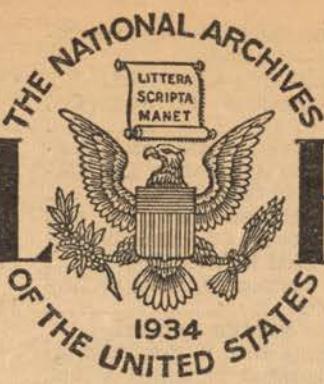


FEDERAL REGISTER



VOLUME 10

NUMBER 25

Washington, Saturday, February 3, 1945

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 12—FEDERAL FARM MORTGAGE CORPORATION

SPECIAL INTEREST RATES

Chapter I, Title 6, Code of Federal Regulations is hereby amended by adding § 12.28-25 to read as follows:

§ 12.28-25 *Interest rate on Commissioner loans guaranteed by Veterans' Administration.* On and after February 1, 1945, the contract rate on first mortgage Commissioner loans approved for guaranty by the Administrator of Veterans' Affairs pursuant to Title III of the Servicemen's Readjustment Act of 1944 and the regulations issued thereunder shall be 4 percent per annum.

(Secs. 32, 33, 48 Stat. 48, 49, as amended; 12 U.S.C. 1016 (c), 1017)

W. E. RHEA,
Land Bank Commissioner.

[F. R. Doc. 45-1949; Filed, Feb. 1, 1945;
3:32 p. m.]

TITLE 7—AGRICULTURE

Chapter IV—War Food Administration (Crop Insurance)

PART 413—1945 COTTON CROP INSURANCE REGULATIONS

The Federal Crop Insurance Program is part of the general program of the United States Department of Agriculture and the War Food Administration administered for the benefit of agriculture.

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act, as amended, these regulations are hereby published and prescribed to be in force and effect, with respect to the 1945 cotton crop insurance program, until amended or superseded by regulations hereafter made.

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NOTICE

Book 1 of the 1943 Supplement to the Code of Federal Regulations may be obtained from the Superintendent of Documents, Government Printing Office, at \$3.00 per copy. This book contains the material in Titles 1-31, including Presidential documents, issued during the period from June 2, 1943, through December 31, 1943.

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AUTHORITY: §§ 413.1 to 413.46, inclusive, issued under secs. 506 (e), 507 (c), 508, 509, 516 (b); 52 Stat. 73, 74, 75, 77; 7 U.S.C. 1506 (e), 1507 (c), 1508, 1509, 1516 (b), as amended by 52 Stat. 835, 55 Stat. 255, and Public Law 551, 78th Cong., approved December 23, 1944; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783.

MANNER OF OBTAINING INSURANCE

§ 413.1 Availability of cotton crop insurance. (a) Cotton crop insurance will be offered in 1945 on American Upland cotton only. The maximum coverage of such insurance will be 50 or 75 percent	
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of the average yield of lint cotton for the farm. The insurance shall cover the loss of cottonseed only if the producer applies for such coverage.

(b) Insurance will not be provided in any county unless written applications for insurance on crops authorized to be insured are filed covering at least fifty farms, or one-third of the farms normally producing these crops, except that insurance may be provided for producers on farms situated in a local producing area bordering on a county with a crop insurance program.

§ 413.2 Application for insurance. Application for insurance, on a form prescribed by the Corporation, may be made by any person to cover his interest as landlord, owner, tenant, or sharecropper, in cotton to be grown in 1945. An application shall cover the applicant's interest in the cotton crop on all insurance units located, or considered for crop insurance purposes to be located, in the county or, where applicable, on all insurance units in the local producing area in which the applicant has an interest at the beginning of planting. Applications shall be submitted to the office of the county association on or before the applicable closing date established by the Corporation for the county in which the insurance unit is located.

§ 413.3 Acceptance of applications by the Corporation. (a) Upon acceptance of an application by a duly authorized representative of the Corporation, the insurance contract shall be in effect, provided such application is submitted in accordance with the provisions of the application and of these regulations, including any amendments thereto. The applicant's copy of the accepted application shall be mailed to him.

(b) The Corporation reserves the right to reject any application for insurance with respect to any one or more of the insurance units covered by the application, or to limit the insurance on the applicant's interest in any insurance unit covered by the application to a maximum of 50 percent of the average yield for such unit.

(c) Insurance contracts covering farms situated in a local producing area shall be handled in the office of the county association of an adjoining county with a crop insurance program.

INSURANCE COVERAGE

§ 413.4 Insurance period. Insurance with respect to any insurance unit shall attach at the time the crop is planted, except that insurance shall not attach with respect to any acreage put to another use before it is too late to replant to cotton, as determined by the Corporation. Insurance shall cease with respect to any portion of the crop upon weighing in at the gin, or disposal of the harvested crop, transfer of interest in unharvested cotton after harvest is commenced, or January 31, 1946, whichever occurs first, unless such date is extended in writing by the Corporation.

§ 413.5 Maximum insured production of lint cotton. The maximum insured production of lint cotton for each insurance unit under the contract shall be the

number of pounds of lint cotton determined by multiplying the insured acreage by the average yield per acre, by the insured percentage (50 or 75 percent), and by the insured interest in the crop at the beginning of planting. If more than one average yield has been established for the insurance unit, the maximum insured production shall be computed separately, using the applicable acreage for each yield, and the total of such computed amounts shall be the maximum insured production of lint cotton for the insurance unit.

§ 413.6 Amount of lint cotton insurance. The amount of insured production of lint cotton for each insurance unit at the various stages of production shall be as follows:

(a) 40 percent of the maximum insured production on the acreage released by the Corporation because of damage occurring after it is too late to replant to cotton, as determined by the Corporation, but prior to the first cultivation;

(b) 75 percent of the maximum insured production on the acreage released by the Corporation because of damage occurring after the first cultivation but prior to the beginning of harvest; and

(c) 100 percent of the maximum insured production on any acreage not covered by (a) and (b) above, less the estimated savings in harvesting cost due to loss in yield caused by hazards insured against, which estimated savings shall be 25 percent of the loss due to such hazards.

§ 413.7 Causes of loss insured against. The insurance contract shall cover loss in yield of lint cotton (and cottonseed if insured) due to unavoidable causes, including drought, flood, hail, wind, frost, winter-kill, lightning, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation, plant disease, and such other unavoidable causes as may be determined by the Board of Directors of the Corporation.

§ 413.8 Causes of loss not insured against. The contract shall not cover damage to quality in any case or loss in yield caused by the neglect or malfeasance of the insured or of any person in his household or employment or connected with the farm as tenant, sharecropper, or wage hand; nor shall it cover losses caused by theft, domestic animals, use of defective or unadapted seed, failure properly to prepare the land for planting, or properly to plant, care for, or harvest the insured crop, including any loss due to breakdown of machinery or equipment, or by failure to replant the cotton in areas and under circumstances where the Corporation determines it is customary to replant. In addition, where insurance is written on an irrigated basis, the contract shall not cover losses caused by failure properly to apply irrigation water to cotton in proportion to the amount of water available for all irrigated crops, failure of irrigation equipment due to mechanical defects, failure to provide adequate casing or properly to adjust the pumping equipment in the event of a lowering of the water level in pump wells, or any other such loss not due entirely to unavoidable causes. The contract shall

also not cover loss in yield caused by planting cotton on land of poorer average quality than the average quality of land used in establishing the average yield and premium rate, planting a variety of cotton different from the variety considered in establishing the average yield and premium rate, or planting cotton under conditions of immediate hazard without adjustment of the average yield or premium rate; nor shall it cover loss due to planting cotton on a portion of the insurance unit where the average productivity or farming hazards differ materially from the average productivity or farming hazards for the acreage considered in establishing the average yield and premium rate for such unit. Likewise, the contract shall not cover loss in yield caused by inability to obtain labor, fertilizer, machinery, repairs, or insect poisons, as a result of war or other conditions.

PREMIUM FOR INSURANCE CONTRACTS

§ 413.9 Amount of premium. The premium for each insurance unit under the contract shall be the number of pounds of lint cotton determined by multiplying the insured acreage of cotton for the insurance unit by the premium rate per acre and by the insured interest in the crop at the beginning of planting. If more than one premium rate has been established for the insurance unit, a premium shall be computed separately using the applicable acreage for each rate, and the total of the amounts so computed shall be the premium for the insurance unit. The premium for the insurance contract shall be the total of the premiums computed for the insured for all insurance units covered by the contract. The premium with respect to each insurance unit shall be regarded as earned when the cotton crop on the insurance unit is planted, except that no premium shall be regarded as earned on any acreage put to another use before it is too late to replant to cotton, as determined by the Corporation. If the insurance contract covers loss of cottonseed, the premium shall be increased by 20 percent. The minimum premium payable by the insured with respect to any insurance contract shall be fifteen pounds of lint cotton.

§ 413.10 Manner of payment of premium. (a) Each applicant for insurance shall sign a note in the form and manner prescribed by the Corporation. Such note shall represent a promise to pay the Corporation the total premium for all insurance units covered by the insurance contract and shall be payable on or before the maturity date specified in § 413.46 hereof. Such note shall bear interest after maturity at the rate of one-half of one percent for each calendar month or portion thereof, except that no interest shall be charged on any amount paid within two calendar months after maturity.

(b) Payment on any such note may be made in whole or in part before maturity either in lint cotton or cash, or both. After maturity, payment may be made

only in cash. In connection with any payment before maturity, there shall be credited on the note the number of whole pounds of lint cotton computed by dividing the payment made (the proceeds of the sale of cotton if cotton is paid) by the cash equivalent price per pound for the date of payment. The amount of any such note due at maturity shall be the cash equivalent thereof based on the cash equivalent price per pound applicable for such maturity date.

(c) Any unpaid amount of any such note (either before or after the date of maturity) may be deducted from any indemnity payable under the contract, from the proceeds of any commodity loan to the insured, and from any payment made to the insured under the Soil Conservation and Domestic Allotment Act, as amended, or any other act of Congress or program administered by the United States Department of Agriculture or the War Food Administration. Where any such deduction is made before the date of maturity, the cash equivalent of the deduction will be based on the cash equivalent price used in computing the indemnity payment or the cash equivalent price determined by the Corporation to be in effect on the day the county committee approves such loan or other payment, whichever is applicable. Such applicable price shall also be used in determining the number of pounds of lint cotton to be credited on the note.

(d) Payments in cash shall be made by means of cash or by check, money order, or bank draft payable to the order of the Treasurer of the United States. All checks and drafts will be accepted subject to collection, and payments tendered shall not be regarded as paid unless collection is made. When a payment is made in cotton, it shall be by means of an instrument acceptable to the Corporation representing salable cotton.

§ 413.11 Premium reductions on subsequent insured crops when justified. (a) In any area designated by the Corporation, the insured's annual premium may be reduced in any year not to exceed 25 percent, if it is determined by the Corporation from a comparison of the insured production with the accumulated balance of premiums paid over indemnities received (with appropriate adjustments for insurance on cottonseed) on consecutively insured crops for the years during which insurance was available (beginning with the 1942 crop), that the risk on cotton crops produced by the insured justify such reduction: *Provided, however,* That the Corporation may determine that the premium rates for all insurance units in any or all such areas shall be adjusted to compensate for any such reduction. Nothing in this provision shall create in the insured any right to a reduced premium as a result of the total premiums he has paid exceeding the total indemnities he has received.

(b) The insured's annual premium payment may be reduced 10 percent in any year after five cotton crops (beginning with the 1942 crop) covered by insurance (which must be consecutive crops if insurance was available) have been produced by him in the county

without a loss for which an indemnity was paid: *Provided, however,* That this provision shall not apply when the premium rate is reduced pursuant to paragraph (a) of this section.

LOSS

§ 413.12 *Notice of loss or damage of cotton crop.* Unless otherwise provided by the Corporation, if a loss is probable, notice in writing shall be given the Corporation at the office of the county association immediately after any material damage to the insured crop and before the crop is harvested, removed, or any other use is made of it. Any such notice shall be given in time to allow the Corporation to make appropriate inspection.

§ 413.13 *Released acreage.* Any insured acreage on which the cotton crop has been destroyed or substantially destroyed may be put to another use only with the consent of the Corporation, subject to an appraisal by the Corporation of the yield that would be realized if the damaged crop remained for harvest. No acreage planted to cotton shall be considered as put to another use as long as any cotton on such acreage is remaining for harvest. On any acreage where the cotton has been partially destroyed but not released by the Corporation, proper measures shall be taken to protect the crop from further damage. There shall be no abandonment of any crop or portion thereof to the Corporation.

§ 413.14 *Time of loss.* Loss, if any, shall be deemed to have occurred at the completion of weighing in of the insured crop at the gin, or disposal of the harvested crop, or January 31, 1946 (unless such time is extended in writing by the Corporation), whichever occurs first, unless the Corporation determines that the cotton crop was destroyed or substantially destroyed earlier, in which event the loss shall be deemed to have occurred on the date so determined by the Corporation. The cotton crop shall be deemed to have been substantially destroyed if the Corporation determines that it has been so badly damaged that farmers generally in the area, where the farm is located and on whose farms similar damage occurred, would not further care for the crop or harvest any portion thereof.

§ 413.15 *Proof of loss.* If a loss is claimed, the insured shall submit to the Corporation, on a form and in the manner prescribed by the Corporation, a statement in proof of loss containing such information regarding the manner and extent of the loss as may be required by the Corporation. The statement in proof of loss shall be submitted not later than sixty days after the time of loss, unless the time is extended in writing by the Corporation. It shall be a condition precedent to any liability under the insurance contract that the insured establish that any loss for which claim is made has been directly caused by one or more of the hazards insured against by the insurance contract during the term of the contract, and that the insured further establish that the loss has not arisen from or been caused by, either

directly or indirectly, any of the hazards not insured against by the insurance contract.

§ 413.16 *Amount of loss.* (a) The amount of loss for which indemnity will be payable with respect to any insurance unit will be the amount of the insured production under the contract for such insurance unit, less the insured interest under the contract (at the time harvest is commenced) in the lint cotton harvested from the insurance unit and not destroyed and the appraised production of lint cotton not harvested: *Provided, however,* That if all or any part of the loss is due to causes not insured against, such amount shall be reduced by the number of pounds of lint cotton which the Corporation determines resulted from such causes, not to exceed the product of (1) the number of acres on which such loss occurred, (2) the average yield for such acres, and (3) the insured interest in the crop on such acres at the time of loss: *Provided, further,* That if the planted acreage on the insurance unit exceeds the insured acreage on such unit, as determined by the Corporation, the loss for which indemnity will be payable shall be computed by prorating the production on the planted acreage to determine the production applicable to the insured acreage.

(b) Where the insured fails to establish and maintain separate records of acreage or production for the component parts of a combination of two or more insurance units or portions thereof, the insurance contract may be voided by the Corporation and the premium forfeited by the insured: *Provided, however,* That if all the component parts of the combination are insured the total of the insured production for the component parts shall be considered as the insured production for the combination, and any loss for such combination shall be determined as outlined in paragraph (a) of this section.

(c) If the insurance contract covers loss of cottonseed, there shall be added to the amount of loss determined for any insurance unit under paragraph (a) of this section a number of pounds of lint cotton equal to 20 percent of such amount of loss.

PAYMENT OF INDEMNITY

§ 413.17 *When indemnity payable.* (a) The amount of loss for which the Corporation may be liable with respect to any insurance unit covered by the insurance contract shall be payable within thirty days after satisfactory proof of loss is approved by the Corporation. However, if payment of any indemnity is delayed for any reason beyond the time specified, the Corporation shall not be liable for interest or damages on account of such delay.

(b) The Corporation shall provide for the posting in each county at the county courthouse of a list of indemnities paid for losses on the 1945 cotton crop on farms in the county.

§ 413.18 *Indemnity payment.* (a) Any indemnity due under the insurance contract will be paid by the issuance of a certificate of indemnity which shall bear an expiration date. Settlement

under such certificate will be made in cash or cotton in accordance with these regulations. Such certificate may also be used to obtain a loan from the Commodity Credit Corporation, if loans on certificates of indemnity are available, in accordance with instructions issued by Commodity Credit Corporation.

(b) In case of a cash settlement under a certificate of indemnity, the cash equivalent of the indemnity shall be the number of pounds of lint cotton specified in the certificate of indemnity multiplied by the cash equivalent price per pound applicable for the day the insured's request is received or the expiration date of the certificate, whichever occurs first. A reasonable storage and handling charge shall be deducted from the cash equivalent of any certificate of indemnity which is not received by the Corporation for cash settlement within fifteen days from date of issuance thereof. These charges shall cease at the expiration date of the certificate of indemnity or the date the certificate of indemnity is received by the Corporation for cash settlement, whichever occurs first.

(c) Any indemnity payable under an insurance contract shall be paid to, and settlement under the certificate of indemnity made with, the insured, his beneficiary, or such other person as may be entitled to the benefits of the insurance contract under the provisions of these regulations, notwithstanding any attachment, garnishment, receivership, trustee process, judgment, levy, equity, or bankruptcy directed against the insured or such other person, or against any indemnity alleged to be due to such person; nor shall the Corporation or any officer, employee, or representative thereof be a proper party to any suit or action with reference to such indemnity or the proceeds thereof nor be bound by any judgment, order, or decree rendered or entered therein. No officer, agent, or employee of the Corporation shall, because of any such process, order, or decree, pay or cause to be paid, to any person other than the insured, his beneficiary (designated by him in such form and manner as the Corporation may prescribe), or other person entitled to the benefits of the insurance contract, any indemnity payable, or any amount due in settlement of any certificate of indemnity in accordance with the provisions of the insurance contract. Nothing herein contained shall excuse any person entitled to the benefits of the insurance contract from full compliance with, or performance of, any lawful judgment, order, or decree with respect to the disposition of any sums paid thereunder as an indemnity.

§ 413.19 *Adjustment in connection with indemnity payments.* Where an adjustment is made in the amount of an indemnity, settlement for such adjustment may be made on the basis of a cash equivalent price per pound other than that used in making settlement under the certificate of indemnity originally issued.

§ 413.20 *Other insurance.* If the insured has or acquires any other insurance against substantially all the risks

that are insured against by the Corporation under the insurance contract on the crop or portion thereof covered in whole or in part by such insurance contract, regardless of whether such other insurance is valid or collectible, the liability of the Corporation shall not be greater than its share would be if the amount of its obligations were divided equally between the Corporation and such other insurer. In any case where an indemnity is paid to the insured by another Government agency because of damage to the cotton crop, the Corporation reserves the right to determine its liability under the insurance contract taking into consideration the amount paid by such other agency.

§ 413.21 Subrogation. The Corporation may require from the insured an assignment of all rights of recovery against any person(s) for loss or damage to the extent that payment therefor is made by the Corporation, and the insured shall execute all papers required and shall do everything that may be necessary to secure such rights.

§ 413.22 Creditors. An interest existing by virtue of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or any other process shall not be considered an interest in an insured crop within the meaning of the regulations in this part.

PAYMENT OF INDEMNITY TO PERSONS OTHER THAN ORIGINAL INSURED

§ 413.23 Indemnities subject to all provisions of insurance contract. Indemnities payable to any person shall be subject to all provisions of the insurance contract, including the right of the Corporation to deduct from any such indemnity the unpaid amount of the note of the original insured for the payment of the earned premium or any other obligation of the insured to the Corporation: *Provided, however,* That in case of a transfer of an interest in an insured crop, such deduction to be made from an indemnity payable to the transferee shall not exceed the premium due on the insurance unit or units involved in the transfer, plus the unpaid amount of any other obligation of the transferee to the Corporation. Any indemnity payable to any person other than the original insured as a result of a transfer, or otherwise, shall be subject to any collateral assignment of the insurance contract by the original insured.

§ 413.24 Collateral assignment of right under insurance contract. The right to an indemnity under an insurance contract may be assigned by the original insured as collateral security for a loan or other obligation of such insured. Such assignment shall be made by the execution of a form prescribed by the Corporation and, upon approval thereof by the Corporation, the interests of the assignee will be recognized if an indemnity is payable under the insurance contract, to the extent of the amount determined to be the unpaid balance of the amount (including interest and other charges) for which such assignment was made as collateral security: *Provided, however,* That (a) payment of any indemnity will be subject

to all conditions and provisions of the insurance contract (including any deductions authorized under § 413.23 hereof), and (b) payment of the indemnity may be made by check payable jointly to all persons entitled thereto and such payment shall constitute a complete discharge of the Corporation's obligation with respect to any loss under the insurance contract. The Corporation's approval of an assignment shall not create in the assignee any right other than that derived from the assignor. The Corporation shall in no case be bound to accept notice of any assignment of the insurance contract, and nothing contained in any assignment shall give any right against the Corporation to any person other than the insured except to an assignee approved by the Corporation. Only one such assignment will be recognized in connection with the insurance contract, but if an assignment is released, a new assignment of the right to an indemnity under the insurance contract may be made.

§ 413.25 Payment of transferee. In the event of a transfer of all or a part of the insured interest in a cotton crop before the beginning of harvest or the time of loss, whichever occurs first, the transferor shall immediately notify the Corporation thereof in writing at the office of the county association. The transferee under such a transfer shall be entitled to the benefits of the insurance contract with respect to the interest so transferred, subject to any assignment made by the original insured in accordance with § 413.24 hereof: *Provided, however,* That an involuntary transfer of an insured interest in a cotton crop solely because of the existence of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or other process shall not entitle any holder of any such interest to any benefits under the insurance contract: *Provided, further,* That the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop than would have been paid if the transfer had not taken place. If, as a result of any such transfer, diverse interests appear with respect to any insurance unit, the indemnity, if any, payable with respect to such unit may be paid jointly to all persons having the insured interest in the crop at the time harvest is commenced or the time of loss, whichever occurs first, or to one of such persons on behalf of all such persons, and payment in any such manner shall constitute a complete discharge of the Corporation's liability with respect to such unit under the insurance contract.

§ 413.26 Death, incompetence, or disappearance of insured. (a) If no beneficiary has been designated by the insured (or if designated, is ineligible or unavailable) and if the insured dies, is judicially declared incompetent, or disappears, before the time of loss or the time harvest is commenced, whichever occurs first, and his insured interest in a cotton crop is a part of his estate at such time, or if the insured dies, is judicially declared incompetent, or disappears subsequent to such time, the indemnity, if any, shall be paid to the legal representative of his estate, if one is

appointed or is duly qualified. If no such representative is or will be so qualified, the indemnity shall be paid to the persons beneficially entitled to share in the insured's interest in the crop or to any one or more of such persons on behalf of all such persons: *Provided, however,* That if the indemnity represents a number of pounds of cotton, the cash equivalent of which exceeds \$500, the Corporation may withhold the payment of the indemnity until a legal representative of the insured's estate is duly qualified to receive such payment.

(b) If no beneficiary has been designated by the insured (or if designated, is ineligible or unavailable) and the insured dies, is judicially declared incompetent, or disappears before the time harvest is commenced or the time of loss, whichever occurs first, and his interest in the crop is not a part of his estate at such time, the indemnity, if any, shall be paid to the person(s) who succeeded to his interest in the crop in the manner provided for in § 413.25.

(c) If a beneficiary has been named by the insured and if the insured dies, is judicially declared incompetent, or disappears, payment of any indemnity to which the insured is entitled will be made to such beneficiary if eligible and available.

(d) If an applicant for insurance dies or is judicially declared incompetent before the cotton crop intended to be covered by insurance is planted, whoever succeeds him on the farm with the right to plant the cotton crop as his heir or heirs, administrator, executor, guardian, committee, or conservator shall be substituted for the original applicant upon filing with the office of the county association, within fifteen days (unless such period is extended by the Corporation) after the date of such death or judicial declaration, or before the date of the beginning of planting, whichever is the earlier, a statement in writing, in the form and manner prescribed by the Corporation, requesting such substitution and agreeing to assume the obligations of the original applicant arising out of such application. If no such statement is filed, as required by this paragraph, the original application shall be void and no insurance shall be in effect with respect to the cotton crop covered thereby.

(e) The insured shall be deemed to have disappeared within the meaning of these regulations if he fails to file with the county committee written notice of his new mailing address within 180 calendar days after any communication by or on behalf of the Corporation is returned undeliverable at the address given in the statement in proof of loss or after such loss has been established otherwise, whichever is earlier.

§ 413.27 Fiduciaries. Any indemnity payable under an insurance contract entered into in the name of a fiduciary who is no longer acting in such capacity at the time for the payment of indemnity and settlement under the certificate of indemnity will be made to the succeeding fiduciary upon appropriate application and proof satisfactory to the Corporation of his incumbency. If there is no succeeding fiduciary, payment of the in-

demnity shall be made to, and settlement under the certificate of indemnity shall be made with, the persons beneficially entitled under these regulations to the insured interest in the crop, to the extent of their respective interests, upon proper application and proof of the facts: *Provided, however,* That the settlement may be made with any one or more of the persons so entitled, and payment may be made to such person or persons in behalf of all the persons so entitled, whether or not the person to whom payment is made has been authorized by the other interested persons to receive such payment.

§ 413.28 *Determination of person to whom indemnity shall be paid.* In any case where the insured has transferred his interest in all or a portion of the cotton crop on any insurance unit, or has ceased to act as a fiduciary, or has died, has been judicially declared incompetent or has disappeared and has not designated a beneficiary or, if designated, such beneficiary is deceased or is otherwise unavailable or ineligible, payment in accordance with the provisions of these regulations will be made only after the facts have been established to the satisfaction of the Corporation. The determination of the Corporation as to the existence or nonexistence of a circumstance in the event of which payment may be made and of the person(s) to whom such payment will be made shall be final and conclusive. Payment of any indemnity under this section shall constitute a complete discharge of the Corporation's obligation with respect to the loss for which such indemnity is paid and settled and shall be a bar to recovery by any other person.

REFUNDS OF EXCESS NOTE PAYMENTS

§ 413.29 *Refunds of excess note payments.*—(a) *Before maturity of note.* The Corporation shall not be required to make a refund of any excess payment made on account of a note until the acreage planted to cotton on all insurance units covered by the insurance contract has been determined. The cash equivalent of any refund shall be determined on the basis of the number of pounds of lint cotton to be refunded and the cash equivalent price for the appropriate grade and staple of such lint cotton effective for the date such payment was submitted to the Corporation. If more than one payment is made on the note for the crop insurance premium, the payments shall be applied in the order of submittal to the Corporation. In computing the amount of any refund, the payments shall be considered in their inverse order and each such payment or portion thereof shall be regarded as a separate payment in determining the cash equivalent of the refund.

(b) *After maturity of note.* Payments received after the maturity of the note for the payment of the crop insurance premium shall be refunded in the actual amount of money paid to the Corporation in excess of that determined to be necessary to pay such note.

There shall be no refund of an amount less than \$1.00, with respect to payments

made either before or after the maturity of the note, unless written request for such refund is received by the Corporation within one year after the date of maturity of the note.

§ 413.30 *Assignment or transfer of claims for refunds not permitted.* No claim for a refund, or any part or share thereof, or any interest therein, shall be assignable or transferable, notwithstanding any assignment of the insurance contract as security or any transfer of interest in any cotton crop covered by the insurance contract. Refund of any excess note payment will be made only to the person who made such payment except as provided in § 413.31.

§ 413.31 *Refund in case of death, incompetence, or disappearance.* In any case where a person who is entitled to a refund of a payment has died, has been judicially declared incompetent, or has disappeared, the provisions of § 413.26 with reference to the payment of indemnities in any such case shall be applicable with respect to the making of any such refund.

ESTABLISHMENT OF AVERAGE YIELDS AND PREMIUM RATES

§ 413.32 *Determination of farm average yields of lint cotton per acre.* The Corporation shall establish average yields of lint cotton for farms on the basis of the recorded or appraised yields for a representative period of years and shall, where necessary, adjust such yields so that the average yields for farms in the same area which are subject to the same conditions shall be fair and just. A record of the average yields so established for all farms in the county shall be maintained in the office of the county association and such record shall be open to inspection by any producer whose farm is listed thereon.

§ 413.33 *Determination of premium rates of lint cotton per acre.* The Corporation shall establish premium rates of lint cotton for all farms for which average yields are established and such rates shall be those deemed adequate to cover claims for 1945 cotton crop losses and to provide a reasonable reserve against unforeseen losses. A record of the premium rates so established for all farms in the county shall be maintained in the office of the county association and such record shall be open to inspection by any producer whose farm is listed thereon.

§ 413.34 *Average yields and premium rates where farm varies widely in productivity or farming hazards or where tracts of the farm are widely separated.* If the land comprising any farm consists of tracts varying widely in productivity, topography, or farming hazards, or if tracts of the farm are widely separated, separate average yields and premium rates may be established by the Corporation for such tracts on the basis of appraisal, taking into consideration the yield data available.

§ 413.35 *Average yield and premium rates for fractional parts of a farm and for farms which are combined or divided after the listing sheets are prepared.* (a) The average yield and premium rate

for a fractional part of a farm which is to be insured as a separate insurance unit shall be the same as the average yield and premium rate for the entire acreage considered in establishing such average yield and premium rate, except as provided in § 413.34.

(b) Where due to combinations of insurance units after yields and rates applicable to the component parts of the combination have been approved by the Corporation, and determination of the acreage planted to cotton on such component parts is not feasible or practical, average yields and premium rates for the acreage comprising such combinations may be established by the Corporation, provided the combination was effected before the planting of any cotton on the combination. Such determinations shall be based upon the average yield and premium rate for farms similar in acreage, farming practices, topography, and farming hazards, taking into consideration the average yield(s) and premium rate(s) for the original farm(s).

§ 413.36 *Average yields and premium rates for special farming practices.* In areas where farming practices are followed which are determined by the Corporation to be special practices, yields and premium rates may be established for each special practice for the county or administrative area and for individual insurance units. The method used for establishing average yields and premium rates for a special practice shall be substantially the same as that used for establishing the yields and premium rates for the general practice. The yield and premium rate thus established for the insurance unit(s) shall apply to the acreage of cotton planted on the insurance unit in accordance with the special farming practices on the insurance unit.

§ 413.37 *Yield and rate appeals.* An applicant may appeal for a change in the yield and premium rate established under these regulations with respect to any insurance unit, in accordance with instructions issued by the Corporation.

GENERAL

§ 413.38 *Meaning of terms.* For the purpose of the 1945 Cotton Crop Insurance Program, the term:

(a) "Average yield" means the average yield of lint cotton per acre established by the Corporation for each insurance unit.

(b) "Cash equivalent price per pound" means the net price per pound of lint cotton established by the Corporation for the area in which the insurance unit is located on the basis of the price of lint cotton at the applicable spot market with differentials for the location of the area in which the insurance unit is situated.

(c) "Corporation" means the Federal Crop Insurance Corporation.

(d) "Cotton crop" means only American Upland cotton and does not include cotton planted primarily for experimental purposes.

(e) "Crop year" means the period within which the cotton crop is planted and normally harvested, and shall be

designated by reference to the calendar year in which the crop is planted.

(f) "County" means the area commonly designated as such, and includes a parish in Louisiana.

(g) "County association" means the county agricultural conservation association in the county.

(h) "County committee" means the county agricultural conservation committee for the county.

(i) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also: (1) Any other adjacent or nearby farm land which the county committee determines is operated by the same person as part of the same unit with respect to the rotation of crops and with work stock, farm machinery, and labor substantially separate from that for any other lands; and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm constitutes a unit with respect to the rotation of crops: *Provided, however, That for the purpose of determining the minimum participation for a crop insurance program in any county, the term "farm" means that acreage of land which constitutes an insurance unit.*

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or, if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located. In addition, a farm shall be considered to be located in a county for crop insurance purposes if it is listed on the crop insurance listing sheets for such county.

(j) "Insurance contract" means the contract of insurance entered into between the applicant and the Corporation by virtue of the application for insurance and the regulations in this part and any amendments thereto.

(k) "Insured acreage" means either the acreage reported by the insured as planted to cotton on the insurance unit, or the acreage determined by the Corporation as actually planted thereon, whichever the Corporation shall elect. Any acreage planted to cotton on the insurance unit which is put to another use before it is too late to replant cotton, as determined by the Corporation, shall not be considered insured acreage.

(l) "Insured interest" means either the insured's reported interest in the crop at the time of planting, or the interest which the Corporation determines as the insured's actual interest at the time of planting, whichever the Corporation shall elect, except that for the purpose of determining loss, the insured interest shall not exceed the insured's actual interest at the beginning of harvest or the time of loss, whichever occurs first.

(m) "Insured percentage" means the percentage of the average yield of lint cotton per acre for the insurance unit covered by an insurance contract, and shall be either 50 or 75 percent.

(n) "Insurance unit" means all or that portion, as the case may be, of the

farm (considered for the purpose of establishing the average yield and premium rate) in which the insured has an interest as a cotton producer at the beginning of planting, except that when a part of such land is regularly irrigated and the remainder never irrigated, or when separate yields and rates have been established for widely separated parts of such land, such portions of the land shall constitute separate insurance units.

(o) "Local producing area" means any area approved by the Corporation for purposes of § 413.1 (b) hereof, which is similar with respect to types of soil, topography, and types of farming to an adjacent area in an adjoining county with a crop insurance program.

(p) "Operator" means a person who as landlord or cash tenant, or standing-rent or fixed-rent tenant, is operating a farm, or who as a share tenant is operating a whole farm.

(q) "Person" means an individual, partnership, association, corporation, estate, or trust or other business enterprise or other legal entity and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(r) "Premium rate" means the premium rate per acre established by the Corporation for insurance on lint cotton.

(s) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the cotton crop thereon or of the proceeds therefrom.

(t) "State committee" means the State Agricultural Conservation Committee for the State.

(u) "State Director" means the representative of the Corporation in the operation of the crop insurance program in the State.

(v) "Tenant" means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the crop or proceeds therefrom), and is entitled under a written or oral lease or agreement to receive all or a share of the crop or proceeds therefrom produced on such land.

§ 413.39 *Restriction on purchase and sale of cotton by the Corporation.* The restriction on the purchase and sale of cotton, as provided in section 508 (d) of the Federal Crop Insurance Act, as amended, reads in part as follows:

Insofar as practicable, the Corporation shall purchase the agricultural commodity only at the rate and to a total amount equal to the payment of premiums in cash by farmers or to replace promptly the agricultural commodity sold to prevent deterioration; and shall sell the agricultural commodity only to the extent necessary to cover payments of indemnities and to prevent deterioration: *Provided, however, That nothing in this section shall prevent prompt offset purchases and sales of the agricultural commodity for convenience in handling. Nothing in this section shall prevent the Corporation from accepting, for the payment of premiums, notes payable in the commodity insured, or the cash equivalent, upon such security as may be determined pursuant to subsection (b) of this section, and from purchasing the quantity of the com-*

modity represented by any of such notes not paid at maturity.

§ 413.40 *Records and access to farm.* For the purpose of enabling the Corporation to determine the loss, if any, that may have occurred under the insurance contract, the insured shall keep, or cause to be kept, for one year after the time of loss, records of the harvesting, ginning, storage, shipment, sale, or other disposition, of all cotton produced on each insurance unit covered by the insurance contract. Such records shall be made available for examination by the Corporation, and as often as may reasonably be required, any person or persons designated by the Corporation shall have access to the farm. (See § 413.16 (b) hereof.)

§ 413.41 *Review of determinations of county and State committees.* Any determination by a county or State committee shall be subject to review and approval or revision by duly authorized representatives of the Corporation.

§ 413.42 *Applicant's warranties; voidance for fraud.* In applying for insurance the applicant warrants that the information, data, and representations submitted by him in connection with the insurance contract are true and correct, and are made by him, or by his authority, and shall be taken as his act. The insurance contract may be voided and the premium forfeited to the Corporation without the Corporation's waiving any right or remedy, including its right to collect the amount of the note executed by the insured, whether before or after maturity, if at any time the insured has concealed any material fact or made any false or fraudulent statements relating to the insurance contract, the subject thereof, or his interest in the cotton crop covered thereby, or if the insured shall neglect to use all reasonable means to produce, care for or save the cotton crop covered thereby, whether before or after damage has occurred, or if the insured fails to give any notice, or otherwise fails to comply with the terms of the contract, including the note, at the time and in the manner prescribed.

§ 413.43 *Modification of insurance contract.* No notice to any county committee or representative of the Corporation or knowledge possessed by any such county committee or representative or by any other person shall be held to effect a waiver of or change in any part of the insurance contract or to estop the Corporation from asserting any right or power under such contract; nor shall the terms of such contract be waived or changed except as authorized in writing by a duly authorized officer or representative of the Corporation; nor shall any provision or condition of the insurance contract or any forfeiture be held to be waived by any delay or omission by the Corporation in exercising its rights and powers thereunder or by any requirement, act, or proceeding, on the part of the Corporation or of its representatives, relating to appraisal or to any examination herein provided for.

§ 413.44 *Fractional units in acres and yields.* Fractions of yields per acre and

premium rates shall be rounded to the nearest pound. Fractions of acres representing total acres of cotton shall be rounded to the nearest tenth of an acre. Computations shall be carried to one digit beyond the digit that is to be rounded. If the extra digit computed is 1, 2, 3, or 4, the rounding shall be downward. If the extra digit computed is 6, 7, 8, or 9, the rounding shall be upward. If the extra digit computed is 5, the computation shall be carried to another digit. If the two extra digits are 50, the rounding shall be downward, and if the two extra digits are 51 or any higher figure, the rounding shall be upward.

§ 413.45 Closing dates for submission of applications. The closing date established by the Corporation for the submission of applications to the office of the county association shall be the date of the beginning of planting of the cotton crop on any insurance unit covered by the application, or the following applicable date, whichever is earlier:

Alabama. April 10 for the counties of Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Colbert, Coosa, Culman, De Kalb, Etowah, Fayette, Franklin, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Limestone, Madison, Marion, Marshall, Morgan, Pickens, Randolph, Saint Clair, Shelby, Talladega, Tallapoosa, Tuscaloosa, Walker, and Winston.

March 25 for all other counties in the State.

Arizona. March 25 for all counties in the State.

Arkansas. April 10 for all counties.

California. December 31, 1944, for Tulare Lake area of Kings County.

March 25 for remainder of Kings County and all other counties of the State.

Florida. March 25 for all counties.

Georgia. April 10 for the counties of Baldwin, Banks, Barrow, Bartow, Butts, Carroll, Catoosa, Chattooga, Cherokee, Clarke, Clayton, Cobb, Columbia, Coweta, Dade, Dawson, De Kalb, Douglas, Elbert, Fannin, Fayette, Floyd, Forsyth, Franklin, Fulton, Gilmer, Glascock, Gordon, Greene, Gwinnett, Habersham, Hall, Hancock, Haralson, Hart, Heard, Henry, Jackson, Jasper, Jones, Lamar, Lincoln, Lumpkin, McDuffie, Madison, Meriwether, Monroe, Morgan, Murray, Newton, Oconee, Oglethorpe, Paulding, Pickens, Pike, Polk, Putnam, Rabun, Richmond, Rockdale, Spalding, Stephens, Taliaferro, Towns, Troup, Union, Walker, Walton, Warren, White, Whitfield, and Wilkes.

March 25 for all other counties in the State.

Illinois. April 10 for all counties.

Kansas. April 25 for all counties.

Kentucky. April 10 for all counties.

Louisiana. March 25 for all counties.

Mississippi. April 10 for the counties of Alcorn, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Clay, Coahoma, De Soto, Grenada, Holmes, Humphreys, Itawamba, Lafayette, Lee, Leflore, Lowndes, Marshall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Quitman, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Washington, Webster, Winston, and Yalobusha.

March 25 for all other counties in the State.

Missouri. April 10 for all counties.

New Mexico. April 25 for the counties of Curry, Harding, Lea, Quay, and Roosevelt.

March 25 for all other counties in the State.

North Carolina. April 10 for all counties.

Oklahoma. April 10 for the counties of Adair, Atoka, Bryan, Cherokee, Choctaw,

Coal, Haskell, Hughes, Johnston, Latimer, Le Flore, McCurtain, McIntosh, Marshall, Muskogee, Okfuskee, Okmulgee, Pittsburg, Pontotoc, Pushmataha, Seminole, and Sequoyah.

April 25 for all other counties in the State.

South Carolina. March 25 for the counties of Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Hampton, and Jasper.

April 10 for all other counties in the State. Tennessee. April 10 for all counties.

Texas. February 25 for the counties of Cameron, Hidalgo, Starr, and Willacy.

March 10 for the counties of Aransas, Austin, Bee, Brazoria, Brooks, Calhoun, Chambers, Colorado, De Witt, Duval, Fort Bend, Galveston, Goliad, Harris, Jackson, Jefferson, Jim Hogg, Jim Wells, Karnes, Kenedy, Kleberg, Lavaca, Liberty, Live Oak, Matagorda, Nueces, Orange, Refugio, San Patricio, Victoria, Waller, Washington, Wharton, Wilson, and Zapata.

March 25 for the counties of Anderson, Angelina, Atascosa, Bastrop, Bell, Bexar, Blanco, Brazos, Brewster, Burleson, Burnet, Caldwell, Comal, Concho, Coryell, Dimmit, El Paso, Frio, Fayette, Freestone, Frio, Gillespie, Gonzales, Grimes, Guadalupe, Hardin, Hays, Houston, Hudspeth, Irion, Jasper, Kendall, Kerr, Kimble, Lampasas, La Salle, Lee, Leon, Limestone, Loving, Madison, Maverick, McLennan, McMullen, Medina, Menard, Milam, Montgomery, Newton, Pecos, Polk, Presidio, Reeves, Robertson, Sabine, San Augustine, San Jacinto, Schleicher, Tom Green, Travis, Trinity, Tyler, Uvalde, Walker, Ward, Webb, Williamson, Winkler, and Zavala.

April 10 for the counties of Andrews, Borden, Bosque, Bowie, Brown, Callahan, Camp, Cass, Cherokee, Coke, Coleman, Collin, Comanche, Crane, Dallas, Dawson, Delta, Eastland, Ector, Ellis, Erath, Fannin, Fisher, Franklin, Gaines, Glasscock, Grayson, Gregg, Hamilton, Harrison, Henderson, Hill, Hood, Hopkins, Howard, Hunt, Johnson, Jones, Kaufman, Lamar, Llano, Marion, Martin, Mason, McCulloch, Midland, Mills, Mitchell, Morris, Nacogdoches, Navarro, Nolan, Palo Pinto, Panola, Parker, Rains, Red River, Rockwall, Runnels, Rusk, San Sabar, Scurry, Shackelford, Shelby, Smith, Somervell, Stephens, Sterling, Tarrant, Taylor, Titus, Upshur, Van Zandt, and Wood.

April 25 for the counties of Archer, Armstrong, Bailey, Baylor, Briscoe, Carson, Castro, Childress, Clay, Cochran, Collingsworth, Cooke, Cottle, Crosby, Deaf Smith, Denton, Dickens, Donley, Floyd, Foard, Garza, Gray, Hale, Hall, Hardeman, Haskell, Hemphill, Hockley, Jack, Kent, King, Knox, Lamb, Lipscomb, Lubbock, Lynn, Montague, Motley, Parmer, Randall, Stonewall, Swisher, Terry, Throckmorton, Wheeler, Wichita, Wilbarger, Wise, Yoakum, and Young.

Virginia. April 10 for all counties.

§ 413.46 Maturity dates for premium notes. The maturity dates for the cotton crop insurance premium notes shall be as follows: (a) June 30, 1945, for all counties with a closing date of February 25; (b) July 31, 1945, for all counties with closing dates of either March 10 or March 25, except the counties in the States of Arizona, California, and New Mexico; (c) August 31, 1945, for all counties with closing dates of either April 10 or April 25, and all the counties in Arizona, California, and New Mexico.

NOTE: The record keeping requirements of these regulations have been approved by, and subsequent reporting requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on January 29, 1945.

[SEAL]

E. R. DUKE,
Chairman.

Approved: February 2, 1945.

GROVER B. HILL,
Acting War Food Administrator.

[F. R. Doc. 45-1976; Filed, Feb. 2, 1945;
11:57 a. m.]

Chapter XII—War Food Administration (Commodity Credit Orders)

[WFO 100-2]

PART 1600—OILSEEDS

PEANUTS

Pursuant to the authority vested in me by War Food Order No. 100, issued on May 9, 1944 (9 F.R. 4974), as amended, and to effectuate the purposes of such order it is hereby ordered as follows:

§ 1600.12 Use of stock-pile peanuts purchased from Commodity Credit Corporation. Specific authorization is hereby given to persons who purchase from Commodity Credit Corporation stock-pile peanuts (farmers' stock peanuts owned by, and stored or shipped for, Commodity Credit Corporation) to clean, shell, crush, or otherwise change from their natural state, or sell, such peanuts, as provided by, and for the purposes specified in, the terms and conditions of purchase from Commodity Credit Corporation.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392; 8 F.R. 14783; War Food Order No. 100, 9 F.R. 4974, 10446, 12609; 10 F.R. 103.7)

Issued this 31st day of January 1945.

C. C. FARRINGTON,
Director of Basic Commodities.

[F. R. Doc. 45-1970; Filed, Feb. 2, 1945;
11:00 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 701—RECRUITING AND INDUCTION FOR THE ARMY OF THE UNITED STATES

REENLISTMENT OF MEN WHO SERVE ON ACTIVE DUTY AS RESERVE OFFICERS OR WHO ARE DISCHARGED TO ACCEPT COMMISSION AS OFFICER'S OR APPOINTMENTS AS WARRANT OFFICER

Section 701.6 (d) (10 CFR, Cum. Supp.) is amended to read as follows:

§ 701.6 Grade—(a) Original enlistments. *

(d) Reenlistment of men who serve on active duty as Reserve officers or who are discharged to accept commission as officers or appointments as warrant officer—(1) Regular Army. Any enlisted man of the Regular Army who serves on active duty as a Reserve officer of the Army of the United States, or who is dis-

charged to accept a commission in the Army of the United States, will be entitled to reenlist in the Regular Army in the permanent grade held in the Regular Army immediately preceding such commissioned service: *Provided*, Application for reenlistment is made within 6 months after the termination of such commissioned service. Any such enlisted man who is discharged to accept a temporary appointment as a warrant officer in the Army of the United States will be entitled to reenlist in the Regular Army in the permanent grade held in the Regular Army immediately preceding such warrant officer service: *Provided*, Application for reenlistment is made and accepted within 6 months after termination of such warrant officer service if he has passed his 38th birthday or within 15 days after termination of such warrant officer service if he is between the ages of 18 and 38. Former Regular Army enlisted men who held specialist ratings in the Regular Army immediately preceding the commissioned or warrant officer service will be reenlisted in the grades indicated in the conversion table in (4) below. During the present war and such further period as the Secretary of War may prescribe, upon reenlistment in the Regular Army, such enlisted man will be immediately appointed in the Army of the United States to any higher temporary enlisted grade held by him immediately preceding his commissioned or warrant officer service. Such reenlistments will be subject to the conditions prescribed in subparagraph (3) of this paragraph.

(2) *Army of the United States.* During the present war and such further period as the Secretary of War may prescribe, any enlisted man in the Army of the United States (other than an enlisted man of the Regular Army) who serves on active duty as a Reserve officer of the Army of the United States or who is discharged to accept a commission as an officer or a temporary appointment as a warrant officer in the Army of the United States will be entitled to reenlist in the Army of the United States in the grade held immediately preceding such commissioned or warrant officer service, *Provided*, That application for reenlistment is made within 6 months after the termination of such commissioned or warrant officer service if he has attained his 38th birthday or within 15 days after termination of such service if he is between the ages of 18 and 38. Such former enlisted men who held specialist ratings in the Army of the United States immediately preceding the commissioned or warrant officer service will be reenlisted in the grades indicated in the conversion table in (4) below. Such reenlistments will be subject to the conditions prescribed in subparagraph (3) of this paragraph.

* * * * *

(4) *Conversion table.* Enlisted men who were discharged to serve on active duty as Reserve officers of the Army of the United States, or who were discharged to accept appointment as officers or warrant officers in the Army of the United States, and who held specialist ratings immediately preceding

such service will, if they apply for reenlistment within the time limits specified in (1) and (2) above and are otherwise qualified, be reenlisted in the grades indicated in the following conversion table:

Old grade and rating	Reenlistment grade
Private, first class, specialist first class	Technician, fourth grade.
Private, specialist first class	Do.
Private, first class, specialist second class	Do.
Private, specialist second class	Do.
Private, first class, specialist third class	Do.
Private, specialist third class	Technician, fifth grade.
Private, first class, specialist fourth class	Do.
Private, specialist fourth class	Do.
Private, first class, specialist fifth class	Private, first class.
Private, specialist fifth class	Private.
Private, first class, specialist sixth class	Private, first class.
Private, specialist sixth class	Private.

(41 Stat. 765; 10 U.S.C. 42) [Par. 10d AR 600-750, 30 September 1942 as amended by C10, 10 January 1945]

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 45-1958; Filed, Feb. 2, 1945;
9:36 a. m.]

to security holders in advance of the proxy statement and form of proxy, it shall contain a statement in a prominent place that proxies will be requested at a later time, indicating the approximate date on which the proxy statement is expected to be sent to security holders. In such case the proxy statement shall contain a statement in a prominent place that an annual report to security holders, including financial statements, has been previously sent to security holders, indicating the date on which it was sent. Solely for the Commission's purposes in checking compliance with this rule, three copies of any such annual report to security holders which is not filed under § 240.14a-4 (b) [Rule X-14a-4 (b)] because it is to be sent out in advance of the proxy statement shall be mailed to the Commission for its information not later than the date on which such report is first sent or given to security holders.

Effective February 1, 1945.

By the Commission.

[SEAL] ORVAL L. DUBoIS,
Secretary.

[F. R. Doc. 45-1959; Filed, Feb. 2, 1945;
9:38 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

AMENDMENT TO PROXY STATEMENT

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 14 (a) and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by the said act, hereby amends paragraph (b) of § 240.14a-1 (17 CFR Cum. Supp.) [Rule X-14a-1] of Regulation X-14 to read as follows:

§ 240.14a-1 *Duty to furnish proxy statement.* *

(b) If the solicitation is made by the management of the issuer and relates to a meeting of security holders at which the election of directors is an item of business, an annual report to security holders containing such financial statements for the last fiscal year as will, in the opinion of the management, adequately reflect the position and operations of the issuer. This provision, however, shall not apply to solicitations made by the management before the financial statements are available if solicitation is being made at the time in opposition to the management and if the management's proxy statement includes an undertaking in bold faced type to furnish such annual report to all persons being solicited at least twenty days before the date of the meeting. Such annual report to security holders, including financial statements, shall be in any form deemed suitable by the management. If such annual report is sent

TITLE 24—HOUSING CREDIT

Chapter IV—Home Owners' Loan Corporation

[Bulletin 349]

PART 410—PURCHASE AND SUPPLY SECTION SALE OF PROPERTY

Section 410.00-4 (a) shall be amended to read as follows:

§ 410.00-4 *Nonexpendable property.*
(a) Nonexpendable property shall not be purchased, exchanged, loaned, rented or transferred outside the Region to which it has been assigned without prior approval of the General Manager. Such property shall not be sold without prior approval of the General Manager, except for sales to other government agencies in accordance with the provisions of § 410.00-6.

Section 410.00-6 (a) (9 F.R. 9882) and (c) shall be amended to read as follows:

§ 410.00-6 *Sale of property.* (a) Nonexpendable and expendable property

FEDERAL REGISTER, Saturday, February 3, 1945

which is available for disposition may be sold by the Regional Manager to any other government agency without prior approval from the General Manager: *Provided*, That such property shall be sold at prices established by the General Manager and in accordance with instructions issued by the General Manager. HOLC Form 229 shall be prepared and processed in connection with each such sale, in accordance with Forms Manual instructions.

(b) When sale of such property to another Government agency is not consummated within such period of time as the General Manager shall designate, the Regional Manager shall obtain competitive bids for public sale on HOLC Forms 629, and shall post notice thereof in a public place.

The General Manager may waive the securing of competitive bids in connection with any sale of such property under the same conditions as they may be waived in purchases, as provided in § 410.02.

Effective February 1, 1945.

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

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 45-1948; Filed, Feb. 1, 1945;
3:22 p. m.]

1942; Regs. Apr. 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.
[F. R. Doc. 45-1968; Filed, Feb. 2, 1945;
10:44 a. m.]

[Gen. Ruling 11, Amdt.]

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

FOREIGN FUNDS CONTROL; BELGIUM

FEBRUARY 2, 1945.

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 Belgium within continental Europe;"

(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, Apr. 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; Regs. Apr. 10, 1940, as amended June 14, 1941, and July 26, 1941)

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

[F. R. Doc. 45-1969; Filed, Feb. 2, 1945;
10:44 a. m.]

TITLE 31—MONEY AND FINANCE:
TREASURY

Chapter I—Monetary Offices, Department
of the Treasury

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

FOREIGN FUNDS CONTROL; ITALY

FEBRUARY 2, 1945.

Amendment to General License No. 32A under Executive Order No. 8389, as amended, Executive Order No. 9193, section 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

Paragraph (h) (3) of § 131.32a *General License No. 32A* is hereby amended to read as follows:

(3) The following provinces of Italy: Viterbo, Terni, Teramo, Rieti, Pescara, Macerata, Grosseto, Chieti, Aquila, Ascoli-Piceno, Ancona, Arezzo, Livorno, Perugia, Siena, and those portions of the provinces of Florence and Pisa south of the Arno River; and the following cities of Italy: Florence and Pisa.

(Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; 55 Stat. 838; E.O. 8389, Apr. 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,

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 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[PR 13, Direction 2]

PUBLIC AUCTION OF CERTAIN CONTROLLED MATERIALS

The following direction is issued pursuant to Priorities Regulation 13.

(a) Any person may apply for permission to disregard paragraph (c) (2) (v) of PR-13 in making special sales of controlled materials described in paragraph (d) below primarily to ultimate consumers at public auction.

(b) Application should be made by letter addressed to the WPB, Washington 25, D. C., Ref: PR-13. It should describe the materials, show that they are the kind covered by paragraph (d), tell how the public auctions are to be held, why the buyers will generally be ultimate consumers and state all other details of the proposed sales.

(c) If the WPB finds that the materials and method of sale are the kinds described in this Direction, it may authorize the applicant to sell the materials in the way proposed without getting from any buyer the CMP allotment symbol or number or the certification required by paragraph (c) (2) (v) of PR-13. However, the WPB will not authorize the sale of the materials unless no more than \$2,000 worth will be sold at any one time or place and no more than \$25,000 worth will be sold in any calendar month.

(d) This direction relates only to excess controlled materials which are primary building materials left over after a construction project has been finished and which are not suitable for sale in regular trade channels.

Issued this 2d day of February 1945.

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

[F. R. Doc. 45-1974; Filed, Feb. 2, 1945;
11:38 a. m.]

PART 984—LEAD

[General Preference Order M-38, as Amended Feb. 1, 1945]

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

§ 984.1 General Preference Order M-38—(a) Scope of the order. This order controls generally the use of lead. Under the order some uses are entirely prohibited, other uses are permitted free of any restriction, and still other uses are permitted but with a limitation on the amount of lead which may be used. Special restrictions may also be found in other orders of the War Production

LEWIS B. HERSHHEY,
Director.

JANUARY 17, 1945.

[F. R. Doc. 45-1947; Filed, Feb. 1, 1945;
3:10 p. m.]

Board relating to particular articles or parts. In such case the more restrictive provision governs. In no case shall any person use, or purchase, or accept delivery of any lead in violation of this order.

(b) *Definitions.* For the purpose of this order:

(1) "Lead" means metallic lead, including scrap lead and any alloy containing 50 percent or more by weight of metallic lead.

(2) "Refiner" means any person who produces lead in refinery shapes, and includes any person who has such lead produced for him under toll agreement.

(3) "Dealer" means any person who procures lead either by importing or from domestic sources for sale or resale without change in form, whether or not such person receives title to or physical delivery of the material, and includes selling agents, warehousemen, and brokers.

(4) "Military order" means any purchase order or intra-company delivery order for lead which is to be delivered or used on or incorporated in material or equipment to be delivered to the U. S. Army, Navy, Marine Corps, Coast Guard, Veterans Administration, Maritime Commission, War Shipping Administration or Office of Scientific Research and Development.

(c) *Special directions.* The War Production Board may at any time issue special directions to any person respecting the production, distribution, delivery or acceptance of delivery of lead. Except for special directions, lead will be delivered in accordance with Priorities Regulation No. 1, giving preference to rated orders in their proper sequence.

(d) *Lead from Metals Reserve Company.* After February 1, 1945, any person unable to obtain lead from the regular sources of supply and wishing to procure lead from the Metals Reserve Company must make application in writing to the War Production Board on Form WPB-95.

(e) *Inventory restrictions.* No person shall knowingly deliver to any person and no person shall accept delivery of any quantity of lead after January 15, 1945 if the total inventory of lead in the hands of the person accepting delivery is, or by virtue of the acceptance will become, in excess of his reasonably anticipated requirements for permissible uses in the next forty-five days (except where a minimum carload quantity requested by Office of Defense Transportation exceeds these restrictions). The restrictions of this paragraph do not apply to a refiner, dealer, or scrap dealer.

(f) *Prohibited uses. List A.* The use by any person of lead in the manufacture of articles on List A of this order, or parts for those articles, or for any purpose specified on List A is prohibited.

(g) *Unrestricted articles and uses. List B.* There are set forth in List B of this order certain articles and uses for which lead may be used with no restriction insofar as this order is concerned.

This order does not limit the use of lead to produce items on List B provided other orders of the War Production Board are not violated.

(h) *Restricted uses. List C.* For articles and uses not on either List A or List B, the use of lead is permitted, but with a limitation on the amounts which may be used as set forth in List C of this order; namely, that in any calendar quarter no person shall use more lead than the percentage indicated in List C of the amount of lead used by him for the same product during the first six months of 1944. However, as indicated in List C, the percentage permitted to be used may be exceeded if it is less than the specific amount set forth as a minimum use restriction in the third column of List C. For example, a person using lead for the production of ballast may use in the first quarter of 1945 not more than 30% of the amount used by him for this purpose in the first six months of 1944. However, he may exceed his allowable quota for this purpose if he uses less than 1 ton of lead during the quarter. Persons using lead for more than one of the classes of uses in List C may not transfer unused quotas for one class of use to another class of use.

(i) *Restrictions on sales and deliveries of lead.* No person shall sell or deliver any lead to any person if he knows, or has reason to believe, such material is to be used in violation of the terms of this order.

(j) *Prohibitions on purchases for resale after February 28, 1945.* After February 28, 1945, no person, for the purpose of resale, shall buy or receive from a manufacturer, and no manufacturer, jobber or wholesaler shall sell or deliver any new articles of the kinds on List A marked with an asterisk which contain lead. For the purpose of this paragraph a new article is an article which has not been used by an ultimate consumer.

NOTE: Paragraphs (k), (l), (m), (n), (o) and (p), formerly (j), (k), (l), (m), (n) and (o), redesignated Feb. 1, 1945.

(k) *Appeals.* Any appeal from the restrictions of this order must be filed by letter in duplicate addressed to the War Production Board, Tin, Lead & Zinc Division, Washington 25, D. C., Ref. M-38, giving justification for the appeal with necessary supporting data. Such data should include:

1. Product in which the lead will be used.
2. Period of time, not exceeding one calendar quarter, for which relief is requested.
3. Monthly schedule of amount of lead to be used, and the portion of this which is in excess of the quota permitted by the order.
4. If the appeal covers uses for military orders, the procuring agency, end-use description, prime contract numbers and dates when the orders were received.

5. If the appeal is filed because the restrictions on use of lead will prevent the filling of non-military orders of extreme urgency, give exact information as to the use of the product in which the lead is used, the names of the customers, and preference ratings covering the orders.

6. In every case state the end-use and preference rating pattern covering the orders you have filled and expect to fill with the quota of lead you are permitted to use under this order.

7. Any other information pertinent to the appeal.

Ordinarily consideration will be given only to those appeals showing that the quota limits on consumption of lead will prevent the filling of "military orders" or orders of similar extreme urgency. Appeals to be filed from paragraphs (f) and (h) under such conditions must be received by the last day of the first month of the quarter for which a higher quota of lead consumption is required. (January 31, 1945 for first quarter 1945 appeals). Appeals on the grounds of undue hardship will not generally be considered favorably if they are based on the fact that the person affected will be unable to fill other than "military orders" in amounts as large as he had previously delivered, or that he will be unable to fill other than "military orders" to the same extent as other persons.

Attention is called to the requirement of Priorities Regulation No. 16 with respect to the statement of manpower requirements which must be submitted with any appeal.

(l) *Priorities Regulation No. 25.* Requests for exceptions from the restrictions of this order may not be made under the provisions of Priorities Regulation No. 25 after January 1, 1945. The use of lead for production previously authorized under Priorities Regulation No. 25 will be subject to the restrictions of this order after January 1, 1945.

(m) *Records.* All persons affected by this order must maintain accurate and complete records of all transactions as required by Priorities Regulation No. 1, § 944.15. Such records must include complete statements of the amounts of lead consumed for each of the classes of use specified in Lists B and C of this order, and the amount of inventory on hand.

(n) *Required reports.* (1) After January 1, 1945, a report shall be filed on the 20th of each month on Form WPB-95 by any person who purchases or consumes ten tons or more of lead during the preceding calendar month, or had in his possession or under his control 20 tons or more of lead on the last day of the preceding month.

(2) The War Production Board may from time to time issue special directions requiring any refiner or dealer to file a report showing a schedule of his proposed deliveries of lead.

(3) All persons affected by this order shall execute and file with the War Production Board such other reports as may be required subject to the approval of the Bureau of the Budget.

(4) The reporting and record-keeping provisions of this order have been approved by the Bureau of the Budget in

accordance with the Federal Reports Act of 1942.

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

(p) **Communications to the War Production Board.** Except for appeals filed under paragraph (j), all communications and reports dealing with this order shall be addressed to: War Production Board, Tin, Lead and Zinc Division, Washington 25, D. C., Ref: M-38.

Issued this 1st day of February 1945.

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

LIST A—PROHIBITED ARTICLES AND USES

NOTE: List A amended Feb. 1, 1945.

- (1) Ballast or keels for pleasure boats.
- (2) Building supplies as follows (except as a coating material, other than paint):
 - (a) Gutters and leaders.
 - (b) Ornamental work.
 - (c) Puttyless frames.
 - (d) Sash weights.
 - (e) Spandrels.
- *(3) Buttons, badges, emblems and regalia (except for sale to the Army or Navy of the United States, the War Shipping Administration, the United States Maritime Commission or the Veterans Administration).
- *(4) Costume jewelry, novelties and trophies.
- (5) Caskets, except: Lead for soldering purposes as restricted by General Preference Order M-43.
- (6) Casket hardware.
- (7) Glass for ornamental purposes.
- *(8) Tennis court markers.
- *(9) Games or toys.
- (10) Foil for the following purposes:
 - (a) Packaging cigarettes, tobacco, cigars, candy, gum, beverages or fluids (except cap inserts for medicinals).
 - (b) Permanent wave hair pads.
 - (c) Tinsel.
 - (d) Seals and labels.
- *(11) Statuary and art goods (except church goods).
- (12) Weights for bats, decoys, dresses, golf clubs, saddles, darts and arrows.
- (13) Any decorative purposes.
- (14) Sheet, pipe (including lead lined pipe), fittings and burning bars, except as permitted in List B.
- (15) Lead powder (other than for military uses and powder metallurgy).
- (16) Lead plating (for uses other than permitted in List B).

NOTE: Refer to paragraph (j) for items marked with an asterisk.

LIST B—UNRESTRICTED ARTICLES AND USES

NOTE: List B amended Feb. 1, 1945.

Storage batteries	Military orders only
Lead oxide for storage batteries	Military orders only
Cable covering	Military orders only
Ammunition	Military orders only
Tetra ethyl	Military orders only

LIST B—UNRESTRICTED ARTICLES AND USES—Continued

Solder for joining purposes	All orders only.
Bearing metal	All orders
Brass and bronze	All orders
Collapsible Tubes	All orders subject to the restrictions of Conservation Order M-115.
Lead plating where lead is used in place of either cadmium or tin plating, or where the use of lead is for chemical resistance to other than atmospheric corrosion.	All orders
Sheet, pipe (including lead lined pipe), fittings, burning bars, and processing equipment for use in chemical and industrial plants to the extent that corrosive or chemical action makes the use of any other material impractical; and where municipal, state or Federal regulations permit no substitutes and where sound water works practice requires its use for water service lines.	All orders

Lead for use to comply with safety regulations issued under Government authority which requires the use of lead to the extent employed, or in safety equipment where and to the extent the use of any less scarce material is impractical	All orders
Heat treating and annealing	All orders
Lead powder for military uses	All orders
Lead for caulking	All orders
Lead for repairing of existing plumbing lines	All orders
Lead coating of copper wire	All orders
Plating anodes where lead is used in place of tin or cadmium or for chemical resistance to other than atmospheric corrosion	All orders
Lead for chemicals, subject to the restrictions of Conservation Order M-384	All orders
Terne plate and terne metal, subject to restrictions of Conservation Order M-43	All orders
Storage batteries, for original equipment of vehicles authorized for production under Order L-1-e and under Order L-257	All orders
Lead wool	All orders
Lead for x-ray purposes	All orders
Lead and babbitt for abrasives and grinding wheels	All orders
Lead for liquid contact parts as used for industrial filters, pumps and filtration units	All orders
Lead for use in the curing process of rubber	All orders
Lead for use in the moulding of plastics	All orders
Lead for zinc rolling	All orders
Lead for cable covering as permitted by Direction 63 to CMP Reg. 1	All orders
Lead for cable splicing, sleeves, couplings, and fittings to be used in connection with cable covering as permitted by Direction 63 to CMP Reg. 1	All orders

LIST B—UNRESTRICTED ARTICLES AND USES—Continued

Lead for repair and maintenance of existing cable lines	All orders
Lead for battery cables as restricted by Limitation Order L-158	All orders
Lead tipped insulator pins and brackets	All orders
Lead for cold drawing of wire	All orders

LIST C—RESTRICTED ARTICLES AND USES

NOTE: List C amended Feb. 1, 1945.

Article or use	Percent	Minimum use restriction (see par. b)
Uses for other than military orders:		
Storage batteries (including lead content of oxide):		
(1) For industrial type storage batteries, including batteries for use in plants, railroads, airplanes, radio stations, and commercial boats, but not including batteries for use in gasoline propelled vehicles.	10	30 tons per quarter
(2) For all other types of storage batteries.	(2)	30 tons per quarter
Ammunition	30	None
Tetra-ethyl	30	None
Uses for all orders including military orders but excluding uses forbidden in list A:		
Foil	30	None
Type metal (only as to lead to be added to old type).	30	1 ton per quarter
Weights	30	1 ton per quarter
Ballast	30	1 ton per quarter
Seals	30	None
Nails	30	None
Washers	30	None
Castings and die castings	30	None
Lead wool	30	None
Wire coating (except copper wire)	30	None
Canes	30	None
Alloys (not included on list A or B)	30	None
For refining platinum, gold and silver	30	None
All other items or uses not in list A, B, or C.	(2)	None

¹ 37 1/2% for the first quarter of 1945. Subsequent quarters thereafter to be announced.

² 30% for the first quarter of 1945 and none for each quarter thereafter.

[F. R. Doc. 45-1950; Filed, Feb. 1, 1945; 4:26 p. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT

[Limitation Order L-22, as Amended Feb. 2, 1945]

FURNACES

The fulfillment of requirements for the defense of the United States has created a shortage of materials used in the manufacture of furnaces 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:

§ 3288.81 Limitation Order L-22—(a)
Definitions. For the purposes of this order:

(1) "Furnace" means any direct fired air heating unit which is designed for the purpose of heating the interior of a building, including but not limited to, any heating device commonly known as a gravity or forced warm air furnace, a free-standing heater or a floor-mounted unit heater for use with or without air distribution pipes. But "furnace" does not mean a domestic heating stove as defined in Limitation Order L-23-c, extended surface heating equipment as defined in General Limitation Order L-107, a direct-fired suspended unit heater or a floor or wall furnace.

(2) "Steel furnace" means any furnace the heating surface of which is wholly or partially made of steel.

(3) "Cast iron furnace" means any furnace the heating surface of which is made of cast iron.

NOTE: Paragraph (b), (c), (d), (e), (f), (g), (h) and (i), formerly (d), (e), (f), (g), (h), (i), (j) and (k), redesignated Feb. 2, 1945.

(b) *Simplified practices.* No person shall manufacture, fabricate or assemble any furnace designed to burn solid fuel except in accordance with the following practices:

(1) Only one model each of cast iron and steel furnaces of the same nominal firepot diameter or the same grate area shall be manufactured. A model will not be deemed to be changed by the inclusion or omission of blowers, extra radiators, larger radiators, added secondary heating surfaces, oil burners, gas burners or stokers.

(2) The metal casing supplied with a furnace rated between 50,000 and 250,000 BTU shall be cylindrical when used on gravity installations.

(c) *Parts.* Nothing in this order shall prohibit or restrict the manufacture or shipment of repair parts for furnaces or parts necessary to convert a furnace.

(d) *Applicability of regulations.* All persons and transactions affected by this order are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(e) *Applicability of other orders.* Insofar as any other order issued by the War Production Board, or to be issued by it hereafter, limits the use of any material to a greater extent than the limitations imposed by this order, the restrictions of such order shall govern unless otherwise specified therein.

(f) *Appeals.* Any appeal from the provisions of this order shall be filed on Form WPB-1477 with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(g) *Communications.* All communications concerning this order, unless otherwise directed, should be addressed to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., Ref: L-22.

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

(i) *Reports.* Manufacturers of warm air furnaces and direct fired floor mounted and direct fired suspended unit heaters (except floor furnaces) shall report on or before the tenth day of each month on Bureau of Census Report Form M-51-c following the instructions on the form. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 2d day of February 1945.

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

[F. R. Doc. 45-1975; Filed, Feb. 2, 1945;
11:38 a. m.]

Chapter XI—Office of Price Administration

PART 1389—APPAREL

[MPR 572]

MANUFACTURERS' PRICES FOR CERTAIN FALL AND WINTER OUTERWEAR

A statement of the considerations involved in the issuance of Maximum Price Regulation No. 572 has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Sec.

1. Scope of this regulation.
2. How to calculate your maximum prices under this regulation.
3. General division factor.
4. Individual division factors.
5. Direct cost of the garment being priced.
6. How to comply with the cumulative markup control.
7. How to price garments if you are unable to find your general division factor under section 3.
8. Records and reports.
9. Informational requirements.
10. Relation to other regulations.
11. Excessive prices forbidden.
12. Licensing and enforcement.
13. When taxes may be added.
14. Adjustable pricing agreements.
15. How this regulation may be amended.
16. Definitions.
17. Delegation of authority.

Appendix A: What garments must be priced under this regulation.

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

Appendix B: Form used in obtaining individual division factors (Form II).

Appendix C: Procedure for amending Forms I, II, and VIII.

Appendix D: Procedure for calculating unit direct costs.

Appendix E: Form used in obtaining your actual division factor (Form V).

Appendix F: Control record of direct cost (Form VI).

Appendix G: Record of direct labor cost paid on a time basis (Form VII).

Appendix H: Procedure for adjusting your general division factor in special cases (Form VIII).

AUTHORITY: § 1389.607 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. Scope of this regulation—

(a) *Kinds of garments covered.* This regulation applies only to the specified garments listed in Appendix A. These garments are placed into groups and each group is given a "group number."

The garments covered by this regulation will be referred to hereafter simply as "winter garments" or "garments."

(b) *Kinds of sales covered.* This regulation applies only to manufacturers' sales. A manufacturer's sale is a sale of garments by a person: (1) who fabricated the garments; (2) who sold or consigned to the fabricator any of the principal materials from which the garments were fabricated; or (3) whose business is directly or indirectly under the same ownership and control as the person who fabricated the garments.

(c) *Where this regulation applies.* This regulation covers sales in the 48 States and the District of Columbia.

SEC. 2. How to calculate your maximum prices under this regulation—(a) Division factors.

You are a seller under this regulation if you make manufacturers' sales of winter garments. To find your maximum prices, you must first find a "general division factor." (The definition of "general division factor," together with instructions for finding it, is given in section 3.) Once you have found your "general division factor," you will not be required to figure it again.

Your "general division factor" will give you the same markup on all winter garments. If you want different markups on different kinds or groups of garments, or for sales to different classes of customers, you may select separate division factors for each such case (according to the instructions in section 4).

You find the maximum price for each winter garment by dividing the direct cost of the garment (calculated according to the instructions in section 5) by the appropriate division factor. If you do not select individual division factors, you divide the direct cost of the garment by your "general division factor;" if you do select individual division factors, you divide the direct cost of the garment by the applicable individual division factor.

(b) *Discounts and allowances.* The maximum price so found for sales of a garment to a particular purchaser is subject to all cash discounts which you customarily allowed to purchasers of the same class between December 1, 1941, and March 31, 1942. If you did not make

manufacturers' sales of winter garments during this period, then it is subject to all cash discounts which you customarily allowed during the first four months in which you made such sales after March 31, 1942.

Moreover, if a garment, according to customary standards of grading, is an "imperfect" or a "second," its maximum price is subject to the discount which you allowed for such garment between December 1, 1941, and March 31, 1942. If you did not make manufacturers' sales of winter garments during this period, then your maximum price is subject to the discounts which you customarily allowed during the first four months in which you made such sales after March 31, 1942.

(c) *Cumulative markup control.* In using either your "general division factor" or your individual division factors, you are subject to a cumulative markup control, which is described in section 6. Accordingly, before you sell at the maximum price which you have computed, you should turn to section 6 and familiarize yourself with the details of that control.

(d) *Pricing by sellers who are unable to determine ceilings in accordance with above instructions.* If you do not have records for the determination of your "general division factor," or are otherwise unable to figure your ceilings as outlined above, you should disregard the above paragraphs, and follow the instructions in section 7.

SEC. 3. General division factor—(a) How to find your general division factor. A "division factor" is a figure which shows what part of a garment's selling price is represented by direct cost. If you know, for example, that the division factor for a garment is .80 and you also know that the garment's direct costs are \$40.00, it is not difficult to find the maximum price. By merely dividing .80 into \$40.00, you get your maximum price, \$50.00. (Notice that your markup figured on selling price in this case is .20. The markup figured on selling price is always the difference between the division factor and 1.00. Consequently the bigger the division factor, the smaller the markup, and *vice versa*.)

The form below (Form I) and the instructions give you specific directions how to calculate a "general division factor" based upon your own past experience. The procedure is quite simple. From your 1943 profit and loss statement, you find a division factor for your winter garment business. Then you increase this division factor by $\frac{1}{2}$ of the difference between it and 100%. The resultant figure is your "general division factor" under the regulation.

FORM TO BE USED IN OBTAINING THE GENERAL DIVISION FACTOR (FORM I)

Copies of this form will not be furnished by the Office of Price Administration. Please make your own copies.

(Whenever an item is marked with an asterisk (*), read the instruction which goes with it before filling in the item. Instructions will be found at the end of the form. Carry your results to at least three decimal places. The figures in the form are illustrative only.)

Period: Jan. 1 through Dec. 31, 1943.

Method of valuing material and trim: Average cost.

Line

No.:

*1. Enter 1943 total net sales of winter garments.....	\$1,000,000
*2. Enter 1943 total direct cost.....	800,000
3. Divide entry in line 2 by entry in line 1, and enter result. (This is the proportion of direct cost in your 1943 sales).....	.800
4. Subtract entry in line 3 from 1.00.....	.200
5. Take $\frac{1}{2}$ of entry in line 4.....	.040
6. Add entry in line 5 to entry in line 3 (this is your general division factor).....	.840

INSTRUCTIONS FOR FORM I

(Each instruction goes with the item in the form which has the same number as the instruction.)

1. From your profit and loss statement for the 1943 calendar year or the fiscal year with the greatest number of months in 1943 (if your fiscal year runs from July 1 to June 30, use the period July 1, 1943 to June 30, 1944), and such other available records as may be required, find your total net sales (gross sales minus returns, allowances, prepaid out transportation, and all discounts other than cash discounts) of winter garments. Include only sales of winter garments which are "manufacturers' sales" (as defined in section 1), except that those manufacturers' sales which were made to war procurement agencies as defined in MPR 157¹ (Sales and Fabrications of Textiles, Apparel and Related Articles for Military Purposes) shall not be included.

2. From the profit and loss statement used for instruction (1), and such other available records as may be required, find the total direct cost incurred in manufacturing the garments whose sales are entered on line (1). "Direct cost" means the cost of material, trimming, and direct labor, as defined in section 5.

Materials and trimmings may be valued according to any accepted accounting method of inventory valuation you ordinarily use. (Enter your method of valuation at the top of the form.) Deduct all discounts received. If your operations are integrated (i. e., if you fabricate or process any materials used in the garments which you manufacture), you must value such materials at the maximum prices which you could have charged for these materials, under the terms of the price schedules and maximum price regulations of the OPA in effect on March 1, 1945.

If you have difficulty in calculating the direct cost of your sales of winter garments, obtain further instructions from your OPA district office.

NOTE: You must keep the profit and loss statement and all other records which you used in figuring your general division factor.

(b) *Report of your general division factor.* Two signed copies of Form I must be sent by registered mail to your OPA district office on or before March 1, 1945. You must keep an additional copy of this form as a record. On and after March 15, 1945, you must not sell or deliver any garments covered by this regulation until you file this form with the district office and receive acknowledgment of its filing. OPA may, at any time, disapprove or revise the general division factor which you have reported.

The procedure which you must follow in case you find that the Form I which you have filed is incorrect is set forth in Appendix C.

(c) *Adjustment of your general division factor in special cases.* If the amount you would have earned in 1943 had you priced your winter garments during that year by the general division factor found in Form I (hereafter called your "modified 1943 profit"), is smaller than your "base profit," you are eligible to adjust your general division factor.

The explanation of the term "base profit," together with an explanation of the adjustment procedure, is set forth in Appendix H. Appendix H also contains Form VIII, which provides a simplified method for determining whether you are eligible to adjust your general division factor under this paragraph, and, if so, the extent of the adjustment to which you are entitled.

If, after filling out Form VIII, you find that you are eligible to adjust your general division factor you may use your adjusted general division factor instead of the general division factor originally found in Form I. In such case, however, you must send two signed copies of Form VIII by registered mail to your OPA district office, at the same time you send Form I. You must keep an additional copy as a record. On and after March 15, 1945 you must not sell or deliver any winter garments at prices based on a division factor lower than your general division factor until you file Form VIII with the district office and receive acknowledgment of its filing. OPA may, at any time, disapprove or revise the adjusted general division factor which you have reported.

The procedure which you must follow in case you find that the Form VIII which you have filed is incorrect is set forth in Appendix C.

SEC. 4. Individual division factors. Under section 3 above, you have found a general division factor which may be used to figure the ceiling price for all garments you sell under this regulation. However, if you want different division factors (which will give you different markups) for your garments when you sell them to different classes of customers, you may, at your option, (under the instructions given below), select "class division factors." Or, if you desire different division factors for different kinds or groups of winter garments, you may (under the instructions given below) select "group division factors." The group division factor which you select for a particular garment group may in turn be subdivided into "sub-group division factors," if you desire different division factors for sales of that group to different classes of customers.

(a) *Selection of "classes," "groups" and "sub-groups."* (1) If you decide to have class division factors, you may put your customers into as many classes as you desire. For example, you may decide that your customers fall into two classes—Class I, for wholesalers, chain store, and mail order houses; Class II, for independent retailers. You must re-

port to OPA (as required by paragraph (c) below) the classes which you have selected, and thereafter you cannot change the coverage of any class. If you desire to sell to a class of trade not included on your original report, you must report such new class to OPA as an addition to the report previously filed. However, you must not use a division factor for sales to that class which is lower than your general division factor.

(2) Appendix A lists 48 "groups" of winter garments, including all garments covered by this regulation. You may select a different division factor for each of the listed groups which you manufacture, or you may disregard the classification of garments in Appendix A and classify the winter garments you desire to manufacture into broader or narrower "groups." Once you have selected the types of garments which shall be included in each group and have reported the selection to OPA (as required by paragraph (c) below), you cannot thereafter change the coverage of any group. However, you may amend your original selection by dropping old groups or adding new ones. Each such amendment must be reported to OPA (in accordance with Appendix C).

EXAMPLE 1: Suppose that you manufacture men's and boys' cotton shell coats and men's and boys' corduroy coats. These garments are classified in Appendix A into four groups—Nos. 25, 26, 29 and 30. You may select a different division factor for each of these four groups, or, you may, at your option, combine one or more groups into one broader group (for instance, make No. 25 and 26 one group covering both men's and boys' cotton shell coats) or may, at your option, divide any listed group into two or more separate groups (for instance, divide Group No. 29 into two separate groups, one covering men's lined corduroy coats and another covering men's unlined corduroy coats) or may divide any listed group into separate groups for each lot No. you make. However, once you have classified your garments into groups, you cannot thereafter change the coverage of any group. (For example, if you decide to accept the grouping provided in the regulation, you may not subsequently elect to use narrower groups, or combine one or more groups into a larger group.)

(3) If you desire different division factors for sales of a particular "group" to different classes of trade, you may select "sub-group division factors" within that group. An example of sub-group division factors is set forth in Form II, found in Appendix B. You must report to OPA (as required by paragraph (c) below) the sub-groups which you have selected, and thereafter you cannot change the coverage of any sub-group. If you desire to add a sub-group not included on your original report, you must report such new sub-group to OPA as an addition to the report previously filed. However, you must not use a division factor for sales to that sub-group which is lower than your general division factor.

(b) *Finding individual division factors.* You may use whatever division factors you desire for each of the classes, groups or sub-groups which you have selected under paragraph (a), subject to the following conditions:

(1) For any class, group, or sub-group, you must not use a division factor which is more than 15 percentage points below

your general division factor. (For example, if your general division factor is .80, you may use a group division factor of .65, but not one of .64.)

(2) The individual division factors must result in a weighted average division factor no lower than the general division factor which you have calculated under section 3. Weight the individual division factors in the following manner:

(i) For each class division factor, use the total net sales of winter garments during 1943 to the class to which that factor is applicable. If you did not make sales of winter garments to a particular class in 1943, do not weight the division factor for that class; however, you must not use a division factor for sales to that class which is lower than your general division factor.

(ii) For each group division factor, use the total net sales during 1943 of the group to which that factor is to be applied. If you did not sell garments of a particular group during 1943, use the first one of the following bases which is applicable in weighting the division factor for that group: (a) your total net sales of that group during 1944; (b) an estimate of your next twelve months' total net sales of that group. But if you use an estimate of future sales in weighting a particular group division factor, you must not use a division factor for that group which is lower than the lowest group division factor which you are able to weight by 1943 sales experience.

(iii) For each sub-group division factor, use the total net sales during 1943 of the sub-group for which that factor is applicable. If you made no sales of a particular sub-group during 1943, do not weight the division factor for that sub-group; however, you must so select a division factor for that sub-group that the range between the highest and the lowest sub-group division factors in that group is no greater than the range between the highest and the lowest sub-group division factors for which you have complete 1943 sales experience.

(3) The division factors used for different classes of trade should conform to all applicable laws of the states and the United States which prohibit discrimination, or which otherwise limit price differentials.

Once you have selected division factors for particular garment groups or classes of trade, and have reported these factors to OPA (in accordance with paragraph (c) below), you must not deviate from these individual division factors in calculating maximum prices.

Form II in Appendix B, together with the accompanying instructions, illustrates the manner of selecting class, group, and sub-group division factors.

(c) *Report of individual division factors.* If you elect to use individual division factors, you must file Form II (set forth in Appendix B) with your OPA district office. Two signed copies of this report must be sent by registered mail at the same time that you send Form I. Keep an additional copy as a record. On and after March 15, 1945, you must not sell or deliver any winter garment at a price based on a division factor lower than your general division factor until you file Form II with your district office

and receive acknowledgment of its filing. OPA may, at any time, disapprove or revise the division factors reported in Form II.

The procedure you must follow in case you find that the Form II which you have filed is incorrect is set forth in Appendix C.

SEC. 5. *Direct cost of the garment being priced.* The direct cost of each winter garment is the total of material, trimming, and direct labor costs.

(a) "Material" means both body material and lining.

(b) "Trimming" means thread, buttons, tape, pocketing, labels, buckles, and other similar items which become component parts of the garment.

(c) "Direct labor" means only the following labor operations: cutting, including spreading, marking and separating; sewing and such other similar operations as stapling and riveting; pressing; factory examining of garments; and put up, including folding and packaging for storage, but not crating or wrapping for shipment. If you use a contractor, you must figure as the direct labor cost of garments fabricated by the contractor an amount equal to 70% of the contractor's net service charge for direct labor, markup on direct labor, and any trim furnished by the contractor.

(d) The following are not direct labor:

(1) Make-up (any sum which you must pay because the hourly, daily or weekly earnings of the piece worker at the piece work rate fall below the minimum wage you are obliged to pay that worker by law or by contract);

(2) Overtime or double time premiums (the difference between the piece or time work rate and the overtime or double time rate);

(3) Indirect labor costs, such as payments to pattern makers, foremen, floor-men, repairing and maintenance personnel, designers, sample room employees porters, watchmen, piece goods clerks, buyers, receiving room employees, clerical employees, shipping room employees;

(4) Labor overhead cost, such as unemployment insurance, social security, pension contribution, contribution to welfare funds, health or accident insurance, workmen's compensation, and any present or future tax upon or measured by wages.

The procedure you must follow in calculating and recording a garment's material, trimming and direct labor costs is set forth in detail in Appendix D. If you are to correctly find your ceiling price, you must carefully observe these instructions.

SEC. 6. *How to comply with the cumulative markup control—(a) Explanation of the cumulative markup control.* As stated in section 2, your maximum price for sales of a winter garment is found by dividing the direct cost of the garment (calculated under section 5) by the applicable division factor (calculated under section 3 or 4). The sales and deliveries which you make at the maximum prices so found are, however, subject to a cumulative markup control. This control establishes a maximum average

markup for all the winter garments which you deliver during particular periods. That is, at the end of each specified period, you must figure your actual division factor (based upon all your deliveries of winter garments during that period under this regulation) and compare it with your general division factor (already found under section 3). The actual division factor for the period must not be below your general division factor by more than a stated tolerance (the specific periods and the tolerances permitted for each period are listed in paragraph (c) below).

If your actual division factor for a period is below your general division factor by more than the permitted tolerance, you are in violation of this regulation, and subject to all the penalties provided therefor in the Emergency Price Control Act of 1942, as amended, including liability to suit for damages by the Administrator under section 205 (e). The amount of overcharge is the difference between the total dollar markup which you realized during the period on deliveries of winter garments and the total dollar markup which you would have realized had you not fallen below your general division factor less the permitted tolerance. In addition to being subject to the penalties enumerated, your OPA district office may require that, on future operations, you use only your general division factor for all winter garments.

(b) *How to find your actual division factor for a particular period.* You find your actual division factor for a particular period by filling in Form V in Appendix E. The instructions accompanying the form explain the entries which you must make.

(c) *Periods and permitted tolerances*—(1) *Periods.* You must figure your actual division factor (according to the instructions in Appendix E) at the end of each quarter of operations under the regulation, unless you have elected to use only:

(i) Your general division factor for all of your garments; or

(ii) Class division factors with a total range, between the highest and the lowest, of no more than .10.

In cases (i) and (ii) you may figure your actual division factor at the end of each year.

EXAMPLE 2: (a) X has a general division factor of .80. He selects class division factors of .85 and .75. X may figure his actual division factor at the end of each year.

(b) Y has a general division factor of .80. He selects class division factors of .85 and .74. Since this is a total range of .11 (i.e. more than .10), Y must figure his actual division factor at the end of each quarter.

(c) Z has a general division factor of .80. He desires to sell three groups of garments (A, B, C) at different markups. Moreover, since each group is sold to two different classes of trade, Z elects to use sub-group division factors for each group. Accordingly, Z selects the following sub-group division factors:

Group A	.85
	.74
Group B	.72
	.65
Group C	.83
	.73

Since Z has elected to use sub-group division factors, he must figure his actual division factor at the end of each quarter.

If your period for calculation is a year, you must make a calculation at the end of the first calendar or fiscal year which you complete after the effective date of the regulation and at the end of each calendar or fiscal year thereafter. If your period for calculation is a quarter, you must make a calculation at the end of the first calendar or fiscal quarter which you complete after the effective date of the regulation, and at the end of each calendar or fiscal quarter thereafter. (If your recalculation of material cost, pursuant to Appendix D, paragraph (a), is on a calendar basis, you must use a calendar basis here. If it is on a fiscal basis, you must use the same fiscal basis here.)

If you are on an annual basis, each calculation must be based on your operations during the full calendar or fiscal year just concluded. If you are on a quarterly basis, the average markup control is cumulative. That is, the actual division factor found at the end of the first quarter must be based on operations during that quarter; at the end of two quarters, it must be based on operations during the two quarters; at the end of three quarters, it must be based on operations during the three quarters. For each quarter after the fourth quarter of your operations under the regulation, the calculation is to be based on operations during that quarter and the preceding three quarters. For example, at the end of the fifth quarter, the actual division factor is to be based on operations during the second, third, fourth, and fifth quarters; at the end of the sixth quarter, it is to be based on operations during the third, fourth, fifth and sixth quarters.

(2) *Permitted tolerances.* If you figure your actual division factor on a quarterly

* The date when you must make your first calculation is determined as follows:

(a) *Calendar period.* If you are on an annual basis, make your first calculation on January 1, 1946 (cover the period between the effective date of the regulation and January 1, 1946). If you are on a quarterly basis, make your first calculation on July 1, 1945 (cover the period between the effective date of the regulation and July 1, 1945).

(b) *Fiscal period.*

If your fiscal year ends—	If you are on an annual basis, make your first calculation on—	If you are on a quarterly basis, make your first calculation on—
Nov. 30	Dec. 1, 1945	June 1, 1945
Oct. 31	Nov. 1, 1945	May 1, 1945
Sept. 30	Oct. 1, 1945	July 1, 1945
Aug. 31	Sept. 1, 1945	June 1, 1945
July 31	Aug. 1, 1945	May 1, 1945
June 30	July 1, 1945	July 1, 1945
May 31	June 1, 1945	June 1, 1945
Apr. 30	May 1, 1945	May 1, 1945
Mar. 31	Apr. 1, 1945	July 1, 1945
Feb. 28	Mar. 1, 1945	June 1, 1945
Jan. 31	Feb. 1, 1945	May 1, 1945

For each of the dates listed above, cover the period between the effective date of the regulation and the date listed.

NOTE: If your fiscal year ends other than on the last day of a month, use the table above, but adapt it to the beginning and ending dates of your fiscal period. For example, if your fiscal period ends Nov. 15, and you are on an annual basis, make your first calculation on Nov. 16, 1945; if you are on a quarterly basis, make your first calculation on May 16, 1945.

basis, the actual division factor for the appropriate cumulative period must not be below your general division factor by more than the following specific tolerances:

First quarter	.05
Second quarter	.04
Third quarter	.03
Fourth and all subsequent quarters	.02

If you are on an annual basis, your actual division factor at the end of a year must not be below your general division factor by more than .02.

(d) *Report of your actual division factor.* If you figure your actual division factor on a quarterly basis, you must, within thirty days after the end of each quarter, report your actual division factor for the appropriate cumulative period to your OPA district office. If you are on an annual basis, you must report within sixty days after the end of each year.

Your report must be in the detail suggested by Form V in Appendix E. The report must be sent by registered mail to the OPA district office which acknowledged your Form I. You must keep an additional copy as a record. If your report is not filed with the OPA district office within the time specified above, you must not sell or deliver any winter garments until you do file such report. The OPA may, at any time, disapprove or revise the actual division factor which you have reported.

SEC. 7. *How to price garments if you are unable to find your general division factor under section 3—(a) Sellers who are not transferees—(1) Application for authorized division factors.* If you were not in the business of making manufacturers' sales of winter garments during the entire 1943 calendar or fiscal year (and are not the transferee of a business which made manufacturers' sales of winter garments during the entire period, as provided in paragraph (b)), or are otherwise unable to find your general division factor under section 3, you must apply to the Office of Price Administration for authorized division factors. Until an order has been issued to you under this section, you may price your garments under section 1.1 Supplementary Regulation 14E (formerly section 3.5 of Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation).¹ However, on and after March 15, 1945, if you have not previously made application under this section and received an acknowledgement from OPA of the receipt of your application, you must not sell or deliver any winter garments until you make such application and receive an acknowledgement of its filing.

Two signed copies of an application for authorized division factors must be filed with the Men's Clothing Section, Office of Price Administration, Washington 25, D. C., setting forth the following:

(i) Your name and address.

(ii) Address of plant or plants where you have been operating or intend to operate, and of principal place from which your sales have been made or are to be made.

(iii) Date when you started to make manufacturers' sales of winter garments.

(iv) Names of officers and principal owners of the business.

(v) The previous business connections in the winter garment industry of the officers and principal owners of the business.

(vi) A description of the kinds of winter garments sold or to be sold, indicating the garment group numbers listed in Appendix A in which these garments fall.

(vii) A list of the names and addresses of three or more manufacturers of winter garments whose methods of operation, in your opinion, are most nearly like the methods by which you are operating or intend to operate.

(viii) Information with regard to the following:

(a) The class or classes of trade to which you sell or expect to sell the garments manufactured (e.g., wholesalers, chain stores, independent retail stores, etc.), and the proportion of your total sales of winter garments which you make or expect to make to each such class.

(b) Method of distribution, e.g., showroom sales, traveling salesmen, advertising, etc.

(c) Methods of manufacturing, e.g., contractor's shop, inside shop, combination of both, etc.

(ix) A statement as to whether, under the regulation, you intend to price on the basis of: a general division factor only; class division factors; group division factors; or sub-group division factors. Moreover, if you want to use individual division factors (as explained in sections 2 and 4) for sales to different classes of trade or for sales of different garments, indicate the percentage range which you desire between such individual division factors.

(x) If you were in the business of making manufacturer's sales of winter garments during the entire 1943 calendar or fiscal year, information with regard to the following:

(a) Total net sales of all garments during this period ("Net sales" is defined in Instruction No. 1 to Form I, section 3 (a).)

(b) Total direct cost incurred in making the garments whose sales are reported in (a). ("Direct cost" is defined in Instruction No. 2 to Form I, section 3 (a).)

(c) Proportion of the total sales reported in (a) which were manufacturers' sales of winter garments (as defined in section 1 (b)).

(2) *Standards for authorizing division factors*—(i) *New sellers*. If you were not in the business of making manufacturers' sales of winter garments during the entire 1943 calendar or fiscal year, a general division factor (and, if requested, individual division factors) will be authorized by order which are in line with the factors established by competitive sellers of the same class who have complete 1943 experience. However, in no event will a general division factor be authorized which is lower than the prevailing level of general division factors established by those firms in the industry which have complete 1943 ex-

perience, and the 1943 winter garment experience (if any) of the owners of your business.

(ii) *Old sellers*. If you were in the business of making manufacturers' sales of winter garments during the entire 1943 calendar or fiscal year, but are unable to calculate a general division factor under section 3, a general division factor will be authorized by order on the basis of your 1943 total cost and sales experience. If such a general division factor is not feasible, a general division factor will be authorized according to the standards set forth in paragraph (i) above. Moreover, if requested, individual division factors will be authorized in accordance with the standards set forth in paragraph (i).

(b) *Transfers and combinations*. (1) If the business, assets, or stock-in-trade of any business was sold or otherwise transferred to you after the close of the 1943 fiscal year of the business, and you carry on the business, or continue to deal in the same type of commodities or services, in an establishment separate from any other establishment previously owned or operated by you, your general division factor shall be the same as that which your transferor would have been required to use if no transfer had taken place, except as provided in subparagraph (3) below, and the obligation to keep records sufficient to verify such division factor shall be the same. The transferor must either preserve and make available, or turn over to you, all records of transactions prior to the transfer which are necessary to enable you to comply with the provisions of this regulation.

(2) If the transfer occurred during the 1943 fiscal year of the business, you must consolidate the records before and after the transfer and calculate your maximum prices as directed by section 2.

(3) If two or more manufacturers who were in the winter garment business during the 1943 fiscal year merge or consolidate, they must combine their records before and after the union and calculate maximum prices as directed by section 2.

SEC. 8. *Records and reports*. The records required by this regulation must be maintained for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

In addition to the records and reports specifically enumerated in the regulation, you must keep the statement required by section 1.1 (d) of Supplementary Regulation No. 14E to the General Maximum Price Regulation.

SEC. 9. *Informational requirements*.—(a) *Marking of garments*. On and after March 1, 1945, every manufacturer is forbidden to deliver a winter garment unless the garment is marked with the manufacturer's style number or brand name, and a statement of defects (if any).

(b) *Manner of marking*. The required markings must be attached to each garment by stitching, adhesive, pins, staples, string tags or hanging tickets, except where some other method is specifically authorized by OPA. The required markings may be in one or more parts, and may be accompanied by other informa-

tion, but all portions must be clearly visible to the purchaser.

(c) *Elements of marking*. The elements to be marked are explained in this paragraph.

(1) *Style number or brand name*. You must use a separate style number or brand name for each different garment.

(2) *Defects, if any*. If the garment is a "second" or imperfect, it must be so marked.

(d) *Invoices*. Every seller must, in connection with every sale of winter garments (except a sale to an individual consumer), deliver an invoice showing: (1) the date, (2) the name and address of the seller and purchaser, (3) the lot number or brand name of each different garment sold, (4) the quantities of each different style of garment sold, (5) the price contracted for or charged by the seller for each different garment sold, and (6) all discounts. Each type sold must be separately itemized. The seller must keep a copy of this invoice.

SEC. 10. *Relation to other regulations*—

(a) *Regulations superseded*. For manufacturers' sales of winter garments, except as provided in section 7, this regulation supersedes the provisions of the General Maximum Price Regulation, including section 1.1 of Supplementary Regulation No. 14E (formerly section 3.5 of Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation). In addition, this regulation supersedes the provisions of Maximum Price Regulation 438⁴ (Manufacturers' Prices for Certain Fall and Winter Outerwear).

(b) *War procurement agencies*. This regulation does not apply to sales of winter garments made according to military specifications, and sold to any war procurement agency as defined in Maximum Price Regulation 157⁵ (Sales and Fabrications of Textiles, Apparel and Related Articles for Military Purposes). Such sales are governed by MPR 157.

(c) *Contractors' services*. This regulation does not apply to charges for contractors' services, which are governed by Maximum Price Regulation 172⁶ (Charges of Contractors in the Apparel Industry). The term "contractor" is defined in § 1389.52 (d) of that regulation.

(d) *Tailored garments*. This regulation does not cover "men's and boys' tailored clothing", which is defined in and governed by Maximum Price Regulation 177⁷ (Men's and Boy's Tailored Clothing).

(e) *Export sales*. This regulation does not apply to export sales of winter garments. The Second Revised Maximum Export Price Regulation⁸ applies to such sales.

(f) *Import sales*. The provisions of this regulation do not apply to sales of

⁴ 8 F.R. 10503, 12712, 13257, 14012; 9 F.R. 172, 2477, 6024, 10861, 14287.

⁵ 7 F.R. 4273, 4541, 4618, 5180, 5716, 6004, 6424, 8948; 8 F.R. 3948, 7507, 15609, 17374; 9 F.R. 1456, 10493, 11059.

⁶ 7 F.R. 4882, 6684, 8351, 8948, 10864; 8 F.R. 8063.

⁷ 8 F.R. 13713.

⁸ 8 F.R. 4132, 5987, 7662, 8098, 15193; 9 F.R. 1036, 5435, 5923, 7201.

deliveries made from points outside the 48 states and the District of Columbia. (See the Maximum Import Price Regulation.) This regulation does, however, apply to domestic sales when the articles sold were originally imported.

SEC. 11. Excessive prices forbidden. On and after the effective date of this regulation, the following practices are forbidden regardless of any contract or other obligation:

(a) *Charging more than ceiling price.* Every person is forbidden to sell or deliver any winter garment at a price higher than the ceiling price set by this regulation. A lower price may, of course, be charged.

(b) *Buying for more than the ceiling price.* Every person is forbidden to buy or receive any winter garment, in the course of trade or business, at a price higher than the price set by this regulation.

(c) *Combination sales.* Every person is forbidden to require any purchaser to buy or agree to buy any other article, service, package or wrapper, in connection with the sale or delivery of any winter garment. But any seller may refuse to sell less than a minimum quantity of any one style number, if this minimum has been customary for the seller.

(d) *Indirect price increases.* Every person is forbidden to do any other act which directly or indirectly increases above the ceiling price the consideration paid by the purchaser for any winter garment. Any practice which is a device to secure the effect of a higher than ceiling price is as much a violation as outright sale above the ceiling price. This applies to devices making use of commissions, services, transportation charges, premiums, taxes, special provisions, tying agreements, trade understandings and all similar practices.

(e) *Indirect violations.* Every person is forbidden to offer, attempt or agree to do any of the acts forbidden by this section.

(f) *Stating prices above the ceiling price.* Every person is forbidden to state a gross price above the ceiling price, except that a price higher than the maximum may be stated on the invoice in order to allow for customary unconditional trade discounts: *Provided*, That the net price is separately stated on the invoice and is not in excess of the maximum price. The amount actually collected or paid must never exceed the ceiling price calculated under section 2 (b).

SEC. 12. Licensing and enforcement.—(a) *Licensing.* The provisions of Licensing Order No. 1,¹⁰ 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 this regulation. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(b) *Penalties.* Any person who violates any provisions of this regulation is subject to the criminal penalties, civil

enforcement actions, suits for treble damages, and proceedings for suspension of licenses provided by the Emergency Price Control Act of 1942, as amended.

SEC. 13. When taxes may be added. If a statute or ordinance imposes a tax upon a particular sale or delivery (such as a sales tax, gross proceeds or gross receipts tax or compensating use tax) and permits such tax to be stated separately from the selling price, the seller may collect such tax in addition to the maximum price under this regulation, provided that he states the amount of the tax separately.

SEC. 14. Adjustable pricing agreements. Adjustable pricing agreements may be entered into notwithstanding the provisions of section 11 to the extent permitted by this section.

A person may sell a winter garment at the ceiling price established under this regulation, subject to an agreement with the buyer to charge a higher price if it becomes the legal ceiling price by the time of delivery. But one must never charge a price which is higher than the maximum price in effect at the time of delivery. Moreover, unless specifically authorized by the Office of Price Administration, a person must not deliver or agree to deliver at a price which is to be adjusted upward in accordance with action by the Office of Price Administration after delivery.

Specific authorization to deliver or agree to deliver at a price which is to be adjusted in accordance with action by the Office of Price Administration after delivery will be given only where: (a) a request for the changing of a ceiling price has been filed; and (b) the authorization is necessary to promote distribution or production; and (c) it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended.

This authorization may be given by the Administrator or by any other official of the Office of Price Administration to whom the power to grant such authorization has been delegated, and may be given by order, letter or telegram.

SEC. 15. How this regulation may be amended. Any person who seeks a modification of any provision of this regulation may file a petition for amendment of general applicability in accordance with Revised Procedural Regulation No. 1¹¹ issued by the Office of Price Administration.

SEC. 16. Definitions.—(a) *Definitions incorporated by reference.* Unless the context otherwise requires, or unless otherwise specifically provided herein, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used in this regulation.

(b) "Your OPA district office" means the district office of the Office of Price Administration for the district in which is located the seller's principal place of business from which his sales are made.

SEC. 17. Delegation of authority. Any regional office of the Office of Price Ad-

ministration, or such other offices as may be authorized by order issued by the appropriate regional office, may act on all (a) division factor forms filed pursuant to sections 3, 4 and 6; and (b) corrections and amendments thereto filed pursuant to Appendix C.

Appendix A: What garments must be priced under this regulation.—(a) *Leather-coats.* Coats in lengths not less than the minimums listed below, of which the outer shell is wholly leather.

Group No.:

1. Men's—all sizes; lengths 28" and over.
2. Boys—all sizes; lengths 26" and over on size 16 (other sizes in pro rata lengths).
3. Women's—all sizes; lengths 27" and over.
4. Girls—all sizes; lengths 25" and over on size 16 (other sizes in pro rata lengths).

(b) *Leather jackets.* Jackets in lengths less than the minimums listed for leather coats, of which the outer shell is wholly leather.

Group No.:

5. Men's—all sizes.
6. Boys—all sizes.
7. Women's—all sizes.
8. Girls—all sizes.

(c) *Wool and leather coats.* Coats in lengths not less than the minimums listed below, of which the outer shell is made partly of leather and partly of wool or part wool fabrics weighing 12 ounces or more per yard on a 54" width basis.

Group No.:

9. Men's—all sizes; lengths 28" and over.
10. Boys—all sizes; lengths 26" and over, on size 16 (other sizes in pro rata lengths).
11. Women's—all sizes; lengths 27" and over.
12. Girls—all sizes; lengths 25" and over on size 16 (other sizes in pro rata lengths).

NOTE: If the coats in group numbers 11 and 12 are made predominantly of wool, they are not covered by this regulation but are governed by Revised Maximum Price Regulation 287, "Manufacturers' Prices for Women's, Girls', Children's and Toddlers' Outerwear Garments."¹²

(d) *Wool and leather jackets.* Jackets in lengths less than the minimums listed for wool and leather coats, of which the outer shell is made partly of leather and partly of wool or part wool fabrics weighing 12 ounces or more per yard on a 54" width basis.

Group No.:

13. Men's—all sizes.
14. Boys—all sizes.
15. Women's—all sizes.
16. Girls—all sizes.

NOTE: (1) If these jackets are in part fabricated from wool or part wool knitted materials by a manufacturer chiefly engaged in the knitted outerwear industry, they are not covered by this regulation.

(2) If the jackets in group numbers 15 and 16 are made predominantly of wool, they are not covered by this regulation but are governed by Revised Maximum Price Regulation 287, "Manufacturers' Prices for Women's, Girls', Children's and Toddlers' Outerwear Garments."

(e) *Swagger, fingertip, and longer coats.* Coats in lengths not less than the minimums listed below, of which the outer shell is made of all wool or part wool fabrics weighing 12 ounces or more per yard on a 54" width basis. (Tailored coats are excluded.)

¹⁰ 8 F.R. 11681, 12237; 9 F.R. 2350, 7504, 8062.
¹¹ 8 F.R. 18240.

12 8 F.R. 10476, 18715.

12 8 F.R. 9122, 10001, 10304; 9 F.R. 974, 12590.

Group No.:

17. Men's—all sizes; lengths 33" and over.
18. Boys'—all sizes; lengths 30" and over on size 16 (other sizes in pro rata lengths).

(f) *Mackinaw coats.* Double breasted coats in lengths not less than the minimums listed below but less than the minimums listed for swagger or fingertip coats, of which the outer shell is made of all wool or part wool fabrics weighing 12 ounces or more per yard on a 54" width basis.

Group No.:

19. Men's—all sizes; lengths 30" and over.
20. Boys'—all sizes; lengths 27" and over, on size 16 (other sizes in pro rata lengths).

(g) *Wool loafer coats.* Single breasted coats in lengths not less than the minimums listed below but less than the minimums listed for swagger or fingertip coats, of which the outer shell is made of all wool or part wool fabrics weighing 12 ounces or more per yard on a 54" width basis.

Group No.:

21. Men's—all sizes; lengths 28" and over.
22. Boys'—all sizes; lengths 25" and over on size 16 (other sizes in pro rata lengths).

(h) *Wool jackets.* Jackets in lengths less than the minimums listed for loafer coats (if single breasted) or mackinaws (if double breasted), of which the outer shell is made of all wool or part wool fabrics weighing 12 ounces or more per yard on a 54" width basis.

Group No.:

23. Men's—all sizes.
24. Boys'—all sizes.

NOTE: If these jackets are in part fabricated from wool or part wool knitted materials by a manufacturer chiefly engaged in the knitted outerwear industry, they are not covered by this regulation.

(i) *Cotton shell coats.* Lined coats in lengths not less than the minimums listed below, of which the outer shell is made of cotton (except corduroy).

Group No.:

25. Men's—all sizes; lengths 30" and over.
26. Boys'—all sizes; lengths 27" and over on size 16 (other sizes in pro rata lengths).

NOTE: Coats of which the outer shell is made of the cotton materials enumerated in Section 1.1 (a) (2) of Revised Maximum Price Regulation 208, and which are lined with cotton blanket, are not covered by this regulation but are governed by Revised Maximum Price Regulation 208.¹³

(j) *Cotton shell jackets.* Lined jackets in lengths less than the minimums listed for cotton shell coats, of which the outer shell is made of cotton (except corduroy).

Group No.:

27. Men's—all sizes.
28. Boys'—all sizes.

NOTE: Jackets of which the outer shell is made of the cotton materials enumerated in Section 1.1 (a) (2) of Revised Maximum Price Regulation 208, and which are lined with cotton blanket, are not covered by this regulation but are governed by Revised Maximum Price Regulation 208.

(k) *Corduroy coats.* Coats in lengths not less than the minimums listed below, either lined or unlined, of which the outer shell is made of corduroy.

Group No.:

29. Men's—all sizes; lengths 28" and over.
30. Boys'—all sizes; lengths 26" and over on size 16 (other sizes in pro rata lengths).

(l) *Corduroy jackets.* Jackets in lengths less than the minimums listed for corduroy coats, either lined or unlined, of which the outer shell is made of corduroy.

Group No.:

31. Men's—all sizes.
32. Boys'—all sizes.

(m) *Wool shirts.* Shirts made of all wool or part wool fabrics, weighing 6 ounces or more per yard on a 54" width basis.

Group No.:

33. Men's—all sizes.
34. Boys'—all sizes.

NOTE: If the shirts in group numbers 33 and 34 are sold by a person who does not make manufacturers' sales of any other group numbers listed in Appendix A, such sales are covered by this regulation only when the weight of the fabric used in the shirts is 12 ounces or more per yard on a 54" width basis.

(n) *Cotton shell vests.* Lined vests, of which the outer shell is made of cotton (other than corduroy).

Group No.:

35. Men's—all sizes.
36. Boys'—all sizes.

(o) *Corduroy vests.* Vests, either lined or unlined, of which the shell is made of corduroy.

Group No.:

37. Men's—all sizes.
38. Boys'—all sizes.

(p) *Wool pants.* Pants made of wool kersey or part wool kersey. (Tailored pants are excluded).

Group No.:

39. Men's—all sizes.
40. Boys'—all sizes.

(q) *Coats, jackets, vests, and pants with water repellent shell, lined with material other than duck.*

Group No.:

41. Men's—all sizes.
42. Boys'—all sizes.

(r) *Water repellent outerwear clothing specially designed for hunting and fishing (for both sexes, and in all sizes).*

Group No.:

43. Coats.
44. Jackets.
45. Vests.
46. Breeches.
47. Caps.

NOTE: If the caps in group number 47 are sold by a person who does not make manufacturers' sales of any other group numbers listed in Appendix A, such sales are not covered by this regulation.

(s) *Ski and skating outerwear clothing (for both sexes and in all sizes except women's, girls', and children's jackets, skirts, coats, and skating suits covered by RMPR 287, and except infants' and children's ski pants up to and including size 14).*

Group No.:

48. Pants, jackets, mittens, caps, and hoods, and combinations of these.

NOTE: If the caps, mittens or hoods in group number 48 are sold by a person who does not make manufacturers' sales of any other group numbers listed in Appendix A, such sales are not covered by this regulation.

Appendix B: Form used in obtaining individual division factors (Form II).

FORM TO BE USED IN OBTAINING INDIVIDUAL DIVISION FACTORS (FORM II)

Copies of this Form will not be furnished by the Office of Price Administration. Please make your own copies.

(Before making an entry in a column, read the instructions for filling in that column found at the end of the form. The figures and explanation of groups and classes in the form are illustrative only.)

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Group	Class of purchaser	Net sales from Jan. 1 to Dec. 31, 1943	Fraction of total sales	Trial group and subgroup division factors	Column 4 times column 5	Reported group and sub-group division factors (column 5 plus a difference in column 6)
A-----	1	\$31,450	.057	.840	.048	.858
	2	112,800	.265	.850	.174	.868
B-----	1	68,500	.125	.880	.110	.898
	2	120,200	.219	.890	.195	.908
C-----	All	140,850	.256	.740	.189	.758
	1	14,600	.027	.760	.021	.778
	2	61,100	.111	.770	.085	.788
Totals-----		\$549,900	1.000	-----	.822	-----

¹ This sales figure is for the calendar year 1944. General division factor (from Form I) $\frac{.840}{+.018}$

EXPLANATION OF GROUPS AND CLASSES

Group A—Men's cotton shell coats, all sizes, 30" and over in length, lined with cotton flannel, cotton suede, cotton blanket, all wool, part wool, leather or sheepskin, of which the outer shell is made of cotton (except corduroy).

Group B—Same as A except boys', all sizes, lengths 27" and over on size 16 (other sizes in pro rata length).

Group C—Men's and boys' cotton shell jackets (lengths less than minimum lengths listed for Group A & B respectively) same shell and linings for Groups A & B.

Group D—Men's and boys' leather capeskin jackets, with rayon lining.

Class 1—Wholesalers, chain stores, and mail order houses.

Class 2—Independent retailers.

^a If the column 6 total exceeded the general division factor, the difference would be subtracted instead of added.

^b If you have adjusted your general division factor under section 3 (c), enter the adjusted general division factor reported on Form VIII.

INSTRUCTIONS FOR FORM II

Col. 1. Enter each group for which you desire to use a different division factor, designating it by a letter (e. g., A, B, C). At the bottom of the form define the coverage of the group to which each letter applies. (If you select only class division factors, make no entry in this column.)

Col. 2. Enter each class for which you desire to use a different division factor, design-

nating it by a number (e. g., 1, 2, 3). At the bottom of the form define the coverage of the class to which each number applies.

If you have made entries in Column 1, the entries in Column 2 show the basis for "sub-group division factors" which you desire to select. If you have made no entry in Column 1, the entries in Column 2 show the classes of trade for which you desire to select "class division factors."

Col. 3. For each group, sub-group or class, enter your total net sales during 1943. If you did not sell garments in a particular group, sub-group or class during 1943, follow the instructions set forth in Section 4 (b). If these instructions permit you to use a period different from 1943, or an estimate, for a particular group or sub-group, place a footnote after the sales figure used, and, at the bottom of the form, indicate either the period from which that figure is derived, or that it is an estimate. ("Net sales" is defined in Section 3 (a), Instruction No. 1.)

Col. 4. Divide each entry in Column 3 by the total for Column 3. Enter the resultant decimal in Column 4 (round to nearest one-thousandth—e. g., 272, 139, 016).

Col. 5. Enter your trial division factors for each group, sub-group, or class. These factors should bear the relationship to each other that you would like to preserve, and should range around your general division factor.

Col. 6. Multiply the trial division factor in Column 5 by the decimal in Column 4, rounding to the nearest one-thousandth.

Col. 7. If the total of the entries in Column 6 is less than your general division factor (as in the example above), your trial division factors are too low, and each of them must be increased by the difference between your general division factor and the total in Column 6. If the total in Column 6 is greater than your general division factor, your trial division factors are higher than they need to be, and you may reduce them by the difference between the total of Column 6 and your general division factor.

If the total of Column 6 does not equal your general division factor, you may, if you choose, adjust your Column 5 trial division factors by varying amounts so long as the total of your reported division factors listed in Column 7, when multiplied by the decimals listed in Column 4, is no lower than your general division factor. The method described above is suggested merely as an easy way to adjust your Column 5 factors.

NOTE: You must keep all records upon which your calculations in Form II are based.

Appendix C: Procedure for amending Forms I, II and VIII. (a) If you find that it is necessary to amend your Form I, II or VIII, you must file two signed copies of an amended form with your OPA district office, setting forth the inaccuracies in the original form and the reasons therefor. Until you have received an acknowledgment from your district office of the receipt of the amended form or forms, however, you must calculate your maximum prices as follows:

(1) If you file an amended Form I, use as your general division factor either the factor reported on the amended form or that listed in the original form, whichever is higher.

(i) If you have also filed a Form II which must be amended because of the amendment to your Form I, use as your individual division factors the factors reported on your original Form II if the general division factor reported on your amended Form I is lower than the factor originally reported; use as your individual division factors the factors reported on your amended Form II, if the general division factor reported on your amended Form I is higher than the factor originally reported.

(ii) If you have also filed a Form VIII which must be amended because of the amendment to your Form I, use as your adjusted general division factor either the factor reported on your amended Form VIII or that listed on the original form, whichever is higher.

(2) If you file an amended Form II, use as your individual division factors the factors reported on your original form. (However, if the amendment to your Form II is necessitated by an amendment to your Form I, see paragraph (1) (i) above.)

(3) If you file an amended Form VIII, use as your adjusted general division factor either the factor reported on the amended form or that listed in the original form, whichever is higher.

(If you have also filed a Form II which must be amended because of the amendment to your Form VIII, use as your individual division factors the factors reported on your original Form II if the adjusted general division factor reported on your amended Form VIII is lower than the factor originally reported; use as your individual division factors the factors reported on your amended Form II if the adjusted general division factor reported on your amended Form VIII is higher than the factor originally reported.

(b) If you have filed Form II and then desire to withdraw it and price merely on the basis of your general division factor, you may file two signed copies of a request for withdrawal with your OPA district office. Until you receive an acknowledgment from your district office of the receipt of your request, however, you must continue to use the individual division factors reported on your Form II.

Appendix D: Procedure for calculating unit direct costs.—(a) When you figure a garment's direct cost. Prior to the first time after March 1, 1945, that you sell or deliver a particular style number of winter garment, you must calculate the garment's direct cost (in accordance with paragraphs (b) (1), (c) and (d) below). This direct cost figure must be used in determining your maximum price for sales and deliveries of the garment during a six months calendar or fiscal period. At the end of that period, and at the end of every six months period thereafter¹⁴ (if you plan to continue sales or deliveries of the garment), you must refigure the cost of the materials used in the garment (in accordance with paragraph (b) (2) below). Do not refigure the direct labor and trimming costs originally calculated for the garment. If the new material cost is less than 95% of the material cost first calculated for the garment, your maximum price must be refigured on the basis of the new material cost (and the direct labor and trimming costs originally calculated), and you must use this revised maximum price for all your sales and deliveries of the garment during the next six months period. If the new material cost is 95% or more than 95% of the original material cost, you need not reduce your maximum price for the next six months period. If the new material cost exceeds the original material cost, you may increase your maximum price for the next six months period in accordance with the new material cost.

¹⁴ The six months periods for recalculation of the cost of materials are determined as follows:

(a) *Calendar period.* If your first direct cost calculation for a garment is made before July 1 in a particular year, you must recalculate on July 1 of that year and on January 1 and July 1 of each year thereafter. If your first calculation is made after July 1, you must recalculate on January 1 and July 1 of the next year and each year thereafter.

(b) *Fiscal period.* If your first direct cost calculation for a garment is made during the last six months of your fiscal year, you must recalculate on the first day of your next fiscal year and the first day of each subsequent six months period. If your first calculation is made during the first six months of your fiscal year, you must recalculate on the first day of the second six months period in that fiscal year and the first day of each six months period thereafter.

For example, if you operate on the fiscal period December 1 to November 30, and your first calculation is made on September 15, you must recalculate on each December 1 and June 1 thereafter.

If the garment is a "new model" (i. e., not the "same" as any style number manufactured by you during 1944, as defined in paragraph (b) (1) (iii) below) there is an additional requirement. At the end of the first six months calendar or fiscal period that it is sold or delivered under the regulation, you must recalculate not only the cost of materials used in the garment, but also the amount of such materials used (in accordance with paragraph (b) (2) below). At the end of each subsequent period, however, recalculate only the cost of materials, as outlined above.

EXAMPLE 3: On March 2, 1945, manufacturer X desires to sell a man's lined leather jacket, which is the "same" as a jacket manufactured by him in 1944. X keeps his records on a calendar year basis. In accordance with the instructions below, he finds the garment's direct cost to be as follows:

Material:	
Leather, 26.11 feet at 16.1 cents per foot	\$4.20
Lining, 1.75 yards at 28 cents per yard	.49
Trim	4.69
Direct labor	1.25
	\$6.37

X's general division factor is .80, and he has not elected to use group or class division factors; therefore, he finds a maximum price for the garment of \$7.96 ($\$6.37 \div .80 = \7.96). X may sell and deliver the jacket at \$7.96 until July 15, 1945, 15 days after the date (July 1) when he must recalculate his material cost.

On July 1, 1945, X refigures the cost of materials (in accordance with paragraph (b) (2) below). He finds a new leather cost of 14.9¢ per foot, and a new lining cost of 26.5¢ per yard. Accordingly, his direct cost for the garment is now:

Material:	
Leather, 26.11 feet at 14.9 cents per foot	\$3.89
Lining, 1.75 yards at 26.5 cents per yard	.46
Trim	4.35
Direct labor	1.25
	\$6.03

Since a material cost of \$4.35 is less than 95% of \$4.69, X must refigure his maximum price on a direct cost base of \$6.03, instead of \$6.37. Thus, X's maximum price for deliveries of the garment until January 15, 1946 is \$7.54 ($\$6.03 \div .80 = \7.54), instead of \$7.96.

(b) *How to find material costs*—(1) *Calculating material costs for the first six months period a garment is sold or delivered*

But if your fiscal year ends during the months of March or September, and you make your first calculation for a garment prior to April 1, 1945, you need not make your first recalculation until the end of the first complete six months period.

For example, if you operate on the fiscal period April 1 to March 31, and your first calculation is made on March 15, 1945, you need not make your first recalculation until October 1, 1945. You must make subsequent recalculations on each April 1 and October 1 thereafter.

However, the previously established maximum price for a garment need not be changed until 15 days after the date when you were required to recalculate materials cost (e. g., if you are on a calendar basis, until July 15 or January 15).

under the regulation—(i) *Old models*. For a garment which is the "same" as a style number manufactured by you during 1944 ("same garment" is defined in paragraph (iii) below), you find material cost for the first six months period as follows:

STEP 1. Find the weighted average cost, per foot or per yard, of each type of material used in the garment. To do this:

(a) Find from your invoices the total yardage or footage of each such material which was delivered to you between July 1 and December 31, 1944, and the net invoice cost¹² of each yard or foot of such material. (If no deliveries of a particular type of material were received during that period, use the invoices for deliveries of such material received between January 1 and June 30, 1944. If no deliveries were received in 1944, base your calculation on the deliveries of such material which have been received between January 1, 1945 and the time your calculation is being made; if no deliveries have been received during this period, base your calculation on contracts for the purchase of such material, entered into prior to the date your calculation is being made.)

(b) For each material, multiply each different net invoice cost by the quantity of such material received at that cost, and total the products.

(c) Divide the sum found in (b) for each material by the total quantity found in (a), for that material.

STEP 2. Find the average amount of each type of material used in the garment. To do this, consult your cutting records for this garment, for a representative period in 1944 (not less than three consecutive months) wherein you cut the average size or size range in which you customarily sell the garment, and find the number of garments cut and the total quantities of each type of material used. Divide the total quantity of each type of material by the number of garments cut.

STEP 3. Multiply the weighted average cost of each material (found in Step 1) by the average amount of each material used in the garment (found in Step 2).

NOTE: Before you sell or deliver the garment, you must prepare and keep a record of: (i) the calculations made under Step 1 above for each type of material used (in detail similar to Form III in the example below); (ii) the calculations made under Step 2 above for each type of material used (in detail similar to Form IV in the example below); and (iii) the total direct material cost which you have found for the garment (in detail similar to Form VI in Appendix F). In addition, you must preserve the invoices or contracts for purchase of materials and cutting records on which your material cost calculations are based.

EXAMPLE 4: On March 2, 1945, manufacturer A desires to determine the material cost of a men's lined cape grain leather jacket which is the "same" as Style No. 101 which he manufactured during 1944.

In accordance with Step 1 above, A consults his invoices for shipments of leather re-

¹² Net invoice cost means the lower of: (a) the invoice cost after deducting all discounts available; or (b) the maximum price which you could lawfully be charged by your customary suppliers, under the terms of OPA price schedules and maximum price regulations in effect on March 1, 1945. (Customary suppliers are the suppliers from whom you customarily buy substantial quantities of the material, or if you have not previously purchased such material, the suppliers from whom your competitors customarily buy in substantial quantities). You may, in addition, include transportation costs paid by you.

ceived by him between July 1 and December 31, 1944, and takes an account of the coat and quantities of the type of leather used in this jacket. This account shows the following:

[FORM III]

Description of material: Cape grain leather. Period from which cost is derived: July 1, 1944 through December 31, 1944.

Supplier	Date received	Quantity	Net cost per foot	Total [(3)×(4)]
(1)	(2)	(3)	(4)	(5)
<i>Feet</i>				
ABC tannery	7/23/44	1,500	\$0.18	\$270
ART tannery	8/16/44	1,500	.16	240
XYZ tannery	9/1/44	500	.15	75
ART tannery	9/6/44	1,000	.16	160
ART tannery	10/15/44	2,000	.16	320
XYZ tannery	11/2/44	2,000	.15	300
ABC tannery	12/15/44	750	.18	135
XYZ tannery	12/20/44	1,000	.15	150
		10,250		\$1,650

Weighted average net cost of leather $[(5) \div (3)] = \$0.161$ per ft. (This figure is to be entered on A's control record, Form VI in Appendix F).

A then takes an account of the cost and quantities of the rayon lining used in this jacket, following the procedure which he used for leather (shown on Form III above). This calculation results in a weighted average net invoice cost for rayon lining of 28¢ per yard (which figure A enters on Form VI in Appendix F).

In accordance with Step 2 above, A then consults his cutting tickets for a representative period during 1944, and finds the following with respect to the leather used in this garment:

[FORM IV]

Type of material: Cape grain leather. Average size or size range: 42. Period selected: August 1–November 30, 1944. Style No.: 101.

Date cutting made	Cutting ticket No.	Number of garments cut	Footage or yardage used in each cutting
(1)	(2)	(3)	(4)
<i>Feet</i>			
Aug. 10, 1944	608	100	2,700
Sept. 1, 1944	631	250	6,500
Sept. 15, 1944	642	75	1,910
Oct. 20, 1944	687	100	2,600
		525	13,710

Average amount of leather used in garment: $[(4) + (3)] = 26.11$ feet. (This figure is to be entered on Form VI in Appendix F.)

A further finds, by following the procedure which he used for leather (shown on Form IV above), that the average amount of lining used in Style No. 101 is 1.75 yards (which figure A enters on Form VI in Appendix F).

Multiplying 26.11 ft. by \$0.161 per ft gives \$4.20 as A's leather cost during the first six months of 1945 for Style No. 101. Accordingly, A records \$4.20 on Form VI in Appendix F. The lining cost is \$0.49 (1.75 multi-

If your operations are integrated (i. e., if you fabricate or process any material used in the garments which you manufacture), net invoice cost means a cost no higher than the net maximum prices which you could have charged for such material under the terms of the OPA price schedules and maximum price regulations in effect on March 1, 1945, had you sold it to another manufacturer.

plied by \$0.28). A records \$0.49 on Form VI in Appendix F.

(ii) *New models*. For a garment which is not the "same" as a style number manufactured by you during 1944, you find material cost for the first six months period as follows:

STEP 1. Find the weighted average cost, per foot or per yard, of each type of material used in the garment. To do this:

STEP 2. Find the average amount of each type of material to be used in manufacturing the garment. To do this, run a trial cutting of the average size or size range in which you expect to manufacture the garment, and determine the number of garments cut and the quantity of each type of material used in that cutting. Then divide the total quantity of each type of material consumed by the number of garments in the cutting.

STEP 3. Multiply the weighted average cost of each type of material (found in Step 1) by the average amount of each type of material used in the garment (found in Step 2).

NOTE: Before you sell or deliver a garment you must prepare and keep a record of: (i) the calculations made under Step 1 above for each type of material used (in detail similar to Form III in the example for paragraph (i) above); (ii) the calculations made under Step 2 above (showing date trial cutting made, cutting ticket number, number of garments cut, and footage or yardage of each type of material used); and (iii) the total direct material cost which you have found for the garment (in detail similar to Form VI in Appendix F). In addition, you must: preserve the invoices or contracts for purchase on which your material cost calculations are based, and the pattern used for your trial cutting; prepare and keep records of your cutting experience during the first six months period (in detail similar to Form IV).

(iii) "Same garment." A garment is considered the "same" as another when:

(a) The garment belongs to the same group, as listed in Appendix A;

(b) The garment contains body material and lining which are the same with respect to construction, weight and grade, finish (including shrinkage treatment), and color fastness;

(c) The garment consumes substantially the same average yardage or footage per dozen or per unit of body materials and lining and has substantially the same body dimensions;

(d) The garment contains trimmings of fairly equivalent serviceability;

(e) The garment is constructed and assembled with the same standards of workmanship and inspection.

Differences in color which ordinarily have not been the basis of difference in price shall be disregarded.

(2) *Calculating material costs for sales and deliveries of garments in subsequent periods*. At the beginning of each six months period subsequent to the first period under the regulation in which a garment is sold or delivered, you must, before making any sales or deliveries of the garment in the new period, recalculate the cost of the materials used in the garment (the periods for recalculation are described in paragraph (a) above). The new material cost shall be the weighted average cost of the quantities of each type of material used in the garment which you have received during the six months period just completed.¹³ To deter-

¹³ If at the time of making your first recalculation you have not operated under the regulation for six months, base your calculation on the materials received between January 1, 1945 and the date when you are required to make your recalculation.

mine this weighted average cost, use your invoices for shipments received during the six months period just completed, and follow the procedure outlined in Step 1 of paragraph (1) (i) above. Then, multiply the weighted average cost so found for each type of material by the average amount of such materials used in the garment (the figure already found in Step 2 of paragraph (1) (i) or (1) (ii) above).

For a new model, at the beginning of the second six months period in which that model is to be sold or delivered under the regulation, you must recalculate not only the cost of materials, but also the average amount of each type of material used in the garment. To determine this figure, consult your cutting records for that model during the first period, and find the total number of garments cut and the total quantity of each type of material used; then divide the total quantity of each type of material used by the total number of garments cut. At the beginning of subsequent periods, recalculate only the cost of materials, as outlined above.

NOTE: Before you make sales or deliveries of a garment in a new period, you must prepare and keep a record of the calculations made in refiguring your cost of materials. Incorporate this record as a continuation of the form similar to Form III in Example No. 4 above, which you previously prepared for the first period the garment was sold or delivered under the regulation. You must also record the recalculated total direct material cost of the garment on your control record (Form VI in Appendix F), which you previously prepared for this garment during the first period.

In addition, for new models, you must prepare and keep a record of the calculations made in refiguring the amount of material used. Incorporate this record as a continuation of Form IV in Example No. 4. You must also enter this recalculation on Form VI.

EXAMPLE 5: In Example No. 4, A calculated a leather cost for Style No. 101 of \$4.20, and a lining cost of \$.49, or a total material cost of \$4.69. That was on March 2, 1945. He determined the other elements of the garment's direct cost, arrived at his maximum price of \$7.96, and then took orders for the garment. He delivered some of these garments at this maximum price during the six months period January 1 to June 30, 1945. (A keeps his records on a calendar year basis.)

On August 15, 1945, he desires to make further deliveries of this garment. Before making these deliveries, however, he must recalculate the cost of each type of material which he received during the first six months period (January 1 through June 30, 1945). If the new material cost is less than 95% of the original material cost (\$4.69), A must recalculate his maximum price for the garment. The new maximum price must be used for all sales and deliveries of that garment during the period, July 15, 1945 through January 15, 1946. At the end of this period, A must again recalculate the material cost of the garment (from invoices for materials received between July 1 and December 31, 1945), to determine whether he must change his maximum price for sales and deliveries of the garment during the next six month period (January 15 through July 15, 1946).

(c) *How to find trimming cost.* The cost of trimmings used in a garment shall be the weighted average net invoice cost of such trimmings which were received between July 1 and December 31, 1944. Find this weighted average cost by the same method you used for materials, outlined in Step 1 of paragraph (b) (1) (i) above.

The cost of thread, tape, labels and hangers may be calculated without reference to the particular type of thread, tape, etc., to be used in a particular garment. To determine the cost of thread, for example, you may

calculate the weighted average cost of all types of thread received by you during the period selected for your calculations, and use that thread cost for all garments priced under the regulation.

NOTE: Before you sell or deliver a garment, you must prepare and keep a record of: (1) the calculations made in figuring your trimming cost (in detail similar to Form III in Example No. 4 above); and (2) the total trimming cost which you have found for the garment (in detail similar to Form VI in Appendix F). In addition, you must preserve the invoices or contracts for purchase of trimmings on which your trimming cost calculations are based.

(d) *How to find direct labor cost.*—(1) *Piece-work operations.* For operations compensated on a piece-work basis, cost must be figured on the basis of piece-work rates in effect on September 15, 1942, plus any subsequent increases finally approved by the War Labor Board between that date and March 1, 1945.

(2) *Time operations.* For operations on a time basis, costs are figured in the manner indicated below. If wage rates have been increased over those in effect on September 15, 1942 plus any subsequent increases finally approved by the War Labor Board before March 1, 1945, such additional increases in wage rates must not be included as part of your direct labor expenditures for the period.

You will note that the instructions below require a comparison between your pay roll for each time operation during a specified period and the number of garments on which that operation was completed during that period. If your records require, you may group all your garments together. If possible, however, you must segregate your garments by group, by style, or otherwise.

For example, if your records show how much of your cutters' pay roll goes into mackinaws, you must segregate mackinaws from your other garments. If your records show how much of your cutters' pay roll goes into mackinaws in the \$20-\$30 range, you must segregate mackinaws in that price range from your other mackinaws. If your records show how much of your cutters' pay roll goes into plaids, you must segregate plaids from solids.

(i) *Old models.* For a garment which is the "same" as a style number manufactured by you during 1944, you find the cost of each time operation by dividing your pay roll for the operation during a representative period in 1944 (not less than three consecutive weeks), by the number of garments on which that operation was completed during that period.

(ii) *New models.* For a garment which is not the "same" as a style number manufactured by you during 1944, you find the cost of each time operation according to one of two rules. Select the rule which will work better for your business and then you must use it for all new models.

RULE 1. Use as the cost of each time operation the cost of that time operation found under paragraph (i) above. If you segregated your paragraph (i) costs by group number, price line, or style, use the most comparable basis for your new model.

For example, if under (i) you segregated your mackinaws from your jackets, you use for your new mackinaws the mackinaw cost which you found under (i).

RULE 2. Have each time operation performed on the new model for a period (not exceeding three weeks). Then, divide your payroll for each operation during this period by the total number of garments on which the operation was completed.

For example, a mackinaw manufacturer's cutters work on one new model for three weeks. During that period, they cut 1,000 garments, including the new model. His cutting cost is calculated by dividing his cutters' payroll for three weeks by 1,000.

(3) *Contractors' services.* For garments fabricated by a contractor, figure as a direct labor cost an amount equal to 70% of the contractor's net service charge for direct labor, markup on direct labor, and any trim furnished by the contractor.

NOTE: Before you sell or deliver a garment, you must prepare and keep a record of: (a) its direct labor cost (in detail similar to Form VI in Appendix F); and (b) the calculations made in figuring the direct labor cost of operations compensated on a time basis (in detail similar to Form VII in Appendix G). Moreover, you must preserve all of the records on which your calculations of direct labor cost are based, including payrolls, cutting records, contractors' invoices.

Appendix E. Form used in obtaining your actual division factor (Form V).

FORM TO BE USED IN OBTAINING YOUR ACTUAL DIVISION FACTOR (FORM V)

Copies of this form will not be furnished by the Office of Price Administration. Please make your own copies.

(Whenever an item is marked with an asterisk (*) read the instruction which goes with it before filling in the item. Instructions will be found at the end of the form. Carry your results to at least three decimal places. The figures in the Form are illustrative only.)

Period: March 1 through June 30, 1945.

Line

No.

*1. Enter the total net dollar amount of winter garments delivered during the period. \$100,000

*2. Enter the total net invoice cost of all material and trim, of the type used in manufacturing winter garments, which you purchased during the period. \$60,000

*3. Enter the total expenditures for direct labor operations performed on winter garments during the period. 20,000

*4. Enter the value of your inventory at the beginning of the period. Make a separate entry for each of the items listed below, and then total the individual entries.

(a) Finished winter garments. 750
(b) Winter garments in process of manufacture. 500
(c) Unused winter garment material and trimming. 1,250

Total. \$82,500

*5. Enter the value of your inventory at the end of the period. Make a separate entry for each of the items listed below, and then total the individual entries.

(a) Finished winter garments. \$2,000
(b) Winter garments in process of manufacture. 1,500
(c) Unused winter garment material and trimming. 1,500

Total. \$5,000

6. Subtract the total entered in line 5 from the total entered in line 4, and enter the difference.

(This is the total direct cost incurred in making the winter garments delivered during the period.) \$77,500

Line No.	
7. Divide the entry in line 6 by the entry in line 1, and enter the result. (This is your actual division factor for the period.)	7.75
*8. Enter the general division factor reported on Form I.	.800
*9. Find the decimal by which the entry in line 7 exceeds or falls below the entry in line 8, and enter the result.	-.025

INSTRUCTIONS FOR FORM V

(Each instruction goes with the item in the form which has the same number as the instruction.)

1. Net dollar amount means total gross selling price minus returns, allowances, prepaid out transportation, and all discounts other than cash discounts.

2. Net invoice cost is defined in the footnote to paragraph (b) (1) (i) of Appendix D.

3. Obtain this information from your payroll records for the period. Include only those operations which are enumerated as direct labor in section 5. If wage rates have been increased over those in effect on September 15, 1942, plus any subsequent increases finally approved by the War Labor Board before March 1, 1945, such additional increase in wage rates must not be included as part of your direct labor expenditures for the period.

4. The first time you calculate your actual division factor you may value your beginning inventory according to any accepted accounting method which you ordinarily use. For subsequent calculations, however, you must find the total direct cost of items (a) and (b), and the total net invoice cost of item (c). Direct cost shall include only the elements enumerated in section 5. Net invoice cost is defined in the footnote to paragraph (b) (1) (i) of Appendix D.

5. You must find the total direct cost of items (a) and (b), and the total net invoice cost of item (c). See instruction 4 above as to the meaning of these terms.

8. If you have adjusted your general division factor under section 3 (c), enter the adjusted general division factor reported on Form VIII.

9. If your actual division factor is less than your general division factor by more than the

8. Trimming cost:

Item (1)	Description (2)	Cost per foot, gross, dozen, etc. (3)	Amount used per unit (feet, dozens, etc.) (4)	Cost per unit (5)
Thread	All			
Buttons	X-Mfr. Composition	\$0.70 per gross	4	.06
Tape				.02
Linings	Rayon	\$0.50 per yard	14 inches	.15
Labels	All	\$2.88 per gross	1	.10
Buckles	ABC Co., metal	\$1.50 per gross	2	.02
Others (zipper)	Z Co. "special"	21 cents each	1	.02
Total trimming cost per unit				\$0.43

9. Material cost:

a. Outer ply: quantity used: 26.11 feet. Description: Cape grain leather (grade A).
b. Inner ply: quantity used: 1.75 yards. Description: Spun rayon.

6 month period used	Outer ply		Inner ply		Total material cost per unit [sum of (3) and (5)]	95 percent of original total material cost	10. Total direct cost per unit [sum of 7, 8 and 9 (6)]
	Cost per foot or per yard (1)	Total cost [(2) x (a)] (2)	Cost per foot or per yard (4)	Total cost [(4) x (b)] (5)			
July-December 1944	Cents 16.1	\$4.20	Cents 28.0	\$0.49	\$4.69		\$6.37
January-June 1945	14.9	3.89	26.5	.46	4.35	\$4.45 $\frac{1}{2}$	6.03

INSTRUCTIONS FOR FORM VI

(Each instruction goes with the item in the form which has the same number as the instruction.)

1. Enter the lot number or brand name of the garment for which costs are to be recorded on this Form VI.

2. Enter the group number reported on Form II which applies to this garment. If you have not selected different division factors for different groups of garments, enter "none."

3. Enter a complete description of the garment (e. g. men's cape grain leather jacket (Grade A leather); spun rayon lining; 26 inch length, zipper front).

4. Enter the average size (e. g., 42) or size range (e. g., 36-46) in which the garment is cut.

6. Enter your general division factor if you use it to price all garments. If you have selected group or sub-group division factors under section 4 (a), enter the group division factor or sub-group division factors for the group number entered in Item 2. If you have selected only class division factors under section 4 (a), enter these factors.

7. For each direct labor operation performed on the garment for which this record is prepared: Indicate in Column (2) whether the operation is on a piece rate or time basis; enter the cost of each operation in Column (3). If the labor is on a time basis, the amount to be entered in Column (3) is derived from Form VII. [If any operation is performed more than once on a garment (e. g., cutting of lining and cutting of outer ply) separate the cost and indicate the part of the garment to which each cost applies.]

8. Enter in Column (2) a brief description of the kind of trimming used in the garment (e. g., buttons—X Co's #4 leather; buckles—ABC Co. Grade B). Enter in Columns (3) and (4) the quantity of the trimming used and the weighted average cost of that trimming (calculated under paragraph (c) of Appendix D and entered on the "Form III record" which you prepared for each kind of trimming). Multiply the entry in Column (4) by the entry in Column (5) and enter the product in Column (6).

The cost of certain trimmings may be calculated without reference to the particular type, brand, or source of supply. Paragraph (c) of Appendix D provides that the weighted average cost of thread, tape, labels and hangers, for the last six months of 1944 (or the first six months of 1944 if no deliveries of the trimming were received between July and December), may be calculated by combining all deliveries of each of these trimmings. In such case enter "all" in Column (2) for these trimmings.

9. Enter in (a) and (b) the number of feet or yards of material used for outer ply and inner ply, and a description of each (e. g., cape grain leather, Grade A; spun rayon lining). The quantity entered for each is determined from the "Form IV record" which you have prepared for these materials (pursuant to paragraph (b) (1) of Appendix D). If no inner ply is used in this garment, write "None." If more than one outer ply or inner ply material is used in this garment, list as (c), (d), etc.

On the first line of Columns (1) through (5), enter the following:

Column (1): The six months period on which the costs to be entered in Columns (2) through (5) are based. Obtain this information from the "Form III record" which you must prepare and keep pursuant to paragraph (b) (1) of Appendix D. (If different periods are used for inner ply and outer ply, enter the separate periods.)

Column (2) and (4): The weighted average cost per foot or yard of the material used. Obtain this information from your

"Form III record." (If more than one kind of outer or inner ply is used, provide separate columns for each different kind of material.)

Column (3) and (5): For Column (3), multiply the entry in Column (2) by the quantity entered under (a). For Column (5), multiply the entry in Column (4) by the quantity entered under (b).

Column (6): Enter the sum of Columns (3) and (5).

Each time you recalculate the cost of materials for a garment, you must make entries on the next line of Columns (1) through (6).

Enter in Column (7), 95% of the entry in Column (6) for the first period. This 95% figure corresponds to the 5% "tolerance" allowed under paragraph (b) of Appendix D

and it enables you to tell at a glance whether you are required to reduce your selling or delivery price during the succeeding period.

10. The total direct cost for each period to be entered in Item 10 is the sum of direct labor costs (Item 7), trimming costs (Item 8), and material costs (Column (6) of Item 9).

Appendix G: Record of direct labor cost paid on a time basis (Form VII).

FORM VII. SUGGESTED FORM FOR KEEPING RECORDS OF DIRECT LABOR COST PAID ON A TIME BASIS

(This form may be duplicated. Copies will not be furnished by the Office of Price Administration.)

Pay-roll period	Type of garment	Number of garments on which operation completed	Wages paid on a time basis									
			Cutting		Sewing		Pressing		Factory examining		Put-up	
			Total	Average	Total	Average	Total	Average	Total	Average	Total	Average

*If you have figured your direct labor costs for separate groups or styles of garments, specify the group or style number of the garments covered. If you have not segregated the garments, specify "All".

Appendix H: Procedure for adjusting your general division factor in special cases (Form VIII). The adjustment of your general division factor, if you are eligible to make such adjustment, involves the following steps:

STEP 1. You find the difference between your "base profit" and your "modified 1943 profit." [The latter term has been defined in section 3 (c). Your "base profit", if your firm was in business during at least three years of the period 1936-1939 inclusive, is your average annual dollar net profit on all your operations (before federal income and profits taxes) in that period, or 1.83% of your average annual net sales in that period, whichever is lower (but in no event is your "base profit" considered to be less than zero). If your firm was not in business during at least three years of the period 1936-1939, your "base profit" is 0.87% of your total net sales in 1943.]

STEP 2. You divide your total net sales of winter garments in 1943 by your total net 1943 sales of all garments, to determine what proportion your winter garment sales bear to your total sales in 1943.

STEP 3. You multiply the dollar amount calculated in Step 1 by the percentage calculated in Step 2, to find what amount of the total difference between your "base profit" and your "modified 1943 profit" is allocable to your sales of winter garments.

STEP 4. You adjust the general division factor calculated in Form I so that, on the basis of your 1943 operations, the use of the adjusted factor will afford a total net profit equal to your "modified 1943 profit" plus the amount calculated in Step 3.

To determine whether you are eligible to adjust your general division factor, and, if so, the extent of the adjustment to which you are entitled, fill out Form VIII below, in accordance with its accompanying instructions.

Line

No.

(b) If your firm was not in business during at least 3 years of the 4-year period 1936-1939, multiply your 1943 total over-all sales by 0.0087, and enter the result-----

You are eligible to adjust your general division factor under section 3 (c), if: items 5 (a) (1) and 5 (a) (2) are both greater than item 4; or if item 5 (b) is greater than item 4.

The remainder of this form enables you to determine the extent of the adjustment to which you are entitled.

6. Subtract item 4 from your "base profit" (item 5 (a) (1) or 5 (a) (2), whichever is lower; or item 5 (b)). Enter the result. (This is how much your 1943 over-all net profit would have been below your "base profit," if the 20% reduction in your winter garment gross margin had been in effect in 1943.)-----

*7. Enter your 1943 total net sales of all products-----

\$6,000

2,000,000

.003

8. Divide item 6 by item 7, and enter the result-----

9. Subtract item 8 from your general division factor (line 6 on Form I), and enter the result. (This is your adjusted general division factor, pursuant to section 3 (c))-----

.837

INSTRUCTIONS FOR FORM VIII

(Each instruction goes with the item in the form which has the same number as the instruction.)

1. Subtract your 1943 total direct cost (line 2 on Form I) from your 1943 total net sales of garments covered by the regulation (line 1 on Form I).

3. 1943 means the calendar or fiscal period which you used for Form I. Net profit means profit before income and profit taxes, and must include all amounts paid as bonus and salary to officers in excess of the average amount paid as bonus and salary to officers during the period 1936-1939. If your firm is not a corporation, you may exclude from your net profit an allowance for officers' salaries not to exceed the average amount drawn for salaries in the period 1936-1939.

5. Net profit means profit before income and profit taxes. If your firm is not a corporation, and you excluded from your 1943 profit (under instruction 3) an allowance for officers' salaries, you must exclude the same amount from your 1936-1939 profit.

7. 1943 means the calendar or fiscal period which you used for Form I. Net sales means gross sales minus returns, allowances, prepaid out transportation, and all discounts other than cash discounts.

NOTE: You must keep the profit and loss statements and all other records which you used in figuring your adjusted division factor.

Effective date. This regulation shall become effective March 1, 1945.

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

Issued this 1st day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1951; Filed, Feb. 1, 1945;
4:33 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16.³ Amdt. 40]

MEAT, FATS, FISH AND CHEESES

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

Revised Ration Order 16 is amended in the following respects:

1. Section 7.7a is added to read as follows:

SEC. 7.7a Registration of certain industrial users of lard, shortening or cooking or salad oils—(a) General—(1) Any industrial user who does not have a base period use of lard, shortening, salad or cooking oils for any class of products or uses listed on Schedule I of OPA Form R-1200 and after March 3, 1944 used lard or after April 16, 1944 used shortening, salad or cooking oils for that class of products or uses and who needs allotments because lard was added on January 19, 1945 to the foods covered by the order, or because shortening, cooking or salad oils were given a point value greater than zero, may apply for registration under this order and for an allotment for that class of products or uses for the first quarterly period of 1945.

(2) Application shall be made between February 2, 1945 and February 20, 1945 on OPA Form R-315 and must state:

(i) The date after March 3, 1944 on which he started to use lard and the date or dates after April 16, 1944 on which he started to use shortening, cooking or salad oils;

(ii) Each class of use or products in which he used those items, according to the class of products or uses stated in Schedule I of Form R-1200;

(iii) His best estimate of amount of each such food, stated separately, in pounds, used between the date reported in (i) and January 19, 1945; and

(iv) The number of days his establishment was in operation from the earliest date reported in (i) to January 19, 1945.

(b) *Where he applies.* (1) If he is not already registered as an industrial user under this or any other food ration order of the Office of Price Administration, he must file the application with the Board for the place where his establishment is located. If he has more than one such industrial user establishment, he must either apply for each such establishment separately on a separate form or he must apply for all of them together on a single form. If he has more than one such

establishment and registers them together, the application must be filed in person or by mail with the Board for the place where his principal business office is located. If he has more than one such establishment and registers them separately, applications must be filed with the Board for the place where each is located.

(2) If he is already registered under this or any other food ration order and the application covers more than one industrial user establishment which he wishes to register together, or if he has more than one such establishment already registered together, or if he has one such establishment already registered and he wishes to register the new establishment together with it, he must file the application with the Board where his principal business office is located. If he has more than one industrial user establishment registered separately or if he wishes to register the new establishment separately, he must file the application with the Board for the place where his establishment is located.

(c) *Where applications are handled.* The Board may not pass on the application but must forward it, together with all information received, to the District Office. The Board may attach its recommendation, if any, as to the action to be taken.

(d) *Action on the application.* If the District Office finds that the facts stated in the application are true, it shall register the applicant and grant him an allotment computed in the following way:

(1) The quantity of lard, shortening, cooking or salad oils of which he made an industrial use between March 3, 1944 (in the case of lard), or April 16, 1944 (in the case of shortening or cooking or salad oils), and January 19, 1945, is divided by the number of days the establishment was in operation for each such item during that period:

(2) The result is multiplied by 85; and

(3) The total of the resulting figure is treated as the amount of his point allotment for that item.

(e) *Assignment of base period use.* The applicant shall be assigned a base period use in accordance with instructions from the Washington Office. (The allotment granted under (d) is not considered the applicant's base period use.)

(f) *Report of February 4, 1945 inventory.* (1) A person who applies under this section must file a signed report showing his inventory of lard, shortening, cooking and salad oils in points at the close of business on February 3, 1945. Lard, shortening, cooking and salad oils acquired by him for points from January 22, 1945 to February 3, 1945, inclusive, should not be included in the report. (A person who is required to report under section 7.4 (e) need not file a report under this section.)

(2) If he has only one industrial user establishment at which he uses lard, shortening, salad and cooking oils, or

more than one such establishment registered separately, the report must be filed not later than February 17, 1945. If he has more than one such establishment registered together, the report must be filed not later than February 24, 1945.

(3) An industrial user who applies under this section may not get an allotment after February 17, 1945 or February 24, 1945 as the case may be, unless he has made the report required under this section to the Board (or District Office) with which he is registered.

(g) *Person entitled to apply under this section may make industrial use before he gets allotment.* Notwithstanding any other provision of this order a person who makes an industrial use of lard, shortening, cooking and salad oils for a class of product or uses (as shown on Schedule I of OPA Form R-1200) for which he is entitled to obtain an allotment under this section may at any time before February 20, 1945 use lard, shortening, cooking and salad oils for the production of those products or uses even though he may not be registered under this order and does not have an allotment.

2. Section 7.16 (e) is amended in the following respects:

Section 7.16 (e) is amended by deleting the period in the last sentence thereof and adding the following: "... or the amount of lard, shortening, salad and cooking oils used before February 4, 1945 by an industrial user for the production of a product or use in a class of products or uses (as shown on Schedule I of OPA Form R-1200) for which he may apply for an allotment under section 7.7a of this order."

3. Section 7.16 (g) is added to read as follows:

(g) Notwithstanding any other provision of this order, lard, shortening, salad or cooking oils obtained by an industrial user during the period from 12:01 a. m. January 28, 1945 to 12:01 a. m. February 4, 1945 for the production of a product or use in a class of product or uses (as shown on Schedule I of OPA Form R-1200) for which he may apply for an allotment under section 7.7a of this order, shall not be included in determining the amount of foods covered by this order he acquired during the first period.

This amendment shall become effective February 2, 1945.

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

Issued this 1st day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1957; Filed, Feb. 1, 1945;
4:35 p. m.]

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

³9 F.R. 6731, 7060, 7081, 7082, 7167, 7203, 7258, 7262, 7344, 7438, 7578, 7774, 8182, 8793, 9954, 9955, 10049, 10087, 10590, 10876, 11543, 12036, 12037, 12649, 12971.

PART 1410—WOOL

[RPS 58, Amdt. 18]

WOOL AND WOOL TOPS AND YARNS

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 Price Schedule 58 is amended in the following respects:

1. Section 1410.51 (b) (1) is amended by deleting the phrase "A, B, C, D, E, and F" and inserting in its place the phrase "A, B, C, D, E, F, and G"; and by deleting the number "1410.66" and inserting in its place the number "1410.67".

2. Section 1410.51 (c) is amended by deleting the phrase "A, B, C, D, E, and F", wherever it appears, and inserting in its place the phrase "A, B, C, D, E, F, and G"; and by deleting the number "1410.66" and inserting in its place the number "1410.67".

3. Section 1410.58 is added to read as follows:

§ 1410.58 Geographical applicability. This Revised Price Schedule No. 58 as amended, shall be applicable to the continental United States but not to the territories and possessions of the United States.

4. Section 1410.62 (a) is amended by inserting in the table with the heading "Worsted Tops" the following items to follow the item "60s Average":

WORSTED TOPS

Grades and staples	United States grown wool	Australian	Cape South Africa	Other foreign tops and blends	
				New Zealand, Montevideo, Punta, Magallanes, Concordia, Corriente	Buenos Aires, San Julian, Santa Cruz, Chubut, Cordillera, Rio Negro, Deseado, Rio Gallegos, Brazilian, Chilean (not Punta)
58s, 60s warp	\$1.50 ^{1/2}	\$1.31	\$1.34	\$1.42 ^{1/2}	\$1.43
58s, 60s average	1.47 ^{1/2}	1.28 ^{1/2}	1.31 ^{1/2}	1.40	1.40 ^{1/2}

5. Section 1410.65 is amended to read as follows:

§ 1410.65 Appendix E: Maximum prices for foreign shorn wools—(a) South American shorn wools not scoured in the United States—(1) Unscoured wools of average to good character. Except as provided by subparagraphs (6), (7) and (8) of this paragraph (a) the maximum prices for unscoured (greasy or washed) South American shorn wools of average to good character, clean basis, in bond, are the prices set forth in the table below, plus the amounts actually paid for duty and marine and war risk insurance.

Prices per pound, ex dock or warehouse Eastern Seaboard

U. S. official standard grades	Montevideo, Punta, Magallanes, Entre Rios, Concordia, Corriente		
	Good combing fleeces (practically free)	Best pieces	Bellies and pieces
64s and finer	\$0.73	\$0.70	\$0.67
60s, 64s	.71	.68	.65
60s	.70	.67	.64
58s, 60s	.67	.64	.61
56s, 68s	.65	.62	.59
56s	.63	.60	.57
50s, 56s	.61	.57	.54
50s	.59	.55	.52
46s, 50s	.57	.52	.47
46s, 48s	.55	.50	.45
46s	.51	.45	.40
44s	.54	.48	.43
40s and lower	.49	.43	.38

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

18 F.R. 5988, 11738; 9 F.R. 7943, 10425.

CHILEAN WOOLS

U. S. official standard grades	Valdivia, Orsono	Talcahuano, Concepcion
60s, 64s	\$0.68	
58s, 60s	.61	\$0.58
56s, 58s	.58	.55
50s, 56s	.56	.53
48s, 50s	.53	.51
46s, 48s	.46	.46

PERUVIAN WOOLS

U. S. official standard grades	Improved Peruvian
64s	\$0.71
60s, 64s	.68
58s, 60s	.62
56s, 58s	.58
50s, 56s	.53
46s, 48s	.49

U. S. official standard grades	Ordinary Peruvian
Merino 60s, 64s	\$0.64
No. 1, 58s, 60s	.60
No. 2, 46s, 56s (Kempy)	.44
Gray	.44

(2) **Inferior unscoured wools.** The maximum prices for inferior unscoured wools shall be determined by deducting from the applicable maximum prices for unscoured wools of average to good character established by subparagraph (1), above, the following amounts:

(i) Slightly stained wools, 2¢ per lb.
(ii) Yellow or heavily stained wools, 5¢ per lb.

(iii) Seedy or burry wools which in accordance with established trade practice do not require carbonizing, or cotted wools, 3¢ per lb., after adjustment has been made for color in accordance with (i) and (ii), above.

(iv) Seedy or burry wools which in accordance with established trade practice require carbonizing, 10¢ per lb., after adjustment has been made for color in accordance with (i) and (ii), above.

(3) **Unscoured wools of choice character.** The maximum prices for unscoured wools of choice character shall be determined by adding to the applicable maximum prices for unscoured wools of average to good character established by subparagraph (1), above, the following amounts:

(i) Grades 70s to 58s, 60s, inclusive, 3¢ per lb.: *Provided*, That the wools are of good merino character; were imported in fully skirted super fleeces; possess evenness of grade and length and good strength; and show freedom from burrs or other deleterious vegetable matter, kempy or hairy fibers and tender wools.

(ii) Grades 56s, 58s to 46s, 48s, inclusive, 5¢ per lb.

(iii) Grades 46s to 40s and below, inclusive, 8¢ per lb.: *Provided*, That wools of the grades enumerated in subdivisions (ii) and (iii) are of good, medium or coarse crossbred or Lincoln character; were imported in fully skirted super fleeces; possess unusual length and evenness in length and grade, good strength and a high degree of lustre; and show freedom from burrs and other deleterious vegetable matter, hairy or kempy fibers and tender wools.

(4) **Wools imported in the scoured state.** The maximum prices for wools

U. S. official standard grades	Prices per pound, ex dock or warehouse Eastern Seaboard			
	Buenos Aires, Patagonia, Bahia Blanca, Pampa, San Julian, Santa Cruz, Rio Negro, Chubut, Tierra del Fuego, Cordillera, Deseado, Rio Gallegos, Brazilian	Good combing fleeces (practically free)	Best pieces	Bellies and pieces
64s and finer	\$0.73	\$0.68	\$0.65	
60s, 64s	.68	.66	.63	
60s	.67	.65	.62	
58s, 60s	.64	.62	.59	
56s, 58s	.62	.60	.57	
56s	.60	.58	.55	
50s, 56s	.58	.55	.52	
50s	.56	.53	.50	
46s, 50s	.53	.50	.47	
46s, 48s	.51	.48	.45	
46s	.46	.43	.40	
44s	.45	.42	.39	
40s and lower	.32	.30	.28	

U. S. official standard grades	SOUTH AMERICAN SECOND CLIP AND LAMBS' WOOL		
	Montevideo, Punta, Magellanes, Entre Rios, Concordia, Corriente	Buenos Aires, Patagonia, Bahia Blanca, Pampa, San Julian, Santa Cruz, Rio Negro, Chubut, Tierra del Fuego, Cordillera, Deseado, Rio Gallegos, Brazilian	
60s and finer	\$0.62	\$0.60	
58s, 60s	.58	.57	
56s, 58s	.56	.55	
50s	.54	.52	
50s, 56s	.52	.50	
46s, 50s	.50	.48	
44s	.48	.46	
40s and lower	.40	.32	

imported in the scoured state shall be determined by adding 2¢ per pound to the applicable clean basis prices under this paragraph (a) for wools imported in the greasy or washed condition.

(5) *Carbonized, neutralized, dusted and/or depainted (depitched) wools—* (i) *Wools processed abroad.* The maximum prices for wools scoured, carbonized, neutralized and dusted abroad shall be 5¢ per pound above the applicable maximum prices for wools imported in the scoured state as determined under subparagraph (4), above. If such wools are carbonized only, carbonized and neutralized, or carbonized and dusted, the above amount of 5¢ per pound shall be reduced proportionately so as to result in maximum prices for such wools which are in line with the maximum prices for the same classes, kinds, types, conditions and grades of wools carbonized, dusted and neutralized.

(ii) *Wools imported in the scoured state and subjected to further processing in the United States.* The maximum prices for wools imported in the scoured state and carbonized, neutralized, dusted and/or depainted (depitched) in the United States shall be the applicable maximum prices for such wools imported in the scoured state, as determined under subparagraph (4), above, plus the charges actually paid for any or all of these processes (not to exceed processor's maximum price) or, if such processing is done by the seller, the maximum price for such service of the processor located nearest to the seller and offering such services: *Provided*, That each such charge or amount shall be separately set forth in the invoice or similar document delivered to the purchaser.

(6) *Dealers' sales of South American shorn wools.* For the purposes of paragraph (a) of this § 1410.65, the term "dealer" shall be restricted to a person (other than the government of the United States or a foreign country, or any agency thereof) whose principal place of business is located within the continental United States and who engages in the business of purchasing South American wools for import into the United States and resale. The maximum prices for dealers' sales of South American shorn wools are the maximum prices determined under the applicable provisions of subparagraphs (1) to (5), inclusive, above, increased by 10% of such maximum prices, exclusive of the amounts actually paid for duty and marine and war risk insurance and exclusive of any processing charges added pursuant to subparagraph (5), above, or 5¢ per pound, clean basis, whichever is greater.

(7) *Sales of South American shorn wools by an agency of the United States Government.* The maximum prices for sales of South American shorn wools by any agency of the United States Government are the maximum prices determined under the applicable provisions of subparagraphs (1) to (5), inclusive, above, increased by 10% of such maximum prices, exclusive of any processing charges added pursuant to subparagraph (5), above, or 5¢ per pound, clean basis, whichever is greater, plus the cost of

marine and war risk insurance at the prevailing commercial rates for an identical shipment on the day of sale, plus the applicable United States duty.

(8) *Resales of wool once sold by a dealer or an agency of the United States Government.* The maximum price for a resale of South American shorn wool once sold by a dealer or an agency of the United States Government shall be the maximum price applicable to the original

sale thereof by the dealer or agency of the United States Government.

(b) *South American shorn wool scoured in the United States—* (1) *Wools of average to good character.* The maximum prices for domestically scoured South American shorn wools of average to good character, duty paid, are the prices set forth in the table below, plus the amounts actually paid for marine and war risk insurance.

Prices per pound, f. o. b. shipping point

U. S. official standard grades	Montevideo, Punta, Magallanes, Entre Rios, Concordia, Corrientes					
	Good combing fleeces (practically free)		Best pieces		Bellies and pieces	
	Sorted	Unsorted	Sorted	Unsorted	Sorted	Unsorted
64s and finer	\$1.19	\$1.16	\$1.16	\$1.13	\$1.13	\$1.10
60s, 64s	1.17	1.14	1.14	1.11	1.11	1.08
60s	1.16	1.13	1.13	1.10	1.10	1.07
58s, 60s	1.13	1.11	1.10	1.08	1.07	1.05
56s, 58s	1.10	1.08	1.07	1.05	1.04	1.02
56s	1.08	1.06	1.05	1.03	1.02	1.00
50s, 56s	1.06	1.04	1.02	1.00	.99	.97
50s	1.04	1.02	1.00	.98	.97	.95
46s, 50s	1.02	1.00	.97	.95	.92	.90
46s, 48s	.99	.97	.94	.92	.89	.87
46s	.95	.93	.89	.87	.84	.82
44s	.80	.78	.74	.72	.69	.67
40s and lower	.71	.69	.65	.63	.60	.58

U. S. official standard grades	Buenos Aires, Patagonia, Bahia Blanca, Pampa, San Julian, Santa Cruz, Rio Negros, Chubut, Tierra del Fuego, Cordillera, Deseado, Rio Gallegos, Brazilian					
	Good combing fleeces (practically free)		Best pieces		Bellies and pieces	
	Sorted	Unsorted	Sorted	Unsorted	Sorted	Unsorted
64s and finer	\$1.19	\$1.16	\$1.14	\$1.11	\$1.11	\$1.08
60s, 64s	1.14	1.11	1.12	1.09	1.09	1.06
60s	1.13	1.10	1.11	1.08	1.08	1.05
58s, 60s	1.10	1.08	1.08	1.06	1.05	1.03
56s, 58s	1.07	1.05	1.05	1.03	1.02	1.00
56s	1.05	1.03	1.03	1.01	1.00	.98
50s, 56s	1.03	1.01	1.00	.98	.97	.95
50s	1.01	.99	.98	.96	.95	.93
46s, 50s	.98	.96	.95	.93	.92	.90
46s, 48s	.95	.93	.92	.90	.89	.87
46s	.90	.88	.87	.85	.84	.82
44s	.71	.69	.68	.66	.65	.63
40s and lower	.54	.52	.52	.50	.50	.48

U. S. official standard grades	SOUTH AMERICAN SECOND CLIP AND LAMBS' WOOL						
	PERUVIAN WOOLS						
	Montevideo, Punta, Magallanes, Entre Rios, Concordia, Corrientes, Buenos Aires, Patagonia, Bahia Blanca, Pampa, San Julian, Santa Cruz, Rio Negros, Chubut, Tierra del Fuego, Cordillera, Deseado, Rio Gallegos, Brazilian		U. S. official standard grades		Improved Peruvian		
Sorted	Unsorted	Sorted	Unsorted	Sorted	Unsorted		
60s and finer	\$1.08	\$1.05	\$1.06	\$1.03			
58s, 60s	1.04	1.02	1.03	1.01			
56s, 58s	1.01	.99	1.00	.98			
56s	.99	.97	.97	.95			
50s, 56s	.97	.95	.95	.93			
46s, 50s	.95	.93	.93	.91			
46s	.92	.90	.90	.88			
44s	.72	.70	.71	.69			
40s and lower	.62	.60	.54	.52			

U. S. official standard grades	CHILEAN WOOLS			
	Valdivia, Orsono, Talcahuana, Concepcion			
	Sorted	Unsorted	Sorted	Unsorted
60s, 64s	\$1.14	\$1.11		
58s, 60s	1.07	1.05	\$1.04	\$1.02
56s, 58s	1.03	1.01	1.00	.98
50s, 56s	1.01	.99	.98	.96
46s, 50s	.98	.96	.96	.94
46s, 48s	.90	.88	.90	.88

(2) *Inferior domestically scoured wools.* The maximum prices for domestically scoured inferior wools shall be determined by deducting from the applicable maximum prices for domestically scoured wools of average to good character established by subparagraph (1), above, the following amounts:

(i) Slightly stained wools, 2¢ per lb.

(ii) Yellow or heavily stained wools, 5¢ per lb.

(iii) Seedy or burry wools which in accordance with established trade practice do not require carbonizing, or cotted wools, 3¢ per lb., after adjustment has been made for color in accordance with (i) and (ii), above.

(iv) Seedy or burry wools which in accordance with established trade practice require carbonizing, 10¢ per lb., after adjustment has been made for color in accordance with (i) and (ii), above.

(3) *Domestically scoured wools of choice character.* The maximum prices for domestically scoured wools of choice character shall be determined by adding to the applicable maximum prices for domestically scoured wools of average to good character established by subparagraph (1), above, the following amounts:

(i) Grades 70s to 58s, 60s, inclusive, 3¢ per lb.: *Provided*, That the wools are of good merino character; were imported in fully skirted super fleeces; possess evenness of grade and length and good strength; and show freedom from burrs or other deleterious vegetable matter, kempy or hairy fibers and tender wools.

(ii) Grades 56s, 58s to 46s, 48s, inclusive, 5¢ per lb.

(iii) Grade 46s to 40s and below, inclusive, 8¢ per lb.: *Provided*, That wools of the grades enumerated in subdivisions (ii) and (iii) are of good, medium or coarse crossbred or Lincoln character; were imported in fully skirted super fleeces; possess unusual length and evenness in length and grade, good strength and a high degree of lustre; and show freedom from burrs and other deleterious vegetable matter, hairy or kempy fibers and tender wools.

(4) *Domestically scoured, carbonized, neutralized, dusted and/or depainted (depitched) wools.* The maximum prices of South American shorn wools scoured in the United States and carbonized, neutralized, dusted and/or depainted (depitched) are the maximum prices for scoured wools, as determined under the applicable provisions of subparagraphs (1) to (3), inclusive, of this paragraph (b), plus the charges actually paid for any or all of these processes (not to exceed processor's maximum price) or, if such processing is done by the seller, the maximum price for such service of the processor located nearest to the seller and offering such services: *Provided*, That each such charge or amount shall be separately set forth in the invoice or similar document delivered to the purchaser.

(c) *Australian, New Zealand, South African and other British wool control shorn wools—(1) Wools not scoured in the United States.* Except as provided by subparagraphs (4), (5), (6), and (7) of this paragraph (c) the maximum price for British wool control shorn wool is the sum of the actual cost thereof landed in bond in the United States plus the amounts actually paid for duty and marine and war risk insurance.

(2) *Wools scoured in the United States.* The maximum price for domestically scoured British wool control wool is the maximum price determined under subparagraph (1), above, for unscoured wool plus:

(i) Actual charges paid for scouring;
(ii) Transportation charges to scouring plant actually paid, but in no case in excess of \$.50 per hundredweight of grease wool;

(iii) Actual charges paid for sorting but in no case in excess of \$1.00 per hundredweight of grease wool; and

(iv) Actual loss incurred for depreciation due to off-orts but in no case in excess of \$1.50 per hundredweight of grease wool: *Provided*, That the amount of each such charge shall be separately set forth in an invoice or similar document delivered to the purchaser.

(3) *Carbonized, neutralized, dusted and/or depainted (depitched) British wool control shorn wools.* The maximum price for British wool control shorn wool carbonized, neutralized, dusted and/or depainted (depitched) in the United States is the maximum price determined under the applicable provisions of subparagraphs (1) or (2), above, plus the charges actually paid for any or all of these processes (not to exceed processor's maximum price) or, if such processing is done by the seller, the maximum price for such service of the processor located nearest to the seller and offering such services: *Provided*, That each such charge or amount shall be separately set forth in the invoice or similar document delivered to the purchaser.

(4) *Dealers' sales of British wool control wools.* For the purposes of paragraph (c) of this § 1410.65 the term "dealer" shall be restricted to a person (other than the government of the United States or of a foreign country, or any agency thereof) whose principal place of business is located within the continental United States and who engages in the business of purchasing wool from the British Wool Control or its agencies for resale. The maximum price for the sale of British wool control shorn wool by a dealer is the maximum price determined under the applicable provisions of subparagraphs (1) to (3), inclusive, above, increased by 10% of the actual cost of such wool landed in bond in the United States or 5¢ per pound, clean basis, whichever is greater.

(5) *Sales of British wool control wools by an agency of the United States Government.* The maximum price for the sale of British wool control shorn wool by an agency of the United States Government is the sum of (i) the replacement cost on the day of sale of an identical lot of wool landed in bond in the United States, (ii) a markup of 10% of such cost or 5¢ per pound, clean basis, whichever is greater, (iii) any amounts which may be added for processing under the applicable provisions of subparagraphs (2) or (3), above, (iv) the cost of marine and war risk insurance at the prevailing commercial rates for an identical shipment on the day of sale, and (v) the applicable United States duty.

(6) *Sales of British wool control wool by Melbourne Merchandising, Limited and Canadian Wool Board, Limited.* Melbourne Merchandising, Limited and Canadian Wool Board, Limited shall each determine its maximum prices for sales of British wool control shorn wools in their respective stockpiles in the United

States as of June 1, 1944 in the following manner:

STEP 1. Determine the sum of the actual landed in bond costs of all the wools in its stockpile in the United States as of June 1, 1944 and add thereto the charges actually paid for marine and war risk insurance thereon.

STEP 2. Determine the replacement cost of all the wools in such stockpile by adding: (i) the landed in bond cost, Boston, to a domestic purchaser from the British Wool Control, of wools identical with those in the stockpile, assuming a purchase on June 1, 1944 and (ii) the applicable marine and war risk insurance at the commercial rates prevailing on June 1, 1944.

STEP 3. Divide the result obtained in Step 1 by the result obtained in Step 2 and convert to a percentage figure.

STEP 4. To obtain the maximum price f. o. b. United States Eastern Seaboard for a sale of a particular lot of wool in the stockpile, multiply the percentage figure obtained in Step 3 by the current replacement cost, as defined below, of such lot of wool. Current replacement cost shall be determined by adding: (i) The landed in bond cost, Boston, of an identical lot of wool, to a domestic purchaser from the British Wool Control, assuming a purchase by him on the day of such sale, and (ii) the applicable marine and war risk insurance at the commercial rates prevailing on that day. In no case may the maximum price so determined exceed a domestic dealer's current maximum price for an identical lot of wool calculated by adding to items (i) and (ii) of this Step 4, 10% of item (i) or 5¢ per pound, clean basis, whichever is greater. When the wool is sold duty paid, the amount actually paid for duty may be added to the result obtained in Step 4.

(7) *Resales of British wool control wool once sold by a dealer, an agency of the United States Government, Melbourne Merchandising, Limited or Canadian Wool Board, Limited.* The maximum price for a resale by any person of British wool control wool once sold by a dealer or an agency of the United States Government shall be the maximum price applicable to the original sale by the dealer or the agency of the United States Government. The maximum price for a resale by a dealer of British wool control wool once sold by Melbourne Merchandising, Limited or Canadian Wool Board, Limited either from their stockpiles in the United States or in Canada, shall be the dealer's maximum price for an identical lot of wool assuming it were purchased by the dealer from the British Wool Control, on the day of the sale by the dealer, with war risk and marine insurance calculated at the rates prevailing on that day. The maximum price for a resale of such British wool control wool once sold by Melbourne Merchandising, Limited or Canadian Wool Board, Limited, by a person other than a dealer shall be the maximum price of his supplier thereof, or, in case the maximum price of his supplier cannot be determined under this section, it shall be the actual cost thereof to such person not to exceed a domestic dealer's current maximum price for an identical lot of wool, determined as above.

(d) *Imported carpet wools—(1) Unscoured carpet wools.* Except as provided in subparagraph (2), below, the maximum prices for imported un-

scoured carpet wools, clean basis, in bond, are the prices set forth below, plus the applicable amounts for duty (if sold for purposes other than for the manufacture of carpets and a duty is paid), and the amounts actually paid for marine and war risk insurance.

Prices in dollars per pound, ex dock or warehouse eastern seaboard

Afghanistan Wool	\$0.46
Sind White East India Wool	.56
Cordova Shorn Wool	.46
Cordova Pulled Wool	.42
White Joria East India Wool	.55

(2) *Criolla carpet wools.* The maximum prices, in bond, for unscoured Criolla carpet wools, clean basis, and Criolla carpet wools scoured in South America are the prices set forth below, plus the applicable amounts for duty (if sold for purposes other than the manufacture of carpets and a duty is paid), and the amounts actually paid for marine and war risk insurance.

Prices in dollars per pound, ex dock or warehouse eastern seaboard

	Un-scoured	Scoured in South America
Free, or practically free of stain and burrs	\$0.38	.40
Slightly stained, practically free of burrs	.36	.38
Yellow or heavily stained, practically free of burrs	.33	.35
Slightly stained, burry not requiring carbonizing	.33	.35
Yellow or heavily stained, burry not requiring carbonizing	.30	.32
Slightly stained, burry requiring carbonizing	.26	.28
Heavily stained, burry requiring carbonizing	.23	.25

(3) *Carpet wools scoured in the United States.* The maximum prices for imported carpet wools scoured in the United States are the applicable maximum prices for unscoured imported carpet wools set forth in subparagraphs (1) and (2), above, plus the following charges: (i) actual charges paid for scouring; (ii) transportation charges to scouring plant actually paid, but in no case in excess of \$.50 per hundredweight of grease wool: *Provided*, That the amount of each such charge shall be separately set forth in an invoice or similar document delivered to the purchaser.

(e) *Afghanistan camel hair*—(1) *Un-scoured camel hair.* The maximum price per pound for unscoured Afghanistan camel hair, clean basis, in bond, ex dock or warehouse Eastern seaboard, is \$.50 plus the amounts actually paid for duty and for marine and war risk insurance.

(2) *Camel hair scoured in the United States.* The maximum prices for Afghanistan camel hair scoured in the United States is the maximum price for unscoured Afghanistan camel hair determined under subparagraph (1), above, plus the following charges: (i) actual charges paid for scouring; (ii) transportation charges to scouring plant actually paid, but in no case in excess of \$.50 per hundredweight of grease wool: *Provided*, That the amount of each such charge shall be separately set forth in an invoice or similar document delivered to the purchaser.

(f) *Terms of sale.* The maximum prices for foreign shorn wools covered by this § 1410.65 are subject to terms of 1% off for cash up to 10 days, 60 days net cash, with the following exceptions: (i) in the case of British wool control wools the discount of 1% is to be computed on the applicable maximum price exclusive of duty; and (ii) the maximum prices for sales of British wool control wools by Melbourne Merchandising, Limited and Canadian Wool Board, Limited are net cash.

(g) *Brokers' commissions.* Except in the case of a sale of foreign shorn wool by a dealer or by an agency of the United States Government, where the purchaser or seller employs a broker or other agent to make a purchase or sale on his behalf, a brokerage commission of not more than 1% of the maximum price, exclusive of marine and war risk insurance charges and, except in the case of sales covered by paragraph (b) of this section, exclusive of duty, may be charged or paid in addition to the maximum price. A commission may not be charged to both seller and buyer on the same lot of wool. Such commission shall be payable only if the wool is sold and purchased at a price not exceeding the applicable maximum price, and if the commission is not divided with the seller or an agent or an employee of the seller. In the case of a sale by a dealer or an agency of the United States Government a brokerage commission may be charged or paid only if it does not result in a total cost to the purchaser in excess of the maximum price applicable to such sale.

(h) *Invoicing requirements.* Every person making sales of foreign shorn wools covered by this § 1410.65 shall, with respect to each such sale, deliver to the purchaser an invoice or similar document setting forth in addition to the price charged, the terms of sale, and the information required in the preceding paragraphs of this § 1410.65, the following information:

(1) *In the case of dealer sales and resales*—(i) *Dealer sales.* The applicable maximum price, and, in the case of British wool control wools, also the landed in bond cost; the charges actually paid for marine and war risk insurance; brokerage commission, if any; the dealer's markup, if any; and, except in the case of sales covered by paragraph (b) of this section, the amount of the duty, if sold duty paid.

(ii) *Dealer resales.* In the case of the sale by a dealer of wool which has once been sold by a dealer, an agency of the United States Government, Melbourne Merchandising, Limited or Canadian Wool Board Limited, the name and address of his supplier; his supplier's maximum price; brokerage commission, if any; the amount of the duty, if sold duty paid, except in the case of sales covered by paragraph (b) of this section.

(2) *In the case of sales by an agency of the United States Government.* The applicable maximum price; and the brokerage commission, if any.

(3) *In the case of sales of British wool control wools by Melbourne Merchandising, Limited or Canadian Wool Board,*

Limited. The applicable maximum price; the items comprising the replacement cost of the wool as defined in paragraph (c) (6) of this section; the brokerage commission, if any; and the amount of the duty, if sold duty paid.

(4) *In the case of sales and resales by all other persons*—(i) *Sales.* The applicable maximum price, and in the case of British wool control wool, also the landed in bond cost; the charges actually paid for marine and war risk insurance; brokerage commission, if any; and, except in the case of sales covered by paragraph (b) of this section, the amount of the duty, if sold duty paid.

(ii) *Resales.* In the case of a sale by any person other than a dealer of wool which has once been sold by a dealer, an agency of the United States Government, Melbourne Merchandising, Limited or Canadian Wool Board, Limited, the actual cost thereof to him; the name and address of his supplier; his supplier's maximum price; and the brokerage commission, if any.

6. Section 1410.66 (f) is amended by deleting the phrase "paragraph (d)" and inserting in its place the phrase "paragraph (c)".

7. Section 1410.67 is added to read as follows:

§ 1410.67 Appendix G: Maximum prices for certain sorted and graded British wool control wools.—(a) *Sorted greasy matchings, off-grade fleeces and off-orts.* Maximum prices for greasy matchings, off-grade fleeces and off-orts, as hereinafter defined, obtained from a lot of British wool control wool sorted by the seller at the request of a manufacturer of paper-makers' felts and blankets, shall be determined as follows:

STEP 1. Multiply the number of pounds of grease wool in the unsorted lot by the maximum price thereof per pound, grease basis. (Grease basis maximum prices are to be calculated by converting clean basis prices, as determined under the applicable provisions of § 1410.65 (c), to a grease basis.)

STEP 2. Add to the amount obtained in Step 1 the actual cost of sorting such lot.

STEP 3. Make a reasonable allocation of the total amount determined in Step 2 to each lot of matchings, each lot of off-grade fleeces, and each lot of off-orts obtained from the entire lot.

For the purposes of this paragraph (a) the allocation shall be considered to be reasonable if based on the price relationships between the various matchings, off-grade fleeces and off-orts of similar wools sold or delivered during the base period October 1, 1941 to December 15, 1941, inclusive, or, if none were sold or delivered during such base period, the most recent period prior to October 1, 1941: *Provided*, That the sum of the maximum prices so determined for the matchings, off-grade fleeces and off-orts in the entire lot shall not exceed the amount obtained in Step 2.

Each sum allocated in accordance with Step 3 shall be the maximum price of each lot of matchings, each lot of off-grade fleeces and each lot of off-orts, respectively.

The term "greasy matchings" means sorted grease wool made up of portions

of many fleeces including only closely comparable qualities of wool suitable for a particular purpose.

The term "off-grade fleeces" means lots of comparable whole fleeces which were separated from the entire lot as not being suitable for making matchings for the purchaser.

The term "off-sorts" means the less desirable portions of a fleece separated out in the sorting process and including usually the shorter, coarser, stained and colored portions.

(b) *Graded fleeces and off-grade fleeces.* Maximum prices for graded fleeces and off-grade fleeces, as herein-after defined, obtained by grading a lot of greasy British wool control wool, shall be determined as follows:

STEP 1. Multiply the number of pounds of grease wool in the ungraded lot by the maximum price thereof per pound, grease basis. (Grease basis maximum prices are to be calculated by converting clean basis prices, as determined under the applicable provisions of § 1410.65 (c), to a grease basis).

STEP 2. Add to the amount obtained in Step 1 the actual cost of grading such lot, not to exceed $\frac{3}{4}$ ¢ per pound, grease basis.

STEP 3. Make a reasonable allocation of the total amount determined in Step 2 to each lot of the graded and off-grade fleeces obtained from the entire lot.

For the purposes of this paragraph (b) the allocation shall be considered to be reasonable if based on the price relationships between the various graded and off-grade fleeces of similar wools sold or delivered during the base period October 1, 1941 to December 15, 1941, inclusive, or, if none were sold or delivered during such base period, the most recent period prior to October 1, 1941: *Provided*, That the sum of the maximum prices so obtained for the graded and off-grade fleeces in the entire lot shall not exceed the amount obtained in Step 2.

Each sum allocated in Step 3 shall be the maximum price of each lot of such graded and off-grade fleeces, respectively.

The term "graded fleeces" means fleeces which have been separated from a lot of wool without untying the string or opening up the fleece and classified according to fineness and length of fiber and suitability for specific mill requirements.

The term "off-grade fleeces" means the relatively poorer lots of fleeces obtained in the process of grading a lot of wool.

(c) *Terms of sale.* The maximum prices for sorted or graded British wool control wools covered by this § 1410.67 are subject to terms of 1% off for cash up to 10 days, 60 days net cash.

(d) *Brokers' commissions.* A brokerage commission of not more than 1% of the maximum price may be charged or paid in addition to the maximum price where the purchaser or seller employs a broker or other agent to make a purchase or sale on his behalf. A commission may not be charged to both the seller and buyer on the same lot of wool. Such commission shall be payable only if the wool is sold and purchased at a price not exceeding the applicable maximum price, and if the commission is not divided

with the seller or an agent or an employee of the seller.

(e) *Invoicing requirements.* Every person making sales of sorted or graded British wool control wools covered by this § 1410.67 shall, with respect to each such sale, deliver to the purchaser an invoice or similar document setting forth the price charged; the terms of sale, the quantity sold, and the maximum price per pound.

This amendment shall become effective February 6, 1945.

Issued this 1st day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1956; Filed, Feb. 1, 1945;
4:35 p. m.]

PART 1314—RAW MATERIALS FOR SHOES AND LEATHER PRODUCTS

[MPR 61, Amdt 11]

LEATHER

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

Maximum Price Regulation 61 is amended in the following respects:

1. Section 4 is amended to read as follows:

SEC. 4. *Maximum prices for sales of leather by tanners, processors, importers and specified cutters.* (a) This paragraph establishes maximum prices for the following sales:

- (1) Sales of leather by the tanner thereof;
- (2) Sales of leather by the processor thereof;
- (3) Sales of leather by the importer thereof; and

(4) Sales by the cutter thereof of all sole leather including scrap and cut parts, except box toes, counters, washers, gaskets, packings, horse shoe pads, last tops, rands and shanks.

The maximum price for any such sale of leather, including scrap leather, shall be a price determined by the Office of Price Administration to be in line with the general level of prices prevailing during the base period for leather which is of the same and related types, weights, potential cutting values and qualities and grades sold to a purchaser of the same class. No person subject to this paragraph may sell or deliver leather covered by this paragraph unless he has obtained from the Office of Price Administration an order establishing his maximum price therefor. To obtain such an order the seller shall file an application in conformity with section 14 of this regulation. However, any approved maximum price for leather subject to this paragraph heretofore issued to a seller under § 1314.53 of Revised Price Schedule 61, as amended, and outstanding on the effective date of this regulation, shall have

the status and validity of a maximum price established by order issued under this paragraph.

No person subject to this paragraph who changes the type, weight, potential cutting value or quality and grade of any leather for which a maximum price has been established under this paragraph, by altering the type of raw stock, method of tanning, trim, pattern, standard of selection or otherwise; or who adds to his line leather covered by this paragraph which is of a type, weight, potential cutting value or quality and grade for which he does not have an established maximum price, may sell or deliver such leather unless he has filed an application, in conformity with section 14 of this regulation, for the establishment of his maximum price and has obtained from the Office of Price Administration an order establishing his maximum price.

NOTE: Any person subject to this paragraph who also sells, as a jobber, dealer or wholesaler, leather of which he is not the tanner, processor, cutter or importer shall determine his maximum prices for such leather under section 6 or 9, whichever is applicable.

(b) Any cutter may, at his option, apply for the establishment of a maximum price in accordance with the standard set forth in paragraph (a), above, for any leather cut by him the sale of which would otherwise be subject to the provisions of section 6 of this regulation. Such application shall be filed in conformity with section 14.

2. Section 6 is amended to read as follows:

SEC. 6. *Maximum prices for sales of leather by jobbers, dealers and wholesalers, and by cutters not subject to section 4.* Except as provided in section 9, the maximum price for the sale of leather by any jobber, dealer or wholesaler, and for a cutter's sales of leather for which a maximum price is not established under section 4, shall be determined as follows:

(a) *Leather which is the same as leather sold or delivered during the base period to a purchaser of the same class.* The maximum price for a sale or delivery of leather which is of the same type, weight, potential cutting value and quality and grade as leather sold or delivered by the seller during the base period to a purchaser of the same class shall be the highest price contracted for or received by him for a sale or delivery of such leather during the base period. Except with respect to scrap leather for which the seller's maximum price is 10 cents per pound or lower, a report of such highest base period price shall be filed with the Office of Price Administration, in conformity with section 14 of this regulation, within one week after the date of the first sale made after the effective date of this regulation. The price so reported shall be subject to reduction at any time by the Office of Price Administration, if and to the extent that it exceeds the general level of prices during the base period for leather of the same type, weight, potential cutting value and quality and grade sold to a purchaser of the same class. In the event that such

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

¹9 F.R. 15151.

reduction is made by the Office of Price Administration within 20 days after its receipt of the aforesaid report, the seller shall, on all his sales of such leather made prior to his receipt of the order revising his maximum price, reduce his invoice price to the extent that it exceeds his revised maximum price, or, if the purchase price has been paid, refund such excess to the purchaser.

(b) *Leather which is not the same as leather sold or delivered during the base period to a purchaser of the same class.* The maximum price for a sale or delivery of leather which is of a type, weight, potential cutting value or quality and grade not the same as leather sold or delivered by the seller during the base period to a purchaser of the same class shall be a price in line with the seller's highest base period price for leather of the same type, weight, potential cutting value and quality and grade to a purchaser of a different class or, if the seller made no sale or delivery during the base period of leather of the same type, weight, potential cutting value and quality and grade, then the maximum price shall be a price in line with the seller's highest base period price, or price established for the seller under paragraph (c) (2) of this section, for leather of the nearest related type, weight, potential cutting value and quality and grade to a purchaser of the same class, or if not the same class, to a different class of purchaser.

The term "in line with," as used in this paragraph (b), means having a justifiable relation to the highest base period price or the price established under paragraph (c) (2), with commensurate increases or decreases to give effect to actual differences in type, weight, potential cutting value and quality and grade of the leathers involved and to take into account differences, if any, in the classes of purchasers.

Except with respect to scrap leather for which the seller's maximum price is 10 cents per pound or lower, a report of such in-line price shall be filed with the Office of Price Administration, in conformity with section 14 of this regulation, within one week after the date of the first sale made after the effective date of this regulation. The price so reported shall be subject to reduction at any time by the Office of Price Administration, if and to the extent that it exceeds the general level of prices during the base period for leather of the same and related types, weights, potential cutting values and qualities and grades sold to a purchaser of the same class. In the event that such reduction is made by the Office of Price Administration within 20 days after its receipt of the aforesaid report, the seller shall, on all his sales of such leather made prior to his receipt of the order revising his maximum price, reduce his invoice price to the extent that it exceeds his revised maximum price, or, if the purchase price has been paid, refund such excess to the purchaser.

(c) *Leather which cannot be priced under either paragraph (a) or (b).* The maximum price for a sale or delivery of leather which cannot be priced under either paragraph (a) or (b) of this section, shall, at the seller's option, be a

price determined under the provisions of either subparagraph (1) or (2) below.

(1) The seller's maximum price shall be a price in line with the highest price contracted for or received by him for the last sale or delivery prior to the base period during the year 1941 of leather of the same, or if not the same, of a related type, weight, potential cutting value and quality and grade to a purchaser of the same or a different class, giving effect to actual differences, if any, in type, weight, potential cutting value and quality and grade of the leathers involved and taking into account differences, if any, in the classes of purchasers: *Provided*, That such in-line price shall be subject to the provisions of paragraph (b) of this section relating to the reporting of in-line prices and action by the Office of Price Administration revising such prices.

(2) The seller's maximum price shall be a price determined by the Office of Price Administration to be in line with the general level of prices during the base period for leather which is of the same and related types, weights, potential cutting values and qualities and grades sold to a purchaser of the same class. No person may sell or deliver leather under the provisions of this paragraph unless he has filed an application, in conformity with section 14 of this regulation, for establishment of his maximum price and has obtained from the Office of Price Administration an order establishing his maximum price for such leather.

(d) *Optional markup method for jobbers, dealers and wholesalers.* (1) Any jobber, dealer or wholesaler who sells, in exactly the same form as purchased, leather for which a maximum price has been established under section 4 to 7 (d), and who does not wish to determine his maximum price for such leather under paragraph (a), (b) or (c) above, may, at his option, take as his maximum price the sum of the following:

(i) The net invoice cost of the leather, before deduction of term discounts (not exceeding the established maximum price of the producer or importer under section 4, or of the person for whom the maximum price has been established under section 7 (d)); and

(ii) A markup of 1 cent per pound or per square foot of leather or per pair of cut soles or 7½ per cent of item (i), above.

To the maximum price so determined may be added transportation charges actually paid or incurred by the jobber, dealer or wholesaler, or, in a case where the leather was transported in the seller's own conveyance a charge not to exceed the lowest available common carrier rate for an identical shipment from the same shipping point to the same receiving point.

Terms of sale shall be 2 per cent discount for payment within 30 days from the date of invoice, net cash thereafter, f. o. b. seller's shipping point.

(2) The invoice or similar document furnished by the seller to the purchaser in connection with every sale of leather made pursuant to the provisions of this paragraph (d) shall separately state the

transportation charges added and shall contain the following statement:

This sale has been made under the optional markup provisions of section 6 (d) of Maximum Price Regulation 61. The maximum price, exclusive of transportation charges, for this sale and for any resale of this leather is -----.

The maximum price determined under the provisions of this paragraph shall be inserted in the blank space at the end of the above statement.

In addition to the above, the seller's retained duplicate of the invoice or similar document shall state:

(i) The name of the producer or importer for whom the maximum price has been established under section 4, or of the person for whom the maximum price has been established under section 7 (d), if any;

(ii) The brand name of the leather;

(iii) The seller's net invoice cost of the leather, before term discounts (not exceeding the established maximum price of the producer or importer under section 4 or, the person for whom the maximum price has been established under section 7 (d)); and

(iv) The markup taken.

3. Section 7 (e) is added to read as follows:

(e) Notwithstanding the provisions of paragraphs (b) or (c) of this section, no seller under this section shall be required to file a report for any scrap leather for which his maximum price is 10 cents per pound or lower.

4. Section 10 is amended to read as follows:

SEC. 10. *Requirement for marking of leather used by the shoe repair trade.* Except as to leather sold to the armed forces of the United States or to the Lend-Lease Section in the Procurement Division of the Treasury Department of the United States or sold under a direction of the War Production Board for resale to any of the above purchasers, no person may sell leather used by the shoe repair trade unless it is stamped, indelibly marked or tagged in accordance with the provisions of this section.

(a) Every bend, shoulder or strip cut therefrom shall have stamped or indelibly marked thereon, and leather sold in the form of bundles or boxed taps, squares, blocks or top pieces shall have stamped or indelibly marked on the outside piece of each bundle or box thereof, the following:

(1) The name of the producer or importer, or brand name of the leather.

(2) The weight or substance of the leather, and

(3) The maximum price at which such leather may be sold to persons engaged in the business of shoe repairing (i. e. 125 per cent of the producer's or importer's maximum price for the leather established under section 4 or 9 (c)) or, at his option, the grade of the leather.

(b) Leather which has customarily been sold in bags, bales or packages, such as butt pieces, finders' pieces, loose or bulk taps, etc., shall have indelibly marked on the outside covering of such bag, bale or package, or on a tag or label securely attached thereto, the following:

(1) The name of the producer or importer, or brand name of the leather.
 (2) The description thereof appearing on the producer's or importer's sales invoice.

(3) The maximum price at which such leather may be sold to persons engaged in the business of shoe repairing (i. e. 125 per cent of the producer's or importer's maximum price for the leather established under section 4 or 9 (c)) or, at his option, the grade of the leather.

5. Section 12 (b) is amended by inserting, after the words "shoe repair trade" in the body of the paragraph, the words "except leather sold to the armed forces of the United States or to the Lend-Lease Section in the Procurement Division of the Treasury Department of the United States or sold under a direction of the War Production Board for resale to any of the above purchasers".

This amendment shall become effective February 1, 1945.

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

Issued this 1st day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1955; Filed, Feb. 1, 1945;
4:35 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing,¹ Amdt. 46]

RESORT HOUSING; EXEMPTION

Section 1 (b) (6) of the Rent Regulation for Housing is amended to read as follows:

(6) *Resort housing*—(i) *Exemption*. Housing accommodations located in a resort community and customarily rented or occupied on a seasonal basis prior to October 1, 1944, which were not rented during any portion of the period beginning on November 1, 1943 and ending on February 29, 1944. The landlord shall file a report of such accommodations on the form provided therefor, between April 1, 1945 and May 31, 1945, inclusive.

This exemption shall be effective only from June 1, 1945 to September 30, 1945, inclusive.

(ii) *Exception from exemption*. The provisions of section 1 (b) (6) (i) shall not apply to housing accommodations in the Madison, Wisconsin Defense-Rental Area.

This amendment shall become effective February 3, 1945.

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

Issued this 2d day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1981; Filed, Feb. 2, 1945;
11:47 a. m.]

¹ 9 F.R. 11335, 11541, 11610, 11797, 12414, 12866, 12967, 14060, 14357, 15060, 14987, 15155; 10 F.R. 48, 160, 330.

PART 1388—DEFENSE-RENTAL AREAS

[Housing, New York City,¹ Amdt. 16]

RESORT HOUSING

Section 1 (b) (6) of the Rent Regulation for Housing in the New York City Defense-Rental Area is amended to read as follows:

(6) *Resort housing*. Housing accommodations located in a resort community and customarily rented or occupied on a seasonal basis prior to October 1, 1944, which were not rented during any portion of the period beginning on November 1, 1943 and ending on February 29, 1944. The landlord shall file a report of such accommodations on the form provided therefor, between April 1, 1945 and May 31, 1945, inclusive.

This exemption shall be effective only from June 1, 1945 to September 30, 1945, inclusive.

This amendment shall become effective February 3, 1945.

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

Issued this 2d day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1980; Filed, Feb. 2, 1945;
11:47 a. m.]

PART 1388—DEFENSE RENTAL AREAS

[Hotels and Rooming Houses, New York City,² Amdt. 17]

RESORT HOUSING

Section 1 (b) (7) is added to the Rent Regulation for Hotels and Rooming Houses in the New York City Defense-Rental Area to read as follows:

(7) *Resort housing*. Rooms located in a resort community and customarily rented or occupied on a seasonal basis prior to October 1, 1944, which were not rented during any portion of the period beginning on November 1, 1943 and ending on February 29, 1944. The landlord shall file a report of such accommodations on the form provided therefor, between April 1, 1945 and May 31, 1945, inclusive.

This exemption shall be effective only from June 1, 1945 to September 30, 1945, inclusive.

This amendment shall become effective February 3, 1945.

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

Issued this 2d day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1978; Filed, Feb. 2, 1945;
11:47 a. m.]

¹ 9 F.R. 14987; 10 F.R. 331.

² 10 F.R. 324.

PART 1388—DEFENSE-RENTAL AREAS

[Housing, Atlantic County,¹ Amdt. 8]

RESORT HOUSING

Sections 1(b)(6) and 1(b)(7) of the Rent Regulation for Housing in the Atlantic County Defense-Rental Area are amended to read as follows:

(6) *Resort housing*. Housing accommodations located in a resort community and customarily rented or occupied on a seasonal basis prior to October 1, 1944, which were not rented during any portion of the period beginning on November 1, 1943 and ending on February 29, 1944. The landlord shall file a report of such accommodations on the form provided therefor, between April 1, 1945 and May 31, 1945, inclusive.

This exemption shall be effective only from June 1, 1945 to September 30, 1945, inclusive.

(7) *Subletting*. The subletting or other subrenting of housing accommodations for a term beginning on or after June 1, 1944 and ending on or before September 30, 1944. The landlord shall file a report of such accommodations on the form provided therefor, between April 1, 1945 and May 31, 1945, inclusive.

This exemption shall be effective only from June 1, 1945 to September 30, 1945, inclusive.

This amendment shall become effective February 3d, 1945.

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

Issued this 2d day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1979; Filed, Feb. 2, 1945;
11:47 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Hotels and Rooming Houses,² Amdt. 43]

RESORT HOUSING

Section 1 (b) (7) is added to the Rent Regulation for Hotels and Rooming Houses to read as follows:

(7) *Resort housing*—(i) *Exemption*. Rooms located in a resort community and customarily rented or occupied on a seasonal basis prior to October 1, 1944, which were not rented during any portion of the period beginning on November 1, 1943 and ending on February 29, 1944. The landlord shall file a report of such accommodations on the form provided therefor, between April 1, 1945 and May 31, 1945, inclusive.

This exemption shall be effective only from June 1, 1945 to September 30, 1945, inclusive.

¹ 9 F.R. 6819, 8054, 10189, 10634, 11349, 12415, 14987; 10 F.R. 330.

² 9 F.R. 11322, 11540, 11610, 11787, 12414, 12866, 12967, 14069, 14357, 14233, 15059, 15156; 10 F.R. 47, 160, 330.

(ii) *Exception from exemption.* The provisions of section 1-(b) (7) (i) shall not apply to rooms in the Madison, Wisconsin Defense-Rental Area.

This amendment shall become effective February 3, 1945.

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

Issued this 2d day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1977; Filed, Feb. 2, 1945;
11:47 a.m.]

PART 1418—TERRITORIES AND POSSESSIONS
(MPR 288, Amdt. 41)

SYNTHETIC RUBBER TIRES AND TUBES 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.*

Maximum Price Regulation 288 is amended in the following respects:

1. Section 1418.363, paragraphs (b) to (cc), inclusive (excepting paragraphs (d), (g), (m), (n), (p), (v) and (bb)), are amended by the insertion of the words "and other west coast towns" after the heading "Nome" in the price tables, except that footnote reference 2

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

¹"Other west coast towns" means all places along the coast of Alaska and the Alaska Peninsula extending from Kotzebue Sound to Bristol Bay which are accessible by sea-going vessels or lighters, including Kotzebue and Bethel."

shall follow such insertion in paragraph (aa) Table XXVII. Footnote 1 is added to the tables in the aforementioned paragraphs (or footnote 2 in the case of Table XXVII) to read as follows:

2. Section 1418.363 (ff) Table XXXII is redesignated § 1418.363 (ee) Table XXXI.

3. Section 1418.363 (ff) Table XXXII is added to read as follows:

(ff) *Table XXXII: Maximum prices for retail sales of new rubber tires and tubes for passenger cars, trucks and busses—(1) Definitions.* When used in this table, the term:

(i) "New" tire or tube means a tire or tube which has been used less than 1,000 miles.

(ii) "Retail sale" means a sale to a buyer for his use and not for resale.

(iii) "Synthetic rubber" tire or tube means a tire or tube which contains any synthetic rubber and which is marked with the symbol designated by the War Production Board, Office of Rubber Director, to identify it as containing synthetic rubber. This symbol is an "S3" in the case of tires, and a colored circumferential band in the case of tubes.

(iv) "Truck" or "bus" tire or tube means a new tire or tube of a type, size and ply listed in Schedule II, whether constructed from natural, synthetic or reclaimed rubber.

(v) "Truck and bus type of tire" means a tire of a type generally recognized as designed primarily for ordinary "on the road" use on truck and busses.

(vi) "Stop-start type of tire" means a tire having an extra heavy tread of a type generally recognized as designed primarily for city commercial use on trucks and busses.

(vii) "Mud and snow type of tire" means a tire having a tread of a deep-cut, cleated type generally recognized as designed primarily for "on the road" use

on trucks for traction through mud, snow, sand, or soft earth.

(2) *Trade-in allowance.* The seller must deduct from the maximum price of the tire or tube being sold a fair allowance for any tire or tube traded in to the seller by the buyer in connection with the sale. The "fair allowance" shall be the market price of the traded tire or tube in the seller's locality. If the traded tire or tube has no market value in the seller's locality, no allowance is required.

(3) *Service charges.* No charge may be made for any service supplied in connection with a tire or tube sale unless the seller customarily made an extra charge for such service during March 1942. A seller who supplies a service for which he had an extra charge in effect during March 1942, may add an amount not exceeding his highest price then in effect for that service to the maximum price for tires or tubes. He must bill such extra charge separately. No seller may require as a condition of sale that the buyer must receive any service for which the seller makes an extra charge.

(4) *Excise taxes.* The Federal excise tax on new tires and tubes, if stated separately by the seller, may be added to the maximum prices set forth in Schedules I and II.

(5) *Sales slips and receipts.* Notwithstanding the provisions of § 1418.358 (c) of this regulation, the seller must give every buyer a sales slip showing: (a) the date, (b) the name and address of the seller, (c) the type, size, ply and brand name of the new tire or tube, (d) the price exclusive of the Federal excise tax, and (e) the amount of Federal excise tax, if any, added to the price.

(6) *Maximum prices.* For all sales at retail in the Territory of Alaska the maximum prices for new rubber tires and tubes for passenger cars, trucks and busses shall be as follows:

SCHEDULE 1—MAXIMUM RETAIL PRICES FOR NEW SYNTHETIC RUBBER PASSENGER CAR TIRES AND TUBES

Tire and tube size ¹	First Judicial division ²			Cordova, Kodiak, Valdez, Seward			Nome and other West Coast towns ³			Anchorage			Palmer and points on railroad south of Curry			Fairbanks, Curry, and points on railroad north of Curry		
	4-ply	6-ply	Tube	4-ply	6-ply	Tube	4-ply	6-ply	Tube	4-ply	6-ply	Tube	4-ply	6-ply	Tube	4-ply	6-ply	Tube
3.75-18	\$10.10	-----	\$2.95	\$10.20	-----	\$2.00	\$11.80	-----	\$3.20	\$9.95	-----	\$2.95	\$10.00	-----	\$3.00	\$10.30	-----	\$2.05
4.00-15	9.55	-----	2.65	9.65	-----	2.70	11.25	-----	2.90	9.40	-----	2.65	9.45	-----	2.70	9.75	-----	2.75
4.25-12	10.85	-----	2.85	10.95	-----	2.90	12.55	-----	3.10	10.70	-----	2.85	10.75	-----	2.90	11.05	-----	2.95
4.40-20	-----	3.05	-----	-----	3.10	-----	-----	3.30	-----	-----	-----	3.05	-----	3.10	-----	3.10	-----	3.15
4.40-21	11.85	\$14.50	3.05	11.95	\$14.60	3.10	13.55	\$16.20	3.30	11.70	\$14.35	3.35	11.75	\$14.40	3.10	12.05	\$14.70	3.15
4.40/4.50-21	13.05	15.75	3.05	13.15	15.85	3.10	14.75	17.45	3.30	12.90	15.60	3.05	12.95	15.65	3.10	13.25	15.95	3.15
4.40/4.50/4.75-21	13.05	15.75	3.05	13.15	15.85	3.10	14.75	17.45	3.30	12.90	15.60	3.05	12.95	15.65	3.10	13.25	15.95	3.15
4.50-12	10.95	-----	2.85	11.05	-----	2.90	12.65	-----	3.10	10.80	-----	2.85	10.85	-----	2.90	11.15	-----	2.95
4.50-17	12.65	-----	12.75	-----	14.35	-----	-----	-----	12.50	-----	12.55	-----	12.55	-----	12.85	-----	12.85	-----
4.50-20	13.50	16.55	3.05	13.60	16.65	3.10	15.20	18.25	3.30	13.35	16.40	3.05	13.40	16.45	3.10	13.70	16.75	3.15
4.50-21	13.05	15.75	3.05	13.15	15.85	3.10	14.75	17.45	3.30	12.90	15.60	3.05	12.95	15.65	3.10	13.25	15.95	3.15
4.50/4.75-20	13.50	-----	3.05	13.60	-----	3.10	15.20	-----	3.30	13.35	-----	3.05	13.40	-----	3.10	13.70	-----	3.15
4.50/4.75-21	13.05	-----	3.05	13.50	-----	3.10	14.75	-----	3.30	12.90	-----	3.05	12.95	-----	3.10	13.25	-----	3.15
4.50/4.75/5.00-20	14.40	16.85	3.05	14.50	16.95	3.10	16.10	18.55	3.30	14.25	16.70	3.05	14.30	16.75	3.10	14.60	17.05	3.15
4.50/5.00-20	14.40	-----	3.05	14.50	-----	3.10	16.10	-----	3.30	14.25	-----	3.05	14.30	-----	3.10	14.60	-----	3.15
4.75-19	13.10	16.45	3.20	13.20	16.55	3.25	14.80	19.20	3.45	12.95	16.30	3.20	13.00	16.35	3.25	13.30	16.65	3.30
4.75-20	14.40	16.85	3.05	14.50	16.95	3.10	16.10	18.55	3.30	14.25	16.70	3.05	14.30	16.75	3.10	14.60	17.05	3.15
4.75-21	13.05	-----	3.05	13.15	-----	3.10	14.75	-----	3.30	12.90	-----	3.05	12.95	-----	3.10	13.25	-----	3.15
4.75/5.00-19	13.10	16.45	3.20	13.20	16.55	3.25	14.80	18.15	3.45	12.95	16.30	3.20	13.00	16.35	3.25	13.30	16.65	3.30
4.75/5.00-20	14.40	-----	3.05	14.50	-----	3.10	16.10	-----	3.30	14.25	-----	3.05	14.30	-----	3.10	14.60	-----	3.15
4.75-5.00/5.25-21	18.00	-----	4.20	18.10	-----	4.25	19.70	-----	4.45	17.85	-----	4.20	17.80	-----	4.25	18.10	-----	4.30
5.00-15	12.80	-----	3.05	12.90	-----	3.10	14.50	-----	3.30	12.65	-----	3.05	12.70	-----	3.10	13.00	-----	3.15
5.00-16	12.70	-----	2.80	12.80	-----	2.85	14.40	-----	3.15	12.55	-----	2.80	12.60	-----	2.85	12.90	-----	2.90
5.00-17	13.80	-----	3.00	13.90	-----	3.05	15.60	-----	3.25	13.65	-----	3.00	13.70	-----	3.05	14.00	-----	3.10
5.00-19	13.40	16.45	3.20	13.50	16.55	3.25	15.10	18.15	3.45	13.25	16.30	3.20	13.30	16.35	3.25	13.60	16.65	3.30
5.00-20	14.40	17.70	3.05	14.50	17.80	3.10	16.10	19.40	3.30	12.25	17.65	3.05	12.30	17.60	3.10	12.60	17.90	3.15
5.00-21	13.05	-----	4.20	13.15	-----	4.25	14.75	-----	4.45	12.90	-----	4.20	12.95	-----	4.25	13.25	-----	4.20
5.00-22	13.50	-----	4.20	13.60	-----	4.25	15.20	-----	4.45	13.85	-----	4.20	13.40	-----	4.25	13.70	-----	4.30
5.00-23-20	17.50	-----	4.15	17.60	-----	4.20	19.20	-----	4.40	17.35	-----	4.15	17.40	-----	4.20	17.70	-----	4.25
5.00/5.25-21	18.00	-----	4.20	18.10	-----	4.25	19.70	-----	4.45	17.85	-----	4.20	17.90	-----	4.25	18.20	-----	4.30

FEDERAL REGISTER, Saturday, February 3, 1945

SCHEDULE 1—MAXIMUM RETAIL PRICES FOR NEW SYNTHETIC RUBBER PASSENGER CAR TIRES AND TIRES—Continued

Tire and tube size	First Judicial division			Cordova, Kodiak, Valdez, Seward			Nome and other West Coast towns			Anchorage			Palmer and points on railroad south of Curry			Fairbanks, Curry, and points on railroad north of Curry			
	4-ply	6-ply	Tube	4-ply	6-ply	Tube	4-ply	6-ply	Tube	4-ply	6-ply	Tube	4-ply	6-ply	Tube	4-ply	6-ply	Tube	
5.25-12		\$21.20			\$21.30			\$22.90			\$21.05			\$21.10			\$21.40		
5.25-17	\$15.80	19.45	\$3.55	\$15.90	19.55	\$3.60	\$17.60	21.15	\$3.80	\$15.65	19.30	\$3.55	\$15.70	19.35	\$3.60	\$16.00	19.65	\$3.65	
5.25-18	14.50	17.90	3.00	14.60	18.00	3.05	16.20	19.60	3.25	14.35	17.75	3.00	14.40	17.80	3.05	14.70	18.10	3.10	
5.25-19	16.85	20.75	3.75	16.95	20.85	3.80	18.55	22.45	4.00	14.70	20.60	3.75	14.75	20.65	3.80	15.05	20.95	3.85	
5.25-20	17.50	21.55	4.15	17.60	21.65	4.20	19.20	23.25	4.40	17.35	21.40	4.15	17.40	21.45	4.20	17.70	21.75	4.25	
5.25-21	18.00	22.20	4.20	18.10	22.30	4.25	19.70	23.90	4.45	17.85	22.05	4.20	17.90	22.10	4.25	18.20	22.40	4.30	
5.25/5.50-17	15.80	19.45	3.55	15.90	19.55	3.60	17.50	21.15	3.80	15.65	19.30	3.55	15.70	19.35	3.60	16.00	19.65	3.90	
5.25/5.50-18	14.50	17.90	3.00	14.60	18.00	3.05	16.20	19.60	3.25	14.35	17.75	3.00	14.40	17.80	3.05	14.70	18.10	3.10	
5.25/5.50-19	18.10	23.35	3.75	18.20	23.45	3.80	19.80	25.05	4.00	17.95	23.20	3.75	18.00	23.25	3.80	18.30	23.55	3.85	
5.25/5.50-20	19.30	21.55	4.15	19.40	21.65	4.20	21.00	23.25	4.40	19.15	21.40	4.15	19.20	21.45	4.20	19.50	21.75	4.25	
5.50-16	15.35	18.95	3.30	15.45	19.05	3.35	17.05	20.65	3.55	15.20	18.80	3.30	15.25	18.85	3.35	15.55	19.15	3.40	
5.50-17	15.80	19.45	3.55	15.90	19.55	3.60	17.50	21.15	3.80	15.85	19.30	3.55	15.90	19.35	3.60	16.20	19.65	3.65	
5.50-18	16.45	17.90	3.00	16.55	18.00	3.05	18.15	19.60	3.25	16.30	17.75	3.00	16.35	17.80	3.05	16.65	18.10	3.10	
5.50-19																			
5.50-20	18.10	23.35	3.75	18.20	23.45	3.80	20.85	25.05	4.00	17.95	23.20	3.75	18.00	23.25	3.80	18.30	23.55	3.85	
5.50/6.00-17	15.80			15.90			16.60			15.65			15.70			16.00			
5.50/6.00-18	16.45			16.55			18.15			16.30			16.35			16.65			
5.50/6.00-19	18.10			18.20			19.80			17.95			17.95			18.30			
5.50/6.00-20	19.30			19.40			21.00			19.15			19.20			19.50			
5.75-16																			
6.00-16	17.10	21.15	3.90	17.20	21.25	3.95	18.80	22.85	4.15	16.95	21.00	3.90	17.00	21.05	3.95	17.30	21.35	4.00	
6.00-17	18.45	23.35	3.55	18.55	23.45	3.60	20.15	25.05	3.80	18.30	23.20	3.55	18.35	23.25	3.60	18.65	23.55	3.65	
6.00-18	19.85	24.55	3.55	19.95	24.65	3.60	21.55	26.25	3.80	19.70	24.40	3.55	19.75	24.45	3.60	20.05	24.75	3.65	
6.00-19																			
6.00-20	20.30	25.00	3.75	20.40	25.10	3.80	22.00	26.70	4.00	20.15	24.85	3.75	20.20	24.90	3.80	20.50	25.20	3.85	
6.00-21	20.65	23.95	4.15	20.75	24.05	4.20	22.35	25.65	4.40	20.50	23.80	4.15	20.55	24.85	4.20	20.85	25.15	4.25	
6.00-22	21.40	26.35	4.15	21.50	26.45	4.20	23.10	28.05	4.40	21.25	26.20	4.15	21.30	26.25	4.20	21.60	26.55	4.25	
6.00-23																			
6.00/6.25-16	17.10	21.15	3.90	17.20	21.25	3.95	18.80	22.85	4.15	16.95	21.00	3.90	17.00	21.05	3.95	17.30	21.35	4.00	
6.00/6.50-17	18.45	23.35	3.55	18.55	23.45	3.60	20.15	25.05	3.80	18.30	23.20	3.55	18.35	23.25	3.60	18.65	23.55	3.65	
6.00/6.50-18	19.85	24.55	3.75	19.95	24.65	3.80	21.55	26.25	4.00	19.70	24.40	3.75	19.75	24.45	3.80	20.05	24.75	3.85	
6.00/6.50-19																			
6.00/6.50-20	24.00	4.15																	
6.25-16	19.15	23.75	3.90	19.25	23.85	3.95	20.85	25.45	4.15	19.00	23.60	3.90	19.05	23.65	3.95	19.35	23.95	4.00	
6.25/6.50-16	20.55	25.50	4.55	20.65	25.60	4.60	22.25	27.20	4.80	20.40	25.35	4.55	20.45	25.50	4.60	20.75	25.70	4.65	
6.50-15	20.10	24.90	4.50	20.20	25.00	4.55	21.80	26.60	4.75	19.95	24.75	4.50	20.00	24.80	4.55	20.30	25.10	4.60	
6.50-16	20.55	25.50	4.55	20.65	25.60	4.60	22.25	27.20	4.80	20.40	25.35	4.55	20.45	25.50	4.60	20.75	25.70	4.65	
6.50-17	18.95	23.35	3.55	19.05	23.45	3.60	20.65	25.05	3.80	18.80	23.20	3.55	18.85	23.25	3.60	19.15	23.55	3.65	
6.50-18	20.35	24.55	3.75	20.45	24.65	3.80	22.05	26.25	4.00	20.20	24.40	3.75	20.25	24.45	3.80	20.55	24.75	3.85	
6.50-19	20.25	25.00	3.75	20.35	25.10	3.80	21.95	26.70	4.00	20.10	24.85	3.75	20.15	24.90	3.80	20.45	25.20	3.85	
6.50-20	25.10	4.90																	
6.50-21																			
6.50/7.00-17	27.35	4.65																	
6.50/7.00-18	28.10	4.65																	
6.50/7.00-19	28.05	4.65																	
7.00-15	22.60	28.00	4.55	22.70	28.10	4.60	24.25	29.70	4.80	22.45	28.75	4.55	22.50	29.70	4.60	22.80	29.80	4.65	
7.00-16	23.15	28.70	4.55	23.25	28.80	4.60	24.85	30.40	4.80	23.00	28.55	4.55	23.05	28.60	4.60	23.35	28.90	4.65	
7.00-17	24.95	30.80	4.65	25.05	30.90	4.70	26.65	32.50	4.90	24.80	30.65	4.65	24.85	30.70	4.70	25.15	31.00	4.75	
7.00-18	26.00	32.10	4.65	26.10	32.20	4.70	27.70	33.80	4.90	25.85	31.95	4.65	25.90	32.00	4.70	26.20	32.30	4.75	
7.00-19	26.55	32.90	4.65	26.65	33.00	4.70	28.25	34.60	4.90	26.40	32.75	4.65	26.45	32.80	4.70	26.75	33.10	4.75	
7.00-20	27.40	34.00	4.90	27.50	34.10	4.95	29.10	35.70	5.15	27.25	33.85	4.90	27.30	33.90	4.95	27.60	34.20	5.00	
7.00-21	34.50	4.90																	
7.00/7.50-15	28.10	34.85	5.25	28.20	34.95	5.30	29.80	36.55	5.50	27.95	34.70	5.25	28.00	34.75	5.30	28.30	35.05	5.35	
7.00/7.50-17	30.80	4.65																	
7.00/7.50-18	32.10	4.65																	
7.00/7.50-19	32.90	4.65																	
7.00/7.50-20	34.00	4.90																	
7.50/50	28.10	34.80	5.25	28.20	34.90	5.30	29.80	36.55	5.50	27.95	34.65	5.25	28.00	34.70	5.30	28.30	35.00	5.35	
7.50-16	29.10	36.15	5.45	29.20	36.25	5.50	30.80	37.85	5.70	28.95	36.00	5.45	29.00	36.05	5.50	29.30	36.35	5.55	
7.50-17	41.50	4.65																	
7.50-18	45.45	4.65																	
7.50-19	45.70	6.25																	
8.25-15	31.70	6.85	31.80		6.90	33.40				7.10	31.55		6.85	31.60		6.90	31.90		
8.25-16	41.60	7.00		41.70	7.05		43.30	7.25		41.45	7.00		41.50	7.05		41.80	7.10		
30 x 3	8.35	2.85	8.																

FEDERAL REGISTER, Saturday, February 3, 1945

SCHEDULE 2—MAXIMUM RETAIL PRICES FOR NEW TRUCK AND BUS, STOP-START AND MUD AND SNOW TRUCK TIRES AND TUBES

SCHEDULE 2—MAXIMUM RETAIL PRICES FOR NEW TRUCK AND BUSES, STOP-START AND MUD AND SNOW TRUCK TIRES AND TIRES

Tire and tube size	Shop-start size No.	Ply	First judicial division			Cordova, Kodiak, Valdez, and Seward			Nome and other west coast towns			Anchorage			Palmer and points on railroad south of Curry			Fairbanks, Curry, and points on railroad north of Curry			
			Truck and bus	Mud and snow	Tube	Truck and bus	Mud and snow	Tube	Truck and bus	Mud and snow	Tube	Truck and bus	Mud and snow	Tube	Truck and bus	Mud and snow	Tube	Truck and bus	Mud and snow	Tube	
11.00-20	14	\$146.75	\$153.50	\$146.85	\$146.85	\$153.60	\$135.10	\$135.10	\$149.20	\$15.95	\$150.55	\$15.95	\$157.80	\$15.95	\$150.80	\$139.05	\$157.55	\$16.15	\$152.80	\$16.35	
11.00-22	12	128.95	\$135.00	129.05	129.05	130.95	130.95	130.95	131.40	131.40	131.40	131.40	142.30	142.45	143.50	143.50	143.50	17.05	17.05	17.45	
11.00-24	14	133.95	139.85	138.70	138.70	134.05	134.05	134.05	138.40	138.40	138.40	138.40	142.45	142.45	143.50	143.50	143.50	18.80	18.80	18.80	
11.00-26	14	134.00	139.85	138.70	138.70	134.10	134.10	134.10	138.40	138.40	138.40	138.40	142.45	142.45	143.50	143.50	143.50	18.80	18.80	18.80	
12.00-20/40x10	16	182.60	167.30	20.50	159.70	187.40	20.50	159.70	20.50	181.00	182.05	20.60	181.00	182.05	182.05	182.05	182.05	171.10	171.10	171.35	
12.00-22	14	184.70	187.70	20.50	184.80	184.70	20.50	184.80	20.50	185.50	185.50	20.60	185.50	185.50	185.50	185.50	185.50	163.65	163.65	165.65	
12.00-24	14	185.60	187.70	22.10	163.70	185.60	22.10	163.70	22.10	186.05	186.05	22.20	186.05	186.05	186.05	186.05	186.05	186.75	186.75	186.75	
12.00-26	14	186.20	187.70	22.80	170.85	187.85	22.80	170.85	22.80	187.20	187.20	23.30	187.20	187.20	187.20	187.20	187.20	171.65	171.65	171.65	
12.00-28	16	188.20	187.70	22.80	198.95	188.20	22.80	198.95	22.80	199.00	199.00	22.90	199.00	199.00	199.00	199.00	199.00	174.55	174.55	174.55	
12.00-30	16	188.20	187.70	22.80	198.95	188.20	22.80	198.95	22.80	199.00	199.00	22.90	199.00	199.00	199.00	199.00	199.00	182.55	182.55	182.55	
12.00-31/44x10	16	188.20	187.70	22.80	198.95	188.20	22.80	198.95	22.80	199.00	199.00	22.90	199.00	199.00	199.00	199.00	199.00	174.55	174.55	174.55	
12.00-32	16	188.20	187.70	22.80	198.95	188.20	22.80	198.95	22.80	199.00	199.00	22.90	199.00	199.00	199.00	199.00	199.00	174.55	174.55	174.55	
13.00-20	16	220.45	220.45	22.00	220.45	220.45	22.00	220.45	22.00	221.00	221.00	22.50	221.00	221.00	221.00	221.00	221.00	224.25	224.25	224.25	
13.00-24	16	240.70	240.70	30.00	240.80	240.70	30.00	240.80	30.00	243.15	243.15	30.50	243.15	243.15	243.15	243.15	243.15	244.50	244.50	244.50	
13.00-28	16	242.85	254.00	31.30	242.95	254.00	31.30	242.95	31.30	245.30	245.30	31.80	245.30	245.30	245.30	245.30	245.30	248.80	248.80	248.80	
14.00-20	18	267.00	267.00	31.30	267.10	274.40	31.30	267.10	31.30	269.45	269.45	31.80	269.45	269.45	269.45	269.45	269.45	273.05	273.05	273.05	
14.00-24	16	267.00	267.00	31.30	267.10	274.40	31.30	267.10	31.30	270.80	270.80	31.80	270.80	270.80	270.80	270.80	270.80	273.05	273.05	273.05	
14.00-28	16	267.00	267.00	31.30	267.10	274.40	31.30	267.10	31.30	270.80	270.80	31.80	270.80	270.80	270.80	270.80	270.80	273.05	273.05	273.05	
14.00-32	16	288.05	304.25	35.65	288.15	304.25	35.65	288.15	35.65	290.05	290.05	36.05	290.05	290.05	290.05	290.05	290.05	296.50	296.50	296.50	
14.00-36	16	288.05	304.25	35.65	288.15	304.25	35.65	288.15	35.65	290.05	290.05	36.05	290.05	290.05	290.05	290.05	290.05	296.50	296.50	296.50	
14.00-40	16	288.05	304.25	35.65	288.15	304.25	35.65	288.15	35.65	290.05	290.05	36.05	290.05	290.05	290.05	290.05	290.05	296.50	296.50	296.50	
14.00-44	16	288.05	304.25	35.65	288.15	304.25	35.65	288.15	35.65	290.05	290.05	36.05	290.05	290.05	290.05	290.05	290.05	296.50	296.50	296.50	
15.00-24	16	300.00	300.00	54.00	64.65	427.05	64.65	427.05	64.65	427.15	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75
15.00-28	16	300.00	300.00	54.00	64.65	427.05	64.65	427.05	64.65	427.15	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75
15.00-32	16	300.00	300.00	54.00	64.65	427.05	64.65	427.05	64.65	427.15	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75
15.00-36	16	300.00	300.00	54.00	64.65	427.05	64.65	427.05	64.65	427.15	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75
15.00-40	16	300.00	300.00	54.00	64.65	427.05	64.65	427.05	64.65	427.15	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75
15.00-44	16	300.00	300.00	54.00	64.65	427.05	64.65	427.05	64.65	427.15	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75
15.00-48	16	300.00	300.00	54.00	64.65	427.05	64.65	427.05	64.65	427.15	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75
15.00-52	16	300.00	300.00	54.00	64.65	427.05	64.65	427.05	64.65	427.15	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75
15.00-56	16	300.00	300.00	54.00	64.65	427.05	64.65	427.05	64.65	427.15	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75
15.00-60	16	300.00	300.00	54.00	64.65	427.05	64.65	427.05	64.65	427.15	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75
15.00-64	16	300.00	300.00	54.00	64.65	427.05	64.65	427.05	64.65	427.15	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75
15.00-68	16	300.00	300.00	54.00	64.65	427.05	64.65	427.05	64.65	427.15	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75
15.00-72	16	300.00	300.00	54.00	64.65	427.05	64.65	427.05	64.65	427.15	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75
15.00-76	16	300.00	300.00	54.00	64.65	427.05	64.65	427.05	64.65	427.15	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75
15.00-80	16	300.00	300.00	54.00	64.65	427.05	64.65	427.05	64.65	427.15	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75
15.00-84	16	300.00	300.00	54.00	64.65	427.05	64.65	427.05	64.65	427.15	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75
15.00-88	16	300.00	300.00	54.00	64.65	427.05	64.65	427.05	64.65	427.15	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75
15.00-92	16	300.00	300.00	54.00	64.65	427.05	64.65	427.05	64.65	427.15	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75
15.00-96	16	300.00	300.00	54.00	64.65	427.05	64.65	427.05	64.65	427.15	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75
15.00-100	16	300.00	300.00	54.00	64.65	427.05	64.65	427.05	64.65	427.15	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75
15.00-104	16	300.00	300.00	54.00	64.65	427.05	64.65	427.05	64.65	427.15	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75
15.00-108	16	300.00	300.00	54.00	64.65	427.05	64.65	427.05	64.65	427.15	64.75	504.55	64.75	504.55	64.75	504.55	64.75	504.55	64.75		

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Appendix A—Waivers of Navigation and Vessel Inspection Laws and Regulations

LOAD LINES FOR CERTAIN FOREIGN VESSELS

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

Now, therefore, I find it necessary in the conduct of the war that there be waived compliance with the act of March 2, 1929, c. 508, 45 Stat. 1492, as amended (46 U.S.C. 85–85g), relating to load lines for vessels making foreign sea voyages, to the following extent and subject to the following conditions:

To the extent necessary to permit foreign vessels belonging to countries allied with the United States in the war effort and which are engaged in business connected with the conduct of the war to load to the same seasonal load lines as permitted for vessels of the United States proceeding on similar voyages by the United States regulations relating to load lines (46 CFR, Cum. Supp., Parts 43 and 48), and waivers of compliance therewith having general applicability, provided such vessels are marked with load lines in accordance with the provisions of the International Load Line Convention and have on board a valid Load Line Certificate. Nothing contained in this waiver shall be construed as relieving any foreign vessel or her master or operators from their responsibilities under the law of the country to which the vessel belongs.

Dated: January 31, 1945.

R. R. WAESCHE,
Vice Admiral, U. S. Coast Guard
Commandant.

[F. R. Doc. 45-1967 Filed, Feb. 2, 1945;
9:56 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[No. 3666]

PARTS 71-85—TRANSPORTATION OF EXPLOSIVES¹

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of January, A. D., 1945.

¹ Parts 1, 1A, 2, 3, 4, and 7 in this order appear in CFR as Parts 71 to 85.

It appearing, that pursuant to section 233 of the Transportation of Explosives Act approved March 4, 1921, (41 Stat. 1445), and Part II of the Interstate Commerce Act, the Commission has formulated and published certain regulations for transportation of explosives and other dangerous articles;

It further appearing, that in applications received we are asked to amend the aforesaid regulations as set forth in provisions made part hereof;

And it further appearing, that amendments involved in said applications, having been considered and found to be in accord with the best-known practicable means for securing safety in transit and with the need therefor for promoting safety of operation and standards of equipment used in the transportation of said dangerous articles:

It is ordered, That the aforesaid regulations for transportation of explosives and other dangerous articles be, and they are hereby, amended as follows:

Part 1—General Information and Regulations (CFR 71)

Delete all references to and provisions in the regulations effective Jan. 7, 1941, as amended, including that on the title page, and in the order of Aug. 16, 1940, section 110 (a) (15), and other places, resulting from the order of November 5, 1921, authorizing combination flat and tank car for gasoline. The order of Nov. 5, 1921, is hereby canceled.

Part 1A—War Emergency Regulations (CFR 74)

Superseding and amending paragraphs (a) (1), (a) (2), and (a) (5), section N, order June 24, 1944, as follows (mixed loading of explosives, same car or vehicle):

Article	Classed as	Exemptions and packing (sec.)	Label	Maximum quantity, express
(Add) Aluminum dross.	See sec. 154A ² .			
(Add) Calcium hypochlorite compounds, dry, containing more than 8.80 per cent available oxygen (39 per cent available chlorine).	Oxy. M.	160A	Yellow	100 pounds.
(Add) Calcium resinate, fused.	Oxy. M.	No exemption, 166	Yellow	125 pounds.
(Add) Grenades, hand or rifle, smoke, Expl. B. See Fireworks.	Inf. S.	153, 175A	Yellow	100 pounds.
(Add) Magnesium scrap (shavings, borings, or turnings).	Expl. B.	No exemption, 65	Red ³	10 pounds.
(Change) Smokeless powder for small arms in quantity not exceeding 50 pounds, net weight.	Expl. A.	No exemption, 65		Not accepted.
(Change) Smokeless powder for small arms in quantity exceeding 50 pounds, net weight.	Expl. C.	No exemption, 69		150 pounds.
(Add) Tracers.				

² Required for rail express and water shipments only.

Part 3—Regulations Applying to Shippers (CFR 75)

Superseding and amending paragraph (c) (4) (b), section 60, order March 29, 1944, to read as follows (packing black pellet powder primed with an electric squib):

(c) (4) (b) Spec. 14, 15A, or 16A. Wooden boxes with inside cartridges as required by section 60 (b) (6) (c).

Superseding and amending caption and paragraph (f), section 69, order Aug. 16, 1940, to read as follows:

(a) Explosives by rail freight or motor vehicle—(1) Shippers' and carriers' regulations handling detonating agents and explosives and explosive ammunition in same car or vehicle. Detonating fuzes, primer-detonator assemblies or other detonating elements containing explosive components, if of a safe type, may be shipped either assembled in bombs, depth charges, mines, projectiles, or torpedoes (torpedo warheads) or in properly packed containers in the same car or vehicle with bombs, depth charges, mines, projectiles, boosters, or torpedoes (torpedo warheads) when separated from the explosive bombs, depth charges, mines, projectiles, boosters, or torpedoes (torpedo warheads) by not less than 3 feet. The intervening space of 3 feet must be filled with dry sand or dry earth in bags or in a crib so constructed or lined as to prevent sifting of the sand or earth. The crib must be secured against movement.

(2) Blasting caps or electric blasting caps may be loaded in the same car or vehicle with other explosives provided the blasting caps are separated from the other explosives as prescribed in subparagraph (1) herein.

(5) Shipments of explosive bombs and large containers of incendiary bombs weighing 500 pounds or more, each, may be loaded in stock cars or in gondola cars (flat bottom) when adequately braced. When necessary, wooden boxed bombs must be protected against accidental ignition.

Part 2—List of Explosive and Other Dangerous Articles (CFR 73)

Superseding and amending list, section 4, orders Aug. 16, 1940, and Sept. 7, 1944, as follows:

Fuzes—Percussion, Combination, Time, Tracer, Etc., and Tracers

(f) No restrictions other than proper description, packing, and marking are prescribed herein for the transportation of percussion, tracer, time, or combination fuzes, or tracers.

Amending order Aug. 16, 1940, as follows (packing aluminum dross) (Add):

154A Aluminum dross must not be shipped when hot or when containing moisture liable to cause heating or fire during transportation.

Amending order Aug. 16, 1940, as follows (packing calcium hypochlorite compounds, dry, etc.) (Add):

160A *Calcium hypochlorite compounds, dry, containing more than 8.80 per cent available oxygen (39 per cent available chlorine) must be packed in specification containers as follows:*

Spec. 6A, 6B, or 6C.—Metal barrels or drums.

Spec. 17E, 37D, 37E, or 37F.—Metal drums (single-trip).

Outside packages, containing inside containers of glass or metal, not over five pounds capacity each, are exempt from these regulations.

Superseding and amending par. (a), section 166, order Sept. 7, 1944, to read as follows (packing cobalt resinate, etc.):

166 (a) *Cobalt resinate, precipitated, calcium resinate, and calcium resinate fused, must be packed in specification containers as follows:*

Amending order Aug. 16, 1940, as follows (packing magnesium scrap) (Add):

175A *Magnesium scrap (shavings, borings, or turnings), when shipped in carloads or truckloads, must be packed in tightly and securely closed metal barrels, wooden barrels, metal pails, or four-ply paper bags. In less-than-carload or less-than-truckload quantities it must be packed in tightly and securely closed metal drums, metal pails, or wooden barrels.*

Superseding and amending paragraphs (b), (c), (h) (1), (h) (2), and (h) (3), section 264, order Aug. 16, 1940, Nov. 8, 1941, Sept. 7, 1944, or Oct. 25, 1944, to read as follows (packing hydrofluoric acid):

264 (b) *Containers must not be entirely filled. Unless otherwise provided herein, sufficient outage (vacant space) must be allowed so that the liquid portion will not completely fill the container at 130° F. in order to prevent leakage or distortion of containers due to the expansion of the contents from increase in temperature during transit.*

(c) *Spec. 15A, 15B, 15C, 16A, or 19A. Wooden boxes with inside containers of India rubber, ceresine, lead, or other hydrofluoric acid resistant material. These containers are authorized only for strengths of acid for which they are adequate, but in no case may the strength of acid exceed 65 percent.*

(h) (1) *Spec. 5A. Unlined metal barrels or drums which have been subjected to adequate passification or neutralization process (see note). Authorized only for acid of not less than 60 percent and not more than 80 percent strength and all containers must be filled to not over 80 percent of capacity at 68° F. If containers are washed out with water, they must be repassified before reshipment.*

(Note to remain as is, see order Sept. 7, 1944.)

(h) (2) *Containers not exceeding 55 gallons capacity each are authorized for carload, truckload, less-than-carload, and less-than-truckload shipment. Containers exceeding 55 gallons capac-*

ity each are authorized for carload or truckload shipments only but they must be loaded by consignor and unloaded by consignee.

(h) (3) *For less-than-carload or less-than-truckload shipments, containers must be of metal at least as heavy as 14 gage United States Standard for not over 20 gallons capacity each or 12 gage for not over 55 gallons capacity each. Each container must be subjected to at least one of the following tests before shipment: By interior pressure of at least 15 pounds per square inch before filling or by holding for inspection for at least 24 hours after filling. In either case, each container must be vented prior to shipment.*

(Note to remain as is, see order Oct. 28, 1942.)

Amending section 272, order Aug. 16, 1940 (packing sulfuric acid) (Add):

(f) (2) *Because of the present emergency and until July 1, 1945, unless further ordered by the Commission, tank cars of ICC specification 103 type as follows are authorized for transportation of sulfuric acid of not exceeding 98 percent strength:*

Movement is permitted in any case by one carrier only, with no yard switching by hump track or otherwise.

Each movement shall consist only of draft, cut, or block of acid cars, with motive power and caboose, from plant of acid producer to user, or return, maximum movement in one direction of 25 miles, at speed to promote the greatest degree of safety.

Tanks must be stenciled on each side immediately above specification classification markings, with the marking "Sulfuric acid only not over 98 percent until 7-1-45."

Cars must be unloaded through expansion dome manhole with dip pipe and pump.

Initials and numbers of cars used under this authority must be promptly furnished by party applying marking prescribed herein to the Secretary, Mechanical Division, A. A. R., Bureau of Explosives, and Office of Defense Transportation.

Advance arrangements must be made with carriers, including notification and instructions to employees handling movement of the hazards involved.

In all other respects the requirements of these regulations must be complied with.

To minimize the hazards in these movements, the following measures should also be taken, if opportunity is afforded:

Safety valves should be removed from their flanges, one flange closed with a threaded plug, and safety vent of approved design mounted on other flange.

Use of cars with bottom outlets should be limited to those with metal to metal (preferably positive-type) valves.

Inside of seams between domes and tanks should be calked with lead.

Dome pockets should be provided with drain holes prescribed by paragraph 9 (b) of specification 103A.

This authority is granted upon application of the Office of Defense Transpor-

tation, and shall only become effective upon advice to carriers from the O. D. T. of movements to be made, together with information as to the number of cars to be used in this service, and the points between which they will be operated.

Amending paragraph (n) (2), section 303, order Aug. 16, 1940, as amended June 24, 1944, as follows (motor-vehicle transportation of liquefied petroleum gases in intrastate commerce) (Add):

Because of the present emergency and until further order of the Commission, non-ICC specification containers used for liquefied petroleum gases prior to June 15, 1943, under laws, rules, or regulations of the States in which they are located, and so long as they are maintained in safe transportation condition, are authorized for use in the transportation of those gases by common, contract, or private carrier by motor vehicle, in intrastate commerce only, within those States. All other requirements of the Commission for such transportation must be complied with. This authority does not apply to the cargo tanks of tank motor vehicles.

Amending paragraph (q) (1), table, section 303, order Jan. 8, 1944, as follows (compressed gases in tank cars):

(Delete) *Liquefied petroleum gas (pressure not exceeding 45 pounds gage per square inch at 105° F.):*

ARA-IV, ICC-104, and ICC-104W. Note 16. Delete Note 16 to section 303 (q) (1).

Superseding and amending addition to Note 8, paragraph (q) (1), section 303, order Sept. 7, 1944, to read as follows (compressed gases shipped in tank cars) (change):

Because of the present emergency and unless further ordered by the Commission, the current two-year period for tests, as amended Sept. 7, 1944, is extended to three years for tank cars used for shipping chlorine and operated under reporting marks SHPX Nos. 3320 to 3399, inclusive, and CWSX Nos. 16000 to 16037, inclusive, on which these tests are now overdue or pending. This addition also amends par. (f) of sec. 31, par. 15 of spec. 105A300, and order dated Dec. 18, 1941, as amended, adding Note to paragraph (q) (7) of sec. 303, as to cars herein described.

Superseding and amending paragraph (q) (1), Note 12, section 303, orders Nov. 8, 1941, and June 14, 1943, to read as follows (one-ton tanks on trucks and semitrailers):

NOTE 12. Tanks complying with specification 106A500, containing chlorine, anhydrous ammonia, sulphur dioxide, methyl chloride, dichlorodifluoromethane, monochlorodifluoromethane, or monochlorotetrafluoroethane, may be transported on trucks or semitrailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary. See paragraph (b) (2), section 560, for rail freight-motor vehicle shipments.

Appendix—Shipping Container Specifications

Amending spec. 3 BN, order Aug. 16, 1940, as follows (heat treatment): (Delete) Paragraph 10.

Amending spec. 8, order Aug. 16, 1940, as follows (additional type cylinder): (Delete) Paragraph 21.

Superseding and amending paragraph 4 (a), spec. 9, order Sept. 7, 1944, to read as follows (duties of inspector):

(a) Verify compliance with the requirements of paragraph 5 of this speci-

fication by submitting copy of certified chemical analysis obtained from the steel manufacturer for each heat of steel; or if such evidence is lacking, then a sample from each coil or sheet must be analyzed and results submitted.

Amending paragraph 5, table, spec. 37F, order Aug. 16, 1940, as follows (parts and dimensions):

Marked capacity (gallons)	Authorized gross wt. (pounds)	Type of container	Welded side seam required	Minimum thickness in the blank (gage U. S. standard)	
				Body sheet	Head sheet
(Add ¹) 5 to 55.	275	St. side.....	No	24	24

¹Because of the present emergency and until further order of the Commission.

Superseding and amending paragraph 14 (a), spec. 103A, order Feb. 26, 1942, to read as follows:

14. *Safety vents.* (a) Safety valves prohibited, but a safety vent must be applied. Sulfuric acid, except oleum, mixed acid (nitric and sulfuric acid) (nitrating acid), and other fuming acids, may be transported in specification 103A tank cars having safety vents equipped with lead discs having $\frac{1}{8}$ -inch breather holes in the center thereof.

Part 4—Regulations Applying Particularly to Carriers by Rail Freight (CFR 80)

Superseding and amending paragraph (a) (1), section 532, order Aug. 16, 1940, to read as follows (loading packages of other dangerous articles into cars):

(a) (1) Shipments must be properly loaded in closed cars, except as otherwise provided herein, and cars placarded as prescribed, when accepted by carriers.

Superseding and amending paragraph (h) (5), section 532, order Aug. 16, 1940, to read as follows (loading corrosive liquids):

(h) (5) Less-than-carload shipments of electric storage batteries (wet) and electrolyte packed as required by section 258, must be so blocked and braced that they cannot change position during transit when cars are handled with reasonable care; and must be so loaded in box cars or on flat cars that other freight cannot fall onto or slide against them.

Part 7—Regulations Applying to Shipments Made by Way of Common, Contract, or Private Carriers by Public Highway (CFR 85)

Superseding and amending paragraph (g) (3), section 824, orders Nov. 8, 1941, and June 14, 1943, to read as follows (one-ton tanks on trucks and semitrailers):

(g) (3) Tanks complying with specification 106A500, containing chlorine, anhydrous ammonia, sulphur dioxide, methyl chloride, dichlorodifluoromethane, monochlorodifluoromethane, or monochlorotetrafluoroethane, may be transported on trucks or semitrailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for

through the embargoed territory will result in congestion at such terminals; the Commission is of opinion that an emergency exists requiring immediate action in all sections of the United States where such commodities are unloaded to prevent congestion of traffic. It is ordered, that:

(a) *Reconsignment prohibited.* No common carrier by railroad subject to the Interstate Commerce Act shall accept any diversion or reconsignment order from any consignor or consignee or agent thereof, or shall divert or reconsign pursuant to any such order any refrigerator car or cars loaded with fresh fruits or vegetables (not cold-packed) as described in Items 19235 to 19440, inclusive, in Consolidated Freight Classification No. 16, supplements thereto or successive issues thereof, to or through the States of Ohio, (not including lines of the Wabash Railroad or the territory included within the switching limits of Cincinnati), Pennsylvania, New York, New Jersey, Maryland, Delaware, District of Columbia and that portion of West Virginia and Virginia north of the line of the Chesapeake and Ohio Railroad extending from Huntington, West Virginia to Potomac Yard; which refrigerator car or cars are shipped from the original point of origin between 12:01 a. m., February 3, 1945 and 12:01 a. m., February 7, 1945.

(b) *Tariffs suspended.* The operation of all tariff rules and regulations insofar as they conflict with the provisions of this order is hereby suspended.

(c) *Announcement of suspension.* Each railroad, or its agent, shall publish, file and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (141 (k) of this chapter) announcing the suspension of the operation of any of the provisions therein and establishing the substituted provisions set forth herein.

(d) *Effective date.* This order shall become effective at 12:01 a. m., February 3, 1945.

(e) *Expiration date.* This order shall expire at 12:01 a. m., February 27, 1945, unless otherwise modified, changed, suspended, or annulled by order of this Commission. (40 Stat. 101; secs. 402, 418, 41 Stat. 476, secs. 4, 10, 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17))

It is further ordered, that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-1972; Filed, Feb. 2, 1945; 11:34 a. m.]

[S. O. 280]

PART 95—CAR SERVICE

RECONSIGNMENT OF FRESH FRUITS AND VEGETABLES PROHIBITED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of February, A. D. 1945.

It appearing, that, due to the placement of an embargo by the Association of American Railroads, on carload or less-than-carload freight consigned, reconsigned, or to be reconsigned to destinations in or moving via any railroad through certain eastern States, the loading and transportation of refrigerator cars loaded with fresh fruits or vegetables (not cold-packed) to terminals west or south of the embargoed territory for subsequent reconsignment into or

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-1972; Filed, Feb. 2, 1945; 11:34 a. m.]

Notices

INTERSTATE COMMERCE COMMISSION.

[S. O. 279]

UNLOADING OF OSL CAR AT LOS ANGELES, CALIF.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 1st day of February, A. D. 1945.

It appearing, that car OSL 137139, at Los Angeles, California, on the Atchison, Topeka and Santa Fe Railway Company, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

OSL 137139 at Los Angeles, California, be unloaded. (a) The Atchison, Topeka and Santa Fe Railway Company, its agents or employees, shall unload forthwith car OSL 137139 now on hand at Los Angeles, California.

(b) Said carrier shall notify the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., when such carload has been completely unloaded. Upon receipt of such notice this order shall expire. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17), 15 (2))

It is further ordered, that this order shall become effective immediately, and that a copy of this order and direction shall be served upon The Atchison, Topeka and Santa Fe 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. 45-1971; Filed, Feb. 2, 1945;
11:34 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order No. 4463]

HANS TONNIES

In re: Patents and interest of Hans Tonnies in agreements with Weston Electrical Instrument Corporation.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Hans Tonnies is a resident of Germany and is a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Hans Tonnies;

3. That the property described as follows: Property identified in Exhibit A attached hereto and made a part hereof,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 26, 1944.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

(a) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor and Title
Re. 21,140; 7-11-39; Hans Ferdinand Tonnes; Exposure apparatus for cameras.
2,247,323; 6-24-41; Hans Ferdinand Tonnies; Photograph exposure apparatus.

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Hans Tonnies by virtue of an agreement dated November 27, 1934 (including all amendments thereof and

supplements thereto, if any) by and between Hans Tonnies and Weston Electrical Instrument Corporation, which agreement relates, among other things, to United States Letters Patent No. 1,982,406,

(c) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Hans Tonnies by virtue of an agreement dated November 27, 1934 (including all amendments thereof and supplements thereto, if any) by and between Hans Tonnies and Weston Electrical Instrument Corporation, which agreement relates, among other things, to United States Letters Patent No. 2,067,843,

(d) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Hans Tonnies by virtue of an agreement dated April 28, 1939 (including all amendments thereof and supplements thereto, if any) by and between Hans Tonnies and Weston Electrical Instrument Corporation, which agreement relates, among other things, to United States Letters Patent No. 2,147,999,

(e) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Hans Tonnies by virtue of an agreement dated February 3, 1940 (including all amendments thereof and supplements thereto, if any) by and between Hans Tonnies and Weston Electrical Instrument Corporation, which agreement relates, among other things, to United States Letters Patent No. 2,185,934.

[F. R. Doc. 45-1916; Filed, Feb. 1, 1945;
11:16 a. m.]

[Vesting Order 4464]

FRITZ UNGERER AND LOUIS PLETSCH

In re: Reissue patents Nos. 20,403, 20,404 and 20,475, owned by Fritz Ungerer, and the interests of Louis Pletsch in an agreement with Edward W. Voss.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Fritz Ungerer is a resident of Germany and a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Fritz Ungerer;

3. That the property described as follows: Property identified in Exhibit A attached hereto and made a part hereof,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country," as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 26, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

(a) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Louis Pletsch by virtue of an agreement dated May 18, 1937 (including all modifications thereof and supplements thereto, if any) between Louis Pletsch and Edward W. Voss, which agreement relates, among other things, to United States Letters Patent No. 2,213,507.

(b) All right, title and interest, including all royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor, and Title

Re-20,403, 6-8-37 original 1,822,119, 9-8-31; Fritz Ungerer, Germany; Adjustable supporting mechanism, for straightening rolls of plate straightening machines.

Re-20,404, 6-8-37 (original 2,044,373, 6-16-36); Fritz Ungerer, Germany, Plate straightening machine.

Re-20,475, 8-17-37 (Original 2,049,142, 7-28-38); Fritz Ungerer, Germany, Plate straightening machine.

[F. R. Doc. 45-1917; Filed, Feb. 1, 1945;
11:16 a. m.]

[Vesting Order 4489]

SIEGFRIED JUNGHANS

In re: Interest of Siegfried Junghans in an agreement with Irving Rossi.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Siegfried Junghans is a resident of Germany and is a national of a foreign country (Germany);

No. 25—6

2. That the property described in subparagraph 3 hereof is property of Siegfried Junghans;

3. That the property described as follows: One-half of the interests and rights created in Siegfried Junghans by virtue of an agreement by and between Siegfried Junghans and Irving Rossi, evidenced in part by a letter dated August 29, 1939 from Siegfried Junghans to Irving Rossi, which agreement relates, among other things, to United States Letters Patent No. 2,135,183,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 1, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-1918; Filed, Feb. 1, 1945;
11:16 a. m.]

[Vesting Order 4490]

PROSPERO DE NOBILI

In re: Interests of Prospero DeNobili and members of his family in certain trade-marks, trade names and good will.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Prospero DeNobili and members of his family, whose last known addresses are

Italy, are nationals of a foreign country (Italy);

2. That the property described in subparagraph 3 hereof is property of Prospero DeNobili and members of his family;

3. That the property described as follows: All right, title and interest of whatsoever kind or nature, including without limitation any reversionary interest, under the statutory or common law of the United States and of the several States thereof, of Prospero DeNobili and members of his family in and to any and all good will of the business in the United States of DeNobili Cigar Company, and in and to any and all registered trademarks (including but not limited to Registrations Nos. 63905, dated July 16, 1937, expired, 79,193 dated August 16, 1910, renewed August 16, 1930, 134,625 dated September 14, 1920, renewed September 14, 1940, 157,923 dated August 22, 1922, renewed August 22, 1942, 160,446 dated October 24, 1922, renewed October 24, 1942, 240,355 dated March 27, 1928, 240,478 dated March 27, 1928, 241,071 dated April 17, 1928; 248,608 dated October 23, 1928, 250,597 dated December 11, 1928, 250,598 dated December 11, 1928, 251,390 dated January 8, 1929, 280,806 dated March 3, 1931, 290,359 dated January 5, 1932, 291,062 dated January 26, 1932, 382,636 dated November 5, 1940, 394,175 dated March 24, 1942) and unregistered trade-marks and trade names appurtenant to said business, and in and to every license, agreement, privilege, power and right of whatsoever kind or nature arising under or with respect thereto,

is property of, or is property payable or held with respect to trade-marks or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Italy);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 1, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-1919; Filed, Feb. 1, 1945;
11:16 a. m.]

[Vesting Order 4491]

ARTHUR FRITZ KOPPEL

In re: Interests of Arthur Fritz Koppel in an agreement with Radio Patents Corporation dated February 11, 1933.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Arthur Fritz Koppel is a resident of Germany and is a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Arthur Fritz Koppel;

3. That the property described as follows: All interests and rights (including all royalties and other monies payable or held with respect to such interests and right and all damages for breach of the agreement herein-after described, together with the right to sue therefor) created in Arthur Fritz Koppel by virtue of an agreement dated February 11, 1933 (including all modifications thereof and supplements thereto, if any) by and between Arthur Fritz Koppel and Radio Patents Corporation, which agreement relates, among other things, to United States Letters Patent No. 1,883,960,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 1, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-1920; Filed, Feb. 1, 1945;
11:17 a. m.]

[Vesting Order 4492]

MIX & GENEST A. G.

In re: Patent owned by Mix & Genest A. G.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Mix & Genest A. G. is a corporation organized under the laws of, and having its principal place of business in, Germany, and is a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Mix & Genest A. G.;

3. That the property described as follows: All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity, from any person, firm, corporation or government, for past infringement thereof, in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor and Title

1,786,666, 12-30-30, Otto Lohaus, Means for indicating current impulses, is property of a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 1, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-1921; Filed, Feb. 1, 1945;
11:17 a. m.]

[Vesting Order 4500]

C. LORENZ A. G. AND SIEMENS & HALSKE A. G.

In re: Patent owned by C. Lorenz A. G. and Siemens & Halske A. G. and the interests of these companies in an agreement with Ajax Electrothermic Corporation.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That C. Lorenz A. G. and Siemens & Halske A. G. are corporations organized under the laws of, and having their principal place of business in, Germany, and are nationals of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of C. Lorenz A. G. and Siemens & Halske A. G.;

3. That the property described as follows: Property identified in Exhibit A attached hereto and made a part hereof,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 3, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

(a) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity, from any person, firm, corporation or government, for past infringement thereof, in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor and Title

Re. 18,378; 2-4-30; Franz Wever; Process for the purification of metals.

(b) All interests and rights (including all accrued royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in C. Lorenz A. G. and Siemens & Halske A. G., and each of them, by virtue of an agreement dated March 20, 1930 (including all modifications thereof and supplements to such agreement, including, but without limitation, an agreement dated March 16, 1931 between C. Lorenz A. G., Siemens & Halske A. G. and Ajax Electrothermic Corporation; a letter dated July 8, 1935 from Ajax Electrothermic Corporation to C. Lorenz A. G.; a letter dated October 2, 1935 from C. Lorenz A. G. to Ajax Electrothermic Corporation; a letter dated November 12, 1935 from Ajax Electrothermic Corporation to C. Lorenz A. G.) by and between C. Lorenz A. G. and Siemens & Halske A. G. and Ajax Electrothermic Corporation, which agreement relates, among other things, to United States Letters Patent No. Re. 18,378.

[F. R. Doc. 45-1922; Filed, Feb. 1, 1945;
11:17 a. m.]

[Vesting Order 4503]

MIX & GENEST A. G.

In re: Patent owned by Mix & Genest A. G.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Mix & Genest A. G. is a corporation organized under the laws of, and having its principal place of business in, Germany, and is a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Mix & Genest A. G.;

3. That the property described as follows: All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity, from any person, firm, corporation or government, for past infringement thereof, in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor and Title

2,249,029; 7-15-41; Kurt Mullerheim; Motor driving device for selectors in communications systems, is property of a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 4, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-1923; Filed, Feb. 1, 1945;
11:17 a. m.]

[Vesting Order 4504]

C. LORENZ A. G.

In re: Patents and interest of C. Lorenz A. G. in an agreement with William Dubilier and Radio Patents Corporation.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That C. Lorenz A. G. is a corporation organized under the laws of, and having its principal place of business in Germany, and is a national of a foreign country (Germany);

2. That Felix Gerth and Fritz Gutzmann are residents of Germany, and are nationals of a foreign country (Germany);

3. That the property described in subparagraphs 5 (a) and 5 (b) hereof is property of C. Lorenz A. G.;

4. That the property described in subparagraph 5 (c) hereof is property of C. Lorenz A. G. and/or Felix Gerth and Fritz Gutzmann;

5. That the property described as follows: Property identified in Exhibit A attached hereto and made a part hereof,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1, a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 8, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

(a) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity, from any person, firm, corporation or government, for past infringement thereof, in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor and Title

1,798,415; 3-31-31; Walter Hahnemann; Simultaneous wireless broadcasting.

1,879,824; 9-27-32; Karl Schmidt; Speed regulator.

1,960,439; 5-29-34; Walter Hahnemann; Apparatus for distinguishing the fairway for ships and aircraft.

1,961,598; 6-5-34; Wilhelm Scheppmann; Wireless direction finder.

(b) All interests and rights (including all accrued royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in C. Lorenz A. G. by virtue of an agreement dated June 13, 1927 (including all modifications thereof and supplements thereto, if any) by and between William Dubilier, Radio Patents Corporation and C. Lorenz A. G., which agreement relates, among other things, to United States Letters Patent No. 1,877,858.

(c) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity, from any person, firm, corporation or government, for past infringement thereof, in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor and Title

1,800,996; 4-14-31; Felix Gerth and Fritz Gutzmann; Wireless signaling system.

[F. R. Doc. 45-1924; Filed Feb. 1, 1945;
11:17 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 188, Order 72 to 2d Rev. Order A-3]

CENTURY METALCRAFT CORP.

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 that:

(a) *Manufacturer's maximum prices.* Century Metalcraft Corporation, 6000 Avalon Blvd., Los Angeles 3, California, may sell and deliver to Sears-Roebuck and Company the articles of aluminum kitchen utensils listed below of its manufacture at prices no higher than its maximum prices for such sales in effect immediately prior to the effective date of this order, plus the adjustment charges set forth opposite each article. These adjustment charges apply only to those items for which a maximum price was established under Maximum Price Regulation No. 188 prior to the effective date of this order and may be made and collected only if separately stated on each invoice.

Article	Existing maximum prices	Adjustment	Adjusted maximum prices
2-quart covered sauce pan	\$1.58	\$0.20	\$1.78
3-quart covered sauce pan	1.85	.15	2.00
4-quart covered sauce pan	2.12	.10	2.22
Dutch oven with cover	2.55	.15	2.70
3-quart covered casserole	2.35	.15	2.50
3-quart open casserole	1.34	.15	1.49
Large oval roaster	3.30	.20	3.50
Covered skillet	2.00	.15	2.15
Open skillet	1.10	.15	1.25
Triplicate set with covers	6.33	.60	6.93

These adjusted prices are subject to the manufacturer's customary terms, discounts, allowances, and other pricing differentials in effect during March 1942 on sales to this purchaser.

(b) *Notification.* The manufacturer shall at the time of or prior to the first delivery of an article at an adjusted price permitted by this order notify the purchaser that the adjusted prices have been established by this order. This order does not authorize increased maximum prices for resales by the purchaser and no increased price may be charged or requested because of the adjusted maximum prices established for sales by the manufacturer.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 2d day of February 1945.

Issued this 1st day of February 1945.
JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-1944; Filed, Feb. 1, 1945;
11:50 a. m.]

[MPR 188, Order 80 Under Order A-2]

DUANE CHAIR CO.

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 Order A-2 under § 1499.159b of Maximum Price Regulation No. 188; it is ordered:

(a) *Manufacturer's maximum prices.* Duane Chair Company, Dalton, Georgia may add the following additional adjustment charges to its maximum prices for all sales and deliveries to the following classes of purchasers of the articles of furniture listed below, which it manufactures, resulting in the following adjusted maximum prices:

FOR SALES TO JOBBERS

Article	Model No.	Maximum price per dozen	Adjustment permitted by paragraph (d) of order No. 1052	Additional adjustment permitted by this order	Total adjusted maximum price per dozen
Stool	202 finished	\$9.80	\$0.49	\$1.37	\$11.66
	202 unfinished	8.20	.41	1.52	10.13
	203 finished	11.60	.58	1.51	13.69
Rocker	203 finished	10.00	.50	1.78	12.28
	470 finished	27.60	1.38	6.10	35.08
Chair	870 finished	23.20	1.16	7.66	32.02
	385 finished	8.40	.42	2.39	11.21
	11 unfinished	9.20	.46	2.41	12.07
	14 finished	18.60	.93	1.84	21.37
	14 unfinished	14.80	.74	2.39	17.93
	661-1 unfinished	14.00	.70	2.67	17.37
	425 unfinished	7.80	.39	1.53	9.72
	797 finished	14.80	.74	1.95	17.49

FOR SALES TO RETAILERS

Article	Model No.	Maximum price per dozen	Adjustment permitted by paragraph (d) of order No. 1052	Additional adjustment permitted by this order	Total adjusted maximum price per dozen
Stool	202 finished	\$11.03	\$0.55	\$1.39	\$12.97
	202 unfinished	9.28	.46	1.53	11.22
	203 finished	13.05	.65	1.63	15.23
Rocker	203 finished	11.25	.56	1.80	13.61
	470 finished	31.05	1.55	6.14	38.74
Chair	870 finished	26.10	1.31	7.69	35.10
	385 unfinished	9.45	.47	2.40	12.32
	11 unfinished	10.35	.52	2.42	13.29
	14 finished	20.93	1.05	1.86	23.84
	14 unfinished	16.65	.83	2.41	18.89
	661-1 unfinished	15.75	.79	2.68	19.22
	425 unfinished	8.78	.44	1.54	10.76
	797 finished	16.65	.83	1.97	19.45

The adjustment charges listed above may be made and collected only if each is separately stated on each invoice. The adjusted maximum prices are subject to the manufacturer's customary terms, discounts, allowances, and other price differentials in effect during March 1942.

(b) *Maximum prices of purchasers for resale.* Purchasers for resale of the articles covered by this order may add to their maximum prices as established under the applicable regulation, no more than the dollar-and-cents amount of the additional adjustment charge permitted for the manufacturer by this order, and for which they have become obligated: *Provided, however,* That when the applicable regulation requires the maximum price to be computed on the basis of cost, the amount used as the cost may not include any adjustment charge authorized for the manufacturer. On all sales, other than sales to the ultimate

consumer, this additional adjustment charge may be made and collected only if it is separately stated on each invoice. The adjusted maximum prices are subject to the seller's customary terms, discounts, and allowances on sales of the same or similar articles.

(c) *Notification.* At the time of, or prior to, the first invoice to a purchaser for resale, on and after the effective date of this order, for the sale of any article covered by this order at a price adjusted in accordance with the terms of this order, the seller shall notify the purchaser, in writing of the method established by paragraph (b) of this order for determining the adjusted maximum prices for resales of the articles. This notice may be given in any convenient form.

(d) *Profit and loss statement.* After the effective date of this order, Duane Chair Company shall submit to the Office of Price Administration, Washington, D. C., 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.

(f) This order shall become effective on the 2d day of February 1945.

Issued this 1st day of February 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-1942; Filed, Feb. 1, 1945;
11:48 a. m.]

[MPR 188, Order 21 Under Order 1052]

DUANE CHAIR CO.

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 paragraph (h) of Order No. 1052 under § 1499.159b of Maximum Price Regulation No. 188; it is ordered:

(a) *Manufacturer's maximum prices.* Duane Chair Company, Dalton, Georgia, may add the following additional adjustment charges to its maximum prices for all sales and deliveries to the following class of purchasers of the article of furniture listed below, which it manufactures, resulting in the following adjusted maximum prices:

FOR SALES TO JOBBERS

Article	Model No.	Maximum price per dozen	Adjustment permitted by paragraph (d) of order No. 1052	Additional adjustment permitted by this order	Total adjusted maximum price per dozen
Chair	597 finished	\$11.80	\$0.59	\$2.88	\$15.27

FOR SALES TO RETAILERS

Article	Model No.	Maximum price per dozen	Adjustment permitted by paragraph (d) of order No. 1052	Additional adjustment permitted by this order	Total adjusted maximum price per dozen
Chair	597 finished	\$13.28	\$0.66	\$2.90	\$16.84

The adjustment charges listed above may be made and collected only if each is separately stated on each invoice. The adjusted maximum prices are subject to the manufacturer's customary terms, discounts, allowances, and other price differentials in effect during March 1942.

(b) *Maximum prices of purchasers for resale.* Purchasers for resale of the articles covered by this order may add to their maximum prices as established under the applicable regulation, no more than the dollar-and-cents amount of the additional adjustment charge permitted for the manufacturer by this order, and for which they have become obligated: *Provided, however,* That when the applicable regulation requires the maximum price to be computed on the basis of cost, the amount used as the cost may not include any adjustment charge authorized for the manufacturer. On all sales, other than sales to the ultimate consumer, this additional adjustment charge may be made and collected only if it is separately stated on each invoice. The adjusted maximum prices are subject to the seller's customary terms, discounts, and allowances on sales of the same or similar articles.

(c) *Notification.* At the time of, or prior to, the first invoice to a purchaser for resale, on and after the effective date of this order, for the sale of any article covered by this order at a price adjusted in accordance with the terms of this order, the seller shall notify the purchaser, in writing, of the method established by paragraph (b) of this order for determining the adjusted maximum prices for resales of the articles. This notice may be given in any convenient form.

(d) *Profit and loss statement.* After the effective date of this order, Duane Chair Company shall submit to the Office of Price Administration, Washington, D. C., 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.

(f) This order shall become effective on the 2d day of February 1945.

Issued the 1st day of February 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-1940; Filed, Feb. 1, 1945;
11:50 a. m.]

[MPR 203, Amdt. 1 to Order 1]

VITAMIN A NATURAL OILS AND
CONCENTRATES

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered*, That Order No. 1 under § 1396.204 of Maximum Price Regulation No. 203 be amended by striking out of the last sentence the following words: "or on February 1, 1945, whichever is earlier".

This order shall become effective February 1, 1945.

Issued this 1st day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1952; Filed, Feb. 1, 1945;
4:33 p. m.]

[MPR 478, Order 136]

HILMA FABRICS

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 section 10 of Maximum Price Regulation 478, *It is ordered*:

(a) The maximum prices for sales of the following combined fabric, converted by Hilma Fabrics, 85 Leonard Street, New York, New York, shall be as follows:

Description

34" finished width, novelty knit cotton fabric, combined to osnaburg, \$1.16 per linear yard.

(b) With or prior to the first delivery to any person other than a cutter of the fabric covered by this order, the seller shall notify such person in writing that the maximum price for any resale of this fabric is that set forth in (a) above.

(c) All provisions of Maximum Price Regulation 478 not inconsistent with this order shall apply to sales covered by this order.

(d) All requests not granted herein are denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective February 3, 1945.

Issued this 2d day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1984; Filed, Feb. 2, 1945;
11:52 a. m.]

[MPR 574, Order 1]

LIVE BOVINE ANIMALS (CATTLE AND CALVES)

MAXIMUM PERCENTAGE OF CATTLE SLAUGHTERED WHICH MAY CONSIST OF GOOD AND CHOICE GRADES

For the reasons set forth in the accompanying opinion and pursuant to the provisions of section 14 of Maximum Price Regulation No. 574—Live Bovine Animals (Cattle and Calves); it is hereby ordered:

(a) *Prohibition against slaughter of a greater percentage of Good and Choice cattle than that established by this order.* No slaughterer subject to the provisions of section 14 of Maximum Price Regulation No. 574 shall slaughter at any slaughtering establishment during any accounting period a greater percentage of Good and Choice cattle than that established by the provisions of this order for such establishment during such accounting period.

(b) *How maximum permitted percentages are determined.* (1) Of the total amount of all cattle (including 4-H or other Club cattle and all other cattle

regardless of when purchased) slaughtered by each slaughterer subject to the provisions of section 14 of Maximum Price Regulation No. 574 at each slaughtering establishment during each accounting period, the maximum percentage which may consist of Good and Choice cattle shall be determined by finding the zone specified in paragraph (c) (1) of this order in which such establishment is located and the maximum percentage specified in paragraph (c) (2) of this order applicable to such zone and to such accounting period.

(2) Of the total amount of all cattle (including 4-H or other Club cattle and all other cattle regardless of when purchased) slaughtered by each slaughterer subject to the provisions of section 14 of Maximum Price Regulation No. 574 at each slaughtering establishment during each accounting period, the maximum percentage which may consist of Good and Choice cattle shall be the percentage specified in paragraph (c) (2) of this order applicable to such accounting period and to the zone in which such slaughtering establishment is located.

(c) *Zones; maximum permitted percentages; and accounting periods.* (1) The following zones are established for the purposes of this order:

(i) *Zone A.* All states west of and including Montana, Wyoming, Colorado, New Mexico and that part of Texas which is south of the 32nd parallel and which is west of the 103rd meridian.

(ii) *Zone B.* All states east and north of and including North Dakota, South Dakota, Nebraska, Kansas, Missouri, Kentucky and Virginia and including the District of Columbia.

(iii) *Zone C.* All states south of and including Oklahoma, Arkansas, Tennessee, North Carolina and Texas except that part which is south of the 32nd parallel and which is west of the 103rd meridian.

(2) The following percentages shall constitute the maximum percentages applicable to each of the two accounting periods ending on or about February 28, 1945, and on or about March 31, 1945, respectively:

(i) Zone A, 75 percent.

(ii) Zone B, 75 percent.

(iii) Zone C, 50 percent.

(d) *Definitions.* (1) The maximum percentages established by this order mean the dressed carcass weight of beef of Good and Choice grades expressed as a percentage of the dressed carcass weight of beef of all grades produced from the slaughter of cattle as specified in paragraph (b) of this order.

(2) The term "Good and Choice cattle" means cattle of Good and Choice grades (AA and A) determined on the basis of the carcass grade.

(3) Except as otherwise provided in this order, terms used in this order shall have the same meanings as are ascribed to such terms in Maximum Price Regulation No. 574.

(e) *How slaughter of Good and Choice cattle in excess of maximum permitted percentage during an accounting period affects maximum permitted percentage during succeeding accounting period.* (1)

The maximum percentages of cattle slaughtered which may consist of Good and Choice grades established by this order shall be subject to the provisions of section 14 (c) of Maximum Price Regulation No. 574.

(2) The provisions of section 14 (c) of Maximum Price Regulation No. 574 are in no way a substitution for the penalties and remedies provided by law for a violation of any of the provisions of this order.

(f) *Records and reports.* Each slaughterer subject to the provisions of section 14 of Maximum Price Regulation No. 574 shall keep all records and mail all reports as required by such regulation.

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

This order shall become effective February 1, 1945.

Issued this 1st day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1953; Filed, Feb. 1, 1945;
4:34 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-1022]

CONSOLIDATED ELECTRIC AND GAS 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, Pennsylvania, on the 30th day of January, A. D. 1945.

Notice is hereby given that Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, has filed a declaration with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 and rules and regulations promulgated thereunder.

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:

Consolidated proposes to sell to J. L. Terry of Princeton, New Jersey all of Consolidated's investment in Florida Public Utilities Company ("Florida") consisting of 71,550 shares of common stock par value \$10 per share (the total of such securities presently outstanding) for a base consideration of \$1,178,000. It is represented that the remaining outstanding securities of Florida consist solely of \$1,320,000 principal amount of First Mortgage Bonds, 4% Sinking Fund Series, due 1962, all of which are owned by four institutional investors.

It is further represented that the securities of Florida, owned by Consolidated, are pledged with the Continental Illinois National Bank and Trust Company of Chicago, Trustee, under the indenture securing the Collateral Trust Bonds of Consolidated. Consolidated proposes to deposit the proceeds of this sale with the said Trustee and thereafter to withdraw them as follows:

(a) In the event that the said sale to J. L. Terry is consummated prior to the time of the proposed retirement of the Southern Cities Utilities Company's First Lien and Collateral Trust 5% Bonds, Series A, due 1958 (a section 11 (e) plan relating to the retirement of the said bonds is now pending before this Commission—File No. 54-110), the proceeds of the said sale will be used for the payment and discharge of the Southern Cities Utilities Company's bonds as provided in the said section 11 (e) plan; or

(b) If the sale is consummated subsequent to the time described in (a) above, the proceeds thereof will be applied, to the extent necessary, to pay and discharge a contemplated bank loan by Consolidated to be made to assist in the effectuation of the above-mentioned retirement of the Southern Cities Utilities Company's bonds. Any remaining balance of the said proceeds will be used to effect the retirement of Collateral Trust Bonds of Consolidated, which are to be purchased from brokers in the open market or from holders thereof, but without solicitation, at the lowest price obtainable but not to exceed the principal amount of the said bonds, exclusive of brokerage fees. All such purchased bonds will be surrendered for cancellation by Consolidated to Continental Illinois National Bank and Trust Company of Chicago, as Trustee under the indenture securing said bonds.

Consolidated requests that the Commission find the proposed sale of the securities of Florida owned by Consolidated and the use of the proceeds derived from such sale, in the manner above described, appropriate to effectuate the provisions of section 11 (b) of the act and requests that any order, or orders, approving the proposed transaction contain the recitals and specifications prescribed by sections 371 (b), 371 (f), and 1808 (f) of the Internal Revenue Code, as amended.

The filing designates sections 12 (c) and 12 (d) of the act and Rule U-42 promulgated thereunder as being applicable to the proposed transactions and expressly request that the Commission except the proposed sale from the competitive bidding requirements of Rule U-50.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters and that said declaration shall not be permitted to become effective except pursuant to further order of this Commission;

It is ordered, That a hearing under the applicable provisions of the act and rules promulgated thereunder be held on February 14, 1945 at 11:00 a. m., e. w. t., at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as the hearing room clerk in Room 318 will at that time advise. All persons desiring to be heard or otherwise wishing to participate in the proceedings shall file with the Commission on or before February 10, 1945 a written request relative thereto as provided by Rule XVII of the Rules of Practice of the Commission.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing copies of this order by registered mail to Consolidated Electric and Gas Company and Florida Public Utilities Company and that notices of said hearing be given to all other persons by publication of this order in the FEDERAL REGISTER.

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 is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented by said declaration, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the consideration to be received for the securities of Florida is reasonable;

2. Whether the Commission should except the proposed sale from the competitive bidding requirements of Rule U-50;

3. Whether the use of the proceeds of the sale of the securities of Florida in the manner proposed by Consolidated is appropriate and in the interest of investors and consumers and in conformity with the applicable provisions of the Act and rules promulgated thereunder;

4. Whether the accounting entries to be made in connection with the proposed transactions are proper;

5. Whether the fees, commissions or other remunerations to be paid, directly or indirectly, in connection with the proposed transactions are reasonable;

6. Whether it is necessary or appropriate in the public interest or for the protection of investors and consumers to impose terms and conditions in connection with the proposed transactions;

7. Whether the proposed transactions comply with all the applicable provisions and requirements of the Public Utility Holding Company Act of 1935 and rules and regulations promulgated thereunder.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-1946; Filed, Feb. 1, 1945;
2:46 p. m.]

[File No. 70-837]

OHIO-MIDLAND LIGHT AND POWER CO. AND ASSOCIATED ELECTRIC COMPANY

ORDER GRANTING AND PERMITTING POST-EFFECTIVE AMENDMENT TO APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 31st day of January 1945.

The Commission having on September 7, 1944, issued its findings and opinion and order granting and permitting to become effective, subject to Rule U-24, the application-declaration, as amended, filed, pursuant to the Public Utility Hold-

ing Company Act of 1935, by Associated Electric Company (a registered holding company) and its wholly-owned subsidiary, Ohio-Midland Light and Power Company with respect to the proposed sale by Associated Electric Company of its entire interest in Ohio-Midland Light and Power Company; and

Such application - declaration, as amended, having stated that no fees for legal services would be incurred in connection with the proposed transactions since such services were to be performed by members of the staff of the Trustees of Associated Gas and Electric Company, a registered holding company of which both applicants-declarants were subsidiaries; and

Associated Electric Company having filed a post-effective amendment in which it is stated that it subsequently became necessary to employ outside counsel since the attorney on the staff of said Trustees familiar with the proposed transactions had resigned prior to their consummation, and that Associated Electric Company proposes to pay such counsel \$2,047.09 for legal services and necessary disbursements; and

It appearing to the Commission that the amount proposed to be paid is not unreasonable and is for necessary services;

It is ordered. That such post-effective amendment be and hereby is granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBois,
Secretary.

[F. R. Doc. 45-1960; Filed, Feb. 2, 1945;
9:37 a. m.]

[File No. 811-473]

LANDA CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 1st day of February, A. D. 1945.

An application having been filed by The Landa Corporation pursuant to section 8 (f) of the Investment Company Act of 1940 for an order declaring that the applicant has ceased to be an investment company within the meaning of said act;

It is ordered. Pursuant to section 40 (a) of said act, that a hearing on the aforesaid application be held on February 12, 1945 at 10:15 o'clock a. m., eastern war time, in Room 318, Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania;

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 the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers

granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBois,
Secretary.

[F. R. Doc. 45-1961; Filed, Feb. 2, 1945;
9:37 a. m.]

[File Nos. 54-66, 59-61]

FEDERAL WATER AND GAS CO., ET AL.

SUPPLEMENTAL ORDER REQUIRING SALE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 31st day of January A. D. 1945.

The Commission having on February 10, 1943 entered an order requiring, pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, that Federal Water and Gas Corporation ("Federal"), among other things, divest itself of all interest held by it directly or indirectly in the business conducted and properties owned by West Virginia Water Service Company ("West Virginia"); and approving, pursuant to section 11 (e) of said act, a plan filed by Federal and its subsidiaries providing, among other things, that Federal divest itself of its interests in West Virginia;

Federal having advised the Commission to the effect that it proposes to sell to Shea & Company 5000 shares of \$6 Cumulative Second Preference Stock, without par value, and 12,000 shares of Commission Stock, without par value, of West Virginia for the sum of \$1,675,000 (these securities being the only securities of West Virginia owned by Federal) and to apply the said proceeds of this divestment to the retirement on May 1, 1945 of \$1,098,000 principal amount of Federal's 5 1/2% Gold Debentures (the entire amount of such debentures presently outstanding), the balance of the proceeds (\$577,000), or an amount equivalent thereto, to be expended in a manner necessary or appropriate to the integration or simplification of the holding company system of which Federal is a member and pursuant to appropriate orders of this Commission where such orders are required by the act or the rules and regulations promulgated thereunder;

Federal having requested an order of the Commission with respect to said transactions conforming to the formal requirements specified in sections 371 (b), 371 (f) and 1808 (f) of the Internal Revenue Code, as amended, and containing the recitals and specifications required therein;

The Commission deeming the sale to be a step in compliance with the aforementioned divestment order with respect

to Federal and as necessary or appropriate to effectuate the provisions of section 11 (b) of said act and deeming it appropriate to grant the request of Federal;

It is hereby ordered and recited. That the sale by Federal Water and Gas Corporation of 5,000 shares of \$6 Cumulative Second Preference Stock, without par value, and 12,000 shares of Common Stock, without par value, of West Virginia Water Service Company for the sum of \$1,675,000 in cash and the use by Federal Water and Gas Corporation of the proceeds of the said sale to the extent necessary to acquire and retire \$1,098,000 principal amount of its 5 1/2% Gold Debentures due 1954 are necessary or appropriate to effectuate the provisions of section 11 (b) of the act and are necessary or appropriate to the integration and simplification of the holding company system of which Federal is a member.

By the Commission.

[SEAL] ORVAL L. DUBois,
Secretary.

[F. R. Doc. 45-1962; Filed, Feb. 2, 1945;
9:37 a. m.]

[File No. 811-280]

CARIB SYNDICATE, LTD.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 1st day of February A. D. 1945.

An application having been filed by Carib Syndicate, Limited pursuant to section 8 (f) of the Investment Company Act of 1940 for an order declaring that the applicant has ceased to be an investment company within the meaning of said act;

It is ordered. Pursuant to section 40 (a) of said act, that a hearing on the aforesaid application be held on February 12, 1945 at 10:00 o'clock a. m., eastern war time, in Room 318, Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania;

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 the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBois,
Secretary.

[F. R. Doc. 45-1963; Filed, Feb. 2, 1945;
9:37 a. m.]

[File Nos. 70-970, 70-977]

METROPOLITAN EDISON CO., ET AL.

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS 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 30th day of January 1945.

In the matter of Metropolitan Edison Company, NY PA NJ Utilities Company, File No. 70-970; The United Gas Improvement Company, Allentown-Bethlehem Gas Company, File No. 70-977.

NY PA NJ Utilities Company ("NY PA NJ"), a registered holding company, and its subsidiary, Metropolitan Edison Company ("Metropolitan") having filed a joint declaration pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 and Rule U-44 of the rules and regulations of the Commission promulgated thereunder regarding the sale by Metropolitan of all its gas utility assets to Allentown-Bethlehem Gas Company ("Allentown") and Harrisburg Gas Company ("Harrisburg"), both subsidiaries of The United Gas Improvement Company ("U. G. I."), a registered holding company, for an aggregate base price of \$1,425,000; and

Allentown and U. G. I. having filed joint applications and declarations and amendments thereto pursuant to sections 6 (b), 9, 10 and 12 (f) of the act and Rule U-43 thereunder regarding the issue and sale by Allentown to U. G. I. of 12,000 shares of common stock, par value \$50 per share, for \$600,000 in cash, and a 4% promissory note in the principal amount of \$600,000 maturing five years after the date of issue for \$600,000 in cash, the combined proceeds together with treasury cash to be used by Allentown to effect its purchase from Metropolitan; and the acquisition by U. G. I. of the proposed common stock and promissory note of Allentown; and

A consolidated public hearing having been held upon said declarations and applications and amendments thereto, after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinion herein

It is hereby ordered, Pursuant to the applicable provisions of said act, that, the aforesaid declarations, as amended, be, and hereby are, permitted to become effective forthwith, and the aforesaid applications, as amended, be, and hereby are, granted, subject, however, to the terms and conditions prescribed in Rule U-24 and to the additional condition that U. G. I. shall cause Allentown to

dispose of those portions of the gas properties being purchased from Metropolitan located in the Borough of Hamburg and vicinity, Berks County, Pennsylvania, and in the Borough of Pen Argyl and vicinity, Northampton County, Pennsylvania, on or before June 30, 1945, without prejudice, however, to the filing of an application for an extension of time if the circumstances so warrant.

By the Commission.

[SEAL] ORVAL L. DUBoIS,
Secretary.[F. R. Doc. 45-1964; Filed, Feb. 2, 1945;
9:38 a. m.]

the Commission's rules of practice be, and the same hereby is, extended to February 22, 1945.

By the Commission.

[SEAL] ORVAL L. DUBoIS,
Secretary.[F. R. Doc. 45-1965; Filed, Feb. 2, 1945;
9:38 a. m.]

[File No. 50-7]

NEW ENGLAND GAS AND ELECTRIC ASSOCIATION AND MARION GAS COMPANY

ORDER GRANTING EXEMPTION

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 February 1945.

New England Gas and Electric Association (New England), a registered holding company, having filed an application pursuant to Rule U-100, promulgated under the Public Utility Holding Company Act of 1935, for exemption from the requirements of Rules U-42 and U-43, promulgated under sections 12 (c) and 12 (f) of the act, with respect to the surrender by New England of all of the capital stock of Marion Gas Company (Marion), its wholly owned subsidiary, to Marion for cancellation, such stock consisting of 50 shares of common stock with a stated value of \$1,250, Marion to be thereafter dissolved; the utility assets of Marion to be purchased by New Bedford Gas and Edison Light Company (New Bedford), also a subsidiary of New England, for a cash consideration of \$60,096.81 as at November 30, 1944, pursuant to an order of the Massachusetts Department of Public Utilities approving such transaction; and

Columbia Gas & Electric Corporation having requested that the hearing in this matter be postponed until about February 27, 1945, and the Commission deeming it appropriate that said request be granted,

It is ordered, That the hearing in this matter previously scheduled for February 6, 1945 at 10:00 a. m., e. w. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, be, and hereby is, postponed to March 1, 1945, at the same hour and place and before the same trial examiner as herefore designated.

It is further ordered, That the time which any person desiring to be heard or otherwise to participate in the above proceeding shall file his request or application therefor with the Secretary of the Commission as provided in Rule XVII of

It appearing to the Commission that the requirements of Rules U-42 and U-43, as applied to such transaction, are not necessary or appropriate in the public interest or for the protection of investors or consumers, and that the sale by Marion of its utility assets and the acquisition thereof by New Bedford are exempt from the provisions of sections 9 (a) and 12 (f) of the act by virtue of section 9 (b) (1) of the act and paragraph (b) (2) of Rule U-43;

It is ordered, Pursuant to said Rule U-100, that the said application be, and hereby is, granted forthwith.

By the Commission.

[SEAL] ORVAL L. DUBoIS,
Secretary.[F. R. Doc. 45-1966; Filed, Feb. 2, 1945;
9:38 a. m.]