrap by any other maximum price regulations.

This amendment shall become effective November 11, 1944.

Issued this 6th day of November 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-17029; Filed, Nov. 6, 1944;  
12:03 p. m.]

## TITLE 36—PARKS AND FORESTS

## Chapter II—Forest Service

## PART 261—TRESPASS

## BIG LEVELS GAME REFUGE, VA.

By virtue of the authority vested in the Secretary of Agriculture by the Act of August 11, 1916 (39 Stat. 446, 476; 16 U.S.C. 683) and the President's Proclamation of July 6, 1935 (49 Stat. 3448), the following order is issued:

*Temporary suspension of certain wildlife regulations. Effective November 20,*

<sup>1</sup>8 F.R. 11376, 12795; 9 F.R. 5376, 6819, 7077.

1944, the provisions of Regulations T-8 and W-4 shall not apply during the remainder of the calendar year 1944 to that part of the Big Levels Game Refuge in the State of Virginia which the Regional Forester has designated as open to hunting, fishing, and trapping by persons authorized to hunt, fish, or trap thereon under the laws of the State of Virginia, and the regulations promulgated thereunder by the Commission of Game and Inland Fisheries.

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 4th day of November 1944.

GROVER B. HILL,  
Under Secretary of Agriculture.

[F. R. Doc. 44-17009; Filed, Nov. 6, 1944;  
11:15 a. m.]

#### TITLE 49—TRANSPORTATION AND RAILROADS

##### Chapter 1—Interstate Commerce Commission

###### PART 95—CAR SERVICE [S. O. 250]

###### LOADING OF COAL AT GARY, W. VA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 3d day of November, A. D. 1944.

It appearing, that certain large capacity coal cars owned by the Norfolk and Western Railway Company are suitable for carrying coal only when they can be unloaded by a mechanical car dumper, and that such cars are not now being used; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of railroad equipment and congestion of traffic: It is ordered, that:

(a) *Operation of Rule 1, of Norfolk and Western Railway Company tariff I. C. C. 3214-B suspended.* The operation of Rule 1 of Norfolk and Western Railway Company tariff I. C. C. 3214-B and supplements thereto and reissues thereof shall be partially suspended to the extent necessary to allow the use of Norfolk and Western Railway flat bottom high-side gondola cars of 180,000-pound capacity, series 100,000 to 101,749, for the loading of coal at or near Gary, West Virginia, destined to Carnegie-Illinois Steel Corporation, Gary, Indiana, with a carload minimum weight of 60 net tons.

(b) *Announcement of suspension.* The Norfolk and Western Railway Company, or its agent, shall file and post a supplement to each of its tariffs affected hereby, on not less than 5 days' notice, announcing the suspension as required by paragraph (a) herein. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, that this order shall become effective at 12:01 a. m.,

November 15, 1944, and expire May 31, 1945; that copies of this order and direction shall be served upon the Norfolk and Western Railway Company 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.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 44-16939; Filed, Nov. 4, 1944;  
10:48 a. m.]

#### Notices

#### DEPARTMENT OF THE INTERIOR

##### Bureau of Reclamation.

###### MILK RIVER PROJECT, MONT.

###### FIRST FORM RECLAMATION WITHDRAWAL

SEPTEMBER 29, 1944.

The SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 26, 1936 (49 Stat. 1976), it is recommended that the following described lands be withdrawn from public entry under the first form of withdrawal as provided in Section 3 of the Act of June 17, 1902 (32 Stat. 388).

###### MILK RIVER PROJECT

###### PRINCIPAL MERIDIAN, MONTANA

T. 33 N., R. 13 E.,

Sec. 1, lot 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;

Sec. 12, E $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ .

T. 34 N., R. 13 E.,

Sec. 9, S $\frac{1}{2}$ SW $\frac{1}{4}$ ;

Sec. 23, W $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 25, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 26, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

T. 33 N., R. 14 E.,

Sec. 19, lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

Respectfully,

[SEAL]

H. W. BASHORE,  
Commissioner.

I concur October 20, 1944.

FRED W. JOHNSON,  
Commissioner of the  
General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the district land office to be noted accordingly.

MICHAEL W. STRAUS,  
Assistant Secretary.

OCTOBER 23, 1944.

[F. R. Doc. 44-16935; Filed, Nov. 4, 1944;  
9:30 a. m.]

#### COLORADO RIVER STORAGE PROJECT, CALIF.

##### FIRST FORM RECLAMATION WITHDRAWAL

SEPTEMBER 18, 1944.

The SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 26, 1936 (49 Stat. 1976), it is recommended that the following described land be withdrawn from public entry under the first form of withdrawal as provided in Section 3 of the Act of June 17, 1902 (32 Stat. 388).

SAN BERNARDINO MERIDIAN, CALIFORNIA  
T. 8 N., R. 22 E., sec. 18.

Respectfully,

[SEAL] H. W. BASHORE,  
Commissioner.

I concur: October 21, 1944.

FRED W. JOHNSON,  
Commissioner of the  
General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the district land office to be noted accordingly.

MICHAEL W. STRAUS,  
Assistant Secretary.

OCTOBER 24, 1944.

[F. R. Doc. 44-16936; Filed, Nov. 4, 1944;  
9:31 a. m.]

#### DEPARTMENT OF LABOR

##### Office of the Secretary.

[WLD-41]

##### TWO-ONE TWO-ONE LAUNDRY AND CAIRO LAUNDRY

##### FINDINGS AS TO CONTRACTS IN PROSECUTION OF WAR

In the matter of Two-One Two-One Laundry and Cairo Laundry, Cairo Illinois; Case No. S-1408.

Pursuant to section 2(b) (3) of the War Labor Disputes Act (Pub. No. 89, 78th Cong., 1st Sess.) and the Directive of the President dated August 10, 1943 published in the FEDERAL REGISTER, August 14, 1943, and

Having been advised of the existence of a labor dispute involving Two-One Two-One Laundry and Cairo Laundry, Cairo, Illinois;

I find that the transportation activities of the above-named companies in connection with laundering work for the Thomas A. Edison Company, Federal Barge Lines and other industrial establishments pursuant to any contract, oral or written, are contracted for in the prosecution of the war within the meaning of section 2(b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C., this 4th day of November 1944.

FRANCES PERKINS,  
Secretary of Labor.

[F. R. Doc. 44-17016; Filed, Nov. 6, 1944;  
11:50 a. m.]

[WLD 42]

## PRINGLE BARGE LINES

FINDINGS AS TO CONTRACTS IN PROSECUTION  
OF WAR

In the matter of Pringle Barge Lines, Detroit, Michigan; Case No. S-1414.

Pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. No. 89, 78th Cong., 1st Sess.) and the Directive of the President dated August 10, 1943 published in the FEDERAL REGISTER, August 14, 1943, and

Having been advised of the existence of a labor dispute involving Pringle Barge Lines, Detroit, Michigan;

I find that the transportation of coal by the above-mentioned company pursuant to any contract, whether oral or written, for the Detroit Edison Company and Diamond Crystal Salt Company is contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C. this 4th day of November 1944.

FRANCES PERKINS,  
Secretary of Labor.

[F. R. Doc. 44-17017; Filed, Nov. 6, 1944;  
11:50 a. m.]

## 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 wages lower than the minimum rate applicable under section 6 of the act are issued under section 14 thereof and § 522.5 (b) 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.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificates. Any person aggrieved by the issuance of the certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER  
OF LEARNERS, LEARNING PERIOD, LEARNER  
WAGE, LEARNER OCCUPATION, EXPIRATION DATE

Nilco Pottery and Tile Company, Market Street, Benton, Arkansas; clay products; 3 learners; finisher, grader and decorator for a learning period of 320 hours at 30 cents per

hour for the first 160 hours and 35 cents per hour for the next 160 hours; effective October 30, 1944, expiring March 5, 1945.

Purinton Pottery Company, Shippensburg, Pennsylvania; pottery ware; 10 learners; selector, finisher and decorator for a learning period of 320 hours at 30 cents per hour for the first 160 hours and 35 cents per hour for the next 160 hours; effective October 25, 1944, expiring April 25, 1945.

J. F. Wieder and Son, Macungie, Pennsylvania; paper boxes; 2 learners; staying machine operator and slitting machine operator for a learning period of 240 hours at 35 cents per hour; effective November 6, 1944, expiring February 19, 1945.

Signed at New York, New York, this 2d day of November 1944.

PAULINE C. GILBERT,  
Authorized Representative of  
the Administrator.

[F. R. Doc. 44-16994; Filed, Nov. 4, 1944;  
4:39 p. m.]

LEARNER EMPLOYMENT CERTIFICATES  
ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act are issued under section 14 thereof. Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments 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, July 17, 1944 (9 F.R. 7125).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

## NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

Bangor Shirt Corporation, Franklin Street, Shamokin, Pennsylvania; United States Army H. B. T. jackets; 10 percent (T); effective October 30, 1944, expiring October 29, 1945.

Adam H. Bartel Company, 200 South 8th Street, Richmond, Indiana; denim overalls and jackets; 10 percent (T); effective October 27, 1944, expiring October 26, 1945.

Decatur Garment Company, 542 North Main Street, Decatur, Illinois; ladies' wash dresses and plant uniforms; 10 percent (T); effective October 29, 1944, expiring October 28, 1945.

Duquesne Manufacturing Company, 852 Stanton Avenue, New Kensington, Pennsylvania; button dresses, hooverettes, aprons, uniforms and canteen covers; 10 learners (T); effective October 30, 1944, expiring October 29, 1945.

Fox Knapp Manufacturing Company, Maple Avenue, Milton, Pennsylvania; flannel shirts, navy shirts and jackets; 10 percent (T); effective October 27, 1944, expiring October 26, 1945.

Hartwell Garment Company, Hartwell, Georgia; pants and shirts; 10 percent (T); effective October 27, 1944, expiring October 26, 1945.

Hercules Trouser Company, Manchester, Ohio; men's and boys' single pants; 10 percent (T); effective October 27, 1944, expiring October 26, 1945.

S. Liebovitz and Sons, Incorporated, Ocean City Road, Salisbury, Maryland; men's dress shirts; 10 percent (T); effective October 30, 1944, expiring October 29, 1945.

S. Liebovitz and Sons, Incorporated, Donaghue Street, Gallitzin, Pennsylvania; men's dress shirts; 10 percent (T); effective October 30, 1944, expiring October 29, 1945.

Lomar Manufacturing Company, Pine Grove, Pennsylvania; pajamas; 10 learners (T); effective October 26, 1944, expiring October 25, 1945.

Midvalley Manufacturing Corporation, Wilburton, Pennsylvania; ladies' dresses; 10 learners (T); effective October 26, 1944, expiring October 25, 1945.

Perfection Garment Company, Incorporated, West John Street, Ext., Martinsburg, West Virginia; ladies' and junior miss cotton dresses; 10 percent (T); effective October 30, 1944, expiring October 29, 1945.

Perfection Garment Company, Incorporated, First Avenue, Ransom, West Virginia; ladies' and junior miss cotton dresses; 10 percent (T); effective November 1, 1944, expiring October 31, 1945.

Rice-Stix Factory No. 12, Waterloo, Illinois; women's and children's slack suits and slacks, ladies' work clothing; 10 learners (T); effective October 30, 1944, expiring April 29, 1945.

## FEDERAL REGISTER, Tuesday, November 7, 1944

Rotary Shirt Company, Incorporated; 9-13 Broad Street, Glens Falls, New York; men's dress shirts; 10 percent (T); effective October 30, 1944, expiring October 29, 1945.

Royal Garment Company, North Main Street, Ansonia, Ohio; burial dresses, suits and blankets; 6 learners (T); effective October 30, 1944, expiring October 29, 1945.

Shamokin Dress Company, 1012 North Shamokin Street, Shamokin, Pennsylvania; women's and girls' dresses; 10 percent (T); effective November 2, 1944, expiring November 1, 1945.

## GLOVE INDUSTRY

Clark Brothers, Glens Falls, New York; knit wool and leather dress gloves; 5 percent (T); effective October 30, 1944, expiring October 29, 1945.

## HOSIERY INDUSTRY

Auburn Hosiery Mills, Incorporated, Auburn, Kentucky; full-fashioned hosiery; 5 learners (T); effective October 27, 1944, expiring October 26, 1945.

Black Mountain Hosiery Mills, Incorporated, Black Mountain, North Carolina; seamless hosiery; 5 learners (AT); effective October 28, 1944, expiring April 27, 1945.

Holeproof Hosiery Company, Rose Lane Street, Marietta, Georgia; seamless hosiery; 35 learners (AT); effective October 30, 1944, expiring April 29, 1945.

Interwoven Stocking Company, Berkeley Springs, West Virginia; seamless hosiery; 5 percent (T); effective October 30, 1944, expiring October 29, 1945.

Morristown Knitting Mills, Incorporated, Morristown, Tennessee; seamless hosiery; 5 percent (T); effective October 30, 1944, expiring October 29, 1945.

Morristown Knitting Mills, Incorporated, White Pine, Tennessee; seamless hosiery; 5 percent (T); effective October 30, 1944, expiring October 29, 1945.

Portage Hosiery Company, 107 East Mullett Street, Portage, Wisconsin; seamless hosiery; 5 percent (T); effective October 27, 1944, expiring October 26, 1945.

Princeton Hosiery Mills, Incorporated, Princeton, Kentucky; full-fashioned hosiery; 15 percent (AT); effective October 27, 1944, expiring April 26, 1945.

Spalding Knitting Mills, Griffin, Georgia; seamless hosiery; 5 percent (T); effective November 3, 1944, expiring November 2, 1945.

Signed at New York, New York, this 2d day of November 1944.

**PAULINE C. GILBERT,**  
Authorized Representative of  
the Administrator.

[F. R. Doc. 44-16995; Filed, Nov. 4, 1944;  
4:39 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6604]

## FINGER LAKES BROADCASTING SYSTEM

## ORDER ENLARGING HEARING ISSUES

In re application of Finger Lakes Broadcasting System (Gordon P. Brown, Owner), Geneva, New York, for construction permit. File No. B1-P-3581.

The Commission having under consideration a petition filed October 25, 1944, by Elmira Star-Gazette, Inc. (WENY), Elmira, New York, to intervene and enlarge issues in the hearing now scheduled for November 15, 1944, on the above-entitled application,

*It is ordered*, This 1st day of November 1944, that the petition to intervene be, and it is hereby, granted:

*It is further ordered*, That the issues specified in the Commission's notice of designation for hearing of the above-entitled application be, and they are hereby, enlarged so as to include the following:

8. To determine the extent of any interference which would result from the operation of the proposed station to WENY, Elmira, New York.

9. To determine the area and population which may be expected to lose service from Station WENY as a result of the operation of the proposed station in or near Geneva, New York, and what other broadcast services are available thereto.

By the Commission, Norman S. Case, Commissioner.

[SEAL]

WM. P. MASSING,  
Acting Secretary.

[F. R. Doc. 44-16947; Filed, Nov. 4, 1944;  
11:07 a. m.]

[Docket No. 6672]

## NATIONAL ASSOCIATION OF BROADCASTERS

## ORDER EXTENDING TIME FOR FILING REQUESTS

In the matter of promulgation of rules and regulations under section 317 of the Communications Act.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of October 1944;

The Commission having under consideration a request of the National Association of Broadcasters that the time allowed for filing of requests for oral argument and that the date for argument be postponed for a period of two weeks;

*It is ordered*, That the time for filing requests for oral argument be, and it is hereby, extended from November 1, 1944, to November 14, 1944; and that the date for hearing of oral argument, if requested, be, and it is hereby, continued from November 10, 1944 to November 27, 1944.

[SEAL]

FEDERAL COMMUNICATIONS  
COMMISSION,  
WM. P. MASSING,  
Acting Secretary.

[F. R. Doc. 44-16948; Filed, Nov. 4, 1944;  
11:07 a. m.]

[Docket No. 6691]

## MONROE COUNTY, WISCONSIN

## NOTICE OF HEARING

In re applications of Monroe County, Wisconsin (New); date filed, February 21, 1944; for construction permit for new land station and five new portable-mobile units; class of service, emergency; class of station, municipal police; location, Sparta, Wisconsin; operating assignment specified: frequency, 31500 kc;

power, 250 w (land station), 15 w (portable-mobile transmitter); emission, A3. File Nos. T4-PP-6954, T4-PP-6955.

You are hereby notified that the Commission has designated the above-entitled applications for hearing upon the following issues:

1. To determine whether assignment of the frequency 31,500 kilocycles for use by the applicant would cause interference or undue congestion on that frequency.

2. To determine whether assignment of the frequency 33,500 kilocycles, or some other frequency for use by the applicant, would be likely to cause less interference and congestion and would better accord with a sound allocation plan for police stations in the State of Wisconsin than the assignment of the frequency 31,500 kilocycles.

3. To determine whether, in the light of the evidence adduced upon the foregoing issues, public interest, convenience or necessity would be served by a grant of these applications.

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

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Monroe County, Wisconsin, per Mr. Bert O. Johnson, Sheriff, Office of the Sheriff, Corner K and Oak Streets, Sparta, Wisconsin.

Dated at Washington, D. C., November 2, 1944.

By the Commission,

[SEAL] WM. P. MASSING,  
Acting Secretary.

[F. R. Doc. 44-16949; Filed, Nov. 4, 1944;  
11:07 a. m.]

[Docket No. 6191]

## NASHVILLE BROADCASTING CO.

## NOTICE OF HEARING

In re application of R. O. Hardin & J. C. Buchanan, d/b as Nashville Broadcasting Company; date filed, May 19, 1941; for construction permit; class of service, broadcast; class of station, broadcast; location, Nashville, Tennessee; operating assignment specified: Frequency, 1240 kc; power, 250 w; hours of operation, unlimited. File No. B3-P-3190.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for further hearing in consolidation with the applications of

Nashville Radio Corporation, Docket No. 6108; Tennessee Broadcasters, Docket No. 6648; J. W. Birdwell, Docket No. 6649 and Capitol Broadcasting Company, Docket No. 6669, upon the following issues:

1. To obtain full and current information concerning the financial and other qualifications of the applicant partnership, and of its members, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary broadcast service from the operation of the proposed station and what other broadcast services are available to these areas and populations.

3. To obtain full and current information concerning the type and character of the program service which applicant may be expected to render and to determine the extent to which such service is now being rendered by any other station or stations serving the proposed area in whole or in part.

4. To obtain full and current information concerning applicant's proposals with respect to the employment of personnel to construct and operate the proposed station.

5. To determine whether the granting of this application would serve an outstanding public need or national interest.

6. To determine whether the granting of this application would be consistent with the Commission's supplemental statement of policy of January 26, 1944.

7. To determine whether public interest, convenience or necessity would be served by a grant of this application, the application of E. E. Murrey, Tony Sudekum, Harben Daniel and J. B. Fuqua, d/b as Tennessee Broadcasters (File No. B3-P-3621; Docket No. 6648), the application of J. W. Birdwell (File No. B3-P-3651; Docket No. 6649), the application of Nashville Radio Corporation (File No. B3-P-3034; Docket No. 6108), and the application of A. G. Beaman and T. B. Baker, Jr., d/b as Capitol Broadcasting Company (File No. B3-P-3673; Docket No. 6669), or any of them.

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

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: R. O. Hardin & J. C. Buchanan, d/b as Nashville Broadcasting Company, 105 Oak Park Drive, Knoxville, Tennessee.

Dated at Washington, D. C., October 30, 1944.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 44-17014; Filed, Nov. 6, 1944;  
11:47 a. m.]

the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: E. E. Murrey, Tony Sudekum, Harben Daniel and J. B. Fuqua, a partnership d/b as Tennessee Broadcasters, c/o E. E. Murrey, 410 Union Street, Nashville, Tennessee.

Dated at Washington, D. C., October 30, 1944.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 44-17013; Filed, Nov. 6, 1944;  
11:47 a. m.]

[Docket No. 6649]

J. W. BIRDWELL

NOTICE OF HEARING

In re application of J. W. Birdwell (New); date filed, June 29, 1944; for construction permit for a new station; class of service, broadcast; class of station, broadcast; location, Nashville, Tennessee; operating assignment specified; Frequency, 1240 kc; power, 250 w; hours of operation, unlimited. File No. B3-P-3651.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of Nashville Radio Corporation, Docket No. 6108; Nashville Broadcasting Company, Docket No. 6191; J. W. Birdwell, Docket No. 6649, and Capitol Broadcasting Company, Docket No. 6669, upon the following issues:

1. To determine the qualifications of the applicant partnership and of its members, to construct and operate the proposed station.
2. To determine the areas and populations which may be expected to gain primary broadcast service from the operation of the proposed station and what other broadcast services are available to these areas and populations.
3. To determine the type and character of the program service which applicant may be expected to render and the extent to which such service is now being rendered by any other station or stations serving the proposed service area in whole or in part.
4. To obtain full information concerning applicant's proposals with respect to the employment of personnel to construct and operate the proposed station.
5. To determine whether the granting of this application would serve an outstanding public need or national interest.
6. To determine whether the granting of this application would be consistent with the Commission's supplemental statement of policy of January 26, 1944.
7. To determine whether public interest, convenience or necessity would be served by a grant of this application, the application of R. O. Hardin and J. C. Buchanan, doing business as Nashville Broadcasting Company (File No. B3-P-3190; Docket No. 6191), the application of J. W. Birdwell (File No. B3-P-3651; Docket No. 6649), the application of Nashville Radio Corporation (File No. B3-P-3034; Docket No. 6108), and the application of A. G. Beaman and T. B. Baker, Jr., d/b as Capitol Broadcasting Company (File No. B3-P-3673) or any of them.

8. To determine the type and character of the program service proposed by the applicant, and to determine the extent to which such service is now being rendered by any other station or stations serving the proposed area in whole or in part.
9. To determine the areas and populations which would receive primary service from the operation of the proposed station and what other broadcast services are available to these areas and populations.
10. To determine whether the proposed operation would serve an outstanding public need or national interest within the meaning of the Commission's Sup-

The application involved herein will not be granted by the Commission unless

## FEDERAL REGISTER, Tuesday, November 7, 1944

plemental Statement of Policy of January 26, 1944.

5. To determine whether the granting of this application would otherwise be consistent with the policy announced by the Commission in its supplemental statement of policy of January 26, 1944.

6. To determine whether public interest, convenience, or necessity would be served by a grant of this application, the application of Nashville Radio Corporation (File No. B3-P-3034; Docket No. 6108), the application of Nashville Broadcasting Company (File No. B3-P-3190; Docket No. 6191), the application of Tennessee Broadcasters (File No. B3-P-3621; Docket No. 6648), the application of A. G. Beaman and T. B. Baker, Jr., a partnership d/b as Capitol Broadcasting Company (File No. B3-P-3673; Docket No. 6669), or any of them.

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

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provision of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: J. W. Birdwell, 1407 Kenesaw Avenue, Knoxville, Tennessee.

Dated at Washington, D. C., October 30, 1944.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 44-17012; Filed, Nov. 6, 1944;  
11:47 a. m.]

[Docket No. 6669]

CAPITAL BROADCASTING CO.

NOTICE OF HEARING

In re application of A. G. Beaman and T. B. Baker, Jr., a partnership, d/b as Capitol Broadcasting Company (New); date filed, August 5, 1944; for construction permit; class of service, broadcast; class of station, broadcast; location, Nashville, Tennessee; operating assignment specified; Frequency 1450 kc; power, 250 w; hours of operation, unlimited time. File No. B1-P-3673.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of Nashville Radio Corporation, Docket No. 6108; Nashville Broadcasting Company, Docket No. 6191; Tennessee Broadcasters, Docket No. 6648, and J. W. Birdwell, Docket No. 6649, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership to construct and operate the proposed station.

2. To obtain full information concerning the type and character of the program service proposed by the applicant, and to determine the extent to which such service is now being rendered by any other station or stations serving the proposed area in whole or in part.

3. To determine the areas and populations which would receive primary service from the operation of the proposed station and what other broadcast services are available to these areas and populations.

4. To determine whether the proposed operation would serve an outstanding public need or national interest.

5. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its supplemental statement of policy of January 26, 1944.

6. To determine whether public interest, convenience, or necessity would be served by a grant of this application, the application of Nashville Radio Corporation (File No. B3-P-3034; Docket No. 6108), the application of Nashville Broadcasting Company (File No. B3-P-3190; Docket No. 6191), the application of Tennessee Broadcasters (File No. B3-P-3621; Docket No. 6648), the application of J. W. Birdwell (File No. B3-P-3651; Docket No. 6649), or any of them.

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

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: A. G. Beaman and T. B. Baker, Jr., a partnership, d/b as Capitol Broadcasting Company, 1721 Church Street, Nashville, Tennessee.

Dated at Washington, D. C., October 30, 1944.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 44-17011; Filed, Nov. 6, 1944;  
11:48 a. m.]

[Docket No. 6108]

NASHVILLE RADIO CORP.

NOTICE OF HEARING

In re application of Nashville Radio Corporation (New); date filed, November 23, 1940; for construction permit for a

new station; class of service, broadcast; class of station, broadcast; location, Nashville, Tennessee; operating assignment specified; Frequency 1450 kc; power, 250 w; hours of operation, unlimited; File No. B3-P-3034.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for further hearing in consolidation with the applications of R. O. Hardin & J. C. Buchanan, d/b as Nashville Broadcasting Company, Docket No. 6191; Tennessee Broadcasters, Docket No. 6648; J. W. Birdwell, Docket No. 6649, and Capitol Broadcasting Company, Docket No. 6669, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation to construct and operate the proposed station.

2. To obtain full information concerning the type and character of the program service proposed by the applicant, and to determine the extent to which such service is now being rendered by any other station or stations serving the proposed area in whole or in part.

3. To determine the areas and populations which would receive primary service from the operation of the proposed station and what other broadcast services are available to these areas and populations.

4. To determine whether the proposed operation would serve an outstanding public need or national interest within the meaning of the Commission's supplemental statement of policy of January 26, 1944.

5. To determine whether the granting of this application would otherwise be consistent with the policy announced by the Commission in its supplemental statement of policy of January 26, 1944.

6. To determine whether public interest, convenience, or necessity would be served by a grant of this application, the application of A. G. Beaman and T. B. Baker, Jr., d/b as Capitol Broadcasting Company (File No. B3-P-3673; Docket No. 6669), the application of Nashville Radio Corporation (File No. B3-P-3190; Docket No. 6191), the application of Tennessee Broadcasters (File No. B3-P-3621; Docket No. 6648), the application of J. W. Birdwell (File No. B3-P-3651; Docket No. 6649) or any of them.

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

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Nashville Radio Corporation, 1100 Broadway, Nashville, Tennessee.

Dated at Washington, D. C., October 30, 1944.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 44-17015; Filed, Nov. 6, 1944;  
11:47 a. m.]

**FEDERAL POWER COMMISSION.**

[Docket Nos. G-591, G-440]

**UNITED FUEL GAS CO., ET AL.**

**ORDER SUSPENDING PROPOSED INCREASED RATES, CONSOLIDATING PROCEEDINGS, AND FIXING DATE OF HEARING**

NOVEMBER 2, 1944.

In the matter of United Fuel Gas Company, Warfield Natural Gas Company and Cincinnati Gas Transportation Company, Docket No. G-591.

In the matter of United Fuel Gas Company, Warfield Natural Gas Company, Cincinnati Gas Transportation Company, and Huntington Development and Gas Company, Docket No. G-440.

It appearing to the Commission that:

(a) By order of December 29, 1942, the Commission instituted an investigation of United Fuel Gas Company in Docket No. G-440 for the purpose of enabling the Commission to determine (1) whether that company is a natural-gas company within the meaning of the Natural Gas Act; and (2) whether in connection with any transportation or sale of natural gas subject to the jurisdiction of the Commission, any rates, charges, or classifications demanded, observed, charged, or collected, or any rules, regulations, practices, or contracts affecting such rates, charges or classifications are unjust, unreasonable, unduly discriminatory, or preferential.

(b) By order of July 15, 1943, the investigation instituted by the Commission's order of December 29, 1942, was enlarged to include an investigation of Warfield Natural Gas Company, Cincinnati Gas Transportation Company and Huntington Development and Gas Company for the purpose of enabling the Commission to make the same determination with respect to each of said companies as specified in the Commission's order of December 29, 1942, with respect to United Fuel Gas Company and as set forth in paragraph (a) hereof.

(c) The orders of December 29, 1942, and July 15, 1943, further provided that if the Commission, after hearing has been had, shall find that said companies are natural-gas companies within the meaning of the Natural Gas Act, and that any of their rates, charges, classifications, rules, regulations, practices, or contracts subject to the jurisdiction of the Commission are unjust, unreasonable, unduly discriminatory or preferential, the Commission will determine and fix by order

or orders the just and reasonable rates, charges, classifications, rules, regulations, practices or contracts to be thereafter observed and in force.

(d) Pursuant to orders entered June 14 and September 1, 1944, fixing date of hearing in Docket No. G-440, hearings were held on October 3 and 4, 1944, and recessed to reconvene on November 15, 1944.

(e) On October 3, 1944, United Fuel Gas Company, Warfield Natural Gas Company and Cincinnati Gas Transportation Company filed with the Commission the following new rate schedules proposing to change the schedules then in force as listed below and providing for increased rates for the sales of natural gas to the respective companies indicated, effective November 3, 1944:

UNITED FUEL GAS COMPANY

New schedule filed Oct. 3, 1944	Schedule then in force	Vendee
FPC No. 25.....	FPC No. 2..... FPC No. 5..... FPC No. 10..... FPC No. 19.....  FPC No. 18..... FPC No. 11..... FPC No. 6.....	Central Kentucky Natural Gas Co. Cincinnati Gas Transportation Co. Huntington Development & Gas Co. The Manufacturers Light & Heat Co. Home Gas Co. The Ohio Fuel Gas Co. Point Pleasant Natural Gas Co. The Portsmouth Gas Co.

WARFIELD NATURAL GAS COMPANY

FPC No. 6.....	FPC No. 2..... FPC No. 1.....	Atlantic Seaboard Corporation. United Fuel Gas Co.
----------------	----------------------------------	---

CINCINNATI GAS TRANSPORTATION COMPANY

FPC No. 7.....	FPC No. 4..... FPC No. 1..... FPC No. 3..... FPC No. 2.....	Bracken County Gas Co. The Cincinnati Gas & Electric Co. The Union Light, Heat & Power Co. Kentucky Utilities Co.
----------------	--	--

(f) Unless suspended by Commission order the new rate schedules United Fuel Gas Company FPC No. 25, Warfield Natural Gas Company FPC No. 6 and Cincinnati Gas Transportation Company FPC No. 7 filed October 3, 1944, will become effective as of November 3, 1944, pursuant to the provisions of the Natural Gas Act and the amended provisional rules of practice and regulations thereunder.

(g) The proposed increased rates provided for in the aforesaid new rate schedules filed October 3, 1944, may result in excessive rates to the vendee companies set forth in paragraph (e) hereof and may place an undue burden upon ultimate consumers of natural gas.

(h) The proceeding in Docket No. G-440 involves, among other things, the determination of just and reasonable rates, charges, classifications, rules, regulations, practices or contracts of United Fuel Gas Company, Warfield Natural Gas Company and Cincinnati Gas Transportation Company and may involve substantially similar issues to those in Docket No. G-591.

The Commission finds that:

(1) It is necessary, desirable, and in the public interest that a hearing be held concerning the lawfulness of the proposed increased rates set forth in the new rate schedules filed on October 3, 1944, by United Fuel Gas Company, FPC No. 25, Warfield Natural Gas Company, FPC No. 6, and Cincinnati Gas Transportation Company, FPC No. 7, and that such proposed increased rates be suspended pending the hearing and decision thereon.

(2) Good cause exists for consolidating for purposes of hearing Docket No. G-591 and the matters involved in Docket No. G-440.

(3) Good cause exists for the postponement of the hearing in Docket No. G-440.

The Commission orders that:

(A) The matters involved in Docket Nos. G-591 and G-440 be and they are hereby consolidated for the purposes of hearing.

(B) The public hearing in Docket No. G-440, heretofore set to be resumed on November 15, 1944, be and the same is hereby postponed to November 22, 1944, at 10 a. m., in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

(C) Concurrently with such hearing in Docket No. G-440, a public hearing be held concerning the lawfulness of the proposed increased rates, subject to the jurisdiction of the Commission, contained in United Fuel Gas Company Rate Schedule FPC No. 25, Warfield Natural Gas Company Rate Schedule FPC No. 6, and Cincinnati Gas Transportation Company Rate Schedule FPC No. 7, which rate schedules were filed on October 3, 1944.

(D) Pending such hearing and decision thereon United Fuel Gas Company Rate Schedule FPC No. 25, Warfield Natural Gas Company Rate Schedule FPC No. 6, and Cincinnati Gas Transportation Company Rate Schedule FPC No. 7, insofar as those schedules provide for increased rates other than for the sale of natural gas for resale for industrial use only, be and they are hereby suspended until April 3, 1945, or until such time thereafter as such increased rates shall be made effective in the manner prescribed by the Natural Gas Act.

(E) During the period of such suspension, the rates of United Fuel Gas Com-

## FEDERAL REGISTER, Tuesday, November 7, 1944

pany, Warfield Natural Gas Company and Cincinnati Gas Transportation Company contained in the following rate schedules shall remain and continue in full force and effect, except insofar as such schedules may be for the sale of natural gas for resale for industrial use only:

UNITED FUEL GAS COMPANY

Rate schedule in force October 3, 1944:

VENDEE

FPC No. 2 Central Kentucky Natural Gas Co.  
FPC No. 5 Cincinnati Gas Transportation Co.  
FPC No. 10 Huntington Development and Gas Co.  
The Manufacturers Light and Heat Co.  
FPC No. 19 Home Gas Co.  
FPC No. 18 The Ohio Fuel Gas Co.  
FPC No. 11 Point Pleasant Natural Gas Co.  
FPC No. 6 The Portsmouth Gas Co.

WARFIELD NATURAL GAS COMPANY

FPC No. 2 Atlantic Seaboard Corporation.  
FPC No. 1 United Fuel Gas Co.

CINCINNATI GAS TRANSPORTATION COMPANY

FPC No. 4 Bracken County Gas Co.  
FPC No. 1 The Cincinnati Gas and Electric Co.  
FPC No. 3 The Union Light, Heat and Power Co.  
FPC No. 2 Kentucky Utilities Co.

(F) At the hearing in these matters, the burden of proof to show that the proposed increased rates are just and reasonable shall be upon United Fuel Gas Company, Warfield Natural Gas Company and Cincinnati Gas Transportation Company, as provided in section 4 (e) of the Natural Gas Act.

(G) Interested State commissions may participate in said hearing as provided in § 67.4 of the provisional rules of practice and regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 44-16997; Filed, Nov. 6, 1944;  
9:29 a. m.]

[Docket No. G-578]

HANLEY AND BIRD

ORDER FIXING DATE OF HEARING

NOVEMBER 4, 1944.

Upon consideration of the application filed on September 12, 1944, by Hanley and Bird, a partnership having its principal office in Bradford, Pennsylvania, for authority pursuant to the provisions of section 7 (b) of the Natural Gas Act, authorizing the abandonment and removal of approximately 8 miles of 8½ inch transmission line extending from the Woodhull Natural Gas Field in the state of New York to Elkland, Pennsylvania, as supplemented by amended application filed on November 2, 1944, to provide for the abandonment and removal of gas compressor facilities constituting a part of the transmission line facilities sought to be abandoned;

The Commission orders that:

(A) A public hearing be held commencing on November 14, 1944, at 10:00 a. m. (e.w.t.) in the Chamber Room of the City Hall, Bradford, Pennsylvania, respecting the matters involved and the issues presented in this proceeding.

(B) Interested state commissions may participate in this hearing, as provided in § 67.4 of the provisional rules of practice and regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 44-17004; Filed, Nov. 6, 1944;  
11:29 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 5243]

N. ERLANGER, BLUMGART & CO., INC.

NOTICE OF HEARING

*Complaint.* The Federal Trade Commission, having reason to believe that the party respondent named in the caption herein and hereafter more particularly designated and described, since June 19, 1936, has violated and is now violating the provisions of subsections (d) and (e) of section 2 of the Clayton Act (U.S.C. Title 15, section 13) as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint, stating its charges with respect thereto as follows:

*Count I. PARAGRAPH 1.* Respondent N. Erlanger, Blumgart & Co., Inc., is a corporation organized and existing under and by virtue of the laws of the state of New York with its principal office and place of business located at 354 Fourth Avenue, New York, N. Y.

*PAR. 2.* Respondent is now and has been since June 19, 1936, engaged in the business of converting acetate rayon greige fabrics into dyed, finished materials and distributing such dyed, finished materials to garment manufacturers. The respondent is one of the largest converters and distributors of acetate rayon fabrics in the United States. The acetate rayon fabrics converted by the respondent into dyed, finished materials are sold and distributed by the respondent for wearing apparel linings. The dyed, finished materials processed from the acetate rayon greige fabrics are sold and distributed by the respondent under various registered trade names, such as "Earl-Glo", a rayon taffeta, and "Duchess", a rayon satin. The respondent supplies all garment manufacturers purchasing and using its branded linings in their garments with labels or tags bearing the particular brand name of the lining used and identifying it as the product of respondent. These labels or tags are attached to each of the finished garments by the garment manufacturer. In some instances the respondent furnishes a special tag on which is noted a legend that the garment is lined with "Earl-Glo" acetate rayon taffeta or with

"Duchess" acetate rayon satin, as the case may be.

The linings processed by the respondent from the acetate rayon greige fabrics are sold directly to manufacturers of coats and suits. The lining materials processed by the respondent are then used by such manufacturers in the manufacture of men's, women's and children's coats and suits. Such coats and suits are sold by such garment manufacturers to single retail dress shops, multiple retail dress shops, department stores, women's specialty stores, single retail men's stores, multiple retail men's stores and men's haberdashery stores. Such garments are then resold by such retailers to the consuming public.

*PAR. 3.* Respondent sells and distributes its finished acetate rayon lining materials in commerce between and among the various states of the United States and in the District of Columbia and as a result of such sales causes said products, when sold, to be shipped and transported from its place of business to purchasers thereof who are located in various states of the United States other than the state in which respondent's place of business is located. There is and has been at all times mentioned herein a continuous course of trade and commerce in said products across state lines between respondent's factory and the purchasers of said products. Said products are sold and distributed for use and resale within the various states of the United States and in the District of Columbia.

The respondent's enterprise is one which is operated with the ultimate objective of marketing all its products to the consuming public in all parts of the United States through manufacturers of coats and suits and through retail stores dealing in such products.

*PAR. 4.* In the course and conduct of its business as aforesaid, respondent is now and during all the time mentioned herein has been in competition with other corporations and with individuals, partnerships and firms engaged in the business of converting acetate rayon greige materials and fabrics into dyed, finished materials and distributing such converted rayon fabrics to garment manufacturers.

Many of the respondent's garment manufacturing customers and their retailer customers are competitively engaged with each other and with customers of the respondent's competitors in the resale of garments lined with acetate rayon fabrics within the trading areas where the respondent's said customers, respectively, offer for sale and sell the said products purchased from the respondent or where the retailer customers of respondent's customers offer for sale and sell said products.

The respondent's entire plan of distribution, beginning with its sale of acetate rayon fabrics, after being dyed and finished by the respondent, to garment manufacturers for use in the manufacture of men's, women's and children's coats and suits, the sale of such products by such garment manufacturers to retailers, and ending with the resale of such products by such retailers to the consuming pub-

lic, is an integrated whole and respondent's channels of distribution cannot be separated without effacing and destroying the final objective of the respondent, which is to market its processed acetate rayon fabrics to the consuming public in the form of linings for men's, women's and children's coats and suits under the registered trade-marks "Earl-Glo" and "Duchess". Respondent's customers are, therefore, not only manufacturers of men's, women's and children's coats and suits but retailers, and the transactions affected by or involved in the practices charged in this complaint as being unlawful are transactions between the respondent and both classes of customers.

PAR. 5. In the course and conduct of its business in commerce respondent, since June 19, 1936, has secretly paid and agreed to pay to certain manufacturers of men's, women's and children's coats and suits, and to some of their retail customers certain sums of money as compensation for and in consideration of advertising and promotional services furnished by them in connection with the sale and the offering for sale of acetate rayon greige fabrics converted by respondent into dyed and finished materials and resold by respondent for use in the manufacture of men's, women's and children's coats and suits under the registered trade-marks "Earl-Glo" and "Duchess". The making of such payments has been concealed by the respondent from the competitors of such favored coat and suit manufacturers and their retailer customers. Respondent has not made such payments available on proportionally equal terms or on any terms to other and competing manufacturers of men's, women's and children's coats and suits, or to other and competing retailer customers.

For the purpose of determining the customers who shall be thus favored or discriminated against, the respondent arbitrarily classifies them on the basis of "prestige" and on its judgment as to the nature and degree of "prestige" such customers enjoy in the men's, women's and children's coat and suit industries and in the retail distribution of such products. The respondent has paid to some of such favored manufacturers and to their retailer customers varying amounts of money, ranging from \$125.00 to \$4,550.00 and over, during a single year period for the advertising of garments lined with acetate rayon fabrics under the registered trade-marks "Earl-Glo" and "Duchess".

PAR. 6. It has been the policy of respondent to conceal from all of its men's, women's and children's coat and suit manufacturing customers and all of their retailer customers, except those favored by respondent, the details of its agreements relating to compensation of coat and suit manufacturing customers and their retailer customers for services in connection with advertising and promotional facilities. Customers of the respondent and their retailer customers are denied knowledge of such allowances and compensation, and the respondent does not and has not made known to any customers except its favored ones and to their retailer customers that it pays com-

pensation for advertising and promotional services in connection with the sale of coats and suits, lined with acetate rayon fabrics manufactured by the respondent, to the consuming public. Respondent has resisted the extension of such allowances to some purchasers of acetate rayon lining materials and their retailer customers, even though such purchasers and customers were willing to furnish advertising and promotional services to the respondent in connection with the sale of garments lined with acetate rayon fabrics under the registered trade-marks "Earl-Glo" and "Duchess" to the consuming public, for the reason that such non-favored customers did not come within respondent's classification of "prestige" customers.

PAR. 7. The above-described acts and practices of the respondent are in violation of subsection (d) of section 2 of the Clayton Act, as amended by the Robinson-Patman Act, approved June 19, 1936 (U. S. C. Title 15, Sec. 13).

*Count II. PARAGRAPH 1.* For its charges under paragraph one of Count II of this complaint the Commission relies upon the matters and things set out in paragraphs one to four, inclusive, of Count I of this complaint to the same extent and as though the allegations of said paragraphs were here set out in full. Said paragraphs one to four, inclusive, of said Count I are incorporated herein by reference and made a part of this count.

PAR. 2. Since June 19, 1936, in the course and conduct of its business described in paragraphs one to four, inclusive, of Count I hereof, respondent has discriminated and is discriminating in favor of certain purchasers of acetate rayon fabrics for use as linings in the manufacture of men's, women's and children's coats and suits under the registered trade-marks "Earl-Glo" and "Duchess" against other purchasers of such linings by agreeing to furnish, by furnishing or by contributing to the furnishing of services and facilities connected with the offering for sale of such coats and suits and by not according such services and facilities to all purchasers of acetate rayon fabrics for the lining of such coats and suits on proportionally equal terms.

PAR. 3. The respondent has entered into advertising and promotional arrangements with certain of its retailer customers among which are R. H. Macy & Co., of New York, New York; Saks, Inc., 34th Street, New York, New York; Bests Apparel, Inc., Seattle, Wash.; Kresge Department Stores of New York, New York; Gimbel Brothers, Inc., New York, New York; Maurice L. Rothschild, Chicago, Illinois; Peck & Peck, New York, N. Y.; B. Altman & Company, New York, New York; Lord & Taylor, New York, New York; Bloomingdale Bros., Inc., New York, New York; Chas. A. Stevens & Co., Chicago, Ill.; Abraham & Straus, Brooklyn, New York, and others. As a part of such arrangements, large sums of money have been expended by the respondent since June 19, 1936, in sharing with such purchasers the cost of advertising men's, women's and children's coats and suits containing acetate rayon linings manufactured by respondent

under its registered trade-marks "Earl-Glo" and "Duchess", and the respondent has not accorded such services or facilities to other purchasers competitively engaged with the aforementioned retailers on proportionally equal terms or on any terms.

PAR. 4. The aforesaid acts of respondent constitute a violation of the provisions of subsection (e) of section 2 of the Clayton Act as amended by the Robinson-Patman Act, approved June 19, 1936 (U. S. C. Title 15, sec. 13).

Wherefore, the premises considered, the Federal Trade Commission on this 31st day of October, A. D. 1944, issues its complaint against said respondent.

*Notice.* Notice is hereby given you, N. Erlanger, Blumgart & Co., Inc., a corporation, respondent herein, that the 8th day of December, A. D. 1944, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

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

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

\* \* \* \* \*

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

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

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

## FEDERAL REGISTER, Tuesday, November 7, 1944

solely to that question, in accordance with Rule XXIII.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its secretary, and its official seal to be hereto affixed, at Washington, D. C., this 31st day of October, A. D. 1944.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 44-17010; Filed, Nov. 6, 1944;  
11:31 a. m.]

---

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 646]

RECONSIGNMENT OF LETTUCE AT KANSAS CITY, MO.-KANS.

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, October 31, 1944, by Henry Lober, of car NRC 10074, lettuce, now on the Wabash Railroad, to G. L. More, St. Louis, Missouri (Wabash).

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 31st day of October 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-16940; Filed, Nov. 4, 1944;  
10:48 a. m.]

[S. O. 70-A, Special Permit 647]

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, November 1, 1944, by Bacon Brothers of cars potatoes, now on the Wood Street Terminal, NRC 6822 to Metzler Son, Decatur, Illinois

(Wabash), ART 18233 Defiance Commission Company, Defiance, Ohio (Wabash).

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 1st day of November 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-16941; Filed, Nov. 4, 1944;  
10:48 a. m.]

[S. O. 70-A, Special Permit 648]

RECONSIGNMENT OF LETTUCE 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, November 1, 1944, by M. Lapidus & Son of car NWX 2095, lettuce, now on the CB&Q, Racine Street, to Red Owl Stores, Green Bay, Wisconsin (CMStP&P).

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 1st day of November 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-16942; Filed, Nov. 4, 1944;  
10:48 a. m.]

[S. O. 70-A, Special Permit 649]

RECONSIGNMENT OF CARROTS AT FT. WAYNE, IND.

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 Ft. Wayne, Indiana, November 1, 1944, by Himmelstein Brothers, Inc., of car SFRD 35656, carrots, now on the N. Y. C. & St. L. Railroad, to Ritter & Company, Toledo, Ohio (NKP).

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 1st day of November 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-16943; Filed, Nov. 4, 1944;  
10:48 a. m.]

[S. O. 70-A, Special Permit 650]

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, November 1, 1944, by Piowaty Bergart Company of car ART 21285, onions, now on the Wood Street Terminal, to Richmond Produce Company, Richmond, Virginia, (E&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 1st day of November 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-16944; Filed, Nov. 4, 1944;  
10:48 a. m.]

[S. O. 70-A, Special Permit 651]

RECONSIGNMENT OF APPLES AT MINNEAPOLIS, MINN.

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 Minneapolis, Minnesota, November 1, 1944, by Oneonta Trading Corporation, of car WFE 67178, apples, now on the Great Northern Railway, to Oneonta Trading Corporation, Chicago, Illinois (GM&StL-IC-CPT).

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 1st day of November 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 4-16945; Filed, Nov. 4, 1944;  
10:48 a. m.]

#### OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 3, Rev. 393]

##### COMMON CARRIERS

##### COORDINATED OPERATIONS BETWEEN GREAT FALLS AND SWEETGRASS, MONT.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,<sup>1</sup> and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*. That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appro-

priate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrange-

ments made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective November 8, 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 4th day of November 1944.

J. M. JOHNSON,  
Director,  
Office of Defense Transportation.

##### APPENDIX 1

Consolidated Freightways, Inc., Portland, Oreg.

Hi-Way Motor Freight Co., Inc., Lewistown, Mont.

[F. R. Doc. 44-16925; Filed, Nov. 3, 1944;  
2:57 p. m.]

[Supp. Order ODT 3, Rev. 394]

##### COMMON CARRIERS

##### COORDINATED OPERATIONS BETWEEN BUFFALO AND BINGHAMTON, N. Y.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,<sup>1</sup> and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*. That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be neces-

<sup>1</sup> Filed as part of the original document.

## FEDERAL REGISTER, Tuesday, November 7, 1944

sary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supple-

mentary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective November 8, 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 4th day of November 1944.

J. M. JOHNSON,  
Director,  
Office of Defense Transportation.

## APPENDIX 1

Associated Transport, Inc., New York, N. Y.  
Boss-Linco Lines, Inc., Buffalo, N. Y.

Hilton G. Fowler, doing business as Fowler & Williams, Scranton, Pa.

Keeshin Motor Express Co., lessee and operator of K. F. L., Inc., Chicago, Ill.

Nestor Bros., Inc., Endicott, N. Y.

[F. R. Doc. 44-16924; Filed, Nov. 3, 1944;  
2:57 p. m.]

## OFFICE OF PRICE ADMINISTRATION.

[Order 712 Under 3 (b)]

SELENIUM RUST-PROOF CO., AND C. S. VAN GORDEN & SON

## ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to §§ 1499.3 (b) (2) and 1499.3 (e) (3), *It is ordered:*

(a) The maximum prices for sales of 3-R, a chemical compound containing selenium for application to metal surfaces as a rust remover or protective coating, produced by the Selenium Rust-proof Co. (Not Incorporated), Eau Claire, Wisconsin or C. S. Van Gorden & Son, Eau Claire, Wisconsin, shall be:

	List price sales at retail	Retail dealer discount	Jobber discount
4 ounces	Each \$0.25	Percent 40	Percent 50 and 10
Quart	1.25	40	50 and 10
1 gallon	4.00	40	50 and 10

Sales by manufacturer f. o. b. Eau Claire, Wisconsin, or Chicago, Illinois. Sales by jobbers f. o. b. distribution point. Sales by retailers on a delivered basis.

(b) All prices shall be subject to the discounts, allowances and trade practices of the seller in effect during March, 1942.

(c) No extra charge may be made for containers.

(d) With or prior to the first delivery of 3-R to any jobber, the Selenium Rust-proof Co. (Not Incorporated) or C. S. Van Gorden & Son shall furnish such jobber with a written notice as follows:

	(1)	(2)
	Notice: Our maximum prices, f. o. b. Eau Claire, Wisconsin, or Chicago, Ill.	Your maximum prices to retailers f. o. b. your distribution point
4 ounces	25 cents each less 50% and 10%	25 cents each less 40%
Quart	\$1.25 each less 50% and 10%	\$1.25 each less 40%
1 gallon	\$4.00 each less 50% and 10%	\$4.00 each less 40%

## (3) Maximum prices for sales at retail:

	Each
4 ounces	\$0.25
Quart	1.25
1 gallon	4.00

Instructions: You are required by the Office of Price Administration to send with or prior to your first delivery to a retail dealer a notice as follows:

NOTICE	
Our maximum prices, f. o. b.	Your maximum prices, delivered
(insert applicable point)	
	Each
4 ounces	25 cents each, less 40%
Quart	\$1.25 each, less 40%
1 gallon	\$4.00 each, less 40%

(e) With or prior to the first delivery of 3-R to any retailer, every seller shall furnish such retailer with a written notice as set forth in the jobber's "Instructions" in paragraph (d) above.

(f) The Selenium Rust-proof Co. (Not Incorporated) or C. S. Van Gorden & Son shall mark each size of 3-R to indicate the maximum price for sales at retail as follows:

4 ounces	25 cents each, less 40%	\$0.25
Quart	\$1.25 each, less 40%	\$1.25
1 gallon	\$4.00 each, less 40%	\$4.00

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective November 6, 1944.

Issued this 4th day of November 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-16970; Filed, Nov. 4, 1944;  
2:40 p. m.]

[MPR 120, Order 1107]

BOULDER VALLEY COAL CO.

ESTABLISHMENT OF MAXIMUM PRICES  
AND PRICE CLASSIFICATION

For the reasons set forth 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 Boulder Valley No. 3 Mine of Boulder Valley Coal Company, Weld County, Colorado, located in Subdistrict

No. 8 of District No. 16, is hereby assigned Mine Index No. 1006 and its coals are classified in Subdistrict No. 8.

(b) Coals produced by Boulder Valley Coal Company, in Weld County, Colo-

rado, from the Laramie Seam at Boulder Valley No. 3 Mine, Mine Index No. 1006 in District No. 16, may be purchased and sold at per net ton prices in cents per net ton not exceeding the following:

	Size group No.												
	1	2	3	4	5	6	8	9	10	11	12	13	
Rail shipments.....	475	425	425	450	425	405	350	320	270	260	240	360	
Truck shipments.....	530	490	480	505	480	460	405	350	300	290	270	430	
Railroad fuel.....	315	315	315	315	315	315						315	

(c) The prices established herein are f. o. b. the mine for truck shipments, and f. o. b. the rail shipping point for rail shipments and for railroad fuel.

(d) All prayers of applicant not granted herein are hereby denied.

(e) This order may be revoked or amended at any time.

(f) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

This order shall become effective November 6, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of November 1944.

JAMES G. ROGERS, Jr.,  
Acting Administrator.

[F. R. Doc. 44-16969; Filed, Nov. 4, 1944;  
2:37 p. m.]

[MPR 188, Rev. Order 1279]

GREAT AMERICAN FURNITURE CORP.

APPROVAL OF MAXIMUM PRICES

Order No. 1279 under § 1499.158 of Maximum Price Regulation No. 188 is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and in accordance with § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of 26 articles of occasional furniture manufactured by Great American Furniture Corp., 1523 South Michigan Avenue, Chicago 5, Illinois.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers; by the manufacturer to persons other than retailers who resell from their own stock; and by the manufacturer to persons other than retailers who resell from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons, other than retailers, who resell from their own stock	Maximum price to persons, other than retailers, who resell from manufacturers' stock	Maximum price to retailers
<b>MODERN DAY LINE</b>				
End table.....	102	\$8.06	\$8.60	\$10.75
	103	8.06	8.60	10.75
	104	8.06	8.60	10.75
	105	8.06	8.60	10.75
Lamp table.....	120	8.06	8.60	10.75
	121	8.06	8.60	10.75
	122	8.06	8.60	10.75
	123	8.06	8.60	10.75
Coffee table.....	131	11.06	11.70	14.75
Cocktail table.....	130	11.06	11.70	14.75
	132	11.06	11.70	14.75
	134	11.06	11.70	14.75
Smoker.....	110	4.31	4.60	5.75
	111	4.31	4.60	5.75

Article	Model No.	Maximum price to persons, other than retailers, who resell from manufacturers' stock
<b>SPECIAL ETCHED LINE</b>		
End table.....	502	\$10.80
	503	10.80
	504	10.80
	505	10.80
Lamp table.....	520	10.80
	521	10.80
	522	10.80
	523	10.80
Coffee table.....	531	14.80
Cocktail table.....	530	14.80
	532	14.80
	534	14.80

These maximum prices are f. o. b. factory, and are subject to a cash discount of 1% for payment within ten days, net thirty days.

The adjustment charge authorized by Order No. 1052 under Maximum Price Regulation No. 188 may not be added to the above maximum prices since the above articles are not covered by that order.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified in subdivision (1) (i) of this paragraph (a), the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser

and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries, on and after the effective date of this order, to retailers by any person other than the manufacturer, the maximum prices are those set forth below:

Article and Model No.	Maximum price to retailers
Modern day line:	
End table, 102.....	\$10.75
End table, 103.....	10.75
End table, 104.....	10.75
End table, 105.....	10.75
Lamp table, 120.....	10.75
Lamp table, 121.....	10.75
Lamp table, 122.....	10.75
Lamp table, 123.....	10.75
Coffee table, 131.....	14.75
Cocktail table, 130.....	14.75
Cocktail table, 132.....	14.75
Cocktail table, 134.....	14.75
Smoker, 110.....	5.75
Smoker, 111.....	5.75

These maximum prices are subject to the seller's customary terms, discounts, allowances, and other price differentials, and are f. o. b. point of shipment.

(b) At the time of or prior to the first invoice to each purchaser for resale, other than a retailer, the manufacturer must notify the purchaser for resale of the maximum prices and conditions established by paragraph (a) (2) of this order. This notice may be given in any convenient form.

(c) This revised order may be revoked or amended by the Price Administrator at any time.

This revised order shall become effective on the 6th day of November 1944.

Issued this 4th day of November 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-16980; Filed, Nov. 4, 1944;  
2:43 p. m.]

[MPR 188, Rev. Order 2364]

J. C. PLATING WORKS

APPROVAL OF MAXIMUM PRICES

Order No. 2364 under § 1499.158 of MPR 188 is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered:*

(a) This revised order establishes maximum prices for sales and deliveries, of five upholstered dinette chairs manufactured by J. C. Plating Works, 865 North Sangamon Street, Chicago, Illinois.

(1) (i) For all sales and deliveries since the effective date of Maximum

Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to retailers
Dinette chair.....	1/100	\$3.23	\$3.80
	1/16	3.43	4.03
	1/83	3.47	4.08
	1/82	3.46	4.07
	1/80	3.42	4.02

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated May 3, 1944.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified, the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this revised order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum prices are those set forth below, f. o. b. factory:

Article and Model No.	Maximum price to retailers
Dinette chair, 1/100.....	\$3.80
Dinette chair, 1/16.....	4.03
Dinette chair, 1/83.....	4.08
Dinette chair, 1/82.....	4.07
Dinette chair, 1/80.....	4.02

These prices are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated May 3, 1944.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, maximum prices shall be determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the

maximum prices and conditions established by subparagraph (a) (2) of this revised order for such resales. This notice may be given in any convenient form.

(c) This revised order may be revoked or amended by the Price Administrator at any time.

This revised order shall become effective on the 6th day of November 1944.

Issued this 4th day of November 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-16973; Filed, Nov. 4, 1944;  
2:41 p. m.]

[MPR 188, Order 2809]

GERSTEN BROTHERS

#### APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries, of a wardrobe manufactured by Gersten Brothers, 1270 Broadway, New York, New York.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to retailers
Wardrobe.....	#400.....	Each \$9.41	Each \$11.76

This price is f. o. b. factory, and is subject to a cash discount of two percent for payment within ten days, net thirty days, and is for the article described in the manufacturer's application dated June 28, 1944.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified, the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order

to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum price set forth below, f. o. b. factory:

Article and Model No.	Maximum price to retailers (each)
Wardrobe, #400.....	\$11.76

This price is subject to a cash discount of two percent for payment within ten days, net thirty days, and is for the article described in the manufacturer's application dated June 28, 1944.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, maximum prices shall be determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 4th day of November 1944.

Issued this 3d day of November 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-16974; Filed, Nov. 4, 1944;  
2:39 p. m.]

[MPR 188, Order 2810]

GENERAL ELECTRIC SUPPLY CORP.

#### APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) The maximum price for sales to retailers by General Electric Supply Corporation, 174-178 East Sixth Street, St. Paul, Minnesota, of a space heater which it manufactures by converting a Model No. FM 8D 11 Food Dehydrator, and described in an application dated October 5, 1944, is \$11.97 each. This price is f. o. b. St. Paul, Minnesota, and is subject to a cash discount of 2% for payment within ten days.

(b) The maximum price for sales at retail by any person of the converted space heater described in paragraph (a) above is \$19.95 each, delivered.

(c) The General Electric Supply Corporation, 174-178 East Sixth Street, St. Paul, Minnesota, shall plainly mark each heater with the retail ceiling price before shipping it to a purchaser for resale. This shall be done by attaching a tag or label. A statement in the following form will be satisfactory.

OPA Retail Ceiling Price..... \$19.95

This order shall become effective on the 4th day of November 1944.

Issued this 3d day of November 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-16975; Filed, Nov. 4, 1944;  
2:40 p. m.]

[MPR 188, Order 2820]

R. SHURTLEFF CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries, of a game table manufactured by R. Shurtleff Company, 4409 Redondo Beach Blvd., Redondo Beach, California.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to retailers
Game table.....	500	Each \$20.82	Each \$23.50

These prices are f. o. b. factory and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the article described in the manufacturer's application dated September 23, 1944.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified, the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (1) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum price is that set forth below, f. o. b. factory:

Article and model No.: *to retailers (each)*  
Game table, 500..... \$23.50

This price is subject to a cash discount of two percent for payment within ten days, net thirty days, and is for the article described in the manufacturer's application dated September 23, 1944.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, maximum prices shall be determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 6th day of November 1944.

Issued this 4th day of November 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-16976; Filed, Nov. 4, 1944;  
2:41 p. m.]

[MPR 188, Order 2821]

LEINOW'S CABINET SHOP

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries, of a child's lawn chair manufactured by Leinow's Cabinet Shop, 9528 Long Beach Blvd., South Gate, California.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to retailers
Child's lawn chair.....	10	Each \$0.67	Each \$0.79

These prices are f. o. b. factory and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the article described in the manufacturer's application dated September 11, 1944.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified, the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum price is that set forth below, f. o. b. factory:

Article and Model No.: *to retailers (each)*  
Child's lawn chair, 10..... \$0.79

This price is subject to a cash discount of two percent for payment within ten days, net thirty days, and is for the article described in the manufacturer's application dated September 11, 1944.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, maximum prices shall be determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 6th day of November 1944.

Issued this 4th day of November 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-16977; Filed, Nov. 4, 1944;  
2:40 p. m.]

[MPR 188, Order 2822]

ALLAIN BROTHERS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries, of a child's rocker manufactured by Allain Brothers.

## FEDERAL REGISTER, Tuesday, November 7, 1944

221 Parker Street, Gardner, Massachusetts.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer's stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to retailers
Child's rocker	81	Each \$1.80	Each \$2.25

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the article described in the manufacturer's application dated September 20, 1944.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum price shall be those determined by applying to the prices specified, the discounts, allowances, and other price differentials made by the manufacturer during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum price is that set forth below, f. o. b. factory:

Maximum price to retailers (each)  
Article and Model No.: Child's rocker, 81 \$2.25

This price is subject to a cash discount of two percent for payment within ten days, net thirty days, and is for the article described in the manufacturer's application dated September 20, 1944.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, maximum prices shall be determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by

subparagraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 6th day of November 1944.

Issued this 4th day of November 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-16978; Filed, Nov. 4, 1944;  
2:41 p. m.]

[MPR 188, Order 2823]

BRYAN INDUSTRIES, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries, of a magazine rack manufactured by Bryan Industries, Inc., 213 W. Butler Street, Bryan, Ohio.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to retailers
Magazine rack	300	Each \$2.25	Each \$2.65

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the article described in the manufacturer's application dated September 13, 1944.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified, the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method § 1499.158, of Maximum Price Regulation

No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum price is that set forth below, f. o. b. factory:

Article and Model No.: Magazine Rack, 300 Maximum price to retailers (each) \$2.65

This price is subject to a cash discount of two percent for payment within ten days, net thirty days, and is for the article described in the manufacturer's application dated September 13, 1944.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, maximum prices shall be determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 6th day of November 1944.

Issued this 4th day of November 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-16979; Filed, Nov. 4, 1944;  
2:42 p. m.]

[MPR 188, Order 48, Under 2d Rev. Order A-3]

HINCHER MANUFACTURING CO. OF INDIANA, INC.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Second Revised Order A-3 under § 1499.159b of Maximum Price Regulation No. 188; *It is ordered:*

(a) *Manufacturer's maximum prices.* Hincher Manufacturing Company of Indiana, Inc., Washington, Indiana, may add the following adjustment charges to its maximum net prices in effect prior to the effective date of this order for each model garment hanger listed below which is finally sold to industrial or commercial consumers, who use it in the conduct of their business:

Article	Model No.	Permitted increase in maximum net prices (per 100 units)
STANDARD FINISH		
Garment hangers...	2	\$1.62
	2-F	1.32
	34-1B-15"	1.05
	34-1B-17"	1.24
	36-FT	.93
	52	1.32
	52-VB	.93
	69-FT	.17
	74-15" & 17"	1.45
	74-20"	.82
	74-1B-15"	.07
	74-1B-17"	.94
	74-1B-20"	.22
	222	1.58
	333	.22
	333-WT-15"	2.29
	555	.17
	557	.26
	558	.73
ENAMEL FINISH		
	333-N	1.99

These increases may be made and collected only if separately stated. The adjusted prices are subject to the manufacturer's customary discounts, allowances, and other price differentials in effect during March 1942 on sales to each class of purchaser.

(b) *Maximum prices of purchasers for resale.* Any purchaser for resale of a garment hanger, which is finally sold to industrial or commercial consumers who use it in the course of their business, for which an adjustment of the maximum price is permitted as provided in paragraph (a) may add to his properly established maximum prices, in effect immediately prior to the effective date of this order, the dollar-and-cents amount of the adjustment charge which he is required to pay the manufacturer, provided such amount is separately stated. Such adjusted prices are subject to the seller's customary discounts, allowances, and other price differentials in effect during March 1942 to each class of purchaser.

(c) *Notification.* At the time of or before the first invoice to each purchaser for resale of an article covered by this order, at an adjusted price permitted by this order, the seller must furnish the purchaser with a written notice, giving the number of this order, and fully explaining its terms and conditions.

(d) *Profit and loss statement.* After the effective date of this order, Hincher Manufacturing Company, of Indiana, Inc. shall submit to the Office of Price Administration a detailed quarterly profit and loss statement within thirty days after the close of each quarter.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 4th day of November 1944.

Issued this 3d day of November 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-16972; Filed, Nov. 4, 1944;  
2:42 p. m.]

No. 222—6

[MPR 528, Order 18]

GOODYEAR SUPPLY CO., INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Appendix A (d) of Maximum Price Regulation 528, *It is ordered:*

(a) The maximum retail prices for the following sizes of new Industrial Solid tires, carrying the brand name of the Goodyear Supply Company, Incorporated, Philadelphia, Pennsylvania, shall be:

Size:	Maximum retail price (each)
12 x 4 1/2 x 8 regular type	\$15.05
15 x 6 x 11 1/4 regular type	23.40
17 x 6 x 12 1/8 regular type	24.65
17 x 6 x 12 1/8 extra traction	31.10
20 x 8 x 16 regular type	38.70
20 x 8 x 16 extra traction	45.70
22 x 8 x 17 1/4 extra traction	47.30
16 x 7 x 12 1/8 regular type	26.50

(b) All provisions of Maximum Price Regulation 528 not inconsistent with this order shall apply to sales covered by this order.

(c) This order may be revoked or amended by the Office of Price Administration at any time.

This order shall become effective November 6, 1944.

Issued this 4th day of November 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-16971; Filed, Nov. 4, 1944;  
2:42 p. m.]

[Order 96 Under 18 (c)]

FRENCH BREAD IN LOS ANGELES COUNTY, CALIF.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 96 under § 1499.18 (c) as amended, of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328: *It is ordered:*

(a) That the maximum price on all sales at wholesale of French bread, baked in a one pound loaf, in Los Angeles County, in the State of California, shall be the seller's maximum price, as determined under section 2 of the General Maximum Price Regulation or nine cents, whichever is higher; and

(b) That the maximum price on all sales at retail of French bread, baked in a one pound loaf, in Los Angeles County in the State of California, shall be the seller's maximum price as determined under section 2 of the General Maximum Price Regulation, or eleven cents, whichever is higher; and

(c) That when used in this order the following terms shall have the following meanings:

(1) "Sales at wholesale" means sales to retailers, government procurement agencies, or to commercial, industrial or institutional users;

(2) "Sales at retail" means sales to ultimate consumers, except commercial, industrial or institutional users; and

(d) That this order shall not apply to sales of French bread to the Army or Navy of the United States; and

(e) That this order may be amended or revoked by the Price Administrator at any time; and

(f) That this order shall become effective on November 7, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of November 1944.

JAMES G. ROGERS, Jr.,  
Acting Administrator.

[F. R. Doc. 44-17034; Filed, Nov. 6, 1944;  
12:05 p. m.]

[MPR 120, Order 1109]

JOHN B. PEIRCE

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth 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 Nine Mile Mine of John B. Peirce, in Carbon County, Wyoming, is hereby assigned Mine Index No. 1000.

(b) Coals produced by John B. Peirce in Carbon County, Wyoming, from his Nine Mile Mine, Mine Index No. 1000 in Subdistrict No. 3 of District No. 19, may be purchased and sold for truck shipments f. o. b. the mine at per net ton prices in cents per net ton not exceeding the following:

	Size group No.						
	1, 2, 3, 4	5, 6, 7, 8	9	10	12 and 13	15 and 16	17
Truck shipments...	400	375	300	275	300	250	175

(c) All prayers of applicant not granted herein are hereby denied.

(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 terms used herein.

This order shall become effective November 7, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of November 1944.

JAMES G. ROGERS, Jr.,  
Acting Administrator.

[F. R. Doc. 44-17035; Filed, Nov. 6, 1944;  
12:05 p. m.]

## Regional and District Office Orders.

## LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register on October 31, 1944.

## REGION II

Erie Order 15, Amendment 2, covering prices of dry groceries in certain counties in Pennsylvania, filed 3:39 p. m.

Erie Order 16, Amendment 2, covering prices of dry groceries in certain counties in Pennsylvania, filed 3:39 p. m.

## REGION III

Cleveland Order F-1, Amendment 11, covering fresh fruits and vegetables in Cleveland, filed 3:51 p. m.

Cleveland Order F-3, Amendment 11, covering fresh fruits and vegetables in Cleveland, filed 3:46 p. m.

Cleveland Order F-4, Amendment 10, covering fresh fruits and vegetables in Cleveland, filed 4:46 p. m.

Detroit Order 1-F, Amendment 43, covering fresh fruits and vegetables in the designated counties in Michigan, filed 3:52 p. m.

Escanaba Order 36, covering community food prices in Gogebic County, Mich., and Iron County, Wis., area, filed 3:51 p. m.

Louisville Order 1-F, under 3-B, Amendment 17, covering fresh fruits and vegetables in certain counties in Kentucky and Indiana, filed 3:45 p. m.

Louisville Order 2-F, under 3-B, Amendment 17, covering fresh fruits and vegetables in McCracken County, Ky., filed 3:40 p. m.

Louisville Order 3-F, under 3-B, Amendment 17, covering fresh fruits and vegetables in Henderson and Daviess Counties, Ky., filed 3:40 p. m.

## REGION V

Arkansas Order 1-F, Amendment 11, covering fresh fruits and vegetables in certain counties in Arkansas, filed 3:39 p. m.

Arkansas Order 2-F, Amendment 31, covering fresh fruits and vegetables in Pulaski County, Ark., filed 3:52 p. m.

Arkansas Order 4-F, Amendment 29, covering fresh fruits and vegetables in Miller County, Ark., filed 3:52 p. m.

Arkansas Order 5-F, Amendment 29, covering fresh fruits and vegetables in Garland County, Ark., filed 3:52 p. m.

Arkansas Order 6-F, Amendment 29, covering fresh fruits and vegetables in Crawford and Sebastian Counties, Ark., filed 3:52 p. m.

San Antonio Order 1-E, Amendment 1, covering prices of eggs in San Antonio, Tex., filed 3:39 p. m.

## REGION VIII

Los Angeles Order 1-F, Amendment 38, covering fresh fruits and vegetables in Los Angeles, filed 3:52 p. m.

Los Angeles Order LA-11, Amendment 10, covering certain dry groceries in Los Angeles, filed 3:53 p. m.

Spokane Order 5-F, Amendment 12, covering fresh fruits and vegetables in certain counties in Washington and Idaho, filed 3:55 p. 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. 44-16933; Filed, Nov. 4, 1944;  
9:28 a. m.]

## LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register on November 1, 1944.

## REGION V

Fort Worth Order 3-W, Amendment 3, covering community food prices in Fort Worth, filed 3:40 p. m.

Fort Worth Order 3-W, Amendment 2, covering community food prices in Fort Worth, filed 3:35 p. m.

Fort Worth Order 15, Amendment 2, covering community food prices in Fort Worth, filed 3:35 p. m.

Fort Worth Order 15, Amendment 3, covering community food prices in Fort Worth, filed 3:41 p. m.

Fort Worth Order 16, Amendment 2, covering community food prices in Fort Worth, filed 3:35 p. m.

Fort Worth Order 16, Amendment 3, covering community food prices in Fort Worth, filed 3:40 p. m.

Houston Order 2-F, Amendment 12, covering fresh fruits and vegetables in Houston, filed 3:35 p. m.

New Orleans Order G-21, Amendment 9, covering community food prices in the New Orleans area, filed 3:39 p. m.

New Orleans Order G-22, Amendment 8, covering community food prices in the New Orleans area, filed 3:39 p. m.

New Orleans Order G-23, Amendment 10, covering community food prices in certain areas in Louisiana, filed 3:36 p. m.

New Orleans Order G-24, Amendment 9, covering community food prices in certain communities in Louisiana, filed 3:40 p. m.

Oklahoma City Order 3-F, Amendment 39, covering fresh fruits and vegetables in Oklahoma City, filed 3:38 p. m.

St. Louis Order 3-F, Amendment 17, covering fresh fruits and vegetables in St. Louis, filed 3:40 p. m.

Tulsa Order 5-F, Amendment 26, covering fresh fruits and vegetables in Tulsa, filed 3:37 p. m.

Tulsa Order 6-F, Amendment 26, covering fresh fruits and vegetables in Tulsa, filed 3:37 p. m.

## REGION VI

Twin Cities Order 1-F, Amendment 3, covering fresh fruits and vegetables in St. Paul and Minneapolis, filed 3:37 p. m.

## REGION VIII

Nevada Order 6-F, Amendment 1, covering fresh fruits and vegetables in Reno and Sparks area, filed 3:45 p. m.

Nevada Order 7-F, Amendment 1, covering fresh fruits and vegetables in certain areas of Nevada, filed 3:44 p. m.

Nevada Order 8-F, Amendment 1, covering fresh fruits and vegetables in certain areas in Nevada, filed 3:44 p. m.

Nevada Order 9-F, Amendment 1, covering fresh fruits and vegetables in certain areas in Nevada, filed 3:44 p. m.

Nevada Order 10-F, Amendment 1, covering fresh fruits and vegetables in certain areas in Nevada, filed 3:44 p. m.

Phoenix Order 3-F, Amendment 44, covering fresh fruits and vegetables in the Phoenix area, filed 3:37 p. m.

Phoenix Order 17-O, covering prices for eggs in Phoenix, filed 3:36 p. m.

Portland Order 26, covering canned fruits and vegetables in Portland, filed 3:41 p. m.

Seattle Order 200-F, covering community food prices in the Seattle area, filed 2:50 p. m.

Seattle Order 201-F, covering fresh fruits and vegetables in the Tacoma area, filed 2:50 p. m.

Seattle Order 202-F, covering fresh fruits and vegetables in the Everett area, filed 2:51 p. m.

Seattle Order 203-F, covering fresh fruits and vegetables in Bremerton area, filed 2:53 p. m.

Seattle Order 204-F, covering fresh fruits and vegetables in the Bellingham area, filed 2:52 p. m.

Seattle Order 205-F, covering fresh fruits and vegetables in the Olympia area, filed 2:51 p. m.

Seattle Order 206-F, covering fresh fruits and vegetables in the Aberdeen-Hoquiam area, filed 2:51 p. m.

Seattle Order 207-F, covering fresh fruits and vegetables in the Centralia-Chehalis area, filed 2:52 p. m.

Seattle Order 208-F, covering fresh fruits and vegetables in the Wenatchee area, filed 2:52 p. m.

Seattle Order 209-F, covering fresh fruits and vegetables in the Yakima area, filed 2:52 p. m.

San Francisco Order F-1, Amendment 39, covering fresh fruits and vegetables in San Francisco area, filed 2:53 p. m.

San Francisco Order F-2, Amendment 32, covering fresh fruits and vegetables in certain cities in California, filed 2:53 p. m.

San Francisco Order F-3, Amendment 31, covering fresh fruits and vegetables in certain areas in California, filed 2:53 p. m.

San Francisco Order F-4, Amendment 30, covering fresh fruits and vegetables in certain cities in California, filed 2:54 p. m.

San Francisco Order F-5, Amendment 29, covering fresh fruits and vegetables in certain cities in California, filed 2:54 p. m.

San Francisco Order F-6, Amendment 25, covering fresh fruits and vegetables in certain cities in California, filed 2:54 p. m.

San Francisco Order G-10, Amendment 8, covering community ceiling prices in San Francisco, filed 3:43 p. m.

San Francisco Order G-11, Amendment 8, covering community ceiling prices in San Francisco, filed 3:42 p. m.

San Francisco Order G-13, Amendment 8, covering community ceiling prices in San Francisco, filed 3:42 p. m.

San Francisco Order G-14, Amendment 2, covering community ceiling prices in San Francisco, filed 3:41 p. m.

San Francisco Order 1-F, Amendment 32, covering fresh fruits and vegetables in San Francisco, filed 2:54 p. m.

Spokane Order 1-F, Amendment 32, covering fresh fruits and vegetables in Spokane County, Wash., filed 2:54 p. m.

Spokane Order 2-F, Amendment 29, covering fresh fruits and vegetables in Kootenai County, Idaho, filed 2:56 p. m.

Spokane Order 3-F, Amendment 7, covering fresh fruits and vegetables in Shoshone and Kootenai Counties, Idaho, filed 3:44 p. m.

Spokane Order 6-F, Amendment 18, covering fresh fruits and vegetables in Walla Walla and Columbia Counties, Wash., filed 3:43 p. m.

Spokane Order 7-F, Amendment 6, covering fresh fruits and vegetables in Benton and Franklin Counties, Wash., filed 3:43 p. 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. 44-16932; Filed, Nov. 4, 1944;  
9:28 a. m.]

[Region V Order G-4 Under MPR 333,  
Revocation]

## EGGS AND EGG PRODUCTS IN LOUISIANA

For the reasons set forth in the accompanying opinion, and under the authority vested in the Regional Administrator, Region V, of the Office of Price

Administration, by § 1429.63 of Maximum Price Regulation No. 333 and under General Order No. 3 issued by the Regional Administrator, Region V, on June 21, 1944, under § 1429.63 of Maximum Price Regulation No. 333, *It is hereby ordered:*

(a) That Order No. G-3 under § 1429.63 of Maximum Price Regulation No. 333 issued by the Regional Administrator, Region V, on June 21, 1944, entitled "Modification of Prices in Certain Named Parishes in the State of Louisiana," be, and the same is, hereby revoked.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued at Dallas, Texas, and effective this the 26th day of October 1944.

W. A. ORTH,  
Regional Administrator.

[F. R. Doc. 44-16934; Filed, Nov. 4, 1944;  
9:28 a. m.]

[Region II and Order G-49 Under RMFR 122]

**SOLID FUELS IN DUTCHESS AND PUTNAM COUNTIES, N. Y.**

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 "Pennsylvania anthracite", 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" (hereinafter called simply "anthracite") delivered to or at any point in State of New York—Coal Area XI. That area comprises two counties in the State of New York, falling into two zones as follows:

*Zone 1.* Zone 1 includes all of Putnam County, the City of Beacon and the Towns of Amenia, Beekman, Dover, East Fishkill, Fishkill, Northeast, Pawling, Pine Plains, Stamford, Union Vale and Washington, in Dutchess County.

*Zone 2.* Zone 2 includes all of Dutchess County not included in Zone 1.

(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 sizes and quantities of anthracite delivered within Zones 1 and 2 are set forth in Schedules I and II, respectively.

(3) *To what sales this order applies.* If you are a dealer in anthracite, you are bound by the prices, charges and discounts, and by all other provisions of this

order for all deliveries within Zones 1 and 2.

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 three 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 anthracite.

(b) *What this order prohibits.* Regardless of any contract or other obligation, you shall not:

(1) Sell or, in the course of trade or business, buy anthracite of the 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 contains a separate table of prices for "direct-delivery" sales

and "yard sales" within Zone 1. You will find Schedule I in paragraph (d). In like manner Schedule II contains separate tables of prices for similar sales in Zone 2. You will find Schedule II in paragraph (e).)

(2) Take the dollars-and-cents figure given in the applicable table of the applicable Schedule, for the sizes and quantity 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.

(d) *Schedule I:* Schedule I establishes specific maximum prices for certain sizes of anthracite, in certain specific quantities, delivered to or at any point within Zone 1. There is a separate table of prices for "direct-delivery" sales and "yard sales".

(1) *Sales on a "direct-delivery" basis for sales of anthracite of the sizes and in the quantities specified:*

Size	Per net ton	Per net $\frac{3}{4}$ ton	Per net $\frac{1}{4}$ ton	Per 100 lbs. for sales of 100 lbs. or more but less than $\frac{1}{4}$ ton	Per 50 lb. per bag
Broken, egg, stove, nut...	\$14.85	\$7.70	\$4.00	\$0.95	\$0.50
Pea.....	13.30	6.90	3.60	.85	.45
Buckwheat.....	11.25	5.90	3.05	.75	-----
Rice.....	10.30	5.40	2.85	.70	-----
Barley.....	9.30	4.90	2.60	-----	-----
Screenings.....	4.00	-----	-----	-----	-----

*Required discounts.* You shall deduct from the prices set forth in table (1) of this schedule, on sales and deliveries of all sizes except screenings, a discount of 50¢ per net ton, 25¢ per net  $\frac{1}{2}$  ton, and 15¢ per net  $\frac{1}{4}$  ton, where payment is made within ten days after delivery. Nothing in this subparagraph requires you to sell on other than a cash basis.

**MAXIMUM AUTHORIZED SERVICE CHARGES**

Special Service Rendered at the Request of the Purchaser:

"Carry" or "Wheel"-----

75¢ per net ton.

40¢ per net  $\frac{1}{2}$  ton.

25¢ per net  $\frac{1}{4}$  ton.

75¢ per net ton.

40¢ per net  $\frac{1}{2}$  ton.

25¢ per net  $\frac{1}{4}$  ton.

50¢ per net ton for each five miles or fraction thereof beyond five miles from the dealer's yard.

At the rate of 75¢ per net ton.

Carrying upstairs or downstairs for each full flight above or below the ground floor. This charge shall be in addition to any charge for "Carry" or "Wheel".

For deliveries made by dealers situated in the Town of Northeast, involving hauling beyond five miles from the dealer's yard.

For deliveries made by dealers situated in the Town of Pine Plains, who must haul their coal by truck more than 20 miles from the railhead at which it is received from the mines by rail.

(2) *Yard sales*.—For sales of anthracite of the sizes and in the quantities specified:

Size	Per net ton for sales of 1/2 ton or more	Per 100 lbs. for sales of 100 lbs. or more, but less than 1/2 ton	Per 50 lb. paper bag
Broken, egg, stove, nut...	\$13.85	\$0.85	\$0.45
Pea...	12.30	.75	.40
Buckwheat...	10.25	.65	
Rice...	9.30	.60	
Barley...	8.30		
Screenings...	3.00		

*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, a discount of 50¢ per net ton, 25¢ per net 1/2 ton, and 15¢ per net 1/4 ton, where payment is made within ten days after delivery. Nothing in this subparagraph requires you to sell on other than a cash basis.

(e) *Schedule II*. Schedule II establishes specific maximum prices for certain sizes of anthracite, in certain specific quantities, 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 anthracite of the sizes and in the quantities specified:*

Size	Per net ton	Per net 1/2 ton	Per net 1/4 ton	Per 100 lbs. for sales of 100 lbs. or more, but less than 1/2 ton	Per 50 lb. paper bag
Broken, egg, stove, nut...	\$15.00	\$7.75	\$4.00	\$0.90	\$0.50
Pea...	13.35	6.95	3.60	.80	.45
Buckwheat...	10.50	5.50	2.90	.70	
Rice...	9.60	5.05	2.65	.65	
Barley...	8.60	4.55	2.40		
Screenings...	4.00				

*Required discounts.* You shall deduct from the prices set forth in table (1) of this schedule, on sales and deliveries of broken, egg, stove, nut, and pea sizes, a discount of \$1.00 per net ton, 50¢ per net 1/2 ton, and 25¢ per net 1/4 ton, where payment is made within ten days after delivery; on buckwheat, rice, and barley sizes, you shall deduct a discount of 40¢ per net ton, 20¢ per net 1/2 ton, and 10¢ per net 1/4 ton, where payment is made within ten days after delivery. Nothing in this subparagraph requires you to sell on other than a cash basis.

#### MAXIMUM AUTHORIZED SERVICE CHARGES

*Special Service Rendered at the Request of the Purchaser:*

"Carry" or "Wheel"

Carrying upstairs or downstairs for each full flight above or below the ground floor. This charge shall be in addition to any charge for "Carry" or "Wheel".

For deliveries by dealers without direct rail facilities to their yard, who receive anthracite that has been shipped from the mine by rail (either by trucking it from a railroad siding or from another coal yard having direct rail facilities).

50¢ per net ton.  
25¢ per net 1/2 ton.  
15¢ per net 1/4 ton.  
40¢ per net ton.  
20¢ per net 1/2 ton.  
15¢ per net 1/4 ton.  
5¢ per net 100 lbs.  
50¢ per net ton for deliveries beyond five miles from the railroad siding or rail yard, at which the dealer receives his coal, to the consumer's premises.

(2) *Yard sales*.—For sales of anthracite of the sizes and in the quantities specified:

Size	Per net ton for sales of 1/2 ton or more	Per 100 lbs. for sales of 100 lbs. or more, but less than 1/2 ton	Per 50 lb. paper bag
Broken, egg, stove, nut...	\$14.00	\$0.80	\$0.45
Pea...	12.35	.70	.40
Buckwheat...	9.50	.60	
Rice...	8.60	.55	
Barley...	7.60		
Screenings...	3.00		

*Required discounts.* You shall deduct from the prices set forth in table (2) of this Schedule, on sales and deliveries of broken, egg, stove, nut, and pea sizes, a discount of \$1.00 per net ton, 50¢ per net 1/2 ton, and 25¢ per net 1/4 ton, where payment is made within ten days after delivery; on buckwheat, rice, and barley sizes, you shall deduct a discount of 40¢ per net ton, 20¢ per net 1/2 ton, and 10¢ per net 1/4 ton, where payment is made within ten days after delivery. Nothing

December 1941. Therefore, you may not increase any schedule price on account of freight rates.

(h) *Addition of increase in suppliers' maximum prices prohibited.* You may not increase the specific maximum prices established by this order to reflect, in whole or in part, any subsequent increase to you in your supplier's maximum price for the same fuel. The specific maximum prices already reflect increases to you in your supplier's maximum prices occurring up to the effective date of this order. If increases in your supplier's maximum prices should occur after such date, as the result of any amendment to or revision of a maximum price regulation issued by the Office of Price Administration governing sales and deliveries made by such suppliers, the Regional Administrator will, if he then deems it to be warranted, take appropriate action to amend this order to reflect such increases.

(i) *Taxes.* If you are a dealer subject to this order you may collect, in addition to the specific maximum prices established herein, provided you state it separately, the amount of the Federal tax upon the transportation of property imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by you, or 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.

(j) *Adjustable pricing.* You may not make a price adjustable to a maximum price which will be in effect at some time after delivery of the anthracite has been completed; but the price may be adjustable to the maximum price in effect at the time of delivery.

(k) *Petition for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed with the Regional Administrator and acted upon by him.

(l) *Right of amendment or revocation.* The Regional Administrator or the Price Administrator may amend, revoke or rescind this order, or any provision thereof, at any time.

(m) *Applicability of other regulations.* If you are a dealer subject to this order, you are governed by the licensing 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.

(n) *Records.* If you are a dealer subject to this order, you shall preserve, keep,

in this subparagraph requires you to sell on other than a cash basis.

(f) *Commingling.* If you sell one size of anthracite commingled with another size of anthracite, your maximum price for the combination shall be the maximum price established in this order for the smallest of the sizes so commingled, except in the following situation. Where a purchaser requests that two or more sizes of anthracite be commingled in one delivery, then, and in that event, if those sizes are separately weighed at the point of loading, the dealer may commingle those sizes in the truck or other vehicle in which the delivery is made. The price for anthracite so commingled shall be calculated on the basis of the applicable per net ton price for each size in the combination, and the invoice shall separately state the price, so determined, for the quantity of each size in the combination.

(g) *Ex Parte 148 freight rate increase.* Since the Ex Parte 148 freight rate increase has been rescinded by the Interstate Commerce Commission, dealers' freight rates are the same as those of

and make available for examination by the Office of Price Administration, a record of every sale of anthracite 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.

(o) *Posting of maximum prices; sales slips and receipts.* (1) If you are a dealer subject to this order, you shall post all your maximum prices (as set forth in the applicable schedule or schedules of this order) in your place of business in a manner plainly visible to and understandable by the purchasing public.

(2) If you are a dealer subject to this order, you shall, except for a sale of less than one-half ton, give each purchaser a sales slip or receipt showing your name and address, the kind, size, and quantity of the anthracite sold to him, the date of the sale or delivery and the price charged, separately stating the amount, if any, of the required discounts which must be deducted from, and the authorized service charges and the taxes, which may be added to, the specific maximum prices prescribed herein.

In the case of all other sales, you shall give each purchaser a sales slip or receipt containing the information described in the foregoing paragraph, if requested by such purchaser or if, during December 1941, you customarily gave purchasers such sales slips or receipts.

(p) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the New York Regional Office of the Office of Price Administration, or with the Price Panel of the appropriate War Price and Rationing Board.

(q) *Definitions and explanations.* When used in this Order No. G-49, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "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 anthracite of the 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) "Pennsylvania anthracite" means all coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(5) 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 New York—Coal Area XI with such designation during December 1941. Under no circumstances, however, shall the anthracite contain an ash content in excess of the limits specified by Amendment No. 1 to Solid Fuels Administration for War Regulation No. 9.

(6) "Direct delivery" means delivery to buyer's bin or other storage space designated by buyer.

(7) "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 seller's truck or vehicle, or from the point nearest and most accessible to the buyer's bin or storage space at which the coal is discharged from seller's truck in the course of "direct delivery."

(8) "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.

(9) 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.

(r) *Effect of order on Revised Maximum Price Regulation No. 122.* This Order No. G-49 shall supersede Revised Maximum Price Regulation No. 122, except as to any sales or deliveries of solid fuels not specifically subject to this order.

This Order No. G-49 shall become effective October 30, 1944.

**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.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of October 1944.

DANIEL P. WOOLLEY,  
Regional Administrator.

[F. R. Doc. 44-16986; Filed, Nov. 4, 1944; 2:45 p. m.]

[Region VIII Order G-1 Under RMPR 165]

#### OIL BURNER SERVICES IN LOS ANGELES, CALIF. AREA

For the reasons set forth in an accompanying opinion and pursuant to authority conferred upon the Regional Administrator by § 1499.671 (e) of Revised Supplementary Service Regulation No. 19 of Revised Maximum Price Regulation No. 165; *It is hereby ordered:*

(a) For the purposes of Revised Supplementary Service Regulation No. 19 the area included within a radius of 25 miles of the city hall of Los Angeles including but not limited to the following

cities and towns shall be considered a part of the Los Angeles, California, city area.

Alhambra, Altadena, Arcadia, Bellflower, Beverly Hills, Burbank, Canoga Park, Compton, Culver City, Downey, Eagle Rock, El Monte, Gardena, Glendale, Hawthorne, Huntington Park, Lynwood, Inglewood, Long Beach, Monrovia, Monte Bello, Monterey Park, Montrose, No. Hollywood, Pasadena, Redondo Beach, San Fernando, San Marino, San Gabriel, San Pedro, Santa Monica, South Pasadena, Southgate, Torrance, Van Nuys, Venice, Vernon, Westwood Village, Whittier, and Wilmington.

(b) The applicable hourly rates for such area shall be \$2.50 for the first hour and \$1.75 for the second and succeeding hours unless a service supplier has filed a higher price in accordance with the provisions of § 1499.108 (a) (b) of Maximum Price Regulation No. 165 or has filed a per-call rate higher than the rate set forth above.

(c) Any supplier of oil burner services covered by this order shall also be subject to all the provisions and requirements contained in Revised Supplementary Service Regulation No. 19.

This order shall become effective November 1, 1944.

Issued this 27th day of October 1944.  
(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

CHAS. R. BAIRD,  
Regional Administrator.

[F. R. Doc. 44-16984; Filed, Nov. 4, 1944; 2:44 p. m.]

[Region VIII Order G-1 Under 3 (e) (2)  
Revocation]

#### WEDGEWOOD COMPANY

##### ESTABLISHMENT OF MAXIMUM PRICES

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 § 1499.3 (e) (2) of the General Maximum Price Regulation and under the authority reserved in the above-named order, that order is hereby revoked.

This order of revocation shall become effective November 1, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of October, 1944.

CHAS. R. BAIRD,  
Regional Administrator.

[F. R. Doc. 44-16983; Filed, Nov. 4, 1944; 2:44 p. m.]

[Region VIII Order G-2 Under 3 (e) (2),  
Revocation]

#### WEDGEWOOD COMPANY

##### ESTABLISHMENT OF MAXIMUM PRICES

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 § 1499.3 (e) (2) of the General Maximum Price Regulation and under the authority reserved in the above-named order, that order is hereby revoked.

This order of revocation shall become effective November 1, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of October 1944.

CHAS. R. BAIRD,  
Regional Administrator.

[F. R. Doc. 44-16982; Filed, Nov. 4, 1944;  
2:43 p. m.]

[Region VIII Order G-7 Under RMPR 122]

SOLID FUELS IN TACOMA, WASH., AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region VIII of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered.

(a) *What this order does.* (1) This order establishes maximum prices for sales of specified solid fuels to domestic consumers in the Tacoma, Washington area, which is comprised of the area within the corporate limits of the City of Tacoma, and the area within a five mile radius of the corporate limits to the south and west and three miles to the north and east, which includes deliveries to Fox Island. All sales other than to domestic consumers remain subject to the Revised Maximum Price Regulation 122.

(2) Except as otherwise provided herein, all provisions of Revised Maximum Price Regulation 122 remain in full force and effect, including those sections covering Prohibited Practices, Definitions, Penalties, and Liabilities.

(3) (i) The maximum prices established herein supersede all previously established maximum prices under Revised Maximum Price Regulation 122, or any orders issued thereunder.

(ii) Less than maximum prices may be charged, paid or offered.

(iii) Maximum prices established by this order may not be increased to reflect increased mine costs, transportation costs.

(b) *Tables of maximum prices.* (1) The maximum prices for all sales to domestic consumers in the Tacoma area of the specified kinds of solid fuels are set forth in Tables I to VII, below:

TABLE I. WYOMING, DISTRICT 19

Size group and trade size	Delivered f. o. b. yard		Delivered to buyer's premises					
	Sacked 100 pounds	Loose per ton	Sacked		Loose			
			100 pounds	ton	1/4 ton	1 ton	2 tons	3 tons
1 Lump 8" and up								
2 Lump 7"								
3 Lump 5"								
4 Lump 3" or 12 x 3"	\$0.90	\$13.50	\$1.00	\$18.50	\$7.75	\$14.50	\$14.25	-----
5 Stove 8 x 3"								
6 Stove 7 x 3"								
7 Grate nut 8 x 1 1/8 or 5 x 3"	.90	13.00	1.00	18.00	7.50	14.00	13.75	-----
8 Nut 3 x 1 1/8"								
9 Pea No. 1, 1 1/8 x 1"	.85	11.50	.95	16.50	6.75	12.50	12.25	-----
10 Pea No. 2, 1 1/8 x 1 1/2"	.80	11.10	.90	16.10	6.55	12.10	11.85	\$11.60
11 Stoker 1 x 3 1/2"								
12 Mine run 8 x 0"	.85	11.75	.95	16.25	6.90	12.75	12.50	12.25
13 Mine run 7 x 0"								
14 Slack 2 1/2 x 0"								
15 Slack 1 1/8 x 0"								
16 Slack 1 x 0"	.80	10.65	.90	15.65	6.35	11.65	11.40	11.15
17 Slack 3/4 x 0"								

TABLE II. UTAH, DISTRICT 20

1 Lump 11 x 8"								
2 Lump 10"								
3 Lump 3" or 8 x 10"	\$0.90	\$13.50	\$1.00	\$18.50	\$7.75	\$14.50	\$14.25	-----
4 Lump 1 1/2"								
5 Stove 8 x 3"								
6 Egg 8 x 1 1/4"	.10	13.00	.00	18.00	7.50	14.00	13.75	-----
7 Nut 3 x 1 1/8"								
8 Pea 1 1/4 x 1"	.85	11.50	.95	16.50	6.75	12.50	12.25	-----
9 Stoker 1 x 3 1/2"	.80	11.10	.90	16.10	6.55	12.10	11.85	\$11.60
10 Slack 1 1/8 x 0"								
11 Slack 1 x 0"	.80	10.65	.90	15.65	6.35	11.65	11.40	11.15
12 Slack 3/4 x 0"								
13 Mine run 8 x 0"								
14 Mine run 3 x 0"	.85	11.75	.95	16.75	6.90	12.75	12.50	12.25

TABLE III. MONTANA, DISTRICT 22

1 Lump 6"								
2 Lump 2"								
3 Furnace 9 x 6"	\$0.90	\$13.50	\$1.00	\$18.50	\$7.75	\$14.50	\$14.25	-----
4 Egg 6 x 3"								
5 Stove 6 x 2"								
6 Nut No. 1, 3 x 2"								
7 Nut No. 2, 2 x 1 1/4"	.90	13.00	1.00	18.00	7.50	14.00	13.75	-----
8 Chestnut, 3 1/4 x 1"	.80	11.10	.90	16.10	6.55	12.10	11.85	\$11.60
9 Stoker pea 1 1/4 x 1/2"								
10 Slack 1 1/4 x 0"								
11 Slack 1 x 0"	.75	9.75	.85	14.75	5.90	10.75	10.50	10.25
12 Slack 3/4 x 0"								
13 Mine run	.85	11.75	.95	16.75	6.90	12.75	12.50	12.25

TABLE IV. WASHINGTON, DISTRICT 23

SUBDISTRICTS A, ROSLYN, AND E, RENTON

1								
2	Lump 1" and up	\$0.80	\$11.40	\$0.90	\$16.40	\$6.70	\$12.40	\$12.15
3								
4								
5								
6								
7	Egg coals, top size 4", bottom size 1" or larger	.80	11.15	.90	16.15	6.60	12.15	11.90
8								
9								
10								
11								
12	Nut coals, top size 2 1/2", bottom size 3/8" or larger	.80	10.80	.90	15.80	6.40	11.80	11.55
13								
14								
15								
16	Stoker coals, top size 1 1/8", bottom size 3/2" or larger	.75	9.50	.85	14.50	5.75	10.50	10.25
17								
18								
19	Mine run and slack larger than 2 x 0"	.80	10.40	.90	15.40	6.20	11.40	11.15
20								
21	Slack 2 x 0"	.70	9.35	.80	14.35	5.70	10.35	10.10
22	Slack 1 1/4 x 0"							
23	Slack 1 x 0"							

TABLE V. WASHINGTON, DISTRICT 23  
SUB-DISTRICT B, FIERCE COUNTY

Size group and trade size	Delivered f. o. b. yard		Delivered to buyer's premises					
	Sacked 100 pounds	Loose per ton	Sacked		Loose			
			100 pounds	1 ton	½ ton	1 ton	2 tons	3 tons
All Lump coals, 1" and up; and all egg and egg-nut coals, top size 4", bottom size 1" and larger.	\$0.85	\$12.05	\$0.95	\$17.05	\$7.00	\$13.05	\$12.80	-----
Nut coals, top size 2½", bottom size ¾" and larger.	.80	11.30	.90	16.30	6.65	12.30	12.05	-----
Stoker 1 ¾"	.80	10.95	.90	15.95	6.50	11.95	11.70	\$11.45
Stoker 1 ½ x ¾"	.80	10.20	.85	15.20	6.10	11.20	10.95	10.70

TABLE VI, WASHINGTON, DISTRICT 23  
SUBDISTRICT C, SOUTHWEST WASHINGTON

Lump 1" and up.	\$0.75	\$10.05	\$0.85	\$15.05	\$6.00	\$11.05	\$10.80	-----
Egg and egg-nut sizes, top size 4", and bottom size 1" and larger.	.70	9.25	.80	14.25	5.05	10.25	10.00	-----
Nut sizes, top sizes 2½", bottom size ¾" and larger.	.70	8.75	.80	13.75	5.40	9.75	9.50	-----
Stoker 1 x ¾"	.65	8.15	.75	13.15	5.10	9.15	8.90	\$8.65
Stoker 1 ½ x ¾"	.70	8.65	.80	13.65	5.35	9.65	9.40	9.15
Stoker 1 x ¾"	.65	8.00	.75	13.00	5.00	9.00	8.75	8.50

TABLE VII, WASHINGTON, DISTRICT 23  
SUB-DISTRICT E, MCKAY LAWSON

Lump 1" and up.	\$0.90	\$12.50	\$1.00	\$17.50	\$7.25	\$13.50	\$13.00	-----
Egg and egg-nut coals, top size 4", bottom size 1" and larger.	.85	12.00	.95	17.00	7.00	13.00	12.75	-----
Nut coals, top size 2½", bottom size ¾", and larger.	.80	11.25	.90	16.25	6.65	12.25	12.00	-----
Stoker 1 x ¾"	.80	10.55	.90	15.55	6.00	11.55	11.30	\$11.05
Stoker 1 ½ x ¾"	.80	10.90	.90	15.90	6.45	11.90	11.65	11.40
Stoker 1 x ¾"	.75	10.00	.85	15.00	6.00	11.00	10.75	10.50

(2) *Exceptions.* The above maximum prices are applicable to deliveries within the corporate limits of the city of Tacoma and an area within a two mile radius of the corporate limits.

(1) For the area beyond the two mile radius of the corporate limits of the city of Tacoma and to a three mile radius from Tacoma on the east and north, and a five mile radius from Tacoma on the south and west, the applicable maximum prices shall be the one ton delivered price listed above.

(ii) For deliveries to Fox Island, \$1.00 per ton over the delivered one ton price may be added plus the actual ferry fare, not to exceed an additional charge of 60 cents per ton.

(3) *Definitions.* As used herein the following terms shall mean:

(i) "Delivered f. o. b. yard", delivered at the dealer's place of business and loaded on the buyer's conveyance.

(ii) "Delivered to buyer's premises", delivered into the buyer's bin or other storage facility, where such delivery can

be made directly from the dealer's truck by shovel and/or chute.

(iii) "Ton", 2,000 pounds net weight.

(iv) "Domestic consumer", a purchaser who uses the coal purchased to heat a dwelling housing not more than four family units.

(4) *Service charges.* A service charge not to exceed \$1.00 per ton may be added for the service of packing or wheeling. Packing is the service of carrying the solid fuel from the dealer's truck to the buyer's bin or other storage facility. Wheeling means the service of wheeling solid fuels from the dealer's truck to the buyer's bin or other storage facility.

(5) *Dust treatment.* When any of the coals listed in Tables I to VII above has been treated to minimize dust, the maximum price may be increased by an amount not in excess of the producer's charge for such treatment; provided such amount shall not exceed the following amounts:

	Cents per ton
Nut sizes and larger.	10
Pea sizes.	15
Stoker and slack sizes.	35

Further provided that such sales are stated as treated coal on the invoices or sales slips.

(c) *Taxes.* A dealer subject to this order may collect in addition to the maximum prices established herein, provided he separately states them:

(1) 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 him, or an amount equal to the amount of such tax by any of his prior suppliers and separately stated and collected from the dealer by the supplier from whom he purchased;

(2) The amount of the Washington state sales tax payable by such dealer.

(d) *Records and reports.* The provisions of § 1340.262 of Revised Maximum Price Regulation 122 shall remain in full effect with respect to all dealers in the Tacoma area, except that the dollars-and-cents prices established by this order need not be reported pursuant to paragraph (c) of said section.

(e) *Posting of maximum prices, sales slips, and receipts.* (1) Every dealer subject to this order shall post at his place of business in a manner plainly visible to and understandable by the purchasing public, all of the maximum prices established herein which are applicable to his sales, and shall keep a copy of this order available for examination by any person during ordinary business hours.

(2) Every dealer making sales subject to this order shall give to each purchaser an invoice or sales slip showing the name and address of the dealer, the name and address of the purchaser; the kind, type, and quantity of solid fuel sold; the price thereof; and such special and/or additional charges, if any, which are required to be separately stated by other provisions of this order.

(f) *Petitions for amendment.* Any person seeking an amendment of any provisions of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition

## FEDERAL REGISTER, Tuesday, November 7, 1944

shall be filed with the San Francisco Regional Administrator.

(g) This order may be revoked, amended, or corrected at any time.

This order becomes effective October 31, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 31st day of October 1944.

CHAS. R. BAIRD,  
Regional Administrator.

[F. R. Doc. 44-16985; Filed, Nov. 4, 1944;  
2:45 p. m.]

[Region VIII Order G-101 Under 18 (c),  
Revocation]

**MORTUARY SERVICES IN DESIGNATED COUNTIES IN 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 § 1499.18 (c) of the General Maximum Price Regulation, and the authority reserved in paragraph (c) of Order No. G-101 under § 1499.18 (c) said order is hereby revoked.

This order shall become effective upon its issuance.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9280, 7 F.R. 7681; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of October 1944.

CHAS. R. BAIRD,  
Regional Administrator.

[F. R. Doc. 44-16981; Filed, Nov. 4, 1944;  
2:43 p. m.]

**SECURITIES AND EXCHANGE COMMISSION.**

[File No. 16-1A1]

J. A. SISTO & CO.

**ORDER DENYING APPLICATION FOR ORDER APPROVING OR DIRECTING ADMISSION TO MEMBERSHIP IN NATIONAL SECURITIES ASSOCIATION**

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 1st day of November, A. D. 1944.

J. A. Sisto & Co. having made application, pursuant to section 15A (b) (4) of the Securities Exchange Act of 1934, for an order approving or directing its admission to membership in the National Association of Securities Dealers, Inc., a national securities association registered under section 15A of the Securities Exchange Act of 1934;

A hearing having been held after appropriate notice, and the Commission being duly advised and having this day issued its findings and opinion herein;

*It is ordered*, On the basis of said findings and opinion, that said application be and hereby is denied.

By the Commission.

[SEAL] ORVAL L. DUBois,  
Secretary.  
[F. R. Doc. 44-16922; Filed, Nov. 3, 1944;  
2:40 p. m.]

[File No. 70-966]

**THE POTOMAC EDISON CO.**

**SUPPLEMENTAL 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 1st day of November, A. D. 1944.

The Potomac Edison Company, a registered holding company and a subsidiary of American Water Works and Electric Company, Inc., a registered holding company, having made a filing and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 regarding the issuance and sale, in accordance with Rule U-50 promulgated under said act, of \$16,981,000 principal amount of first mortgage bonds, due October 1, 1974, the sales price and interest rate of such bonds to be fixed by competitive bidding and the proceeds thereof, together with such other cash as may be required from the company's treasury, to be used to redeem \$11,981,000 principal amount of its Series E, 5% bonds, and \$5,000,000 principal amount of its Series F, 4½% bonds in accordance with the terms of said securities;

The Commission having by order entered herein under date of October 20, 1944 permitted the declaration regarding said filings, as amended, to become effective subject to the terms and conditions of Rule U-24, to the further condition that the proposed issuance and sale of securities should not be consummated until the results of competitive bidding pursuant to Rule U-50 had been made a matter of record in this proceeding and a further order entered by this Commission in the light of the record as so completed, and to reservations of jurisdiction concerning the redemption premiums applicable to the new bonds and the payment of any and all fees and expenses incurred or to be incurred in connection with the proposed transactions;

The record herein having now been completed in respect of the results of the competitive bidding, the action proposed to be taken by The Potomac Edison Company in respect thereof, the definitive terms of the new first mortgage bonds to be issued and sold, including the redemption premiums applicable thereto, and the amount of the fees and expenses, including the fee and expenses of independent counsel for the purchasers, proposed to be paid in connection with the issuance and sale of said bonds;

It appearing that The Potomac Edison Company, pursuant to the invitation for competitive bids, having received five bids on said bonds from five groups of

underwriters headed by the firms set forth below:

Underwriting group	Percent of principal Coupon amount <sup>1</sup>	rate
W. C. Langley & Co.	101.402	3%
Kidder, Peabody & Company	101.129	3%
Halsey, Stuart & Co., Inc.	100.789	3%
Mellon Securities Corporation	100.5911	3%
Lehman Brothers	100.0791	3%

<sup>1</sup> Plus accrued interest.

It further appearing that The Potomac Edison Company has accepted the bids of the syndicate headed by W. C. Langley & Co., such bonds to be resold to the public at 102.5% of principal amount thereof plus accrued interest from October 1, 1944 to the date of delivery, representing a spread to the underwriters of 1.098% on said bonds;

It further appearing that the total fees and expenses to be borne by The Potomac Edison Company in connection with the proposed issuance and sale will aggregate approximately \$140,968 of which \$38,535 represents the cost of legal and accounting services; the fee of independent counsel for the purchasers, to be paid by the purchasers, being \$15,000; the nature and extent of the services performed for said fees and expenses having been elaborated on the record; and the Commission having examined the record herein and finding no basis for the imposition of additional terms and conditions with respect to the proposed issuance and sale of securities other than those prescribed by Rule U-24 and further finding no basis for determining that the fees and expenses to be paid in connection therewith are unreasonable;

*It is ordered*, That said declaration, as amended, be and the same hereby is permitted to become effective forthwith subject to the terms and conditions prescribed by Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBois,  
Secretary.

[F. R. Doc. 44-16923; Filed, Nov. 3, 1944;  
2:40 p. m.]

[File No. 7-760]

**AMERICAN TELEPHONE AND TELEGRAPH CO.**  
**ORDER SETTING HEARING ON APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES**

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3d day of November A. D. 1944.

In the matter of application by the San Francisco Stock Exchange to extend unlisted trading privileges to American Telephone and Telegraph Company, 15-Year 3% Convertible Debentures, due 1956; File No. 7-760.

The San Francisco Stock Exchange, pursuant to section 12 (f) of the Securities Exchange Act of 1934, and Rule X-12F-1 promulgated thereunder, having

made application to the Commission to extend unlisted trading privileges to the above-mentioned security;

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard:

*It is ordered.* That the matter be set down for hearing at 10:00 a. m. on Monday, November 20, 1944, at the office of the Securities and Exchange Commission, 625 Market Street, San Francisco, California, 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 John G. Clarkson, or any other officer or officers of the Commission named by it for that purpose, shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, 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. 44-16962; Filed, Nov. 4, 1944;  
2:54 p. m.]

[File No. 70-974]

MOBILE GAS SERVICE CORP.

SUPPLEMENTAL ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 2d day of November A. D. 1944.

Mobile Gas Service Corporation, a gas utility company and a subsidiary of Consolidated Electric and Gas Company, a registered holding company, having filed an application and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 regarding the issue and sale of \$1,400,000 principal amount of First Mortgage Bonds, due October 1, 1974, and 6,000 shares of Cumulative Preferred Stock with an aggregate par value of \$600,000, the prices for such securities and the interest rate on the new bonds and the dividend rate on the new preferred stock to be determined at competitive bidding, pursuant to Rule U-50, and the proceeds from the sale of said securities, together with such other cash as may be required from the company's treasury, to be used to redeem, in accordance with the terms of said securities, \$1,400,000 principal amount of its First Mortgage Bonds, 3 3/4% Series, due 1961, and 6,000 shares of its presently outstanding 6% Cumulative Preferred Stock;

No. 222—7

The Commission having by order entered herein under date of October 27, 1944 granted the application, as amended, subject to the terms and conditions of Rule U-24, to the further condition that the proposed issuance and sale of said securities should not be consummated until the results of competitive bidding had been made a matter of record in this proceeding and a further order entered by this Commission in the light of the record as so completed, and to reservations of jurisdiction concerning the redemption premiums applicable to the new bonds and the payment of any and all fees and expenses incurred or to be incurred in connection with the proposed transactions;

The record herein having now been completed in respect of the results of competitive bidding, the action proposed to be taken by Mobile Gas Service Corporation in respect thereof, the definitive terms of the new first mortgage bonds and new preferred stock to be issued and sold, including the redemption premiums applicable thereto, and the amount of the fees and expenses, including the fee of independent counsel for the purchasers, proposed to be paid in connection with the issuance and sale of said securities;

It appearing that Mobile Gas Service Corporation pursuant to the invitation for competitive bids, has received bids as follows:

Bidder	For the bonds (percent of principal amount) <sup>1</sup>	Coupon rate	Cost of money to the company <sup>2</sup>
Massachusetts Mutual Life Insurance Co.	100. 25988	Percent 3	Percent 2.98270
Harriman, Ripley & Co., Inc.	101. 46	3 1/8	3. 05682
The First Boston Corporation	100. 931	3 1/8	3. 06244
Blyth & Co., Inc., and Central Republic Co.	100. 917	3 1/8	3. 06338
Halsey, Stuart & Co., Inc.	100. 150	3 1/8	3. 11488

<sup>1</sup> Plus accrued interest.

<sup>2</sup> Based on annual rate.

Bidder	For the preferred stock (percent of par value) <sup>1</sup>	Dividend rate	Cost of money to the company <sup>2</sup>
The First Boston Corporation	100. 516	Percent 4. 9	Percent 4. 874846
Shields & Co.	100. 567	5	4. 971810

<sup>1</sup> Plus accrued dividends.

<sup>2</sup> On an annual rate.

Bidder	For the bonds and preferred stock (percent of par or principal amount) <sup>1</sup>	Coupon or dividend rate	Cost of money to the company <sup>2</sup>
The First Boston Corporation:			
Bonds.....	101. 015	Percent 3 1/8	Percent 3. 05682
Preferred.....	100. 516	4. 90	4. 874846

<sup>1</sup> Plus accrued interest or accrued dividends.

<sup>2</sup> On an annual basis.

It further appearing that Mobile Gas Service Corporation has accepted the bid of Massachusetts Mutual Life Insurance Company for said bonds, that said insurance company is proposing to hold the securities in its portfolio and that accordingly there is to be no public offering of the same, and that Mobile Gas Service Corporation has accepted the bid of the syndicate headed by The First Boston Corporation for said preferred stock, such preferred stock to be resold to the public at 104% of par value plus accrued dividends from October 1, 1944 to the date of delivery, representing a spread to the underwriters of 3.484% on said preferred stocks;

It further appearing that the total fees and expenses to be borne by Consolidated Electric and Gas Company and Mobile Gas Service Corporation in connection with the proposed issuance and sale will aggregate approximately \$41,260 (\$28,000 thereof being borne by Mobile Gas Service Corporation) of which \$16,000 represents the cost of legal and accounting services; the fee of independent counsel for the purchasers, to be paid by the purchasers, being \$4,500; the nature and extent of the services performed for said fees and expenses having been elaborated on the record; and the Commission having examined the record herein and finding no basis for the imposition of additional terms and conditions with respect to the proposed issuance and sale of securities other than those prescribed by Rule U-24 and further finding no basis for determining that the fees and expenses to be paid in connection therewith are unreasonable;

*It is ordered.* That said application, as amended, be and the same hereby is granted, subject to the terms and conditions prescribed by Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBoIS,  
Secretary.

[F. R. Doc. 44-16963; Filed, Nov. 4, 1944;  
2:54 p. m.]

[File No. 70-984]

CAPITAL TRANSIT CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3d day of November 1944.

Notice is hereby given that an application or declaration (or both) has been filed with this Commission under the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder by Capital Transit Company (Capital Transit), a subsidiary of Washington Railway and Electric Company, a registered holding company which, in turn, is a subsidiary of The North American Company, also a registered holding company.

All interested persons are referred to said document which is on file in the office of the Commission for a statement

of the transactions therein proposed which may be summarized as follows:

Capital Transit proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, \$12,500,000 principal amount of First Mortgage Bonds, Series A, 4%, due December 1, 1964; and

Capital Transit also proposes to borrow from a bank or banks, to be designated, the sum of \$2,500,000, the indebtedness in respect thereof to be represented by the unsecured serial notes of the company, bearing interest at the rate of 2.65% per annum, maturing semi-annually over a period of five years from the date of issue.

The proceeds from the sale of the new bonds and the bank loan together with treasury and other funds available will be used by Capital Transit for the redemption, purchase, payment, or to make provision for the payment of, the following securities outstanding in the hands of the public:

	Principal amount
1. Mortgage Debt.	
(a) Washington Railway and Electric Company (hereinafter called WR&ECO.) Consolidated Mortgage 4% Bonds due December 1, 1951 (portion in respect of which the Company is obligated) -----	\$8,720,500
(b) Anacostia and Potomac River Rail Road Company of Washington City D. C.: First Mortgage 3 3/4% Bonds due December 1, 1951 (modified, assumed by the Company and guaranteed by WR&ECO.) -----	1,870,000
First Mortgage 5% Bonds due April 1, 1949 (guaranteed by WR&ECO.) -----	455,000
First Mortgage 5% Bonds due April 1, 1949 (not specifically assumed or guaranteed) -----	210,000
(c) City and Suburban Railway of Washington: First Mortgage 3 3/4% Bonds due December 1, 1951 (modified, assumed by the Company and guaranteed by WR&ECO.) -----	1,249,000
First Mortgage 5% Bonds due August 1, 1948 (not specifically assumed or guaranteed) -----	93,000
(d) The Capital Traction Company First Mortgage 5% Bonds due June 1, 1947. -----	5,150,000
2. Purchase Money Chattel Trust Notes and Conditional Sales Obligations due 1944-51, secured by title to or lien upon street cars and buses (exclusive of conditional sales notes issued to date in connection with No. 3 below) as of September 1, 1944-----	\$4,382,413
Portion thereof applicable to street cars only, to be presently refunded, after deducting payments of \$17,765 to be made in due course prior to December 15, 1944-----	1,668,897

2. Obligations incurred and to be incurred in connection with purchase of 140 new street cars now on order and in process of delivery, excluding payments to be made to December 15, 1944 (Estimated) ----- \$2,563,401

16,979,798

Estimated Premiums and Interest if New Bonds are sold on December 15, 1944:

Premiums-----	\$275,365
Interest accrued to closing date-----	69,552
Interest to accrue after closing date	737,531
	1,082,448

Total----- 18,062,246

The application states that the company is applying to the Public Utilities Commission of the District of Columbia and to the Interstate Commerce Commission for the approval of the issue of the proposed serial notes and new bonds.

Capital Transit proposes to solicit proxies from its stockholders for a meeting to be held on November 27, 1944, to authorize the mortgaging of its properties in connection with the issuance of the new first mortgage bonds. The company has filed a declaration under Rule U-62 with respect to such proposed solicitation and requests that the effective date of the declaration be accelerated to November 6, 1944 to permit mailing of the notice of the meeting of stockholders by November 10, 1944.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters (excluding, however, the declaration with respect to the solicitation of proxies under Rule U-62) and that said filing should not be granted or permitted to become effective except pursuant to further order of this Commission:

*It is ordered*, That a hearing on said matters under the applicable provisions of said act and rules of the Commission promulgated thereunder be held at 10:00 a. m., e. w. t., on the 20th day of November, 1944, at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date, the hearing room clerk in room 318 will advise as to the room in which such hearing is to be held.

*It is further ordered*, That Allen MacCullen or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matters. The officers so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the commissioner's rules of practice.

*It is further ordered*, That, without limiting the scope of the issues presented by such filing, particular attention be directed at such hearing to the following matters and questions:

1. Whether the proposed issue and sale of the first mortgage bonds and serial

notes are solely for the purpose of financing the business of Capital Transit;

2. Whether the fees, commissions, or any other remunerations to be paid in connection with the proposed issue and sale are for necessary services and are reasonable in amount;

3. Whether it is necessary or appropriate in the public interest or for the protection of investors and consumers to impose terms or conditions in connection with the proposed transactions; and, if so, what the terms and conditions should be;

4. Generally, whether the proposed transactions comply with all the provisions and requirements of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder.

*It is further ordered*, That the Secretary of the Commission shall serve by registered mail, a copy of this order on the Capital Transit Company, applicant herein, Washington Railway and Electric Company, The North American Company, the Interstate Commerce Commission, and upon the Public Utilities Commission of the District of Columbia; and that notice of said hearing be given to all other persons by publication of this order in the FEDERAL REGISTER. Any person desiring to be heard or otherwise wishing to participate in these proceedings shall file with the Secretary of the Commission on or before November 17, 1944, his request or application therefor, as provided by Rule XVII of the rules of practice of the Commission.

By the Commission.

[SEAL]

ORVAL L. DUBoIS,  
Secretary.

[F. R. Doc. 44-16964; Filed, Nov. 4, 1944;  
2:55 p. m.]

[File Nos. 54-74, 59-69]

NORTH CONTINENT UTILITIES CORP., ET AL.  
NOTICE OF FILING OF APPLICATION AND ORDER  
FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 3d day of November A. D. 1944.

In the matters of North Continent Utilities Corporation and Subsidiary Companies, File No. 54-74; North Continent Utilities Corporation and Subsidiary Companies, File No. 59-69.

The Commission having by order entered on November 16, 1943 approved a plan providing for the liquidation and dissolution of North Continent Utilities Corporation ("North Continent"), a registered holding company, filed by that company and its subsidiary companies, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, designed to enable the North Continent holding company system to comply with section 11 (b) of the act, and having by said order, pursuant to section 11 (b) of

the act, directed North Continent to take such action as may be necessary to cause its liquidation and dissolution;

Notice is hereby given that an application or declaration (or both), designated as "Application No. 6", has been filed with this Commission pursuant to the said act by North Continent together with its subsidiary company, North Continent Mines, Inc. ("Mines"), with respect to certain transactions in connection with North Continent's aforesaid plan of liquidation.

All interested persons are referred to said application or declaration which is on file in the office of the Commission for a statement of the transactions therein proposed, which is summarized below:

Mines is engaged in the business of mining and selling ore. Mines proposes to sell to Union Mines Development Corporation, a wholly-owned subsidiary of Union Carbide and Carbon Corporation, its "claims, homestead, mill and other buildings, machinery, tools and equipment, and materials and supplies (but not including cash and current assets other than materials and supplies)" for \$200,000 in cash.

The proceeds of the above sale, after deducting necessary expenses will be deposited in the general funds of Mines. Thereafter, Mines will distribute to its stockholders, in liquidation and dissolution, its assets remaining after payment of its debts. Mines estimates that in such liquidation there will be payable to stockholders of Mines approximately \$16.49 in respect of each share held. North Continent as the holder of 14,001 shares of the total of 15,000 outstanding shares of capital stock of Mines will receive approximately \$230,876. Said funds will be deposited by North Continent with the Trustee under the indenture securing its First Lien Collateral and Refunding Gold Bonds, Series A, 5½%, due January 1, 1948, to be used by the Trustee in making ratable payments upon the unpaid principal of the Bonds, as provided in North Continent's aforesaid plan.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters and that said application or declaration (or both) shall not be granted or permitted to become effective except pursuant to further order of this Commission;

*It is hereby ordered*, That a hearing on such matters under the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules thereunder be held on November 15, 1944 at 10:00 a. m., e. w. t., in the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated at such time by the hearing room clerk in Room 318. All persons desiring to be heard or desiring to participate in the proceedings shall notify the Commission in the manner provided by Rule XVII of the Commission's rules or practice on or before November 10, 1944.

*It is further ordered*, That Willis E. Monty or any other officer or officers of

the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of 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 or declaration (or both), particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the consideration to be received, including all fees, commissions, and other remunerations to whomsoever paid in connection with the proposed transactions, is fair and reasonable;

(2) Whether the imposition of terms and conditions is necessary in the public interest or for the protection of investors and consumers, and, if so, what those terms and conditions should be;

(3) Generally, whether in any respect the proposed transactions are detrimental to the public interest or the interests of investors and consumers or will tend to circumvent any provisions of the act or the rules and regulations promulgated thereunder.

*It is further ordered*, That the Secretary of the Commission shall serve notice of said hearing by mailing a copy thereof by registered mail to said applicants or declarants, and that notice of said hearing shall be given to all other persons by publication of a copy of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBois,  
Secretary.

[F. R. Doc. 44-16965; Filed, Nov. 4, 1944;  
2:55 p. m.]

[File Nos. 70-314, 70-315, 59-21, 4-33, 54-91,  
70-868]

UNITED GAS CORP., ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER BONDS; CORRECTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 2d day of November, A. D. 1944.

In the matter of United Gas Corporation, United Gas Pipe Line Company, Houston Gulf Gas Company, File No. 70-314; In the matter of Electric Bond and Share Company, File No. 70-315; In the matter of Electric Bond and Share Company, Electric Power & Light Corporation, United Gas Corporation, Houston Gas Securities Company, United Gas Pipe Line Company, Houston Gulf Gas Company, File No. 59-21; In the matter of Investigation of Organization and Financing of United Gas Corporation, Etc., File No. 4-33; In the matter of United Gas Corporation, Electric Power & Light Corporation, Electric Bond and Share Company, File No. 54-91; In the matter of Electric Bond and Share Company, File No. 70-868.

The Commission having on October 21, 1944 issued its "supplemental order" in the above entitled proceeding (pub-

lished as Holding Company Act Release No. 5363) and it appearing that said order contained a typographical error;

*It is ordered*, That the said order of October 21, 1944 be and hereby is corrected by changing the number of institutional buyers therein referred to from 60 to 50 so that said order reads in part: "that in accordance with the permission granted by said order of the Commission dated September 7, 1944 United Gas Corporation has entered into definitive agreements with 50 institutional buyers for the sale of \$100,000,000 principal amount of its First Mortgage and Collateral Trust Bonds."

By the Commission.

[SEAL] ORVAL L. DUBois,  
Secretary.

[F. R. Doc. 44-16961; Filed, Nov. 4, 1944;  
2:54 p. m.]

[File No. 70-683]

ASSOCIATED ELECTRIC CO. AND MISSOURI SOUTHERN PUBLIC SERVICE CO.

ORDER MODIFYING CONDITION AND 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 3d day of November 1944.

Associated Electric Company, a registered holding company, and its wholly-owned subsidiary, Missouri Southern Public Service Company, having filed joint applications-declarations, as amended, pursuant to sections 9(a), 10, and 12 of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder, regarding the proposed sale by the Missouri Southern Public Service Company of all its physical properties to New-Mac Electric Cooperative, Inc., for a base cash consideration of \$170,000; the subsequent transfer by Missouri Southern Public Service Company of 40 shares of capital stock by Atlantic Utility Service Corporation and its other then remaining assets, subject to its liabilities, to Associated Electric Company, and the surrender to Missouri Southern Public Service Company of all its capital and indebtedness held by Associated Electric Company; and the dissolution of Missouri Southern Public Service Company; and

The Commission having by order dated September 4, 1944, granted the applications, as amended, and permitted the declarations, as amended, to become effective, subject to the terms and conditions prescribed in Rule U-24; and

A request having been made for an extension of the time within which the transactions as set forth in the applications and declarations, as amended, may be fully consummated; 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 of September 4, 1944,

## FEDERAL REGISTER, Tuesday, November 7, 1944

be, and hereby are, modified to the extent necessary to extend the time, within which such transactions may be consummated, to January 2, 1945.

By the Commission.

[SEAL] ORVAL L. DUBois,  
Secretary.

[F. R. Doc. 44-16998; Filed, Nov. 6, 1944;  
9:29 a. m.]

[File No. 70-881]

WEST KENTUCKY COAL CO.

## NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 4th day of November 1944.

Notice is hereby given that a joint amended application and a joint amended declaration (or both) have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder by West Kentucky Coal Company and its parent, The North American Company, a registered holding company. All interested persons are referred to said application and declaration, which are on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized below:

The North American Company proposes to make a capital contribution to West Kentucky Coal Company of 115,675 shares of its outstanding 7% Cumulative Preferred Stock, par value \$50 per share, and 65,684 shares of its outstanding common stock, stated value \$11 per share, thereby creating a total capital contribution by The North American Company to West Kentucky Coal Company in the amount of \$6,506,274, which amount will be credited to the capital surplus account of West Kentucky Coal Company. After giving effect to the capital contribution such stock so contributed by The North American Company will be retired and the outstanding stock of West Kentucky Coal Company will then consist of 4,325 shares of publicly-held 7% Cumulative Preferred Stock and 214,316 shares of common stock owned by The North American Company.

West Kentucky Coal Company then proposes to call on or before December 1, 1944 for redemption on January 1, 1945, the 4,325 publicly-held shares of the 7% Cumulative Preferred Stock at \$52.50 per share, the redemption price thereof, plus dividends accumulated to January 1, 1945 in the amount of \$54.12 1/2 per share or a total redemption price of \$106.62 1/2 per share. After said redemption has been effected West Kentucky Coal Company proposes to change the stated capital represented by its 214,316 shares of common stock from a stated value of \$11 per share to a par value of \$4 per share, and to change each share thereof into four shares thereby increasing the total number of shares to be outstanding from 214,316 to 857,264 of a par value of \$4 per share, all of which stock will be held by The North Ameri-

can Company as the owner of the presently outstanding common stock of West Kentucky Coal Company. This increase in the number of the outstanding shares of common stock will require the transfer of \$1,071,580 from the capital surplus account to the common stock account which thereafter will amount to \$3,429,056, leaving \$5,434,694 in the capital surplus account.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to said matters and that said amended application shall not be granted and said amended declaration shall not be permitted to become effective except pursuant to further order of this Commission.

*It is ordered*, That a hearing on said matters under the applicable provisions of said act, and rules of the Commission thereunder be held on November 15, 1944, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in room 318 will advise as to the room in which the hearing will be held.

*It is further ordered*, That any person desiring to be heard or otherwise to participate in the proceedings, shall file with the Secretary of the Commission on or before November 13, 1944, his application therefor, as provided by Rule XVII of the rules of practice of the Commission.

*It is further ordered*, That Henry C. Lank or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

*It is further ordered*, That the Secretary of this Commission shall serve notice of the aforesaid hearing by mailing a copy of this order to West Kentucky Coal Company and The North American Company by registered mail; and that notice of said hearing be given to all other persons by publication of this order in the FEDERAL REGISTER.

*It is further ordered*, That without limiting the scope of the issues presented by said amended application and said amended declaration, particular attention will be directed at said hearing to the following matters and questions:

1. Whether the proposed transactions are in the public interest and the interests of investors, and not in contravention of the applicable provisions of the act and the rules and regulations promulgated thereunder.

2. Whether the accounting entries to be made in connection with the proposed transactions are appropriate and in accordance with sound accounting principles and practice.

3. Whether, in the event the application is granted and the declaration is permitted to become effective, it is necessary to impose my terms or conditions

to ensure compliance with the standards of the act.

By the Commission.

[SEAL] ORVAL L. DUBois,  
Secretary.

[F. R. Doc. 44-16998; Filed, Nov. 6, 1944;  
9:29 a. m.]

[File No. 70-985]

NORTH AMERICAN CO.

## NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3d day of November 1944.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The North American Company, a registered holding company.

Notice is further given that any interested person may, not later than November 18, 1944, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, said declaration or application, as filed or as amended, may be granted, as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of the said Commission, for a statement of the transactions therein proposed, which are summarized below:

The North American Company proposes to pay on January 2, 1945, a dividend to its holders of common stock of record on December 1, 1944. Such dividend will be payable in the common stock of Pacific Gas and Electric Company having a par value of \$25 per share, owned by The North American Company, at the rate of one share of common stock of Pacific Gas and Electric Company on each 100 shares of the common stock of The North American Company outstanding. No certificates will be issued for fractions of shares of stock of Pacific Gas and Electric Company but, in lieu thereof, cash will be paid at the rate of 34 cents for each 1/100th of a share of stock of Pacific Gas and Electric Company, this rate being based on the approximate market price as of October 27, 1944, the date the proposed dividend was declared. The North American Company estimates that the payment of the above-mentioned dividend will involve the distribution of not more than 75,000 shares of the 1,566,657 shares of common stock of Pacific Gas and Electric Company owned by it and

use of not more than \$450,000 of cash; and that the payment of such dividend will result in a charge of approximately \$2,850,000 to earned surplus.

The North American Company has requested that the Commission enter an order permitting said declaration to become effective or granting said application on or before November 27, 1944.

By the Commission.

[SEAL]

ORVAL L. DUBois,  
Secretary.

[F. R. Doc. 44-17000; Filed, Nov. 6, 1944;  
9:29 a. m.]

#### SURPLUS WAR PROPERTY ADMINISTRATION.

##### CONDUCT OF OPERATIONS PENDING APPOINTMENT OF SURPLUS PROPERTY BOARD

The following named departments and agencies, with the concurrence of the Surplus War Property Administration, join in the following statement with respect to the conduct of surplus property operations pending the appointment of and issuance of regulations by the Surplus Property Board established by the Surplus Property Act of 1944, approved October 3, 1944 (Pub. Law 457, 78th Cong.): War Department, Navy Department, Treasury Department, United States Maritime Commission, Reconstruction Finance Corporation, Foreign Economic Administration, and War Food Administrator.

1. Surplus Property Act of 1944 was approved and became effective on October 3, 1944. In general terms the act controls the care, handling and disposition of all classes of surplus property in the control of any Government agency. Under the act the Surplus War Property Administration will be succeeded by a Surplus Property Board of three members, to be appointed by the President with the advice and consent of the Senate, which will have general supervision and direction over surplus property. The act requires that surplus property be reported to the Board and to the disposal agencies which will be designated by the Board to carry out actual disposal operations in accordance with the act. Many of the provisions of the act controlling the conduct of disposal operations or applicable to particular kinds of property or transactions cannot become effective until the Board has been appointed and issued its regulations or taken other necessary action contemplated by the act.

2. When Congress completed action on this act on September 19 and two days later adjourned until November 14, it did so in recognition of the necessity that provision be made for the continued conduct of surplus property operations under existing policies and procedures of the Surplus War Property Administration and the owning and disposal agencies pending the appointment and confirmation of the Surplus Property Board and the issuance by it of the regulations

necessary for functioning under the act. Thus, in order to avoid a stalemate in surplus property operations during this interim period, the Congress provided for the continued existence of the Surplus War Property Administration created by Executive Order Numbered 9425 until the appointment of a majority of the members of the Surplus Property Board, and for the continued effectiveness, until superseded by regulations of the Board, of all policies and procedures relating to surplus property prescribed by the Surplus War Property Administration or any other Government agency, which were in effect on October 3, 1944, and which are not inconsistent with the act. See section 605 (b) of the War Mobilization and Reconversion Act of 1944, approved October 3, 1944 (Pub. Law 458, 78th Cong.) and section 35 of the Surplus Property Act of 1944.

3. It is clear that all existing policies and procedures relating to surplus property, authorized under regulations or policy declarations of the Surplus War Property Administration, or regulations of the respective owning and disposal agencies, which are not contrary to any mandate made immediately effective and self-operative by the act, continue in full force and effect until superseded by regulations of the Board to be appointed under the act. Thus, those provisions of the act which require regulations of the Board to call them into operation, clearly do not supersede existing policies and procedures applicable to the owning and disposal agencies. An example of the latter type of provision is found in section 13 which begins with these words: "The Board shall prescribe regulations for the disposition of surplus property to States and their political subdivisions \* \* \* [which] shall give effect to the following policies to the extent feasible and in the public interest: \* \* \*". The effectiveness of that section is predicated upon initiating action by the Board. In other sections of the act the Congressional intent is not so clear: The section may establish standards or procedures for the disposition of property, which, although not made wholly dependent upon initiating action by the Board, do contemplate the existence and participation of the Board and the exercise of its general regulatory powers. An example of the latter type is section 23, relating to the disposal of surplus real property, which requires that the Board classify all such property as to use and issue regulations controlling operations under the section. In the latter situation, a literal construction of the words of the act might support the conclusion that the section was not self-operative and therefore was not intended to become effective until the appointment of and action by the Board. In formulating interim operating policies, however, it is the objective of the departments and agencies in any doubtful case to give more weight to expression of Congressional policy than to literal interpretation of the act, even at the expense, in the instance cited, of the temporary suspension of disposal operations as to the class of property involved.

4. It is therefore determined, in accordance with the standards and policies above stated, that the following sections of the Surplus Property Act of 1944 will be considered to be presently effective and that surplus property operations will be conducted accordingly pending the appointment of and issuance of regulations by the Surplus Property Board:

(a) *Section 13 (c).* No disposal will be consummated of any airport, or harbor, or port terminal, to which section 13 (c) is applicable.

(b) *Section 13 (d).* No disposal will be consummated of any power transmission line to which section 13 (d) is applicable.

(c) *Section 13 (e).* See discussion of section 23 below.

(d) *Section 19 (a), classes (1) to (8), inclusive.* The plants and facilities in the first eight categories will not be disposed of until the Board has made a report to Congress, except as to materials or equipment (including machine tools), structures or other property included within subsections (d) and (e) of section 19.

[Note: Machine tools, comprised in surplus plants, will not be sold under Surplus War Property Administration Regulation No. 3 if the plants in which they are located are in the first eight categories, unless the tools are "not necessary for the operation of the plant in the manner for which it is designed" (subsection (d)), or unless the property is exempted under subsection (e).]

The property listed in classes (9) to (12), inclusive, of section 19 (a) may continue to be disposed of under authority contained in existing regulations of the Surplus War Property Administration, inasmuch as such regulations are not inconsistent with the authority conferred by section 19 (c) upon the Board to dispose of such property without qualification.

(e) *Section 20.* The disposal agency will notify the Attorney General and proceed in accordance with the requirements of this section, with respect to any transaction involving the proposed disposition to private interests of a plant or plants or other property, which cost the Government one million dollars or more, or of patents, processes, techniques or inventions, irrespective of cost.

(f) *Section 21 (a) and (b).* Existing policies and procedures under regulations of the Surplus War Property Administration with respect to the disposal of surplus agricultural commodities, surplus foods processed from agricultural commodities, and surplus cotton and woolen goods, continue in effect until modified or superseded by appropriate action taken by the Board or the War Food Administrator, or both.

(g) *Section 21 (c).* Surplus farm commodities will not be sold, except in compliance with the restrictions as to quantities and prices applicable to domestic sales, and the conditions applicable to export sales, as prescribed by this subsection.

(h) *Section 22.* This section requires certain strategic minerals and metals, not required for war production, to move directly from the owning agencies to the Treasury Procurement Division for addition to the stockpile authorized by the Act of June 7, 1939, as amended, after the War Production Board has acted under section 22 (b).

(i) *Section 23.* No disposal (heretofore authorized by Surplus War Property Administration Regulation No. 2) will be consummated of surplus real property as defined in section 23 (a) (including rights-of-way to which section 13 (e) applies).

5. It is concluded that the effectiveness of the following provisions of the act is predicated upon the issuance of regulations by the Board and that, until

such action by the Board, none of these sections is inconsistent with existing policies and procedures of the Surplus War Property Administration and the respective owning and disposal agencies in effect October 3, 1944:

(a) *Section 11 (e)*, providing that the Board shall issue regulations for public notice concerning surplus property available for sale.

(b) *Section 12*, prescribing the duty of the Board to facilitate transfers of surplus property between Government agencies and requiring Government agencies to report their needs to the Board.

[*NOTE: Although this section requires action by the Board for its effectiveness, nevertheless disposal agencies during the interim period will continue their former practices giving prior rights of acquisition to Government agencies.*]

(c) *Section 13 (a), (b), and (f)*, relating to disposal to local governments and nonprofit institutions and destruction of property.

*Section 13 (a)* requires that the Board prescribe regulations in accordance with prescribed policies for the disposition of surplus property to local governments and nonprofit institutions on the basis of need; *section 13 (b)* authorizes the donation of property unsuitable for sale to local governments and nonprofit institutions under regulations prescribed by the Board; and *section 13 (f)* grants priority under those sections to local governments.

[*NOTE: Former practices of disposal agencies which give special recognition to fulfillment of the needs of local governments will be continued in effect.*]

(d) *Section 14 (a)*, relating to the disposition of contractor inventory. It is considered that sections 35 and 34 (a) of the act authorize the continuance during the interim period of existing policies and procedures relating to the disposition of contractor inventory prescribed by regulations and policies of the Surplus War Property Administration and of the respective owning and disposal agencies.

(e) *Section 16*, relating to dispositions to veterans, which requires that the Board prescribe regulations to effectuate the objectives stated in that section.

(f) *Section 17*, relating to dispositions in rural areas, which requires that the Board shall devise ways and means and prescribe regulations to effectuate the objectives stated in that section.

(g) *Sections 18 (a) and 18 (b)*, relating to small business, which require that the Board shall devise ways and means and prescribe regulations to effect the objectives stated in those subsections; and the last sentence of 18 (e), relating to the application of section 12 (a) to purchases by the Smaller War Plants Corporation (see discussion of section 12 at (b) above).

(h) *Section 33 (a)*, which requires that the Board shall prescribe regulations to carry out the policy of that section with respect to importation of surplus property into the United States.

(i) *Section 36*, which requires that the Board shall establish procedure to effectuate the policies of that section regarding termination inventories.

6. To summarize, all policies and procedures relating to surplus property prescribed by the Surplus War Property Administration or by any of the agencies joining in this statement, which were in effect on October 3, 1944, and the authority of the respective owning and disposal agencies prescribed thereunder, re-

main in full force and effect unless and until superseded by regulations prescribed under the act, except to the extent specifically described in paragraph 4 of this statement.

7. This statement does not pertain to, nor should it be construed as limiting in any way, the rights of any agency to dispose of any property under the authority conferred by any other law saved under section 34 of the act.

JAMES V. FORRESTAL,  
*Secretary of the Navy.*  
ROBERT P. PATTERSON,  
*Under Secretary of War.*  
JOHN L. SULLIVAN,  
*Acting Secretary of the Treasury.*  
E. S. LAND,  
*Chairman,*  
*United States Maritime Commission.*  
LEO CROWLEY,  
*Administrator,*  
*Foreign Economic Administration.*  
CHARLES B. HENDERSON,  
*Chairman,*  
*Reconstruction Finance Corporation.*  
MARVIN JONES,  
*Administrator,*  
*War Food Administration*

Approved:

W. L. CLAYTON,  
*Administrator, Surplus War*  
*Property Administration.*

OCTOBER 27, 1944.

[F. R. Doc. 44-16921; Filed, Nov. 3, 1944;  
12:03 p. m.]

#### UNITED STATES COAST GUARD.

##### APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4426, 4433, 4488, 4491, 49 Stat. 1544 (46 U.S.C. 375, 391a, 404, 411, 481, 489, 367), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following approval of equipment is prescribed:

##### APPROVAL OF EQUIPMENT

Kite for lifeboat radio antenna, designated M-357-A (Dwg. No. 8-OAOA003-4, dated 6 March, 1944), submitted by the Hoffman Radio Corporation, 3430 S. Hill Street, Los Angeles 7, Calif.

##### HEATING BOILER

Way-Wolff Associates Blue Jacket Hot Water Heating Boiler (Maximum working pressure of 30 pounds p. s. i.) (Dwg. No. H 107, dated 17 October, 1944, revised 24 October, 1944), manufactured by Way-Wolff Associates, 53 Park Place, New York 7, N. Y.

##### LIFE PRESERVERS

Model No. 1, adult kapok life preserver (C. G. Dwg. No. F-49-6-1, Alt. 1, and Specification dated 10 June, 1944), Approval No. B-252, manufactured by Seaway Manufacturing Co., 213 N. Peters Street, New Orleans, Louisiana. (For general use.)

Model No. 2, adult kapok life preserver (C. G. Dwg. No. F-49-6-1, Alt. 1, and Specification dated 10 June, 1944), Approval No. B-253, manufactured by Seaway Manufacturing Company, 213 N. Peters Street, New Orleans, Louisiana. (For general use.)

Model No. 3, adult kapok life preserver (C. G. Dwg. No. F-49-6-1, Alt. 1, and Specification dated 10 June, 1944), Approval No.

B-254, manufactured by Seaway Manufacturing Co., 213 N. Peters Street, New Orleans, Louisiana. (For use with rubber lifesaving suits.)

##### LIFE PRESERVER LIGHT

Life preserver light, combination Model A and Model B (Dwg. No. 302-B-1-Alt, dated 27 October, 1944), submitted by Colvin-Slocum Boats, Inc., 15 Park Row, New York 7, N. Y.

##### WATER INDICATORS

Yarway Remote Water Level Indicators for marine boilers, approved for 125 p. s. i. (Dwgs. EL-20897, EL-20906, EL-13001 (cast iron fitting), EL-13008), 600 p. s. i. (Dwgs. EL-20897, EL-20906, EL-13001 (cast steel fitting), EL-13006), 900 p. s. i. (Dwgs. EL-20904, EL-20905, EL-13002, EL-13004, EL-13005, EL-13008) and for 1350 p. s. i. (Dwgs. EL-20904, EL-20905, EL-13003, EL-13004, EL-13005, EL-13006), manufactured by Yarnall-Waring Company, Chestnut Hill, Philadelphia 18, Pennsylvania.

Dated: November 3, 1944.

R. R. WAESCHE,  
*Vice Admiral, USCG,*  
*Commandant.*

[F. R. Doc. 44-16946; Filed, Nov. 4, 1944;  
10:53 a. m.]

#### WAR FOOD ADMINISTRATION.

##### FIELD REPRESENTATIVES OF DAIRY AND POULTRY BRANCH

##### DELEGATION OF AUTHORITY WITH RESPECT TO MILK PRICES

Pursuant to the authority vested in me by the Director of Distribution, War Food Administration, there is hereby delegated to each Field Representative of the Dairy and Poultry Branch, Office of Distribution, War Food Administration, authority to consider and approve the maximum price of milk as adjusted by any regional office of the Office of Price Administration pursuant to Maximum Price Regulation 329, and which is to be applicable within the regional area (8 F.R. 15764) served by the respective Field Representative.

When used herein, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

The term "Maximum Price Regulation No. 329" means Maximum Price Regulation No. 329 (8 F.R. 2038), issued by the Price Administrator, Office of Price Administration, on February 13, 1943, as amended at the time the authority delegated herein is exercised.

The term "milk" shall have the same meaning as that which it has when used in said Maximum Price Regulation No. 329.

(56 Stat. 23; 50 U.S.C., 1940 ed., Sup. III, 901 et seq.; 56 Stat. 765; 50 U.S.C., 1940 ed., Sup. III, 961 et seq.; E.O. 9250, 7 F.R. 7871; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9328, 7 F.R. 4681)

Issued this 4th day of November 1944.

T. G. STITTS,  
*Chief, Dairy and Poultry Branch,*  
*Office of Distribution.*

[F. R. Doc. 44-17006; Filed, Nov. 6, 1944;  
11:15 a. m.]

CHIEF, DAIRY AND POULTRY BRANCH  
DELEGATION OF AUTHORITY WITH RESPECT TO  
MILK PRICES

Pursuant to the authority vested in me by the War Food Administrator, there is hereby delegated to the Chief, Dairy and Poultry Branch, Office of Distribution, War Food Administration, authority to consider and approve the maximum price of milk as adjusted by any regional office of the Office of Price Administration pursuant to Maximum Price Regulation 329.

The authority delegated herein may be redelegated by the Chief, Dairy and Poultry Branch, to any employee of the United States Department of Agriculture.

When used herein, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

The term "Maximum Price Regulation No. 329" means Maximum Price Regulation No. 329 (8 F.R. 2038), issued by the Price Administrator, Office of Price Administration, on February 13, 1943, as amended at the time the authority delegated herein is exercised.

The term "milk" shall have the same meaning as that which it has when used in said Maximum Price Regulation No. 329.

The delegation of authority to regional directors with respect to milk prices, issued October 8, 1943 (8 F.R. 13963), is hereby revoked.

(56 Stat. 23; 50 U.S.C., 1940 ed., Sup. III, 901 et seq.; 56 Stat. 765; 50 U.S.C., 1940 ed., Sup. III, 961 et seq.; E.O. 9250, 7 F.R. 7871; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9328, 7 F.R. 4681)

Issued this 4th day of November 1944.

LEE MARSHALL,  
Director of Distribution.

[F. R. Doc. 44-17005; Filed, Nov. 6, 1944;  
11:15 a. m.]

WAR MANPOWER COMMISSION.

BELOIT-JANESVILLE, WIS., AREA

EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for the Beloit-Janesville War Manpower Commission Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338).

Sec.

1. Objectives.
2. Geographic content of the area.
3. Definitions of terms used in this plan.
4. Control of hiring and solicitation of workers.
5. Provisions governing the orderly transfer of workers.
6. Authority and responsibility of the Beloit-Janesville Area Labor-Management War Manpower Committee.
7. Posting pertinent provisions of this plan.
8. Revocation of existing stabilization plans.
9. Effective date.

SECTION 1. *Objectives.* The purpose of this employment stabilization plan is to assist the War Manpower Commission in bringing about, by measures equitable

labor and management, and necessary for the effective prosecution of the war:

- (a) The elimination of wasteful labor turnover in essential activities;
- (b) The reduction of unnecessary labor migration;
- (c) The direction of the flow of scarce labor where most needed in the war program;
- (d) The maximum utilization of manpower resources;
- (e) The establishment of procedures for the orderly transfer of essential workers.

SEC. 2. *Geographic content of the area.* The Beloit-Janesville Area has been designated by the Regional Director of the War Manpower Commission to consist of the following counties:

Wisconsin:

Green.  
Rock.  
Walworth.

Illinois: Townships of Rockton, Roscoe, Laona and Shirland in Winnebago County.

The boundaries of the Beloit-Janesville Area may be changed upon recommendation of the Area Director and approval by the Regional Director of the War Manpower Commission.

SEC. 3. *Definitions of terms used in this plan.* (a) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(b) "State" includes Alaska, Hawaii, and the District of Columbia.

(c) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(d) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission.

(e) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities (9 F.R. 3439).

(f) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(g) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employments mean his principal employment.

(h) The "War Manpower Commission" is the commission established by Executive Order No. 9139, hereafter referred to as WMC.

(i) "The Beloit-Janesville Area Labor-Management War Manpower Committee" referred to herein as the Area Committee, is that body composed of repre-

sentatives of Management and Labor who have been appointed by the Regional Director of the War Manpower Commission for Region VI to act as the Beloit-Janesville Area Labor-Management War Manpower Committee.

(j) "The United States Employment Service of the War Manpower Commission" herein referred to as the USES, is the Federal Employment Service which shall be deemed to include any employment office of that Service.

(k) The "Regional Director" is the chief administrative officer of the War Manpower Commission for Region VI, which consists of the following States: Illinois, Indiana, Wisconsin.

(l) The "Area Director" is the administrative officer of the War Manpower Commission responsible to the Regional Director for the administration of the policies and directives of the War Manpower Commission within the War Manpower Area as defined in section 2 of this plan.

SEC. 4. *Control of hiring and solicitation of workers.* All hiring and solicitation of workers in, or for work in, the Beloit-Janesville area shall be conducted in accordance with this plan.

SEC. 5. *Provisions governing the orderly transfer of workers*—(a) *General provisions.* A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if: (1) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the USES, and

(2) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the USES, or is hired with its consent, as provided herein.

(b) *Issuance of statements of availability by employers.* An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if: (1) He has been discharged, or his employment has been otherwise terminated by his employer, or

(2) He has been laid off for an indefinite period, or for a period of seven or more days, or

(3) Continuance of his employment would involve undue personal hardship, or

(4) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(5) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

(c) *Issuance of statements of availability by the USES.* (1) A statement of

availability shall be issued promptly to an individual when any of the circumstances set forth in subsection (b) is found to exist in his case. If the employer fails or refuses to issue a statement, the USES, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

(2) A statement of availability shall be issued by the USES to any individual in the employ of an employer who the WMC finds, after notice, hearing and final decision, has not complied with any WMC employment stabilization plan, regulation or policy, and for so long as such employer continues his non-compliance after such finding.

(d) *Referral in case of under-utilization.* If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the USES may, upon request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

(e) *Workers who may be hired only upon referral by the USES.* (1) A new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the USES when: (i) the new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation;

(ii) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period;

(iii) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work: *Provided*, That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration: *And provided*, That such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

(2) *Encouragement of local initiative and use of existing hiring channels.* To the maximum degree consistent with this employment stabilization plan, local initiative and cooperative efforts shall be encouraged and utilized and maximum use made of existing hiring channels such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions and government agencies.

(b) *Exclusions.* No provision of this employment stabilization plan shall be applicable to: (1) The hiring of a new employee for agricultural employment.

(2) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purpose of this plan, unless the employee is customarily engaged in work of less than seven days' duration.

(3) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii.

(4) The hiring by a foreign, State, county, or municipal government, or their political subdivisions, or their agencies, and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county, or municipal government, or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the plan.

(5) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service.

(6) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

(g) *Appeals.* Any worker or employer may appeal from any act or failure to act by the WMC under the employment stabilization plan, in accordance with regulations and procedures of the WMC.

(h) *Content of statements of availability.* A statement of availability issued to an individual pursuant to this plan shall contain only the individual's name, address, social security number, if any, the name and address, of the issuing employer, or WMC officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the WMC.

(i) *Solicitation of workers.* No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization plan, except in a manner consistent with such restrictions.

(j) *Hiring.* The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

(k) *Representation.* Nothing contained in the plan shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the plan.

(l) *General referral policies.* No provision in this plan shall limit the authority of the USES to make referrals in accordance with approved policies and instructions of the WMC.

(m) *Collective bargaining agreements.* Nothing in this plan shall be construed to prejudice existing rights of an employee or an employer under a collective bargaining agreement.

SEC. 6. *Authority and responsibility of the Beloit-Janesville Area Labor-Management War Manpower Committee.* The Area Labor-Management War Manpower Committee for the Beloit-Janesville Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of

this employment stabilization plan, and to make recommendations to the Area Director.

SEC. 7. *Posting pertinent provisions of this plan.* The pertinent provisions of this employment stabilization plan shall be posted on bulletin boards or any other appropriate places in plants or places of business of employers covered by this plan, in accordance with instructions of the Area Director of the Beloit-Janesville Area of the WMC Region VI.

SEC. 8. *Revocation of existing stabilization plans.* The Beloit-Janesville Area Stabilization Plan, effective April 12, 1943, together with all instructions and procedures adopted which may be in conflict with the provisions of this plan, are hereby revoked, effective as of October 14, 1943.

SEC. 9. *Effective date.* This plan shall become effective at 12:01 a. m. on October 14, 1943.

Signed: September 28, 1943.

JOSEPH D. CRONIN,  
Acting Area Director.

Approved: October 5, 1943.

W. S. SPENCER,  
Regional Director, Region VI.

[F. R. Doc. 44-16928; Filed, Nov. 3, 1944;  
5:03 p. m.]

#### GREENSBURG, PA., AREA

##### EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for the Greensburg Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338).

##### Sec.

1. Purpose.
2. Control of hiring and solicitation of workers.
3. Establishment, approval, and adaptation of area plans.
4. Minimum standards.
5. Employment ceiling and/or allowance control.
6. Existing contracts.
7. Advertising.
8. Advance notice of lay-offs.
9. Limited statements of availability.
10. Request to remain on or return to a job.
11. Definitions.
12. Coverage and effective date.

SECTION 1. *Purpose.* In furtherance of the war effort and for the purpose of achieving the most effective utilization of the services of labor in essential and locally needed activities, the Area Director of the War Manpower Commission for Area VIII, with the concurrence of the Area War Manpower Committees, and pursuant to the authority granted by WMC Regulation 7, with the approval of the Regional Director of Region III of the War Manpower Commission, hereby establishes the following plan with respect to the stabilization of employment throughout Area VIII.

SEC. 2. *Control of hiring and solicitation of workers.* All hiring and solicitation of workers in, or for work in Area VIII, shall be conducted in accordance

with the provisions of this employment stabilization plan.

SEC. 3. *Establishment, approval, and adaptation of area plans*—(a) *General*. This employment stabilization plan is effective July 1, 1944.

(b) *Adaptation to meet area or local conditions*. This plan may be adapted as the need arises to meet changing area or local conditions by the Area Manpower Director after consultation with the appropriate Management-Labor Manpower Committees. *Provided*, That such adaptations are not in conflict with minimum national standards as set forth in Regulation 7 and that such adaptations are approved by the Regional Director.

(c) *Management-Labor Manpower Committee*. Area Management-Labor Manpower Committees are hereby authorized to consider questions of policy, standards and safeguards in connection with the establishment and administration of this plan, and to make recommendations on these subjects to the Area Director.

SEC. 4. *Minimum standards*—(a) *General*. A new employee, who during the preceding 60 day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(1) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the United States Employment Service, and

(2) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

(b) *Issuance of statements of availability by employers*. An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(1) He has been discharged, or his employment has been otherwise terminated by his employer, or

(2) He has been laid off for an indefinite period, or for a period of seven or more days, or

(3) Continuance of his employment would involve undue personal hardship or

(4) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(5) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

(c) *Issuance of statements of availability by United States Employment Service*. (1) A statement of availability

shall be issued promptly to an individual when any of the circumstances set forth in subsection (b) is found to exist in his case. If the employer fails or refuses to issue a statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

(2) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who, the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission Employment Stabilization Plan, regulation or policy, and for so long as such employer continues his non-compliance after such finding.

(d) *Referral in case of under-utilization*. If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the United States Employment Service, may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

(e) *Workers who may be hired only upon referral by the United States Employment Service*. A new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or with the consent of, the United States Employment Service when:

(1) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation.

(2) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30 day period.

(3) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work: *Provided*, That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration: *And provided*, That such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

(4) The new employee is a male worker.

(f) *Exclusions*. No provision of the employment stabilization plan shall be applicable to:

(1) The hiring of a new employee for agricultural employment;

(2) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of the program, unless the employee is customarily engaged in work of less than seven days' duration;

(3) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii;

(4) The hiring by a foreign, State, county, or municipal government, or their

political subdivisions, or their agencies and instrumentalities, or the hiring of any of their employees, unless such foreign, State, county, or municipal government, or political sub-division or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the program;

(5) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service;

(6) The hiring of a school teacher for vacation employment or the re-hiring of a school teacher for teaching at the termination of the vacation period;

(7) The hiring of a veteran of World War II.

(g) *Appeals*. Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this employment stabilization plan, in accordance with regulations and procedures of the War Manpower Commission.

(h) *Content of statements of availability*. A statement of availability issued to an individual pursuant to this plan shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

(i) *Solicitation of workers*. No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization plan, except in a manner consistent with such restrictions.

(j) *Hiring*. The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

(k) *Representation*. Nothing contained in this plan shall be construed to restrict any individual from seeking the advice and aid, of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any stop in the operation of this plan.

(l) *General referral policies*. No provision in the program shall limit the authority of the United States Employment Service to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

SEC. 5. *To provide for employment ceiling and/or allowance control*. The Area Manpower Director may fix for all or any establishments in the WMC Area VIII, fair and reasonable employment ceilings and/or allowance, limiting the number of employees, or specified types of employees which such establishments may employ during specified periods. Such ceilings and/or allowances will be determined on the basis of establishments' actual labor requirements, the available

labor supply, and/or the relative urgency of establishments' products or services to the war effort. Except as authorized by the Area Manpower Director, no employer shall hire any new employee if the hiring of such employee would result in the establishments' exceeding the employment ceiling and/or manpower allowance currently applicable to it.

**SEC. 6. Existing contracts.** Nothing in this plan shall be construed to prejudice existing seniority rights of an employee under any agreement with his employer.

**SEC. 7. Advertising.** Employer's advertisements for employees are required to meet the following conditions:

(a) Indicate clearly that employees now employed in essential activity cannot be considered without a statement of availability.

(b) When the advertisement for employees does not include reference to the use of the facilities of the United States Employment Service of the War Manpower Commission by the employer, the employer's name must appear.

(c) Advertisements for employees possessing skills which appear on the list of critical occupations are prohibited unless they provide for exclusive referral by or with the consent of the United States Employment Service.

**SEC. 8. Advance notice of lay-offs.** Employers are required when possible to provide at least three days advance notice to the United States Employment Service whenever a lay-off of ten or more employees will occur and such notice shall contain a statement as to the number of employees to be laid off by occupation.

**SEC. 9. Limited statements of availability.** Limited statements of availability specifying a particular date on which employees shall be returned to their previous employer shall be issued by the United States Employment Service of the War Manpower Commission, whenever, in the judgment of the appropriate Area Manpower Director, the best interests of the war effort will be served by such action: *Provided*, That such action is agreeable to both the employer and employees involved: *And provided further*, That such limited statements of availability shall not be issued for a period longer than 3 months.

**SEC. 10. Request to remain on or return to a job.** The United States Employment Service of the War Manpower Commission shall request any employee to return to or remain on his job and shall request any employer to retain such employee in his employ:

(a) Pending any determination on the employee's request for a statement of availability.

(b) Pending decision on the employee's appeal from a determination denying him a statement of availability.

(c) Upon a final determination that the employee is not entitled to a statement of availability.

**SEC. 11. Definitions.** As used in this plan:

(a) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the

cultivation of the soil, the harvesting of crops, or the raising, feeding or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(b) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30 day period. For the purpose of the definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(c) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission.

(d) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities (9 F.R. 3439).

(e) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(f) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employments mean his principal employment.

(g) "Employment stabilization plan" includes any arrangement involving restrictions on separation or hiring of workers, whether through issuance of statements of availability, referral by the United States Employment Service or otherwise.

**SEC. 12. Coverage and effective date.**

(a) This plan shall be applicable to all establishments and services which are located in Area VIII which, for the purposes of this plan, is defined as follows: Armstrong County; Butler County; Clarion County; Crawford County except Sparta township and Spartansburg borough; Fayette County except Belle Vernon Borough; Forest County; Greene County; Indiana County; Lawrence County; Mercer County and the village of Petroleum and Brookfield Township, both in Trumbull County, Ohio; Somerset County except Paint and Conemaugh township and Benson, Paint and Windber boroughs; Venango County; Warren County except Columbus and Spring Creek townships; Washington County including Amwell, Blaine, Buffalo, Canion, Cecil, Chartiers, Cross Creek, Donegal, E. Finley, Hanover, Hopewell, Independence, Jefferson Morris, Mt. Pleasant, North Bethlehem (w. two-thirds), North Franklin, North Strabane, Nottingham, Peters, Robinson, Smith, Somerset (w. half), South Franklin, South Strabane, West Bethlehem and West Finley townships, and Burgettstown, Canonsburg, Claysville, East Washington, Houston, McDonald, Marianna, Midway, W. Alexander and W. Middletown boroughs; and the city of Washington; Westmoreland County including Cook, Derry, Donegal, E. Huntingdon, Fairfield, Franklin (ex. n. portion), Hempfield, Ligonier, Loyalhanna, Mt. Pleasant, N. Huntingdon,

Penn., Salem, Sewickley, S. Huntingdon (nw. portion), and Unity townships, and Adamsburg, Arona, Bolivar, Derry, Donegal, Export, Hunker, Irwin, Latrobe, Ligonier, Livermore, Madison, Manor, Mt. Pleasant, New Alexandria, New Salem, North Irwin, Penn, Scottdale, Smithton, S. Greensburg, Southwest Greensburg, Suterville, Trafford, Youngstown and Youngwood boroughs, and the cities of Greensburg and Jeanette.

(b) This plan shall become effective July 1, 1944.

Dated: October 18, 1944.

PAUL F. MURPHY,  
Area Director.

Approved: Oct. 26, 1944.

FRANK L. MCNAMEE,  
Regional Director.

[F. R. Doc. 44-16931; Filed, Nov. 3, 1944;  
5:02 p. m.]

NEWARK, N. J., AREA

#### EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for the Newark, New Jersey War Manpower Commission Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective September 17, 1943 and amended November 15, 1943 and June 21, 1944.

Sec.

1. Control of hiring and solicitation of workers.
2. Minimum standards.
3. Existing contracts.
4. Advertising.
5. Advance notice of lay-offs.
6. Limited statements of availability.
7. Request to remain on or return to a job.
8. Definitions.

In furtherance of the war effort and for the purpose of achieving the most effective utilization of the services of labor in essential and locally needed activities, the Area Director of the War Manpower Commission for the Newark Area, which comprises all of Essex County, New Jersey; Lyndhurst township and North Arlington borough in Bergen County, New Jersey; Bayonne city, East Newark borough, Harrison town, Holoken city, Jersey City, and Kearny town in Hudson County, New Jersey; and the following civil divisions in Union County, New Jersey; Clark township, Cranford township, Elizabeth city, Garwood borough, Hillside township, Kenilworth borough, Linden city, New Providence borough, New Providence township, Rahway city, Roselle borough, Roselle Park borough, Springfield township, Summit city, Union township, and Westfield town; with the concurrence of the Area War Manpower Committee, pursuant to the authority granted by the Regional Director of Region III and War Manpower Commission Regulation 7, hereby establishes the following plan for the Newark Area with respect to the stabilization of employment throughout the region.

**SECTION 1. Control of hiring and solicitation of workers.** (a) All hiring and solicitation of workers in, or for work in,

the Newark Area shall be conducted in accordance with the provisions of this employment stabilization plan.

(b) Pursuant to options permitted under § 907.5 (a) of the War Manpower Commission Regulation No. 7, the Area Director after consultation with the Area Management-Labor Committee, shall establish an Area Manpower Priorities Committee for the purpose of making certain that the most vital war plants and services in the Newark War Manpower Commission Area have an adequate supply of labor, and of so allocating labor that all workers will most effectively contribute to the successful prosecution of the war. The allocation of workers shall be made only through the United States Employment Service except as provided in the plan for budgeting and distributing manpower in the Newark area.

(c) The Area Manpower Director may fix for all or any establishments in the Newark Area, fair and reasonable employment ceilings and/or allowances, limiting the number of employees, or specified types of employees, which such establishments may employ during specified periods. Such ceilings and/or allowances will be determined on the basis of establishments' actual labor requirements, the available labor supply, and/or the relative urgency of establishments' products or services to the war effort. Except as authorized by the Area Manpower Director, no employer shall hire any new employee if the hiring of such employee would result in the establishment's exceeding the employment ceiling and/or manpower allowance currently applicable to it.

**SEC. 2. Minimum standards—(a) General.** A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(1) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the United States Employment Service, and

(2) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission or hired with its consent, as provided herein.

(b) *Issuance of statements of availability by employers.* An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(1) He has been discharged, or his employment has been otherwise terminated by his employer, or

(2) He has been laid off for an indefinite period, or for a period of seven or more days, or

(3) Continuance of his employment would involve undue personal hardship, or

(4) Such employment is or was at a wage or salary or under working conditions, below standards established by State or Federal law or regulation, or

(5) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

(c) *Issuance of statements of availability by United States Employment Service.* (1) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in paragraph (b) is found to exist in his case. If the employer fails or refuses to issue a statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

(2) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who, the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission Employment Stabilization Plan, regulation or policy, and for so long as such employer continues his non-compliance after such finding.

(d) *Referral in case of under-utilization.* If an individual is employed at less than full time or at a job which does not utilize his highest skill for which there is a need in the war effort, the United States Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

(e) *Workers who may be hired only upon referral by the United States Employment Service.* On and after July 1, 1944, no new employee may be hired solely upon presentation of a statement of availability, but such employee shall be hired only upon referral by, or with the consent of, the United States Employment Service. However, a new employee whose last regular employment was in agriculture and who is to be hired for non-agricultural work, shall not be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration; but such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

(f) *Exclusions.* No provision of the employment stabilization plan shall be applicable to:

(1) The hiring of a new employee for agricultural employment;

(2) The hiring of a new employee for work of less than seven days' duration or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purpose of the program unless the employee is customarily engaged in work of less than seven days' duration;

(3) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii;

(4) The hiring by the foreign, State, County, or municipal government, or their political subdivisions, or their agencies and instrumentalities or the hiring of any of their employees, unless such foreign, State, County or municipal government, or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and Laws applicable to it, with the program;

(5) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service;

(6) The hiring of a school teacher for vacation employment or the re-hiring of a school teacher for teaching at the termination of the vacation period.

(g) *Appeals.* Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this employment stabilization plan, in accordance with regulations and procedures of the War Manpower Commission.

(h) *Content of statements of availability.* A statement of availability issued to an individual pursuant to this plan shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, and such information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

(i) *Solicitation of workers.* No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization plan, except in a manner consistent with such restrictions.

(j) *Hiring.* The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or (except as required by law) citizenship.

(k) *Representation.* Nothing contained in this plan shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of this plan.

(l) *General referral policies.* No provision in the program shall limit the authority of the United States Employment Service to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

**SEC. 3. Existing contracts.** Nothing in this plan shall be construed to prejudice existing seniority rights of an employee under an agreement with his employer.

**SEC. 4. Advertising.** Employers' advertisements for employees are required to meet the following conditions:

(a) Indicate clearly that employees now employed in essential activity cannot be considered without a statement of availability.

(b) When the advertisement for employees does not include reference to the use of the facilities of the United States Employment Service of the War Manpower Commission by the employer, the employer's name must appear.

(c) Advertisements for employees possessing skills which appear on the list of critical occupations are prohibited unless they provide for exclusive referral by or with the consent of the United States Employment Service.

(d) Advertisements of employers located outside the Newark Area shall state clearly that persons now employed or residing within the Newark Area will not be considered.

(e) Advertisements of employers shall contain no mention of wage rates or possible earnings.

**SEC. 5. Advance notice of lay-offs.** Employers are required when possible to provide at least three days' advance notice to the United States Employment Service whenever a lay-off of ten or more employees will occur and such notice shall contain a statement as to the number of employees to be laid off by occupation.

**SEC. 6. Limited statements of availability.** Limited statements of availability specifying particular date on which employees shall be returned to their previous employer shall be issued by the United States Employment Service of the War Manpower Commission, whenever, in the judgment of the appropriate Area Manpower Director, the best interests of the war effort will be served by such action: *Provided*, That such action is agreeable to both the employer and employees involved: *And provided further*, That such limited statements of availability shall not be issued for a period longer than 3 months.

**SEC. 7. Request to remain on or return to a job.** The United States Employment Service of the War Manpower Commission shall request any employee to return to or remain on his job and shall request any employer to retain such employee in his employ:

(a) Pending any determination on the employee's request for a statement of availability.

(b) Pending decision on the employee's appeal from a determination denying him a statement of availability.

(c) Upon a final determination that the employee is not entitled to a statement of availability.

**SEC. 8. Definitions.** As used in this plan:

(a) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless per-

formed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(b) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(c) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission.

(d) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities. (9 F.R. 3439)

(e) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(f) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employments means his principal employment.

(g) "Employment stabilization plan" includes any arrangement involving restrictions on separation or hiring of workers, whether through issuance of statements of availability, referral by the United States Employment Service or otherwise.

(h) "Newark Area" which comprises all of Essex County, New Jersey; Lyndhurst township and North Arlington borough in Bergen County, New Jersey; Bayonne City, East Newark borough, Harrison town, Hoboken city; Jersey City, and Kearny town in Hudson County, New Jersey; and the following civil divisions in Union County, New Jersey: Clark township, Cranford township, Elizabeth City, Garwood borough, Hillside township, Kenilworth borough, Linden city, New Providence borough, New Providence township, Rahway city, Roselle borough, Roselle Park borough, Springfield township, Summit city, Union township, and Westfield town.

Dated: October 27, 1944.

GEORGE S. PFAUS,  
Area Director.

Approved: October 31, 1944.

FRANK L. MCNAMEE,  
Regional Director.

[F. R. Doc. 44-16930; Filed, Nov. 3, 1944;  
5:02 p.m.]

NEW BRUNSWICK, N. J., AREA  
EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for the New Brunswick, New Jersey War Manpower Commission Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective September 17, 1943 and amended January 18, 1944 and July 1, 1944.

Sec.

1. Control of hiring and solicitation of workers.
2. Establishment, approval and adoption of area plan.
3. Minimum standards.
4. Existing contracts.
5. Advertising.
6. Advance notice of lay-offs.
7. Limited statements of availability.
8. Request to remain on or return to a job.
9. Optional provisions.
10. Definitions.
11. Employment ceiling and priority referral.

In furtherance of the war effort and for the purpose of achieving the most effective utilization of the services of labor in essential and locally needed activities, the Area Director of the War Manpower Commission for New Brunswick Area III, which comprises most of Warren County including Alpha, Belvidere, Franklin, Greenwich, Hackettstown, Harmony, Hope, Independence, Knowlton, Liberty, Lopatong, Mansfield, Oxford, Phillipsburg, Pohatcong, Washington, White; all Hunterdon County except West Amwell and Lambertville; all of Somerset and Middlesex counties; all of Monmouth County, except Allentown, Jersey Homesteads, Millstone, and Upper Freehold; all of Ocean County except New Egypt and vicinity; the western tip of Union County including Fanwood, Mountainside, Plainfield and Scotch Plains, pursuant to the authority granted by WMC Regulation 7, hereby establishes the following for the New Brunswick Area with respect to the stabilization of employment throughout the area.

**SECTION 1. Control of hiring and solicitation of workers.** All hiring and solicitation of workers in, or for work in, the New Brunswick Area III shall be conducted in accordance with the provisions of this employment stabilization plan.

**SEC. 2. Establishment, approval, and adaptation of area plan—(a) General.** This plan, when approved by the Regional Director for Region III, shall immediately be established and become effective in the New Brunswick Area III.

**(b) Adaptation.** The plan may be adapted as the need arises to meet changing area or labor market conditions by the Area Director, after consultation with the appropriate Labor Management Committee. *Provided*, That such adaptations are not in conflict with minimum national standards as set forth in Regulation 7 and in the regional stabilization plan, *And provided further*, That such adaptations are approved by the Regional Director.

**SEC. 3. Minimum standards—(a) General.** A new employee who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(1) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the United States Employment Service, and

(2) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

(b) *Issuance of statements of availability by employers.* An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(1) He has been discharged, or his employment has been otherwise terminated by his employer, or

(2) He has been laid off for an indefinite period, or for a period of seven or more days, or

(3) Continuance of his employment would involve undue personal hardship, or

(4) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulations or

(5) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

(c) *Issuance of statements of availability by United States Employment Service.* (1) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in paragraph (b) is found to exist in his case. If the employer fails or refuses to issue a statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

(2) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who, the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission employment stabilization plan, regulation or policy, and for so long as such employer continues his non-compliance after such finding.

(d) *Referral in case of under-utilization.* If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the United States Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

(e) *Workers who may be hired only upon referral by the United States Employment Service.* On and after July 1, 1944 a new employee may not be hired solely upon presentation of a statement of availability, but such employee shall be hired only upon referral by, or with consent of, the United States Employ-

ment Service. However, a new employee whose last regular employment was in agriculture, and who is to be hired for non-agricultural work, shall not be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration; but such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

(f) *Exclusions.* No provision of the employment stabilization plan shall be applicable to:

(1) The hiring of a new employee for agricultural employment;

(2) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of the program, unless the employee is customarily engaged in work of less than seven days' duration;

(3) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii;

(4) The hiring of a foreign, State, county, or municipal government, or their political subdivisions, or their agencies and instrumentalities, or the hiring of any of their employees, unless such foreign, State, county, or municipal government, or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the program;

(5) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service;

(6) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

(g) *Appeals.* Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this employment stabilization plan, in accordance with regulations and procedures of the War Manpower Commission.

(h) *Content of statements of availability.* A statement of availability issued to an individual pursuant to this plan shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission Officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

(i) *Solicitation of workers.* No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization plan, except in a manner consistent with such restrictions.

(j) *Hiring.* The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or, except as required by law, citizenship.

(k) *Representation.* Nothing contained in this plan shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of this plan.

(l) *General referral policies.* No provision in the program shall limit the authority of the United States Employment Service to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

SEC. 4. *Existing contracts.* Nothing in this plan shall be construed to prejudice existing seniority rights of an employee under any agreement with his employer.

SEC. 5. *Advertising.* Employers' advertisements for employees are required to meet the following conditions:

(a) Indicate clearly that employees now employed in essential activity cannot be considered without statements of availability.

(b) The name of the advertising employer must be included in any advertisement which does not make reference to the use of facilities of the United States Employment Service, except through arrangement with the United States Employment Service.

(c) Advertisements for employees possessing skills which appear on the list of critical occupations must state that hires may be made only through referral by or with the consent of the United States Employment Service.

(d) Advertisements of employers located outside the New Brunswick Area of the War Manpower Commission shall state clearly that persons now employed or residing within the New Brunswick Area will not be considered.

(e) Advertisements of employers shall contain no mention of wage rates or possible earnings.

SEC. 6. *Advance notice of lay-offs.* Employers are required when possible to provide at least three days advance notice to the United States Employment Service whenever a lay-off of ten or more employees will occur and such notice shall contain a statement as to the number of employees to be laid off by occupation.

SEC. 7. *Limited statements of availability.* Limited statements of availability specifying a particular date on which employees shall be returned to their previous employer shall be issued by the United States Employment Service of the War Manpower Commission, whenever, in the judgment of the appropriate Area Manpower Director, the best interests of the war effort will be served by such action: *Provided*, That such action is agreeable to both the employer and employees involved: *And provided*

further, That such limited statements of availability shall not be issued for a period longer than 3 months.

**SEC. 8. Request to remain on or return to a job.** The United States Employment Service of the War Manpower Commission shall request any employee to return to or remain on his job and shall request any employer to retain such employee in his employ:

(a) Pending any determination on the employee's request for a statement of availability.

(b) Pending decision on the employee's appeal from a determination denying him a statement of availability.

(c) Upon a final determination that the employee is not entitled to a statement of availability.

**SEC. 9. Optional provisions.** The New Brunswick Area Director after consultation with the appropriate Labor Management Committee and approval by the Regional Director, may include in the area employment stabilization plan optional provisions such as those outlined in § 907.5 of Regulation 7, which are designed to meet special manpower needs in the localities affected, but, except as authorized in § 907.5, a, of Regulation 7, no such provision shall conflict with section 3 of this plan or with any State or Federal law.

**SEC. 10. Definitions.** As used in this plan:

(a) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(b) "New employee" means any individual who has not been in the employment of the hiring employer at any time during preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(c) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission.

(d) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities (9 F.R. 3439).

(e) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(f) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employments mean his principal employment.

(g) "Employment stabilization plan" includes any arrangement involving restrictions on separation or hiring of

workers, whether through issuance of statements of availability, referral, by the United States Employment Service or otherwise.

**SEC. 11. Employment ceiling and priority referral.** The Area Manpower Director may fix for all or any establishments in the New Brunswick Area, fair and reasonable employment ceilings and/or allowances, limiting the number of employees, or specified types of employees, which such establishments may employ during specified periods. Such ceilings and/or allowances will be determined on the basis of establishments' actual labor requirements, the available labor supply, and/or the relative urgency of establishments' products or services to the war effort. Except as authorized by the Area Manpower Director, no employer shall hire any new employee if the hiring of such employee would result in the establishment's exceeding the employment ceiling and/or manpower allowance currently applicable to it.

Dated: October 18, 1944.

CHARLES A. DAVIS,  
Area Director.

Approved: October 31, 1944.

FRANK L. MCNAMEE,  
Regional Director.

[F. R. Doc. 44-16929; Filed, Nov. 3, 1944;  
5:02 p. m.]

#### CAMDEN, N. J., AREA

#### EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for the Camden War Manpower Commission Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Program", effective September 17, 1943.

Sec.

1. Utilization of local labor supply.
2. Control of hiring and solicitation of workers.
3. Minimum standards.
4. Existing rights of employees.
5. Advertising.
6. Advance notice of lay-offs.
7. Limited statements of availability.
8. Request to remain on or return to a job.
9. Definitions.

In furtherance of the war effort and for the purpose of achieving the most effective utilization of the services of labor in essential and locally needed activities, the Area Director of the War Manpower Commission for the Camden Area with the concurrence of the Area War Manpower Committee and the approval of the Regional Director, hereby establishes the following plan for the Camden Area with respect to the stabilization of employment throughout the area.

**SECTION 1. Utilization of local labor supply.** All employers will make every reasonable effort to utilize the available local labor supply before resorting to the employment of workers from outside the commuting areas of their establishments

and will recruit workers outside such areas only through the facilities of the U. S. Employment Service of the War Manpower Commission.

**SEC. 2. Control of hiring and solicitation of workers.** (a) All hiring and solicitation of workers in, or for work in the Camden, New Jersey Area, Region III of the War Manpower Commission, shall be conducted in accordance with the provisions of this employment stabilization plan.

(b) The Area Manpower Director may fix for all or any establishments in the Camden Area, fair and reasonable employment ceiling and/or allowances, limiting the number of employees, or specified types of employees, which such establishments may employ during specified periods. Such ceilings and/or allowances will be determined on the basis of establishments' actual labor requirements, the available labor supply, and/or the relative urgency of establishments' products or services to the war effort. Except as authorized by the Area Manpower Director, no employer shall hire any new employee if the hiring of such employee would result in the establishment's exceeding the employment ceiling and/or manpower allowance currently applicable to it. (Rev. 6/23/44)

**SEC. 3. Minimum standards—(a) General.** A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(1) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the U. S. Employment Service, and

(2) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the U. S. Employment Service of the War Manpower Commission, or is hired with its consent as provided herein.

**(b) Issuance of statements of availability by employers.** An individual whose last employment is or was in essential or locally needed activity shall receive a statement of availability from his employer if:

(1) He has been discharged, or his employment has been otherwise terminated by his employer, or

(2) He has been laid off for an indefinite period, or for a period of seven or more days, or

(3) Continuance of his employment would involve undue personal hardship, or

(4) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(5) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and

the employer has failed to adjust the wages in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

(c) *Issuance of statements of availability by United States Employment Service.* (1) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in paragraph (b) is found to exist in his case. If the employer fails or refuses to issue a statement, the U. S. Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

(2) A statement of availability shall be issued by the U. S. Employment Service to any individual in the employ of an employer, who, the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission employment stabilization plan, regulation or policy, and for so long as such employer continues his non-compliance after such finding.

(d) *Referral in case of under-utilization.* If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the U. S. Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

(e) *Workers who may be hired only upon referral by the U. S. Employment Service.* A new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or with the consent of, the U. S. Employment Service when:

(1) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period.

(2) The new employee's last regular employment was in agriculture, and he is to be hired for non-agricultural work: *Provided*, That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration: *And provided*, That such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

(3) The new employee is a male worker. (Added 6/23/44)

(f) *Exclusions.* No provisions of the Employment Stabilization Plan shall be applicable to:

(1) The hiring of a new employee for agricultural employment;

(2) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of the program, unless the employee is customarily engaged in work of less than seven days' duration;

(3) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii;

(4) The hiring by a foreign, State, County, or Municipal Government, or their political subdivisions, or their agencies and instrumentalities, or the hiring of any of their employees, unless such foreign, State, County, or Municipal Government, or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the program;

(5) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service;

(6) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

(g) *Appeals.* Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this Employment Stabilization Plan, in accordance with regulations and procedures of the War Manpower Commission.

(h) *Content of statements of availability.* A statement of availability issued to an individual pursuant to this plan shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

(i) *Solicitation of workers.* No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this Employment Stabilization Plan, except in a manner consistent with such restrictions.

(j) *Hiring.* The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

(k) *Representation.* Nothing contained in this plan shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by the labor organization of which he is a member, or any other representative freely chosen by him, at any step in the operation of this plan.

(l) *General referral policies.* No provision in the program shall limit the authority of the U. S. Employment Service to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

**SEC. 4. Existing rights of employees.** Nothing in this plan shall be construed to prejudice existing seniority rights of an employee under any agreement with his employer.

**SEC. 5. Advertising.** Employer's advertisements for employees are required to meet the following conditions:

(a) Indicate clearly that employees now employed in essential activity cannot be considered without statements of availability.

(b) The name of the advertising employer must be included in any advertisement which does not include reference to the use of facilities of the United States Employment Service, except through arrangement with the United States Employment Service.

(c) Advertisements for employees possessing skills which appear on the list of critical occupations must state that hires may be made only through referral by or with the consent of the United States Employment Service.

(d) Advertisements of employers located outside the Camden Area of the War Manpower Commission shall state clearly that persons now employed or residing within the Camden Area will not be considered.

(e) Advertisements of employers shall contain no mention of wage rates or possible earnings. (Revised 4/20/44)

**SEC. 6. Advance notice of lay-offs.** When possible at least three (3) days in advance of the anticipated date of any layoff, an employer shall submit to the local office of the United States Employment Service of the War Manpower Commission for the Area in which the employer's establishment is located, a list containing the names, addresses, and occupational classification of workers to be laid off. As used in this section, lay-off means a separation of a worker for a period of seven (7) or more days because of lack of work. This definition excludes the reporting of the name of workers who (1) voluntarily quit or (2) are separated from employment for reasons other than lack of work. (Revised 10/14/43)

**SEC. 7. Limited statements of availability.** Limited statements of availability specifying a particular date on which employees shall be returned to their previous employer shall be issued by the United States Employment Service of the War Manpower Commission, whenever in the judgment of the Area Manpower Director, the best interests of the war effort will be served by such action: *Provided*, That such action is agreeable to both the employer and employees involved: *And provided further*, That such limited statements of availability shall not be issued for a period longer than 3 months.

**SEC. 8. Request to remain on or return to a job.** The United States Employment Service of the War Manpower Commission shall request any employee to return to or remain on his job and shall request any employer to retain such employee in his employ:

(a) Pending any determination on the employee's request for a statement of availability.

(b) Pending decision on the employee's appeal from a determination denying him a statement of availability.

(c) Upon a final determination that the employee is not entitled to a statement of availability.

## FEDERAL REGISTER, Tuesday, November 7, 1944

SEC. 9. *Definitions.* As used in this plan:

(a) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation, or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(b) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(c) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission.

(d) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities. (9 F.R. 3439)

(e) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(f) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employments mean his principal employment.

(g) "Employment stabilization plan" includes any arrangement involving restrictions on separation or hiring of workers, whether through issuance of statements of availability, referral by the United States Employment Service or otherwise.

(h) "Camden Area" for the purpose of this plan means that portion of the State of New Jersey including Camden County, excepting the Borough of Cheshire and the Townships of Winslow and Waterford, Gloucester County, except the Borough of Newfield and that portion of Monroe Township lying East of Williams-town; and also including the Boroughs of Palmyra and Riverton and the Townships of Chester, Cinnaminson and Moorestown in Burlington County.

Dated: October 21, 1944.

IRA C. YEAGER,  
Area Director.

Approved: October 31, 1944.

FRANK L. McNAMEE,  
Regional Director.

[F. R. Doc. 44-16991; Filed, Nov. 4, 1944;  
3:53 p. m.]

## WAR PRODUCTION BOARD.

[Certificate 209]

## PETROLEUM COMPENSATORY ADJUSTMENT PROGRAM

## The ATTORNEY GENERAL.

I submit herewith a form of agreement<sup>1</sup> proposed by the Defense Supplies Corporation for use in connection with that Corporation's Petroleum Compensatory Adjustment Program. Attached to the agreement is a list of the companies which are presently to be asked to execute the agreement.

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the agreement; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any party to the agreement in compliance therewith is requisite to the prosecution of the war.

Dated: October 31, 1944.

J. A. KRUG,  
Chairman.

[F. R. Doc. 44-17007; Filed, Nov. 6, 1944;  
11:16 a. m.]

<sup>1</sup> Filed as part of the original document.