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VOLUME 10 NUMBER 36

Washington, Tuesday, February 20, 1945

The President

EXECUTIVE ORDER 9521

**REVOCATION OF CERTAIN EXECUTIVE ORDERS
PRESCRIBING REGULATIONS RELATING TO
THE DUTIES OF OFFICERS AND EMPLOYEES
OF THE FOREIGN SERVICE OF THE UNITED
STATES**

WHEREAS by Executive Order No. 9452 of June 26, 1944, as amended by Executive Order No. 9514 of January 18, 1945, the Secretary of State is authorized, with certain exceptions, to prescribe regulations and issue orders and instructions relating to the duties of officers and employees of the Foreign Service of the United States and the transaction of their business, as he may deem conducive to the public interest; and

WHEREAS it is desirable, in the interest of effective administration, that certain Executive orders, hereinafter referred to prescribing regulations relating to the duties of officers and employees of the Foreign Service of the United States and the transaction of their business, be revoked and regulations of the Secretary of State substituted therefor:

NOW, THEREFORE, by virtue of the authority vested in me by sections 202 and 1752 of the Revised Statutes of the United States (5 U. S. C. 156; 22 U. S. C. 132), and as President of the United States, it is ordered as follows:

The Executive Order of December 31, 1896 and Executive Orders No. 2262 of October 21, 1915, No. 3313 of July 21, 1920, No. 3731 of September 5, 1922, No. 4255 of June 18, 1925, No. 4605-A of March 8, 1927, No. 4943 of August 2, 1928, No. 6942 of January 8, 1935, No. 7543 of January 29, 1937, No. 7729 of October 16, 1937, No. 7826 of February 28, 1938, No. 7968 of September 3, 1938, No. 8016 of December 1, 1938, No. 8076 of April 4, 1939, No. 8077 of April 4, 1939, No. 8084 of April 11, 1939, No. 8181 of June 22, 1939, No. 8189 of July 5, 1939, No. 8196 of July 8, 1939, No. 8210 of July 17, 1939, No. 8292 of November 30, 1939, No. 8297 of December 4, 1939, No. 8307 of December 19, 1939, No. 8346 of February 12, 1940, No. 8352 of February 25, 1940, No. 8379 of March 19, 1940, No. 8396 of April 18, 1940, No. 8400 of April 29, 1940, No. 8439 of June 12, 1940, No. 8535 of September 6, 1940,

No. 8547 of September 24, 1940, No. 8672 of February 4, 1941, No. 8689 of February 19, 1941, No. 8818 of July 5, 1941, No. 8820 of July 11, 1941, No. 9191 of July 3, 1942, No. 9303 of February 11, 1943, No. 9407 of December 17, 1943, No. 9431 of March 20, 1944, No. 9450 of June 20, 1944, and No. 9507 of December 20, 1944, or any part of any of said Executive orders, are hereby revoked as of the dates of issuance of the orders or regulations of the Secretary of State that cover the subject-matter of and supersede the said Executive orders or parts thereof: *Provided, however,* That the Secretary of State shall designate, in each such order or regulation issued by him, the Executive order, or part thereof, the subject-matter of which is covered by such order or regulation and which such order or regulation is designed and intended to supersede, and shall cause such order or regulation to be published in the FEDERAL REGISTER; *And provided further,* That the revocation of any one of the Executive orders hereinbefore listed shall not constitute a revival of any Executive order specifically revoked by any of the listed orders.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 13, 1945.

[F. R. Doc. 45-2716; Filed, Feb. 17, 1945;
3:38 p. m.]

EXECUTIVE ORDER 9522

**TRANSFERRING THE TOMAH RADIO SCHOOL
PROPERTY AT TOMAH, WISCONSIN, TO THE
CONTROL AND JURISDICTION OF THE VET-
ERANS' ADMINISTRATION**

By virtue of and pursuant to the authority vested in me by section 1 of the act of March 3, 1925, 43 Stat. 1212, it is ordered that the Tomah Radio School property at Tomah, Wisconsin (sometimes referred to as the Tomah Indian School), formerly the United States Indian Industrial School Farm, as it now exists, containing 378 acres of land, together with all improvements thereon, be, and it is hereby, transferred from the control and jurisdiction of the Department of the Interior to the control and

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NOTICE

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FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 13, 1945.

[F. R. Doc. 45-2715; Filed, Feb. 17, 1945;
3:38 p. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration
(Distribution Orders)

[WFO 75-3, Amdt. 8]

PART 1410—LIVESTOCK AND MEATS

LARD SET ASIDE EXEMPTION FOR CALIFORNIA

War Food Order No. 75-3, as amended (9 F.R. 12948, 14272; 10 F.R. 726, 773), is further amended by deleting the period at the end of paragraph (b) (7), substituting a comma therefor, and adding immediately thereafter the following: "Provided, That for the period from February 4, 1945, to March 3, 1945, both inclusive, this requirement shall not be applicable to slaughterers located in the State of California."

This order shall become effective at 12:01 a. m., e. w. t., February 18, 1945. With respect to violations, rights accrued, liabilities incurred or appeals taken, prior to said date, under War Food Order No. 75-3, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability or appeal.

(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; WFO 75, 8 F.R. 11119, 9 F.R. 4319)

Issued this 16th day of February 1945.

H. E. REED,

Acting Director of Marketing Services.

[F. R. Doc. 45-2644; Filed, Feb. 16, 1945;
8:14 p. m.]

[WFO 126-1, Amdt. 1]

PART 1410—LIVESTOCK AND MEATS

LIVESTOCK SLAUGHTER PAYMENTS

War Food Order No. 126-1 (10 F.R. 1692) is amended to read as follows:

§ 1410.22 Establishment of classes of livestock and percentages of 1944 slaughter—(a) Classes of livestock and percentages. There are hereby established and certified to the Defense Supplies Corporation the following percentages of livestock slaughtered during the accounting periods of 1944 for use in determining maximum livestock slaughter payments, during corresponding accounting periods of 1945, to all slaughterers whose plants are not operated under Federal inspection:

	Percentage of live weight slaughtered during accounting period of 1944
Class of livestock:	
Cattle and calves.....	100
Hogs.....	50

(b) Effective date. This order shall become effective at 12:01 a. m., e. w. t., February 17, 1945. The percentages set forth herein shall apply to livestock slaughter payments made for accounting periods in 1945 which begin after February 25, 1945, and shall remain in effect until further order of the Director of Marketing Services.

(E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; WFO 126, 10 F.R. 1691)

Issued this 16th day of February 1945.

C. W. KITCHEN,

Director of Marketing Services.

[F. R. Doc. 45-2675; Filed, Feb. 17, 1945;
11:07 a. m.]

[WFO 22-7, Amdt. 1]

PART 1425—CANNED AND PROCESSED FOODS

CANNED CITRUS FRUIT AND CANNED CITRUS
FRUIT JUICES

War Food Order No. 22-7, as amended (9 F.R. 12333, 10 F.R. 103), is hereby further amended as follows:

1. By deleting the provisions of § 1425.9 (a) (2) and inserting in lieu thereof, the following:

(2) "Base period" means (i) with respect to grapefruit juice, orange juice, and orange juice and grapefruit juice blended, packed in California, the period commencing on December 1, 1943, and ending on November 30, 1944; and with respect to grapefruit juice, orange juice, and orange juice and grapefruit juice blended, packed in States other than California, the period commencing on August 1, 1943, and ending on July 31, 1944; (ii) with respect to grapefruit segments packed in California, the period commencing on December 1, 1944, and ending on November 30, 1945; and with respect to grapefruit segments packed in States other than California, the period commencing on August 1, 1944, and ending on July 31, 1945.

2. By adding the figure "(1)" immediately after the heading "Quota restrictions." in § 1425.9 (b), and further, by adding, at the end of the provisions in said § 1425.9 (b) (1) a new paragraph reading as follows:

(2) Each canner who, pursuant to the provisions of this order, is required to set aside any commodity listed in Column A of said Table 1 shall be deemed to have met the set-aside requirements of this order if he sets aside the entire quantity of the respective commodity which is in his possession on February 17, 1945, plus the quantity of such commodity which he packs during the remainder of the quota period after February 16, 1945, even though such amount is less than the quantity of the respective commodity required to be set aside by the provisions of this order: *Provided*, That any such quantity shall be equal to or greater than the quantity of such commodity which the canner was required to set aside by the provisions of this order in effect prior to February 17, 1945.

3. By deleting from Column B of Table 1 the figures "58", "39", "30", and "32" and inserting, in lieu thereof, the figures "100", "41", "56", and "49", respectively.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., February 17, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 22-7, as amended, prior to the effective time of the provisions hereof, the provisions of the said War Food Order No. 22-7, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(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; WFO 22, as amended, 8 F.R. 2243, 6397, 9 F.R. 4321, 4319, 9584, 10 F.R. 103)

Issued this 16th day of February 1945.

H. E. REED,

Acting Director of Marketing Services.

[F. R. Doc. 45-2674; Filed, Feb. 17, 1945;
11:07 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4943]

PART 3—DIGEST OF CEASE AND DESIST
ORDERS

SAMUEL L. COHN, ET AL.

§ 3.6 (a) Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—History: § 3.6 (a) Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Patent or other rights: § 3.6 (a) Advertising falsely or misleadingly—Business status, ad-

vantages or connections of advertiser—Plant and equipment: § 3.6 (a) Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer or seller—Manufacturer: § 3.6 (a) Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Service: § 3.6 (a) Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Size and extent: § 3.6 (a) Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Unique status or advantages: § 3.6 (a) 10 Advertising falsely or misleadingly—Comparative data or merits. In connection with the offering for sale, sale, and distribution of aluminum and aluminum alloys or products thereof in commerce, representing, directly or by implication, (1) that respondents manufacture or produce any aluminum or aluminum alloys, or manufacture or fabricate any aluminum or aluminum alloy products, or have any mills or factories for the manufacture or fabrication of any such products; (2) that respondents' business in aluminum and aluminum alloys, whether designated as Colonial Alloys Company, or by any other name, has been in existence for a longer period of time than is the fact; (3) that the nature, size, or extent of respondents' business, including physical properties owned, used, or occupied, is different from or greater than is the fact; (4) that respondents can make delivery of aluminum or aluminum alloys more quickly or with less delay than manufacturers or fabricators of such products, when in order to make the delivery offered respondents must, subsequent to receipt of orders, purchase such products from manufacturers or fabricators; (5) that the strength of aluminum alloys sold as Colalloy, or under any other name, in excess of minimum Army and Navy specifications for aluminum alloys is greater in any degree than that of other Army- and Navy-approved aluminum alloys; (6) that any aluminum or aluminum alloys offered for sale or sold by respondents under the name Colalloy, or under any other name, have greater tensile strength, greater yield strength, are susceptible of faster machining, have better formability, greater durability, will bend over sharper radii without cracking, or have other greater or better physical or mechanical characteristics than like aluminum and aluminum alloys offered for sale or sold by others; or (7) that respondents' claimed secret process, whether under the name "Colalloying", "Electronizing", or any other name, is capable of increasing or improving, or does increase or improve, in any way the physical or mechanical characteristics of aluminum or aluminum alloys; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Samuel L. Cohn, etc., et al., Docket 4943, December 30, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of December, A. D. 1944.

In the Matter of Samuel L. Cohn, Also Known as Pat Casey, and Charles C. Cohn, Also Known as Charles Cahn, Individuals and Copartners Trading as Colonial Alloys Company, Colonial Stove Company, and Base Products Company; and Edward Engel, an Individual

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence taken before an examiner of the Commission theretofore duly designated by it, report of the trial examiner and the exceptions thereto, briefs in support of and in opposition to the complaint, and the oral arguments of counsel, and the Commission having made its findings as to the facts and its conclusion that respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondents Samuel L. Cohn and Charles C. Cohn, copartners trading as Colonial Alloys Company, Colonial Stove Company, Base Products Company, or under any other name, jointly or severally, and respondent Edward Engel, directly or through any corporate device, in connection with the offering for sale, sale, and distribution of aluminum and aluminum alloys or products thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That respondents manufacture or produce any aluminum or aluminum alloys, or manufacture or fabricate any aluminum or aluminum alloy products, or have any mills or factories for the manufacture or fabrication of any such products.

2. That respondents' business in aluminum and aluminum alloys, whether designated as Colonial Alloys Company, or by any other name, has been in existence for a longer period of time than is the fact.

3. That the nature, size, or extent of respondents' business, including physical properties owned, used, or occupied, is different from or greater than is the fact.

4. That respondents can make delivery of aluminum or aluminum alloys more quickly or with less delay than manufacturers or fabricators of such products, when in order to make the delivery offered respondent must, subsequent to receipt of orders, purchase such products from manufacturers or fabricators.

5. That the strength of aluminum alloys sold as Colalloy, or under any other name, in excess of minimum Army and Navy specifications for aluminum alloys is greater in any degree than that of other Army- and Navy-approved aluminum alloys.

6. That any aluminum or aluminum alloys offered for sale or sold by respondents under the name Colalloy, or under any other name, have greater tensile strength, greater yield strength, are susceptible of faster machining, have better formability, greater durability, will bend over sharper radii without cracking, or have other greater or better physical or mechanical characteristics than like

aluminum and aluminum alloys offered for sale or sold by others.

7. That respondents' claimed secret process, whether under the name "Colalloying", "Electronizing", or any other name, is capable of increasing or improving, or does increase or improve, in any way the physical or mechanical characteristics of aluminum or aluminum alloys.

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

By the Commission,

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 45-2690; Filed, Feb. 17, 1945;
11:27 a. m.]

[Docket No. 5045]

PART 3—DIGEST OF CEASE AND DESIST
ORDERS

DANVILLE ENGRAVING CO.

§ 3.6 (b) Advertising falsely or misleadingly—Competitors and their products—Competitors' products: § 3.6 (m) 10 Advertising falsely or misleadingly—Manufacture or preparation: § 3.6 (y) 10 Advertising falsely or misleadingly—Scientific or other relevant facts: § 3.48 (b) Disparaging competitors and their products—Goods—Manufacture or preparation: § 3.48 (b) Disparaging competitors and their products—Goods—Prices. In connection with the offering for sale, sale, and distribution of respondent's photoengraving plates in commerce, representing, directly or by implication, (1) that respondent's photoengraving plates are etched to "double depth," or to any depth in excess of that to which said plates are in fact etched; (2) that the etching of a photoengraving plate to double depth results in a sharper, clearer, or more distinct impression; (3) that the wet plate process of making photoengraving plates requires more skill, patience, or experience than the film or dry plate process, or that the wet plate process produces better negatives than the film process; (4) that the imposition of the tax on film used in the film process of making photoengraving plates has resulted in higher prices to consumers of such plates; or (5) that the use of the wet plate process in making photoengraving plates affects the shape of the dots in such plates, or that round dots produce a sharper, clearer, or more satisfactory plate than square dots; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Danville Engraving Company, Docket 5045, January 16, 1945]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of January, A. D. 1945.

In the Matter of G. C. Council, Individually and Trading as Danville Engraving Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and the exceptions to such report, and briefs in support of and in opposition to the complaint (oral argument not having been requested); and the Commission having made its finding as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, G. C. Council, individually and trading as Danville Engraving Company, or trading under any other name, and his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of respondent's photoengraving plates in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing directly or by implication:

1. That respondent's photoengraving plates are etched to "double depth", or to any depth in excess of that to which said plates are in fact etched.
2. That the etching of a photoengraving plate to double depth results in a sharper, clearer, or more distinct impression.
3. That the wet plate process of making photoengraving plates requires more skill, patience, or experience than the film or dry plate process, or that the wet plate process produces better negatives than the film process.
4. That the imposition of the tax on film used in the film process of making photoengraving plates has resulted in higher prices to consumers of such plates.
5. That the use of the wet plate process in making photoengraving plates affects the shape of the dots in such plates, or that round dots produce a sharper, clearer, or more satisfactory plate than square dots.

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

By the Commission,

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 45-2783; Filed, Feb. 19, 1945, 11:58 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 51192]

PART 25—CUSTOMS BONDS

BONDS; MISSING DOCUMENTS

Sections 25.8 (a) and 25.17, Customs Regulations of 1943, relating respectively

to the execution of bonds by corporate principals and the waiver of requirements for production of documents, amended.

The third sentence of paragraph (a) of § 25.8, Customs Regulations of 1943 (19 CFR, Cum. Supp., 25.8 (a)), is hereby deleted and the following is substituted in lieu thereof:

§ 25.8 *Corporations as principals.* (a) * * * When the bond is to be approved by the Secretary of the Treasury or the Commissioner of Customs, the official character and authority of the person or persons executing the bond for the principal may be certified by the secretary, assistant secretary, or other officer of the corporation. Such certification shall be made by executing the certificate as to corporate principal appearing in the bond.

(Sec. 30, 52 Stat. 1089, sec. 624, 46 Stat. 759; 19 U.S.C. 1623, 1624)

Section 25.17, Customs Regulations of 1943 (19 CFR, Cum. Supp., 25.17), is hereby amended as follows:

Paragraph (a) is amended by changing the words "certified invoices" to "certified and commercial invoices."

Paragraph (b) is amended by changing the words "certified invoice" wherever they appear to "certified or commercial invoice" and by changing the words "statutory period" wherever they appear to "prescribed period."

Paragraph (f) is amended to read as follows:

(f) When a customs requirement supported by a bond is waived by the Bureau, the waiver may be unconditional, in which case the importer is relieved from the payment of liquidated damages, or it may be conditioned upon prior settlement of the bond obligation by payment of such liquidated damages, or upon such other terms and conditions, as the Commissioner of Customs may deem sufficient. When such a requirement is waived by the collector of customs pursuant to authority conferred upon him in these regulations, the waiver shall be unconditional.

(Sec. 30, 52 Stat. 1089, sec. 624, 46 Stat. 759; 19 U.S.C. 1623, 1624)

The certificates as to corporate principal appearing as parts of the customs bond forms will be appropriately amended as such forms are reprinted.

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: February 17, 1945.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 45-2726; Filed, Feb. 17, 1945; 3:50 p. m.]

TITLE 32—NATIONAL DEFENSE

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 1010—SUSPENSION ORDERS
[Suspension Order S-722]

JAECKEL MANUFACTURING CO., INC.

Jaeckel Manufacturing Company, Inc., 7 Beverly Street, Providence, Rhode Island, is engaged in the manufacture of jewelry. During the period from February 25, 1943 to June 30, 1943, the fourth quarter of 1943, and the first and second quarters of 1944, the corporation purchased, received and put into process silver in excess of its permitted quota for each of these periods, in violation of Conservation Order M-199. Between February 15 and July 7, 1943, the corporation purchased and received 67,508.57 ounces of foreign silver without the required certificate and for restricted uses on unrated orders, in violation of Conservation Order M-199. The corporation also failed to keep and preserve accurate and complete records of its inventories of silver and of the details of transactions in such material, in violation of Priorities Regulation No. 1. The responsible officers of the corporation were familiar with the provisions of Conservation Order M-199 and Priorities Regulation No. 1, and their actions constituted violations thereof.

These violations have diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.722 *Suspension Order No. S-722.* (a) The amount of silver put into process by Jaeckel Manufacturing Company, Inc. during the year 1942 for List B uses and for item 2 of List C uses is hereby determined and established at 97,604.89 troy ounces fine silver content, and unless otherwise specifically authorized in writing by the War Production Board, Jaeckel Manufacturing Company, Inc. shall from the effective date of this order, compute its quota of silver which it is entitled to purchase, accept delivery of or put into process for List B uses in any calendar quarter under Conservation Order M-199 on the basis of one-eighth (or any other percentage which Conservation Order M-199, as amended from time to time, may permit) of 97,604.89 troy ounces fine silver content.

(b) During the period between February 15, 1945 and March 31, 1945, the amount of silver which the Jaeckel Manufacturing Company, Inc. may purchase, accept delivery of, or put into process for List B uses as specified in Conservation Order M-199 is limited to 3650 troy ounces fine silver content, and for each of the subsequent calendar quarters of 1945 such amount is limited to 7300 troy ounces fine silver content, notwithstanding the quota it might otherwise be entitled to use, unless specifically authorized to the contrary by the War Production Board.

(c) The provisions of paragraph (b) shall not prevent Jaeckel Manufacturing Company, Inc. from accepting delivery of or putting into process silver furnished to it by another person for processing under a toll agreement.

(d) Nothing contained in this order shall be deemed to relieve Jaeckel Manufacturing Company, Inc. from any restriction, prohibition, or provision contained in any other order or regulation

of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(e) The restrictions and prohibitions contained herein shall apply to Jaeckel Manufacturing Company, Inc., its successors or assigns, or persons acting on its behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

Issued this 16th day of February 1945.

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

[F. R. Doc. 45-2670; Filed, Feb. 16, 1945;
4:41 p. m.]

PART 937—ZINC

[General Preference Order M-11-a, as
Amended Feb. 17, 1945]

ZINC OXIDE

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

§ 937.2 *General Preference Order M-11-a*—(a) *Scope of this order.* This order controls deliveries of lead-free zinc oxide from a producer or dealer. No producer or dealer shall deliver lead-free zinc oxide to any person, and no person shall accept delivery of lead-free zinc oxide from any producer or dealer, except as provided in this order. The order also restricts the use which may be made of the lead-free zinc oxide after it is received. The permitted uses will be found listed below in paragraph (e). Production of zinc oxide under toll agreement is restricted. This order makes inapplicable certain preference ratings used on purchase orders for leaded zinc oxide.

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

(1) "Zinc oxide" means all grades of zinc oxide, including lead-free and leaded produced from ores, concentrates, metallic zinc, or other primary material and from scrap, dross, ashes, skimmings, or other secondary material.

(2) "Lead-free zinc oxide" means all grades of zinc oxide containing 98 per cent or more of zinc as ZnO.

(3) "Producer" means any person producing zinc oxide and any person who has zinc oxide produced for him under a toll agreement.

(4) "Toll agreement" means any agreement by which title to material remains vested in a person other than the one processing the material.

(5) "Dealer" means any person who regularly receives physical delivery of zinc oxide and sells or holds the same for resale without change in form.

(6) "Production" means a producer's total production of zinc oxide as packed for sale.

(7) "Leaded zinc oxide" means all grades of zinc oxide containing less than 98% of zinc as ZnO and 2% or more of lead as PbSO₄.

(8) "Preferred order" means any purchase order for leaded zinc oxide or for a product containing leaded zinc oxide

(i) rated under Preference Rating Order P-65; or (ii) where the leaded zinc oxide or the product containing leaded zinc oxide is to be delivered, or used on or incorporated in material to be delivered, to the United States Army, Navy, Veterans' Administration, Marine Corps, Coast Guard, Maritime Commission, War Shipping Administration, Bureau of Engraving and Printing, U. S. Government Printing Office, or the government of any country whose defense the President deems vital to the defense of the United States pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(c) *Deliveries of lead-free zinc oxide.* Producers and dealers may deliver lead-free zinc oxide, and persons may accept delivery of lead-free zinc oxide from a producer or dealer, in the following cases only:

(1) *Small order delivery.* Deliveries from a producer or dealer may be accepted without the necessity of obtaining any specific authorization from the War Production Board if (i) The delivery in question, combined with all other deliveries of lead-free zinc oxide to the purchaser during that calendar month, from whatever source, will not aggregate more than two tons; (ii) The purchaser has not requested from the War Production Board authorization for that particular month to accept delivery of lead-free zinc oxide in any quantity—see paragraph (c) (5) below (a request to the War Production Board shall be deemed a request within the meaning of this paragraph, regardless of whether it has been granted or denied); (iii) The lead-free zinc oxide purchased will be used in the manufacture of the items or for the purposes specified in paragraph (e) of this order and not for resale; and (iv) The inventory of the purchaser is not, and will not upon acceptance of the delivery become, in excess of a forty-five day supply on the basis of his current method and rate of operation. The producer or dealer may make deliveries without any specific authorization from the War Production Board unless he knows or has reason to believe, that the delivery will be in violation of the provisions of this paragraph (c) (1) or that the lead-free zinc oxide delivered is to be used in violation of the restrictions of this or other applicable orders of the War Production Board.

(2) *Deliveries to dealers.* Deliveries may be made to and accepted by dealers.

(3) *Deliveries to Metals Reserve Company.* Deliveries may be made to and accepted by Metals Reserve Company for the sole purpose of stockpiling or redistribution.

(4) *Lead-free zinc oxide for export.* Deliveries may be made to and accepted by a person for export without change in the form of the lead-free zinc oxide provided the delivery is accepted pursuant to an export license from the Foreign Economic Administration.

(5) *WPB authorization.* Other deliveries may be made only on specific authorization of the War Production Board and in accordance with an authorization certificate issued by the War Production Board on Form WPB-410. Deliveries so specifically authorized shall take precedence over any preference rating which may be assigned to deliveries on other contracts or orders. Authorization certificates will be issued on or about the first of each month for this purpose. An authorization certificate will authorize the holder to accept from a producer or dealer deliveries of specified amounts of lead-free zinc oxide shipped during the month for which the certificate is issued. The producer or dealer may ship on notification from the purchaser of the date and serial number of the authorization certificate. Any person wishing to apply for an authorization certificate should file an application on Form WPB-410 not later than the fifteenth day of the month preceding the month in which the authorization to purchase is desired. A producer need not accept a new order (other than a new order bearing a AAA, preference rating) although supported by a preference rating or an authorization certificate, if his entire production for the month is committed and he has reason to believe that other purchase orders will be presented during the month by the person or persons to whom his production is committed in amounts at least equal to his production.

(d) *Restriction on toll agreements.* Unless specifically authorized in writing by the War Production Board, no person shall produce any zinc oxide under any existing or future toll agreement.

(e) *Use of lead-free zinc oxide.* No person shall use any lead-free zinc oxide except for the manufacture of the items, or for one or more of the purposes, following:

1. Abrasive wheels.
2. Adhesive and surgical tapes.
3. Agriculture sprays and insecticides.
4. Artists colors.
5. Chemical treatment for metal surfaces.
6. Dental cement.
7. Explosives for industrial use only.
8. Glass (except ornamental or non-utility ware).
9. Glazes (except for ornamental purposes).
10. Insulated wire and cable.
11. Linoleum and printed floor covering.
12. Lubricants.
13. Matches.
14. Paint for food can coatings and closure coatings.
15. Paint (Marine).
16. Paint—other.
 - i. Industrial interior mill whites and fume proof;
 - ii. Industrial finishes of the type used for product finishing;
 - iii. For sale only to oil refineries on a purchase order accompanied by the symbol MRO-P-3 placed pursuant to Preference Rating Order P-98-B.

17. Pharmaceuticals and cosmetics.
18. Printing and lithographing inks (to the extent necessary for color stability in tints and for maintaining light fastness).
19. Rayon.
20. Rubber products made from natural or synthetic hydrocarbons.
21. Vitreous enamels.
22. Zinc borate.
23. Zinc chromate.
24. Zinc plating.
25. Zinc stearate, resinates and other zinc organic chemical compounds.
26. Laboratory reagent chemicals.
27. Cellulose nitrate plastics.
28. Vulcanized fibre.
29. Toilet soap.
30. Any other product, or any component to be physically incorporated into such product, which is being produced by or for the account of, or for use by the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration, and for which lead-free zinc oxide is expressly specified in composition specifications or for which lead-free zinc oxide is required to fulfill the requirements of performance specifications, applicable to the contract, subcontract or purchase orders.

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

The undersigned hereby certifies to the War Production Board and to the seller that his purchase order No. _____, dated _____, for leaded zinc oxide is a "Preferred order" as defined in Order M-11-a, or is for replacement of leaded zinc oxide withdrawn from inventory within the previous 30 days to fill "preferred orders" but which had not been originally acquired to fill "preferred orders".

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

(g) Special directions. The War Production Board may, from time to time, issue special directions to any person as to the source, destination, or amounts of zinc oxide to be shipped and delivered by any producer or dealer or received by any person.

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

(i) Reports. All dealers shall file a report on Form WPB-3570 not later than the 15th day of each month. All producers, dealers and users of zinc oxide shall file, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, such other reports as the War Production Board may from time to time prescribe.

(j) Appeals and communications. Any appeal from the provisions of paragraph (e) of this order should be filed by letter, in triplicate, 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. All other applications, statements or communications filed pursuant to this order or concerning the subject matter hereof, should be addressed to: War Production Board, Tin, Lead and Zinc Division, WPB Dept. 7512, Washington 25, D. C., Ref.: M-11-a.

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

NOTE: Paragraphs (g) through (k), formerly (f) through (j), redesignated Feb. 17, 1945.

Issued this 17th day of February 1945.

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

[F. R. Doc. 45-2680; Filed, Feb. 17, 1945;
11:11 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-712, Stay of Execution]

BUZZELL ELECTRIC WORKS

F. W. Buzzell the owner of a contracting and maintenance firm doing business under the trade name and style of Buzzell Electric Works, located at 130, 8th Street, San Francisco, California has appealed from the provisions of Suspension Order No. S-712, issued February 7, 1945 and effective February 14, 1945 and has requested a stay on the ground that undue hardship will result therefrom. The Chief Compliance Commissioner has directed that the respondent shall be relieved from the restrictions of the suspension order insofar as construction work for the Army, Navy or any other agency of the Government of the United States is concerned, and that the order shall be stayed, subject to reinstatement, pending final determination of the appeal or until further order by the Chief Compliance Commissioner. In view of the foregoing: *It is hereby ordered*, That:

The provisions of Suspension Order No. S-712, issued February 7, 1945 and effective February 14, 1945, insofar as

restriction on construction work for the Army, Navy or any other agency of the Government of the United States is concerned, are hereby stayed, subject to reinstatement, pending final determination of the appeal or until further order by the Chief Compliance Commissioner.

Issued this 16th day of February 1945.

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

[F. R. Doc. 45-2669; Filed, Feb. 16, 1945;
4:41 p. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Direction 59, as Amended
Feb. 17, 1945]

ALUMINUM FOR CERTAIN DESTRUCTIVE AND SIMILAR DIRECT USES

The following direction is issued pursuant to CMP Regulation 1:

(a) Any person who needs aluminum ingot, powder (other than atomized powder), rod, or wire for any of the purposes listed below may place an order using the CMP allotment symbol S-2 and the standard certification of Priorities Regulation #7. No more of such ingot, powder, rod or wire may be purchased than is needed for the purposes listed.

Steel-deoxidizing and/or alloying.
Testing steel heats (carbometer wire).
Reduction of ferro alloys, thermit reaction).
Chemical reactions.
Thermit for welding.
Aluminum-bronze alloys.
Manganese-bronze alloys.
Alnico.
Nickel Alloys.
Manganese-base alloys.
Zinc-base alloys.
Anhydrous aluminum chloride.
Welding and metallizing wire.
Calorizing.
Electric Motor rotors.
Addition to galvanizing bath.
Explosive & pyrotechnical purposes (industrial and commercial).

(b) Any Navy owned and operated establishment may place an order for aluminum ingot which they need by use of the CMP allotment symbol N-2 and the certification of Priorities Regulation 7 or CMP Regulation 7.

(c) Any person who wishes to get aluminum pigment (powder or paste) for the manufacture of aluminum composition, as defined in Supplementary Order M-1-g, should file Form WPB-2360 according to the instructions on the form. Any person who wishes to get aluminum ingot, powder, rod or wire for destructive uses (where aluminum cannot be recovered as metal) which are not listed in this direction may apply for an authorization by writing a letter to the Aluminum and Magnesium Division, Requirements and Distribution Branch, War Production Board, Washington 25, D. C.

(d) It is no longer necessary to file form WPB-2360 for the uses listed above, or to use a "four digit" allotment number, as formerly required when allotments were granted for these uses on form WPB-2360. However, any allotments which have been made pursuant to application on form WPB-2360 are still valid and may be used.

(e) Any person who buys aluminum for the manufacture of welding and metalliz-

ing wire under this direction may also use the preference rating of AA-1 on orders for other production materials which they require for the manufacture of such welding and metallizing wire.

Issued this 17th day of February 1945.

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

[F. R. Doc. 45-2677; Filed, Feb. 17, 1945;
11:11 a. m.]

PART 3175—REGULATIONS APPLICABLE TO
THE CONTROLLED MATERIALS PLAN

[CMP Reg. 6, Schedule A, as Amended
Feb. 17, 1945]

CONSTRUCTION LIMITATIONS

§ 3175.6a *Schedule A of CMP Regulation 6—(a) Principles governing war-time construction.* The principles governing war-time construction are defined in the Directive for War-Time Construction, dated May 20, 1942. The War Production Board and the Army-Navy Munitions Board interpret these principles as limiting all construction to a design of the simplest type consistent with structural stability and sufficient only to meet the immediate minimum functional requirements.

The guiding principle should always be to utilize those materials which are most plentiful and which in the ultimate analysis, will cause the least interference with the production of combat material and the utilization of transportation and power.

(b) *What these construction limitations do.* These construction limitations apply to construction authorized on Form GA-1456 and to any other construction controlled by an order or authorized on a form which specifically states that the construction is to be performed in accordance with the terms of this schedule. Construction so authorized must be performed in accordance with the provisions of Appendix I and Appendix II (which are a part of this schedule) unless a waiver is granted on the authorization.

These construction limitations restrict the use of the materials and equipment listed, including materials to be incorporated in products where the materials are purchased through a fabricator or supplier by using the assigned allotment symbol or preference rating. They do not apply to:

The use of used materials except where specifically restricted.

The use by manufacturers of materials directly allocated to manufacturers for incorporation into "B" products (as defined in CMP Reg. 1).

The use of materials incorporated in "A" products of the kind to be listed in accordance with the provisions of Appendix II of this schedule.

(c) *Amendments to construction limitations.* The construction limitations may be amended from time to time. When a restriction on the use of an item is changed or removed by an amendment to the construction limitations issued after an authorization, the builder may, if he chooses, disregard the old restric-

tion and follow the new provision. This applies to builders who have received authorizations on Form GA-1456, or other applicable forms, subject to the construction limitations dated February 1, 1944, or subject to Schedule A to CMP Regulation 6. It does not apply to changes made in Appendix II (formerly Appendix A) of the construction limitations.

(d) *Exceptions.* If any exceptions to the restrictions are required, the exception must be stated and justified in the application. Authorization will be made on Form GA-1456, GA-1456A, or other applicable form.

(e) *Structural design.* All building construction using any stress grade lumber shall be designed in accordance with the applicable provisions of the War Production Board Directive No. 29 "Design, Fabrication and Erection of Stress Grade Lumber and its Fastenings for Buildings", as amended. If any waiver of the provisions of this directive is required, the reasons for requesting such waiver must be stated in the application.

Issued this 17th day of February 1945.

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

APPENDIX I—RESTRICTIONS

A. *Structural steel.*

Structural steel should only be used where it would be the engineering material normally employed and where substantial savings in lumber or transportation will result. Every effort should be made to employ laid-up masonry or pre-cast concrete units where they may be reasonably substituted for steel.

1. Junior beams may not be used.

B. [Deleted Oct. 31, 1944.]

C. *Steel sheet and strip (produced on a sheet or strip mill).*

1. The use of steel sheet and strip is prohibited.

2. The use of the following manufactured items (purchased as such) when made from sheet or strip is prohibited:

Bookstacks

Culverts

Doors, door frames, shutters, jambs and trim except for the following uses:

(a) In bombproof and splinterproof structures.

(b) Fire doors, including shutters.

(c) In standard finance vaults and in narcotic storage spaces.

(d) For hangar doors designed for an opening used for the passage of aircraft.

Electric metallic tubing.

Expansion joints in highways.

Flooring

Partitions, except toilet.

Piling

Portable Buildings

Raceways, except where required for safety

Roofing and siding, except extensions to existing buildings where such materials are in use and will be retained.

Stacks, smoke, except evacuation tubes not over 30 feet high superimposed upon fans

Trench Covers

Ventilation and heating ducts except for transitions, fittings, connections, and changes in direction, and for straight runs where metal is required by applicable building codes

D. *Miscellaneous iron and steel.*

1. Railroad track. Except for operating railroads, the following are prohibited:

(a) New rails over 60 pounds per yard.

(b) New metal ties and tie plates.

2. The following items, when made from iron or steel, are prohibited:

(a) Fences of all kinds except:

(i) Plain, barbed, or twisted wire; woven or welded wire fence (except lawn and other ornamental fence); wire netting; wire flooring.

(ii) Chain link fence, including gates, for industrial plant protection only.

(b) Tanks for water (metal strapping permitted without a waiver) except (i) for use in tropical climates, (ii) of a height in excess of 100 feet, (iii) for range boilers and hot water storage or (iv) pneumatic pressure tanks.

(c) Tank towers (metal joining hardware permitted without a waiver) except (i) over 20 feet in height supporting more than 100 tons, or (ii) over 50 feet in height.

E. [Deleted Oct. 31, 1944.]

F. *Metal lath.*

1. The use of metal plastering base and accessories is prohibited for exterior use, except as permitted in paragraph 3 below.

2. The use of metal plastering base and accessories is prohibited for interior use except:

a. Cornerite, stripite, corner bead and flush base screed.

b. In hospitals, detention, asylum and school buildings:

(1) Under wood joists subject to fire hazard (as defined by applicable building codes), and under bar or concrete joists, and where furred ceilings are required.

(2) For resistance to earthquakes where required by applicable codes.

(3) For chases, pipe furring and wood stairways.

(4) Where Portland cement plaster is used as a functional requirement.

3. The restrictions in 1 and 2 above do not restrict the use of (1) combination form and reinforcement for cast-in-place slabs, (2) woven or welded steel wire, cloth, fabric or netting without paper or other backing for exterior stucco base.

G. [Deleted Oct. 31, 1944.]

H. *Copper and copper-base alloys.*

The use of the following copper and copper-base alloy materials (new or used) is prohibited:

1. Pipe or tubing except where essential for processing.

2. Sheet, plate, roll, strip, rod, bar, extruded shapes and wire (except for electrical conductors). This applies only to the basic forms and shapes listed and not to fully fabricated items available in the form in which the installation is to be made.

I. *Tin.* The use of tin and tin products is prohibited except as follows:

1. Solder:

a. Not over 40% tin in solder (i) for wiping water service pipe, connecting the piping of a structure with the outside water main, (ii) for assembly and repair of galvanized iron or zinc tanks.

b. Not over 35% tin in solder (i) for assembly and repair of galvanized iron items (except tanks) where the assembly is done with a "soldering iron", (ii) for wiping lead sheathed cable joints or lead pipe joints.

c. Solder for electrical connections may be used only to the extent that solderless connectors, not containing copper or copper-base alloys, will not serve, and then not over 35% tin content.

d. Not over 30% tin in solder for all other uses not covered above, and then only to the extent that substitution of either a less cri-

tical material or use of less tin content is impracticable.

2. Roofing—but only terne plate for repair purposes.

3. Fuses, fuse plugs, and sprinkler head fuses.

J. Zinc. 1. The use of zinc and zinc products is prohibited:

- a. For ornamental and decorative work
- b. In the form of sheet, strip and rod except:

- (1) Where essential for processing
- (11) Where the use of chemicals requires it.

K. Lumber and lumber products. Every effort should be made to employ in construction non-critical materials as substitutes for lumber less than 3" nominal thickness.

1. The use of lumber 2" nominal thickness less than 8" nominal width and all lumber less than 2" nominal thickness is prohibited for the following:

- a. Sheathing of walls and roofs.
- b. Facing of partitions and ceilings.
- c. Siding.
- d. Fencing.
- e. Sub-floors.
- f. Framing of exterior walls.
- g. Framing of interior partitions supported on other than wood-framed floors.

2. The use of lumber is prohibited for the framing of first or ground floors without basement or cellar beneath.

3. The use of lumber other than used lumber or used plywood for forms for concrete construction is prohibited, except that where neither used lumber nor used plywood is available, new lumber or new plywood may be used, provided that:

- a. Maximum reuse is made of forms.
- b. [Deleted Feb. 17, 1945.]

c. New plywood for forms is limited to the highly water-resistant type. Plywood form liners prohibited.

4. All lumber less than 2" nominal thickness, other than that used for finished floor, mill work and trim, and for form lumber when permitted by paragraph K. 3, shall be square edge.

5. The use of common grades of any kind of lumber is prohibited for mill work and trim.

6. The use of Hardboard is prohibited.

7. The use of plywood is prohibited, except as permitted in paragraph K. 3. c.

8. The use of western pine is prohibited for all uses except such mill work as sash, doors, windows, and door and window frames.

The salvage of all reusable lumber, not specifically incorporated in a structure, is mandatory and its destruction is prohibited. Such lumber shall be made immediately available for reuse.

L. [Deleted Oct. 31, 1944.]

M. Mechanical ventilation. 1. The use of mechanical ventilation is prohibited except for:

- a. Areas without natural ventilation
- b. Hospital spaces
- c. Spaces where industrial processes make its use mandatory.
- d. Interior toilet rooms and kitchens where gravity ventilation will not suffice

2. Ventilation systems for winter operation in locations as outlined above shall be of the re-circulatory type, with quantity of make-up and exhaust air reduced to the minimum required to meet health requirements.

N. Electrical work. The use of electrical wire, cable, metal conduit, metal tubing, flexible metal conduit or tubing, and armored cable (BX) in sizes larger than the minimum sizes permitted by the 1940 National Electric Code as amended is prohibited.

O. Standby and emergency equipment. Standby and emergency equipment is prohibited.

P. Lead. The use of lead and lead products is prohibited except for the following purposes:

(1) Solder for joining purposes only (see paragraph I above).

(2) Caulking.

(3) Paint (M-384 restricts the use of lead in making paint).

(4) Sheet, pipe (including lead lined pipe), fittings, burning bars and processing equipment, for use in industrial plants, to the extent that corrosive or chemical action makes the use of any other material impracticable.

(5) Where necessary for repairing existing lead plumbing lines and water lines.

(6) Where required for X-ray protection.

(7) Lead sheathed cables and accessories for the following uses only:

- (a) Fire alarm and traffic control systems.
- (b) Telephone and telegraph systems.
- (c) Railway signal systems.
- (d) Wire in cable rated more than 2,000 volts.

APPENDIX II—EQUIPMENT REQUIRING SPECIFIC APPROVAL INCLUDING EQUIPMENT FOR WHICH A SPECIAL APPLICATION FORM IS REQUIRED

Equipment required for the project of the kinds specified under paragraphs A, B and C below is approved for the project if it is listed on the project application form and not disapproved by the War Production Board, except that in the case of equipment of the kind specified under paragraph B, approval must also be received on the appropriate special form. All other equipment required for the project is approved, and the preference rating and allotment symbol assigned by the GA-1456 authorization may be used, where necessary, to get such equipment, except where a special form is required by another War Production Board order or regulation. This includes expendible material consumed during the construction, such as explosives, perishable tools, scaffolding and the like (but not fuel or repair parts for construction machinery) and capital equipment required for operating the project, such as office and other equipment, cafeteria equipment, hospital and laboratory equipment. However, the rating and allotment symbol assigned may not be used to get furniture or fixtures controlled by L-13-b or L-260-a or bedding products controlled by L-49. Furthermore, the rating and symbol may not be used to get operating supplies for use in the business or service to be carried on in the project.

A. The following kinds of new equipment when required for the project must be listed in the project application form and to the extent practicable all information required must be given. Such equipment may be purchased and installed only if listed and approved in accordance with the terms of the authorization form. Incidental items of equipment costing less than \$500 for each item may be grouped under general descriptive headings. Authorization to purchase or install items so grouped is limited to the dollar limit approved.

Engines, internal combustion and steam compressors
Construction machinery of the kinds specified on List B of L-192 (this will ordinarily be approved only where it will be worn out in the construction of the project or will remain on the site as part of the project after completion).

- Conveyors and conveying systems
- Cranes and hoists, overhead
- Dust collecting equipment, industrial

Heat treating equipment
Industrial instruments
Oil-fired equipment and natural gas-fired equipment, whether new or used (specify on the application which items are to be oil fired and which natural gas fired).

Power generating and distribution equipment

- Pumps
- Turbo blowers and turbo exhausters
- Vault doors of iron or steel
- Water conditioning equipment
- Welding equipment
- Other industrial machinery and equipment which is to be used directly in processing, except machine tools

B. For the following equipment the separate application form shown must be used and authority to purchase or a rating must be secured under the terms of the governing order. Such equipment, however, must also be listed on the project application form. The separate application form designated should be prepared and filed with the project application form whenever possible.

NOTE: The following list amended Feb. 17, 1945.

	Governing order	Separate WPB Form
Boilers, power.....	M-293...	2645.
Chemical machinery and other machinery covered by M-293, Table 15.	M-293...	1319.
Construction machinery (unused) listed on Sch. A of L-192.	L-192...	1319.
Dumb-waiters, electrically operated (replacement).	L-89....	1236.
Elevators (replacement).....	L-89....	1236.
Laboratory instruments on List A of L-144 (not industrial equipment).	L-144....	1319.
Liquefied petroleum gas equipment.	L-86....	809.
Machine tools, as defined in E-1-b, having a retail sales price of more than \$500 for which a rating is necessary (ratings assigned by Form GA-1456 may not be used to purchase the machine tools described).	E-1-b....	641, 542 or 1319.
Motion picture projection equipment & accessories, 35 mm.	L-325...	1319.
Rubber processing equipment.....	L-143-a.	1277.
Tire retreading, recapping and repair equipment.	L-61....	1319.
Tracklaying tractors (unused).....	L-53....	1319.
Trucks, industrial power.....	L-112....	1319.
Wire intercommunicating systems, telephonic.	U-8....	1319.

C. For the following equipment application is ordinarily made on a separate form, but where the equipment is required for a project for which authorization is given on Form GA-1456 no separate application form is needed. Such equipment, however, must be listed in the project application form and must be justified in accordance with the instructions.

NOTE: The item "vault doors" deleted Feb. 17, 1945.

	Governing order
Air-conditioning and refrigerating equipment.....	L-38
Cooking equipment, commercial, electric appliances.....	L-65
Dishwasher, commercial, new or used.	L-243
Dumb-waiters, electrically operated, new.....	L-89
Elevators, new.....	L-89
Fire protective signal and alarm equipment.....	L-39
Laundry equipment.....	L-91
Pneumatic tube delivery systems.....	L-193
Scales, if \$50 or more for any single scale.....	L-190
Signal, public address, and intercommunication systems (electronic).....	L-265
Sterilizer equipment.....	L-266

[F. R. Doc. 45-2678; Filed, Feb. 17, 1945; 11:11 a. m.]

PART 3270—CONTAINERS

[Limitation Order L-197, Direction 3]

ALTERNATIVE FIRST QUARTER QUOTA

The following direction is issued pursuant to Limitation Order L-197:

Paragraph (d) (1) of Order L-197 provides a special alternative quota for the first quarter of 1945 with respect to each class of commodities listed in Schedule A for filling of industrial orders. That alternative quota is an amount of tonnage of new steel drums equal to the amount of tonnage of new steel drums permitted as the quota for the fourth quarter of 1944 (including tonnage increases to that quota authorized during that quarter, but excluding drums permitted to be used to pack the commodities listed in Schedule B). The amount of this tonnage shall not include any unused tonnage of a third quarter 1944 quota permitted to be used in the fourth quarter of 1944 or any tonnage of a first quarter 1945 quota permitted to be borrowed and used in the fourth quarter of 1944 or any tonnage covering the quantity of new steel drums (representing a percentage of fibre drums used in 1943) permitted to be used in the fourth quarter of 1944 in addition to that quarter's quota. However, regardless of whether the above special alternative quota is used, a person may, during the first quarter, use in addition to his quota whatever tonnage is left over from his fourth quarter quota and all or part of his 1945 permitted quantity of drums covering the specified percentage of fibre drums used in 1943, but a person must deduct from his first quarter quota any tonnage he borrowed from his first quarter quota and used in the fourth quarter of 1944.

Issued this 17th day of February 1945.

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

[F. R. Doc. 45-2679; Filed, Feb. 17, 1945;
11:11 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328B, Direction 5,
as Amended Feb. 17, 1945]

CHILDREN'S APPAREL PROGRAM NO. 3 (SUPP. VIII TO SCHED. A)

Direction 5 to Conservation Order M-328B is hereby amended to read as follows:

(1) The time within which persons who were assigned preference ratings under Children's Apparel Program No. 3 (Supplement VIII to Schedule A of Order M-328B) are required to manufacture the items which they have been directed to manufacture, is hereby extended to April 30, 1945; and the time limits within which purchase orders for materials to make such items must be placed and must call for delivery are removed, except that these orders must be placed on call for delivery early enough so that the manufacture of the items can be completed by April 30, 1945.

(2) Regardless of the provisions of Form GA-2165 (issued pursuant to this program), any preference ratings assigned on that form for 70 by 67 print cloth may be used to procure any print cloth of 70 sley and higher containing any pick.

(3) Certain textile mills have been issued directions to set aside certain yardages of specified goods for delivery only on orders bearing ratings assigned for use in fulfillment of Children's Apparel Program No. 3. Regardless of the provisions in such direc-

tions limiting the time within which such mills may accept orders for such goods and the time within which deliveries of such goods must be made, such mills may accept orders for such goods at any time and must make delivery on such orders by April 5, 1945. Moreover, no such mill may after April 5, 1945, sell or deliver on unrated orders or on orders rated AA-4, or use, any yardage of the specific constructions of goods which it has been directed to set aside (including yardage of these constructions not so set aside) unless it has first accepted up to its set aside yardage all orders offered to it under this program, and has made delivery on such orders by that date or has appealed from the effect of this provision on the ground that it has been unable to procure contracts calling for such set-aside goods and such appeal has been granted.

(4) Individual directions heretofore issued under the above-mentioned Children's Apparel Program No. 3 are hereby amended to conform with the above, but nothing in this amended direction shall be construed to condone any violation of the directions as originally issued under Children's Apparel Program No. 3 or as later amended.

Issued this 17th day of February 1945.

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

[F. R. Doc. 45-2681; Filed, Feb. 17, 1945;
11:11 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-693, Amdt. 1]

HINSHAW SUPPLY CO.

Paragraph (b) of § 1010.110 *Suspension Order S-693*, issued January 17, 1945, is hereby amended to read as follows:

(b) For sixty days from the date this suspension order takes effect, neither Robert Luther Hinshaw individually nor his San Francisco, California Branch of Hinshaw Supply Company, his or its successors or assigns shall extend customers' ratings received by the Sacramento, California Branch of Hinshaw Supply Company for fractional horsepower electric motors, refrigeration coils, or refrigeration compressor and condenser units for the procurement of such motors, coils or units.

Issued this 17th day of February 1945.

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

[F. R. Doc. 45-2727; Filed, Feb. 17, 1945;
4:05 p. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Preference Order M-388]

TEXTILES FOR CIVILIAN ITEMS

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of cotton, synthetic fiber and wool textiles, apparel and other textile products, for defense, for private account and for export; and the following order is deemed necessary and appropriate in

the public interest and to promote the national defense:

§ 3290.351 *General Preference Order M-388—(a) Explanation.* This order (including the additional orders in the M-388 series) states rules under which apparel and other textile end-product manufacturers may get preference ratings to make listed essential items within specified prices. Rules are also stated for producers of yarn and fabric, as well as for converters, finishers and importers of the fabric. "Set-asides" or rated delivery quotas are also imposed on certain kinds of suppliers, so that a specified percentage of the deliveries made by each of them must go to fill rated orders. Thus their unrated deliveries are limited.

This Order M-388 states the general rules which control the production and delivery of cotton, synthetic fiber, and wool materials and the use by end-product manufacturers of ratings to get these materials.

M-388A contains the special rules for cotton textiles and products made from cotton textiles, and lists cotton items for which ratings are assigned. The set-asides of cotton textiles and the assignment of preference ratings contained in the M-385 Supplements are transferred to M-388A with respect to deliveries after March 31, 1945. M-385 remains in effect for deliveries until then.

M-388B deals with synthetic fiber textiles, and M-388C with wool textiles.

Thus, any person concerned with civilian cotton textiles and products would look to M-388 and M-388A. A person concerned with civilian synthetic fiber textiles and products would look to M-388 and M-388B. A person concerned with civilian wool textiles and products would look to M-388 and M-388C.

Requirements for Producers, Importers and Intermediate Processors of Yarn and Cloth

(b) *Mill production.* The ratings assigned under this Order are not extendible to producers (unless expressly stated, as in the case of cotton colored yarn fabrics and wool). In the case of ratings assigned otherwise than under this Order, all mills must schedule their production so as to fill rated orders in accordance with Priorities Regulations and other applicable War Production Board orders. Producers of cotton textiles must also comply with loom freezes such as those under Order L-99, and with the set-aside provisions of M-388A. In the case of synthetic fiber and wool yarns and fabrics, loom freezes, producer set-asides and rated delivery quotas or other mandatory production requirements may be issued. In the absence of such mandatory requirements, producers of yarns and fabrics of these materials are expected to arrange their production as to quality, kind and construction, so that the material they produce will fill the needs of intermediate processors who are filling rated orders.

(c) *Set-asides or rated delivery quotas for intermediate processors and importers.* Intermediate processors and

importers of cotton, synthetic fiber and wool fabrics must comply with the quarterly set-asides and rated delivery quotas specified in M-388A, M-388B and M-388C, or other orders in the M-388 series.

(d) *General rules as to set-asides and rated delivery quotas*—(1) *When rated orders must be accepted.* When a producer, intermediate processor or importer is required under this order to make a set-aside or to comply with a rated delivery quota for the filling of orders which carry ratings assigned under this order, he may reject such rated orders until the beginning of the month immediately preceding the applicable period. From then on, these rated orders must be accepted to the full amount of the set-aside or quota. AA-4 ratings need not be accepted outside the delivery quotas or set-asides.

(2) *Equitable distribution by producers, intermediate processors and importers.* Each producer, intermediate processor or importer must, until the month in which acceptance is compulsory, as explained in subparagraph (1) above, reserve 90 per cent by dollar value of his set-aside or rated delivery quota for rated orders from customers who bought from him (for sale to civilians or to produce civilian items) in the corresponding quarter of 1943, and, as between such customers, each one must be given his pro rata share (based on dollar value of purchases in the corresponding quarter) to the extent that he places rated orders for it. If he was not in the same business during the corresponding quarter of 1943, he shall not, until the month in which acceptance is compulsory, accept orders rated under this order from any one purchaser for more than ten per cent of his set-aside or rated delivery quota. Purchasers who are subject to common control shall be deemed one purchaser.

(3) *Rejects.* Rejects, including remnants and seconds, must be included in calculating required deliveries for set-asides or rated delivery quotas under this order.

(4) *Exceptions to Priorities Regulation 1.* The rules stated above in this paragraph (d) are exceptions to the requirements of Priorities Regulation 1 as to the acceptance and filling of rated orders. These exceptions apply only to orders which carry ratings assigned by the M-388 series. Orders carrying any other ratings must be accepted and filled in accordance with the requirements of Priorities Regulation 1.

(e) *Deliveries by mills allowed only on rated orders or to persons who have furnished serial numbers with certifications.* After April 15, 1945, no producer shall deliver any cotton, synthetic fiber or wool fabric in commercial quantities except (1) to fill rated orders or (2) to persons who have serial numbers from the War Production Board and have on file with the producer an unrevoked certification substantially as follows: (The certification once filed remains in effect until withdrawn. The standard certification in Priorities Regulation 7 may not be used instead.)

The undersigned certifies, subject to the Criminal Penalties of section 35 (A) of the U. S. Criminal Code, that he holds unrevoked WPB Serial Number _____, that the textiles covered by this and all subsequent unrated purchase orders placed with you will be used or disposed of as required by M-388, or other orders in the M-388 series. This certification is a continuing representation to the War Production Board and to you until you are otherwise notified in writing.

(Name of purchaser)

(Address)

By-----
(Signature and title of duly
authorized officer)

(Date)

In the case of a producer who is also an intermediate processor (as is the case with most wool producers) this paragraph (e) applies only to any deliveries he may make of unfinished goods. This paragraph (e) does not apply to a producer's deliveries of colored yarn fabrics. However the set-aside and delivery quota provisions of this order apply in all these cases.

(f) *How to get a serial number for purchases of unfinished textiles.* Applicants may get the serial number required by paragraph (e) above, by filing an application on Form WPB 4202, with the War Production Board, and complying with the instructions on that form.

(g) *When unrated deliveries for sale as over-the-counter piece goods or for small users may be credited to set-asides or rated delivery quotas.* As explained in Orders M-388A, M-388B and M-388C (or other orders in the M-388 series) intermediate processors and importers (and in some cases producers) are required to make set-asides or to meet rated delivery quotas for the purpose of filling orders which carry ratings assigned under this order.

They may, however, also credit to these set-asides and quotas deliveries authorized in writing by the War Production Board under this paragraph (g). These deliveries, in the quantities authorized, may only be made against purchase orders which carry substantially the following certification signed as provided in Priorities Regulation 7:

The undersigned certifies, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that either (1) the total quantity of fabric of all kinds purchased by him from all suppliers in the quarter in which this purchase order is to be filled will not exceed 300 yards; or (2) the fabric covered by this purchase order will be sold only as over-the-counter piece goods at retail, or to customers who furnish this certification, or (3) on rated orders, the ratings for which the undersigned will not extend. (Strike out (1) or (2) or (3) whichever is inapplicable.)

The standard form of certification given in Priorities Regulation 7 may not be used instead.

Applications for authorization should be made on form WPB-4203. Insofar as practicable these applications will be granted for percentages of quantities of fabric sold by the applicant to the same kind of customers in 1943.

(h) *Restrictions on inventories of producers and intermediate processors.* No producer or intermediate processor shall have more than a practicable minimum working inventory (as defined in § 944.14 of Priorities Regulation 1) of cotton, synthetic fiber, or wool yarn or fabric. His average monthly inventory in the form received by him for processing may in no event be greater than his average monthly inventory in the corresponding quarter of 1944, except in the proportion his current production exceeds his production during that period. His average monthly inventory in the form in which he sells it may in no month be greater than his average monthly inventory in the corresponding quarter of 1944, except in the proportion that his current deliveries exceed his deliveries during that period.

Ratings for Manufacturers of Civilian Apparel and Other Civilian Items

(i) *General requirements.* A manufacturer of apparel or other textile products who wants to use a rating assigned in this order to get textiles for incorporation into his products must meet the requirements of this order and the order in the M-388 series which assigns the rating, and also the following requirements:

(1) *Manufacturer of same item in base period.* He must have been a manufacturer of the same item (regardless of price, but made of the same class of material—cotton, synthetic fiber or wool) in the corresponding quarter of 1943. If he was not a manufacturer of the same item in the corresponding quarter of 1943, then in that event only he qualifies as a manufacturer of the same item if he manufactured it in the corresponding quarter of 1944. Otherwise he does not qualify unless he is specifically authorized in writing by the War Production Board to use the rating pursuant to application on Form WPB-4201, which must be filed at least one month before the beginning of the calendar quarter in which delivery is to be made. For example, if he made a woolen dress in the base period, he gets a rating under M-388C for wool cloth, but this does not permit him to use the rating to get material for a rayon dress.

The quantity of material for which the rating may be used is explained in the next paragraph.

(2) *Getting a serial number and quota for use of rating.* Before using any rating assigned under this order, the manufacturer must file with the War Production Board four copies of Form WPB-4200, completely filled out, in accordance with the instructions. A separate form must be filed for each item for which he wants to use the rating. The quantity of material for which the rating can be used is calculated on that form and is based on the quota for the particular item as explained in the applicable preference rating schedule. In the case of deliveries to be made to him during the period from April 15 through June 30, 1945, he may use the rating for the quantity of material which he has entered on the form as the quota for that

period for the particular item. This must be calculated in accordance with the conditions stated in the applicable preference rating schedule. (If he was not a manufacturer of the same item in the corresponding quarter of 1943, but was a manufacturer of the same item in the corresponding quarter of 1944, then he may apply the percentage specified in the applicable preference rating schedule against his production of the same item in the corresponding quarter of 1944.) For deliveries in each calendar quarter after June 30, 1945 (and for deliveries from April 15 to June 30, in the case of a manufacturer who did not produce the item during the corresponding quarter of either 1943 or 1944) the manufacturer may use the rating only for the quantities approved by the War Production Board by the copy of the form or other document which it will return to him with his serial number for the particular item, or for such larger or smaller quantities as it may later specify, either individually or by notice published in the FEDERAL REGISTER.

If a manufacturer's civilian production during the corresponding quarter of 1943 was reduced because of military orders which he is no longer able to get, the War Production Board may grant an increase in his regular quota to compensate for the reduction.

A manufacturer may not duplicate rated orders or place them for yardage in excess of the authorized quantities even if he intends to cancel some, or reduce the quantities ordered to the authorized amount before it is all delivered.

Whenever a rating is granted in any preference rating schedule of an order in the M-388 series, it also shall be good for cotton, synthetic fiber or wool linings, bindings and stays needed for incorporation into the number of units of the item for which the rating is assigned.

(3) *Compliance with price (including quality) regulations and other conditions.* No textiles obtained with the rating shall be used to make items for sale at a higher price than permitted by the Office of Price Administration or as specified in this Order, whichever is lower. The quality of the item must be that required by the Office of Price Administration for the particular priced item, and the item also must conform to any quality of other conditions specified in this order.

(4) *Application and extension of ratings.* The preference ratings assigned in this order shall be applied and extended as provided by Priorities Regulation 3 and M-328, but subject to the limitations stated in this order. A manufacturer who applies a rating assigned by this order must use the following certification (which includes the Priorities Regulation 3 certification) signed manually or as provided in Priorities Regulation 7:

The undersigned purchaser whose War Production Board serial number is _____ hereby represents to the seller and to the War Production Board, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that he is entitled to apply or extend the preference rating indicated opposite the items shown in this Order, and that such application or extension is in ac-

cordance with Priorities Regulation 3, as amended, with the terms of which the undersigned is familiar; that the textiles covered by this Order are within his authorized rated material quota, as calculated on Form WPB 4200 or other form assigning him a quota, and that the textiles will be incorporated into an item for which this serial number was assigned. (For deliveries in the second calendar quarter of 1945, the serial number may be omitted and this statement added to the certification: "These textiles will be used to make Item No. ____" (insert applicable item or group number from Preference Rating Schedule).)

(Name of purchaser)

(Address)

By -----
(Signature and title of duly
authorized officer)

(Date)

The serial number assigned by the War Production Board to the manufacturer for the particular item must be inserted on all rated orders for material to be delivered after June 30, 1945.

(5) *Time when rated orders may be placed and must be accepted.* Orders which are rated under this Order may be placed at any time in advance of the requested delivery date. However, as explained in paragraph (d), suppliers need not accept such a rated order more than a month before the beginning of the applicable calendar quarter in which delivery is to be made.

(6) *Restriction on manufacturers' inventories of textiles.* No manufacturer who uses the rating may accept any delivery of cotton, synthetic fiber, or wool textiles, whether rated or unrated, which, together with textiles already on hand, will give him more than a two-months' inventory of the same material at current rate of operations, or a practicable minimum working inventory, whichever is less. Textiles on hand include goods wherever located if title has passed to the manufacturer. This rule does not prevent acceptance of the minimum quantity in which a textile can be procured or the acceptance in good faith of a delivery which is received before the date requested if the date actually requested would conform with the rule.

(7) *When apparel and textile products from rated materials must be completed.* Every manufacturer must use all textiles received on a rating assigned in this order at a rate of production so that the average period from the time the item is put into process to the completion of the finished product is not more than 60 days. The average time from receipt of the textiles to the completion of the item must not exceed 120 days.

(8) *Rated material may not be used or disposed of for other purposes.* A manufacturer who gets any material with a rating assigned in this order may not use it for any purpose except to make the completed item for which the rating was assigned or an item which is to be sold on a higher rated order. He may not sell, deliver or otherwise dispose of the material before processing except as permitted in Priorities Regula-

tion 13 in the case of special sales. All rejects are subject to the restrictions of paragraph (e) of Order M-328.

(9) *Size assortments.* Items produced shall be in the same size ranges and assortment of sizes for each dozen as were produced for the same item in 1943, by the manufacturer. If the manufacturer did not produce the item in 1943 he must comply with such size ranges and assortments as the War Production Board may specify for the particular item.

(j) *Special programs.* The War Production Board may assign, from time to time, other priorities assistance for particular programs or items. The terms under which such assistance will be granted, and the procedure to get the assistance, will be stated in Supplements or Directions to Orders in the M-388 series. Applications for such assistance generally will be on Form WPB-3272.

(k) *Equitable distribution, by manufacturers.* (This paragraph does not apply to sales by retailers, inasmuch as the Fair Distribution Policy for retailers is defined in Declaration of Policy of July 15, 1943.) Every manufacturer who uses a preference rating assigned in this Order must, to the extent of at least 90 percent of his unrated deliveries after April 15, 1945, of each item delivered during any calendar quarter for which he uses the rating, to fill orders that are placed with him by persons who purchased from him during 1943. (This also applies to any part of his production of the same item which he may have made without the rating.) Each person who purchased from the manufacturer in 1943 shall be entitled to have his orders filled for a pro rata share of this quantity of the item based on his 1943 purchases from the person using the rating. The manufacturer may not discriminate against any of his customers in notifying the trade that he has the items available for sale or in making deliveries or allocating his production. If the manufacturer was not, in 1943, in the business of manufacturing an item for which a preference rating is assigned under this order, but is given a quota under paragraph (1) (2), he shall not sell to any one purchaser more than 10 percent of his total production of any item he produces with a rating (including any part of his production of the same item which he may have made without the rating). Purchasers who are subject to common control shall be deemed one purchaser. Further specific directions may be issued as to the distribution of items.

The above provisions are in addition to the provisions of paragraph (d) of General Conservation Order M-328.

Miscellaneous

(1) *Further restrictions.* No person shall put into process, process, sell, deliver or accept delivery of any textiles contrary to restrictions in additional orders or supplements in the M-388 series.

(m) *Records and Reports.* (1) Each person who uses a preference rating assigned under this Order shall maintain

at his regular place of business accurate records of the quantities of textile materials to which he is authorized under this order to apply ratings, the quantities ordered with the use of such rating, the quantities received and the quantities put into process. He shall also maintain records of the quantities of each item manufactured from the textile materials obtained with the rating.

(2) Each intermediate processor or producer who is required to make set-asides or to meet rated delivery quotas shall maintain at his regular place of business accurate records of the amount of his output covered by these requirements and the amounts credited to them on deliveries to his customers.

(3) The above records shall be preserved for a period of not less than two years and shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(4) Subject to the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942, all persons affected by this Order shall execute and file with the War Production Board such reports and keep such records as the War Production Board shall from time to time require.

(n) *Definitions.* (1) "Producer" means a person who makes cotton, synthetic fiber or wool yarn or fabric in the United States.

(2) "Intermediate processor" means any person who, in the United States, bleaches, dyes, prints or otherwise finishes cotton or synthetic fiber or fabric, or produces finished wool fabric or causes any of the foregoing to be done, and delivers or uses the fabric for his own account, in the bleached, dyed, printed or otherwise finished state as piece goods or for making items for sale. (For example, a converter, a woolen or worsted mill producing finished fabric, or a manufacturer who gets unfinished fabric, is an "intermediate processor".)

(3) "Manufacturer" means any person engaged in the United States in the business of manufacturing or having manufactured in the United States for his account and selling any item listed in an order in the M-388 series.

(4) "Merchant" means any person engaged in the United States in the business of purchasing textiles for resale in the United States in the form in which purchased.

(5) "User" means any person other than a producer, intermediate processor or processor, who purchases textiles for his own use in the United States in any business, industry, profession or occupation.

(6) Any person who performs the functions of one or more of the foregoing (regardless of his customary manner of conducting his business) shall, for the purpose of this order, be deemed a separate person with respect to each of those capacities.

(7) The term "item" unless otherwise designated, means the article produced

for civilian sale, of the type, size and other description listed under an "Item Column" of an order in the M-388 series. An item must be considered as under M-388A if a cotton item; as under M-388B if a synthetic fiber item, or as under M-388C if a wool item, as these items are defined in this order.

(8) "Fabric", unless otherwise designated, means a woven fabric, 12 inches or more in width.

(9) "Cotton fabric" means any fabric containing less than 25 percent wool, by weight, but of which the remaining fibers are more than 50 percent cotton by weight. For example, a fabric containing 20 percent wool, 35 percent rayon, 45 percent cotton, is cotton; as is also a fabric containing 51 percent cotton, 49 percent rayon.

(10) "Cotton item" means an item of which more than 50 percent of the fabric yardage incorporated in it, exclusive of linings, bindings and trimmings, is made of cotton fabric.

(11) "Synthetic fiber fabric" means any fabric containing less than 25 percent wool, by weight, but of which the remaining fibers are 50 percent or more of synthetic fiber (staple or continuous filament) by weight. For example, a fabric containing 20 percent wool, 40 percent rayon, 40 percent cotton, is rayon; as is a fabric containing 50 percent rayon, 50 percent cotton. The term does not include nylon.

(12) "Synthetic fiber item" means an item of which more than 50 percent of the fabric yardage incorporated in it, exclusive of linings, bindings and trimmings, is made of synthetic fabric.

(13) "Wool fabric" means any fabric incorporating 25 percent or more, by weight, of new, reprocessed, or re-used wool fiber, excepting upholstery pile fabrics and floor coverings. The term includes woolen and worsted fabrics.

(14) "Worsted fabric" means a fabric made from yarn containing 25 percent or more wool fiber by weight in which the wool fiber content is 50% or more of combed and spun on worsted machinery.

(15) "Woolen fabric" means a fabric made from yarn containing 25 percent or more wool fiber by weight in which the wool fiber content is over 50 percent spun on any system other than the worsted system.

(16) "Wool item" means an item of which 50 percent or more of the fabric yardage incorporated in it, exclusive of linings, bindings and trimmings, is made of woolen or worsted fabric.

(17) "Textiles" include yarns and fabrics. The term does not include scrap or pieces less than one yard in length, produced in normal operations.

(18) "Put into process" means the first change by a manufacturer or processor in the form of textiles from that form in which it was received.

(19) "Price" unless otherwise stated, means the list price of the manufacturer to an unaffiliated purchaser. A manufacturer who sells directly to consumers or to an affiliated purchaser must use the retail price in determining his eligibility

to use a rating assigned in any preference rating schedule of this order.

However, he may apply to the War Production Board for a manufacturer's price equivalent which will be appropriate in the light of the retail price. A purchaser is deemed affiliated with a manufacturer if he is an owned or controlled outlet, or is an outlet which owns, controls, or is subject to common control with the manufacturer.

(20) "Piece goods" means fabrics delivered to a merchant for ultimate over-the-counter sale at retail in the same form in which the fabrics are delivered to the merchant.

(21) Reference to this "order", unless otherwise specified, means and includes M-388 and all orders in the M-388 series.

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

(p) *Violations and false statements.* Any person who wilfully violates any provisions 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.

(q) *Appeals for relief in exceptional cases.* Any person who considers that compliance by himself or others with a restriction of this order would work an exceptional and unreasonable hardship may appeal for relief. The appeal shall be made by filing a letter in triplicate referred to the particular provision appealed from, and stating fully the grounds of the appeal.

(r) *Communications.* All reports to be filed, appeals and other communications concerning M-388, or any order in the M-388 series, shall be filed with the War Production Board, Textile, Clothing and Leather Bureau, Washington 25, D. C., Ref.: M-388.

Issued this 19th day of February 1945.

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

[F. R. Doc. 45-2754; Filed, Feb. 19, 1945;
11:34 a. m.]

PART 3290—TEXTILE, CLOTHING AND
LEATHER

[General Preference Order M-388A]

COTTON TEXTILES FOR CIVILIAN ITEMS

§ 3290.352 *General Preference Order M-388A—(a) Explanation.* This order is supplemental to Order M-388. It states the special rules applicable to civilian items made from cotton textiles

and lists the items for which ratings are assigned. This order supersedes Order M-385, with respect to deliveries after March 31, 1945. It also contains set-aside provisions for cotton textiles which are substantially the same as those in Order M-385, as amended February 9, 1945. Order M-385 expires March 31, 1945.

(b) *Fabric "set-asides."* "Unrated yardage" means (1) in the case of an intermediate processor or importer the number of yards of cotton fabric (including cotton fabric prior to bleaching, dyeing or finishing) acquired by him or for his account without a preference rating, or (2) in the case of a producer of colored yarn fabrics the number of yards of each construction of cotton colored yarn fabric produced by him and not needed to fill orders rated other than AA-4. Producers of colored yarn cotton fabric and intermediate processors and importers of other cotton fabric must make the set-asides specified in this paragraph (b), from their unrated yardage for the quarter April-May-June, 1945, and for each calendar quarter thereafter. The set-asides apply to unrated yardage shown in Cotton Fabric Schedule I, Column 1 of the Cotton Fabric Schedule I lists particular fabrics and Column 2 the percentage of unrated yardage of each which must be set-aside.

(1) *Colored yarn fabric.* Each producer and importer of a colored yarn fabric described in Column 1 of the Cotton Fabric Schedule I must set aside from his unrated yardage of the listed fabric produced during each quarter, at least the percentage shown in Column 2.

(2) *Cotton fabrics other than colored yarn fabrics.* Each intermediate processor and importer of a construction of cotton fabric listed in Column 1 of Cotton Fabric Schedule I must set aside, from his unrated yardage of the listed construction which he acquired during each quarter, at least the percentage shown in Column 2.

(c) *Finishing fabric covered by set-asides.* No intermediate processor or importer shall bleach, dye, print or otherwise finish, or permit to be bleached, dyed, printed or otherwise finished, any fabric, title to which passes to him or which he produces on or after April 1, 1945, except to fill rated orders which he has accepted, or to make unrated deliveries within the limits allowed by this Order. Material must be finished in a manner which will make it suitable to fill the required amounts of rated orders.

(d) *Sales from set-asides.* Orders for the full amount of each set-aside must be accepted within the quarter during which the set-aside is made or within ten days thereafter.

(e) *Certifications on sales against set-asides.* No producer, importer, or intermediate processor shall deliver any cotton fabric set aside under paragraph (b) above, except on rated orders bearing the certification in paragraph (1) (4) of Order M-388, or on orders for over-the-counter piece goods or from small users, which bear the certification in paragraph (g) of Order M-388.

(f) *Exceptions.* Exceptions from the set-aside requirements may be authorized by the War Production Board in writing pursuant to letter application from any intermediate processor, importer or colored yarn fabric producer who in the six months prior to August 1, 1944, did not sell any of the cotton fabrics listed in Column 1 of a Fabric Schedule for piece goods, or finish or cause them to be finished in a manner suitable for incorporation into an item listed in the Item Column of a Preference Rating Schedule of this order.

(g) *Preference rating schedules.* Preference ratings are assigned in the preference rating schedules of this order. The conditions under which the ratings can be used are explained in the schedules.

(h) *Records and reports.* In addition to complying with the record and report requirements of Order M-388, each intermediate processor and producer of colored yarn fabrics to whom Form WPB-3848 is sent by the War Production Board, shall execute this form monthly, in accordance with the instructions thereon, and file the executed form monthly with the War Production Board. This reporting requirement has been approved by the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

Issued this 19th day of February 1945.

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

COTTON FABRIC SCHEDULE I

Reference number	Column 1 Construction of fabric	Column 2 Percentage of unrated yardage required to be set aside
1.....	Print cloth, sley of 66 to 78, any pick, all widths and weights, plain and fancy weaves.....	90
2.....	Print cloth, sley of 62 to 65, any pick, all widths and weights, plain and fancy weaves.....	50
3.....	Print cloth, sley of 56 to 61, any pick, all widths and weights, plain and fancy weaves.....	75
4.....	Print cloth, less than 56 sley, 8.60 yards per lb. and heavier.....	60
5.....	Plissed print cloth, sley of 62 to 65, any pick, all widths and weights, plain and fancy weaves.....	90
6.....	Plissed print cloth, sley of 56 to 61, any pick, all widths and weights, plain and fancy weaves.....	90
7.....	Carded poplin, plain and slub, all counts, print cloth, warp yarn.....	90
8.....	Carded broadcloth over 100 sley, any pick, plain, slub and fancy weaves.....	90
9.....	Carded broadcloth, more than 80, but not more than 100 sley, any pick, plain, slub and fancy weaves.....	90
10.....	Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy weaves.....	90
11.....	Cotton and spun rayon mixtures containing less than 25% by weight, of rayon, lighter than three square yards per pound.....	75
12.....	96/100, lawns, all weights.....	75
13.....	88/80, lawns, all weights.....	75
14.....	76/72, lawns, all weights.....	75
15.....	72/58, lawns, all weights.....	50
16.....	Carded chambray, lighter than 3.90 yards per pound.....	90
17.....	Carded gingham, average yarn heavier than 35's.....	75
18.....	Sport denim.....	90
19.....	Outing flannel, 3.75 yards per pound and lighter.....	75
20.....	Soft-filled sheeting, lighter than 3.25 yards per pound.....	75
21.....	Dimity, combed and carded.....	75
22.....	Dotted Swisses (carded undyed yarn).....	90
23.....	Combed broadcloth, up to 136 sley, any pick, plain, slub and fancy weaves.....	90
24.....	Gabardines, 2.85 yards per pound and heavier.....	60
25.....	Twills (other than three leaf), 3.25 yards per pound and heavier.....	60
26.....	Drills, 3.25 yards per pound and heavier.....	60
27.....	Carded sateens.....	50
28.....	Interlining flannels and other napped fabrics other than blanketing and outing flanellette.....	75
29.....	Three leaf pocketing twills (sheeting yarns).....	100
30.....	Three leaf silesia twills.....	100
31.....	Three leaf twills (print cloth yarn).....	100

AA-4 PREFERENCE RATING SCHEDULE I—COTTON FABRIC CIVILIAN ITEMS

Preference rating AA-4 for the particular cotton fabrics listed in the Fabric Maximum Price Column is assigned to manufacturers of items in this Schedule I who comply with M-388 and M-388A, including the following conditions:

(1) The rating may be used only to get the particular fabric shown in the Fabric Maximum Price Column.

(2) The fabric must be incorporated into an item produced for sale by the manufacturer at or below the lower of the following two prices:

(i) The price at which the manufacturer is permitted to sell the item under regulations of the Office of Price Administration; or

(ii) The price specified in the Fabric Maximum Price Column.

(3) The rated quota (the maximum yardage for which the rating may be used) must be calculated from the table below. For this

purpose, products are classified as "items" and a separate quota is applicable to each item. An item classification generally includes several of the "Group No." classifications in which products are divided according to sizes and prices in the preference rating schedules. The table below shows in the respective columns the item number, description of item, the group numbers from the preference rating schedules which each item includes, and the rated quota percentages for the item. To determine his quota, the manufacturer must take the total number of units of the item (regardless of price) which he produced during the corresponding quarter of 1943 and multiply this by the percentage shown for that item in the second column. The result will be his quota for total production of all products included in the item. He may distribute his quota any way he wants between different products included in the same item, but this does not exempt him from OPA reg-

ulations. He may not get more fabric with the rating in any calendar quarter than the yardage necessary to fill this quota. This is the yardage which he must show in Form WPB-4200 before using the rating, as explained in paragraph (1) (2) of M-388.

Item number	Description of item	Includes these group numbers from preference rating schedules I and II	Rated quota percentages	Item number	Description of item	Includes these group numbers from preference rating schedules I and II	Rated quota percentages
A-1	Dresses: Misses' and women's.	1, 2, 54	55	A-16	Nightgowns: Children's (sizes 8 to 16).	27, 67	100
A-2	Dresses: Teens' and juniors'.	53	55	A-17	Kimonos: Infants'	28, 68	100
A-3	Slips: Women's.	3, 4	55	A-18	Gertrudes: Infants'	29, 69	100
A-4	Pajamas: Women's.	5	35	A-19	Dresses: Infants'	30, 70	100
A-5	Nightgowns: Women's and misses'.	6, 7, 56	35	A-20	Dresses: Toddlers' (sizes 1 to 3).	31, 71	100
A-6	Shirts: Men's dress and sport.	8, 9, 10, 11, 57, 58	80	A-21	Dresses: Children's (sizes 3 to 6x).	32, 72	100
A-7	Under shorts: Men's.	12, 13, 59	80	A-22	Dresses: Girls' (sizes 7 to 14).	33, 73	100
A-8	Pajamas: Men's.	14, 15	35	A-23	Slips: Toddlers' (sizes 1 to 3).	34, 74	100
A-9	Creepers, rompers.	16, 60	100	A-24	Slips: Girls', gertrude type (sizes 2 to 14).	35, 75	100
A-10	Pajamas, children's (sizes 1 to 4).	17, 18, 19, 61	100	A-25	Slips: Girls', shoulder strap (sizes 10 to 16).	36, 76	100
A-11	Pajamas, children's (sizes 2 to 8).	20, 21, 22, 62	100	A-26	Blouses: Women's and misses'.	55	55
A-12	Pajamas, children's (sizes 8 to 16).	23, 63	100	A-27	Blouses: Girls' (sizes 1 to 6).	37, 77	100
A-13	Nightgowns: Infants'.	24, 64	100	A-28	Blouses: Girls' (sizes 7 to 14).	38, 78	100
A-14	Nightgowns: Children's (sizes 1 to 3).	25, 65	100	A-29	Panties: Girls' (sizes 2 to 12).	39, 79	100
A-15	Nightgowns: Children's (sizes 2 to 8).	26, 66	100	A-30	Overalls, Coveralls: (sizes 1 to 4).	40, 80	100
				A-31	Overalls: Crawler type (sizes 6 months to 2 years).	41, 82	--
				A-32	Overalls, Coveralls: (sizes 2 to 6x).	42, 81	100
A-33	Wash suits: Boys', toddlers.	43, 83	100				
A-34	Wash suits: Boys' (sizes 2 to 6x).	44, 84	100				
A-35	Boys' shirts and blouses (sizes 3 to 10).	45	100				
A-36	Shirts: Boys' dress and sport (sizes 11 to 14½).	46, 47, 85, 86, 87	100				
A-37	Pants: Boys' (short) (sizes 4 to 10).	48, 88	100				
A-38	Pants: Boys' (long or knickers) (sizes 4 to 12).	49, 89	100				
A-39	Undershorts: Boys' (sizes 6 to 16).	50, 90	100				
A-40	Quilted crib pads.	51, 52	100				
A-41	Handkerchiefs: Men's.	92	55				
A-42	Handkerchiefs: Women's.	93	55				

(4) The rating is good to obtain cotton fabrics, set aside under M-388A, and may not be used to obtain from any intermediate processor or importer any fabric in excess of the amount of the particular set-aside. The rating may not be applied or extended to a producer except for colored yarn fabrics.

AA-4—PREFERENCE RATING SCHEDULE I

Group No.	Item column I		Fabric—maximum price column (Price per dozen) 2	Fabric—maximum price column (Price per dozen) 3	Fabric—maximum price column (Price per dozen) 4
	Type	Size (or equivalent trade designation)			
1	Dresses: Misses' and women's.	12-44			\$24.00 Cotton and spun rayon mixtures containing less than 26% by weight of rayon, and lighter than 3.00 square yards per pound. Carded gingham, average yarn heavier than 35's.
2	Dresses: Women's.	46 and up			\$27.00 Cotton and spun rayon mixtures containing less than 26% by weight of rayon and lighter than 3.00 square yards per pound. Carded gingham, average yarn heavier than 35's.
3	Slip: Women's.	38-44	\$6.75 Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.	\$8.50 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy.	
4	Slips: Women's.	46 and up	\$8.00 Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.	\$9.75 Print cloth, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy.	
5	Pajamas: Women's.	32-40		\$16.50 Outing flannel—3.75 yards per pound and lighter.	\$18.75 Soft-filled sheetings, lighter than 3.25 yard.
6	Nightgowns: Women's.	32-40	\$15.75 76/72 lawns. Outing flannel, 3.75 yards per pound and lighter.	\$16.50 96/100 lawns, all weights. 88/80 lawns, all weights. Soft-filled sheetings, lighter than 3.25 yard.	
7	Nightgowns: Women's.	42 and up	\$17.25 76/72 lawns. Outing flannel, 3.75 yards per pound and lighter.	\$18.50 96/100 lawns, all weights. 88/80 lawns, all weights. Soft-filled sheetings, lighter than 3.25 yard.	
8	Shirts: Men's dress and sport, long sleeve.	14-17	\$14.75 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy.	\$16.50 Carded poplins, plain and slub (all counts) print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. Carded broadcloth, over 100 sley, any pick, plain, slub and fancy weaves.	\$24.00 Combed broadcloth, up to 136 sley, any pick, plain, slub and fancy weaves.
9	Shirts: Men's sport, short sleeve.	14-17	\$13.25 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy.	\$15.00 Carded poplins, plain and slub (all counts) print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy.	

AA-4—PREFERENCE RATING SCHEDULE I—Continued

Group No.	Item column I		Fabric—maximum price column (Price per dozen) 2	Fabric—maximum price column (Price per dozen) 3	Fabric—maximum price column (Price per dozen) 4
	Type	Size (or equivalent trade designation)			
10	Shirts: Men's dress and sport, long sleeve.	17½ and up...	\$17.50 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.	\$19.50 Carded poplins, plain and slub (all counts) print-cloth warp yarns. Carded broadcloth, more than 80, but not more than 100 sley, any pick, plain, slub and fancy. Carded broadcloth, over 100 sley, any pick, plain, slub and fancy weaves.	
11	Shirts: Men's sport, short sleeve.	17½ and up...	\$16.50 Print cloth, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.	\$18.00 Carded poplins, plain and slub (all counts) print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. Carded broadcloth, over 100 sley, any pick, plain, slub and fancy weaves.	
12	Under shorts: Men's.....	28-44.....	\$4.00 Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloths, 80 sley and less, any pick, plain, slub and fancy.	\$4.75 Carded poplins, plain and slub (all counts) print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. Carded broadcloth, over 100 sley, any pick, plain, slub and fancy weaves.	
13	Under shorts: Men's.....	46 and up.....	\$5.50 Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.	\$6.25 Carded poplins, plain and slub (all counts) print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. Carded broadcloth, over 100 sley, any pick, plain, slub and fancy weaves.	
14	Pajamas: Men's.....	a, b, c, d.....	\$19.75 Outing flannel—3.75 yard per pound and lighter.	\$22.50 Soft-filled sheetings, lighter than 3.25 yard	
15	Pajamas: Men's.....	e and up.....	\$22.75 Outing flannel—3.75 yard per pound and lighter.	\$25.50 Soft-filled sheetings, lighter than 3.25 yard	
16	Creepers, rompers.....	6 months to 2 years.	\$8.50 Print cloth, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy. Print cloths, sley 56 to 61, any pick, all widths and weights, plisse crepe finish.	\$10.50 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. Carded poplins, plain and slub (all counts) print cloth warp yarns. Carded chambray, lighter than 3.90 yards per pound.	
17	Pajamas: Button on two piece.	1 to 4.....	\$10.50 Print cloths, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish. Print cloths, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish. Outing flannel, 3.75 yards per pound and lighter. Soft-filled sheeting, 3.25 yards per pound and lighter.		
18	Pajamas: Button on 2-piece with feet.	1 to 4.....	\$10.50 Outing flannel, 3.75 yard per pound and lighter. Soft-filled sheeting, 3.25 yard per pound and lighter.		
19	Pajamas: 2-piece button on with extra pants.	1 to 4.....	\$12.00 Print cloths, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish. Print cloths, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish. Outing flannel, 3.75 yards per pound and lighter. Soft-filled sheeting, 3.25 yards per pound and lighter.		
20	Pajamas: 1-piece without feet.	2 to 8.....	\$10.50 Print cloth, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Outing flannel, 3.75 yards per pound and lighter. Print cloths, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.	\$12.00 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley 62 to 65, any pick, all widths and weights, plisse crepe finish. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. Soft-filled sheeting, 3.25 yards per pound and lighter.	

AA-4—PREFERENCE RATING SCHEDULE I—Continued

Group No.	Item column I		Fabric—maximum price column (Price per dozen) 2	Fabric—maximum price column (Price per dozen) 3	Fabric—maximum price column (Price per dozen) 4
	Type	Size (or equivalent trade designation)			
21	Pajamas: 1-piece with feet.	2 to 8.....	\$12.00 Outing flannel, 3.75 yards per pound and lighter. Soft-filled sheeting, 3.25 yards per pound and lighter.		
22	Pajamas: 2-piece, jacket type.	2 to 8.....	\$12.00 Print cloths, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish. Print cloths, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.	\$13.50 Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. Outing flannel, 3.75 yards per pound and lighter. Soft-filled sheeting, 3.25 yards per pound and lighter. Print cloth, sley of 66 to 78, any pick, all widths and weights, plain and fancy.	
23	Pajamas: 2-piece, jacket type.	8 to 16.....	\$13.50 Print cloth, sley 62 to 65, any pick, all widths and weights, plisse crepe finish. Print cloth, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.	\$15.75 Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. Outing flannel, 3.75 yards per pound and lighter. Soft-filled sheeting, 3.25 yards per pound and lighter. Print cloth, sley of 66 to 78, any pick, all widths and weights, plain and fancy.	
24	Nightgowns: Infants.....		\$4.50 Print cloths, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish. Print cloths, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish. 96/100 lawns, all weights. 88/80 lawns, all weights. 76/72 lawns. Outing flannel, 3.75 yards per pound and lighter. Soft-filled sheeting, 3.25 yards per pound and lighter.		
25	Nightgowns.....	1 to 3.....	\$5.25 76/72 lawns. Outing flannel, 3.75 yards per pound and lighter. Print cloths, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish.	\$6.00 Print cloths, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish. 96/100 lawns, all weights. 88/80 lawns, all weights. Soft-filled sheeting, 3.25 yards per pound and lighter.	
26	Nightgowns.....	2 to 8.....	\$6.50 Outing flannel, 3.75 yards per pound and lighter. 76/72 lawns. Print cloth, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish.	\$8.50 96/100 lawns, all weights. 88/80 lawns, all weights. Print cloth, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish. Soft-filled sheeting, 3.25 yards per pound and lighter.	
27	Nightgowns.....	8 to 16.....	\$10.50 Outing flannel, 3.75 yards per pound and lighter. 76/72 lawns. Print cloths, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish.	\$12.00 96/100 lawns, all weights. 88/80 lawns, all weights. Print cloths, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish. Soft-filled sheeting, 3.25 yards per pound and lighter.	
28	Kimonos.....	Infants.....	\$4.50 Print cloths, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish. Outing flannel, 3.75 yards per pound and lighter. Soft-filled sheeting, 3.25 yards per pound and lighter.		
29	Gertrudes.....	Infants.....	\$3.75 76/72 lawns. 72/56 lawns, all weights.	\$4.50 96/100 lawns, all weights. 88/80 lawns, all weights. Outing flannel, 3.75 yards per pound and lighter. Soft-filled sheeting, 3.25 yards per pound and lighter.	
30	Dresses: Infants'.....	0 to 1 yr.....	\$10.50 Carded poplins, plain and slub (all counts), print cloth warp yarns. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy. 96/100 lawns, all weights. 88/80 lawns, all weights. 76/72 lawns. 72/56 lawns, all weights.		

AA-4—PREFERENCE RATING SCHEDULE I—Continued

Group No.	Item column I		Fabric—maximum price column (Price per dozen)	Fabric—maximum price column (Price per dozen)	Fabric—maximum price column (Price per dozen)
	Type	Size (or equivalent trade designation)	2	3	4
31	Dresses: Toddlers'	1 to 3	\$10.50 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy. Print cloths, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish. 72/56 lawns, all weights.	\$13.50 Print cloths, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish. Carded poplins, plain and slub (all counts), print cloth warp yarns. Carded broadcloth more than 80 but not more than 100 sley, any pick, plain, slub and fancy. 96/100 lawns, all weights. 88/80 lawns, all weights. 76/72 lawns. Carded chambray, lighter than 3.90 yards per pound. Dimities. Dotted swiss, carded undyed yarn.	
32	Dresses: Children's	3 to 6x	\$12.00 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy. Print cloths, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish. 72/56 lawns, all weights.	\$15.75 Print cloths, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish. Carded poplins, plain and slub (all counts), print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. 96/100 lawns, all weights. 88/80 lawns, all weights. 76/72 lawns. Carded chambray, lighter than 3.90 yards per pound. Dimities. Dotted swiss, carded undyed yarn.	
33	Dresses: Girls'	7 to 14	\$13.50 Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy. Print cloths, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish.	\$16.50 Carded poplins, plain and slub (all counts), print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. Carded chambray, lighter than 3.90 yards per pound. Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish. Cotton and spun rayon mixtures, containing less than 25% by weight of rayon, and lighter than 3.00 yards per pound. Carded gingham, average yarn heavier than 35's.	
34	Slips: Toddlers'	1 to 3	\$3.75 Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy. 72/56 lawns, all weights.	\$4.50 Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. 96/100 lawns, all weights. 88/80 lawns, all weights. 76/72 lawns.	
35	Slips: Girls', gertrude type.	2 to 14	\$4.50 Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy. 72/56 lawns, all weights.	\$6.75 Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain and fancy. Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. 96/100 lawns, all weights. 88/80 lawns, all weights. 76/72 lawns.	
36	Slips: Girls', shoulder strap.	10 to 16	\$8.50 Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.	\$9.75 Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. 96/100 lawns, all weights. 88/80 lawns.	
37	Blouses: Girls'	1 to 6	\$9.75 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy. Dimities. 76/72 lawns.	\$12.00 Carded poplins, plain and slub (all counts), print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. 96/100 lawns, all weights. 88/80 lawns, all weights. Dotted swiss, carded undyed yarns.	
38	Blouses: Girls'	7 to 14	\$10.50 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth 80 sley and less, any pick, plain and fancy. Dimities. 76/72 lawns.	\$13.50 Carded poplins, plain and slub (all counts), print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. 96/100 lawns, all weights. 88/80 lawns, all weights. Dotted swiss, carded undyed yarns.	

AA-4—PREFERENCE RATING SCHEDULE I—Continued

Group No.	Item column I		Fabric—maximum price column (Price per dozen)	Fabric—maximum price column (Price per dozen)	Fabric—maximum price column (Price per dozen)
	Type	Size (or equivalent trade designation)	2	3	4
39	Panties: Girls'.....	2 to 12.....	\$3.00 Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. 72/56 lawns, all weights.	\$3.75 Print cloths, sley of 66 to 78, any pick, all widths and weights, plisse crepe finish. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy. 76/72 lawns.	\$4.50 Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. 96/100 lawns, all weights. 88/80 lawns, all weights.
40	Overalls: Coveralls.....	1 to 4.....	\$9.75 Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy. Print cloths, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish.	\$10.50 Print cloths, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish. Carded poplins, plain and slub (all counts), print cloth warp yarns. Sport denims. Carded chambray, lighter than 3.90 yards per pound. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy.	
41	Overalls: Crawler type.	6 Months-2 Years.	\$8.50 Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy. Print cloths, sley 56 to 61, any pick, all widths and weights, plisse crepe finish.	\$10.50 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish. Carded poplins, plain and slub (all counts), print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. Carded chambray, lighter than 3.90 yards per pound.	
42	Overalls: Coveralls.....	2 to 6x.....	\$10.50 Print cloths, sley of 66 to 78, any pick, all widths, and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy. Print cloths, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish.	\$12.00 Print cloths, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish. Carded poplins, plain and slub (all counts), print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. Sport denims. Carded chambray, lighter than 3.90 yards per pound. Carded broadcloth, over 100 sley, any pick, plain, slub and fancy weaves.	
43	Wash suits: Boys', toddlers'.	1 to 4.....	\$10.50 Carded poplins, plain and slub (all counts) print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. Print cloth, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Carded broadcloth, over 100 sley, any pick, plain, slub and fancy weaves.		
44	Wash suits.....	2 to 6x.....	\$12.00 Carded poplins, plain and slub (all counts) print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. Print cloth, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Carded broadcloth, over 100 sley, any pick, plain slub and fancy weaves.		
45	Boys' Shirts and blouses	3 to 10.....	\$9.00 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded poplins, plain and slub (all counts), print cloth warp yarn. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.		
46	Shirts: Boys' Dress or Sport, Long Sleeves, Neckband sizes.	11 to 14½.....	\$10.50 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.	\$12.00 Carded poplins, plain and slub (all counts), print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. Carded broadcloth, over 100 sley, any pick, plain, slub and fancy weaves.	
47	Shirts: Boys' dress or sport, short sleeve, neckband sizes.	11 to 14½.....	\$9.50 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths, and weights, plain and fancy. Carded broadcloth 80 sley and less, any pick, plain, slub and fancy.	\$11.00 Carded poplins, plain and slub (all counts) print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub. Carded broadcloth over 100 sley, any pick, plain, slub and fancy.	

AA-4—PREFERENCE RATING SCHEDULE I—Continued

Group No.	Item column I		Fabric—maximum price column (Price per dozen)	Fabric—maximum price column (Price per dozen)	Fabric—maximum price column (Price per dozen)
	Type	Size (or equivalent trade designation)	2	3	4
48	Pants: Boys' (short)....	4 to 10.....	\$10.50 Drills, twills (other than three leaf), 3.25 yards per pound and heavier.	\$13.50 Gabardines, 2.85 yards per pound and heavier.	
49	Pants: Boys' (long or knicker).	4 to 12.....	\$15.75 Drills and twills (other than three leaf), 3.25 yards per pound and heavier. Gabardines, 2.85 yards per pound and heavier.		
50	Undershorts: Boys'.....	6 to 16.....	\$3.50 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth 80 sley and less, any pick, plain, slub and fancy.	\$4.25 Carded poplins, plain and slub (all counts), print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. Carded broadcloth over 100 sley, any pick, plain, slub and fancy.	
51	Quilted crib pads.....	17 x 18.....	\$2.00 Print cloth, less than 56 sley, 8.60 yards per pound and heavier.	\$2.50 Print cloth, sley of 56 to 61, any pick, all widths and weights, plain and fancy.	\$2.75 Print cloth, sley of 62 to 65, any widths and weights, plain and fancy.
52	Quilted crib pads.....	18 x 34.....	\$4.00 Print cloth, less than 56 sley, 8.60 yards per pound and heavier.	\$4.75 Print cloth, sley of 56 to 61, any pick, all widths and weights, plain and fancy.	\$5.25 Print cloth, sley of 62 to 65, any pick, all widths and weights, plain and fancy.

AA-4 PREFERENCE RATING SCHEDULE II—OTHER COTTON FABRIC CIVILIAN ITEMS

Preference rating AA-4 for any cotton fabrics listed in this Schedule II is assigned to manufacturers of items in the Schedule who comply with M-388 and M-388A, including the following conditions:

(1) The fabric must be incorporated into an item produced for sale by the manufacturer at or below the lower of the following two prices:

(i) The price at which the manufacturer is permitted to sell the item under regulations of the Office of Price Administration, or

(ii) The price specified in Column 2 of this Schedule.

(2) Items in this Schedule, but in different price lines, are also listed in Preference Rating Schedule I. The manufacturer's total quota for the particular priced items in Preference Rating Schedule I and in this Schedule must be figured under Sub-paragraph (3) of Schedule I as a combined quota. He may not get more fabric with the rating in any calendar quarter than the yardage necessary to fill this combined quota. This is the yardage which he must show in Form WPB-4200 before using the rating, as explained in paragraph (1) (2) of M-328.

(3) This rating may not be used to get fabric from any intermediate processor who has accepted orders rated AA-4 for fabrics listed in this Schedule for an aggregate of 65 per cent of his unrated yardage of that fabric during the quarter. He must accept such orders up to 65 per cent but need not accept orders in excess of this percentage of his unrated yardage of each of these constructions.

AA-4 PREFERENCE RATING SCHEDULE II

Group No.	Column 1 Item description	Column 2 Maximum price per dozen
53	Dresses, teens' and juniors'.....	\$36.00
54	Dresses, misses' and women's.....	45.00
55	Blouses, misses' and women's.....	18.00
56	Nightgowns, misses' and women's.....	22.50

AA-4 PREFERENCE RATING SCHEDULE II—Con.

Group No.	Column 1 Item description	Column 2 Maximum price per dozen
57	Shirts, men's sport, short sleeve only.....	\$21.00
58	Shirts, men's dress only.....	24.00
59	Shirts, men's.....	8.50
60	Creepers and rompers, size 6 mos. to 2 years.....	15.75
61	Children's pajamas, size 1-4.....	18.00
62	Children's pajamas, size 2-8.....	18.00
63	Children's pajamas, size 8-16.....	18.00
64	Infants' nightgowns.....	10.50
65	Children's nightgowns, size 1-3.....	12.00
66	Children's nightgowns, size 2-8.....	12.00
67	Children's nightgowns, size 8-16.....	18.00
68	Infants' kimonos.....	10.50
69	Infants' gertudes.....	10.50
70	Infants' dresses.....	18.00
71	Toddler's dresses, size 1-3.....	18.00
72	Children's dresses, size 3-6x.....	18.00
73	Girls' dresses, size 7-14.....	22.50
74	Toddler's slips, size 1-3.....	10.50
75	Girls' slips, gertude type, size 2-14.....	12.00
76	Girls' slips, size 10-16.....	15.75
77	Girls' blouses, size 1-6.....	15.75
78	Girls' blouses, size 7-14.....	18.00
79	Girls' panties, size 2-12.....	6.00
80	Overalls and coveralls, size 1-4.....	18.00
81	Overalls and coveralls, size 2-6x.....	18.00
82	Overalls, crawler type, size 6 mos. to 2 years.....	15.75
83	Boys' wash suits, toddlers', size 1-4.....	18.00
84	Boys' wash suits, juvenile, size 2-6x.....	18.00
85	Boys' shirts, dress only, neck size 11 to 14½.....	18.00
86	Boys' sport shirts, long sleeve, neck size 11-14½.....	18.00
87	Boys' sport shirts, neck size 11-14½, short sleeve only.....	16.50
88	Boys' short pants, size 4-10.....	18.00
89	Boys' long pants, size 4-12.....	24.00
90	Boys' shorts, size 6-16.....	6.00
91	Children's sun suits.....	12.00
92	Men's handkerchiefs.....	2.25
93	Ladies' handkerchiefs.....	1.75

The AA-4 ratings assigned by this Supplement may be used to obtain the following basic fabrics for incorporation into the above items:

- Lawns and organdy, combed and part combed lawns, other than 96 x 100, 88 x 80, 76 x 72 and 72 x 56 construction.
- Lawns and Organdy, all carded.
- Combed twills, all types including Army and Navy Construction.

- Combed poplin.
- Combed broadcloth, over 136 sley.
- Oxfords.
- Shirting jacquard, gray-dobby, colbred yarn (combed).
- Gabardines, combed.
- Piques, (combed and fine carded).
- Pongees.
- Voiles.
- Combed and carded cotton-yarn fabrics, chiefly cotton, except cotton and spun rayons containing less than 25% by weight of rayon, and lighter than 3.00 square yards per pound.
- Medium sheeting (Class C).
- Window Shade quality Print Cloth.
- Plain Print Cloth, 80 sley and higher, all widths and weights, any pick, plain or fancy
- Colored Yarn suitings, all cotton; cotton and rayon including checks and plaids.
- Carded poplins (sheeting yarns).
- Pajama checks.
- Carded Gabardines.
- Sateens, combed and part combed.
- Tracing cloth.
- Seersucker, woven stripe.
- Fancy handkerchief fabrics (for handkerchiefs only).

A rating for cotton fabrics permitted by the last sentence of paragraph (1) (2) of M-388 may be also used by manufacturers to obtain the fabrics listed below for use in linings, bindings, pocketings, strippings, reinforcements, stays, and findings.

- Carded sateen.
- Print cloth, sley 56 to 61, any pick, all widths and weights, plain and fancy.
- Interlining flannel.
- Print cloths less than 56 sley, 8.60 yards per pound and heavier.
- Three leaf pocketing twills (sheeting yarns) (to be used only in pocketing for men's, boys' and children's clothing).
- Three leaf silesia twills (to be used in pocketings for men's, boys' and children's clothing only).
- Three leaf twills (print cloth yarn) (to be used only in pocketings and waist band linings in men's, boys' and children's clothing).

[F. R. Doc. 45-2755; Filed, Feb. 19, 1945; 11:34 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Preference Order M-388B]

SYNTHETIC FIBER TEXTILES FOR CIVILIAN ITEMS

§ 3290.353 *General Preference Order M-388B*—(a) *Explanation.* This order is supplemental to M-388. It states the special rules applicable to civilian items made from synthetic fiber materials and lists the items for which ratings are assigned.

(b) *Delivery quotas.* (Orders rated AA-3 or higher, and AA-5, must be filled as required by Priorities Regulation 1, in addition to the quotas under this paragraph.) Each intermediate processor and importer must deliver to fill AA-4 orders in the period from April 15, 1945, through June 30, 1945 inclusive, and in each subsequent calendar quarter, at least 75 percent of the total linear yards of synthetic fiber fabrics he delivers during the same period on both AA-4 and unrated orders. Stated another way, he must not deliver on unrated orders in any of these periods more than 25 linear yards of synthetic fiber fabrics for each 75 linear yards he delivers to fill AA-4 orders in the same period. He must not discriminate against rated orders in distributing widths as between rated and unrated deliveries.

For example, if an intermediate processor delivers a total of 1,000,000 yards in a calendar quarter, and half of this yardage is delivered to fill orders rated AA-3 or higher, or AA-5, he has available a total of 500,000 yards for both AA-4 and unrated deliveries. Seventy-five percent of this total, or at least 375,000 yards, would have to be delivered on AA-4 orders and not more than 25 percent or 125,000 yards could be delivered on unrated orders.

(c) *Finishing, sale, and delivery of materials under delivery quotas.* No intermediate processor or importer shall bleach, dye, print or otherwise finish, or permit to be bleached, dyed, printed or otherwise finished, any fabric, title to which passes to him, or which he completes as gray goods, on or after April 15, 1945, except to fill rated orders which he has accepted, or to make unrated deliveries within the limits allowed by this order. Material must not be finished in a manner which will make it unsuitable to fill the required amounts of rated orders.

(d) *Preference rating schedules.* Preference ratings are assigned in the Preference rating schedules of this order. The conditions under which the ratings can be used are explained in these schedules.

Issued this 19th day of February 1945,

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

AA-4 PREFERENCE RATING SCHEDULE I—SYNTHETIC FIBER CIVILIAN ITEMS

Assignment of AA-4 rating to manufacturers of listed synthetic fiber apparel and other items. Preference rating AA-4 for synthetic fiber fabric is assigned to manu-

facturers of the items shown in this Schedule who qualify under M-388 and M-388B, and also comply with the following:

(1) This rating may not be used to get a delivery from a producer.

(2) The fabric must be incorporated into an item produced for sale by the manufacturer at or below the lower of the following two prices: (1) the price at which the manufacturer is permitted to sell the item under regulations of the Office of Price Administration, or (2) the price specified in the Maximum Price Column in this Schedule.

(3) The Rated Quota Column in this Schedule shows for each item a quota of units of the item. This quota is a percentage of the total number of units (in all price lines) of the same item which the manufacturer made in the corresponding quarter of 1943. He may not get more fabric with the rating in any calendar quarter than the yardage necessary to fill this quota. This is the yardage which he must show in Form WPE-4200 before using the rating, as explained in paragraph (1) (2) of M-388.

[The applicable provisions of each column are indicated for each numbered item opposite the item number]

Item No.	Name of synthetic fiber item	Size (or equivalent trade designation)	Maximum price column	Rated quota column
			At or below the manufacturer's price permitted by OPA Regulations or at or below the price indicated opposite the item, whichever is lower	Percentage of production (in units) in corresponding quarter of 1943
			<i>Each</i>	
B-1	Dresses (street only):			
	Women's, extra sizes.....	46 and up.....	\$12.75	90
B-2	Women's, half sizes.....	16½ to 26½.....	12.75	85
B-3	Women's.....	38 to 44.....	12.75	85
B-4	Misses'.....	12 to 20.....	12.75	85
B-5	Juniors'.....	9 to 15.....	12.75	85
B-6	Maternity dresses.....	All sizes.....	12.75	90
B-7	Teen age.....	10 to 16.....	4.75	100
B-8	Girls'.....	7 to 14.....	3.75	100
B-9	Children's.....	3 to 6x.....	2.50	100
	Suits (two-piece, lined jacket):			
B-10	Women's.....	38 to 44.....	16.75	75
B-11	Misses'.....	12 to 20.....	16.75	75
B-12	Juniors'.....	9 to 15.....	16.75	75
	Skirts:			
B-13	Women's.....	32 to 44.....	3.00	90
B-14	Misses'.....	12 to 20.....	3.00	90
B-15	Juniors'.....	9 to 15.....	3.00	90
B-16	Teen age.....	10 to 16.....	3.00	110
B-17	Girls'.....	7 to 14.....	2.50	110
	Blouses, shirts, and waists:		<i>Per doz.</i>	
B-18	Extra sizes.....	42 to 46.....	35.00	90
B-19	Regular sizes.....	32 to 40.....	35.00	90
B-20	Teen age.....	10 to 16.....	30.00	110
B-21	Girls'.....	7 to 14.....	22.50	110
B-22	Children's.....	3 to 6x.....	15.75	110
B-23	Dickies.....	All sizes.....	14.50	90
B-24	Brassieres and bandeaus.....	32 to 50.....	15.75	100
B-25	Corselets and foundation garments—1-piece.....	All sizes.....	60.00	100
B-26	Girdles and corsets.....	All sizes.....	45.00	100
	Pajamas:			
B-27	Women's.....	32 to 44.....	36.00	90
B-28	Teens.....	10 to 16.....	22.50	100
	Nightgowns:			
B-29	Women's, extra sizes.....	46 and up.....	36.00	90
B-30	Women's.....	32 to 44.....	36.00	90
B-31	Teen age.....	10 to 16.....	22.50	100
	Slips:			
B-32	Women's, extra sizes.....	46 and up.....	24.00	90
B-33	Women's.....	32 to 44.....	24.00	90
B-34	Teen-age shoulder strap.....	10 to 16.....	15.75	110
B-35	Girls—Gertrude style.....	2 to 14.....	12.00	110
B-36	Nurses' uniforms.....	All sizes.....	45.00	100
	Religious vestments:			
B-37	Religious vestments.....			100
	Clothing, robes and vestments as required by the rules of religious sects.....			

[F. R. Doc. 45-2756; Filed, Feb. 19, 1945; 11:34 a. m.]

PART 4600—RUBBER, SYNTHETIC RUBBER, BALATA AND PRODUCTS THEREOF

[Rubber Order R-1, Direction 9, as Amended Feb. 19, 1945]

RESTRICTION ON MANUFACTURE OF GRADE "A" CAMELBACK

Direction 9 to Rubber Order R-1 is hereby amended to read as follows:

Notwithstanding the provisions of List 30, Appendix II, to Rubber Order R-1, as amended November 9, 1944, no Grade "A" camelback or capping stock may be manufactured in crown widths of less than five and one-half inches (5½") or in depth gauge of less than fourteen-thirty-second inches (1¼"), including cushion gum.

The manufacture of wing-type die sizes shall be permitted only to fill Government orders, or for use in retreading off-the-road and aircraft tires.

(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; E.O. 9246, 7 F.R. 7379 as amended by E.O. 9475, 9 F.R. 10817; WPB Reg. 1, as amended Dec. 31, 1943, 9 F.R. 64)

Issued this 19th day of February 1945.

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

[F. R. Doc. 45-2758; Filed, Feb. 19, 1945; 11:34 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Preference Order M-388C]

WOOL AND WOOL TEXTILES FOR CIVILIAN ITEMS

§ 3290.354 *General Preference Order M-388C*—(a) *Explanation*. This order is supplemental to M-388. It states the special rules applicable to civilian items made from wool materials and lists the items for which ratings are assigned.

(b) *Delivery quotas*. (Orders rated AA-3 or higher, or AA-5, must be filled as required by Priorities Regulation 1, in addition to the quotas under this paragraph.) Every intermediate processor and importer must deliver to fill AA-4 orders in the period from April 15, 1945, through June 30, 1945, inclusive, and in each subsequent calendar quarter, at least 80 percent of his total deliveries of woolen fabrics (by linear yards) during the same period on both AA-4 and unrated orders, and 100 percent of all deliveries of worsted fabrics not delivered to fill orders rated AA-3 or higher, or AA-5. Stated another way, he must not deliver on unrated orders in any of these periods more than 20 yards of woolen fabrics for each 80 yards he delivers to fill AA-4 orders in the same period. He must not discriminate against rated orders in distributing fabric widths as between rated and unrated deliveries. All worsted fabrics delivered for orders other than AA-3 or higher, or AA-5 must be delivered to fill AA-4 rated orders.

For example, if a woolen mill delivers a total of 1,000,000 yards in a calendar quarter, and half of this yardage is delivered to fill orders rated AA-3 or higher, or AA-5, it has available a total of 500,000 yards for both AA-4 and unrated deliveries. Eighty percent of this total, or at least 400,000 yards, would have to be delivered on AA-4 orders, and not more than 20 percent or 100,000 yards could be delivered on unrated orders. If it were a worsted mill, it would have to deliver 500,000 yards of worsted fabric on AA-4 rated orders.

(c) *Finishing, sale and delivery of materials under delivery quotas*. No producer of wool material, intermediate processor or importer shall finish or permit to be finished any fabric title to which passes to him, or which he completes as unfinished fabric, on or after April 15, 1945, except to fill rated orders which he has accepted, or to make unrated deliveries within the limits allowed by this order. Material must not be finished in a manner which will make it unsuitable to fill the required amounts of rated orders according to customers' specifications.

(d) *Restrictions on use of wool fabric acquired without ratings*. No person may use any wool fabric acquired without ratings for any purpose except to make the items listed in Column 1 below. These items, if made of woolen fabric, may only be made of the fabrics shown for each item in Column 2 below.

Column 1—Permitted uses of fabrics listed in Column 2

Coats: Womens, misses, juniors, teen age, girls, and childrens sizes.

Coats: Teen age, girls, childrens, boys, (3 to 8) sizes.

Dresses: Womens, misses, juniors, teen age, girls, and childrens sizes.

Suits, separate trousers, work pants and separate jackets: Mens, students, cadets, boys sizes.

Overcoats and topcoats: Mens, students, boys, juvenile sizes.

Mens and womens official uniforms as required by government regulations.

Shirts: mens and boys work type.

Piece goods for over the counter retail sale.

Religious vestments, clothing and robes as require by the rules of religious sects.

Caps: mens and boys.

Linings and interlinings for all items listed in Supplements A, B, C, of M-388 regardless of price.

Skirts, suits and jackets: Womens, misses, juniors, teen age, girls, childrens sizes.

(e) *Exceptions from use restrictions*. Restrictions of paragraph (d) do not apply to:

(1) Wool fabrics acquired on a rated order and used for the purpose for which the rating was received.

(2) Wool fabric actually acquired (not just contracted to buy) for another purpose before April 15, 1945.

(3) The use of wool where required to meet specifications for an item ordered by or for the account of the Army or Navy of the United States, the United States Maritime Commission, War Shipping Administration, and the Veterans' Administration, or an item ordered for physical incorporation in material which is to be delivered, directly or indirectly, for the account of one of those agencies.

(4) The use of wool fabric in making articles in the home and not for sale or remuneration.

(5) The use of scrap or pieces, less than one yard in length, produced in normal production operations.

(f) *Certification as to compliance with use restrictions*. No person shall sell any wool fabric commercially (except in ordinary retail sales) except to a customer who has on file with the seller, a certification in substantially the following form signed as provided in Priorities Regulation 7:

The undersigned certifies subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code that he is familiar with the restrictions on the use of wool fabric in Order M-388C and that wool fabric purchased from you will not be used or disposed of in violation of those restrictions.

(Name of purchaser)

(Address)

By -----
(Signature and title of
duly authorized officer)

(Date)

Column 2—Fabrics

Woolen fabric less than 19 oz. per linear yard, piece dyed only.

Woolen fabric less than 26 oz. per linear yard, piece dyed only.

Woolen fabric less than 14 oz. per linear yard, piece dyed only.

Woolen fabric less than 19 oz. per linear yard, stock or piece dyed.

Woolen fabric less than 34 oz. per linear yard, stock or piece dyed.

Woolen fabric less than 34 oz. per linear yard, stock or piece dyed.

Woolen fabric less than 19 oz. per linear yard, stock or piece dyed.

Woolen fabric less than 19 oz. per linear yard, piece dyed only.

Woolen fabric less than 19 oz. per linear yard, piece dyed only.

Woolen fabric less than 26 oz. per linear yard, stock or piece dyed.

Lining, interlining and undercollar cloth containing at least 25% or more wool fibre by weight, however spun.

Woolen fabric less than 19 oz. per linear yard, piece dyed only.

The standard form of certification given in Priorities Regulation 7 cannot be used instead.

(g) *Preference rating schedules*. Preference ratings are assigned in the preference rating schedules of this order. The conditions under which the ratings can be used are explained in these schedules.

Issued this 19th day of February 1945.

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

AA-4 PREFERENCE RATING SCHEDULE I—WOOL CIVILIAN ITEMS

Assignment of AA-4 rating to manufacturers of listed wool apparel and other items. Preference rating AA-4 for wool fabric is assigned to manufacturers of the items shown in this Schedule who qualify under M-388 and M-388C and comply with the following:

(1) This rating may be used only to get the fabric shown in the Fabric Column for the particular item and may be extended as permitted by Priorities Regulation 3.

(2) The fabric must be incorporated into an item produced for sale by the manufacturer at or below the lower of the following two prices: (1) the price at which the manufacturer is permitted to sell the item under regulations of the Office of Price Administration, or (2) the price specified in the Maximum Price Column.

(3) The Rated Quota Column in this Schedule shows for each item a quota of units of the item. This quota is a percentage of the total number of units (in all price lines) of the same item which the manufacturer made in the corresponding quarter of 1943. He may not get more fabric with the rating in any calendar quarter than the yardage necessary to fill this quota. This is the yardage which he must show in Form WPB-4200 before using the rating, as explained in paragraph (1) (2) of M-388.

(The applicable provisions of each Column are indicated for each numbered group opposite the group number.)

Item number	Item column		Maximum price column	Rated quota column	Fabric column
	Name of item	Size (or equivalent trade designation)			
C-15	Shirts, girls	7 to 14	3.75 each	80	Woolen fabric, less than 19 oz. per linear yd., piece dyed only.
C-16	Shirts, children's	3 to 6x	2.50 each	80	Woolen fabric, less than 19 oz. per linear yd., piece dyed only.
C-17	Suits, men's	All sizes	32.25 each	50	Worsted fabric. Woolen fabric less than 19 oz. per linear yd., stock or piece dyed.
C-18	Work shirts, men's	All sizes	4.50 each	80	Woolen fabric, less than 19 oz. per linear yd., stock or piece dyed.
C-19	Work pants, men's	All sizes	5.00 each	80	Woolen fabric, less than 19 oz. per linear yd., stock or piece dyed.
C-20	Overcoats, boys' Student	10 to 20 12 to 24	14.75 each	20	Woolen fabric 26 oz. per linear yard and heavier, stock or piece dyed.
C-21	Suits, Students'	32 to 38	17.50 each	80	Worsted fabric. Woolen fabric less than 19 oz. per linear yard, stock or piece dyed.
C-22	Suits, Cadets'	8 to 16	13.50 each	50	Woolen fabric less than 19 oz. per linear yard, stock or piece dyed.
C-23	Suits, Jr. boys'	4 to 12	10.00 each	80	Woolen fabric less than 19 oz. per linear yard, stock or piece dyed.
C-24	Separate trousers, Students'	25 to 32	5.00 each	80	Woolen fabric less than 19 oz. per linear yard, stock or piece dyed.
C-25	Separate trousers, Cadets	21-25	4.00 each	80	Woolen fabric less than 19 oz. per linear yard, stock or piece dyed.
C-26	Separate trousers, Junior boys' Including knickers	4 to 12	3.00 each	80	Woolen fabric, less than 19 oz. per linear yard, stock or piece dyed.
C-27	Mens' and Womens' official uniforms, as required by Government regulations.	6 to 16		50	Worsted fabric. Woolen fabric less than 19 oz. per linear yard, stock or piece dyed.
C-28	Shoes, misses', women's & children's daytime outdoor type.	All sizes		100	Worsted fabric.
C-29	Religious vestments, clothing & robes as required by the rules of religious sects.			100	Woolen fabric less than 19 oz. per linear yard, stock or piece dyed.

or undercollar cloth containing at least 25 percent or more wool fiber by weight, however spun.
[F. R. Doc. 45-2757 Filed, Feb. 19, 1945; 11:34 a. m.]

(The applicable provisions of each Column are indicated for each numbered group opposite the group number.)

Item number	Item column		Maximum price column	Rated quota column	Fabric column
	Name of item	Size (or equivalent trade designation)			
C-1	Coats, women's and misses'	9 to 15 12 to 20 36 to 44 46 & up	Untrimmed \$22.75 each. Full Trimmed \$45.00 each.	20	Woolen fabric, less than 19 oz. per linear yd., piece dyed only.
C-2	Coats, teen age	10 to 16	\$13.75 each	80	Woolen fabric, less than 26 oz. per linear yd., piece dyed only.
C-3	Coats, Girls'	7 to 14	12.75 each	80	Woolen fabric less than 26 oz. per linear yd., piece dyed only.
C-4	Coats, Children's & small boys'	3 to 6 3 to 8	9.75 each	80	Woolen fabric, less than 26 oz. per linear yd., piece dyed only.
C-5	Coats, Toddlers'	1 to 4	7.75 each	80	Woolen fabric, less than 19 oz. per linear yd., piece dyed only.
C-6	Coats, Infants'	6 mos. to 2 yrs.	6.75 each	80	Woolen fabric, less than 19 oz. per linear yd., piece dyed only.
C-7	Dresses, Women's & Misses'	9 to 15 12 to 20 38 to 44 16 1/2 to 26 1/2 46 & up	12.75 each	20	Woolen fabric, less than 14 oz. per linear yd., piece dyed only. Worsted fabric in which worsted yarn content is single ply, less than 9 oz. per linear yd., piece dyed only.
C-8	Dresses, teen age	10 to 16	5.75 each	80	Woolen fabric, less than 14 oz. per linear yd., piece dyed only. Worsted fabric in which worsted yarn content is single ply, less than 9 oz. per linear yd., piece dyed only.
C-9	Dresses, girls'	7 to 14	5.00 each	80	Woolen fabric, less than 14 oz. per linear yd., piece dyed only. Worsted fabric in which worsted yarn content is single ply, less than 9 oz. per linear yd., piece dyed only.
C-10	Suits, Women's & Misses'	9-15 12-20 38-44	22.75 each	20	Woolen fabric, less than 19 oz. per linear yd. Piece dyed only.
C-11	Suits, teen age	10 to 16	12.75 each	20	Woolen fabric, less than 19 oz. per linear yd., piece dyed only.
C-12	Suits, girls'	7 to 14	10.75 each	20	Woolen fabric, less than 19 oz. per linear yd., piece dyed only.
C-13	Skirts, misses'	9 to 15	5.00 each	40	Woolen fabric, less than 19 oz. per linear yd., piece dyed only.
C-14	Skirts, teen age	10 to 16	4.75 each	80	Woolen fabric, less than 19 oz. per linear yd., piece dyed only.

NOTE: 1. Weight per linear yard is based on 56-58 inches finished width.
2. When an AA-4 rating is assigned for wool linings or interlinings, it may only be used to get woolen fabric less than 19 oz. per linear yard, piece dyed only, or lining, interlining

Chapter XI—Office of Price Administration

PART 1378—COMMODITIES OF MILITARY SPECIFICATIONS FOR WAR PROCUREMENT AGENCIES

[MPR 157, Amdt. 17]

SALES AND FABRICATION OF TEXTILES, APPAREL AND RELATED ARTICLES FOR MILITARY PURPOSES

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

Section 1378.1 (c) (1) (i) (d) is added to read as follows:

(d) Twisted or braided rope or twine, made entirely (except for other material used in the core) of cotton and/or cotton waste.

This amendment shall become effective as of November 23, 1944.

Issued this 16th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2647; Filed, Feb. 16, 1945;
4:32 p. m.]

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

[MPR 127, Amdt. 28]

FINISHED PIECE GOODS

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

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

Section 1400.82 (n) is revoked.

This amendment shall become effective February 17, 1945.

Issued this 16th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2646; Filed, Feb. 16, 1945;
4:32 p. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17¹, Amdt. 92]

SHOES

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

Ration Order 17 is amended in the following respects:

1. Section 2.11 (1) (1) (i) is amended to read as follows:

(i) During the period from February 5, 1945 to February 24, 1945, inclusive, any

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

¹ 8 F.R. 15839, 16605, 16996; 9 F.R. 92, 573, 764, 2232, 2656, 2947, 2829, 3340, 3944, 4391, 5254, 5805, 6233, 6647, 6455, 7080, 7773, 8254, 8339, 8340, 8931, 9355, 9901, 10589, 10994, 10985, 11638, 11763, 12039, 12271, 12821, 13134, 13067, 13992, 14017, 14496; 10 F.R. 521, 1103, 1649.

establishment whose transfers of shoes are made principally to other establishments or any establishment whose transfers of shoes are made principally on mail order may transfer without ration currency to any other establishment, not to exceed in any class listed below, the applicable percentage of the number of pairs of shoes which it had in its inventory on July 31, 1944, in such class (as reported on Form R-1701B).

	Percent
Class I—Men's dress and work shoes----	3
Class II—Women's shoes-----	5

Any establishment transferred to a new owner under section 3.7 (b) after July 31, 1944 may transfer shoes under the conditions stated in subdivision (i) using as the base to which the percentage applies the number of pairs of shoes its transferor had in inventory on July 31, 1944 (as reported on Form R-1701B). The price of each pair so transferred between establishments not owned by the same person may not exceed a price 25% below the lowest price at which such shoes were sold by the transferor on February 1, 1945 (or if there was no sale of such shoes on February 1, 1945, the closest date thereto) to persons other than consumers. If there is no established price for such shoes to persons other than consumers, they may be transferred at a price not to exceed 10% above the price paid by the owner of the establishment for such shoes. An establishment may transfer shoes under this subparagraph to another establishment owned by the same person only if the price to consumers for such shoes will not exceed a price 33 $\frac{1}{3}$ % above the lowest price paid by the owner of the establishment for such shoes.

2. Section 2.11 (1) (2) (i) and (ii) are amended to read as follows:

(i) During the period from February 19, 1945 to March 10, 1945, inclusive, an establishment whose sales of shoes are made principally to consumers may transfer to consumers without ration currency in each class listed in subparagraph (1) above the applicable stated percentage of the number of pairs of shoes it had in its inventory on July 31, 1944, in such class (as reported on Form R-1701B). Any establishment transferred to a new owner under section 3.7 (b) after July 31, 1944 may transfer shoes under the conditions stated in this subdivision, using as the base to which the percentage applies the number of pairs of shoes in that class in the inventory of the old owner on July 31, 1944 (as reported on OPA Form R-1701B).

(ii) Any establishment whose transfers of shoes are made principally to consumers may transfer to consumers without ration currency during the period from February 19, 1945 to March 10, 1945, inclusive, shoes which it acquired from another establishment pursuant to section 2.11 (1) (1). The number of pairs of shoes so transferred need not be deducted by the establishment from the number of pairs of shoes permitted to be transferred without ration currency under section 2.11 (1) (2) (i).

3. Section 2.11 (1) (2) (v) is amended to read as follows:

(v) When such shoes are offered for sale to consumers in any advertisement or notice, they shall be referred to as "OPA Odd Lot Release. Ration-free from February 19, 1945 to March 10, 1945, inclusive."

This amendment shall become effective February 16, 1945.

Issued this 16th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2645; Filed, Feb. 16, 1945;
4:32 p. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14E¹ Amdt. 1]

COTTON ROPE AND TWINE

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

Section 2.9 is added to read as follows:

SEC. 2.9 *Producers' maximum prices for certain cotton rope and twine.* The maximum price of each producer prevailing on November 23, 1944² for twine not subject to Maximum Price Regulation No. 33³ and for twisted or braided rope or twine, made entirely (except for other material used in the core) of cotton and/or cotton waste, is increased by 1¢ per pound.

This amendment shall become effective as of November 23, 1944 for all sales and deliveries theretofore subject to Maximum Price Regulation No. 157⁴ and on February 17, 1945 for all other sales and deliveries.

Issued this 16th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2648; Filed, Feb. 16, 1945;
4:32 p. m.]

PART 1305—ADMINISTRATION

[2d Rev. Supp. Order 34]

MAXIMUM PACKING CHARGES ON SALES TO GOVERNMENT PROCUREMENT AGENCIES

Revised Supplementary Order No. 34⁵ is redesignated Second Revised Supplementary Order No. 34 and is revised to read as set forth below.

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

¹ 10 F.R. 1154.

² For transactions which on November 23, 1944 would have been subject to Maximum Price Regulation No. 157, this maximum price shall be (a) the ceiling price then prevailing under that regulation or (b) if, by virtue of proper certification under § 1378.4 of that regulation the producer had no ceiling, the price last negotiated prior to that date.

³ 7 F.R. 5774.

⁴ 9 F.R. 11059; 10 F.R. 776.

⁵ 8 F.R. 12404, 14073.

Sec.

1. Effect of this order.
2. Exemptions from price control.
3. Relation to other regulations.
4. Maximum packing charges.
5. Invoice and record-keeping requirements.
6. Definitions.

AUTHORITY: § 1305.40 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E. O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECTION 1. Effect of this order. This order establishes maximum charges which may be made when packing which differs from and costs more than standard packing is required by any procurement agency of the United States in connection with its purchase of any commodity other than food or food commodities. It applies not only to prime contractors but also to subcontractors under the prime contract with the procurement agency. But it applies only to sellers of the packed commodities, not to persons who merely pack but do not sell the commodities. Packing for which provision is expressly made in any price regulation is considered standard packing and this order does not apply to such packing.

SEC. 2. Exemptions from price control. The charge which may be made for packing any commodity otherwise subject to this order according to requirements of any procurement agency of the United States is exempt from price control:

(a) Where the sale of the commodity packed is exempt, and

(b) Where the sum of the price charged for the commodity packed and the charge made for packing it does not exceed the maximum price for the commodity unpacked or in standard packing.

SEC. 3. Relation to other regulations. This order shall apply to all price regulations heretofore or hereafter issued except those applicable to "foods" or "food commodities" as those terms are defined in Supplementary Order No. 106 and such others as expressly provide that this order does not apply to them.

SEC. 4. Maximum packing charges. The maximum charge which may be made, over and above the seller's contract price for the commodity unpacked or in standard packing, for packing any commodity subject to this order according to requirements of any procurement agency of the United States, shall be—

(a) If he packs the commodity himself, any amount by which the cost thereof exceeds the cost of standard packing, plus a percentage of such amount equal to the percentage over cost of the commodity realized on his sale of the commodity itself, but in no event shall such percentage exceed 10%.

(b) If he does not pack the commodity himself but has the packing done by some other person from whom he purchases either the commodity packed or only the packing service, the amount actually paid to such other person for packing (not exceeding that person's ceiling price for such service), less the cost of standard packing.

Provided, however, That if the applicable price regulation expressly provides a lower maximum price for the com-

modity unpacked than in standard packing and the contract price is expressly stated to be for the commodity unpacked, no deduction of the cost of standard packing need be made in making the computation under either (a) or (b).

SEC. 5. Invoice and record-keeping requirements. Any person who makes any packing charge pursuant to this order shall:

(a) Show separately in his contract of sale or on his invoice for the commodity the net charge, over contract price for the commodity, made for the packing.

(b) Prepare and keep for inspection by the Office of Price Administration so long as the Emergency Price Control Act of 1942, as amended, remains in effect, true and accurate records showing the cost of standard packing and the cost of packing to specifications of the procurement agency.

SEC. 6. Definitions. As used in this order:

(a) "Cost" is to be computed, subject to review by the procurement agency, according to the established accounting methods of the seller. Appropriate allowances shall be made for any materials salvaged in unpacking and repacking.

(b) "Packing" includes the providing of wrappings, inner containers, or outer containers, the placing of commodities in such wrappings or containers, the application of any special coverings or coatings to insure shipment without damage, and, where pertinent, any unpacking and/or repacking necessary to conform to specifications of the procurement agency.

(c) "Standard packing" means that packing, the cost of which was included in calculating the maximum price established by the applicable price regulation, or any other type of packing expressly referred to and expressly priced in the applicable price regulation.

(d) "Price regulation" means a price schedule effective in accordance with the provisions of Section 206 of the Emergency Price Control Act of 1942, as amended, a maximum price regulation, a temporary maximum price regulation, or any amendment or supplement thereto or order thereunder.

This order shall become effective February 22, 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 17th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2705; Filed, Feb. 17, 1945;
12:31 p. m.]

PART 1305—ADMINISTRATION

[Supp. Order 106]

MAXIMUM PACKING CHARGES ON SALES OF
FOOD TO GOVERNMENT PROCUREMENT
AGENCIES

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

mentary order has been issued and filed with the Division of the Federal Register.*

Sec.

1. What this order covers.
2. Exemptions from price control.
3. Maximum packing charges.
4. Invoice and record keeping requirements.
5. Relation to other regulations.
6. Definitions.

AUTHORITY: § 1305.134 issued under 56 Stat. 23,765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 5681.

SECTION 1. What this order covers. This supplementary order establishes the maximum prices which shall be offered, charged or paid for the packing of any food commodity, according to the requirements or specifications of a United States procurement agency, in a manner, package or container which differs from, and is more expensive than, any standard packing. Packing for which provision is expressly made in any price regulation is considered standard packing and this order does not apply to such packing. These maximum prices, however, may not be offered, charged or paid unless the food commodity so packed is ultimately destined for sale to a procurement agency of the United States. Furthermore, the order applies only to sellers of the packed food commodity, whether prime contractors or subcontractors under the prime contract with the procurement agency, but does not apply to persons who are merely performing the service of packing the food and are not selling the food commodity itself. It also exempts from price control the packing charges specified in section 2 below.

SEC. 2. Exemptions from price control. A charge for the packing of food according to the requirements of any procurement agency of the United States is exempt from price control if:

(a) The sale of the food commodity to be packed is exempt from price control; or

(b) The sum of the price charged for the food commodity to be packed and the charge made for packing the food does not exceed the maximum price for the food commodity in normal standard packing.

SEC. 3. Maximum packing charges. The maximum price which may be offered, charged or paid by any person subject to this order, over and above his contract price for the food in standard packing or unpacked, for packing such food commodity according to the requirements of any procurement agency of the United States is:

(a) The difference between the cost of such packing and the cost of standard packing, if the seller packs the food commodity himself.

(b) The difference between the amount actually paid to another person for such packing and the cost of standard packing, if the seller does not pack the food commodity himself but has the packing done by some other person from whom he purchases either the food commodity as packed or only the packing service.

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

(c) *Provided, however,* That if the applicable maximum price regulation establishes different prices for the food unpacked and for the food in standard packing and the contract is for the food unpacked, the seller may add to his contract price for the food unpacked the full cost of such packing.

No such additional charge may be made, however, unless the cost of packing according to the requirements of the United States procurement agency exceeds the cost of standard packing.

SEC. 4. Invoice and record-keeping requirements. Any person who makes any packing charge pursuant to this order shall:

(a) Show separately in his contract of sale or on his invoice for the food commodity the net charge, over contract price for the food commodity, made for the packing.

(b) Prepare and keep for inspection by the Office of Price Administration so long as the Emergency Price Control Act of 1942, as amended, remains in effect, true and accurate records showing the cost of standard packing and the cost of packing to specifications of the procurement agency.

SEC. 5. Relation to other regulations. This order shall apply to all food price regulations heretofore or hereafter issued except Revised Maximum Price Regulations Nos. 148 (Dressed Hogs and Wholesale Pork Cuts)¹, 156 (Canned Meat)², 169 (Beef and Veal Carcasses and Wholesale Cuts)³, 239 (Lamb and Mutton Carcasses and Cuts at Wholesale and Retail)⁴, and Maximum Price Regulations Nos. 286 (Certain Sausage Products for War Procurement Agencies)⁵, and 398 (Variety Meats and Edible By-Products at Wholesale)⁶, and such others as expressly provide that this order does not apply to them.

SEC. 6. Definitions. As used in this order: (a) "Cost" is to be computed, subject to review by the procurement agency, according to the established accounting methods of the seller. Appropriate allowances shall be made for any materials salvaged in unpacking and repacking.

(b) "Packing" includes the providing of wrappings, inner containers, or outer containers, the placing of food commodities in such wrappings or containers, the application of any special coverings or coatings to insure shipment without damage, and, where pertinent, any unpacking and/or repacking necessary to conform to specifications of the procurement agency.

(c) "Standard packing" means the most expensive packing, the cost of which was included in establishing the maximum price for the food in the applicable food price regulation and includes any type of packing expressly re-

ferred to and expressly priced in the applicable price regulation.

(d) "Price regulation" means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, as amended, a maximum price regulation, a temporary maximum price regulation, or any amendment or supplement thereto or order thereunder.

(e) "Food" or "food commodity" means all commodities or products, simple, mixed or compound, or complements to such commodities or products that are or may be eaten or drunk by either humans or animals, irrespective of other uses to which they may be put, and at all stages of processing from the raw commodity to the product thereof in a vendible form for immediate consumption. Furthermore, the term shall include tobacco, all starches, sugars, and vegetable and animal fats and oils.

This order shall become effective February 22, 1945.

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

Issued this 17th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2706; Filed, Feb. 17, 1945;
12:32 p. m.]

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

[RO 1A, Amdt. 93]

TIRES, TUBES, RECAPPING AND CAMELBACK

Ration Order No. 1A is amended in the following respect:

The first sentence of § 1315.804 (j) is amended to read as follows: "A manufacturer may transfer new truck tires to any dealer without certificate prior to March 2, 1945, by complying with the provisions of this paragraph."

This amendment shall become effective February 24, 1945.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942; WPB Dir. No. 1, 7 F.R. 562; Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 17th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2704; Filed, Feb. 17, 1945;
12:31 p. m.]

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

[RMPR 119, Corr. to Amdt. 8]

ORIGINAL EQUIPMENT TIRES AND TUBES

Amendment 3 to Revised Maximum Price Regulation 119 is corrected in the following respects:

¹ 7 F.R. 9160, 9392, 9724.

1. The following line under the heading *Industrial tractor—Rear*:

7.00-22	4	\$13.24	\$1.69	\$15.03
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is corrected to read as follows:

7.00-22	4	\$13.34	\$1.69	\$15.03
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2. The following line under the heading *Traction implement*:

5.00-16	2	\$5.40	\$1.25	\$6.65
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is corrected to read as follows:

5.00-16	2	\$5.20	\$1.25	\$6.45
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This correction shall become effective February 21, 1945.

Issued this 17th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2695; Filed, Feb. 17, 1945;
12:32 p. m.]

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

[MPR 435, Amdt. 7]

NEW BICYCLE TIRES AND TUBES

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

Maximum Price Regulation 435 is amended in the following respects:

1. Table IA of Appendix A is amended by adding thereto the following new item under the headings indicated:

Brand owner and brand:	24 x 2.125
Atlas Supply Company	
Atlas.....	\$2.67

2. Table IC in Appendix C is amended by adding thereto the following new item under the headings indicated:

Brand owner and brand:	24 x 2.125
Atlas Supply Company	
Atlas.....	\$3.26

3. Table ID in Appendix D is amended by adding thereto the following new item under the headings indicated:

Brand owner and brand:	24 x 2.125
Atlas Supply Company	
Atlas.....	\$2.35

4. Footnote 1 to paragraph (a) (7) of Appendix A, footnote 1 to paragraph (g) of Appendix C, and footnote 1 to paragraph (g) of Appendix D are amended to read as follows:

* A balloon tire is any tire of one of the following sizes: 20 x 2.125, 24 x 2.125, 26 x 2.125, or 26 x 2.25.

This amendment shall become effective February 23, 1945.

Issued this 17th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2703; Filed, Feb. 17, 1945;
12:34 p. m.]

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

¹ 9 F.R. 1996, 3083, 4099, 11076; 10 F.R. 703.

² 9 F.R. 7938, 10048, 10876.

³ 9 F.R. 1121, 2023, 2135, 3424, 4648, 4782, 5955, 9356, 9425, 9617, 10874, 13158, 13206, 13933; 10 F.R. 47, 861, 1099.

⁴ 9 F.R. 2394, 5956, 10714, 13758.

⁵ 7 F.R. 10554; 8 F.R. 2157, 2350, 4640, 7681, 10079, 12874.

⁶ 8 F.R. 6945, 7351, 13297, 15461; 9 F.R. 13759, 14987.

PART 1351—FOOD AND FOOD PRODUCTS
[MPR 397, Amdt. 6]

FLAXSEED

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

Maximum Price Regulation No. 397 is amended in the following respects:

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

(5) At interior rail points in Area B, on track, in carload quantities, the maximum price at that terminal basing point mentioned in subparagraph (1) of paragraph (a) of this section which less the lowest carload local all-rail rate per bushel from said interior rail point to said terminal basing point and less 3 cents per bushel handling charges at said terminal basing point will give the highest maximum price at said interior rail point; and, where the flaxseed is sold at such an interior point accompanied by transit billing usable beyond said point, plus the value of said transit billing. The handling charges of 3 cents per bushel may also be charged by any commission merchant, when actually incurred, on sales of flaxseed to any linseed crusher even though his crushing plant is located elsewhere than at a terminal basing point.

Section 5 (a) (9) is amended to read as follows:

(9) The provisions of subparagraphs (3) and (8) of paragraph (a) of this section shall have no application to any domestic flaxseed not grown in Area C.

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

(10) The maximum price for the sale at any point in Area C of domestic flaxseed not grown in Area C shall be the appropriate maximum price at the point in another area where such flaxseed is loaded for shipment into Area C plus transportation charges at the lowest carload flat all-rail rate from said point to the place of sale and delivery in Area C.

This amendment shall become effective February 23, 1945.

Issued this 17th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2702; Filed, Feb. 17, 1945;
12:34 p. m.]

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

[MPR 355, Amdt. 22]

RETAIL CEILING PRICES FOR BEEF, VEAL,
LAMB AND MUTTON CUTS AND ALL VARIETY
MEATS AND EDIBLE BY-PRODUCTS

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

* 9 F. R. 5504, 8794, 10585.

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

Maximum Price Regulation No. 355 is amended in the following respects:

1. Paragraph (d) of section 2 is amended to read as follows:

(d) *Chain stores.* Your store is a chain store if it is one of 4 or more stores under one ownership which have combined annual gross sales of \$500,000 or more.

2. Paragraph (d) of section 5 is amended to read as follows:

(d) You may make sales to other retail dealers who purchase your retail cuts of meat, variety meats and edible by-products, and sausage for resale or you may buy retail cuts of meat, variety meats and edible by-products, and sausage for resale purposes from other retail dealers: *Provided*, That you first meet one of the alternative requirements of subparagraph (1) of this section 5 (d); *And provided further*, That you comply with the appropriate rules listed in subparagraph (2) of this section 5 (d).

(1) The alternative requirements, one of which must be met by you, are:

(i) You have received written authorization from your appropriate Regional Administrator of the Office of Price Administration to make such sales or purchases pursuant to the provisions of this paragraph (d) in effect prior to February 22, 1945; or

(ii) On or after February 22, 1945, you have filed with your appropriate District Office of the Office of Price Administration a joint written statement signed by both you and the other retailer who is a party to the inter-retailer sales arrangement, setting forth facts which indicate:

(a) The name and address of both parties;

(b) The purchasing retail dealer serves an area which will be deprived of its adequate supply of meats unless provision is made for him to procure meats in the form of retail cuts;

(c) The purchasing retail dealer does not have the facilities necessary to cut wholesale cuts into retail cuts;

(d) The purchasing retail dealer either customarily purchased his meats in the form of retail cuts prior to May 17, 1943, or is just starting to sell meats at retail in the designated location;

(e) The selling retail dealer is regularly engaged in the business of making sales at retail, the major portion of his meat business consisting of sales to individuals for consumption by themselves or their families off his premises;

(f) The contemplated sale of retail cuts to the purchasing retail dealer will constitute only an incidental part of the selling retail dealer's business;

(g) The approximate total volume of retail meat cuts, variety meats and edible by-products, and sausage expected to be transferred monthly to the signatory purchasing retailer, as a result of the arrangement;

(h) The total volume of retail meat cuts, variety meats and edible by-products, and sausage the selling retail dealer has committed himself to sell to other retailers under arrangements authorized by this section 5 (d); and

(i) The expected duration of the arrangement.

For purposes of convenience, joint statements filed under the provisions of this subdivision (ii) of section 5 (d) (1) shall be deemed to have been filed pursuant to the analogous sections of Maximum Price Regulations Nos. 336 and 394. If you file the joint statement required herein by mail, you must send it by registered mail.

(2) The rules with which you must comply, once you have qualified under the foregoing provisions of either subdivision (i) or (ii) of section 5 (d) (1) to participate in sales between retailers, are as follows:

(i) Rules for selling retail dealers:

Rule 1. You must sell more than 50 percent of the total dollar volume of your combined sales of meat, variety meats and edible by-products, and sausage to ultimate consumers during each current month.

Rule 2. During any month you must not sell to other retailers more than 40 percent of the total dollar volume of your combined total sales of meat, variety meats and edible by-products and sausage.

Rule 3. You must keep records, either weekly or monthly showing the total dollar volume of all sales of retail meat cuts, variety meats and edible by-products, and sausage.

Rule 4. You must keep records in the same form as those you keep under Rule 3 above, showing the total dollar volume of all sales of retail meat cuts, variety meats and edible by-products, and sausage made to other retailers.

Rule 5. You must not sell the purchasing retail dealer wholesale cuts of beef, veal, lamb or mutton or dressed hogs (whole or side).

Rule 6. You must not charge the purchasing retail dealer more than the ceiling prices established for retail meat cuts, variety meats and edible by-products, and sausage in section 21 of Maximum Price Regulation No. 336, section 30 of Maximum Price Regulation No. 355 or section 24 of Maximum Price Regulation No. 394.

Rule 7. You must not sell any purchasing retail dealer retail meat cuts, variety meats and edible by-products and sausage in excess of the estimated total dollar volume expected to be bought by him stated in the joint statement which you both filed pursuant to the provisions of this section 5 (d).

(ii) Rules for purchasing retail dealers:

Rule 1. You must not buy wholesale cuts of beef, veal, lamb or mutton or dressed hogs (whole or side).

Rule 2. You must keep records, either weekly or monthly, showing the total dollar volume of retail meat cuts, variety meats and edible by-products, and sausage bought from your supplier.

Rule 3. You must not pay the selling retail dealer more than the ceiling prices established for retail meat cuts, variety meats and edible by-products, and sausage in section 21 of Maximum Price Regulation No. 336, section 30 of Maximum Price Regulation No. 355 and section 24 of Maximum Price Regulation No. 394.

Rule 4. You must not charge your customers more than the ceiling prices established for retail meat cuts, variety meats and edible by-products, and sausage, in sections 19 and 20 of Maximum Price Regulation No. 336, sections 22, 23 and 29 of Maximum Price Regulation No. 355, and sections 19, 22 and 23 of Maximum Price Regulation No. 394.

Rule 5. You must not buy retail meat cuts, variety meats and edible by-products, and sausage from the selling retail dealer in excess of the estimated total dollar volume expected to be bought by you stated in the joint statement which you both filed pursuant to the provisions of this section 5 (d).

(iii) If you violate any one of the foregoing rules provided for you in subdivision (i), if you are the selling retailer, or in subdivision (ii) if you are the purchasing retailer, the appropriate District Director is authorized to suspend or revoke the authorization automatically acquired by you under the provisions of this section 5 (d), and, in addition, you will be subject to all penalties provided for violation of this regulation.

3. Section 9 is amended to read as follows:

Sec. 9. Records and reports. After May 17, 1943, you shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, the same kind of records you have customarily kept, showing the prices you charge for beef, veal, lamb and mutton cuts, variety meats and edible by-products, and for miscellaneous beef items. On all sales made after July 26, 1944, to hotels, restaurants, institutions, and other eating places selling or furnishing meals, you likewise must keep records and give receipts to each respective purchaser, showing the name and address of each such purchaser, the date of each purchase, your name and address, the component items of each order including the name and weight of each retail meat cut, variety meat item or edible by-product and miscellaneous beef item sold and the price charged therefor. If you have qualified to sell retail meat cuts, variety meats and edible by-products, miscellaneous beef items and sausage to other retail dealers for resale purposes, you must keep records of each transaction and give receipts showing the same facts that you are required to show on your sales to eating places. Moreover, on and after February 22, 1945, if you make sales to eating places or sales to other retailers, you likewise must keep records, either weekly or monthly, showing the total dollar volume of retail meat cuts, variety meats and edible by-products, miscellaneous beef items, sausage, and the wholesale meat cuts for which retail prices are established in Maximum Price Regulations Nos. 336, 355 and 394 sold to all purchasers, and the total dollar volume of retail meat cuts, variety meats, and edible by-products, miscellaneous beef items, sausage, and wholesale cuts for which retail prices are established in Maximum Price Regulations Nos. 336, 355 and 394 sold to eating places during the same period, and the total dollar volume of retail meat cuts, variety meats and edible by-products, miscellaneous beef items and sausage sold to other retailers during the same period. You shall show the records to any representative of the Office of Price Administration upon request. If you have customarily given a customer a sales slip, receipt or similar evidence of purchase, you shall continue to do so. Furthermore, regardless of your previous custom, you shall, upon request by any customer, give a receipt showing the date, your name and address, the name, weight and grade of each retail meat cut, variety meat item or edible by-product, or miscellaneous beef item sold and the price you receive for it.

4. The first sentence of paragraph (i) of section 28 is amended to read as follows:

(i) **Zones.** The zones for variety meats and edible by-products are the same as those for beef, veal, lamb and mutton, except for Zones 4 and 4-A, and Zones 7 and 8.

5. Paragraph (i) of section 28 is amended by the addition of the following zone descriptions:

Zone 7. Includes all of Zone 7 as described for beef, veal, lamb and mutton, plus three additional counties in New York: Niagara, Erie and Cattaraugus.

Zone 8. Includes all of Zone 8 as described for beef, veal, lamb and mutton except the counties of Niagara, Erie and Cattaraugus in New York.

6. The price schedules in paragraphs (a) and (b) of section 29 are amended

by changing the headings "Price per pound" to read "Price per pound in bulk; price per package wrapped".

7. The prices for Zones 6 and 7 for "Dried beef (sliced)", "1/4 pound cellophane" in section 29 (b) are amended respectively to read "21" and "22".

8. Parts V, IX and XIII of paragraphs (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k) and (l) of section 30 are amended by the addition of the following words immediately preceding the numbered items listed in each:

[NOTE: May not be sold to other retailers.]

9. Paragraph (q) is added to section 30 to read as follows:

(q) Retail ceiling prices on specially authorized sales to eating places or other retailers.

MISCELLANEOUS BEEF ITEMS

[Cents per pound in bulk; cents per package wrapped]

	Zone 1	Zone 2	Zone 3	Zone 4 and 4a	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Zone 10
Dried beef sliced:										
Bulk, unpackaged.....	76	75	75	74	74	75	75	75	76	76
1/4 lb. cellophane package...	20	20	20	19	20	20	20	20	20	20

This amendment shall become effective February 22, 1945.

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

Issued this 17th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2699; Filed, Feb. 17, 1945; 12:33 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS
[MPR 336, Amdt. 19]

RETAIL CEILING PRICES FOR PORK CUTS AND CERTAIN SAUSAGE PRODUCTS

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

Maximum Price Regulation No. 336 is amended in the following respects:

1. Paragraph (d) of section 2 is amended to read as follows:

(d) **Chain stores.** Your store is a chain store if it is one of four or more stores under one ownership which have combined annual gross sales of \$500,000 or more.

2. Paragraph (d) of section 5 is amended to read as follows:

(d) You may make sales to other retail dealers who purchase your retail cuts of meat, variety meats and edible by-products, and sausage for resale or you may buy retail cuts of meat, variety meats and edible by-products, and sau-

sage for resale purposes from other retail dealers: *Provided*, That you first meet one of the alternative requirements of subparagraph (1) of this section 5 (d): *And provided further*, That you comply with the appropriate rules listed in subparagraph (2) of this section 5 (d).

(1) The alternative requirements, one of which must be met by you are:

(i) You have received written authorization from your appropriate Regional Administrator to make such sales or purchases pursuant to the provisions of this paragraph (d) in effect prior to February 22, 1945; or

(ii) On or after February 22, 1945, you have filed with your appropriate District Office a joint written statement signed by both you and the other retailer who is a party to the inter-retailer sales arrangement, setting forth facts which indicate:

(a) The name and address of both parties;

(b) The purchasing retail dealer serves an area which will be deprived of its adequate supply of meats unless provision is made for him to procure meats in the form of retail cuts;

(c) The purchasing retail dealer does not have the facilities necessary to cut wholesale cuts into retail cuts;

(d) The purchasing retail dealer either customarily purchased his meats in the form of retail cuts prior to May 17, 1943, or is just starting to sell meats at retail in the designated location;

(e) The selling retail dealer is regularly engaged in the business of making sales at retail, the major portion of his meat business consisting of sales to individuals for consumption by themselves or their families off his premises;

(f) The contemplated sale of retail cuts to the purchasing retail dealer will constitute only an incidental part of the selling retail dealer's business.

(g) The approximate total volume of retail meat cuts, variety meats and edible

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

¹ 9 F.R. 167, 2212, 3709, 4436, 5589.

by-products, and sausage expected to be transferred monthly to the signatory purchasing retailer, as a result of the arrangement.

(h) The total volume of retail meat cuts, variety meats, and edible by-products, and sausage the selling retail dealer has committed himself to sell to all retailers under arrangements authorized by this section 5 (d).

(i) The expected duration of the arrangement.

For purposes of convenience, joint statements filed under the provisions of this subdivision (ii) of section 5 (d) (1) shall be deemed to have been filed pursuant to the analogous sections of Maximum Price Regulations Nos. 355 and 394. If you file the joint statement required herein by mail, you must send it by registered mail.

(2) The rules with which you must comply, once you have qualified under the foregoing provisions of either subdivision (i) or (ii) of section 5 (d) (1) to participate in sales between retailers are as follows:

(i) Rules for selling retail dealers:

Rule 1. You must sell more than 50 percent of the total dollar volume of your combined sales of meat, variety meats and edible by-products, and sausage to ultimate consumers during each current month.

Rule 2. During any month you must not sell to other retailers more than 40 percent of the total dollar volume of your combined total sales of meat, variety meats and edible by-products and sausage.

Rule 3. You must keep records, either weekly or monthly showing the total dollar volume of all sales of retail meat cuts, variety meats and edible by-products, and sausage.

Rule 4. You must keep records in the same form as those you keep under Rule 3 above, showing the total dollar volume of all sales of retail meat cuts, variety meats and edible by-products, and sausage made to other retailers.

Rule 5. You must not sell purchasing retail dealers wholesale cuts of beef, veal, lamb or mutton or dressed hogs (whole or side).

Rule 6. You must not charge purchasing retail dealers more than the ceiling prices established for retail meat cuts, variety meats and edible by-products, and sausage in section 21 of Maximum Price Regulation No. 336, section 30 of Maximum Price Regulation No. 355 or section 24 of Maximum Price Regulation No. 394.

Rule 7. You must not sell any purchasing retail dealer retail meat cuts, variety meats and edible by-products, and sausage in excess of the estimated total dollar volume expected to be bought by him stated in the joint statement which you both filed pursuant to the provisions of this section 5 (d).

(ii) Rules for purchasing retail dealers:

Rule 1. You must not buy wholesale cuts of beef, veal, lamb or mutton or dressed hogs (whole or side).

Rule 2. You must keep records, either weekly or monthly, showing the total dollar volume of retail meat cuts, variety meats and edible by-products, and sausage bought from your supplier.

Rule 3. You must not pay the selling retail dealer more than the ceiling prices established for retail meat cuts, variety meats and edible by-products, and sausage in section 21 of Maximum Price Regulation No.

336, section 30 of Maximum Price Regulation No. 355 and section 24 of Maximum Price Regulation No. 394.

Rule 4. You must not charge your customers more than the ceiling prices established for retail meat cuts, variety meats and edible by-products, and sausage, in sections 19 and 20 of Maximum Price Regulation No. 336, sections 22, 28 and 29 of Maximum Price Regulation No. 355 and sections 19, 22 and 23 of Maximum Price Regulation No. 394.

Rule 5. You must not buy retail meat cuts, variety meats and edible by-products, and sausage from the selling retail dealer in excess of the estimated total dollar volume expected to be bought by you stated in the joint statement which you both filed pursuant to the provisions of this section 5 (d).

(iii) If you violate any one of the foregoing rules provided for you in subdivision (i), if you are the selling retailer, or in subdivision (ii), if you are the purchasing retailer, the appropriate District Director is authorized to suspend or revoke the authorization automatically acquired by you under the provisions of this section 5 (d), and, in addition, you will be subject to all penalties provided for violation of this regulation.

3. Section 7 is amended to read as follows:

Sec. 7. Records and reports. After May 17, 1943, you shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, the same kind of records you have customarily kept, showing the prices you charge for fresh and processed pork cuts and sausage products subject to this regulation. On all sales made after July 26, 1944, to hotels, restaurants, institutions, and other eating places selling or furnishing meals, you likewise must keep records and give receipts to each respective purchaser, showing the name and address of each such purchaser, the date of each purchase, your name and address, the component items of each order including the name and weight of each pork cut and the name, type, weight and casing, container or wrapper identification of each sausage product sold and the price charged therefor. If you have

qualified to sell retail meat cuts, variety meats and edible by-products, miscellaneous beef items and sausage to other retail dealers for resale purposes, you must keep records of each transaction and give receipts showing the same facts that you are required to show on your sales to eating places. Moreover, on and after February 22, 1945, if you make sales to eating places or sales to other retailers, you likewise must keep records, either weekly or monthly, showing the total dollar volume of retail meat cuts, variety meats and edible by-products, miscellaneous beef items, sausage, and the wholesale meat cuts for which retail prices are established in Maximum Price Regulations Nos. 336, 355 and 394 sold to all purchasers, and the total dollar volume of retail meat cuts, variety meats and edible by-products, miscellaneous beef items, sausage, and wholesale cuts for which retail prices are established in Maximum Price Regulations Nos. 336, 355 and 394 sold to eating places during the same period, and the total dollar volume of retail meat cuts, variety meats and edible by-products, miscellaneous beef items, and sausage sold to other retailers during the same period. You shall show the records to any representative of the Office of Price Administration upon request. If you have customarily given a customer a sales slip, receipt or similar evidence of purchase, you shall continue to do so. Furthermore, regardless of your previous custom, you shall, upon request by any customer, give a receipt showing the date, your name and address, the name and weight of each pork cut, the name, type, weight and casing, container or wrapper identification of each sausage product sold, and the price you received for the pork cut or sausage product.

4. Subitems 1 of Items 14A and 14E in the schedules of prices in section 20 for Group 1 and 2 stores and Group 3 and 4 stores are deleted, and subitems 2, 3 and 4 thereof are redesignated subitems 1, 2 and 3 respectively.

5. New item 17 is added to the price 2 stores and Group 3 and 4 stores, to read schedules in section 20 for Group 1 and as follows:

GROUP 1 AND 2 STORES

	Zone 1	Zone 2	Zone 3	Zone 4	Zone 4a	Zone 5	Zone 6	Zone 7	Zone 8 north and south	Zone 9 north and south	Zone 10
17. Special type chopped pork:											
S. C.....	.64	.61	.59	.54	.54	.53	.55	.54	.56	.56	.59
Bulk.....	.55	.52	.49	.45	.45	.44	.47	.45	.47	.47	.49

GROUP 3 AND 4 STORES

17. Special type chopped pork:										
S. C.....	.61	.58	.56	.52	.52	.50	.53	.52	.54	.54
Bulk.....	.52	.50	.47	.43	.43	.41	.44	.43	.45	.45

6. The product name of item 30 in the schedule of prices in section 21 (a) is amended to read as follows:

30. Dressed hogs (whole or side).

[NOTE: May not be sold to other retailers.]

7. Subitems 1 of Items 14A and 14E in the price schedules in section 21 (b) are deleted, and subitems 2, 3 and 4 thereof are redesignated subitems 1, 2 and 3 respectively.

8. New item 17 is added to the price schedule in section 21 (b) to read as follows:

	Zone 1	Zone 2	Zone 3	Zone 4	Zone 4a	Zone 5	Zone 6	Zone 7	Zone 8 north and south	Zone 9 north and south	Zone 10
17. Special type chopped pork:											
S. C.-----	.56	.54	.51	.48	.48	.46	.40	.48	.50	.50	.51
Bulk-----	.48	.46	.43	.40	.40	.38	.41	.40	.42	.42	.43

This amendment shall become effective February 22, 1945.

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

Issued this 17th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2698; Filed, Feb. 17, 1945;
12:33 p. m.]

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

[MPR 389, Amdt. 17]

CEILING PRICES FOR CERTAIN SAUSAGE ITEMS
AT WHOLESALE

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

Maximum Price Regulation No. 389 is amended in the following respects:

1. Paragraph (a) of section 1 is amended to read as follows:

(a) This regulation fixes dollar and cents ceiling prices on certain sausage and sausage products. On and after February 22, 1945, no person may sell or deliver, except at retail, and no person in the course of trade or business may buy or receive sausage or sausage products at prices higher than the prices permitted by this regulation. But lower prices may be charged or paid.

2. Subparagraph (1) of section 2 (a) is amended to read as follows:

(1) The ceiling price for each of the following sausage products shall be determined as provided in paragraph (a) (2) of this section: the customary types of dry (hard) and semi-dry (soft) sausage other than those for which specifications are defined in section 13 of this regulation; scrapple; sulze or souse; pork roll made from pork only, which has a yield not in excess of 95 percent and a fat content not in excess of 15 percent; ham roll made from boneless ham only, which has a yield not in excess of 95 percent and a fat content not in excess of 15 percent; lunch roll or lunch roll sausage made from pork only, which has a yield not in excess of 98 percent and a fat content not in excess of 15 percent; pudding containing less than 30 percent livers; head cheese; blood sausage; blood and tongue sausage; tongue roll; tongue

loaf; tongue salad, fresh thuringer containing pork, beef or veal, bockwurst; fresh or scalded, containing pork, beef or veal; fresh Italian or fresh Polish sausage which is made of pork, which has a fat content not in excess of 30 percent, which has a yield not in excess of 100 percent and which contains no extender; smoked mettwurst; chili con carne; roast or cooked beef loaf; corned beef loaf; jellied corned beef; goose liver style sausage containing tongues, sweetbreads, and pistachio nuts; imitation or mock chicken loaf; and all sausage or sausage products sold or delivered to a canner for the manufacture of canned sausage for a war procurement agency.

3. Subparagraph (3) of section 2 (a) is amended to read as follows:

(3) Not later than September 19, 1944 (except with reference to scalded bockwurst, or any sausage or sausage product sold or delivered to a canner for the manufacture of canned sausage for a war procurement agency the date shall read not later than March 24, 1945), any person manufacturing and making sales or deliveries of any sausage product listed in paragraph (a) (1) of this section shall file with the Office of Price Administration, Washington, D. C., the following information with respect to each such sausage product: (i) The name of the sausage product; (ii) the kind of casing or wrapper used, (iii) the pounds of each meat, meat by-product and extender, separately stated, used in the manufacture of 100 pounds of finished product, and (iv) the ceiling price or prices indicating the delivery points or area to which such price or prices are applicable and the discounts, allowances and trade practices applicable to such ceiling price or prices: *Provided*, That no person shall be required to file the information required by this paragraph (a) (3) (iii) with respect to a sausage product for which information has been filed by such person with the Office of Price Administration, Washington, D. C., pursuant to the requirements of §1364.476 (1) of Revised Maximum Price Regulation No. 169.

If the information required to be filed by this paragraph (a) (3) is mailed to the Office of Price Administration, it shall be sent by registered mail.

4. Subparagraph (4) of section 2 (a) is amended to read as follows:

(4) After September 19, 1944 (or after March 24, 1945, with reference to scalded bockwurst, or sausage or sausage products sold or delivered to a canner for the manufacture of canned sausage for a war procurement agency), no person shall sell or deliver any sausage product listed in paragraph (a) (1) above until such person has filed with the Office of Price

Administration at Washington, D. C., the information required to be filed by paragraph (a) (3) above.

5. The first sentence of section 2 (c) (1) (ii) (d) is amended to read as follows:

(d) In cases of kosher sausage, all beef sausage, and special type chopped pork, only, is received by a common or contract carrier.

6. Subparagraph (1) of section 4 (b) is amended to read as follows:

(1) *All sausage must be labeled.* No sausage or sausage product subject to this regulation, except sausage or sausage products sold or delivered to a canner for manufacture of canned sausage for a war procurement agency, may be manufactured for sale, held for sale, offered for sale, or sold, or bought in the course of trade or business, unless it bears a descriptive label in accordance with the provisions of this section.

7. Subparagraph (4) of section 4 (b) is amended by the addition of subdivision (ii) to read as follows:

(ii) Prior to April 9, 1945, the miscellaneous sausage item defined in section 13 (h) as "Special type chopped pork" may be labelled either "Special type chopped pork" or as required for "Type 1 special pork sausage" but in all other respects must conform to the labelling requirements of this section 4. On and after April 9, 1945, this item must be labelled "Special type chopped pork" and must conform to all other labelling requirements of this section 4.

8. Paragraph (c) of section 6 is added to read as follows:

(c) *Special record keeping and reporting provisions for "special type chopped pork".* (1) On and after March 24, 1945, no person who manufactures for sale the sausage product defined in section 13 (h) as "special type chopped pork" shall sell or deliver such product until he first has filed with the Office of Price Administration, Washington, D. C., a signed statement setting forth the total weight of "special type chopped pork" sold by him during the year 1944. If the statement required to be filed by this paragraph is mailed to the Office of Price Administration, it must be sent by registered mail.

(2) Each person who manufactures for sale the sausage product defined in section 13 (h) as "special type chopped pork" shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, and in addition to the records required by paragraph (a) of this section 6, a complete record showing the total weight of "special type chopped pork" produced each month.

(3) Each person who manufactures for sale the sausage product defined in section 13 (h) as "special type chopped pork" shall file with the Office of Price Administration, Washington, D. C., within 10 days following April 30, August 31 and December 31, respectively, a signed report setting forth the total weight of "special type chopped pork" produced each month during the preceding four

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

¹ 9 F.R. 2858, 3261, 6730.

months. Failure to file any current report required by this subparagraph (3) shall suspend the right of such person to sell "special type chopped pork" until such time as the required report is filed.

9. Item (1) of section 12 (a) is amended by deleting the figure "\$33.25" and "26.75" appearing in the column headed "Type 1 special pork".

10. Subitem (v) to Item (8) of section 12 (a) is added to read as follows:

(v) Special type chopped pork.
[Note: this product may be sold only if packed in 1 lb. cardboard cartons.]

Sheep casings (S. C.)	-----	\$34.25
Bulk	-----	27.75

11. Section 13 (b) is amended by the addition of definitions for "dry sausage (hard)" and "semi-dry sausage (soft)" respectively to read as follows:

"Dry sausage (hard)" means a sausage which is air-dried, and not cooked. The meat in the finished product must be shrunk at least 25 percent from the weight of the fresh boneless meat and fat used.

"Semi-dry sausage (soft)" means a sausage which is cooked or partially air-dried. The meat in the finished product must be shrunk at least 5 percent from the weight of the fresh boneless meat and fat used.

12. The definition of "Type 1 special pork sausage" in section 13 (d) is revoked.

13. Paragraph (h) of section 13 is amended by the addition of a definition for "special type chopped pork" to read as follows:

"Special type chopped pork" means a sausage made from pork; which contains at least 45 percent of boneless hams, shoulders and loins, and not less than 10 percent of each of these cuts; which is stuffed in sheep or lamb casings, or sold as bulk special type chopped pork; which is packed in one pound cartons on which shall be a printed statement that the sausage contains not less than 45 percent boneless, hams, shoulders and loins; which has a fat content not in excess of 50 percent; which contains no extender; which has a yield not in excess of 100 percent; and which has been made under Federal inspection. [NOTE: This item may be produced only by those sausage manufacturers who produced pork sausage conforming to the foregoing specifications during the year 1944, and the authorized volume of production during any current year shall not exceed the total weight of this product sold by the manufacturer during the year 1944. See section 6 (c).]

This amendment shall become effective February 22, 1945.

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

Issued this 17th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2701; Filed, Feb. 17, 1945; 12:33 p. m.]

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

[MPR 394, Amdt. 11]

RETAIL CEILING PRICES FOR KOSHER BEEF, VEAL, LAMB AND MUTTON AND ALL VARIETY MEATS AND EDIBLE BY-PRODUCTS

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

Maximum Price Regulation No. 394 is amended in the following respects:

1. Paragraph (d) of section 5 is amended to read as follows:

(d) You may make sales to other retail dealers who purchase your retail cuts of meat, variety meats and edible by-products, and sausage for resale or you may buy retail cuts of meat, variety meats and edible by-products, and sausage for resale purposes from other retail dealers: *Provided*, That you first meet one of the alternative requirements of subparagraph (1) of this section 5 (d), *And provided further*, That you comply with the appropriate rules listed in subparagraph (2) of this section 5 (d).

(1) The alternative requirements, one of which must be met by you, are:

(i) You have received written authorization from your appropriate Regional Administrator of the Office of Price Administration to make such sales or purchases pursuant to the provisions of this paragraph (d) in effect prior to February 22, 1945; or

(ii) On or after February 22, 1945, you have filed with your appropriate District Office of the Office of Price Administration a joint written statement signed by both you and the other retailer who is a party to the inter-retailer sales arrangement, setting forth facts which indicate:

(a) The name and address of both parties;

(b) The purchasing retail dealer serves an area which will be deprived of its adequate supply of meats unless provision is made for him to procure meats in the form of retail cuts;

(c) The purchasing retail dealer does not have the facilities necessary to cut wholesale cuts into retail cuts;

(d) The purchasing retail dealer either customarily purchased his meats in the form of retail cuts prior to May 17, 1943, or is just starting to sell meats at retail in the designated location;

(e) The selling retail dealer is regularly engaged in the business of making sales at retail, the major portion of his meat business consisting of sales to individuals for consumption by themselves or their families off his premises;

(f) The contemplated sale of retail cuts to the purchasing retail dealer will constitute only an incidental part of the selling retail dealer's business;

(g) The approximate total volume of retail meat cuts, variety meats and edible by-products, and sausage expected to be transferred monthly to the signatory

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

¹ 8 F.R. 6364, 6543, 6618, 7200, 7692, 11297, 12621, 15609; 9 F.R. 8323, 10598.

purchasing retailer, as a result of the arrangement;

(h) The total volume of retail meat cuts, variety meats and edible by-products, and sausage the selling retail dealer has committed himself to sell to all retailers under arrangements authorized by this section 5 (d); and

(i) The expected duration of the arrangement. For purposes of convenience, joint statements filed under the provisions of this subdivision (ii) of section 5 (d) (1) shall be deemed to have been filed pursuant to the analogous sections of Maximum Price Regulations Nos. 355 and 336. If you file the joint statement required herein by mail, you must send it by registered mail.

(2) The rules with which you must comply, once you have qualified under the foregoing provisions of either subdivision (i) or (ii) of section 5 (d) (1) to participate in sales between retailers are as follows:

(i) *Rules for selling retail dealers:*

Rule 1. You must sell more than 50 percent of the total dollar volume of your combined sales of meat, variety meats and edible by-products, and sausage to ultimate consumers during each current month.

Rule 2. During any month you must not sell to other retailers more than 40 percent of the total dollar volume of your combined total sales of meat, variety meats and edible by-products, and sausage.

Rule 3. You must keep records, either weekly or monthly showing the total dollar volume of all sales of retail meat cuts, variety meats and edible by-products, and sausage.

Rule 4. You must keep records in the same form as those you keep under Rule 3 above, showing the total dollar volume of all sales of retail meat cuts, variety meats and edible by-products, and sausage made to other retailers.

Rule 5. You must not sell the purchasing retail dealer wholesale cuts of beef, veal, lamb or mutton or dressed hogs (whole or side).

Rule 6. You must not charge the purchasing retail dealer more than the ceiling prices established for retail meat cuts, variety meats and edible by-products, and sausage in section 21 of Maximum Price Regulation No. 336, section 30 of Maximum Price Regulation No. 355 or section 24 of Maximum Price Regulation No. 394.

Rule 7. You must not sell any purchasing retail dealer retail meat cuts, variety meats and edible by-products, and sausage in excess of the estimated total dollar volume expected to be bought by him stated in the joint statement which you both filed pursuant to the provisions of this section 5 (d).

(ii) *Rules for purchasing retail dealers:*

Rule 1. You must not buy wholesale cuts of beef, veal, lamb or mutton or dressed hogs (whole or side).

Rule 2. You must keep records, either weekly or monthly, showing the total dollar volume of retail meat cuts, variety meats and edible by-products, and sausage bought from your supplier.

Rule 3. You must not pay the selling retail dealer more than the ceiling prices established for retail meat cuts, variety meats and edible by-products, and sausage in section 21 of Maximum Price Regulation No. 336, section 30 of Maximum Price Regulation No. 355 and section 24 of Maximum Price Regulation No. 394.

Rule 4. You must not charge your customers more than the ceiling prices established for retail meat cuts, variety meats and edible by-products, and sausage in sections 19 and

20 of Maximum Price Regulation No. 336, sections 22, 28 and 29 of Maximum Price Regulation No. 355 and sections 19, 22 and 23 of Maximum Price Regulation No. 394.

Rule 5. You must not buy retail meat cuts, variety meats and edible by-products, and sausage from the selling retail dealer in excess of the estimated total dollar volume expected to be bought by you stated in the joint statement which you both filed pursuant to the provisions of this section 5 (d).

(iii) If you violate any one of the foregoing rules provided for you in subdivision (i) if you are the selling retailer, or in subdivision (ii) if you are the purchasing retailer, the appropriate District Director is authorized to suspend or revoke the authorization automatically acquired by you under the provisions of this section 5 (d), and, in addition, you will be subject to all penalties provided for violation of this regulation.

2. Section 9 is amended to read as follows:

Sec. 9. Records and reports. After May 17, 1943, you shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, the same kind of records you have customarily kept, showing the prices you charge for kosher beef, veal, lamb and mutton cuts, variety meats and edible by-products, and kosher sausage products. On all sales made after July 26, 1944, to hotels, restaurants, institutions and other eating places selling or furnishing kosher meals, you likewise must keep records and give receipts to each respective purchaser, showing the name and address of each such purchaser, the date of each purchase, your name and address, and component items of each order including the name, weight and grade of each retail kosher meat cut, variety meat item and edible by-products, or kosher sausage product sold and the price charged therefor. If you have qualified to sell retail kosher meat cuts, variety meats and edible by-products, and kosher sausage to other kosher retail dealers for resale purposes, you must keep records of each transaction and give receipts showing the same facts that you are required to show on your sales to eating places. Moreover, on and after February 22, 1945, if you make sales to eating places or sales to other retailers, you likewise must keep records, either weekly or monthly, showing the total dollar volume of retail meat cuts, variety meats and edible by-products, miscellaneous beef items and sausage and the wholesale meat cuts for which retail prices are established in Maximum Price Regulations Nos. 336, 355 and 394 sold to all purchasers, and the total dollar volume of retail meat cuts, variety meats and edible by-products, miscellaneous beef items, and sausage sold to other retailers during the same period. You shall show the records to any representative of the Office of Price Administration upon request. If you have customarily given a customer a sales slip, receipt or similar evidence of purchase, you shall continue to do so. Furthermore, regardless of your previous custom, you shall, upon request by any customer, give a receipt showing the date, your name and address, the name, weight and grade of each cut of kosher meat, variety meat or edible by-product sold, the name, type, weight and casing, container or wrapper identification of each kosher sausage product sold, and the price you received for the kosher meat cut, variety meat or edible by-product, or kosher sausage product.

3. The price table in section 19 (a) is amended by changing the headings of the fourth and fifth columns appearing under the heading "Grades" to read "C or Utility", and "D" respectively.

4. The Zone 1 price for the item "Caul fat" in the price schedule in section 22 (c) is amended to read "21".

5. Section 22 (d) is amended to read as follows:

(d) **Zones.** The zones for kosher variety meats and edible by-products are the same as those for kosher beef, veal, lamb and mutton, except for Zones 7 and 8.

Zone 7. Includes all of Zone 7 as described for beef, veal, lamb and mutton, plus three additional counties in New York: Niagara, Erie and Cattaraugus.

Zone 8. Includes all of Zone 8 as described for beef, veal, lamb and mutton except for the counties of Niagara, Erie and Cattaraugus in New York.

6. The initial paragraph of section 23 (b) is amended to read as follows:

(b) The zones for kosher sausage are the same as those for kosher beef, veal, lamb and mutton, except for Zones 4A, 7 and 8, which include the following areas:

7. Paragraph (b) of section 23 is amended by the addition of the following zone descriptions:

Zone 7. Includes all of Zone 7 as described for beef, veal, lamb and mutton, plus three additional counties in New York: Niagara, Erie and Cattaraugus.

Zone 8. Includes all of Zone 8 as described for beef, veal, lamb and mutton, except the counties of Niagara, Erie and Cattaraugus in New York.

8. The first unnumbered paragraph immediately following the italicized cap-

tion of section 24 is amended to read as follows:

The boundaries of the zones referred to in paragraphs (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k) and (l) of this section 24 are the same as those of the zones correspondingly numbered and defined in section 19 of this regulation. The boundaries of the zones referred to in paragraph (m) of this section 24 are the same as those of the zones correspondingly numbered and defined in section 22 of this regulation. The boundaries of the zones referred to in paragraph (n) of this section 24 are the same as those of the zones correspondingly numbered and defined in section 28 of this regulation. The schedules of prices set forth subsequently in this section 24 are subject to the conditions contained in Notes 1 to 3, inclusive.

9. The product headings "Retail Prices for wholesale cuts" appearing unnumbered in Part I, as Item 11 in Part II, and as Item 9 in Part III of paragraphs (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k) and (l) of section 24 respectively, are amended by the addition of the following words to be inserted in each immediately after the words "wholesale cuts:"

[Note: May not be sold to other retailers.]

This amendment shall become effective February 22, 1945.

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

Issued this 17th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2700; Filed, Feb. 17, 1945; 12:34 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS
[MPR 373, Amdt. 129]

ISLAND-GROWN PRODUCE IN HAWAII

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

Section 21 (e) (3) (ii) is amended to read as follows:

(ii) On the Island of Hawaii.

Item	Grade	Maximum price to retail dealers per pound	Maximum price to institutional buyers per pound	Maximum price at retail per pound
1.A. Asparagus, fresh.....	A.....	\$0.23	\$0.2415	\$0.30
1.B. Asparagus, fresh.....	B.....	.20	.21	.27
1.C. Asparagus, fresh.....	C.....	.18	.189	.25
2.A. Avocado, butter pears.....	A.....	.10	.105	.15
2.B. Avocado.....	B & MQ.....	.07	.0735	.10
3.C. Bananas, stems (stem limited to 8 in. above first hand where hand joins stem) Bluefield.....	CQ.....	.04	.0420	.....
3.D. Bananas, hands, Bluefield.....	CQ.....	.05	.0525	.07
3.E. Bananas, stems (stem limited to 8 in. above first hand where hand joins stem) Chinese and others.....	CQ.....	.025	.02625	.....
3.F. Bananas, hands, Chinese and others.....	CQ.....	.035	.03675	.05
3.G. Bananas, stems (stem limited to 8 in. above first hand where hand joins stem) Cooking.....	CQ.....	.06	.0630	.....
3.H. Bananas, hands, Cooking.....	CQ.....	.08	.0840	.11
4.A. Beans, snap, green, string and yellow wax.....	A.....	.09	.0945	.12
4.B. Beans, snap, green, string, yellow wax and other unclassified varieties.....	MQ.....	.07	.0735	.10
5.A. Beans, green lima (pod).....	CQ.....	.07	.0735	.10
6.A. Beans, green lima (shelled).....	CQ.....	.15	.1590	.25
8.A. Beet tops (tubers not to exceed one inch).....	CQ.....	.07	.0735	.10
9.A. Beets, bunched.....	CQ.....	.03	.0315	.04
10.A. Beets, topped.....	A.....	.04	.0420	.055

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

Item	Grade	Maximum price to retail dealers per pound	Maximum price to institutional buyers per pound	Maximum price at retail per pound
10.B. Beets, topped	MQ	\$.03	\$.0315	\$.04
11.A. Bitter melon	CQ	.08	.0840	.12
12.A. Broccoli	CQ	.11	.1155	.16
13.A. Cabbage, all oriental types, bunched or stalks, includes Chinese and Japanese types, green mustard, white stem, chili, and swamp (Ung Chong)	CQ	.05	.0525	.07
14.A. Cabbage, head, Jan. 1-June 30	AA&A	.03	.0315	.045
14.B. Cabbage, head, Jan. 1-June 30	MQ	.02	.0210	.03
14.C. Cabbage, head, July 1-Dec. 31	AA&A	.04	.0420	.03
14.D. Cabbage, head, July 1-Dec. 31	MQ	.03	.0315	.045
15.A. Carrots, bunched	CQ	.04	.0420	.05
16.A. Carrots, topped	A	.055	.05775	.075
16.B. Carrots, topped	MQ	.04	.0420	.06
18.A. Celery	CQ	.15	.1575	.20
19.A. Corn, green, sweet	A	Per doz. \$0.35	Per doz. \$0.3675	Per doz. \$0.47
19.B. Corn, green, sweet	B	.25	.2625	.35
19.C. Corn, green, including field corn	MQ	Per lb. \$0.02	Per lb. \$0.0210	Per lb. \$0.03
20.A. Cucumbers	A	.08	.0840	.12
20.B. Cucumbers	MQ	.06	.0630	.09
21.A. Dasheen, (Japanese Taro) (#1)	CQ	.045	.04725	.06
21.B. Dasheen, (Japanese Taro) (#2)	MQ	.03	.0315	.04
22.A. Eggplant, long (Molokai type)	CQ	.07	.0735	.10
23.A. Eggplant, round and half long	CQ	.05	.0525	.08
24.A. Ginger	CQ	.07	.0735	.10
25.A. Gobo, medium and long stem	CQ	.15	.1575	.20
25.B. Gobo, small and short stem	MQ	.11	.1155	.15
25.C. Gobo, large stem	MQ	.11	.1155	.15
26.A. Kohlrabi, bunched or topped	CQ	.07	.0735	.10
27.A. Lettuce, All types Jan. 1-June 30	CQ	.08	.0840	.11
28.A. Lettuce, all types July 1-Dec. 31	CQ	.10	.1050	.15
31.A. Okra	CQ	.10	.1050	.15
32.A. Onions, dry	CQ	.07	.0735	.09
33.A. Onions, bunching green	CQ	.07	.0735	.10
35.A. Papaya, Solo	A	.04	.0420	.055
35.B. Papaya, Solo and common	MQ	.03	.0315	.04
37.A. Peanuts, cured, in shell	CQ	.15	.1575	.20
38.A. Peas, Chinese	CQ	.35	.3675	.50
39.A. Peas, green pod	CQ	.15	.1575	.22
40.A. Peppers, sweet, (bell)	CQ	.12	.1260	.17
41.A. Peppers, hot and chile	CQ	.35	.3675	.50
42.A. Pineapples	CQ	.05	.0525	.07
43.B. Potatoes, Irish	AA & A	.055	.05775	.07
43.C. Potatoes, Irish	MQ	.035	.03675	.045
45.A. Pumpkin, (Japanese)	CQ	.035	.03675	.05
46.A. Pumpkin, mainland varieties and Kona Crepe	CQ	.05	.0525	.07
47.A. Radish, red (per bunch of not less than 12)	CQ	.05	.5250	.06
NOTE: For white radish see turnips.				
48.A. Rhubarb	CQ	.08	.0840	.11
49.A. Soy beans, edible, green, including vines	CQ	.05	.0525	.08
50.A. Soy beans, edible, green, in pods	CQ	.15	.1575	.22
52.A. Spinach, New Zealand, Australian, Chinese, other foreign types	CQ	.05	.0525	.08
53.A. Spinach, Savoy, prickly winter, other mainland types	CQ	.07	.0735	.10
54.A. Squash, Chinese (Tung Qua, Poo Qua, Long Squash) large (2 1/4 lbs. or over)	CQ	.03	.0315	.05
54.B. Squash, Chinese, young, small (below 2 1/4 lbs.)	CQ	.06	.0630	.09
55.A. Squash, banana	CQ	.05	.0525	.07
56.A. Squash, Hubbard	CQ	.05	.0525	.07
57.A. Squash, Italian	A	.07	.0735	.10
57.B. Squash, Italian	MQ	.05	.0525	.08
58.A. Squash, summer	CQ	.07	.0735	.10
59.A. Squash, queen or acorn	CQ	.05	.0525	.07
60.A. Sweet potatoes, (specified varieties)	AA	.05	.0525	.065
60.B. Sweet potatoes, yellow	B	.04	.0420	.055
60.C. Sweet potatoes, yellow and red	B	.0325	.034125	.04
60.D. Sweet potatoes	MQ	.025	.02625	.03
61.A. Swiss chard, bunched or loose	CQ	.035	.03675	.05
62.A. Taro, Hawaiian and Chinese, (bunched and not for manufacture)	CQ	.035	.03675	.05
63.A. Taro tops or lau, bunched or loose	CQ	.10	.1050	.15
64.A. Tomatoes, large, wrapped, in standard lugs	A	.14	.1470	.18
64.B. Tomatoes, large (2" min. diam.)	A	.12	.1260	.18
64.C. Tomatoes, large (2" min. diam.)	B	.09	.0945	.14
64.D. Tomatoes, large or small	MQ	.07	.0735	.10
65.A. Tomatoes, egg or plum	CQ	.07	.0735	.10
66.A. Turnip tops, (tubers not exceed one inch)	CQ	.07	.0735	.10
67.A. Turnips, bunched or topped, long white, round white, purple top, golden ball, daikon, white Chinese, white radish and similar types	CQ	.03	.0315	.04
68.A. Turnips, rutabagas, topped	CQ	.03	.0315	.04
69.A. Watercress (fied in 1 lb. bunch)	CQ	.045	.04725	.07
70.A. Watermelon	CQ	.06	.0630	.08
71.A. Yam, (Chop Sui) or Farn Quat	CQ	.03	.0315	.04
72.A. Yam, Mountain or Dai See	CQ	.02	.0210	.03
75.A. Figs	CQ	.08	.0840	.125
76.A. Grapefruit (local)	CQ	Each \$0.07	Each \$0.0735	Each \$0.085
76.B. Grapefruit (local)	MQ	.05	.0525	.065
77.A. Limes, Tahitian	CQ	Per doz. \$0.22	Per doz. \$0.2310	Per doz. \$0.30
77.B. Limes, Tahitian	MQ	.18	.1890	.24
77.C. Limes, Mexican	CQ	.10	.1050	.12
77.D. Limes, Mexican	MQ	.08	.0840	.10
77.E. Limes, Kusae	CQ	Per lb. \$0.06	Per lb. \$0.0630	Per lb. \$0.08
77.F. Limes, Kusae	MQ	.05	.0525	.07
78.A. Oranges, Navel	CQ	.06	.0630	.08
78.B. Oranges, Navel	MQ	.05	.0525	.07
78.C. Oranges, Valencia	CQ	.05	.0525	.07
78.D. Oranges, Valencia	MQ	.04	.0420	.06
79.A. Poha	CQ	.07	.0735	.09
80.A. Tangerines	CQ	.10	.1050	.125
80.B. Tangerines	MQ	.08	.0840	.105

(a) Sales to institutional buyers for the purpose of this section shall include sales to the United States, or any of its political subdivisions, the Army, Navy, Marine Corps, Coast Guard, or any agency of the foregoing, any religious, educational or charitable institution, any institution for the sick, deaf, blind, disabled, aged or insane, or any school, hospital, library, and industrial or commercial user.

(b) Where delivery is made to any of the institutional buyers, a delivery charge not to exceed 5% of the maximum price to institutional buyers may be added.

This amendment shall become effective as of January 31, 1945.

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

Issued this 17th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2696; Filed, Feb. 17, 1945; 12:32 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS
[MPR 373, Amdt. 130]

GROCERY ITEMS IN HAWAII

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

Section 41 Table A is amended in the following respects:

1. Commodity Classification 7 (ii) is amended by changing the price of Trappey's Torrido Peppers, 12 oz. gl., from "\$0.16" to "\$0.19".

2. Commodity Classification 17 is amended by changing the price of two items to read as follows:

		<i>Molokai</i>
Peaches, Halves, "C", all brands, No. 2 1/2 cans	0.30	0.29
Peaches, Sliced, "C", all brands, No. 2 1/2 cans	0.30	.29

3. Commodity Classification 18 is amended to read as follows:

		<i>Molokai</i>
18 Fruits, Dried:		
Prunes 30/40, lb. (if unmarked, costing \$4.68-\$4.77)	0.27	0.26
Prunes, 40/50, lb. (if unmarked, costing \$4.45-\$4.60)	.26	.25
Prunes 50/60, lb. (if unmarked, costing \$4.20-\$4.50)	.25	.24
Prunes 60/70, lb. (if unmarked, costing \$3.98-\$4.35)	.25	.24
Raisins, 15 oz. box	.20	

4. Commodity Classification 19 is amended by changing the price of apple juice, Hood River, 32 oz. from "\$0.29" to "\$0.33".

5. Commodity Classification 23 is amended by changing the price of milk products, Eagle Condensed Milk, 14 oz. can, from "\$0.24" to "\$0.25".

6. Commodity Classification 28 is amended by changing the price of two items to read as follows:

Swift's Dog Meal, 50 lb. bag	\$5.55
Swift's Dog Meal, 5 lb. bag	.61

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

7. Commodity Classification 32 is amended to read as follows:

Commodity classification No.	Maximum price per unit				
	Zone 1 on islands of Oahu, Hawaii, Maui, Kauai	All other areas on islands of Oahu, Hawaii, Maui, Kauai	Zone 1 on island of Molokai	All other areas on island of Molokai	Island of Lanai
32. Rice					
<i>U. S. No. 1</i>					
100 pounds.....	\$9.17	\$8.97	\$8.91	\$8.71	\$8.80
50 pounds.....	4.64	4.54	4.51	4.41	4.45
25 pounds.....	2.32	2.29	2.27	2.22	2.25
10 pounds.....	.93	.93	.91	.90	.91
1 pound.....	.095	.095	.095	.095	.095
<i>U. S. No. 2</i>					
100 pounds.....	9.07	8.87	8.81	8.61	8.70
50 pounds.....	4.59	4.49	4.46	4.36	4.40
25 pounds.....	2.32	2.27	2.25	2.20	2.23
10 pounds.....	.93	.92	.90	.89	.90
1 pound.....	.095	.095	.095	.095	.095
<i>U. S. No. 3 and Brown</i>					
100 pounds.....	8.97	8.77	8.71	8.51	8.60
50 pounds.....	4.54	4.44	4.41	4.31	4.35
25 pounds.....	2.29	2.24	2.22	2.18	2.20
10 pounds.....	.92	.91	.89	.88	.89
1 pound.....	.095	.095	.095	.095	.095
<i>U. S. No. 4</i>					
100 pounds.....	8.87	8.67	8.62	8.42	8.51
50 pounds.....	4.49	4.39	4.36	4.26	4.31
25 pounds.....	2.27	2.22	2.20	2.16	2.18
10 pounds.....	.91	.90	.88	.87	.88
1 pound.....	.095	.095	.095	.095	.095
<i>U. S. No. 5</i>					
100 pounds.....	8.77	8.57	8.52	8.32	8.41
50 pounds.....	4.44	4.34	4.31	4.21	4.25
25 pounds.....	2.24	2.19	2.17	2.13	2.15
10 pounds.....	.90	.89	.87	.86	.87
1 pound.....	.095	.095	.095	.095	.095

8. Commodity Classification No. 34 is amended in the following respects:

a. All salmon items, beginning with the item entitled "Salmon, Red, No. 1 tin" to and including the item entitled "Salmon, Cohoes C., No. 1 tall", are hereby deleted.

b. Two items are amended to read as follows:

Tuna, various brands, light meat, fancy	
FSCC No. 1/2 tin.....	0.33
Tuna, various brands, flaked or grated,	
FSCC 6 1/2 oz. tin.....	.30

9. Commodity Classification 37 is amended by changing the can sizes listed for all Campbell Soups from "10 1/2 oz. can" to read "10 1/2 oz. to 11 1/2 oz. can".

10. Commodity Classification 44 is amended by adding a new item to read as follows:

Beans:	
FSCC Beans with Pork, No. 1 can,	
(except Ritter Beans).....	0.13

11. Commodity Classification 48 is amended by changing the price of "Jewel, qt." from "\$0.60" to "\$0.65".

This amendment shall become effective as of January 1, 1945.

Issued this 17th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2697; Filed, Feb. 17, 1945;
12:33 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426, Amdt. 51]

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

Correction

In Federal Register Document 44-12543, appearing at page 10192 of the

issue for Tuesday, August 22, 1944, columns 1, 2 and 3 of Table 16 should read as follows:

Column 1	Column 2	Column 3
Item No.	Type, variety, style of pack, etc.	Unit
1	Iceberg lettuce in L. A. or Salinas crate containing not less than 48 heads with a net weight of 60 pounds or more. ¹	Pound.
2	Iceberg lettuce in L. A. or Salinas crates containing less than 48 heads or with a net weight of less than 60 pounds and all other lettuce, except hothouse lettuce, in any container. ¹	Pound.
3		Pound.
4		Pound.
5	Hothouse lettuce in any container.	Pound.

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 422, Amdt. 40]

CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES

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 422 is amended in the following respects:

1. Section 20 (p) is amended to read as follows:

(p) *Fresh fruits or vegetables bought in carlot or trucklot quantities.* If you purchase any item of fresh fruits or vegetables listed in Table B, in "carlot" or "trucklot" quantities, from a "grower", "country shipper", "primary seller"

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

¹ 9 F.R. 5656, 6828, 6951, 7339, 7520, 7987, 9354, 9719, 10258, 10982, 11537, 11711, 11901, 12343, 12593, 12590, 12746, 12972.

or "grower-packer" (as those terms are defined in the applicable maximum price regulation covering the sale of the item except at retail), figure your ceiling price for that item in the following way: Start with the amount paid for the quantity of the item delivered, less all discounts except the discount for prompt payment. Add to that figure all transportation charges you paid to your usual receiving point, which may include costs for icing, refrigeration, and ventilation, but not costs for local trucking or local unloading. (If you perform, in connection with any item, any of the functions described in paragraphs (f), (g), (h), (q) or (r) of this section, start with the figure computed for that item under the applicable paragraph.) Increase that figure by 1 1/2 percent. Reduce the resulting figure to the "net cost" per "selling unit" and apply the mark-ups for your group of retailer as set forth in section 8.

2. Section 20 (q) is added to read as follows:

(q) *Carrots purchased by you ungraded, unsized and unpacked.* If you purchase ungraded, unsized and unpacked carrots, and you grade, size and pack such carrots, you shall figure a separate ceiling price weekly for each such item, using as the basis of your "net cost" per "selling unit" for such item the maximum delivered price fixed, at the time you receive delivery at your usual receiving point, in Column 6 of Table 1 of Appendix H to Maximum Price Regulation No. 426,² treating your usual receiving point for such item as the wholesale receiving point. To get your ceiling price, reduce that figure to the "net cost" of the "selling unit," and apply the mark-up for your group of retailer as set forth in section 8.

3. Section 20 (r) is added to read as follows:

(r) *Spinach purchased by you unwashed, ungraded and unpacked.* If you purchase unwashed, ungraded and unpacked spinach, and you wash, grade and pack such spinach, you shall figure a separate ceiling price weekly for each such item, using as the basis of your "net cost" per "selling unit" for such item the maximum delivered price fixed, at the time you receive delivery at your usual receiving point, in Column 6 of Table 2 of Appendix H to Maximum Price Regulation No. 426, treating your usual receiving point for such item as the wholesale receiving point. To get your ceiling price, reduce that figure to the "net cost" of the "selling unit," and apply the mark-up for your group of retailer as set forth in section 8.

This amendment shall become effective February 22, 1945.

² 8 F.R. 16409, 16294, 16519, 16423, 17372; 9 F.R. 790, 902, 1581, 2008, 2023, 2091, 2493, 4030, 4086, 4434, 4786, 4787, 4877, 5926, 5929, 6104, 6108, 6420, 6711, 7259, 7268, 7434, 7425, 7680, 7583, 7759, 7774, 7824, 8148, 9066, 9090, 9239, 9356, 9509, 9512, 9549, 9785, 9896, 9897, 10192, 10499, 10877, 10777, 10878, 11350, 11534, 11546, 12033, 12208, 12340, 12341, 12263, 12412, 12547, 12643, 12968, 12973, 13067, 13138, 13205, 13761, 13934, 14062, 13995, 14437, 14731, 15107; 10 F.R. 49, 256.

Issued this 17th day of February 1945.

JAMES F. BROWNLEE,
Acting Administrator.

Approved: February 15, 1945.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 45-2730; Filed, Feb. 17, 1945;
4:42 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS
[MPR 423, Amdt. 39]

CEILING PRICES OF CERTAIN FOODS SOLD AT
RETAIL IN INDEPENDENT STORES DOING AN
ANNUAL BUSINESS OF LESS THAN \$250,000
(GROUP 1 AND GROUP 2 STORES)

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

Section 18 (c) is amended to read as follows:

(c) Section 20. *How you figure your "net cost" in certain cases.* (Applies to you if you import fresh bananas or purchase fresh bananas from importers f. o. b. port of entry or at auction; if you package and print butter; if you candle and grade eggs; if you sell "ungraded eggs"; if you purchase white potatoes or dry onions ungraded and unsacked; if you purchase ungraded, unsized and unpacked citrus fruits and you grade, size and pack such citrus fruits; if you buy poultry live or drawn and sell it "cut-up" or in parts; if you import coconuts; if you import packed pineapple, or packed pineapple juice, other than pineapple and pineapple juice packed in the Territory of Hawaii or in Puerto Rico; if you buy frozen fruits, berries or vegetables from a seller pricing such items under Supplement 6 to Food Products Regulation No. 1; * if you process smoked fish prior to offering it for sale; if you purchase carrots ungraded, unsized and unpacked, and you grade, size and pack such carrots; or if you purchase spinach unwashed, ungraded and unpacked, and you wash, grade and pack such spinach.)

This amendment shall become effective February 22, 1945.

Issued this 17th day of February 1945.

JAMES F. BROWNLEE,
Acting Administrator.

Approved: February 15, 1945.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 45-2731; Filed, Feb. 17, 1945;
4:41 p. m.]

PART 1364—FRESH, CURED AND CANNED
MEAT AND FISH PRODUCTS
[MPR 364, Amdt. 26]

FROZEN FISH AND SEAFOOD

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

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

¹ 9 F.R. 5671, 6829, 7340, 7520, 7937, 9354, 9720, 10259, 10932, 11537, 11711, 11902, 12340, 12593, 12746, 12972.

² 9 F.R. 8057.

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

Section 2 of Maximum Price Regulation 264 is amended by adding the following paragraph (g):

(g) *Sales of certain species of frozen fish to government agencies.* Notwithstanding any other provision of this regulation the prices set forth below are the maximum prices for sales to the Quartermaster Corps of the United States Army of the items of frozen fish listed below provided such items are frozen after February 17, 1945 and sold and delivered to the government agency prior to April 1, 1945 in the case of East Coast species and prior to May 1, 1945 in the case of West Coast species. These prices are the maximum prices f. o. b. shipping point for the listed items of frozen fish processed and packed in accordance with the specifications of the buying government agency. No transportation, container or other charge may be added to these maximum prices:

	Price per pound
East Coast species:	
Cod (<i>Gadus callarias</i>) fillets, skinless.....	\$0.29¼
Haddock (<i>Melanogrammus aeglefinus</i>) fillets.....	.28½
Dab (Sea) (<i>Hippoglossoides platessoides</i>) fillets.....	.31
Dab (Yellowtail) <i>Limanda ferruginea</i> fillets.....	.31
West Coast species:	
Flounder (All Pacific Coast species) fillets.....	.30
Sole (All Pacific Coast species) fillets.....	.30
Red cod or Rock cod (<i>Sebastes</i> species) fillets.....	.28
Ling cod (<i>Ophiodon elongatus</i>) fillets.....	.30¾
Ling cod (<i>Ophiodon elongatus</i>) steaks.....	.23¾

(1) Other provisions with reference to sales to government agencies generally will be found in section 3 (f).

This amendment shall become effective February 18, 1945.

Issued this 17th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2694; Filed, Feb. 17, 1945;
12:31 p. m.]

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

[MPR 118, Amdt. 31]

COTTON PRODUCTS

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

In § 1400.118 (d) (13) (vii) (a), the figure "43½" is changed to "46."

¹ 8 F.R. 12186, 12934; ² 9 F.R. 401, 10088, 10925, 14211, 14383, 14676; ³ 10 F.R. 705, 857, 1492.

This amendment shall become effective February 21, 1945.

Issued this 19th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2761; Filed, Feb. 19, 1945;
11:39 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS
[MPR 201, Amdt. 12]

COMPUTATION OF MAXIMUM PRICES IN
VIRGIN ISLANDS

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 201 is amended in the following respects:

1. Section 1418.102 (d) is added to read as follows:

(d) *Divisible units.* The maximum price for any fractional part of a unit of a commodity priced under this regulation shall be computed by the seller on the basis of the equivalent proportionate part of the maximum price of such unit, unless such price is otherwise specifically established by order of the Territorial Director.

2. Section 1418.113 (a) subparagraphs (2) and (3) are amended to read as follows:

(2) "Sale at wholesale" means a sale by a person who received delivery of a commodity and sells it, without substantially changing its form, to any person other than an ultimate consumer and shall include any sale to the United States, any government, or any of its political sub-divisions, any religious, educational or charitable institution, any institution for the sick, deaf, blind, disabled, aged or insane, or any school, hospital, library, commercial or industrial user, or any agency of any of the foregoing.

(3) "Sale at retail" means a sale or selling to an ultimate consumer, except as otherwise provided in subparagraph (2) above.

This amendment shall become effective as of January 29, 1945.

Issued this 19th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2763; Filed, Feb. 19, 1945;
11:40 a. m.]

PART 1429—POULTRY AND EGGS

[RMPE 333, Amdt. 3]

EGGS AND EGG PRODUCTS

The statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith,

¹ 9 F.R. 11514; ² 9 F.R. 12216.

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

Revised Maximum Price Regulation 333 is amended in the following respects:

1. Sections 2.10, 2.11 and 2.12 are re-designated sections 2.11, 2.12, and 2.13 respectively.

2. A new section 2.10 is added to read as follows:

Sec. 2.10 *Maximum prices for dried egg products delivered to the Federal Government on a date other than that specified by contract.* Regardless of the date of actual delivery, the maximum price of any dried egg product sold to a United States Government agency, under a contract providing a set date on which the seller shall have the product available for delivery, shall be the maximum price for the particular product on the delivery date specified in the contract if the seller is ready, willing and able to make delivery on the contract date.

If the seller is not in a position to make delivery on the date specified in the contract, the maximum price for the product shall be either the maximum price established for the delivery date specified in the contract, or the maximum price for the date of actual delivery, whichever is the lower.

3. A new undesignated paragraph to read as follows is added to the end of section 2.13:

On sales of egg products to United States Government agencies, the additions for containers permitted by the preceding paragraph of this section 2.13 may be computed on the basis of the average cost of the particular types of containers as determined by the purchasing government agency.

4. A new undesignated paragraph to read as follows is added to the end of section 3.9:

Invoice. At the time of delivery of shell eggs sold by any first receiver or jobber to any buyer, except an ultimate consumer, the seller shall furnish to the buyer a written statement, setting forth the names and addresses of the buyer and seller, the date of delivery, the grades, sizes or weights of the eggs sold and the prices charged and received.

All items of this amendment except item 4 shall become effective as of January 31, 1945.

Item No. 4 of this amendment shall become effective February 24, 1945.

Issued this 19th day of February 1945.

CHESTER BOWLES,
Administrator.

Approved: February 12, 1945.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 45-2759; Filed, Feb. 19, 1945;
11:39 a. m.]

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

PART 1439—UNPROCESSED AGRICULTURAL
COMMODITIES

[MPR 426,¹ Amdt. 86]

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

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

In section 15, Appendix H, paragraph (b) Table 8, Footnote 5 is amended to read as follows:

¹ During the period beginning February 21 and ending March 15, 1945, the Column 5 price shall be for item 1a—29¢, for item 2a—56¢ and for item 3a—37¢.

This amendment shall become effective February 21, 1945.

Issued this 17th day of February 1945.

CHESTER BOWLES,
Administrator.

Approved: February 16, 1945.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 45-2729; Filed, Feb. 17, 1945;
4:43 p. m.]

PART 1499—COMMODITIES AND SERVICES

[2d Rev. SR 14,² Amdt. 1]

MODIFICATIONS OF MAXIMUM PRICES ESTABLISHED BY GENERAL MAXIMUM PRICE REGULATION FOR CERTAIN MISCELLANEOUS COMMODITIES AND SERVICES

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

Second Revised Supplementary Regulation 14 is amended in the following respects:

1. Section 1.3 is hereby revoked.
2. Section 1.4 is hereby revoked.
3. Section 1.6 is hereby revoked.

This amendment shall become effective as of January 29, 1945.

Issued this 19th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2762; Filed, Feb. 19, 1945;
11:40 a. m.]

¹ 8 F.R. 16409, 16294, 16519, 16423, 17372; 9 F.R. 790, 902, 1581, 2008, 2023, 2091, 2493, 4030, 4086, 4088, 4434, 4786, 4787, 4877, 5926, 5929, 6104, 6108, 6420, 6711, 7259, 7268, 7434, 7425, 7580, 7583, 7759, 7774, 7834, 8148, 9066, 9090, 9289, 9356, 9509, 9512, 9549, 9785, 9896, 9897, 10192, 10192, 10499, 10877, 10777, 10878, 11350, 11534, 11546, 12038, 12208, 12340, 12341, 12263, 12412, 12537, 12643, 12968, 12973, 13067, 13138, 13205, 13761, 13934, 14062, 13995, 14437, 14731, 15107, 15107, 10 F.R. 49, 256, 460, 923, 1540, 1403, 1456.

² 10 F.R. 1154.

Chapter XIII—Petroleum Administration
for War

[PAO 5, as Amended Sept. 24, 1943, Amdt. 1]

PART 1545—PETROLEUM SUPPLY

MOVEMENT OF PETROLEUM PRODUCTS INTO
EAST COAST AREA

Section 1545.2 (Petroleum Administrative Order No. 5, as amended September 24, 1943) (8 F.R. 13182) is hereby amended by changing paragraphs (a) (2) and (c) to read as follows:

(a) *Definitions.* * * *

(2) "Principal petroleum products" means (i) automotive gasoline or any petroleum component, which is used for automotive gasoline or the ultimate use of which is for blending into automotive gasoline (other than war products, as specified by the Petroleum Administration for War), (ii) kerosene (including range oil, stove oil, and No. 1 distillate fuel oil), (iii) distillate fuel oil (other than kerosene as defined, but including light gas oil and light and heavy Diesel fuel oil), and (iv) residual fuel oil and crude oil used for purposes other than refining.

(c) *Deliveries accepted or otherwise received pursuant to Petroleum Directive 59.* Approval under this order shall not be required with respect to any delivery of any Principal Petroleum Product imported by any person designated as a District One Original Supplier in accordance with any shipping schedule issued by the Petroleum Administration for War pursuant to Petroleum Directive 59.

Any person may make any shipment into District One pursuant to this paragraph upon obtaining a statement from the person who is to accept delivery of or otherwise receive such shipment that such shipment is authorized to be made and received by the provisions of this paragraph.

This amendment shall become effective on March 1, 1945.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687; WPB Directive 30, 8 F.R. 11559; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong.; Pub. Laws 89 and 507, 77th Cong.; Pub. Law 509, 78th Cong.)

Issued this 20th day of February 1945.

RALPH K. DAVIES,
Deputy Petroleum
Administrator for War.

[F. R. Doc. 45-2746; Filed, Feb. 19, 1945;
10:56 a. m.]

Chapter XIV—War Contracts Price
Adjustment Board

RENEGOTIATION REGULATIONS

The changes and additions to Parts 1602, 1603, 1607, and 1608 set forth below are also contained in Revision 16 of the Renegotiation Regulations, dated February 1, 1945.

JAMES S. FEIGHT,
Secretary.

PART 1602—PROCEDURE FOR RENEGOTIATION
SUBPART A—ASSIGNMENTS FOR RENEGOTIATION AND CANCELLATIONS

1. Section 1602.202-3 is amended to read as follows:

§ 1602.202-3 *Brokers and agents.* Brokers and agents subject to renegotiation by virtue of subsection (a) (5) (B) of the 1943 Act and machine tool dealers will ordinarily be assigned to the Services and Sales Renegotiation Section, Navy Department, with the exception of those engaged in the sale of textiles and foodstuffs, who will ordinarily be assigned to the Price Adjustment Section of The Quartermaster General.

2. The first sentence of § 1602.203-1 is amended to read as follows:

§ 1602.203-1 *Contractors previously assigned.* Generally a contractor who has been assigned for prior fiscal years will be assigned for a later fiscal year to the same Department which held the assignment for the immediately preceding prior year. * * *

3. Section 1602.203-4 is amended to read as follows:

§ 1602.203-4 *Reports as to brokers and agents.* Information coming to the attention of a Department or Service indicating that commissions or other compensation may have been or might be paid or accrued to a broker or agent subject to renegotiation under subsection (a) (5) (B) of the 1943 Act or (a) (5) (ii) of the 1942 Act will be reported to the Services and Sales Renegotiation Section, Navy Department, Washington 25, D. C., and to the War Contracts Price Adjustment Board, Assignments and Statistics Branch, Room 3D 573, The Pentagon, Washington 25, D. C. (see § 1602.202-3).

SUBPART B—PRELIMINARY INFORMATION REQUIRED OF CONTRACTORS

1. In § 1602.222-1, the first sentence of paragraph (a) is amended and paragraph (b) is amended to read as follows:

§ 1602.222-1 *Sufficiency of contents.* (a) Except as hereinafter stated, the forms of "Standard Form of Contractor's Report" are required to be prepared in accordance with the instructions which relate to them respectively and which appear in §§ 1607.701-2, 1607.701-4 and 1607.701-6 of this chapter. * * *

(b) If a contractor represents to the Department to which he is assigned for renegotiation (or, if not yet assigned, to the Assignments and Statistics Branch) that it is impossible for him to furnish all of the information provided for in the Standard Form of Contractor's Report on or before the date specified in the 1943 Act, or that it will impose severe hardship upon him to do so, such contractor may be authorized by such Department (or the Assignments and Statistics Branch) to file a Contractor's Tentative Report in the form set forth at § 1607.701-8. In any such case, the filing of such Contractor's Tentative Report on or before the date specified in the Act and its acceptance by such Department (or the Assignments and Statistics Branch) shall constitute compliance by

the contractor with the provisions of subsection (c) (5) (A).

2. Section 1602.222-3 is amended to read as follows:

§ 1602.222-3 *Place for filing.* Except as stated herein, the mandatory financial statements hereby prescribed shall be filed with the War Contracts Price Adjustment Board, Assignments and Statistics Branch, Room 3D 573, The Pentagon, Washington 25, D. C. Where the contractor has received a "Letter of Preliminary Inquiry" (see § 1602.223) and a "Standard Form of Contractor's Report" from a renegotiating agency, the mandatory financial statements hereby prescribed shall be filed with that agency. The mandatory financial statements hereby prescribed shall in all cases be filed in duplicate with the exception of the Standard Form of Contractor's Report (For Agents, Brokers, and Sales Engineers) (as set forth in § 1607.701-5) which shall be filed in triplicate. The renegotiating agency will forward one copy to the War Contracts Board within sixty days after receipt of the report by the renegotiating agency.

3. Section 1602.223-1 is amended to read as follows:

§ 1602.223-1 *Unassigned contractors.* The War Contracts Board, through the Assignments and Statistics Branch, may send to contractors and subcontractors who are identified by it as probably subject to renegotiation proceedings (except those who have been previously assigned) a "Letter of Preliminary Inquiry" (see § 1607.702-1). The "Letter of Preliminary Inquiry," sent by the Assignments and Statistics Branch, is for the purpose of determining whether the contractor should be assigned for renegotiation and to what Department or Service, if any, such assignment should be made. The filing of the "Standard Form of Contractor's Report" will constitute compliance with the requirement for mandatory filing under § 1602.222, if filed within the time prescribed by the 1943 Act.

4. Section 1602.223-3 is revoked, as follows:

§ 1602.223-3 *Follow-up.* [Revoked]

SUBPART E—COMPLETION OF RENEGOTIATION

A sentence is added at the end of paragraph (b) of 1602.254, as follows:

§ 1602.254 *Progress reports.* * * * (b) * * * The first weekly report on 1944 fiscal year assignments will be prepared as of February 23, 1945, and thereafter will be submitted weekly on the same dates as the present 1943 reports. In reporting for 1943 and 1944 cases, separate reports in similar form will be used for each year.

PART 1603—DETERMINATION OF RENEGOTIABLE BUSINESS AND COSTS

SUBPART B—METHODS FOR SEGREGATING SALES BETWEEN RENEGOTIABLE AND NON-RENEGOTIABLE BUSINESS

The last sentence of § 1603.324 is amended to read as follows:

§ 1603.324 *Segregation and exclusion of exempt contracts.* * * * Sales under the exempt or exempted contracts referred to shall not be excluded in determining whether the contractor is subject to renegotiation under subsection (c) (6) of the 1943 Act.

SUBPART H—COSTS ALLOCABLE AND ALLOWABLE AGAINST RENEGOTIABLE BUSINESS

1. Paragraph (b) of § 1603.382-2 is amended to read as follows:

§ 1603.382-2 *Allowances.* * * * (b) Whether or not the profit and loss statement of a partnership or individual proprietorship includes salaries or drawing accounts for the partners or the individual proprietor as an expense, in determining the amount of excessive profits to be eliminated, a so-called "salary allowance" may be made for reasonable salaries for such partners as are active in the business or for the individual proprietor if he is active in the business.

2. Section 1603.385-5 is added as follows:

§ 1603.385-5 *Loss with respect to facilities used in performing renegotiable contracts or subcontracts.* If for any taxable year, a contractor is entitled under sections 23 (e) or 23 (f) of the Internal Revenue Code to a deduction for loss with respect to tangible property used in performing renegotiable contracts or subcontracts, there will be allowed in renegotiation for such year as an item of cost chargeable to renegotiable contracts and subcontracts; an amount equal to that portion of such deduction which bears the same ratio to the whole of such deduction as the aggregate amount of depreciation or amortization on such property allocable to renegotiable business for all fiscal years of the contractor to the date of the incurring of such loss bears to the total amount of depreciation or amortization allowed or allowable on such property as a deduction in computing taxable income of the contractor under the Internal Revenue Code for all taxable years to the date of the incurring of such loss. The foregoing has no application to the allowance of losses from the sale or exchange of tangible property used in performing renegotiable contracts or subcontracts, with respect to which see § 1603.385-4.

PART 1607—FORMS FOR RENEGOTIATION

SUBPART A—FORMS RELATING TO IDENTIFICATION, ASSIGNMENT AND CANCELLATION OF CASES

1. Sections 1607.701-1 to 1607.701-6, inclusive, are amended to read as follows:

§ 1607.701-1 *Standard form of contractor's report.*

NOTE: Forms printed in the FEDERAL REGISTER are for information only and do not follow the exact format prescribed by the issuing agency.

Budget Bureau No. 49-RO19.6
Approval expires 12-31-45

STANDARD FORM OF CONTRACTOR'S REPORT

(To be filed in duplicate)

From _____
To: The War Contracts Price Adjustment Board:

the Renegotiation Act with respect to any past fiscal years. However, the data, if furnished, will expedite the disposition of the case and should be presented if readily available.)

XIII. Attached hereto are the following: (A) A brief statement (in duplicate) of the nature of our pre-war business and the extent and approximate date of its conversion to the war effort; also a brief description of our principal peacetime products.

(B) A statement (in duplicate) showing names and addresses of our parent, subsidiary and affiliated companies or organizations with a brief description of the character of their business and the nature and extent of their affiliation. Included also is a statement as to whether or not we believe that the operations of such companies or organizations should be consolidated with those of this company for renegotiation on an over-all basis if such renegotiation be required.

XIV. Condensed income data for prior years, exclusive of charges for extraordinary reserves and other items not allowed as deductions for tax purposes, are shown below (in thousands of dollars) (See Instruction No. 15):

Table with columns for years (1943, 1942, 1939, 1938, 1937, 1936) and rows for (1) Net sales, (2) Taxable net income per Federal tax return, (3) Net fees on CPFF contracts, and (4) Salaries and other compensation.

§ 1607.701-2 Instructions for preparation of standard form of contractor's report.

NOTE: Forms printed in the FEDERAL REGISTER are for information only and do not follow the exact format prescribed by the issuing agency.

Budget Bureau No. 49-RO19.6 Approval Expires 12-31-45

INSTRUCTIONS FOR PREPARATION OF STANDARD FORM OF CONTRACTOR'S REPORT

(Be sure to use the correct form of report)

Three separate Standard Forms of Contractor's Report have been prescribed by the War Contracts Price Adjustment Board, for the following types of business covered by the Renegotiation Act:

- 1. Persons principally engaged in manufacturing and general business other than (2) and (3) below. (Form entitled "Standard Form of Contractor's Report.")

(are) (are not) included in costs and expenses in the statements for our latest complete fiscal year. (If statement is affirmative, a schedule showing details is attached, in duplicate.)

XI. There (were) (were no) changes in the form or control of our organization (including reorganizations, dissolutions, acquisition and/or disposal of subsidiaries, etc.) during our latest complete fiscal year. (If statement is affirmative, an explanation is attached, in duplicate.)

XII. We (have) (have not) entered into a formal agreement or received an authorized clearance notice under the Renegotiation Act with respect to any of our past fiscal years. If answer is affirmative, name and address of Price Adjustment Board or Section is given below:

SECTION B

(Items XIII, XIV, and XV, comprising Section B of this report are not required to be filled out by contractors or subcontractors who have entered into formal agreements or received authorized clearance notices under No. 15):

- (1) Net sales. (2) Taxable net income per Federal tax return. (3) Net fees on CPFF contracts (included in line 2).

XV. Salaries and other compensation (including commissions, bonuses and other forms of extra compensation) to our highest paid officers and employees (not exceeding five in number) who received \$10,000 or more per annum for any of our fiscal years are indicated below, as follows:

Table with columns for Name and title, and rows 1 through 5.

(Exact name of contractor—not abbreviated)

(State of incorporation)

By (Authorized corporate officer, partner or proprietor)

Date (Title)

I, the undersigned, (Title of signer and certify that the report name of contractor)

representations and supporting data hereby submitted are true and correct and in accordance with instructions furnished with this form to the best of my knowledge and belief, subject to such qualifications as are specifically set forth.

(Signature)

B. Not subject to renegotiation (see Instruction No. 9).

- 1. Sales, direct or indirect to the Departments and other Agencies named in the Act, but exempt from renegotiation. 2. Sales made neither directly nor indirectly to the Departments and other Agencies named in the Act. 3. Subtotal of business not subject to renegotiation.

C. Total business for period (exclusive of CPFF)

II. We (did) (did not) have CPFF contracts during our latest closed fiscal year. If answer is affirmative, statement in duplicate of total billings, costs, and net fees applicable thereto is attached. (See Instruction No. 10)

IV. We (did) (did not) have renegotiable contracts or subcontracts which were terminated during the fiscal year under review. If the answer is affirmative, the following information is provided in connection therewith (see Instruction No. 11):

Table with columns for Amounts included above in Item II-A, Item II-B-1, and Item III, and rows 1 through 5.

paid officers and employees (not exceeding five in number) who received \$10,000 or more per annum for our latest complete fiscal year were as follows:

Table with columns for Name and title, and Amount, and rows 1 through 5.

VIII. The estimated cost of facilities furnished or financed by the United States Government as of the close of our latest complete fiscal year was \$

IX. Profit before Federal taxes on income, shown by financial statements submitted in accordance with Item I above (does) (does not) differ by more than 5 per cent from net income shown by Federal income tax returns filed or to be filed for the year. (If difference in excess of 5 per cent, explanation of major components of difference is attached in duplicate.)

X. Charges for post-war conversion or re-conversion, inventory reserves, contingencies or other items not deductible for tax purposes

SECTION A

I. Attached hereto are two copies of our Financial Statements, consisting of Balance Sheet, Income and Profit and Loss Statement and Surplus Statement for our latest complete fiscal year. (See Instruction No. 1)

II. We estimate that our total business, exclusive of that under cost-plus-fixed-fee (CPFF) contracts, during our latest complete fiscal year (ended 194...) consisted of the following (See Instruction No. 2):

A. Subject to renegotiation.

- 1. Direct sales (prime contracts and purchase orders) (See Instructions Nos. 3, 6) \$ 2. Indirect sales for war end use (subcontracts of any tier, purchase orders, etc., except those shown in 3 and 4) (See Instructions Nos. 4, 5, 6) 3. Commissions and other income, within the meaning of Sec. 403 (a) (5) (B) of the Renegotiation Act (See Instruction No. 7) 4. Other (See Instruction No. 8) 5. Subtotal of business subject to renegotiation (Exclusive of CPFF)

- 1. All settlements during year. 2. All claims pending at end of year. 3. We (did) (did not) have waived ("No cost") termination settlements during the year under review. 4. The total losses, if any, incurred from the write-down or disposal of inventories which are deductible for Federal income tax purposes and allocable to renegotiable business were \$

V. We believe that the Governmental Agency which had the greatest financial interest in our business (direct and indirect including CPFF) subject to the provisions of the Renegotiation Act was (see Instruction No. 12)

(Department or agency) (Service or Bureau or Reconstruction Finance Corporation subsidiary)

VI. Listed below, in order of importance, are the three principal products sold or services rendered entering into renegotiable business for our latest complete fiscal year, and the functions performed by us with respect to each, such as manufacturing, assembling, distributing, etc.

Table with columns for Product or service and Function, and rows 1 through 3.

VII. Salaries and other compensation (including commissions, bonuses and other forms of extra compensation) to our highest

2. Persons principally engaged on construction projects, including those operating under architect-engineer contracts. (Form entitled "Standard Form of Contractor's Report (For Construction Contractors, Architects, and Engineers).")

3. Brokers, sales agents, etc., as defined in subsection (a) (5) of the Renegotiation Act. (Form entitled "Standard Form of Contractor's Report (For Agents, Brokers, and Sales Engineers).")

Filing of the appropriate "Standard Form of Contractor's Report" in satisfactory form is required to comply with the statutory filing provision in subsection (c) (5) (A) of the 1943 Renegotiation Act. If the attached is not the appropriate form, copies of the proper form can be obtained by writing to War Contracts Price Adjustment Board, Assignments and Statistics Branch, Renegotiation Division, Room 3D 573, The Pentagon, Washington 25, D. C., or the office from which this document was received.

1. *Item I.* Copies of audit reports by independent public accountants should be submitted if available. If such audit reports have not been prepared, in lieu thereof there should be submitted in duplicate financial statements for the latest closed fiscal year, consisting of (A) a balance sheet, as of the close of such fiscal year, and (B) a statement of income and surplus for such fiscal year. These statements must be in reasonable detail; the balance sheet must show the gross plant account and related allowance for depreciation; each reserve must be stated separately; and the income statement must show sales and cost of sales. Unaudited statements may be filed if they are in accord with the contractor's records and if the contractor certifies that the statements are correct to the best of his knowledge and belief. All deviations from the contractor's records should be noted and explained.

2. *Item II.* For the purpose of this report, a careful estimate by the contractor as to the segregation of his renegotiable and non-renegotiable business will be accepted and received without prejudice. Include all receipts and accruals attributable to termination claims and settlements arising from contracts and subcontracts which have been cancelled or terminated in the year under review. Attention is directed to Instruction No. 5, relative to the inclusion of renegotiable subcontracts.

3. *Item II-A-1.* Direct sales subject to renegotiation should include the total amount of contractor's net billings for his latest complete fiscal year on direct sales (under prime contracts and purchase orders except those based on cost-plus-fixed-fee contracts) to the War, Navy and Treasury Departments, Maritime Commission, War Shipping Administration and the following subsidiaries of the Reconstruction Finance Corporation, Defense Plant Corporation, Metals Reserve Company, Defense Supplies Corporation, and Rubber Reserve Company; sales under lease contracts may be classified according to the Agency through which the contracts were negotiated.

4. *Item II-A-2.* Indirect sales for war end use should include the total amount of contractor's net billings for his latest complete fiscal year on indirect sales (under subcontracts of any tier, as interpreted below) except those to be entered as II-A-3 and -4, and those based on cost-plus-fixed-fee contracts.

5. *Interpretation of subcontract.* Under the statutory definition of "subcontract" (Sec. 403 (a) (5) (A)), profits on the production and sale, or the sale, of articles required for the performance of another contract or subcontract are subject to renegotiation, as well as profits on the production or sale of all materials down to and including raw materials, except certain specified products exempted under subsection (1) of the

Act. This definition is interpreted to include contracts not only with prime contractors but also with other subcontractors, if such contracts are—

a. For the sale or processing of an end product or of an article incorporated therein,

b. For the sale, furnishing or installation of machinery, equipment or materials used in the processing of an end product or of an article incorporated therein,

c. For the sale, furnishing or installation of machinery used in the processing of other machinery to be used in the processing of an end product or of an article incorporated therein,

d. For the sale, furnishing or installation of component parts of or subassemblies for machinery included in (c) above and machinery, equipment and materials included in (b) above, and

e. For the performance of services directly required for the performance of contracts or subcontracts included in (a), (b), (c), and (d) above.

The term "component part" shall be deemed to include materials and ingredients.

With respect to machinery, equipment or materials "used in processing".

(1) In general it is intended to include as subject to statutory renegotiation the sale of all machinery, equipment, materials and other articles which contribute directly to the actual production of an end item or an article incorporated therein, in connection with the physical handling of the item from the time of entry of the component materials to departure of the item from the plant in question and to include all machinery which similarly contributed directly to the actual production of other machinery so used.

(2) It is intended to exclude the sale of articles which contribute only indirectly to the actual manufacturing process, such as (a) products used for general plant maintenance, including fuel and equipment to produce light, heat and power, (b) equipment needed for general office maintenance, including all types of office machinery and supplies, and (c) safety equipment and clothing.

(3) It is not intended, however, to exclude from renegotiation any articles otherwise subject to renegotiation which are sold directly to a Department, or to a contractor when the items are to be ultimately resold to a Department either as end products or as component parts included therein.

The term "articles" in the statutory definition of subcontract is interpreted to include commercial products as well as equipment fabricated for particular uses or purposes.

The fact that commercial products are sold for industrial uses, either directly or through jobbers or other commercial channels does not exclude such articles from this definition. The same tests are applied to both ordinary commercial products and equipment fabricated for special uses and purposes.

The fact that articles are sold under price ceilings fixed by OPA or as the result of competitive bidding does not exclude the sale of such articles from renegotiation.

6. *Contracts subject to profit limitations:* If the contractor made deliveries under contracts or subcontracts subject to profit limitations, the total billings under such contracts should be included as part of renegotiable sales, but should also be shown in a separate schedule, in duplicate, in which should be stated the amount so included.

7. *Item II-A-3.* "Commissions and other income, within the meaning of Sec. 403 (a) (5) (B) of the Renegotiation Act" refers to income as recorded on the contractor's books, from the execution of any contract or arrangement (a) to procure one or more contracts with a Department or one or more war end use subcontracts when the amount of such income was contingent upon such procurement, or was determined with refer-

ence to the amount of such contracts or subcontracts or (b) under which any part of the services performed or to be performed, consisted of the soliciting, attempting to procure or procuring one or more contracts with a Department or one or more war end use subcontracts. As to the renegotiability of patent licenses as subcontracts, see Chapter III of Renegotiation Regulations (Part 1603).

A contract or arrangement for this purpose does not exist when one of the contracting parties is a bona fide executive officer, partner, or full-time employee of the other contracting party.

8. *Item II-A-4. Other renegotiable business.* Any income, receipts, or accruals, such as royalties, management fees, etc.; (except from cost-plus-fixed-fee contracts), not included in II-A-1, -2, or -3, which are subject to renegotiation, should be entered on this line.

9. *Item II-B. Business not subject to renegotiation.* Certain direct and indirect sales exempted from renegotiation by subsection (1) of the Act and administrative rulings thereunder, should be entered as II-B-1. Other sales, excluded because they were not made, directly or indirectly, to Departments and Agencies named in the Act, should be entered as II-B-2.

Since the difficulty of making an accurate segregation between sales "Subject to Renegotiation" and those "Not Subject to Renegotiation" is recognized, contractors should take care to report as "Subject to Renegotiation" all business except that which is clearly not renegotiable as a matter of law or of administrative ruling. Such a report will be received without prejudice.

10. *Item III. Cost-plus-fixed-fee (CPFF) contracts.* If the contractor performed under one or more cost-plus-fixed-fee direct contracts or subcontracts subject to the Renegotiation Act, during his latest closed fiscal year, he should report in a separate statement in duplicate, the total of his billings, costs, and net fees thereunder. If he is unable to report costs, an explanation of the reasons therefor should be submitted. He should include all receipts and accruals attributable to termination claims and settlements arising from contracts and subcontracts which have been cancelled or terminated in the year under review.

11. *Item IV. Terminated contracts.* Claims of your subcontractors should not be included in the tabulation. The amounts of settled or pending claims may be estimated if the actual amounts are not readily available. The amount entered under Item IV-4 should be a net amount, estimated if necessary.

12. *Item V.* There should be entered on the first blank line the name of the renegotiating Department or Agency (e. g. Navy, Reconstruction Finance Corporation) and on the second blank line the name of the related Service, Bureau or R. F. C., subsidiary (e. g. Bureau of Ordnance, Defense Supplies Corporation) which the contractor believes (without detailed analysis) purchased the largest proportion of his war end use output during the latest complete fiscal year, both under direct contracts and as components of products acquired from other contractors.

The Government Agencies which conduct renegotiation proceedings are:

1. War Department.
2. Navy Department.
3. Maritime Commission.
4. War Shipping Administration.
5. Treasury Department.
6. Reconstruction Finance Corporation, on behalf of its subsidiaries:

Defense Plant Corporation.
Defense Supplies Corporation.
Metals Reserve Company.
Rubber Reserve Company.

The interested Services included in the War Department are:

- Army Air Forces.
- Chemical Warfare Service.
- Corps of Engineers.
- Ordnance Department.
- Quartermaster Corps.
- Signal Corps.
- Surgeon General.
- Transportation Corps.

The interested Bureaus included in the Navy Department are:

- Bureau of Aeronautics.
- Bureau of Ordnance.
- Bureau of Ships.
- Bureau of Supplies and Accounts.
- Bureau of Yards and Docks.

13. Section B. Items XIII, XIV and XV, comprising Section B of this report are not required to be filled out by contractors or subcontractors who have entered into formal agreements, or received authorized clearance notices under the Renegotiation Act with respect to any past fiscal years. However, the data, if furnished, will expedite the disposition of the case and should be presented if readily available.

14. Item XIII-B. By "affiliated companies or organizations" is meant all persons under the control of or controlling or under common control with the contractor or subcontractor.

15. Item XIV. The information as to operations of the contractor for the indicated taxable years is necessary for the proper consideration of the effect of war business on the volume of sales and amount of profits. If the profits for any of the fiscal years relate to operations under cost-plus-fixed-fee contracts, the amount of the net fees on such contracts should be shown on line (3) of Item XIV as a memorandum, and should also be included in "Taxable net income per Federal tax return" (line 2). Gross billings and costs under such contracts should not be included.

16. If information previously filed. If all of the information called for by this form has been furnished the Price Adjustment Agency to which the contractor has been assigned, this Standard Form of Contractor's Report can be completed by reference, stating specifically the place and date of filing. When certified by the appropriate Price Adjustment Agency that it has received such information, this report will be accepted by the War Contracts Price Adjustment Board as having complied with mandatory filing under the first sentence of subsection (c) (5) (A) of the 1943 Act.

§ 1607.701-3 Standard form of contractor's report (for construction contractors, architects and engineers).

NOTE: Forms printed in the FEDERAL REGISTER are for information only, and do not follow the exact format prescribed by the issuing agency.

Budget Bureau No. 45-R104.2
Approval Expires June 30, 1946

STANDARD FORM OF CONTRACTOR'S REPORT
(For Construction Contractors, Architects, and Engineers)

(To be filed in duplicate)

From: _____
To: The War Contracts Price Adjustment Board.

SECTION A

I. Attached are copies of our Federal Income Tax and Excess Profits Tax Returns for our latest completed fiscal year. If the tax return does not disclose gross contract earnings and job costs, a schedule of these items is attached hereto. Our books are kept

on the Cash Accrual basis. Our income tax return was prepared on the Cash Accrual basis. The method of accounting employed on the tax return was Completed Contract Percentage of completion Other (describe)

If the method of accounting employed for book purposes differs from the method of reporting for income tax purposes, a reconciliation of net income is attached in duplicate.

II. Our total gross earnings determined in accordance with our method of accounting used in reporting for Federal income tax purposes during our latest completed fiscal year (ended _____ 194_) consisted of the following (See Instruction No. 1):

A. Subject to Renegotiation (see Instruction No. 1):

1. Construction work (prime contracts and subcontracts):
 - (a) Lump-sum or unit-price work \$-----
 - (b) Cost-plus-fixed-fee work (reimbursable plus fixed-fee and any other earnings)-----
 - (c) Contractor's proportionate share of total joint venture net income (see Instruction No. 2)-----
 - (d) Other (describe briefly)-----
- Total construction work-----
2. Gross earnings from rental of equipment-----
3. Sales for war end use, management fees, commissions, and other earnings-----
- Total-----

B. Not Subject to Renegotiation (see Instruction No. 3):

1. Construction work, rentals, sales, and other gross earnings directly or indirectly with the departments and other Agencies named in the Act, but exempt from renegotiation-----
2. Other gross earnings neither directly or indirectly with the Departments and other Agencies named in the Act-----
- Total-----

C. Total gross earnings during latest completed fiscal year-----

III. If any amount is reported on line (c) of Item II-A-1 above, a statement in duplicate is attached listing names and addresses, gross earnings, (including reimbursements in the case of cost-plus-a-fixed-fee contracts), percentages of interest and proportionate dollar share of earnings of each joint venture represented by the net income so reported.

IV. We believe that the Governmental Department or Agency which had the greatest financial interest in the above earnings (direct and indirect) subject to the provisions of the Renegotiation Act was (see Instruction No. 4).

(Department or Agency)

(Approximate percent of total business)

V. Commissions within the meaning of Section 403 (a) (5) of the Renegotiation Act (were) (were not) received or accrued by us. If answer is affirmative, a statement in duplicate showing the amount and nature thereof is attached (See Instruction No. 5)

VI. There (were) (were not) changes in the form or control of organization (including reorganizations, dissolutions, acquisition and/or disposal of subsidiaries etc.) during the latest completed fiscal year. (If statement is affirmative, an explanation in duplicate is attached.)

SECTION B

(Items VII through XII, comprising Section B of this report, are not required to be filled out by contractors or subcontractors if their estimate of gross earnings as reflected in Items II A and Item II B-1, does not exceed the statutory minimum.)

VII. We are organized as a: Corporation ____ Partnership ____ Individual ____ Joint Venture ____ Attached hereto is a statement in duplicate of the information required by Instruction No. 6.

VIII. There (were) (were not) during the period under review partners or persons having an interest in our Government contracts or other Government business who were not signatories to the contracts or agreements. If answer is affirmative, a full explanation in duplicate is attached hereto.

IX. We (are) (are not) directly or indirectly interested in any of the subcontractors or any of the firms or corporations from whom we have purchased or rented materials or equipment. If answer is affirmative, an explanation in duplicate is attached.

X. Attached hereto are the following:
(A) A brief statement in duplicate of the history of our organization and operations.
(B) A list in duplicate of the names and addresses of all subsidiaries, affiliated companies, and organizations or persons under the control or controlling, or under common control with the contractor with an explanation of the relationships.

XI. Attached hereto is a schedule in duplicate of contract data showing the information required by Instruction No. 8 for each contract and subcontract in excess of \$50,000 as reported in Item II A. All contracts less than \$50,000 are reported in total only.

XII. Attached hereto is a schedule in duplicate of contract data showing the information required by Instruction No. 9 for each contract and subcontract in excess of \$50,000 as reported in Item II B. All contracts less than \$50,000 are reported in total only.

(Exact name of contractor—not abbreviated)
By _____
(Authorized corporate officer, partner or proprietor)

(Title)

Date _____
I, the undersigned, _____
(Title of signer and name of contractor)

certify that the representations and supporting data hereby submitted are true and correct and in accordance with instructions furnished with this form to the best of my knowledge and belief, subject to such qualifications as are specifically set forth.

(Signature)

§ 1607.701-4 Instructions for preparation of standard form of contractor's report (for construction contractors, architects and engineers).

NOTE: Forms printed in the FEDERAL REGISTER are for information only and do not follow the exact format prescribed by the issuing agency.

Budget Bureau No. 45-R104.2
Approval Expires June 30, 1946

INSTRUCTIONS FOR PREPARATION OF STANDARD FORM OF CONTRACTOR'S REPORT
(For Construction Contractors, Architects, and Engineers)

(Be sure to use the correct form of report)

Three separate Standard Forms of Contractor's Report have been prescribed by the War Contracts Price Adjustment Board for the following types of business covered by the Renegotiation Act:

1. Persons principally engaged in manufacturing and general business other than (2) and (3) below. (Form entitled "Standard Form of Contractor's Report.")

2. Persons principally engaged on construction projects, including those operating under architect-engineer contracts. (Form entitled "Standard Form of Contractor's Report (For Construction Contractors, Architects, and Engineers).")

3. Brokers, sales agents, etc., as defined in subsection (a) (5) of the Renegotiation Act. (Form entitled "Standard Form of Contractor's Report (For Agents, Brokers, and Sales Engineers).")

Filing of the appropriate "Standard Form of Contractor's Report" in satisfactory form is required to comply with the statutory filing provision in subsection (c) (5) (A) of the 1943 Renegotiation Act. If the attached is not the appropriate form, copies of the proper form can be obtained by writing to War Contracts Price Adjustment Board, Assignments and Statistics Branch, Renegotiation Division, Room 3D573, The Pentagon, Washington 25, D. C., or the office from which this document was received.

1. *Item II.* Total gross earnings should include the aggregate of the amounts received or accrued in the latest completed fiscal year from construction contracts, equipment rentals, sales and other business. If the reporting entity is a joint venture this report should relate to the entire business of the joint venture.

For the purpose of this report, it is not necessary to have an exact segregation of business as to renegotiable and non-renegotiable, if such would require detailed accounting analysis. For the present, the contractor's best estimate will be accepted and received without prejudice. However, a more accurate analysis may have to be made if the contractor's representation of renegotiable business approaches the statutory minimum. Also, if renegotiation proceedings are to be continued, a request for more accurate segregation and allocation may be made.

2. *Item II-A-1 (c).* If the reporting entity is a joint venture no amount should be entered on line (c) Item II-A-1 unless it relates to participation in another joint venture.

3. *Item II-B. Gross earnings not subject to renegotiation.* Certain direct and indirect sales have been exempted from renegotiation by subsection (1) of the Act and administrative rulings thereunder. Since the difficulty of making an accurate segregation between sales "Subject to Renegotiation" and those "Not Subject to Renegotiation," is recognized, contractors should report as "Subject to Renegotiation" all business except that which is clearly not renegotiable as a matter of law or of administrative ruling. Should a continuance of renegotiation proceedings be required, necessary corrections in the segregation on the Standard Form of Contractor's Report (for Construction Contractors, Architects and Engineers) will be made.

Under the interpretations adopted by the War Contracts Price Adjustment Board, subsection (1) (1) (E) of the Renegotiation Act is applicable only to prime contracts with a Department, within the meaning of the Renegotiation Act, (a) for the construction of the whole or any integral part of a building, structure, improvement or similar facility, (b) entered into after published advertising or such other solicitation for bids as would open the bidding to all qualified bidders who could have been reasonably expected to bid on a job of the size, character, and location concerned, (c) for which bids have been received from two or more independent responsible and qualified bidders in actual competition with each other, and (d) which are let to the lowest qualified bidder at a price not in excess of the low bid received.

This exemption is applicable only to amounts received or accrued under such contracts for fiscal years ending after June 30, 1943, and applies regardless of the date when the contracts were made. The exemption has no applicability to contracts for the furnishing of materials or supplies, as such, nor to contracts for the furnishing, or the furnishing and installation of machinery or equipment which has or may have use in processing. In accordance with the provisions of subsection (1) (1) (F) of the Act, subcontracts which are directly or indirectly under a contract which is exempt under subsection (1) (1) (E) are also exempt.

The Board has exercised its discretion under subsection (1) (4) (E) of the Act as follows:

A. Regarding contracts or subcontracts entered into subsequent to June 30, 1943, and prior to January 1, 1944, the Board has found that competitive conditions affecting the making of construction contracts and subcontracts were such as to result in effective competition with respect to the contract or subcontract price and accordingly have exempted such contracts or subcontracts where all of the following conditions exist:

(1) The contract or subcontract is one for the construction of buildings, structures, improvements or other similar facilities. Contracts or subcontracts for the furnishing of materials or supplies, as such, and contracts or subcontracts for the furnishing and installation of machinery and equipment which has or may have use in processing are not within the scope of this exemption.

(2) The contract or subcontract was entered into subsequent to June 30, 1943, and did not constitute a substitute for or a revision or extension of an existing contract or subcontract entered into on or before June 30, 1943.

(3) The work covered by the contract or subcontract was substantially the same as the work for which the bids were requested.

(4) Bids were received from two or more independent, responsible and qualified bidders in actual competition with each other.

(5) The contract or subcontract was let to the lowest qualified bidder, at a price not in excess of the low bid.

B. Regarding contracts or subcontracts entered into subsequent to December 31, 1943, the Board has found that competitive conditions affecting the making of construction contracts and subcontracts were in existence and accordingly all such contracts or subcontracts are exempt.

4. *Item IV.* There should be entered on the first blank line the name of the renegotiating Department or Agency (e. g., Navy, Reconstruction Finance Corporation) which during the contractor's latest completed fiscal year had the largest proportionate interest in his war end use earnings both under contracts and subcontracts.

The Governmental Agencies which conduct renegotiation proceedings are as follows:

1. War Department.
2. Navy Department.
3. Maritime Commission.
4. War Shipping Administration.
5. Treasury Department.
6. Reconstruction Finance Corporation, on behalf of its subsidiaries:
 - Defense Plant Corporation.
 - Defense Supplies Corporation.
 - Metals Reserve Company.
 - Rubber Reserve Company.

5. *Item V.* "Commissions within the meaning of sec. 403 (a) (5) (B) of the Renegotiation Act" refers to income from any contract or arrangement (a) to procure one or more contracts with a Department or one or more war end use subcontracts when the amount of such income was contingent upon such procurement, or was determined with reference to the amount of such contracts or subcontracts, or (b) under which any part of the services performed or to be performed, consists of the soliciting, attempting to pro-

cure or procuring one or more contracts with a Department or one or more war end use subcontracts.

A Contract or arrangement for this purpose does not exist when one of the contracting parties is a bona fide executive officer, partner, or full-time employee of the other contracting party.

As to the renegotiability of patent licenses as subcontracts, see Chapter III of Renegotiation Regulations (Part 1603).

6. *Item VII.* If the reporting entity is:

(a) A corporation, give date of incorporation and State in which incorporated. Also give names, addresses of officers together with their respective percentages of stock ownership.

(b) A Partnership, state the date of formation, and give names and addresses of all partners and their respective percentages of interest in its income.

(c) A Joint Venture, give date of formation, and names and addresses of all participants together with their respective percentages of interest in its income.

Where two or more parties enter into an arrangement for the performance jointly of one or more projects the combination resulting from such arrangement is commonly referred to as a "Joint Venture". Such a Joint Venture is regarded as an entity which, with respect to its contracts or subcontracts within the scope of the Renegotiation Act of 1943, is a "contractor" or "subcontractor" within the meaning of the Act. Therefore, each Joint Venture is renegotiated separately with respect to its renegotiable contracts and subcontracts.

7. *Item XI.* Submit the following information for each contract and subcontract in excess of \$50,000 as reported in Item II-A. No detail is required for contracts of less than \$50,000. The total sum of all such contracts may be reported as one amount.

A. Contract number of each contract or subcontract. Show under this Item the Government or other prime contract number and, if a subcontract the Government or other number assigned to the related prime contract.

B. Type of contract (advertised or negotiated; lump sum, unit price or cost-plus-a-fixed-fee; prime contract or subcontract; architect-engineer, construction or combination).

C. If a prime contract, with what Department made (War, Navy, Treasury, Departments, Maritime Commission, War Shipping Administration, Defense Plant Corporation, Metals Reserve Company, Defense Supplies Corporation, Rubber Reserve Company).

D. If a subcontract, name and address of prime contractor, and Department with which he made contract, if available.

E. Total contract price, including amendments. In the case of cost-plus-a-fixed-fee contracts, show separately the estimated cost, final cost, and fee.

F. Brief description of work.

G. Location of work.

H. Amounts and percentages completed at beginning and end respectively of fiscal year.

I. Approximate percent and types of work subcontracted to others. List each subcontract let in excess of \$50,000, showing the name and address of the subcontractor, type and amount of work subcontracted.

J. Date work was commenced and completed, or estimated completion date. If contract has been terminated, so state.

K. State year or years in which income was reported for tax purposes and, if reported in more than one year, the amount reported in each year.

8. *Item XII.* Submit information showing for each contract and subcontract in excess of \$50,000 as reported in Item II-B the details as shown in A through G of Item XI above. No detail is required for contracts of less than \$50,000. The total sum of all

such contracts may be reported as one amount.

9. If information previously filed. If all of the information called for by this form has been furnished the Price Adjustment Agency to which the contractor has been assigned, this Standard Form of Contractor's Report can be completed by reference, stating specifically the place and date of filing. When certified by the appropriate Price Adjustment Agency that it has received such information, this report will be accepted by the War Contracts Price Adjustment Board as having complied with mandatory filing under the first sentence of subsection (c) (5) (A) of the 1943 Act.

§ 1607.701-5 Standard form of contractor's report (for agents, brokers and sales engineers).

NOTE: Forms printed in the FEDERAL REGISTER are for information only and do not follow the exact format prescribed by the issuing agency.

Budget Bureau No. 45-R131
Approval Expires December 31, 1945
NAVEXOS-1653

**STANDARD FORM OF CONTRACTOR'S REPORT
(For Agents, Brokers, and Sales Engineers)
(To be filed in triplicate)**

From: _____

Corporation Partnership Proprietorship
Principal products handled: _____

To: War Contracts Price Adjustment Board.

I. Attached hereto are copies of our Federal Income Tax and Excess Profits Tax returns, filed on a cash or accrual basis, and profit and loss statement or annual report to stockholders covering our latest completed fiscal year (See Instruction I). If the information reported herein does not cover all business done by affiliated organizations and those under common control, a full explanation is attached.

II. The total business done during our latest completed fiscal year (ended _____, 194_) consisted of the following (to the nearest thousand dollars):

- A. Subject to renegotiation:
1. Commissions (gross) and other income derived from "Subcontracts" as defined in Sec. 403 (a) (5) (B) of the Renegotiation Act (of 1943) (See Instruction 2) \$-----
 2. Sales made as principal for war end use (prime contracts, subcontracts, purchase orders, etc., other than sales handled as an agent, the income from which is reported under A-1) (See Instruction 2) \$-----
 3. Gross profit on sales reported under A-2 above \$-----
 4. Subtotal of items A-1 and A-3 \$-----
- B. Not Subject to Renegotiation:
1. Commissions other than those included in A-1 \$-----
 2. Sales made as principal, other than those included under A-2 \$-----
 3. Gross profit on non-renegotiable sales reported under B-2 \$-----
 4. Other business income, if any \$-----
- C. Total business income for year (total of items A-4, B-1, B-3 & B-4) \$-----

III. Sources and nature of non-renegotiable income and basis of segregation is explained below, or on an attached sheet. (See Instruction 3.) If any income referable to sales for the end use of a Department or

Agency named in the Act is considered exempt, a statement of the amount thereof and basis of exemption is attached.

(Date)

(Legal name of entity—not abbreviated)
By _____
(Authorized officer, partner or proprietor)

I hereby certify that the representations and supporting data submitted are true and in accordance with instructions furnished with this form to the best of my knowledge and belief.

(Signature)

(Title)

§ 1607.701-6 Instructions for preparation of standard form of contractor's report (for agents, brokers and sales engineers).

NOTE: Forms printed in the FEDERAL REGISTER are for information only and do not follow the exact format prescribed by the issuing agency.

Budget Bureau No. 45-R 131
Approval expires December 31, 1945

INSTRUCTIONS FOR PREPARATION OF STANDARD FORM OF CONTRACTOR'S REPORT

(For Agents, Brokers, and Sales Engineers)
(Be sure to use the correct form of report)

Three separate Standard Forms of Contractor's Report have been prescribed by the War Contracts Price Adjustment Board for the following types of business covered by the Renegotiation Act:

1. Persons principally engaged in manufacturing and general business other than (2) and (3) below. (Form entitled "Standard Form of Contractor's Report.")
2. Persons principally engaged on construction projects, including those operating under architect-engineer contracts. (Form entitled "Standard Form of Contractor's Report (For Construction Contractors, Architects, and Engineers).")
3. Brokers, sales agents, etc., as defined in subsection (a) (5) of the Renegotiation Act. (Form entitled "Standard Form of Contractor's Report (For Agents, Brokers, and Sales Engineers).")

Filing of the appropriate "Standard Form of Contractor's Report" in satisfactory form is required to comply with the statutory filing provision in subsection (c) (5) (A) of the 1943 Renegotiation Act. If the attached is not the appropriate form, copies of the proper form can be obtained by writing to War Contracts Price Adjustment Board, Assignments and Statistics Branch, Renegotiation Division, Room 3D573, The Pentagon, Washington 25, D. C., or the office from which this document was received.

1. If a financial statement or stockholders' report has not already been prepared, it need not be especially prepared for this purpose.

2. Contracts and subcontracts within the scope of the Act. Subject to certain specific exemptions, the Renegotiation Act applies to contracts involving articles or services acquired by, or having an end-use with the War Department, the Navy Department, the Treasury Department, the Maritime Commission, War Shipping Administration, and the following subsidiaries of the Reconstruction Finance Corporation: Defense Plant Corporation, Metals Reserve Company, Defense Supplies Corporation, and Rubber Reserve Company. Lend-lease contracts negotiated with the above Agencies are also included.

Agents, manufacturers' representatives, and sales engineers are subject to renegotiation if their income is derived from a "subcontract", as the term is defined in subsec-

tion (a) (5) of the Act. Commissions and other income of the nature described in subsection (a) (5) (B) of the Act should be reported at line A-1. Renegotiable sales made directly by the Contractor, including receipts and accruals under termination claims, should be reported at line A-2.

Subsection (a) (5) (B) defines as a "subcontract" any contract or arrangement (other than a contract or arrangement between two contracting parties, one of which parties is found to be a bona fide executive officer, partner, or full-time employee of the other contracting party),

(a) Any amount payable under which is contingent upon the procurement of a contract with a Department, or a subcontract thereunder, or determined with reference to such a contract or subcontract, or

(b) Under which any part of the service performed or to be performed consists of the soliciting, attempting to procure, or procuring a contract with a Department, or a subcontract thereunder.

Subsection (a) (5) (A) of the Act also defines a subcontract as "... any purchase order or agreement to perform all or any part of the work, or to make or furnish any article, required for the performance of any other contract or subcontract ..."

In general, the Act covers not only selling and engineering services rendered in connection with the sale of an end product purchased by one of the agencies covered by the Act, and any article incorporated therein, but also the sale or installation of machinery, equipment or materials used in processing an end product. Income relating to patent licenses is renegotiable under the circumstances set forth in Chapter III of the Renegotiation Regulations (Part 1603).

3. Segregation of Renegotiable and Non-renegotiable Income. Although the Act prescribes the type of contract subject to renegotiation, as a matter of practice it is often difficult to trace the source of a Contractor's income with exactness, especially when the ultimate Departmental end-use results from a remote subcontract.

Whenever the end-use of the articles with respect to which the services were rendered is known or can be determined with reasonable effort, a specific segregation of individual sales should be made and compensation referable to such articles as are found to have a Departmental end-use should be included under income "Subject to Renegotiation".

In many instances, the number of separate sales or contracts will be so large that it will be impracticable to consider each one separately, and some other method of segregation of income must be used. Ordinarily this will also be true where the Contractor's services are rendered in connection with articles initially sold to wholesalers, jobbers, or others engaged in both war and commercial business.

In such cases, it may be necessary to classify sales and contracts by principal, customer, or customer group, end-use classification of articles as shown on War Production Board reports, or some other suitable classification. The method used in segregating renegotiable and non-renegotiable business should be fully described under Paragraph III.

4. If information previously filed. If all of the information called for by this form has been furnished the Price Adjustment Agency to which the Contractor has been assigned, this Standard Form of Contractor's Report can be completed by reference, stating specifically the place and date of filing. When certified by the appropriate Price Adjustment Agency that it has received such information, this report will be accepted by the War Contracts Price Adjustment Board as having complied with mandatory filing under the first sentence of subsection (c) (5) (A) of the 1943 Act.

2. Sections 1607.702-1 and 1607-702-2 are amended to read as follows:

§ 1607.702-1 *Letter of preliminary inquiry (for use by assignments and statistics branch).*

NOTE: Forms printed in the FEDERAL REGISTER are for information only and do not follow the exact format prescribed by the issuing agency.

In reply refer to:
LPI No. -----

Budget Bureau No. 49-RO19.6
Approval Expires 12/31/45

WAR CONTRACTS PRICE ADJUSTMENT BOARD
3D 573 The Pentagon
Washington 25, D. C.

GENTLEMEN:

Subsection (c) (5) (A) of the Renegotiation Act of 1943 requires contractors and subcontractors who are subject to that Act to file financial statements in accordance with the regulations prescribed by the War Contracts Price Adjustment Board.

Copies of the Act and pertinent regulations are enclosed herewith, as well as the required form of statement which is known as the "Standard Form of Contractor's Report". If you are subject to renegotiation under the Act, the "Standard Form of Contractor's Report" should be filed in duplicate.

Concerns whose gross receipts and accruals (including those of all affiliates) were less than the statutory minimum, as defined in subsection (c) (6) of the Act, are not subject to it and are not required to file the "Standard Form of Contractor's Report". However, it will be helpful for the completion of the records of the Board to receive from such concerns the enclosed form entitled "Statement by Contractor, Non-Applicability of the Renegotiation Act of 1943".

Neither this communication nor your reply thereto will constitute the commencement of renegotiation proceedings. Formal renegotiation proceedings are not required of all concerns which file the "Standard Form of Contractor's Report". Upon the receipt of such a Report, a determination is made as to whether or not such proceedings appear to be appropriate. The filing of the Report has the effect of satisfying the requirements of subsection (c) (5) (A) as to mandatory filing and of starting the running of the period within which renegotiation may be commenced as provided in subsection (c) (3).

Your attention is called to the fact that, under the law, we are without authority to extend the time prescribed for filing, which is approximately ninety days after the close of the contractor's fiscal year.

MYRON F. RATCLIFFE,
Major, A. U. S.,
Acting Chief,
Assignments and Statistics Branch.

Enclosures:

Standard Form of Contractor's Report with Instructions attached.
Pamphlet entitled "Renegotiation".
Excerpts from Renegotiation Regulations pertaining to filing of Mandatory Financial Statements.
Statement by Contractor, Non-Applicability of the Renegotiation Act of 1943.
Addresses of Price Adjustment Field Offices.

§ 1607.702-2 *Letter of preliminary inquiry (for use in assigned cases).*

(For use in cases already assigned)

NOTE: Forms printed in the FEDERAL REGISTER are for information only and do not follow the exact format prescribed by the issuing agency.

Budget Bureau No. 49-RO19.6
Approval Expires 12/31/45

In reply refer to:
LPI-A No. -----
(LETTERHEAD OF APPROPRIATE DEPARTMENT OR SECTION)

GENTLEMEN:

The matter of conducting statutory renegotiation proceedings with your company has been assigned to this office.

Subsection (c) (5) (A) of the Renegotiation Act of 1943 requires contractors and subcontractors who are subject to that Act to file financial statements in accordance with the regulations prescribed by the War Contracts Price Adjustment Board.

Copies of the Act and pertinent regulations are enclosed herewith, as well as the required form of statement which is known as the "Standard Form of Contractor's Report." If you are subject to renegotiation under the Act, the "Standard Form of Contractor's Report" should be filed in duplicate.

Concerns whose gross receipts and accruals (including those of all affiliates) were less than the statutory minimum, as defined in subsection (c) (6) of the Act, are not subject to it and are not required to file the "Standard Form of Contractor's Report." However, it will be helpful for the completion of the records of the Board to receive from such concerns the enclosed form entitled "Statement by Contractor, Non-Applicability of the Renegotiation Act of 1943".

Neither this communication nor your reply thereto will constitute the commencement of renegotiation proceedings. Formal renegotiation proceedings are not required of all concerns which file the "Standard Form of Contractor's Report." Upon the receipt of such a Report a determination is made as to whether or not such proceedings appear to be appropriate. The filing of the Report has the effect of satisfying the requirements of subsection (c) (5) (A) as to mandatory filing and of starting the running of the period within which renegotiation may be commenced as provided in subsection (c) (3).

Your attention is called to the fact that, under the law, we are without authority to extend the time prescribed for filing, which is approximately ninety days after the close of the contractor's fiscal year.

In order that a disposition of this matter may be expedited, it is requested that the required information be filed as promptly as possible. This office will be glad to render every cooperation to facilitate the preparation of the required forms.

(APPROPRIATE AUTHORIZED SIGNATURE).

Enclosures:

Standard Form of Contractor's Report with Instructions attached.
Pamphlet entitled "Renegotiation".
Excerpts from Renegotiation Regulations pertaining to filing of Mandatory Financial Statements.
Statement by Contractor, Non-Applicability of the Renegotiation Act of 1943.

3. Sections 1607.702-3 and 1607.702-4 are revoked, as follows:

§ 1607.702-3 *Alternative form of letter of preliminary inquiry.* [Revoked]

§ 1607.702-4 *Follow-up to letter of preliminary inquiry from assignments and statistics branch.* [Revoked]

4. The forms set forth in §§ 1607.703-2, 1607.703-3, 1607.705-1 to 1607.705-7, inclusive, 1607.706-5 and 1607.706-6 are amended by substituting the figure "194." for the figure "1943" wherever it appears.

5. Section 1607.704-1 is amended to read as follows:

§ 1607.704-1 *Statement by contractor of non-applicability.*

NOTE: Forms printed in the FEDERAL REGISTER are for information only, and do not follow the exact format prescribed by the issuing agency.

Budget Bureau No. 49-R188.1
Approval Expires 12/31/45

NOTE: As appears from its text, this Statement is required to cover the aggregate business of the contractor and its affiliates, as such are defined herein.

As a guide in determining whether this Statement may be used, reference should be made to the "Standard Form of Contractor's Report" and the Instructions appended thereto (Budget Bureau No. 49-RO19.6). If the amounts designated in Item II of the Report by lines A 1, A 2, A 4, and B 1, plus total billings under cost-plus-fixed-fee contracts, including all termination claims and settlements, aggregate a sum in excess of \$500,000, the contractor and its affiliates are subject to the Act and must file the "Standard Form of Contractor's Report" and should not file this "Statement of Non-Applicability." Likewise, if the amount designated by line A 3 of the Report exceeds \$25,000, the contractor and its affiliates are subject to the Act.

STATEMENT BY CONTRACTOR

Non-Applicability of the Renegotiation Act of 1943

To the War Contracts Price Adjustment Board:

We acknowledge receipt of a copy of the pamphlet entitled "Renegotiation" containing the text of the Renegotiation Act of 1943 and have noted particularly the provisions of subsections (a) (5), (c) (5) (A), and (c) (6) of that Act.

We certify that the aggregate receipts or accruals of the undersigned and of all persons, firms, or corporations under the control of or controlling or under common control with the undersigned under contracts with the War Department, Navy Department, Treasury Department, Maritime Commission, War Shipping Administration, Defense Plant Corporation, Defense Supplies Corporation, Metals Reserve Company, and Rubber Reserve Company and under subcontracts as defined in the Act, including those which are exempted under subsection (i) of the Act or which expressly provide that they are not subject to renegotiation pursuant to the authority granted by said subsection (i) (but not including commissions and other income within the meaning of subsection (a) (5) (B) of the Act), did not exceed \$500,000 for the fiscal year ended -----, 194--; and we further certify that commissions and other income within the meaning of subsection (a) (5) (B) of the Renegotiation Act of 1943 received or accrued by the undersigned and by all persons, firms, or corporations under the control of or controlling or under common control with the undersigned under contracts and subcontracts above referred to did not exceed \$25,000 for the same fiscal year.

In making this certification recognition is given to the fact that in order to qualify for exemption it is necessary that both of the above conditions should be met; i. e., that the total of receipts and accruals under contracts with the above-named Departments or agencies and subcontracts as defined in the Act (excluding commissions and other income below mentioned) does not exceed \$500,000 and that the total of commissions and other income within the meaning of subsection (a) (5) (B) of the Act does not exceed \$25,000. Accordingly, we do not intend to file a financial statement in conformity with the provisions of the first sentence of subsection (c) (5) (A) of the Act. If we have been assigned for statutory renegotiation, we request that such assignment be canceled.

There (are) (are not) any persons, firms, or corporations under the control of or con-

trolling or under common control with the undersigned. If the answer is affirmative, there is attached a rider giving the names and addresses of all such affiliates. This "Statement of Non-Applicability" relates to the aggregate business of the undersigned and of all such persons, firms, and corporations affiliated as aforesaid.

Very truly yours,

(Name of contractor)
By (Principal officer, partner, or proprietor)
(Title of officer)
(Address of contractor)
Dated 194...

SUBPART B—FORMS RELATING TO OPERATION OF RENEGOTIATION

1. In § 1607.722, the contractors information and work sheet for renegotiation is amended by adding the Budget Bureau number "49-R173.1" and expiration date "June 30, 1945" at the beginning.
2. In § 1607.724-1, the instructions are amended by adding the Budget Bureau number "49-R200.1" and expiration date "June 30, 1945" at the beginning.

SUBPART E—FORMS OF REPORTS

Sections 1607.751-1 to 1607.751-4, inclusive, are amended to read as follows:
§ 1607.751-1 Form No. SPRA-O (weekly progress report of departments).

SPRA-O

DEPARTMENTAL BOARD WEEKLY PROGRESS REPORT

(Fiscal year Assignments)1
From: (Department) Close of Friday

To: Assignments & Statistics Branch DWPAB—Statistics & Progress Section

- 1. Gross Assignments received to date
2a. Less—Reassignments requested, pending at WDPAB
2b. Less—Reassignments approved, confirmed by WDPAB
3. Net—Assignments charged to this Department
4. Report of progress on net assignments in process:
a. Renegotiation not initiated
b. Statutory renegotiation begun
c. Bona fide oral agreements reached
d. Signed agreements in process
e. Sub-total (4a through 4d)
5. Report on completed assignments:
5a. Completed settlements
5b. Impasse cases—unilateral determinations (final)
5c. Completed clearances
5d-1. Requested—pending at WDPAB
5d-2. Approved—confirmed by WDPAB
5e. Sub-total (5a through 5d-2)
6. Grand total (4e plus 5e should agree with line 3)

Number of tabulation Forms SPRAE-8 Attached

Rev. 26 May 1944

1 This form to be used for reporting on 1943 or 1944 fiscal year assignments.

2 Before transmitting Weekly Progress Report indicate in appropriate box the number of the last Transmittal Report to or from WDPAB—for reconciliation purposes.

§ 1607.751-2 Instructions for preparation of departmental board weekly progress report (Form SPRA-O).

INSTRUCTIONS FOR THE PREPARATION OF DEPARTMENTAL BOARD WEEKLY PROGRESS REPORT (SPRA-O)

(Fiscal year 1943 or 1944 assignments)

The Weekly Progress Report SPRA-O to be submitted by the

- 1. Navy Department—Price Adjustment Board.
2. Navy Department—Procurement Legal Division.
3. Maritime Commission.
4. Reconstruction Finance Corporation.
5. Treasury Department.
6. War Shipping Administration.

to the Assignments and Statistics Branch of the War Department Price Adjustment Board

for the information of the War Contracts Price Adjustment Board and the Joint Price Adjustment Board is designed to show (a) the progress of renegotiation (items 4a to 4d) and (b) the degree of accomplishment on assignments completed (items 5a to 5d-2) and (c) as a reconciliation on net Assignments for which the Department is responsible as well as the end result on Completed Settlements and Clearances and Impasse Cases which have finally resulted in unilateral determinations.

Items Reported: (In order of lines on Form SPRA-O)

Line 1. Total gross assignments received to date. (It will be noted this figure is never adjusted downward.)

Information source: Cumulative total on last Assignment Trans. Report SPRA I-1 received by you from WDPAB.

Line 2a. Less reassignments requested—Pending at WDPAB.

Information source: Plus—Cumulative total on last reassignment request trans. report SPRA I-2a5d1.

Minus—Cumulative total on last disapproved reassignment trans. report SPRA I-2ax5d1x.

Minus—Cumulative total on last approved reassignment trans. report SPRA I-2b5d2.

Net—Reassignments requested—pending. Total to be reported on line 2a.

Line 2b. Less reassignments approved—confirmed by WDPAB.

Information source: Cumulative total on last approved reassignment trans. report SPRA I-2b5d2 delivered to you by WDPAB.

Line 3. Net assignments charged to this department.

Information source: Line 1 minus lines 2a and 2b.

Line 4. Report of Progress on Net Assignments in Process.

Line 4a. Renegotiation not initiated.

Information source:

Report to you from your field offices covering 1943 or 1944 assignments on which renegotiation has not begun.

Line 4b. Statutory renegotiation begun.

Information source:

Report to you from your field offices covering 1943 or 1944 assignments on which renegotiation has begun but on which a bona fide oral agreement has not been reached with contractor.

Line 4c. Bona fide oral agreements reached.

Information source:

Report to you from your field offices covering 1943 or 1944 assignments on which a bona fide oral agreement has been reached with contractor.

Line 4d. Signed agreements in process.

Information source:

Report to you from your field offices plus completed cases under review in Office of Chief prior to delivery to WDPAB of tabulation report SPRAE-8 attached to completed settlement transmittal report SPRA I-5a.

Line 4e. Subtotal of lines 4a through 4d.

Line 5. Report on completed assignments.

Line 5a. Completed settlements.

Information source:

Cumulative total on your last numbered completed settlement transmittal report SPRA I-5a already delivered to WDPAB with tabulation Form SPRAE-8 for each settlement attached.

Line 5b. Impasse cases—unilateral determinations.

Information source:

Cumulative total on your last numbered impasse unilateral determination transmittal report SPRA I-5b already delivered to WDPAB with tabulation Form SPRAE-8 for each unilateral determination attached.

Line 5c. Completed clearances.

Information source:

Cumulative total on your last numbered completed clearance transmittal report SPRA I-5c already delivered to WDPAB with tabulation form SPRAE-8 for each completed clearance attached.

Line 5d-1. Cancellations requested—pending at WDPAB.

Information source:

Plus—cumulative total on last cancellation request trans. report SPRA I-2a5d1.

Minus—cumulative total on last disapproved cancellation trans. report SPRA I-2ax5d1x.

Minus—cumulative total on last approved cancellation trans. report SPRA I-2b5d2.

Net—cancellations requested—pending. Total to be reported on line 5d-1.

Line 5d-2. Cancellations approved—confirmed by WDPAB.
 Information source:
 Cumulative total on last approved cancellation trans. report SPRA I-2b5d2 delivered to you by WDPAB.
 Line 5e. Subtotal of lines 5a through 5d-2.
 Line 6. Grand total (line 4e plus line 5e should agree with line 3).
 Rev. 26 May 1944.

§ 1607.751-3 Form No. SPRA I (weekly progress report of War Department services).

SPRA I

WAR DEPARTMENT
 WEEKLY PROGRESS REPORT

(Fiscal Year _____ Assignments)¹

From: _____ Close of Friday _____

To: Assignments & Statistics Branch
 WDPAB—Statistics & Progress Section

(²)

- 1. Gross assignments received to date _____
- 2a. Less—Reassignments requested, pending at WDPAB _____
- 2b. Less—Reassignments approved, confirmed by WDPAB _____
- 3. Net—Assignments charged to this Service _____
- 4. Report of progress on net assignments with service:
 - a. Renegotiation not initiated _____
 - b. Statutory renegotiation begun _____
 - c. Bona fide oral agreements reached _____
 - d. Signed agreements in process _____
 - e. Sub-total (4a through 4d) _____
- 5: Reconciliation Report on assignments delivered to WDPAB:
 - Completed settlements:
 - 5a-1. For WDPAB review _____
 - 5a-2. For WDPAB approval _____
 - 5b. Impasse Cases _____
 - Completed clearances:
 - 5c-1. For WDPAB review _____
 - 5c-2. For WDPAB approval _____
 - Cancellations:
 - 5d-1. Requested—Pending at WDPAB _____
 - 5d-2. Approved—Confirmed by WDPAB _____
 - 5e. Sub-total (5a through with line 3) _____
 - 6. Grand total (4e plus 5e should agree 5d) _____

Rev. 26 May 1944

¹This form to be used for reporting on 1943 or 1944 fiscal year assignments.

²Before transmitting Weekly Progress Report to WDPAB indicate in appropriate box the number of the last Transmittal Report to or from WDPAB—for reconciliation purposes.

§ 1607.751-4 Instructions for preparation of War Department weekly progress report (Form SPRA I).

INSTRUCTIONS FOR THE PREPARATION OF WAR DEPARTMENT WEEKLY PROGRESS REPORT (SPRA I)

(Fiscal year 1943 or 1944 Assignments)

Submitted by the Services at the Close of Each Friday to the War Department Price Adjustment Board

The Weekly Progress Report SPRA I to be submitted by the Chiefs of Price Adjust-

ment Sections to the War Department Price Adjustment Board is designed to show (a) the progress of renegotiation in each Service (Items 4a to 4d), (b) the degree of accomplishment on assignments delivered to the War Department Price Adjustment Board for appropriate action (Items 5a to d), and (c) as a reconciliation of the records of the Chief of Price Adjustment Section with the Assignments and Statistics Branch, War Department Price Adjustment Board. Those items contained in the report which required weekly reconciliation with the records of the Assignments and Statistics Branch have been provided boxes for the posting of the number of the last Transmittal Report on items delivered to or received from the War Department Price Adjustment Board.

Items Reported: (In order of lines on form SPRA I)

Line 1. Total Gross Assignments Received to Date. (It will be noted that this figure is never adjusted downward.)

Information Source:

Cumulative total on last Assignment Trans. Report SPRA I-1 received by you from WDPAB.

Line 2a. Less—Reassignments Requested—Pending at WDPAB.

Information Source:

Plus—Cumulative Total on last Reassignment Request Trans. Report SPRA I-2a5d1.

Minus—Cumulative Total on last Disapproved Reassignment Trans. Report SPRA I-2ax5d1x.

Minus—Cumulative Total on last Approved Reassignment Trans. Report SPRA I-2d5d2.

Net—Reassignments Requested—pending. Total to be reported on line 2a.

Line 2b. Less—Reassignments Approved—Confirmed by WDPAB.

Information Source:

Cumulative total on last Approved Reassignment Trans. Report SPRA I-2b5d2 delivered to you by WDPAB.

Line 3. Net Assignments Charged to this Service.

Information Source:

Line 1 Minus lines 2a and 2b.

Line 4. Report of Progress on Net Assignments with Service.

Line 4a. Renegotiation Not Initiated.

Information Source:

Report to you from your Field Offices covering 1943 or 1944 Assignments on which renegotiation has not begun.

Line 4b. Statutory Renegotiation Begun.

Information Source:

Report to you from your Field Offices covering 1943 or 1944 Assignments on which renegotiation has begun but on which a bona fide oral agreement has not been reached with Contractor.

Line 4c. Bona Fide Oral Agreements Reached.

Information Source:

Report to you from your Field Offices covering 1943 or 1944 Assignments on which a bona fide oral agreement has been reached with Contractor.

Line 4d. Signed Agreements in Process.

Information Source:

Report to you from your Field Offices plus completed cases under review in Office of Chief of Service prior to delivery to WDPAB attached to Completed Settlement Trans. Report SPRA I-5abc.

Line 4e. Sub-total of lines 4a through 4d.

Line 5. Reconciliation report on assignments delivered to WDPAB.

Line 5a-1. Completed Settlements for WDPAB Review.

Information Source:

Plus—Cumulative total on your last numbered Completed Settlements Trans. Report SPRA I-5abc covering completed settlements delivered to WDPAB for review.

Minus—Cumulative total on last Returned Settlements Trans. Report SPRA I-5abcx.

Net—Completed Settlements in hands of WDPAB for review. Total to be reported on line 5a-1.

Line 5a-2. Completed Settlements for WDPAB Approval.

Information Source:

Plus—Cumulative total on your last numbered Completed Settlements Trans. Report SPRA I-5abc covering Completed Settlements delivered to WDPAB for approval.

Minus—Cumulative total on last Returned Settlements Trans. Report SPRA I-5abcx.

Net—Completed Settlements in hands of WDPAB for approval. Total to be reported on line 5a-2.

Line 5b. Impasse Cases.

Information Source:

Plus—Cumulative total on your last numbered Impasse Trans. Report SPRA I-5abc delivered to WDPAB.

Minus—Cumulative total on last Returned Impasse Trans. Report SPRA I-5abcx.

Net—Impasse Cases in hands of WDPAB—Total to be reported on line 5b.

Line 5c-1. Completed Clearances for WDPAB Review.

Information Source:

Plus—Cumulative total on your last numbered Completed Clearance Trans. Report SPRA I-5abc delivered to WDPAB for review.

Minus—Cumulative total on last Returned Clearance Trans. Report SPRA I-5abcx.

Net—Completed Clearances in hands of WDPAB for review. Total to be reported on line 5c-1.

Line 5c-2. Completed Clearances for WDPAB Approval.

Information Source:

Plus—Cumulative total on your last numbered Completed Clearance Trans. Report SPRA I-5abc delivered to WDPAB for approval.

Minus—Cumulative total on last Returned Clearance Trans. Report SPRA I-5abc.

Net—Completed Clearances in hands of WDPAB for approval—Total to be reported on line 5c-2.

SUBPART I—ADDRESSES

1. Section 1607.791-3 is amended to read as follows:

§ 1607.791-3 Office of General Counsel.

War Contracts Price Adjustment Board, Attention: Lt. Col. W. W. Watts, General Counsel, Room 3D 573, The Pentagon, Washington 25, D. C., Tel. Republic 6700, Ext. 72191.

2. Sections 1607.795-1 and 1607.795-2 are added as follows:

§ 1602.755-1 Department Liaison Agents—Interdepartmental Withholding.

War Department: Mr. E. E. Naylor, Special Assistant to the Fiscal Director, Headquarters, Army Service Forces, Room 4E 459, The Pentagon, Washington 25, D. C., Tel. Republic 6700, Ext. 72471.

Navy Department: Capt. Wallace M. Wakefield, Disbursing Officer, Certification—Disbursing Division, Bureau of Supplies and Accounts, Room 2004, "J" Building, Navy Department, Washington 25, D. C.; Tel. Republic 7400, Ext. 61139.

Treasury Department: Mr. Joseph M. Furnas, Review Analyst, 5068 Procurement Building, Treasury Department—Procurement Division, 7th & D Streets SW., Washington 25, D. C.; Tel. District 5700, Ext. 480.

Maritime Commission and War Shipping Administration: Mr. A. C. Waller, General Auditor, Room 2041, "Y" Building, Maritime Commission, 19th & "B" Streets NE., Washington 25, D. C.; Tel. Executive 3340, Ext. 209.

Alternate: Mr. H. R. Thomas, Assistant General Auditor, Receipts and Disbursements, Room 2051, "Y" Building, Maritime Commission, 19th & "B" Streets NE., Washington 25, D. C.; Tel. Executive 3340, Ext. 580.

RFC Subsidiaries: Mr. Facius W. Davis, Treasurer, RFC Price Adjustment Board, Room 711, Lafayette Building, 811 Vermont Avenue, Washington 25, D. C.; Tel. Executive 3111, Ext. 75.

§ 1607.795-2 Miscellaneous.

General Accounting Office, Washington 25, D. C.; Tel. Executive 4621.

Chief, Contract Review Branch, Procurement Policy Division, War Production Board, Department 1400, 4th & Independence Avenue SW., Washington 25, D. C.; Tel. Republic 7500, Ext. 71783.

PART 1608—TEXT OF STATUTES, ORDERS, JOINT REGULATIONS AND DIRECTIVES

SUBPART D—EXEMPTIONS

1. In § 1608.842-1, paragraph (a) (2) (i) and (ii) are amended to read as follows:

§ 1608.842-1 *Public utilities; electric power.* * * *

(a) * * *

(2) * * *

(i) If such subcontract for electric power is with a contractor having a contract with a Department providing for the reimbursement by a Department of substantially all costs of the contractor incurred under such subcontract for electric power, or

(ii) If a Department has contracted to pay or guarantee the payment of substantially all amounts payable under such subcontract for electric power,

2. In § 1608.842-2, paragraph (a) (2) (i) and (ii) are amended to read as follows:

§ 1608.842-2 *Public utilities; gas.* * * *

(a) * * *

(2) * * *

(i) If such subcontract for gas is with a contractor having a contract with a Department providing for the reimbursement by a Department of substantially all costs of the contractor incurred under such subcontract for gas, or

(ii) If a Department has contracted to pay or guarantee the payment of substantially all amounts payable under such subcontract for gas,

3. Paragraph (a) of § 1608.842-4 is amended to read as follows:

§ 1608.842-4 *Public utilities; communications.* * * *

(a) Contracts and subcontracts with telephone, telegraph, cable and radio companies to furnish the service of transmitting messages, other communications services or communications facilities, when made at published rates or

charges, fixed, approved or subject to regulation as to the reasonableness thereof by a public regulatory body, or when made at rates or charges which the Department conducting the renegotiation in its discretion shall determine to be no higher than such published rates or charges for services of a comparable character.

4. In § 1608.842-5, paragraph (a) (2) (i) and (ii) are amended to read as follows:

§ 1608.842-5 *Public utilities; furnishing of water or removal of sewage.* * * *

(a) * * *

(2) * * *

(i) If such subcontract for water or the removal of sewage is with a contractor having a contract with a Department providing for the reimbursement by a Department of substantially all costs of the contractor incurred under such subcontract for water or the removal of sewage, or

(ii) If a Department has contracted to pay or guarantee payment of substantially all amounts payable under such subcontract for water or the removal of sewage,

5. In § 1608.845, paragraph (1) is added as follows:

§ 1608.845 *Standard commercial article exemption.* * * *

(1) Dead-burned magnesite made from dolomite stone, seawater or brine.

[F. R. Doc. 45-2728; Filed, Feb. 17, 1945; 4:26 p. m.]

Chapter XX—Office of Contract Settlement

[Reg. 13]

PART 8008—INTERIM FINANCING

DELEGATION OF AUTHORITY TO SUSPEND OR MODIFY PENALTY FOR OVERSTATEMENT, AND STATEMENT OF PRINCIPLES TO BE OBSERVED

1. *Delegation of authority.* Pursuant to sections 4 (b) and 23 (a) of the Contract Settlement Act of 1944, authority is hereby delegated to the head of each contracting agency, as defined in section 3 (g) of the act, to suspend or modify and determine the dollar amount of the penalty provided in section 8 (d) of the act, whenever, in connection with any interim financing furnished or guaranteed by or on behalf of such agency, any war contractor overstates the amount due on his termination claim or claims, and the head of such agency or other person to whom such authority may be redelegated shall determine that such penalty would be inequitable. Except as provided in paragraph 2 (a) (2) below, the authority hereby delegated, may be redelegated as provided in section 23 (b) of the act.

2. *Standards prescribed.* In making any determination that the penalty would be inequitable, the following principles shall be observed:

(a) Where the war contractor overstates the amount due on account of

the termination charges set forth in an application for a partial payment for his own account, then, unless the head of such agency or other person to whom such authority is redelegated shall determine that the overstatement was made in bad faith,

(1) The penalty would be inequitable if greater than, and should be reduced to, six percent (6%) of the amount by which the total partial payments made to the war contractor on account of his own termination claim exceed the amount of the final settlement of that claim. For purposes of this subparagraph, in determining "total partial payments", there shall be deducted from the gross amount of partial payments any amounts thereof paid to him on account of claims of his subcontractors, and there shall be added to such gross amount (i) all credits for the disposal or retention of inventory at the date of the submission of the last application for partial payment, and (ii) all progress and advance payments unliquidated at the date of the receipt of the last partial payment; and in determining "the amount of the final settlement" of the war contractor's own termination claim, there shall be deducted from the gross amount of the settlement of his entire termination claim all amounts approved on account of settlements with his subcontractors.

(2) Except as provided in subparagraph (1) above, the penalty may be found to be inequitable in whole or in part only if the head of such agency shall determine that exceptional circumstances exist which in his opinion would make it inequitable. Authority to determine the existence of such exceptional circumstances may be redelegated only to such person as the head of the agency may specially designate to act for him, *Provided, however,* That authority to determine the existence of such exceptional circumstances within such categories as the Director may from time to time approve may be redelegated pursuant to section 23 (b) of the act.

(b) Where the overstatement is made by a war contractor:

(1) In connection with a loan, made or guaranteed by the Government, or

(2) In connection with a request for a partial payment to enable the war contractor to establish a fund from which partial and final payments may be made to subcontractors (OCS Reg. No. 2, par. 2 (b)), or

(3) In connection with an application for a controlled partial payment (OCS Reg. No. 2, par. 5), or for the use for interim financing purposes of funds provided in accordance with procedures governing advance payments for production purposes or otherwise on account of the contract price,

the penalty would be inequitable unless the head of such agency, or other person to whom such authority is redelegated, shall determine that the overstatement was made in bad faith.

3. *Penalty to be determined at time of settlement.* The amount of the penalty, if any, should be determined at the time of the settlement, and the final settle-

ment agreement, formula determination or arbitration award, as the case may be, should provide for the payment of any liability of the war contractor on account of the penalty.

ROBERT H. HINCKLEY,
Director.

FEBRUARY 14, 1945.

[F. R. Doc. 45-2742; Filed, Feb. 19, 1945;
10:10 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service

PART 261—TRESPASS

SITGREAVES NATIONAL FOREST; REMOVAL OF TRESPASSING HORSES

Whereas a number of horses are trespassing and grazing on portions of the Heber Ranger District in the Sitgreaves National Forest in the State of Arizona; and

Whereas these horses are consuming forage needed for permitted livestock, are causing extra expense to established permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35, 16 U.S.C. 551), and the act of February 1, 1905 (33 Stat. 628, 16 U.S.C. 472), the following order for the occupancy, use, protection, and administration of land in the Heber Ranger District of the Sitgreaves National Forest is issued:

*Temporary closure from livestock grazing.*¹ (a) The following-described areas in the Sitgreaves National Forest are hereby closed for the period March 1, 1945 to August 31, 1945, to grazing by horses excepting those that are lawfully grazing on or crossing land in such allotments, pursuant to the regulations of the Secretary of Agriculture, or that are used in connection with operations authorized by such regulations, or that are used as riding, pack, or draft animals by persons traveling over such land:

The Long Tom, Wagon Draw, Rock Tank, Delodo, and Wild Cat Allotments, which are bounded on the north by the forest boundary fence; on the east by a fence between the cattle and sheep allotments; on the south by the Mogollon Rim, an impassable barrier; and on the west by the Chevalon Canyon.

The Gentry Allotment which is bounded on the south by the forest boundary; on the west and north by the Long Tom and Wildcat Allotments; on the east by the Black Canyon and Buckskin Allotments. The allotment is enclosed with a fence which has been established for a period of years, and the location of the boundary is well known to the residents.

The Black Canyon Allotment, which is bounded on the north by the Mud Tank and Heber Allotments; on the east by the Heber Community; on the south by the Buckskin and Gentry Allotments; on the west by the Wildcat Allotment. This

¹ This affects tabulation contained in 36, CFR, 261.50.

allotment boundary has long been established and is well known to the people residing in the locality.

The above allotments are located in Coconino and Navajo counties, State of Arizona. All are within the Heber Ranger District.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such horses shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Sitgreaves National Forest is located.

Done at Washington, D. C., this 16th day of February 1945. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 45-2643; Filed, Feb. 16, 1945;
3:14 p. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

MISCELLANEOUS AMENDMENTS TO REGULATIONS¹

Pursuant to the authority of Executive Order 9083, dated 28 February, 1942 (7 F.R. 1609) the following amendments to Subchapters C, D, G, H, I, J, and K of this chapter are prescribed:

Subchapter C—Motorboats and Certain Vessels Propelled by Machinery other than by Steam More Than 65 Feet in Length.

PART 25—REQUIREMENTS FOR ALL MOTORBOATS EXCEPT THOSE OF OVER 15 GROSS TONS CARRYING PASSENGERS FOR HIRE

Part 25 is amended by changing certain names, words and phrases as follows:

1. In §§ 25.8-2, 25.8-4 (a), 25.8-4 (b) and 25.8-9 (a) "local inspectors" to "Officer in Charge, Marine Inspection".

2. In § 25.8-4 (a) "inspectors consider" to "Officer in Charge, Marine Inspection considers".

3. In §§ 25.8-5 (a), 25.8-7 (a) and 25.8-7 (b) "inspectors" to "Officer in Charge, Marine Inspection".

4. In § 25.8-8 (b) "an office of local inspectors, the local inspectors" to "his office, the Officer in Charge, Marine Inspection", "local inspectors" to "Officer in Charge, Marine Inspection", "Director

¹ By these amendments to regulations numerous names, words and phrases in certain sections, relating to the licensing and certificating of Merchant Marine personnel, of Subchapters C, D, G, H, I, J and K of Chapter I of Title 46 CFR have been changed. For the convenience of the public, a compilation setting forth the text of these regulations as so amended has been prepared by the Coast Guard and is on file with the Division of the Federal Register. Copies may be obtained upon request made to The Commandant, United States Coast Guard Headquarters, Washington, D. C.

tor" to "Commandant" and "they shall" to "he shall".

Subchapter D—Tank Vessels

PART 36—LICENSED OFFICERS AND CERTIFICATED MEN

Part 36 is amended by changing certain names, words and phrases as follows:

1. In § 36.1-1 (a) "a United States inspector" to "the Coast Guard or predecessor authority".

2. In §§ 36.1-1 (a), 36.1-5 (d), 36.1-8 (b), 36.1-10 (c), 36.1-13 (d), 36.1-16 (b) and 36.1-16 (c) "board of local inspectors" to "Officer in Charge, Marine Inspection".

3. In §§ 36.1-1 (b), 36.5-4 (c), 36.7-1 (a) and 36.7-4 (c) "Inspectors" to "Officers in Charge, Marine Inspection".

4. In § 36.1-1 (b) "inspectors' office" to "office of the Officer in Charge, Marine Inspection" and "Department of Commerce" to "Coast Guard".

5. In §§ 36.1-1 (b), 36.1-4 (c), 36.1-5 (a), 36.1-5 (c), 36.1-5 (d), 36.1-9 (a), 36.1-10 (b), 36.1-13 (a), 36.1-13 (d), 36.1-19, 36.5-3 (a), 36.7-1 (a), 36.7-1 (b) (10), 36.7-3 (a) "inspectors" to "Officer in Charge, Marine Inspection".

6. In §§ 36.1-1 (b), 36.1-13 (b), 36.1-14 (b), 36.5-4 (e), 36.6-3 (a), 36.6-4 (e) and 36.7-1 (b) "inspectors" to "Officers in Charge, Marine Inspection".

7. In § 36.1-1 (e) "Local Inspectors" to "Officer in Charge, Marine Inspection", "Board of United States Local Inspectors" to "Officer in Charge, Marine Inspection" and "they have" to "he has".

8. In §§ 36.1-1 (f), 36.1-5 (d), 36.1-7, 36.1-8 (b), 36.1-9 (c), 36.1-9 (d), 36.1-13 (c), 36.1-16 (b), 36.1-16 (c), 36.2-1 (a), 36.2-3 (a), 36.2-3 (b), 36.2-3 (c), 36.2-3 (f), 36.3-1, 36.3-2 (b) (26), 36.3-3, 36.3-4 (b) (26), 36.3-5, 36.3-6 (b) (21), 36.3-7, 36.3-8 (b) (15), 36.3-9, 36.3-10, 36.3-11, 36.3-12a, 36.3-13 (d), 36.3-14, 36.3-15, 36.3-16, 36.3-17, 36.3-18, 36.4-1, 36.4-2 (a) (26), 36.4-2 (b) (11), 36.4-3, 36.4-4 (a) (20), 36.4-4 (b) (10), 36.4-5, 36.4-6 (a) (15), 36.4-6 (b) (10), 36.4-7, 36.4-8 (a) (10), 36.5-1 (a), 36.5-1 (b), 36.5-2, 36.5-4 (b), 36.5-5, 36.5-6 first paragraph, 36.5-7, 36.5-8, 36.6-1 (a), 36.6-1 (b), 36.6-2, 36.6-4 (b), 36.6-5 first paragraph, 36.6-6 first paragraph, 36.6-7, 36.6-8, 36.7-2, 36.7-4 (b), 36.7-5 first paragraph, 36.7-6 first paragraph, 36.7-7, 36.7-8, "local inspectors" to "Officer in Charge, Marine Inspection".

9. In §§ 36.1-2 (d), 36.1-10 (b), 36.3-13 (c) and 36.6-4 (c) "Inspectors" to "The Officer in Charge, Marine Inspection".

10. In §§ 36.1-3 (c), 36.1-3 (d), 36.1-16 (b), 36.1-16 (c) and 36.1-17 "Director" to "Commandant".

11. In §§ 36.1-3 (d) and 36.1-4 (f) "inspector" to "Officer in Charge, Marine Inspection".

12. In § 36.1-5 (a) "a board of local inspectors" to "an Officer in Charge, Marine Inspection".

13. In § 36.1-5 (d) "supervising inspector" to "District Coast Guard Officer".

14. In § 36.1-8 (a) "a board of local inspectors" to "an Officer in Charge, Marine Inspection", "department" to "the Coast Guard", and "their jurisdiction" to "his jurisdiction".

15. § 36.1-8 (b) "Local inspectors" to "An Officer in Charge, Marine Inspection".

16. In §§ 36.1-8 (b) and 36.1-14 (a) "board" to "Officer in Charge, Marine Inspection".

17. In § 36.1-8 (b) "they are" to "he is".

18. In §§ 36.1-8 (b) and 36.1-10 (b) "Department" to "Coast Guard".

19. In §§ 36.1-9 (c), 36.1-10 (a), 36.5-3 (b), 36.5-5 (f), 36.5-6 (h), 36.6-3 (c), 36.6-5 (f), 36.6-6 (i), 36.7-3 (c), 36.7-5 (d) and 36.7-6 (g) "local inspectors" to "Officer in Charge, Marine Inspection."

20. In §§ 36.1-9 (c) "inspector's office" to "his office."

21. In §§ 36.1-9 (d), 36.3-13 (d), 36.5-2, 36.6-2 and 36.7-2 "they shall" to "he shall."

22. In §§ 36.1-10 (a) "their office" to "his office."

23. In §§ 36.1-10 (c) "it may" to "he may."

24. In § 36.1-11 "an official publication containing the Inspection Laws governing the Bureau" to "the laws governing marine inspection" and "Board of Supervising Inspectors" to "Commandant."

25. In § 36.1-12 (d) "Local inspectors" to "Inspectors."

26. In § 36.1-13 (a) "upon their" to "in his."

27. In § 36.1-13 (d) "board of local inspectors or supervising inspector" to "Officer in Charge, Marine Inspection," "local board or supervising inspector" to "Officer in Charge, Marine Inspection," "they shall" to "he shall," "in their office" to "in his office," "color blindness" to "color sense," and "them" to "him."

28. In § 36.1-14 (a) "local board" to "Officer in Charge, Marine Inspection."

29. In § 36.1-16 (b) "an office of local inspectors" to "his office."

30. In § 36.1-17 "local inspectors or the supervising inspector" to "Officer in Charge, Marine Inspection or the District Coast Guard Officer".

31. In § 36.1-18 (a) "a supervising, local, or assistant inspector or steam vessels or any of them" to "an inspector".

32. In § 36.2-2 (e) "Bureau" to "Headquarters".

33. In §§ 36.3-2 (b) (25), 36.3-4 (b) (25), 36.3-6 (b) (20), 36.3-8 (b) (14), 36.4-2 (a) (25), 36.4-2 (b) (10), 36.4-4 (a) (19), 36.4-4 (b) (9), 36.4-6 (a) (14), 36.4-6 (b) (9), and 36.4-8 (a) (9) "Board of Supervising Inspectors" to "Commandant".

34. In §§ 36.5-3 (b), 36.6-3 (c) and 36.7-3 (c) "themselves" to "himself".

35. In §§ 36.5-5 (f), 36.5-6 (h), 36.6-5 (f) and 36.6-6 (l) "find" to "finds".

Subchapter G—Ocean and Coastwise General Rules and Regulations

PART 62—LICENSED OFFICERS AND CERTIFICATED MEN

Part 62 is amended by changing certain names, words and phrases as follows:

1. In § 62.1 (a) "a Board of Local Inspectors" to "the Coast Guard or predecessor authority" and "board of local inspectors" to "Officer in Charge, Marine Inspection".

2. In § 62.1 (b) "A Board of Local Inspectors" to "An Officer in Charge, Marine Inspection," "Board's office" to "Of-

fice of the Officer in Charge, Marine Inspection", "Board" to "Officer in Charge, Marine Inspection" and "they shall" to "he shall".

3. In §§ 62.1 (e), 62.48 last paragraph, and 62.110 (b) "Local Inspectors" to "Officer in Charge, Marine Inspection".

4. In §§ 62.1 (e) and 62.110 (b) "Board of United States Local Inspectors" to "Officer in Charge, Marine Inspection" and "they have" to "he has".

5. In § 62.2 "Director of the Bureau of Marine Inspection and Navigation" to "Commandant", and "inspector" to "Officer in Charge, Marine Inspection".

6. In §§ 62.3, 62.4, 62.10, 62.48, 62.111 (a), 62.111 (d), 62.116 (a) and 62.116 (d) "inspectors" to "Officer in Charge, Marine Inspection".

7. In §§ 62.3, 62.5 (a), 62.7 (a) and 62.102 (b) "inspector" to "Officer in Charge, Marine Inspection".

8. In § 62.4 "a board of local inspectors" to "an Officer in Charge, Marine Inspection".

9. In §§ 62.4, 62.10, 62.30, 62.31 (b) (26), 62.32 first paragraph, 62.33 (a) (26), 62.33 (b) (11), 62.34, 62.35 (b) (13), 62.36, 62.36a (b) (26), 62.37, 62.38 (b) (21), 62.39, 62.40 (b) (15), 62.41, 62.41a (a) (20), 62.41a (b) (10), 62.42, 62.43 (a) (15), 62.43 (b) (10), 62.44, 62.45 (b) (10), 62.46, 62.47, 62.50, 62.51, 62.52, 62.54, 62.55, 62.56, 62.57, 62.58, 62.63 (d) (1), and 62.204 (c) "local inspectors" to "Officer in Charge, Marine Inspection".

10. In § 62.6 "Local inspectors" to "Officers in Charge, Marine Inspection".

11. In §§ 62.7 (b) and 62.7 (c) "Merchant Marine Inspector in Charge or Supervising Merchant Marine Inspector" to "Officer in Charge, Marine Inspection or District Coast Guard Officer".

12. In § 62.9 "inspectors" to "Officer in Charge, Marine Inspection", "their official files" to "his official files", "local inspectors" to "Officer in Charge, Marine Inspection", "a Merchant Marine Inspector in Charge or a Supervising Merchant Marine Inspector" to "an Officer in Charge, Marine Inspection or the District Coast Guard Officer", "Merchant Marine Inspector in Charge, or the Supervising Merchant Marine Inspector" to "Officer in Charge, Marine Inspection or District Coast Guard Officer", "inspectors" to "Officer in Charge, Marine Inspection", "known to them" to "known to him", "Merchant Marine Inspector in Charge or Supervising Merchant Marine Inspector" to "Officer in Charge, Marine Inspection or the District Coast Guard Officer" and "inspector" to "Officer in Charge, Marine Inspection".

13. In § 62.10 "their office" to "his office", and "it may" to "he may".

14. In §§ 62.10, 62.49, and 62.54 "Inspectors" to "Officers in Charge, Marine Inspection".

15. In § 62.10 "department" to "Coast Guard".

16. In §§ 62.10, 62.63 (d) (2) and 62.117 (b) "board of local inspectors" to "Officer in Charge, Marine Inspection".

17. In §§ 62.11, 62.113 (b) and 62.116 (f) "inspectors" to "Officers in Charge, Marine Inspection".

18. In § 62.13 "local inspectors or the supervising inspector" to "Officer in Charge, Marine Inspection or the District Coast Guard Officer".

19. In §§ 62.13 and 62.119 (b) "Director" to "Commandant".

20. In § 62.15 "inspectors" to "Officer in Charge, Marine Inspection" and "may find" to "finds".

21. In §§ 62.31 (b) (25), 62.33 (a) (25), 62.33 (b) (10), 62.36a (b) (25), 62.38 (b) (20), 62.40 (b) (14), 62.41a (a) (19), 62.41a (b) (9), 62.43 (a) (14), 62.43 (b) (9) and 62.45 (b) (9) "Board of Supervising Inspectors" to "Commandant".

22. In §§ 62.32 (i), 62.48, 62.53a, 62.58a and 62.111 (e) "local inspectors" to "Officer in Charge, Marine Inspection".

23. In §§ 62.47, 62.48 and 62.54 "they shall" to "he shall".

24. In § 62.48 "inspector's office" to "his office".

25. In § 62.62 (e) "Bureau" to "Headquarters".

26. § 62.63 (d) (2) "board" to "the Officer in Charge, Marine Inspection".

27. In § 62.110 (a) "United States Local Inspectors" to "Coast Guard or predecessor authority", "Bureau" to "Coast Guard" and "Board of Local Inspectors" to "an Officer in Charge, Marine Inspection".

28. In §§ 62.111 (a) and 62.120 "Bureau" to "Coast Guard".

29. In §§ 62.111 (c), 62.116 (a) and 62.204 (a) "a Board of Local Inspectors" to "an Officer in Charge, Marine Inspection".

30. In § 62.111 (e) "their office" to "his office".

31. In § 62.113 (a) "local board" to "Officer in Charge, Marine Inspection", "a local board" to "an Officer in Charge, Marine Inspection" and "board" to "Officer in Charge, Marine Inspection".

32. In § 62.114 (d) "one of the local inspectors" to "an Officer in Charge, Marine Inspection" and "upon their official" to "upon his official".

33. In § 62.115 "Board of Supervising Inspectors" to "Commandant".

34. In § 62.116 (b) "Local Board or Supervising Inspector" to "Officer in Charge, Marine Inspection or District Coast Guard Officer" and "inspectors" to "Officer in Charge, Marine Inspection".

35. In §§ 62.116 (c) and 62.204 (d) (3) "Board of Local Inspectors" to "Officer in Charge, Marine Inspection".

36. In § 62.117 (a) "board of local inspectors" to "Officer in Charge, Marine Inspection", and "it may" to "he may".

37. In § 62.117 (b) "board" to "Officer in Charge, Marine Inspection".

38. In § 62.118 (b) "a board of local inspectors" to "an Officer in Charge, Marine Inspection", "an office of local inspectors, the local inspectors" to "his office, the Officer in Charge, Marine Inspection" and "Director" to "Commandant".

39. In § 62.119 (a) "Local Inspectors or Supervising Inspector" to "Officer in Charge, Marine Inspection" and "Director" to "Commandant".

40. In § 62.131 (a) "Local Inspectors" to "Officers in Charge, Marine Inspection".

41. In § 62.204 (d) (3) "Board" to "Officer in Charge, Marine Inspection" and "the Bureau" to "Headquarters".

42. In §§ 62.204 (d) (3) and 62.204 (m) "Secretary of Commerce" to "Commandant".

43. In § 62.204 (e) "a Board of United States Local Inspectors" to "an Officer in Charge, Marine Inspection".

44. In § 62.204 (f) "A Board of Local Inspectors" to "An Officer in Charge, Marine Inspection".

45. In § 62.204 (h) "the Bureau of Marine Inspection and Navigation at Washington" to "Headquarters".

46. In § 62.204 (m) "Director of the Bureau of Marine Inspection and Navigation" to "Commandant".

47. In § 62.204 (o) "a board of local inspectors" to "an Officer in Charge, Marine Inspection", "local inspectors" to "Officer in Charge, Marine Inspection", "Director of the Bureau of Marine Inspection and Navigation" to "Commandant" and "they shall" to "he shall".

Subchapter H—Great Lakes: General Rules and Regulations

PART 78—LICENSED OFFICERS AND CERTIFICATED MEN

Part 78 is amended by changing certain names, words and phrases as follows:

1. In § 78.1 (a) "a Board of Local Inspectors" to "the Coast Guard or predecessor authority" and "board of local inspectors" to "Officer in Charge, Marine Inspection".

2. In § 78.1 (b) "A Board of Local Inspectors" to "An Officer in Charge, Marine Inspection", "Board's office" to "office of the Officer in Charge, Marine Inspection", "Board" to "Officer in Charge, Marine Inspection" and "they shall" to "he shall".

3. In § 78.1 (e) "Local Inspectors" to "Officer in Charge, Marine Inspection", "Board of United States Local Inspectors" to "Officer in Charge, Marine Inspection" and "they have" to "he has".

4. In § 78.2 "Director of the Bureau of Marine Inspection and Navigation" to "Commandant", and "inspector" to "Officer in Charge, Marine Inspection".

5. In § 78.3 "inspectors" to "Officer in Charge, Marine Inspection" and "inspector" to "Officer in Charge, Marine Inspection".

6. In § 78.4 "inspectors" to "Officer in Charge, Marine Inspection", "a board of local inspectors" to "an Officer in Charge, Marine Inspection", "local inspectors" to "Officer in Charge, Marine Inspection", "supervising inspector" to "District Coast Guard Officer", and "board of local inspectors" to "Officer in Charge, Marine Inspection".

7. In §§ 78.5 (a) and 78.7 (a) "inspector" to "Officer in Charge, Marine Inspection".

8. In § 78.6 "Local inspectors" to "Officer in Charge, Marine Inspection".

9. In § 78.7 (b) "Merchant Marine Inspector in Charge or Supervising Merchant Marine Inspector" to "Officer in Charge, Marine Inspection or District Coast Guard Officer".

10. In § 78.7 (c) "Merchant Marine Inspector in Charge or Supervising Merchant Marine Inspector" to "Officer in Charge, Marine Inspection or District Coast Guard Officer".

11. In § 78.9 "inspectors" to "Officer in Charge, Marine Inspection", "their official files" to "his official files", "local inspectors" to "Officer in Charge, Marine

Inspection", "a Merchant Marine Inspector in Charge or a Supervising Merchant Marine Inspector" to "an Officer in Charge, Marine Inspection or the District Coast Guard Officer", "Merchant Marine Inspector in Charge or the Supervising Merchant Marine Inspector" to "Officer in Charge, Marine Inspection or the District Coast Guard Officer", "inspectors" to "Officer in Charge, Marine Inspection", "known to them" to "known to him", "Merchant Marine Inspector in Charge or Supervising Merchant Marine Inspector" to "Officer in Charge, Marine Inspection or the District Coast Guard Officer" and "inspector" to "Officer in Charge, Marine Inspection".

12. In § 78.10 "local inspectors" to "Officer in Charge, Marine Inspection", "their office" to "his office", "Inspectors" to "The Officer in Charge, Marine Inspection", "department" to "Coast Guard", "inspectors" to "Officer in Charge, Marine Inspection", "board of local inspectors" to "Officer in Charge, Marine Inspection" and "they may remove" to "he may remove".

13. In §§ 78.11 and 78.42 "inspectors" to "Officers in Charge, Marine Inspection".

14. In § 78.13 "local inspectors or the supervising inspector" to "Officer in Charge, Marine Inspection or the District Coast Guard Officer" and "Director" to "Commandant".

15. In §§ 78.15, 78.31 and 78.36 "inspectors" to "Officer in Charge, Marine Inspection".

16. In § 78.15 "may find" to "finds".

17. In §§ 78.30, 78.31, 78.35, 78.45, 78.46, 78.48, 78.49, 78.50, 78.51, 78.54 (d) (1) and 78.105 (c) "local inspectors" to "Officer in Charge, Marine Inspection".

18. In § 78.33 "local inspectors" to "Officer in Charge, Marine Inspection" and "they shall grant" to "he shall grant".

19. In § 78.36 "local inspectors" to "Officer in Charge, Marine Inspection", and "themselves" to "himself".

20. In § 78.40 "local inspectors" to "Officer in Charge, Marine Inspection", "local inspectors are" to "Officer in Charge, Marine Inspection is" and "they shall issue" to "he shall issue".

21. In §§ 78.42 and 78.47 "Inspectors" to "Officers in Charge, Marine Inspection".

22. In §§ 78.43 and 78.44 "local inspectors" to "Officer in Charge, Marine Inspection" and "if the local inspectors, upon examination, find him qualified" to "if the Officer in Charge, Marine Inspection, upon examination, finds him qualified".

23. In § 78.54 b (d) (2) "board" to "the Officer in Charge, Marine Inspection", "board of local inspectors" to "Officer in Charge, Marine Inspection".

24. In § 78.54a (e) "Bureau" to "Headquarters".

25. In § 78.105 (a) "a Board of Local Inspectors" to "an Officer in Charge, Marine Inspection".

26. In § 78.105 (d) (3) "Board of Local Inspectors" to "Officer in Charge, Marine Inspection", "Board" to "Officer in Charge, Marine Inspection", "the Bureau" to "Headquarters" and "Secretary of Commerce" to "Commandant".

27. In § 78.105 (e) "a Board of United States Local Inspectors" to "an Officer in Charge, Marine Inspection".

28. In § 78.105 (f) "A Board of Local Inspectors" to "An Officer in Charge, Marine Inspection".

29. In § 78.105 (h) "the Bureau of Marine Inspection and Navigation at Washington" to "Headquarters".

30. In § 78.105 (m) "Director of the Bureau of Marine Inspection and Navigation" to "Commandant" and "Secretary of Commerce" to "Commandant".

31. In § 78.105 (o) "a board of local inspectors" to "an Officer in Charge, Marine Inspection", "local inspectors" to "Officer in Charge, Marine Inspection", "Director of the Bureau of Marine Inspection and Navigation" to "Commandant" and "they shall" to "he shall".

Subchapter I—Bays, Sounds and Lakes Other Than the Great Lakes: General Rules and Regulations

PART 96—LICENSED OFFICERS AND CERTIFICATED MEN

Part 96 is amended by changing certain names, words and phrases as follows:

1. In § 96.1 (a) "a Board of Local Inspectors" to "the Coast Guard or predecessor authority" and "board of local inspectors" to "Officer in Charge, Marine Inspection".

2. In § 96.1 (b) "A Board of Local Inspectors" to "An Officer in Charge, Marine Inspection", "Board's office" to "Office of the Officer in Charge, Marine Inspection", "Board" to "Officer in Charge, Marine Inspection" and "they shall" to "he shall".

3. In § 96.1 (e) "Local Inspectors" to "Officer in Charge, Marine Inspection", "Board of United States Local Inspectors" to "Officer in Charge, Marine Inspection" and "they have" to "he has".

4. In § 96.2 "Director of the Bureau of Marine Inspection and Navigation" to "Commandant" and "Inspectors" to "Officer in Charge, Marine Inspection".

5. In §§ 96.3, 96.4, 96.30 and 96.35 "inspectors" to "Officer in Charge, Marine Inspection".

6. In §§ 96.3, 96.5 (a) and 96.7 (a) "inspector" to "Officer in Charge, Marine Inspection".

7. In § 96.4 "a board of local inspectors" to "an Officer in Charge, Marine Inspection".

8. In §§ 96.4, 96.29, 96.30, 96.34, 96.35, 96.41, 96.44, 96.45, 96.47, 96.48, 96.49, 96.50 and 96.55 (d) (1) "local inspectors" to "Officer in Charge, Marine Inspection".

9. In § 96.6 "Local inspectors" to "Officers in Charge, Marine Inspection".

10. In §§ 96.7 (b) and 96.7 (c) "Merchant Marine Inspector in Charge or Supervising Merchant Marine Inspector" to "Officer in Charge, Marine Inspection or District Coast Guard Officer".

11. In § 96.9 "inspectors" to "Officer in Charge, Marine Inspection", "their official files" to "his official files", "local inspectors" to "Officer in Charge, Marine Inspection", "a Merchant Marine Inspector in Charge or a Supervising Merchant Marine Inspector" to "an Officer in Charge, Marine Inspection or the District Coast Guard Officer", "Merchant Marine Inspector in Charge or the Supervising Merchant Marine Inspector" to

"Officer in Charge, Marine Inspection or the District Coast Guard Officer", "inspectors" to "Officer in Charge, Marine Inspection," "known to them" to "known to him," "Merchant Marine Inspector in Charge or Supervising Merchant Marine Inspector" to "Officer in Charge, Marine Inspection or District Coast Guard Officer" and "inspector" to "Officer in Charge, Marine Inspection."

12. In § 96.10 "local inspectors" to "Officer in Charge, Marine Inspection", "their office" to "his office," "Inspectors" to "The Officer in Charge, Marine Inspection," "department" to "Coast Guard," "inspectors" to "Officer in Charge, Marine Inspection," "board of local inspectors" to "Officer in Charge, Marine Inspection" and "they may remove" to "he may remove."

13. In §§ 96.11 and 96.41 "inspectors" to "Officers in Charge, Marine Inspection".

14. In § 96.13 "local inspectors or the supervising inspector" to "Officer in Charge, Marine Inspection or the District Coast Guard Officer", and "Director" to "Commandant".

15. In § 96.15 "inspectors" to "Officer in Charge, Marine Inspection" and "may find" to "finds".

16. In § 96.32 "local inspectors" to "Officer in Charge, Marine Inspection" and "they shall grant" to "he shall grant".

17. In § 96.39 "local inspectors" to "Officer in Charge, Marine Inspection", "local inspectors are" to "Officer in Charge, Marine Inspection is" and "they shall issue" to "he shall issue".

18. In § 96.41 "Inspectors" to "the Officer in Charge, Marine Inspection."

19. In §§ 96.42 and 96.43 "local inspectors" to "Officer in Charge, Marine Inspection" and "find" to "finds".

20. In § 96.46 "Inspectors" to "Officers in Charge, Marine Inspection".

21. In § 96.54 (e) "Bureau" to "Headquarters".

22. In § 96.55 (d) (2) "board" to "the Officer in Charge, Marine Inspection", "board of local inspectors" to "Officer in Charge, Marine Inspection".

Subchapter J—Rivers: General Rules and Regulations

PART 115—LICENSED OFFICERS

Part 115 is amended by changing certain names, words and phrases as follows:

1. In § 115.1 (a) "a Board of Local Inspectors" to "the Coast Guard or predecessor authority" and "Board of local inspectors" to "Officer in Charge, Marine Inspection".

2. In § 115.1 (b) "A Board of Local Inspectors" to "An Officer in Charge, Marine Inspection", "Board's office" to "office of the Officer in Charge, Marine Inspection", "Board" to "Officer in Charge, Marine Inspection" and "they shall" to "he shall".

3. In § 115.1 (e) "Local Inspectors" to "Officer in Charge, Marine Inspection", "Board of United States Local Inspectors" to "Officer in Charge, Marine Inspection", and "they have" to "he has".

4. In § 115.2 "Director of the Bureau of Marine Inspection and Navigation" to "Commandant" and "inspector" to "Officer in Charge, Marine Inspection".

5. In §§ 115.3, 115.4, 115.28, 115.29 and 115.34 "inspectors" to "Officer in Charge, Marine Inspection".

6. In §§ 115.3, 115.5 (a) and 115.7 (a) "inspector" to "Officer in Charge, Marine Inspection".

7. In § 115.4 "a board of local inspectors" to "an Officer in Charge, Marine Inspection".

8. In §§ 115.4, 115.29, 115.31, 115.33, 115.39, 115.40, 115.41, 115.42, 115.43, 115.48, 115.49, 115.50 and 115.51 "local inspectors" to "Officer in Charge, Marine Inspection".

9. In § 115.6 "Local inspectors" to "Officers in Charge, Marine Inspection".

10. In §§ 115.7 (b) and 115.7 (c) "Merchant Marine Inspector in Charge or Supervising Merchant Marine Inspector" to "Officer in Charge, Marine Inspection or the District Coast Guard Officer".

11. In § 115.9 "inspectors" to "Officer in Charge, Marine Inspection", "local inspectors" to "Officer in Charge, Marine Inspection", "a Merchant Marine Inspector in Charge or a Supervising Merchant Marine Inspector" to "an Officer in Charge, Marine Inspection or the District Coast Guard Officer", "Merchant Marine Inspector in Charge or the Supervising Merchant Marine Inspector" to "Officer in Charge, Marine Inspection or the District Coast Guard Officer", "inspectors" to "Officer in Charge, Marine Inspection", "known to them" to "known to him", "Merchant Marine Inspector in Charge or Supervising Merchant Inspector" to "Officer in Charge, Marine Inspection or the District Coast Guard Officer" and "inspector" to "Officer in Charge, Marine Inspection".

12. In § 115.10 "local inspectors" to "Officer in Charge, Marine Inspection", "their office" to "his office", "Inspectors" to "Officers in Charge, Marine Inspection", "department" to "Coast Guard", "inspectors" to "Officer in Charge, Marine Inspection", "board of local inspectors" to "Officer in Charge, Marine Inspection" and "they may remove" to "he may remove".

13. In § 115.11 "inspectors" to "Officers in Charge, Marine Inspection".

14. In § 115.13 "local inspectors or the supervising inspector" to "Officer in Charge, Marine Inspection or the District Coast Guard Officer", and "Director" to "Commandant".

15. In § 115.15 "inspectors" to "Officer in Charge, Marine Inspection" and "may find" to "finds".

16. In §§ 115.28, 115.39 and 115.47 "Inspectors" to "Officers in Charge, Marine Inspection".

17. In § 115.34 "local inspectors" to "Officer in Charge, Marine Inspection".

18. In § 115.38 "local inspectors" to "Officer in Charge, Marine Inspection", "local inspectors are" to "Officer in Charge, Marine Inspection is", "they are" to "he is" and "they shall" to "he shall".

Subchapter K—Seamen

PART 131—HOURS OF LABOR ON SHIPBOARD

Part 131 is amended by changing certain names, words and phrases as follows:

1. In § 131.4 "Local inspectors" to "Officers in Charge, Marine Inspection".

2. In § 131.6 "of the Bureau of Marine Inspection and Navigation of this De-

partment" to "and inspectors of the Coast Guard".

PART 133—DESIGNATION OF APPROVAL OF NAUTICAL SCHOOL SHIPS: RULES FOR CONDUCT OF SCHOOL SHIPS

Part 133 is amended by changing a name as follows:

In § 133.0 "Secretary of Commerce" to "Commandant".

PART 135—LANGUAGE TEST FOR SEAMEN

Part 135 is amended by changing a name as follows:

In § 135.1 "Department" to "Commandant".

PART 138—RULES AND REGULATIONS FOR ISSUANCE OF CERTIFICATES AND CONTINUOUS DISCHARGE BOOKS

Part 138 is amended by changing certain names, words and phrases as follows:

1. In § 138.1 (a) "Department of Commerce" to "Coast Guard".

2. In § 138.1 (b) "one of the local inspectors" to "an Officer in Charge, Marine Inspection".

3. In §§ 138.1 (c) and 138.8 (e) "a board of local inspectors" to "an Officer in Charge, Marine Inspection".

4. In § 138.1 (h) "a board of local inspectors or their assistant inspectors" to "an inspector".

5. In §§ 138.1 (i), 138.3 (d) (2), 138.5 (b) and 138.8 (c) "board" to "Officer in Charge, Marine Inspection".

6. In § 138.1 (j) "the Bureau of Marine Inspection and Navigation" to "Headquarters" and "Bureau" to "Headquarters".

7. In § 138.1 (k) (9) "U. S. Local Inspectors" to "Officers in Charge, Marine Inspection" and "U. S. Local Inspector" to "Officer in Charge, Marine Inspection".

8. In § 138.1 (l) "United States local or assistant inspector" to "Officer in Charge, Marine Inspection".

9. In § 138.2 (a) "Board of Supervising Inspectors" to "Commandant".

10. In § 138.2 (b) "United States local inspectors of steam vessels" to "Officer in Charge, Marine Inspection".

11. In §§ 138.3 (d) (1), 138.5 (b), 138.6 (a), 138.6 (b), 138.6 (c), 138.6 (d), 138.6 (f), 138.7 (a), 138.7 (b), 138.7 (c), 138.7 (f) and 138.8 (h) "local inspectors" to "Officer in Charge, Marine Inspection".

12. In §§ 138.3 (d) (2), 138.5 (c), 138.8 (a), and 138.8 (b) "board of local inspectors" to "Officer in Charge, Marine Inspection".

13. In § 138.4 (e) "Bureau" to "Headquarters".

14. In § 138.5 (a) "a board of local inspectors of the Bureau of Marine Inspection and Navigation" to "the Coast Guard or predecessor authority", "such inspectors" to "the Officer in Charge, Marine Inspection" and "Secretary of Commerce" to "Commandant".

15. In § 138.8 (b) "the Bureau" to "Coast Guard Headquarters" and "local office" to "office of the Officer in Charge, Marine Inspection".

16. In § 138.8 (c) "inspectors" to "Officers in Charge, Marine Inspection".

17. In § 138.8 (d) "each member of the issuing board" to "the Officer in Charge,

Marine Inspection or the officer, inspector or person acting for him."

18. In § 138.8 (d-1) "U. S. Local Inspectors, Assistant Inspectors," to "the Officer in Charge, Marine Inspection, or the officer, inspector or person".

19. In § 138.8 (g) "Board of Local Inspectors" to "Officer in Charge, Marine Inspection", "its determination" to "his determination", "it shall" to "he shall", "Director" to "Commandant", "board" to "Officer in Charge, Marine Inspection" and "Bureau's" to "Headquarters".

20. In § 138.8 (h) "a board of local inspectors" to "an Officer in Charge, Marine Inspection", "Director of the Bureau of Marine Inspection and Navigation" to "Commandant" and "they shall report" to "he shall report".

21. In § 138.8 (i) "Board of Local Inspectors" to "Officer in Charge, Marine Inspection" and "Bureau of Marine Inspection and Navigation" to "Commandant".

22. In § 138.9 (b) "issued by the Bureau of Marine Inspection and Navigation" to "issued by the Coast Guard or predecessor authority".

23. In §§ 138.9 (b), 138.9 (c) and 138.9 (e) "Bureau of Marine Inspection and Navigation" to "Commandant".

24. In § 138.9 (d) "United States local inspector of steam vessels" to "an Officer in Charge, Marine Inspection" and "Director of the Bureau of Marine Inspection and Navigation" to "Commandant".

25. In § 138.9 (f) "Bureau" to "Commandant".

26. In § 138.11 "Bureau of Marine Inspection and Navigation" to "Coast Guard", "local inspector" to "Officer in Charge, Marine Inspection", "a board of local inspectors" to "an Officer in Charge, Marine Inspection", "U. S. local inspectors of steam vessels" to "the Officer in Charge, Marine Inspection" and "U. S. local inspectors" to "the Officer in Charge, Marine Inspection".

Above amendments of §§ 36.1-17, 62.13, 62.119, 62.204 (m), 78.13, 78.105 (m), 96.13 and 115.13 are not to be construed as limiting the scope or application of the Temporary Wartime Rules as set forth in § 136.101.

L. T. CHALKER,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

FEBRUARY 15, 1945.

[F. R. Doc. 45-2752; Filed, Feb. 19, 1945;
10:58 a. m.]

MISCELLANEOUS AMENDMENTS TO REGULATIONS

Pursuant to the authority of Executive Order No. 9083 (7 F.R. 1609) the following amendments of Subchapters C, D, G, H, I, J and K of this chapter are prescribed:

Subchapter C—Motorboats, and Certain Vessels Propelled by Machinery Other Than by Steam More Than 65 Feet in Length

PART 25—REQUIREMENTS FOR ALL MOTOR-BOATS EXCEPT THOSE OVER 15 GROSS TONS CARRYING PASSENGERS FOR HIRE

1. Section 25.8-3 is hereby deleted.

2. Section 25.8-6 is hereby amended by deleting so much thereof as precedes the

phrase "every person" and by changing the phrase "every person" to "Every person".

3. Sections 25.8-4, 25.8-5, 25.8-6, 25.8-7, 25.8-8, and 25.8-9 are hereby renumbered to be §§ 25.8-3, 25.8-4, 25.8-5, 25.8-6, 25.8-7, and 25.8-8, respectively.

Subchapter D—Tank Vessels

PART 36—LICENSED OFFICERS AND CERTIFICATED MEN

1. Section 36.1-1 is hereby amended as follows:

a. So much of the second sentence of paragraph (e) thereof as precedes the colon is deleted; and

b. In lieu of the matter so deleted, there is inserted the following: "Acceptable evidence of such citizenship is described below in the order of its desirability, except that the first six (6) acceptable methods will be assigned equal weight:".

2. Section 36.1-2 is hereby amended as follows:

The first sentence of paragraph (b) thereof is deleted.

3. Section 36.1-4 is hereby amended as follows:

a. Paragraph (d) thereof is deleted; and

b. Paragraphs (e), (f), (g), and (h) thereof are relettered to be paragraphs (d), (e), (f), and (g), respectively.

4. Section 36.1-12 is hereby amended as follows:

a. Paragraph (b) thereof is deleted; and

b. Paragraphs (c), (d), and (e) thereof are relettered to be paragraphs (b), (c), and (d), respectively.

5. Section 36.2-1 is hereby amended so as to be identical with § 138.3 of this chapter, as amended.

6. Section 36.2-2 is hereby amended so as to be identical with § 138.4 of this chapter, as amended.

7. Section 36.3-12 is hereby amended as follows:

a. Paragraph (c) thereof is amended so as to read as follows:

(c) Three years' service as licensed engineer of steam vessels on Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers, for license of appropriate tonnage; or,

Subchapter G—Ocean and Coastwise: General Rules and Regulations

PART 62—LICENSED OFFICERS AND CERTIFICATED MEN

1. Section 62.1 (e) is hereby amended so as to be identical with § 36.1-1 (e) of this chapter, as amended.

2. Section 62.49 is hereby amended as follows:

The first sentence of the second paragraph thereof is deleted.

3. Section 62.53 is hereby amended as follows:

Paragraph (c) thereof is amended so as to read as follows:

(c) Three years' service as licensed engineer of steam vessels on Great Lakes, bays, sounds and lakes other than the Great Lakes, and rivers, for license of appropriate tonnage; or,

4. Section 62.62 is hereby amended so as to be identical with § 138.4 of this chapter, as amended.

5. Section 62.63 is hereby amended so as to be identical with § 138.3 of this chapter, as amended.

6. Section 62.110 (b) is hereby amended so as to be identical with § 36.1-1 (e) of this chapter, as amended.

7. Section 62.114 is hereby amended as follows:

a. Paragraph (b) thereof is deleted; and

b. Paragraphs (c) and (d) thereof are relettered to be paragraphs (b) and (c), respectively.

8. Section 62.120 is hereby amended as follows: After "Galveston, Tex.;" insert "Houston, Tex.;"

9. Section 62.204 is hereby amended as follows:

a. So much of the second sentence of paragraph (c) thereof as precedes the colon is deleted; and

b. In lieu of the matter so deleted, there is inserted the following: "Acceptable evidence of such citizenship is described below in the order of its desirability, except that the first six (6) acceptable methods will be assigned equal weight:".

c. There is added to paragraph (d) thereof, immediately following the unnumbered subparagraph captioned "Junior Assistant Purser", a new unnumbered subparagraph reading as follows:

Junior Assistant Purser and Pharmacist's Mate: A rating of at least Pharmacist's Mate, First Class, in the U. S. Navy, U. S. Coast Guard, U. S. Maritime Service, or an equivalent rating in the U. S. Army (not less than Technical Sergeant, Medical Department, U. S. A.), and a period of service of at least one (1) month in a U. S. Naval, U. S. Marine, or U. S. Army Hospital.

d. Paragraph (i) thereof is deleted; and

e. Paragraphs (j), (k), (l), (m), (n), (o), (p) and (q) are relettered to be paragraphs (i), (j), (k), (l), (m), (n), (o), and (p) respectively.

Subchapter H—Great Lakes: General Rules and Regulations

PART 78—LICENSED OFFICERS AND CERTIFICATED MEN

1. Section 78.1 is hereby amended so as to be identical with § 62.1 of this chapter, as amended.

2. Section 78.54a is hereby amended so as to be identical with § 138.4 of this chapter, as amended.

3. Section 78.54b is hereby amended so as to be identical with § 138.3 of this chapter, as amended.

4. Section 78.105 is hereby amended so as to be identical with § 62.204 of this chapter, as amended.

Subchapter I—Bays, Sounds, and Lakes Other Than the Great Lakes: General Rules and Regulations

PART 96—LICENSED OFFICERS AND CERTIFICATED MEN

1. Section 96.1 is hereby amended so as to be identical with § 62.1 of this chapter, as amended.

2. Section 96.54 is hereby amended so as to be identical with § 138.4 of this chapter, as amended.

3. Section 96.55 is hereby amended so as to be identical with § 138.3 of this chapter, as amended.

Subchapter J—Rivers: General Rules and Regulations

PART 115—LICENSED OFFICERS

1. Section 115.1 is hereby amended so as to be identical with § 62.1 of this chapter, as amended.

Subchapter K—Seamen

PART 136—"A" MARINE INVESTIGATION BOARD RULES

1. Section 136.106 is hereby amended as follows:

At the end of paragraph (h) thereof there is added the following:

No person whose license or certificate has been revoked, is under suspension, or is being proceeded against shall be issued any other license or certificate except upon approval of the Commandant. However, where a Hearing Officer decides that the person charged is incompetent in the grade of license or certificate he holds, but would be competent in a lower grade, the Hearing Officer may revoke the license or certificate and, without requiring a complete formal examination, may provide for the issuance of another license or certificate of a grade for which the person charged would be competent.

PART 138—RULES AND REGULATIONS FOR ISSUANCE OF CERTIFICATES AND CONTINUOUS DISCHARGE BOOKS

1. Section 138.1 is hereby amended as follows:

a. So much of paragraph (k) thereof as precedes the colon is deleted; and

b. In lieu of the matter so deleted there is inserted the following: "Acceptable evidence of citizenship is described below in the order of its desirability, except that the first six (6) acceptable methods will be assigned equal weight:".

2. Section 138.2 is hereby amended as follows:

a. Paragraph (c) thereof is deleted; and

b. Paragraphs (d) and (e) thereof are relettered to be paragraphs (c) and (d) respectively.

3. Section 138.3 is hereby amended as follows:

In subparagraph (2) of paragraph (e) thereof, following the third sentence of said subparagraph, there is inserted the following:

Successful completion of a course of training of at least 3 months divided approximately equally between school ship and shore station at a Maritime Service Training School approved by the Commandant, plus 3 months' service on deck at sea aboard ocean or coastwise vessels may also be accepted in lieu of the 9 months deck service specified in this section.

4. Section 138.4 is hereby amended as follows:

At the end of subparagraph (5) of paragraph (a) thereof, the period is changed to a semicolon, followed by the word "or" and a new subparagraph (6) is added reading as follows:

(6) Successful completion of a Maritime Service training course including 30 hours of actual lifeboat training.

5. Section 138.5 is hereby amended as follows:

At the end of paragraph (e) thereof the period is changed to a comma and there is added the following: without a physical examination. In the event the Officer in Charge, Marine Inspection, finds that an applicant for such indorsement obviously suffers from some physical or mental infirmity to a degree that, in the opinion of the Officer in Charge, Marine Inspection, would render him incompetent to perform the ordinary duties of a qualified member of the engine department, he shall be required to undergo an examination as outlined in paragraph (b), to determine his competency in such respect.

6. Section 138.6 is hereby amended as follows:

A new paragraph (h) is added thereto, reading as follows:

(h) An applicant for a certificate of service in an entry rating or for an indorsement covering another such rating shall produce certification of successful completion of an approved training course of at least six week's duration or shall produce satisfactory proof that he has a commitment of employment as a member of the crew of a merchant vessel in a capacity covered by the certificate or indorsement applied for.

7. Section 138.8 is hereby amended as follows:

a. The last sentence of paragraph (h) thereof is deleted.

b. Paragraph (i) thereof is deleted.

8. Section 138.9 is hereby amended as follows:

a. Paragraph (k) thereof is deleted.

b. Paragraph (l) thereof is deleted.

L. T. CHALKER,

Rear Admiral, U. S. Coast Guard,
Acting Commandant:

FEBRUARY 16, 1945.

[F. R. Doc. 45-2753; Filed, Feb. 19, 1945;
10:59 a. m.]

Chapter III—War Shipping Administration

[G. O. 45, Supp. 3]

PART 306—GENERAL AGENTS AND AGENTS
FREIGHT BROKERAGE AND COMMISSIONS ON
FARES

Section 306.123 *Freight brokerage* is amended, effective as of July 1, 1944, as follows:

1. Paragraph (c) (1) is amended to read:

(1) Any cargo shipped by or to him or in his behalf, unless (i) the shipping documents clearly identify him as an agent of a named principal, or (ii) the broker discloses the name or names of the principal or principals in writing to the steamship company before bill of lading is rated, and when billing for brokerage executes a certificate in the form prescribed in paragraph (d), subparagraph (2) of this section.

2. Paragraph (d) is amended to read:

(d) *Brokerage certificate*. Brokerage fees as provided in paragraph (a) of

this section may be paid only where a brokerage bill is presented, certified as provided in subparagraph (1) or (2) of this paragraph:

(1) Where the shipping documents clearly identify the broker as an agent of a named principal, the following certificate must be executed:

Certified and warranted (1) that the undersigned (a) has rendered the usual and customary brokerage services in connection with the shipments covered by this bill, (b) has not been compensated for the brokerage services from any other source, (c) is a qualified and bona fide broker within the meaning of § 306.123 of General Order 45 of the War Shipping Administration, and (d) the amounts billed are true and correct and are due and payable to him pursuant to said § 306.123; and (2) that no portion of any amount paid hereunder shall revert directly or indirectly to any person having or having had a financial interest in this shipment; and (3) that the broker does not have an affiliate relationship, which includes but is not limited to relationship as a subsidiary or parent company, with either the shipper or the consignee; or with either the Agent, General Agent, or Berth Agent for the vessel; and (4) that the above brokerage services are rendered pursuant to an agreement which is subject to and includes all applicable clauses set out in § 306.112 of General Order 42, adopted by the War Shipping Administration on April 17, 1944 (published in the Federal Register on April 18, 1944), all such clauses to the extent that the same are applicable, being expressly incorporated by this reference, and shall have the same force and effect as if herein fully set forth. This warranty is made in full knowledge that the United States, or its General Agent, Agents, or Berth Agents, will make payment in reliance thereon.

(2) Where the shipping documents name the broker or an interested or related company of the broker as the shipper or consignee, the following certificate must be executed:

Certified and warranted (1) that the undersigned (a) has rendered the usual and customary brokerage services in connection with the shipments covered by this bill, (b) has not been compensated for the brokerage services from any other source, (c) is a qualified and bona fide broker within the meaning of § 306.123 of General Order 45 of the War Shipping Administration, and (d) the amounts billed are true and correct and are due and payable to him pursuant to said § 306.123; and (2) that no portion of any amount paid hereunder shall revert directly or indirectly to any person having or having had a financial interest in this shipment; and (3) that the broker does not have an affiliate relationship, which includes but is not limited to relationship as a subsidiary or parent company, with either the shipper or the consignee; or with either the Agent, General Agent, or Berth Agent for the vessel and (4) that although the shipping documents name the undersigned, or a related company of the undersigned, as the shipper or consignee, neither the undersigned nor said related company is in fact the shipper or consignee, nor do they nor did they have any right, title or interest, directly or indirectly, in or to the merchandise covered by the documents except for freight and other incidental transportation charges; and (5) that the above brokerage services are rendered pursuant to an agreement which is subject to and includes all applicable clauses set out in § 306.112 of General Order 42, adopted by the War Shipping Administration on April 17, 1944 (published in the FEDERAL REGISTER

on April 18, 1944), all such clauses, to the extent that the same are applicable, being expressly incorporated by this reference, and shall have the same force and effect as if herein fully set forth. This warranty is made in full knowledge that the United States, or its General Agents, Agents, or Berth Agents, will make payment in reliance thereon.

(E.O. 9054, 7 F.R. 837)

[SEAL]

E. S. LAND,
Administrator.

FEBRUARY 16, 1945.

[F. R. Doc. 45-2750; Filed, Feb. 19, 1945; 11:11 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Ex Parte 72 (Sub. No. 1)]

PART 60—CLASSIFICATION OF EMPLOYEES AND SUBORDINATE OFFICIALS

POLICE SERVICE

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of February, A. D. 1945.

In the matter of regulations concerning the class of employees and subordinate officials to be included within the term "employee" under the Railway Labor Act.

It appearing, that the Union Pacific Railroad Company and the Ogden Union Railway & Depot Company have filed petitions herein requesting that this Commission enter an order defining the work of persons described in the next succeeding paragraph hereof as work which is not included, and should not be included, in the definition of work of employees and subordinate officials of a common carrier by railroad, and full investigation of the matters and things involved having been made, and the division having, on the date hereof, made and filed a report containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof:

It is ordered, That the orders heretofore issued by this Commission under authority of section 300 (5) of the Transportation Act, 1920, and section 1 (fifth) of the Railway Labor Act, as amended, defining work as that of employees or subordinate officials, now in effect, be, and they are hereby, amended by adding the following:

§ 60.15 *Police service.* The work performed by special agents (below the rank of division special agent), money guards, train riders, head watchmen, assistant head watchmen, yard watchmen, head guards, and guards of the Union Pacific Railroad Company, and the work performed by depot watchmen, freight-house watchmen, yard watchmen, reservoir watchmen, and guards of the Ogden Union Railway & Depot Company, is defined as that of employees and sub-

ordinate officials. (41 Stat. 469, 44 Stat. 577, 48 Stat. 1186; 45 U.S.C. 131, 151)

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 45-2682; Filed, Feb. 17, 1945; 11:13 a. m.]

[S. O. 189, Amdt. 1 to Supp. 2]

PART 97—ROUTING OF TRAFFIC

EMBARGO OF ROUTES AND TRANSIT ARRANGEMENTS ON GRAIN AND PRODUCTS

NOTE: An amendment to Appendix A of Service Order 189, Supp. 2 (10 F.R. 50), was filed with the Division of the Federal Register as document No. 45-2685 on February 17, 1945, at 11:13 a. m.

[S. O. 282, Amdt. 1]

PART 95—CAR SERVICE

RESTRICTION OF BUNKER AND RETOP ICING

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 17th day of February, A. D. 1945.

Upon further consideration of Service Order No. 282 (10 F.R. 1911) of February 13, 1945, and good cause appearing therefor: It is ordered, That Service Order No. 282 (10 F.R. 1911) of February 13, 1945, be, and it is hereby, amended by substituting the following paragraph for paragraph (a):

(a) *Bunker ice restricted.* No common carrier by railroad subject to the Interstate Commerce Act, on refrigerator cars loaded with fresh fruits or fresh or green vegetables consigned or re-consigned to any point located in Canada, or in the United States in the States of Montana, North Dakota, South Dakota, or Minnesota, or east of the Mississippi River and north of the northern boundaries of the States of Tennessee or North Carolina, shall initially ice or reice such cars at any point in the United States within the above defined territory with more ice than is necessary to bring the ice in each bunker up to, but not above, fifty percent (50%) of that bunker's capacity.

It is further ordered, That this order shall become effective 12:01 a. m. February 18, 1945; that copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 45-2744; Filed, Feb. 19, 1945; 10:48 a. m.]

TITLE 50—WILDLIFE

Chapter IV—Office of the Coordinator of Fisheries

[Order 1838, General Direction P-18]

PART 401—PRODUCTION OF FISHERY COMMODITIES OR PRODUCTS

RESTRICTIONS ON DELIVERIES OF PILCHARD AT MONTEREY, CALIF.

Pursuant to paragraph (n) of § 401.2 of Order 1838 of the Secretary of the Interior, as amended (9 F.R. 7171, 9749), of the Pilchard Order, and because it is deemed necessary to accomplish the purposes of that order, the following general direction is hereby issued.

(a) Any person in the operation of any vessel of 20 net tons or less may bring in loads of small pilchard (sardines) and deliver the same at the port of Monterey, including Moss Landing, on or before February 1, 1945; such deliveries, however, shall be subject to the following limitations and provisions:

(1) All the limitations and provisions of General Direction P-13 shall apply to the actions of the fishermen bringing in such loads and the actions of the processor receiving delivery thereof.

(2) No person operating under this direction shall bring in any load of fish unless he has an order from a processing plant for the same. Fishermen operating under this direction must accept the responsibility for finding their own market for the fish they bring in; the Port Supervisor will not dispatch these loads nor aid fishermen in finding a market for them.

(3) Any load of fish which is dispatched by the Port Supervisor shall have preference in unloading over any load brought in under this direction.

(4) All relevant provisions of the California Fish and Game Code must be observed.

(b) This direction is for temporary application only, and shall not apply to any deliveries made on or after February 2, 1945.

Dated: January 27, 1945.

KENNETH H. MOSHER,
Acting Area Coordinator, Area II.

[F. R. Doc. 45-2671; Filed, Feb. 16, 1945; 4:44 p. m.]

[Order 1838, General Direction P-19]

PART 401—PRODUCTION OF FISHERY COMMODITIES OR PRODUCTS

RESTRICTIONS ON DELIVERIES OF PILCHARD AT MONTEREY, CALIF.

Pursuant to paragraph (n) of § 401.2 of Order 1838 of the Secretary of the Interior, as amended (9 F.R. 7171, 9749), the Pilchard Order, and because it is deemed necessary to accomplish the purposes of that order, General Direction P-19 is hereby issued as follows:

(a) Any person may take a load of small pilchard (sardines) in any vessel of less than 20 net tons, and deliver the load at the port of Monterey, including Moss Landing, on or

before February 15, 1945; such deliveries, however, shall be subject to the following limitations and provisions:

(1) All the limitations and provisions of General Direction P-13 shall apply to the actions of the fishermen bringing in such loads and to the actions of the processor receiving delivery thereof. The definition of "load of small pilchard" in General Direction P-13 shall apply also to this direction.

(2) No person operating under this direction shall bring in any load of small pilchard (sardines) unless he has an order from a processing plant for the same. Fishermen operating under this direction must accept the responsibility for finding their own market for such fish; the Port Supervisor will not dispatch these loads nor aid fishermen in finding a market for them.

(3) Any load of large fish which is dispatched by the Port Supervisor shall have preference in unloading over any load of small pilchard (sardines) brought in under this direction.

(4) All relevant provisions of the California Fish and Game Code must be observed.

(b) This direction does not restrict the right of the smaller vessels to bring in loads of large pilchard (sardines) without any limit except such as is generally applicable in the port or is fixed pursuant to the terms of General Direction P-17, "Limitation of Delivery."

(c) This direction is for temporary application only, and shall not apply to any deliveries made on or after February 16, 1945.

Dated: February 1, 1945.

O. E. SETTE,
Area Coordinator, Area II.

[F. R. Doc. 45-2672; Filed, Feb. 16, 1945;
4:44 p. m.]

Notices

TREASURY DEPARTMENT.

Fiscal Service: Bureau of the Public Debt.

[1945 Dept. Cir. 764]

$\frac{7}{8}$ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES B-1946

OFFERING OF CERTIFICATES

FEBRUARY 19, 1945.

I. *Offering of Certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for certificates of indebtedness of the United States, designated $\frac{7}{8}$ percent Treasury Certificates of Indebtedness of Series B-1946, in exchange for 0.90 percent Treasury Notes of Series D-1945, maturing March 1, 1945, or $\frac{3}{4}$ percent Treasury Notes of Series A-1945 or $1\frac{1}{4}$ percent Treasury Notes of Series C-1945, both maturing March 15, 1945. The amount of the offering under this circular will be limited to the amount of such maturing notes tendered and accepted.

II. *Description of certificates.* 1. The certificates will be dated March 1, 1945, and will bear interest from that date at the rate of $\frac{7}{8}$ percent per annum, payable semiannually on September 1, 1945, and March 1, 1946. They will mature March 1, 1946, and will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all Federal taxes, now or hereafter imposed. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates with interest coupons attached will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000 and \$1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for certificates allotted hereunder must be made on or before March 1, 1945, or on later allotment, and may be made only in Treasury Notes of Series D-1945, maturing March 1, 1945, or of Series A-1945 or Series C-1945, both maturing March 15, 1945, which will be accepted at par, and should accompany the subscription. Coupons dated March 15, 1945, must be attached to the Series A-1945 and Series C-1945 notes when surrendered, and accrued interest from September 15, 1944, to March 1, 1945 (\$3.45994 per \$1,000 in the case of the Series A-1945 notes and \$5.76657 per \$1,000 in the case of the Series C-1945 notes) will be paid following acceptance of the notes.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering,

which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY MORGENTHAU, JR.,
Secretary of the Treasury.

[F. R. Doc. 45-2741; Filed, Feb. 19, 1945;
10:01 a. m.]

CIVIL AERONAUTICS BOARD.

[Dockets Nos. 2-401-B-2, 2-401-B-3, 193, 199,
206, 390, 504, 508, 509, 906, 924]

CONTINENTAL AIRLINES, INC., ET AL.

NOTICE OF FURTHER HEARING

In the matter of the applications of Continental Airlines, Inc., Braniff Airways, Inc., Essair, Inc., Transcontinental & Western Air, Inc., and American Airlines, Inc., for certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, and the petitions of Fort Stockton, Texas, Alpine, Texas, and Brownwood, Texas.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, in the above-entitled proceeding, which was reopened by order of the Board dated February 13, 1945, for the purpose of receiving further evidence on the sole question of whether Essair presently has a proper organizational basis for the conduct of air transportation, that further hearing is assigned for February 26, 1945, at 10 a. m. (eastern war time) in Room 5417, Commerce Building, 14th and Constitution Avenue NW., Washington, D. C., before Examiner William J. Madden.

Dated: February 17, 1945.

By the Civil Aeronautics Board.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45-2749; Filed, Feb. 19, 1945;
11:05 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6651]

ALLOCATION OF FREQUENCIES TO CERTAIN NON-GOVERNMENTAL SERVICES

PROCEDURE FOR ORAL ARGUMENT

In the matter of allocation of frequencies to the various classes of non-governmental services in the radio spectrum from 10 kilocycles to 30,000,000 kilocycles.

The Commission has received inquiries whether the oral argument to be held in the above matter will be confined to matters already in the record of whether additional material may be introduced into the record at the time of the oral argument.

In order that the Commission may have the fullest evidence before making a final decision, persons appearing at the oral argument may submit in the form of exhibits or testimony any additional relevant material that has been

developed since the close of the hearing on November 2, 1944. Any such testimony or exhibits will be subject to cross-examination within the Commission's discretion if request therefor is made.

Dated: February 13, 1945.

[SEAL] FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 45-2734; Filed, Feb. 17, 1945;
4:45 p. m.]

[Docket No. 6740]

STEPHENS BROADCASTING Co. (WDSU)

ORDER SETTING HEARING DATE

In the matter of hearing to determine whether E. A. Stephens, Fred Weber, and H. G. Wall, doing business as Stephens Broadcasting Company (WDSU), New Orleans, Louisiana, have violated section 315 of the Communications Act.

It appearing, that a complaint has been received alleging that prior to the recent Democratic Primary Election in the State of Louisiana held on September 12, 1944, that E. A. Stephens, Fred Weber and H. G. Wall, doing business as Stephens Broadcasting Company, licensees of Radio Station WDSU, New Orleans, Louisiana, refused to afford equal opportunities in the use of the facilities of said station to all candidates for the nomination as the candidate of the Democratic Party for the office of United States Senator from Louisiana, and more particularly, that until late in the campaign they refused to afford to one John H. Overton, a candidate for such office, equal opportunities in the use of the facilities of said station between the hours of 6:00 p. m. and 10:00 p. m. as were afforded to one E. A. Stephens, one of the licensees of Station WDSU and himself a candidate for such office; and

It further appearing, from the program logs maintained by said licensees of said station in accordance with the requirements of Section 3.404 of the Commission's rules and regulations that during the period from July 1 to September 12, 1944, the facilities of Station WDSU between the hours of 6:00 p. m. and 10:00 p. m. were used for the purpose of broadcasts by, or on behalf of the candidacy of, said E. A. Stephens for nomination as the Democratic Party's candidate for said office; and

It further appearing, that at no time during the period from July 1, 1944 until late in the campaign were the facilities of Station WDSU made available between the hours of 6:00 p. m. and 10:00 p. m. for broadcasts by, or on behalf of the candidacy of, the said John H. Overton for said nomination for said office, despite the repeated requests for the use of such facilities for such purpose which were in fact made by or on behalf of the said John H. Overton;

Now, therefore, it is hereby ordered, This 13th day of February, 1945, that a hearing be held on the 21st day of March, 1945 at 10:30 a. m. for the purpose of determining whether E. A. Stephens, Fred Weber, and H. G. Wall, doing business as Stephens Broadcasting Company, licen-

sees of Radio Station WDSU, New Orleans, Louisiana, have violated section 315 of the Communications Act.

[SEAL] FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 45-2735; Filed, Feb. 17, 1945;
4:45 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-394]

CENTRAL ILLINOIS PUBLIC SERVICE Co.,
ET AL.

ORDER CHANGING PLACE AND DATE OF
HEARING

FEBRUARY 13, 1945.

In the matter of Central Illinois Public Service Company, Petitioner, v. Panhandle Eastern Pipe Line Company and Kentucky Natural Gas Corporation, Respondents.

Upon consideration of the motion filed February 5, 1945, by Central Illinois Public Service Company (Petitioner) to change the place of hearing in the above-docketed matter from Washington, D. C., to Chicago, Illinois, and the replies filed by Panhandle Eastern Pipe Line Company and Kentucky Natural Gas Corporation (Respondents) and the Public Service Commission of Indiana and Public Counsellor of the State of Indiana (Interveners) on February 7, 8, and 9, 1945; and

It appearing to the Commission that: Good cause has been shown for changing place and date of hearing in this proceeding as hereinafter ordered;

The Commission orders that: The public hearing in the above-docketed matter heretofore scheduled to commence on March 2, 1945, in the Commission's Hearing Room, Hurley-Wright Building, Washington, D. C., be and the same is hereby postponed to be held commencing on March 7, 1945, at 10 a. m. (c. w. t.) in Room 705, United States Custom House, Chicago, Illinois.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 45-2737; Filed, Feb. 19, 1945;
9:30 a. m.]

[Docket No. G-580]

NATURAL GAS INVESTIGATION

ORDER FIXING DATE AND PLACE OF HEARING

FEBRUARY 14, 1945.

It appearing to the Commission that: (1) On September 22, 1944, the Commission adopted an order instituting an investigation into the extent and probable life of natural gas reserves; present and prospective measures for preventing waste and prolonging the life of such reserves; the present and probable future utilization of natural gas for domestic, commercial and industrial purposes; the extent, character and results of the competition of natural gas with other fuels; and such related matters as may be helpful in the administration of

the Natural Gas Act or in determining what additional legislation, if any, should be recommended.

(2) In accordance with paragraph (C) of the Commission's order of September 22, 1944, a copy of such order was published in the FEDERAL REGISTER and sent to the Governors and regulatory and conservation commissions of each of the States, the Interstate Oil Compact Commission, each natural gas company, the coal, railroad and labor organizations, and other interested parties, and such persons were invited to file with the Commission statements of their views and suggestions concerning the matters to be covered in the investigation and the procedure to be followed.

(3) An analysis of such responses and informal conferences with representatives of the groups principally interested, indicate that it is advisable to hold public hearings in the principal gas producing regions in order to provide greater opportunity for participation in such hearings with a minimum of travel.

(4) The conservation authorities of several States have in preparation statistical and other information which they desire to submit in the investigation but which is not yet ready for presentation.

The Commission finds that: It is appropriate in the public interest that public hearings be held in the principal gas producing regions during the months of May and June, 1945, in the investigation instituted by the Commission's order of September 22, 1944, and that notice thereof be given at this time so that public agencies and other interested parties may have adequate time within which to prepare such evidence as they desire to present.

The Commission orders that:

(a) A public hearing be held in the above matter beginning at 10:30 a. m. on May 1, 1945, in Kansas City, Missouri, at a place to be hereafter designated.

(b) The time and place of other public hearings will be fixed by subsequent order of the Commission.

(c) All persons desiring to participate in such hearings shall file with the Commission at least 30 days before the date set for the hearing at which they desire to appear a written request, containing a brief synopsis of the evidence they desire to present.

(d) The hearings shall be conducted in accordance with such procedures and under such rules as the Commission may hereafter prescribe.

(e) A copy of this order be published in the Federal Register and sent to the Governors and regulatory and conservation commissions of each of the States, the Interstate Oil Compact Commission, each natural gas company, the coal, railroad and labor organizations, and other interested parties, including all those to whom a copy of the Commission's order of September 22, 1944, was furnished.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 45-2736; Filed, Feb. 19, 1945;
9:30 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 5279]

CARL RUBENSTEIN, ET AL.

NOTICE OF HEARING

In the matter of Carl Rubenstein, individually and acting as agent for and in behalf of his son, Samuel Rubenstein, Carl Rubenstein (partnership), Whitney & Company, a corporation, Puget Sound & Alaska Trading Company, Inc., a corporation, and James R. O'Brien.

Complaint. The Federal Trade Commission having reason to believe that the parties respondent named in the caption hereof, and hereinafter more particularly designated and described, since June 19, 1936, have violated and are violating the provisions of subsection (c) of section 2 of the Clayton Act (U.S.C. Title 15, sec. 13) as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent Carl Rubenstein, an individual residing in the City of Seattle, State of Washington, is a partner with his son, Samuel Rubenstein, in a firm which operates under the trade name of "Carl Rubenstein". The individual respondent Carl Rubenstein and the firm of "Carl Rubenstein" have their principal offices and place of business at 3001 Smith Tower Building, Seattle, Washington.

Respondent Carl Rubenstein is a partnership composed of the individual respondent Carl Rubenstein and his son, Samuel Rubenstein. The partnership does business under the registered trade name of "Carl Rubenstein" (although this partnership is sometimes and for some purposes known as Rubenstein & Rubenstein).

Respondent Whitney & Company is a corporation organized and existing under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 3001 Smith Tower Building, Seattle, Washington.

Samuel Rubenstein, the son of the individual respondent Carl Rubenstein, is an official of the hereinafter named respondents Whitney & Company and Puget Sound & Alaska Trading Company, Inc., and is a large stockholder in each of said companies. Samuel Rubenstein is in the United States Army and, prior to his departure for the Army several years ago, executed and delivered to his father, Carl Rubenstein, a general power of attorney whereby the respondent Carl Rubenstein as an individual was empowered to act for and did act in behalf of said Samuel Rubenstein in connection with the business conducted as "Carl Rubenstein", partnership, Whitney & Company and Puget Sound & Alaska Trading Company, Inc.

The officials of the respondent Whitney & Company on July 7, 1941, organized Puget Sound & Alaska Trading Company, Inc., for the specific purpose of conducting certain of the business of Whitney & Company which the officers of Whitney & Company did not believe should be conducted under Whitney &

Company's name. This business can best be described as the sale of sea food products directly to large buyers at net prices which reflected brokerage.

Respondent Puget Sound & Alaska Trading Company, Inc., is a corporation organized and existing under and by virtue of the laws of the State of Washington with its principal office and place of business located at 3001 Smith Tower Building, Seattle, Washington. Respondent Puget Sound & Alaska Trading Company, Inc., is owned by and is a subsidiary of Whitney & Company.

Respondent James R. O'Brien is an individual residing in the City of Seattle, State of Washington, and has his office and principal place of business located at 3001 Smith Tower Building, Seattle, Washington. Said respondent James R. O'Brien is also an official and a large stockholder in Whitney & Company and Puget Sound & Alaska Trading Company, Inc.

PAR. 2. Respondents Carl Rubenstein, individually, and Carl Rubenstein (the partnership), together with James R. O'Brien, individually and as an official of Whitney & Company and Puget Sound & Alaska Trading Company, Inc., together with Whitney & Company, a corporation, and Puget Sound & Alaska Trading Company, Inc., a corporation, all occupy jointly and severally a suite of offices located at 3001 Smith Tower Building, Seattle, Washington, which offices are the principal offices and place of business of each of the respective respondents.

PAR. 3. Each of the respondents since June 19, 1936, has been and is now engaged in the business of buying, selling and distributing canned salmon, canned tuna, canned mackerel and other canned sea food products (all of which are hereinafter designated as sea food products) for their own account for resale.

The respondents since June 19, 1936, in the course and conduct of their said businesses, have sold and distributed a substantial portion of their sea food products directly and through brokers, to buyers located in states other than the state in which the respondents are located and as a result of said sales and the respondents' instructions, such sea food products are shipped and transported across state lines to such buyers so located.

PAR. 4. All sea food products sold by respondents bear a label upon which appears a brand, trade-mark, or trade name. Such labels are attached to such sea food products to identify and distinguish them as the products of the persons owning the brands from the products of competitors.

A brand, trade-mark, or trade name may be defined as a symbol of business good will. Good will is an attitude in people which causes them to continue to patronize a certain place or person or to purchase a definite commodity. Upon the brand used depends to whom the good will created by the product accrues. Thus, when respondents sell goods which bear their own brand, the good will accrues to them; whereas, when they sell goods bearing the brand of another, the good will accrues not to the respondents but to the person who owns

the brand. That such is the purpose and effect of the use of brands is well known in the industry.

The respondents' sea food products are sold and distributed under two distinct brand classifications, namely, (1) sellers' brands and (2) distributors' brands.

A seller's brand may be defined as a brand, owned and controlled by the original seller, and as referred to herein designated brands owned and utilized by respondents in the promotion and sale of its products, which brand identifies the particular products for which respondents assume the responsibility all the way through the channels of distribution to the consumer, and whatever good will is established thereby accrues to respondents. Respondents determine the sales and price policies with reference to such sea food products. Among the brands so used by respondents are:

Bestred, Farbest, Blue Bird, Best Yet, Red Rambler, Sprite, Whitney's Best, Whitworth, Golden Shore, Sea Run, Northern Gem, North View.

Distributors' brands may be defined as brands owned and controlled by other than the original sellers and as referred to herein designate brands utilized by distributors other than the respondents which identify the sea food products with the particular distributor and permit such distributors to promote the sale of those sea food products independently of respondents; and distributors rather than respondents assume the responsibility all the way through the channels of distribution to the consumer, and whatever good will is established accrues to the distributors and not to the respondents. Distributors and not respondents determine the sales and price policies with reference to such sea food products.

PAR. 5. Respondents sell and distribute sea food products by two separate and distinct methods.

First: The first method is by selling to buyers through brokers of sea food products.

A broker of sea food products may be defined as a sales agent who negotiates the sale of sea food products for and on account of the seller as principal and whose compensation is a commission or brokerage fee paid by the seller. A broker of sea food products does not buy sea food products from his principal and sell such products for his own account.

Such brokers act as respondents' sales agents, soliciting and obtaining orders for respondents' sea food products at respondents' prices and on respondents' terms. Such brokers transmit such purchase orders to respondents who thereafter invoice and ship the sea food products to the customers. The respondents pay such brokers for their service in negotiating and making such sales for respondents' account, commissions or brokerage fees, which are customarily based on a percentage of the invoice sales prices of the sea food product sold.

The sea food products so sold by brokers always bear the brand or label of the

respondents or of the buyers to whom respondents sell. Therefore, none of the good will established by the products accrues to the brokers. Such brokers are not traders for profit and do not take title to or have any financial interest in the product sold, and neither make a profit nor suffer a loss on the transaction.

Second: The second method is by the sale of sea food products by the respondents direct to buyers. All such buyers referred to herein are "direct buyers". In transactions between respondents and such buyers, respondents do not use brokers.

There are in fact two separate and distinct classifications of direct buyers. One class is known as "buying brokers" (who designate themselves as brokers but who are not in fact brokers). The other class of direct buyers consists, among others, of chain stores, large wholesalers and members of buying groups.

The sea food products sold by respondents to such direct buyers principally bear brands or labels owned by such buyers, and as to such sea food products, all the good will established by the products accrues to such direct buyers.

Respondents also sell to other direct buyers (some of whom also incorrectly designate themselves as "brokers") who purchase respondents' sea food products exclusively under respondents' brands or labels in their own respective names and for their own accounts for resale.

Respondents pay such buyers of their sea food products, directly or indirectly (regardless of whether such sea food products are purchased under respondents' labels or distributors' labels), commissions or brokerage fees, or allowances or discounts in lieu thereof on such purchases.

Such direct buyers transmit their own purchase orders for sea food products directly to the respondents. The respondents thereafter invoice and ship such sea food products directly to such buyers from whom respondents collect the purchase price of the merchandise. The respondents, among their several methods of sales, pay such buyers commissions or brokerage fees on such purchases by deducting or allowing from the invoice price of the sea food products purchased an amount which is equal or approximately equal to the commissions or brokerage fees paid by the respondents to their brokers (as illustrated in method one), or by selling to such buyers at a new price which reflects brokerage.

Contrary to the manner in which brokers operate (as described in method one above) such buyers are traders for profit purchasing and reselling such sea food products in their own names and for their own accounts, taking title to the sea food products and assuming all risk incident to ownership.

Such resales are not made at the prices, and on the terms dictated by respondents, but at the prices and on the terms determined by the buyer who makes a profit or suffers a loss thereon, as the case may be.

Said direct buyers shop the market, and purchase sea food products from

several sellers, including respondents, and purchase where they are able to secure the most favorable prices and terms, including the payment of commissions and brokerage fees.

Said buyers pay the price of the sea food products purchased from respondents, as a condition precedent to delivery of such sea food products by the carrier to them. If the sea food products shipped by respondents to the buyers are lost or damaged in transit, such buyers file claim with the carrier and collect damages from the carrier for their own accounts.

Such buyers, upon receipt of such sea food products from respondents, warehouse them in their own warehouses or in public warehouses and insure the products at their own expense and in their own names and for their own accounts against contingent loss or damage. Subsequently, said buyers pledge warehouse receipts and insurance contracts covering these products they have purchased as security for loans from banks.

PAR. 6. The respondents, since June 19, 1936, in connection with the interstate sale of their sea food products by the second method set forth in Paragraph Five, have paid or granted and are now paying or granting, directly and indirectly, commissions, brokerage, or other compensation, or discounts in lieu thereof, to buyers of their food products, and such acts and practices as set forth above are in violation of subsection (c) of section 2 of the Clayton Act as amended.

Wherefore, the premises considered, the Federal Trade Commission on this 12th day of February, A. D., 1945, issues its complaint against said respondents.

Notice. Notice is hereby given you, Carl Rubenstein, individually and acting as agent for and in behalf of his son, Samuel Rubenstein, Carl Rubenstein (partnership), Whitney & Company, a corporation, Puget Sound & Alaska Trading Company, Inc., a corporation, and James R. O'Brien, respondents herein, that the 23d day of March, A. D., 1945, at 2 o'clock in the afternoon, is hereby fixed as the time and the offices of the Federal Trade Commission in the city of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

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

In case of desire to contest the proceeding the respondent shall, within twenty

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

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

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

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

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 12th day of February, A. D. 1945.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 45-2784; Filed, Feb. 19, 1945;
11:58 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 873]

RECONSIGNMENT OF LETTUCE AT ENOLA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconignment at Enola (Harrisburg), Pennsylvania, February 15, 1945, by H. Rothstein and Sons, of car ART 24042, lettuce, now on the Pennsylvania RR., to H. Rothstein and Sons, Philadelphia, Pa. (P. R. R.)

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commis-

sion at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of February 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-2683; Filed, Feb. 17, 1945;
11:13 a. m.]

[S. O. 70-A, Special Permit 874]

RECONSIGNMENT OF ONIONS AT WASHINGTON, D. C.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Washington, D. C., February 15, 1945, by Sterling H. Nelson of car MDT 17348, onions, now on the Pennsylvania Railroad, to Sterling H. Nelson, Norfolk, Va., stop off partial unloading at Richmond, Va. (PRR)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of February 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-2684; Filed, Feb. 17, 1945;
11:13 a. m.]

[S. O. 262, Special Permit 2]

REICING OF CITRUS FRUIT FROM FLORIDA

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Service Order No. 262 of December 18, 1944, (9 F.R. 14786) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 262 insofar as it applies to the furnishing of one reicing in transit at Savannah, Georgia, by the Seaboard Air Line Railway, or at Waycross, Georgia, or Jacksonville, Florida, by the Atlantic Coast Line Railroad, on refrigerator cars loaded with citrus fruit originating in Florida, moving on Government bills of lading, consigned to the Charleston, S. C., Port of Embarkation.

This permit shall become effective at 12:01 p. m., February 14, 1945, and shall apply on all cars billed or rolling on or after that date; and it shall expire at 12:01 a. m., March 18, 1945.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 14th day of February 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-2686; Filed, Feb. 17, 1945;
11:13 a. m.]

[S. O. 262, Special Permit 3]

REICING OF CITRUS FRUIT FROM FLORIDA

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Service Order No. 262 of December 18, 1944, (9 F.R. 14786) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 262 insofar as it applies to the reicing in transit, one time only, on 28 refrigerator cars loaded with citrus fruit originating in Florida, shipped between February 15, 1945, and February 18, 1945, on Government bills of lading, consigned to the Naval Supply Officer, Naval Supply Depot, Norfolk, Virginia; eight (8) cars to be reiced by the Seaboard Air Line Ry. at Hamlet, N. C., and 20 cars to be reiced by the Atlantic Coast Line RR. at Florence, S. C.

This permit shall become effective at 1:00 p. m., February 15, 1945, and shall expire at 11:59 p. m., February 25, 1945.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of February 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-2687; Filed, Feb. 17, 1945;
11:13 a. m.]

[S. O. 282, Special Permit 1]

REICING OF CABBAGE AND BROCCOLI AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering

paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the furnishing of two and one-half tons of retop ice per car, one time only, on each of the following cars: PFE 29390 containing cabbage and PFE 43602 containing broccoli, both now on the 25th Street team track of the Wabash RR. at Chicago, Illinois, for account of LaMantia Bros. Anigo Co.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of February 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-2688; Filed, Feb. 17, 1945;
11:13 a. m.]

[S. O. 282, Special Permit 2]

REICING OF PEAS AND LETTUCE AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the furnishing of three tons of retop ice per car, one time only, February 15, 1945, on each of the following cars: WFEX 60405, peas, FDEX 303, lettuce, and PFE 96875, lettuce, all now on the Chicago Produce Terminal at Chicago, Illinois, as ordered by L. Gillarde Co.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of February 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-2689; Filed, Feb. 17, 1945;
11:14 a. m.]

[S. O. 282, Gen. Permit 1]

REICING AT EAST ST. LOUIS AND DUPO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 only insofar as is necessary to permit the same reicing and retop icing at East St. Louis and Dupo, Illinois, as may be accorded at St. Louis, Missouri.

This permit shall become effective at 12:01 a. m., February 17, 1945, and shall expire with Service Order No. 282.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 16th day of February 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-2745; Filed, Feb. 19, 1945; 10:48 a. m.]

[S. O. 272-A]

MARKSON COAL CO., INC.

RESTRICTIONS ON LOADING OF ANTHRACITE COAL

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 17th day of February, A. D. 1945.

Upon further consideration of Service Order No. 272 (10 F.R. 487) of January 10, 1945, and good cause appearing therefor: *It is ordered*, That:

(a) Service Order No. 272 (10 F.R. 487) of January 10, 1945, prohibiting the Pennsylvania Railroad Company from setting coal cars at Markson Breaker near Valley View, Pennsylvania, for loading with anthracite produced by Markson Coal Company, Inc., be, and it is hereby, vacated and set aside. (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 at 11:59 p. m. February 17, 1945; that a copy of this order shall be served on the Pennsylvania Public Utility Commission; that a copy of this order and direction shall be served upon the Pennsylvania Railroad 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. 45-2743; Filed, Feb. 19, 1945; 10:48 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 4362]

I. & I. PRODUCE CO.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That of the outstanding capital stock of I. & I. Produce Co., a corporation organized under the laws of the State of California, and a business enterprise within the United States, consisting of 1,443 shares of \$10.00 par value stock, 630 shares (43.66%) are registered in the names of the persons listed below in the number appearing opposite each name and are beneficially owned by the persons whose names are set out thereafter and are evidence of control of said business enterprise:

Name	Number of shares	Beneficial owner
Hisako Kiyota.....	600	Kika Kiyota.
Takemo Shinohara....	30	Takemo Shinohara.
Total.....	630	

2. That Kika Kiyota and Takemo Shinohara, whose last known addresses are Japan, are nationals of a designated enemy country (Japan);

and determining:

3. That I. & I. Produce Co. is controlled by Kika Kiyota and Takemo Shinohara, and is a national of a designated enemy country (Japan);

4. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the 630 shares of the capital stock of I. & I. Produce Co., registered in the names of Hisako Kiyota and Takemo Shinohara, hereinbefore more fully described, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of said business enterprise and all property of any nature whatsoever situated in the United States, owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to said business en-

terprise, to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control, or return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity, or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 28, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-2747; Filed, Feb. 19, 1945; 11:04 a. m.]

[Vesting Order 4576]

LUISE HAAZ, ET AL.

In re: Interest in real property, property insurance policy and claim owned by Luise Haaz, Carl Daiber and Lydia Daiber.

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 Luise Haaz, Carl Daiber and Lydia Daiber, whose last known addresses are Freudenstadt, Wurttemberg, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the said Luise Haaz, Carl Daiber and Lydia Daiber are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. An undivided three-ninths of an undivided eighty per cent interest in the real property situated in the City and County of Philadelphia, State of Pennsylvania, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of Luise Haaz, Carl Daiber and Lydia Daiber in and to perpetual fire insurance policy No. 37428 issued by the United Fireman's Insurance Company of Philadelphia, Philadelphia Penn-

sylvania, insuring the property described in subparagraph 3-a hereof, and

c. All right, title, interest and claim, of any name or nature whatsoever, of Luise Haaz, Carl Daiber and Lydia Daiber, and each of them, in and to any and all obligations, contingent or otherwise and whether or not matured, owing to the said Luise Haaz, Carl Daiber and Lydia Daiber, by Daniel H. Hornick, including particularly but not limited to those sums arising by reason of rents collected from the real property described in subparagraph 3-a hereof, which sums are deposited in the First National Bank of Philadelphia, Pennsylvania, in an account entitled "Daniel H. Hornick" and any and all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect such obligations.

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that the property described in subparagraph 3-b hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (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 in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3-b and 3-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 29, 1945.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

All that certain lot or piece of ground, with the three-story brick messuage or tenement thereon erected, situated on the West side of Twenty-seventh Street at the distance of One hundred and twenty-nine feet six inches Northward from the North side of Jefferson Street, in the Twenty-ninth Ward of the City of Philadelphia; containing in front or breadth on the said Twenty-seventh Street, Fifteen feet, and extending of that width in length or depth Westward between lines at right angles with the said Twenty-seventh Street, Ninety feet to a Three feet width alley leading Northward into another Three feet wide alley which leads Westward into Marston Street (Being No. 1518 North Twenty-seventh Street).

[F. R. Doc. 45-2748; Filed, Feb. 10, 1945; 11:04 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 3, Rev. 118, Revocation]

MARYLAND AND WEST VIRGINIA

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a petition for the revocation of Supplementary Order ODT 3, Revised-118 (8 F.R. 16078), filed with the Office of Defense Transportation by a carrier subject thereto, and good cause appearing therefor,

It is hereby ordered, That Supplementary Order ODT 3, Revised-118, be, and it hereby is, revoked, effective February 23, 1945.

Issued at Washington, D. C., this 19th day of February 1945.

J. M. JOHNSON,
Director,

Office of Defense Transportation.

[F. R. Doc. 45-2722; Filed, Feb. 17, 1945; 3:47 p. m.]

[Supp. Order ODT 3, Rev. 515]

SOLDIERS GROVE, WIS., AND DUBUQUE, IOWA

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Gateway City Transfer Company, Inc., La Crosse, Wisconsin, and Bernard J. Osweiler, doing business as Osweiler Van Service Company, La Crosse, Wisconsin, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 1,¹ and

It appearing that the proposed coordination of operations is necessary in

¹ Filed as part of the original document.

order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, It is hereby ordered, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action

hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective February 23, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 19th day of February 1945.

J. M. JOHNSON,
Director,

Office of Defense Transportation.

[F. R. Doc. 45-2723; Filed, Feb. 17, 1945;
3:47 p. m.]

[Supp. Order ODT 6A-93]

KANSAS CITY, MO.

COORDINATED OPERATIONS OF CERTAIN
CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 6A, as amended (8 F.R. 8757, 14582; 9 F.R. 2794), a copy of which plan is attached hereto as Appendix 2,¹ and

It appearing that the proposed coordination of operations is necessary in order to conserve and providently utilize vital transportation equipment, materials, and supplies; and to provide for the continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the persons named in Appendix 1 hereof are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

¹ Filed as part of the original document.

2. Each of the carriers shall file forthwith a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or schedules, or appropriate supplements to filed tariffs or schedules, setting forth any changes in rates, charges, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs, schedules, or supplements, to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper, or to exempt or release any participant in the plan from the requirements of any order of the Office of Defense Transportation now or hereafter in effect. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be available for examination and inspection at all reasonable times by any accredited representative of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of

the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective February 23, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 19th day of February 1945.

J. M. JOHNSON,
Director,

Office of Defense Transportation.

APPENDIX 1

Central States Freight Co., Chicago, Ill.
Churchill Truck Lines, Inc., Chillicothe, Mo.

R. E. Blickenstaff, doing business as Ideal Truck Line, Norton, Kans.

Perry A. Brooks, doing business as Brooks Truck Company, Marshall, Mo.

[F. R. Doc. 45-2724; Filed, Feb. 17, 1945;
3:48 p. m.]

[Supp. Order ODT 20A-194]

McMINNVILLE, TENN., AREA

COORDINATED OPERATIONS OF CERTAIN
CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,¹ and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of McMinnville, Tennessee, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Highway Transport Department, Office of Defense Transportation, Nashville, Tennessee, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein. No operator who now is or hereafter becomes a party to the plan shall be expelled therefrom or refused participation therein without the authority of the Office of Defense Transportation.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-194" and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Nashville, Tennessee.

8. This order shall become effective February 26, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 19th day of February 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

- Bilbrey Cab Co., McMinnville, Tenn.
- Pugh Cab Co., McMinnville, Tenn.
- Higgins Cab Co., McMinnville, Tenn.
- Vandergriff Cab Co., McMinnville, Tenn.
- Curtis Cab Co., McMinnville, Tenn.
- Morton Cab Co., McMinnville, Tenn.
- Jones Cab Co., McMinnville, Tenn.
- Hendrixson Cab Co., McMinnville, Tenn.
- Byars Cab Co., McMinnville, Tenn.
- Scott Cab Co., McMinnville, Tenn.
- Warren Cab Co., McMinnville, Tenn.

[F. R. Doc. 45-2725; Filed, Feb. 17, 1945; 3:48 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 260, Order 609]

FIDELITY TRADING CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended; *It is ordered, That:*

(a) Fidelity Trading Co., 212 California St., San Francisco 11, Calif. (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum price	
			list price	retail price
Estrada	Habaneros	50	Per M \$115.00	Cents 15
	Londres	50	145.00	3 for 55
	Imperial Londres	50	161.50	20
	Panetelas	50	135.00	17
	Miguelitos	50	169.25	22
	Diplomaticos	25	212.00	28
	Fromer #1	25	330.00	44
	Creemas Finas	25	212.50	28
	Fromer #3	25	190.00	27
	Panetelas Finas	50	135.00	18
	Havana Club	50	145.00	3 for 55
	Rotschilds Selectos	50	161.50	20
	Fancy Coronas	25	297.00	39
	Corona Club	25	247.50	33
	Corona Junior	25	212.25	28
Flor de Labeto.	Numero 15	50	190.00	25
	Rotschilds #1	50	201.25	28
	Perfectos	25	246.25	33
	Belvederes	25	203.50	28
	Coronas	25	385.00	55
	New Yorker Special	50	190.00	25
	Petit New Yorker	50	161.50	20
	Royal Palm	50	110.00	15
	Cubanitos	50	95.00	2 for 25

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed

by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective February 17, 1945.

Issued this 16th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2636; Filed, Feb. 16, 1945; 11:49 a. m.]

[MPR 260, Order 610]

ROYAL CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) Clarence A. Frey d/b/a Royal Cigar Co., 41 West Main Street, Dalls-town, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Postman		50	Per M \$48	Cents 6

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective February 17, 1945.

Issued this 16th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2637; Filed, Feb. 16, 1945; 11:49 a. m.]

[MPR 260, Order 611]

MARCOS CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) Marcos Cigar Company, 2324 Green St., Tampa 7, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Selector.....	Queen.....	50	\$161.50	21
	Epicure.....	50	138.00	18
	Media Corona.....	50	169.00	22
	Presidente.....	50	185.00	24
J. M. Martinez.	Coronas Medias.....	50	161.50	21
	Selector Superior.....	50	60.00	2 for 15
Selector.....	Selector Grande.....	50	56.00	7
	Favoritos.....	50	169.00	22

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective February 17, 1945.

Issued this 16th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2638; Filed, Feb. 16, 1945; 11:49 a. m.]

[Order 40 Under 19a, Revocation]

COTTON CORDAGE AND ROPE

ADJUSTMENT OF MAXIMUM PRICES

An opinion accompanying this order of revocation has been issued simultaneously herewith and filed with the Division of the Federal Register.

Order No. 40 under § 1499.19a of the General Maximum Price Regulation is hereby revoked.

This order of revocation shall become effective February 17, 1945.

Issued this 16th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2649; Filed, Feb. 16, 1945; 4:32 p. m.]

[Order 30 Under 3 (e)]

SWIFT AND CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to § 1499.3 (e) of the General Maximum Price Regulation, *It is ordered:* (a) Swift and Company, Chicago, Illinois, may sell and deliver, and any retailer or consumer may buy and receive from it, blue denim shopping bags, Style No. 1140, measuring approximately 16½" x 13¼" with two denim handles, purchased by Swift and Company from Shaggies Company, 224 W. Superior Street, Chicago, Illinois, at or below the ceiling prices set forth in this paragraph:

(1) On sales made by Swift and Company directly to retailers, 25 cents per bag.

(2) On sales made by Swift and Company, through the mails, directly to consumers, 30 cents, plus three Sunbrite Cleanser wrappers, per bag, postpaid.

(b) Any retailer purchasing these shopping bags from Swift and Company at or below the price set forth in subparagraph (1) of paragraph (a) above, may sell and deliver, and any consumer may buy and receive from it, such blue denim shopping bags at or below the ceiling price of 30 cents, plus three Sunbrite Cleanser wrappers, per bag.

(c) On and after February 23, 1945, Swift and Company shall transmit the following notice to each retailer to whom it makes delivery of the shopping bags referred to in paragraph (a) of this order:

NOTICE TO RETAILERS

The Office of Price Administration, by Order No. 30 under § 1499.3 (e) of the General Maximum Price Regulation has established

the maximum price at which you may sell the blue denim shopping bags herewith sold and delivered to you in connection with the promotion of sales of our Sunbrite Cleanser.

Under that OPA order, you are required to sell these shopping bags to your customers at or below the ceiling price of 30 cents plus three Sunbrite Cleanser wrappers per bag.

(d) The notice required to be sent by Swift and Company to its retail customers, as provided in paragraph (c) above, shall be transmitted with, or be annexed to, the invoice, billing or other statement of price accompanying every shipment made by Swift and Company of any of the blue denim shopping bags for which prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective February 23, 1945.

Issued this 17th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2708; Filed, Feb. 17, 1945; 12:35 p. m.]

[RMPR 122, Amdt. 17 to Rev. Order 47]

FRANKLIN COAL MINING CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.260 of Revised Maximum Price Regulation No. 122, *It is ordered*, That Revised Order No. 47 under Revised Maximum Price Regulation No. 122 be amended in the following respects:

1. The words "High volatile," preceding the words "bituminous coal from District No. 1—nut and slack" in paragraph (c) (1) of price schedules I and II are deleted.

2. The word "mine" is inserted between the words "Sunday" and "work" in paragraph (f9).

3. A new paragraph (f11) is added to read as follows:

(f11) The prices set forth in paragraphs (c) (1), (d) and (f) for the respective areas for "direct delivery" and "yard sales" may be increased for the sales of Pennsylvania anthracite, produced by Franklin Coal Mining Company at its Mineral Spring and Franklin Collieries, by no more than 50 cents per net ton or 56 cents per gross ton in the egg, stove, nut, pea, buckwheat and rice sizes; if:

(1) The dealer keeps Pennsylvania anthracite produced by Franklin Coal Mining Company at its Mineral Spring and Franklin Collieries separate in storage and delivery from Pennsylvania anthracite produced by other persons, and separate from each other.

(2) The dealer keeps complete and accurate records of Pennsylvania anthracite produced and sold to him by Franklin Coal Mining Company for such time as this paragraph (f11) is in effect. The records shall show: the date he receives the coal; the name and address of the producer; the quantity in net tons of each delivery to him of such anthracite and all invoices sent to him by the producers.

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

This amendment shall become effective February 17, 1945.

Issued this 17th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2713; Filed, Feb. 17, 1945; 12:35 p. m.]

[MPR 120, Order 1292]

CHANDLER RICHARDS CO.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, *It is ordered*:

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set

CHANDLER-RICHARDS CO., BOX 206, NELSONVILLE, OHIO, NO. 1 MINE, NO. 7 SEAM, MINE INDEX NO. 4119, ATHENS COUNTY, OHIO, SUB-DIST. 5, STRIP MINE. PRICE CLASSIFICATION: FREIGHT ORIGIN DISTRICT HOCKING R. R. FUEL PRICE GROUP NO. 104. RAIL SHIPPING POINT: FLOODWOOD, OHIO

	Size Group Nos.											
	1	2	3	4	5	6	7	8	9	10	11	12
Rail shipment and railroad fuel.....	350	345	305	305	305	275	255	245	275	245	.....	275
Truck shipment.....	365	355	345	320	315	265	230	220	.....	.....	.....	.....

VICTORY MINING CO., CARE OF CHARLES LEVERING, NELSONVILLE, OHIO, VICTORY MINING CO. MINE, NO. 6 SEAM, MINE INDEX NO. 4114, ATHENS COUNTY, OHIO, SUB-DIST. 5, DEEP MINE. PRICE CLASSIFICATION: FREIGHT ORIGIN DISTRICT HOCKING R. R. FUEL PRICE GROUP NO. 103. RAIL SHIPPING POINT: KIMBERLY, OHIO

Rail shipment and railroad fuel.....	350	345	305	305	305	275	255	245	275	.....	.....	275
Truck shipment.....	380	370	360	335	330	265	230	220	.....	.....	.....	.....

This order shall become effective February 19, 1945.

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

Issued this 17th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2709; Filed, Feb. 17, 1945; 12:35 p. m.]

[MPR 260, Amdt. 1 to Order 460]

TREBOW CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in the opinion accompanying this amendment pursuant to § 1358.102 (b) of Maximum Price Regulation 260; *It is ordered*, That: The maximum price for Don Arco Cigars set forth in paragraph (a) of Order No.

Brand	Size or frontmark	Pack- ing	Max- imum list price	Max- imum retail price
Don Arco.....	Queen.....	60	Per M \$115	Cents 15

forth herein. All are in District No. 4. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.215 and all other provisions of Maximum Price Regulation No. 120.

460 under Maximum Price Regulation 260 is amended to read as follows:

This amendment shall become effective February 19, 1945.

Issued this 17th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2707; Filed, Feb. 17, 1945; 12:35 p. m.]

[MPR 260, Amdt. 1 to Order 493]

NATIONAL CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in the opinion accompanying this amendment, pursuant to § 1358.102 (b) of Maximum Price Regulation 260; *It is ordered*, That: The maximum price for Bankable Cigars set forth in paragraph (a) of Order No. 493 under Maximum Price Regulation 260 is amended to read as follows:

Brand	Size or frontmark	Pack- ing	Max- imum list price	Max- imum retail price
Bankable.....	50	Per M \$60	Cents 2 for 15

This amendment shall become effective February 19, 1945.

Issued this 17th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2710; Filed, Feb. 17, 1945;
12:36 p. m.]

[RMPR 436, Order 36]

CRUDE PETROLEUM

AUTHORIZATION OF MAXIMUM PRICES

Order revising maximum prices of crude petroleum from designated pools in Arkansas, Illinois, Kansas, Louisiana, Nebraska, Oklahoma and Texas.

For the reasons set forth in the accompanying opinion and under the authority

vested in the Administrator of the Office of Price Administration by section 12 (c) of Revised Maximum Price Regulation No. 436, It is ordered:

(a) That notwithstanding the provisions of section 12 of Revised Maximum Price Regulation No. 436, the maximum price of crude petroleum run from the receiving tank on or after February 1, 1945, and produced in the pools set out below, to an applicant under the Stripper Well Compensatory Adjustments Regulation of Defense Supplies Corporation or to any person purchasing prior to such applicant shall be the maximum price as determined under section 10 or 11 of Revised Maximum Price Regulation No. 436 and the amount of the increase designated below.

Pool	County	State	Amount of increase (dollars per 42-gallon barrel)
Troy (Nacatoch and Tokio)	Nevada	Arkansas	0.35
Cooks Mills	Coles	Illinois	.35
Concord East	White	do.	.35
Brown	Marion	do.	.20
Colver	Elk (west half)	Kansas	.35
Haller	Ellis	do.	.35
Laton	Brooks	do.	.20
Jemmings (Evangeline 0'-3750')	Acadia	Louisiana	.25
Falls City	Richardson	Nebraska	.18
Airport	Triska	Oklahoma	.35
Beland	Muskogee	do.	.35
Dill	Oklfuskee	do.	.20
Hensley	do.	do.	.35
Jolly Patton	Muskogee	do.	.35
Kidd	Seminole	do.	.35
Loco	Stephens	do.	.35
McLish	do.	do.	.35
Muskogee North	Cartor	do.	.35
Naval Reserve	Muskogee	do.	.35
Oklahoma City (Arbuckle lime)	Osage	do.	.20
Robinson	Oklahoma	do.	.35
Seminole Northeast	Muskogee	do.	.35
Twin Creek	Seminole	do.	.20
Wagoner	Osage	do.	.35
Wagoner South	Wagoner	do.	.35
Watkins	do.	do.	.35
Johnson	Osage	do.	.20
Gayle	Foard	Texas	.30
Goodrich	Coleman	do.	.20
White and Baker	Polk	do.	.35
	Pecos	do.	.03

(b) The pools listed in section 12 (b) (4) of Revised Maximum Price Regulation No. 436 as "Shiells Canyon (all pools), Santa Paula, Newhall District, Coastal Area" is redesignated to read "Shiells Canyon (all pools except Deep Zone) Santa Paula-Newhall District, Coastal Area."

(c) The pool listed in section 12 (b) (12) of Revised Maximum Price Regulation No. 436 as the Union-Bowman pool, Pike and Gibson Counties, Indiana, is hereby redesignated to read the Hazelton-Mt. Olympus-Union-Bowman Pool, Pike and Gibson Counties, Indiana.

(d) The Halstead Pool, Harvey County, Kansas, is listed twice in section 12 (b) (14) of Revised Maximum Price Regulation No. 436. One of these listings is hereby deleted therefrom.

(e) The pool listed in section 12 (b) (14) of Revised Maximum Price Regulation No. 436 as Van Hoy, Coffee County, Kansas, is hereby redesignated to read Van Noy, Coffee County, Kansas.

(f) The pool listed in section 12 (b) (14) of Revised Maximum Price Regulation No. 436 as New Albany, Wilson County, Kansas, is hereby redesignated to read New Albany, Elk County, Kansas.

(g) The pools listed in section 12 (b) (15) of Revised Maximum Price Regula-

tion No. 436 as the Barnett Creek, Ohio County, Kentucky and the Cairo, Henderson County, Kentucky are hereby deleted.

(h) The listing in section 12 (b) (15) of Revised Maximum Price Regulation No. 436 of "All pools in the State of Kentucky except" various designated pools includes the Cairo pool. This pool is hereby deleted from this listing.

(i) The pools listed in section 12 (b) (16) of Revised Maximum Price Regulation No. 436 as Belle Isle, St. Mary Parish and Branch, Acadia Parish, La., are hereby deleted.

(j) The pool listed in section 12 (b) (20) of Revised Maximum Price Regulation No. 436 as Mt. Pleasant and Ext., Isabella County, Michigan, is hereby redesignated to read Mt. Pleasant and East Ext. Isabella County, Michigan.

(k) The pool listed in section 12 (b) (29) of Revised Maximum Price Regulation No. 436 as Artesia, New Mexico, is hereby redesignated to read Artesia, Eddy County, New Mexico.

(l) The pool listed in section 12 (b) (34) of Revised Maximum Price Regulation No. 436 as Collinsville, Tulsa County, Oklahoma, is hereby redesignated to read Collinsville, Tulsa County, Oklahoma.

(m) The Pursley pool, Jack County, Texas, is hereby added to the listing in section 12 (b) (41) of Revised Maximum Price Regulation No. 436 of "All pools in Jack County, Texas, except" certain designated pools.

(n) The pool listed in section 12 (b) (41) of Revised Maximum Price Regulation No. 436 as Emperor Deep, Winkler County, Texas, is hereby deleted.

(o) The pool listed in section 12 (b) (41) of Revised Maximum Price Regulation No. 436 as the Galley pool, Winkler County, Texas, is hereby redesignated to read Halley Pool, Winkler County, Texas.

(p) The pool listed in section 12 (b) (41) of Revised Maximum Price Regulation No. 436 as the Richards Pool, Cochran County, Texas, is hereby redesignated to read Richards pool, Pecos County, Texas.

(q) The pools listed in section 12 (b) (48) of Revised Maximum Price Regulation No. 436 as the Salt Creek (1st Wall Creek) Natrona County and the Salt Creek (Shale), Natrona County, Wyoming, are hereby deleted.

(r) This order may be revoked, amended or corrected at any time.

This order shall become effective as of February 1, 1945.

Issued this 17th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2711; Filed, Feb. 17, 1945;
12:36 p. m.]

[MPR 528, Order 32]

GOODYEAR TIRE & RUBBER CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Appendix A (d) of Maximum Price Regulation 528; It is ordered: (a) The maximum retail prices for the following sizes and types of new tires manufactured by The Goodyear Tire & Rubber Company, Inc., Akron, Ohio, shall be:

TRACTION IMPLEMENT TIRES

Size	Ply	Maximum retail price per tire
7.50-16	6	\$25.80
7.50-22	4	30.45

(b) All provisions of Maximum Price Regulation 528 not inconsistent with this order shall apply to sales covered by this order.

(c) This order may be revoked, or amended by the Office of Price Administration at any time.

This order shall become effective February 19, 1945.

Issued this 17th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2712; Filed, Feb. 17, 1945;
12:36 p. m.]

[MPR 136, Order 407]

FORD MOTOR CO.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 407 Under Maximum Price Regulation 136, as amended. Machines and parts, and machinery services. Ford Motor Company. Docket No. 6083-136.25a-136.

For the reasons set forth in an opinion, issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, Executive Orders 9250 and 9328, and § 1390.25a of Maximum Price Regulation 136, as amended, *It is ordered:*

(a) Ford Motor Company, Dearborn, Michigan, is authorized to sell f. o. b. factory its Model 51C, truck chassis and cab with pickup body; 8 cylinder, 90 horsepower, 114" wheelbase, ½-ton nominal rating, at a price not to exceed a net wholesale price of \$630.00 and a retail list price of \$840.00 (subject to the discounts and deductions in effect to the applicable class of purchasers on March 31, 1942). The manufacturer shall determine the maximum prices of other models within the ½-ton commercial line of its manufacture by adjusting the maximum price in effect on March 31, 1942 of each such model so that the same dollar differential shall exist between that adjusted price and the adjusted price of the Model 51C pickup as existed between the March 31, 1942 prices of such models. The following applicable charges may be added to these adjusted prices:

(1) *Charges.* (i) A charge for extra, special and optional equipment not to exceed the list or established price the Ford Motor Company had in effect on March 31, 1942, to the applicable class of purchasers for such equipment (subject to the discounts and deductions in effect on that date to the applicable class of purchasers);

(ii) A charge to cover handling and delivery expense, computed in accordance with the Ford Motor Company's method in effect on March 31, 1942;

(iii) A charge for transportation which shall not exceed the actual rail freight charge for shipment of the truck from Dearborn, Michigan, the basing point, to point of delivery, including the 3 percent federal tax on the transportation of property. In determining freight charges, the freight rate shall be determined on the basis of four 114" commercial light truck chassis with pickup body and closed cab in 50-foot car, four 114" commercial light truck chassis with closed driveway front end in 40-foot car or four 114" commercial light truck chassis with open driveway front end in 40-foot car;

(iv) A charge to include federal tires-weight tax and other federal excise taxes, and state or local taxes on the sale or delivery of the truck.

(b) A reseller of Ford Motor trucks is authorized to sell, delivered at its place of business, each of the Ford trucks referred to in paragraph (a) at a price

not to exceed the total of list price in subparagraph (1) below and the applicable charges in subparagraph (2) below, subject to the discounts the reseller had in effect on March 31, 1942, to the applicable class of purchaser.

(1) *List price.* The retail list price for the truck model being sold as determined by the manufacturer under paragraph (a).

(2) *Charges.* (i) A charge for extra, special, and optional equipment attached as original equipment to the truck being sold which shall not exceed the charge the reseller had in effect on March 31, 1942, to the applicable class of purchasers for such equipment when sold as original equipment.

(ii) A charge for transportation which shall not exceed the actual rail freight charge Ford Motor Company would make for the transportation of the truck from the factory to the place of business of the reseller;

(iii) A charge to cover tires-weight tax and other federal excise taxes;

(iv) A charge to cover state and local taxes on the reseller's purchase, sale, or delivery of the truck model being sold computed in accordance with the reseller's method in effect on March 31, 1942;

(v) The reseller's charge in effect on March 31, 1942, for handling and delivery;

(vi) The dollar amount of all other charges which the reseller had in effect to the applicable class of purchasers on March 31, 1942.

(c) A reseller that cannot establish a price under paragraph (b) because it was not in business on March 31, 1942, shall determine its maximum price by adding to the retail list price for the applicable truck determined by the manufacturer under paragraph (a) the following applicable charges:

(1) *Charges.* (i) The original equipment retail charge that the Ford Motor Company suggested on March 31, 1942, be made by resellers, for extra, special and optional equipment attached to the truck as original equipment;

(ii) A charge for transportation which shall not exceed the actual rail freight charge Ford Motor Company would make for the transportation of the truck from the factory to the place of business of the reseller;

(iii) A charge equal to the charge made to the reseller by the Ford Motor Company, in accordance with its March 31, 1942 method, to cover tires-weight and other federal excise taxes;

(iv) A charge equal to resellers expense for payment of state and local taxes on the purchase, sale or delivery of the truck;

(v) A charge equal to reseller's actual expense for handling and delivery.

(d) A reseller of Ford motor trucks in a territory or possession of the United States is authorized to sell each of the trucks referred to in paragraph (a), at a price not to exceed the applicable maximum price established in paragraph (b) or (c), to which it may add a sum equal to the expense incurred by or charged to it, for payment of territorial and insular taxes on the purchase, sale or introduction of the truck; export premiums; box-

ing and crating for export purposes; marine and war risk insurance; and landing, wharfage and terminal operations.

(e) Within thirty days after the effective date of this order the manufacturer shall furnish to the Office of Price Administration, Washington, D. C., the applicable net wholesale and retail list prices determined for all models within the ½-ton commercial line of its manufacturer as authorized by paragraph (a) above.

(f) All requests not granted herein are denied.

(g) This order may be amended or revoked by the Administrator at any time.

NOTE: The Ford Motor Company's prices under paragraph (a) are for truck models equipped with natural rubber tires, or synthetic rubber tires delivered to it prior to April 18, 1944.

When the Ford Motor Company, in accordance with § 1390.6 of Maximum Price Regulation 136, as amended, charges a maximum price different from the maximum price established by this order for the applicable truck because it is equipped with synthetic rubber tires delivered to Ford Motor Company on or after April 18, 1944, or because of other substantial modifications in specifications, design, or equipment either in the base vehicle or in the extra, special and optional equipment sold as original equipment with the applicable truck, the reseller shall adjust its price under paragraph (b), (c) or (d) for this truck, to reflect the increase or decrease in the cost for the modified truck or item of extra, special and optional equipment, and the increase or decrease in the customary markup, resulting from the substantial modification.

This order shall become effective February 19, 1945.

Issued this 17th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2732; Filed, Feb. 17, 1945;
4:42 p. m.]

[MPR 136, Order 408]

AUTOCAR CO.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 408, under Maximum Price Regulation 136, as amended. Machines and parts, and machinery services. The Autocar Company. Docket No. 6083-136.25a-203.

For the reasons set forth in an opinion, issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, Executive Orders 9250 and 9328, and § 1390.25a of Maximum Price Regulation 136, as amended, *It is ordered:*

(a) The Autocar Company, Ardmore, Pennsylvania, is authorized to sell each Autocar motor truck containing a chassis described in subparagraph (1) at a price

not to exceed the list price in that subparagraph, adjusted as provided in that subparagraph, plus the applicable allowances in subparagraph (2).

(1) *List price*, subject to seller's discount in effect on March 31, 1942 to the applicable class of purchaser:

Model	Description	List price f. o. b. factory
C-50.....	Truck chassis with 200" wheel-base, and standard equipment including synthetic tires of base tire size.	\$3,740
C-50-T...	Truck chassis with 148" wheel base, and standard equipment including synthetic tires of base tire size.	3,740

(2) *Charges*. (i) A charge for extra, special and optional equipment not to exceed the charge in effect on March 31, 1942 for such shipment;

(ii) A charge to cover handling and delivery expense computed in accordance with the method the seller had in effect on March 31, 1942;

(iii) A charge to cover freight expense, based on current freight rates and computed in accordance with the method the seller had in effect on March 31, 1942;

(iv) A charge to include federal tire-weight and other federal excise taxes, and state and local taxes on the truck being sold, computed in accordance with the method the seller had in effect on March 31, 1942.

(b) A reseller of Autocar motor trucks may sell, delivered at place of business, each Autocar motor truck containing a chassis described in subparagraph (1) below at a price not to exceed the total of the list price in that subparagraph and the applicable charges in subparagraph (2) below, subject to the discounts in effect on March 31, 1942 to the applicable class of purchaser.

(1) *List price*.

Model	Description	List price f. o. b. factory
C-50.....	Truck chassis with 200" wheel-base, and standard equipment including synthetic tires of base tire size.	\$3,740
C-50-T...	Truck chassis with 148" wheel-base, and standard equipment including synthetic tires of base tire size.	3,740

(2) *Charges*. (i) A charge for extra, special and optional equipment not to exceed the charge the reseller had in effect on March 31, 1942 for such equipment;

(ii) A charge for transportation which shall not exceed the charge The Autocar Company may make for the transportation of the truck from the factory to the place of business of the reseller;

(iii) A charge to cover federal, state and local taxes on the purchase, sale or delivery of the truck, computed in accordance with the method the reseller had in effect on March 31, 1942;

(iv) A charge for handling and delivery equal to the charge the reseller had in effect on March 31, 1942;

(v) The dollar amount of all other charges the reseller had in effect on

March 31, 1942, to the applicable class of purchaser.

(c) A reseller of Autocar motor trucks that cannot establish a price under paragraph (b) because it was not in business on March 31, 1942 shall determine its maximum price by adding to the list price in subparagraph (1) of paragraph (b) the following applicable charges:

(1) *Charges*. (i) The original equipment retail charge that The Autocar Company suggested on March 31, 1942 be made by resellers for the extra, special or optional equipment attached to the truck as original equipment;

(ii) A charge for transportation which shall not exceed the charge The Autocar Company would make for the transportation of the truck from the factory to the place of business of the reseller;

(iii) A charge equal to the charge made by The Autocar Company, in accordance with the method that manufacturer had in effect on March 31, 1942, to cover federal tire-weight and other federal excise taxes;

(iv) A charge equal to the reseller's expense for payment of state and local taxes on the purchase, sale or delivery of the truck;

(v) A charge equal to the reseller's actual expense for handling and delivery of the truck.

(d) A reseller of Autocar trucks in any of the territories or possessions of the United States is authorized to sell the truck described in paragraph (b) at a price not to exceed the maximum price established in paragraph (b) or (c), whichever is applicable, to which it may add a sum equal to the expense incurred by or charged to it, for payment of territorial and insular taxes on the purchase, sale or introduction of the truck; export premiums; boxing and crating for export purposes; marine and war risk insurance; and landing, wharfage, and terminal operations.

(e) All requests not granted herein are denied.

(f) This order may be amended or revoked by the Administrator at any time.

NOTE: The manufacturer's maximum price under paragraph (a) is for a truck equipped with synthetic rubber tires delivered to it on and after April 18, 1944. Where the manufacturer has an established price in accordance with § 1390.6 of Maximum Price Regulation 136, as amended, which is different than a price permitted under paragraph (a) because the truck is equipped with natural rubber tires, or synthetic tires delivered to it prior to April 18, 1944, or because of any other substantial specification change or material substitution in the truck, the reseller may add to its price under paragraph (b), (c) or (d) any increase in price to it over the price it would otherwise pay under paragraph (a) plus its customary markup on such a cost increase, but in the case of a decrease in the price under paragraph (b), (c) or (d) the reseller must reduce its price by the amount of the decrease and its customary markup on such an amount.

This order shall be effective February 19, 1945.

Issued this 17th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2733; Filed, Feb. 17, 1945; 4:42 p.m.]

[Order 78 Under 3 (b)]

MIGNON CHOCOLATE CO.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 78 under Order 375 of § 1499.3 (b) of the General Maximum Price Regulation. Mignon Chocolate Company. Docket No. 6035.4-375-(d)-8.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered*, That:

(a) The maximum prices for the hereinafter indicated sales of "Nuts and Fruits Assortment," a one-pound two-layer box of dark milk chocolate coated assorted nuts and fruits manufactured by the Mignon Chocolate Company, 126 West 22nd Street, New York, New York, in accordance with its formula contained in its price application dated November 22, 1944 shall be as follows:

- (1) Sales by the Mignon Chocolate Company to wholesalers, department and chain stores (f. o. b. factory, per 1 dozen 1-pound boxes) \$15.60
- (2) Sales to consumers by retailers who purchase direct from the manufacturer (per 1-pound box) ----- 1.95
- (3) Sales by wholesalers to retailers (per 1-pound box, delivered) ----- 1.63
- (4) Sales to consumers by all other retailers (per 1-pound box) ----- 2.45

(b) The prices established in this order are the highest prices for which "Nuts and Fruits Assortment" may be sold by the respective sellers. All sellers on sales of this item shall reduce the above appropriate maximum prices by applying their customary discounts, allowances and price differentials which have been applied to sales of other comparable candy items. In the application of any customary differential, the specific maximum prices established by this order shall not be exceeded.

(c) The Mignon Chocolate Company shall mail or otherwise supply to its wholesale, department and chain store purchasers, at the time of or prior to the first delivery to such purchaser, the following notice:

The Office of Price Administration has authorized us to sell our "Nuts and Fruits Assortment" to wholesalers, department and chain stores at the maximum price of \$15.60 per 1 dozen 1-pound boxes, f. o. b. our factory. Wholesalers are authorized to sell this item to retailers at a maximum delivered price of \$1.63 per 1-pound box. Retailers who purchase direct from us are authorized to sell this item to consumers at the maximum price of \$1.95 per 1-pound box.

On sales of this item all sellers are required to reduce their maximum prices by applying their customary discounts, allowances and price differentials which have been applied to sales of comparable candy items. In the application of any customary differential, the specific maximum prices mentioned herein must not be exceeded.

(d) The Mignon Chocolate Company, for a period of at least 90 days, shall place in or on each smallest retail packing unit of this item sold through wholesalers the following notice:

The Office of Price Administration has authorized maximum prices for sales of "Nuts and Fruits Assortment." Wholesalers are authorized to sell this item to retailers at a maximum delivered price of \$1.63 per 1-pound box. Retailers who purchase from wholesalers are authorized to sell this item

to consumers at a maximum price of \$2.45 per 1-pound box.

On sales of this item, all sellers are required to reduce their maximum prices by applying their customary discounts, allowances and price differentials which have been applied to sales of other comparable candy items. In the application of any customary differential, the specific maximum prices mentioned herein shall not be exceeded.

(e) This order may be revoked or amended at any time by the Price Administrator.

(f) This Order No. 78 shall become effective February 20, 1945.

Issued this 19th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2764; Filed, Feb. 19, 1945;
11:40 a. m.]

Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register February 15, 1945.

REGION I

Augusta Order 1-W, Amendment 6, covering certain food items in certain cities and towns in Maine, filed 2:35 p. m.

Augusta Order 18, Amendment 9, covering certain food items in certain counties in Maine, filed 2:35 p. m.

Connecticut Order 4-F, Amendment 12, covering fresh fruits and vegetables in the State of Connecticut, filed 1:16 p. m.

REGION II

Altoona Order 2-F, Amendment 8, covering fresh fruits and vegetables in certain counties in Pennsylvania, filed 1:13 p. m.

Altoona Order 16, Amendment 3, covering certain dry groceries in the Altoona Area, filed 1:12 p. m.

Baltimore Order 4-F, Amendment 22, covering fresh fruits and vegetables in the Baltimore Area, filed 1:16 p. m.

Baltimore Order 6-F, Amendment 22, covering fresh fruits and vegetables in the Baltimore Area, filed 1:16 p. m.

Baltimore Order 8-F, Amendment 3, covering fresh fruits and vegetables in certain counties in Maryland, filed 1:15 p. m.

Binghamton Order 2-W, covering certain dry groceries in the Binghamton Area, filed 1:16 p. m.

Camden Order 3-F, Amendment 16, covering fresh fruits and vegetables in certain areas in New Jersey, filed 1:18 p. m.

Camden Order 4-F, Amendment 16, covering fresh fruits and vegetables in certain counties in New Jersey, filed 1:18 p. m.

Camden Order 17, Amendment 2, covering dry groceries in the Camden, New Jersey Area, filed 1:18 p. m.

Camden Order 18, Amendment 2, covering dry groceries in the Camden, New Jersey Area, filed 1:18 p. m.

Camden Order 19, Amendment 2, covering dry groceries in the Camden, New Jersey Area, filed 1:18 p. m.

Harrisburg Order 2-F, Amendment 9, covering fresh fruits and vegetables in certain counties in Pennsylvania, filed 1:11 p. m.

Harrisburg Order 2-F, Amendment 10, covering fresh fruits and vegetables in certain counties in Pennsylvania, filed 1:11 p. m.

Harrisburg Order 2-F, Amendment 11, covering fresh fruits and vegetables in certain counties in Pennsylvania, filed 1:11 p. m.

Newark Order 5-F, Amendment 19, covering fresh fruits and vegetables in certain counties in New Jersey, filed 1:13 p. m.

New York Order 1-F, Amendment 47, covering fresh fruits and vegetables in certain areas in the city of New York, filed 1:12 p. m.

New York Order 3-F, Amendment 34, covering fresh fruits and vegetables in certain cities in New York, filed 1:12 p. m.

New York Order 6-F, Amendment 29, covering fresh fruits and vegetables in certain counties in New York, filed 1:12 p. m.

Wilmington Order 4-F, Amendment 19, covering fresh fruits and vegetables in certain areas in Delaware, filed 2:36 p. m.

Williamsport Order 2-F, Amendment 22, covering fresh fruits and vegetables in certain counties in Pennsylvania, filed 2:37 p. m.

Williamsport Order 4-W, Amendment 2, covering dry groceries in certain counties in Pennsylvania, filed 2:32 p. m.

Williamsport Order 18, Amendment 2, covering certain dry groceries in certain counties in Pennsylvania, filed 2:32 p. m.

REGION III

Detroit Order 2-C, covering poultry in the Detroit Area, filed 1:10 p. m.

Detroit Order 2-W, covering community food prices in the Detroit Area, filed 1:08 p. m.

Detroit Order 3-C, covering poultry in the Detroit Area, filed 1:10 p. m.

Detroit Order 4-F, covering fresh fruits and vegetables in certain counties in the Detroit area, filed 1:08 p. m.

Detroit Order 14, covering community food prices in the Detroit area, filed 1:09 p. m.

Detroit Order 13, covering community food prices in the Detroit Area, filed 1:11 p. m.

Lexington Order 1-C, Amendment 1, covering poultry prices in certain counties in Kentucky, filed 1:08 p. m.

Lexington Order 2-C, Amendment 1, covering poultry prices in certain counties in Kentucky, filed 1:04 p. m.

Lexington Order 3-C, Amendment 1, covering poultry prices in certain counties in Kentucky, filed 1:04 p. m.

REGION IV

Atlanta Order 20, Amendment 3, covering egg prices in certain counties in the state of Georgia, filed 2:36 p. m.

Atlanta Order 21, Amendment 3, covering egg prices in certain counties in the state of Georgia, filed 2:36 p. m.

Jackson Order 1-C, Amendment 2, covering poultry prices in the Mississippi Area, filed 1:03 p. m.

Jackson Order 2-C, Amendment 2, covering poultry prices in the Mississippi Area, filed 1:03 p. m.

Jackson Order 4-F, Amendment 16, covering fresh fruits and vegetables in certain counties in Mississippi, filed 1:01 p. m.

Jacksonville Order 9-W, Amendment 1, covering certain dry groceries in certain counties in Florida, filed 2:37 p. m.

Jacksonville Order 10-W, Amendment 1, covering certain dry groceries in certain counties in Florida, filed 2:37 p. m.

Jacksonville Order 11-W, Amendment 1, covering certain dry groceries in certain counties in Florida, filed 2:37 p. m.

Jacksonville Order 12-W, Amendment 1, covering certain dry groceries in certain counties in Florida, filed 2:37 p. m.

Memphis Order 6-F, Amendment 16, covering fresh fruits and vegetables in certain areas in Tennessee, filed 2:37 p. m.

Montgomery Order 4-W, Amendment 2, covering certain dry groceries in the Montgomery Area, filed 2:36 p. m.

Montgomery Order 18, Amendment 1, covering certain dry groceries in the Montgomery Area, filed 2:34 p. m.

Montgomery Order 19, Amendment 1, covering certain dry groceries in the Montgomery Area, filed 2:33 p. m.

Montgomery Order 20-F, Amendment 12, covering fresh fruits and vegetables in Mobile County, Ala., filed 1:03 p. m.

Montgomery Order 21-F, Amendment 15, covering fresh fruits and vegetables in Montgomery County, Ala., filed 1:02 p. m.

Montgomery Order 22-F, Amendment 16, covering fresh fruits and vegetables in Houston County, Ala., filed 1:02 p. m.

Montgomery Order 23-F, Amendment 5, covering fresh fruits and vegetables in certain counties in Alabama, filed 1:02 p. m.

Montgomery Order 24-F, Amendment 14, covering fresh fruits and vegetables in Dallas County, Ala., filed 1:01 p. m.

Raleigh Order 10-F, Amendment 9, covering fresh fruits and vegetables in certain counties in North Carolina, filed 1:17 p. m.

Raleigh Order 11-F, Amendment 9, covering fresh fruits and vegetables in certain counties in North Carolina, filed 1:17 p. m.

REGION V

Dallas Order 3-F, Amendment 34, covering fresh fruits and vegetables in the Dallas Area, filed 2:33 p. m.

Fort Worth Order 1-F, Amendment 55, covering fresh fruits and vegetables in the Fort Worth Area, filed 1:06 p. m.

Fort Worth Order 2-F, Amendment 55, covering fresh fruits and vegetables in the Fort Worth Area, filed 1:06 p. m.

Fort Worth Order 3-F, Amendment 55, covering fresh fruits and vegetables in the Fort Worth Area, filed 1:05 p. m.

Fort Worth Order 4-F, Amendment 55, covering fresh fruits and vegetables in the Fort Worth Area, filed 1:05 p. m.

Fort Worth Order 5-F, Amendment 55, covering fresh fruits and vegetables in the Fort Worth Area, filed 1:05 p. m.

Fort Worth Order 6-F, Amendment 13, covering fresh fruits and vegetables in the Fort Worth Area, filed 1:05 p. m.

Houston Order 1-F, Amendment 39, covering fresh fruits and vegetables in the Houston, Tex., Area, filed 1:14 p. m.

Little Rock Order 1-F, Amendment 14, covering fresh fruits and vegetables in certain counties in Arkansas, filed 1:15 p. m.

Little Rock Order 2-F, Amendment 44, covering fresh fruits and vegetables in Pulaski County, Ark., filed 1:07 p. m.

Little Rock Order 5-F, Amendment 38, covering fresh fruits and vegetables in Garland County, Ark., filed 1:07 p. m.

Little Rock Order 6-F, Amendment 39, covering fresh fruits and vegetables in certain counties in Arkansas, filed 1:07 p. m.

New Orleans Order 28-C, Amendment 2, covering poultry in certain counties in Louisiana, filed 1:14 p. m.

Shreveport Order 4-W, Amendment 2, covering certain dry groceries in the Shreveport Area, filed 1:07 p. m.

Shreveport Order G-16, Amendment 3, covering dry groceries in the Shreveport Area, filed 1:07 p. m.

St. Louis Order 3-F, Amendment 25, covering fresh fruits and vegetables in the St. Louis Area, filed 1:06 p. m.

Tulsa Order 8-F, Amendment 4, covering fresh fruits and vegetables in the Tulsa Area, filed 1:15 p. m.

REGION VI

Chicago Order 1-C, Amendment 2, covering poultry in certain counties in Illinois, and Indiana, filed 1:14 p. m.

Des Moines Order 17, Amendment 1, covering dry groceries in certain areas in Iowa, filed 1:05 p. m.

Sioux City Order 2-F, Amendment 55, covering fresh fruits and vegetables in certain cities in Iowa and Nebraska, filed 1:16 p. m.

Sioux City Order 2-F, Amendment 56, covering fresh fruits and vegetables in certain cities in Iowa and Nebraska, filed 1:13 p. m.

Springfield Order 43, Amendment 2, covering poultry in certain counties in the Illinois, filed 1:04 p. m.

Springfield Order 44, Amendment 2, covering poultry in certain counties in the state of Illinois, filed 1:04 p. m.

Springfield Order 45, Amendment 2, covering poultry in certain counties in the Illinois Area, filed 1:04 p. m.

Springfield Order 46, Amendment 2, covering poultry in certain counties in the Illinois Area, filed 1:04 p. m.

Springfield Order 47, Amendment 2, covering poultry in certain counties in the Illinois Area, filed 1:04 p. m.

Springfield Order 48, Amendment 2, covering poultry in certain counties in the Illinois Area, Filed 1:04 p. m.

Springfield Order 49, amendment 2, covering poultry in certain counties in the Illinois Area, filed 1:04 p. m.

REGION VIII

Nevada Order 9-F, Amendment 8, covering fresh fruits and vegetables in the Nevada Area, filed 1:01 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45-2760; Filed, Feb. 19, 1945; 11:39 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-45, 59-48]

SOUTHERN UNION GAS CO., ET AL.

ORDER RELEASING JURISDICTION WITH RESPECT TO FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 15th day of February, A. D. 1945.

The Commission having by order dated September 18, 1944 (Holding Company Act Release No. 5295) granted applications and permitted declarations to become effective regarding the sale by Southern Union Gas Company, formerly a registered holding company, and by its non-utility subsidiary, Southern Union Production Company, and the acquisition by Texas Southeastern Gas Company, of certain properties located in southeastern Texas, the issuance and sale by Texas Southeastern Gas Company of 97,170 shares of common stock and the acquisition thereof by Southern Union Gas Company, the declaration of a dividend of the 97,170 shares of common stock of Texas Southeastern Gas Company to the common stockholders of Southern Union Gas Company, the issuance and sale by Texas Southeastern Gas Company of \$480,000 principal amount of first mortgage bonds, together with certain other related transactions; and

The Commission in said order having reserved jurisdiction over all fees and expenses incurred or to be incurred in respect of the several matters involved in this proceeding;

Applicants and declarants having filed an amendment, designated as Amendment No. 16, setting forth fees and expenses, incurred by them in the total amount of \$16,295.66, of which total 66% thereof or \$10,863.77 is to be paid

by Southern Union Gas Company and 33 1/3% thereof or \$5,431.89 is to be paid by Texas Southeastern Gas Company, and said applicants and declarants having requested that jurisdiction heretofore reserved over said fees and expenses be released; and it appearing that said fees and expenses are not unreasonable and that jurisdiction over such matters should be released;

It is ordered, That the jurisdiction reserved in the order heretofore entered herein, on September 18, 1944, with respect to the fees and expenses incurred or proposed to be incurred by Southern Union Gas Company and Texas Southeastern Gas Company in respect to the several matters involved in this proceeding, be and hereby is released.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 45-2717; Filed, Feb. 17, 1945; 3:46 p. m.]

[File Nos. 54-74, 59-69]

NORTH CONTINENT UTILITIES CORP., ET AL.
SUPPLEMENTAL ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 16th day of February, A. D. 1945.

The Commission having by order entered on November 16, 1943 approved a plan providing for the liquidation and dissolution of North Continent Utilities Corporation, a registered holding company, filed by that company and its subsidiary companies, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, and having by said order, pursuant to section 11 (b) of the act, directed North Continent Utilities Corporation to take such action as may be necessary to cause its liquidation and dissolution;

North Continent Utilities Corporation, together with North Continent Mines, Inc., its subsidiary company, having filed an application, designated as "Application No. 6", pursuant to the applicable provisions of said act and the rules promulgated thereunder (and in pursuance, and for the purpose, of carrying out the aforesaid Commission order concerning the liquidation and dissolution of North Continent Utilities Corporation) relating to the sale by North Continent Mines, Inc., of its physical properties to Union Mines Development Corporation for \$200,000 in cash, the use of the proceeds of such sale to cause ratable payments to be made on the unpaid principal of North Continent Utilities Corporation's First Lien Collateral and Refunding Gold Bonds, Series A, 5 1/2%, due January 1, 1948, and the liquidation and dissolution of North Continent Mines, Inc.;

A public hearing having been held after appropriate notice, the Commission having considered the record and having made and filed its opinion herein:

It is hereby ordered, Pursuant to sections 11 (b), 11 (e), and other applicable provisions of said act, that said applica-

tion be and hereby is granted subject to the terms and conditions prescribed in Rule U-24.

The applicants having requested that the order entered herein contain certain findings and recitals necessary to meet the requirements of sections 371, 372, 373, and 1808 of the Internal Revenue Code, as amended;

It is further ordered and recited, That the following transactions are necessary or appropriate to the integration or simplification of the North Continent holding company system, of which North Continent Mines, Inc. is a member, and are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and are fair and equitable to the persons affected thereby:

(a) The sale by North Continent Mines, Inc. of its properties to Union Mines Development Corporation for \$200,000 in cash;

(b) The distribution by North Continent Mines, Inc. of the net proceeds of the said sale, together with other assets remaining after payment of said company's debts and liabilities, to its stockholders in the liquidation and dissolution of said company;

(c) The use by North Continent Utilities Corporation, as the owner of 14,001 shares of the capital stock of North Continent Mines, Inc., of the funds to be received by North Continent Utilities Corporation as a result of the said liquidation and dissolution of North Continent Mines, Inc., for ratable payments on the unpaid principal of its First Lien Collateral and Refunding Gold Bonds, Series A, 5 1/2%, due January 1, 1948;

The above properties referred to in subdivision (a) above being more completely specified, itemized, and described under Item 4 of section IV of the application filed herein by North Continent Utilities Corporation and North Continent Mines, Inc., and designated as "Application No. 6", which said specification, itemization, and description of the said properties contained in said Item 4 of section IV of said application are hereby incorporated by reference in this order and made a part hereof, with the same force and effect as if set forth at length herein.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 45-2718; Filed, Feb. 17, 1945; 3:46 p. m.]

[File No. 70-736]

FEDERAL WATER AND GAS CORP., AND ALABAMA WATER SERVICE CO.

SUPPLEMENTAL ORDER GRANTING SALES OF PROPERTY

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 15th day of February, A. D. 1945.

The Commission having on February 10, 1943 issued an order pursuant to sections 11 (b) and 11 (e) of the Public Utility Holding Company Act of 1935

directing, among other things, that Federal Water and Gas Corporation ("Federal"), a registered holding company, dispose of its interests in Alabama Water Service Company ("Alabama"), a direct subsidiary of Federal, and approving a plan filed by Federal providing, among other things, that Federal would dispose of its interests in Alabama; Federal and Alabama having subsequently from time to time filed certain applications and declarations concerned with the divestment by Alabama of certain of its properties and the use by Alabama of the proceeds derived from such sales for the redemption and retirement of the First Mortgage Bonds, 3 $\frac{3}{4}$ % Series, due 1965 ("First Mortgage Bonds") of Alabama; said applications and declarations bearing the above set forth caption having heretofore been granted and permitted to become effective; Federal and Alabama having now filed joint amendments to these latter mentioned proceedings concerned with the following:

(a) The divestment by Alabama of the water distribution system of Alabama serving the City of Bessemer, Alabama and the Towns of Brighton and Lipscomb and the territory contiguous thereto in Jefferson County, Alabama to the City of Bessemer for the sum of \$1,050,000 in cash, plus adjustments, as of the date of closing, for additions and betterments, materials, supplies and accounts receivable pertaining to said system;

(b) The divestment by Alabama of the water distribution system of Alabama serving the City of Abbeville, Alabama and territory contiguous thereto in Henry County, Alabama, including materials, supplies and accounts receivable pertaining to said properties to The Water Works Board of the City of Abbeville, Alabama for the sum of \$47,000 in cash; and

(c) The employment of part of the proceeds to be received for the "Bessemer Properties" for the retirement of all of the presently outstanding First Mortgage Bonds of Alabama and the employment of the balance of such proceeds and all of the proceeds to be received for the "Abbeville Properties" to the redemption of Alabama's 6% Cumulative Preferred Stock, all of the capital stocks of Alabama being owned by Federal;

It appearing that these transactions are steps in the consummation by Federal of its program for the divestment of its interests in the business and properties of Alabama, that the properties being disposed of by Alabama are subject to the lien of the indenture securing Alabama's First Mortgage Bonds, and that the use of the proceeds from the said sales for the retirement of all of Alabama's First Mortgage Bonds and for the redemption, to the extent that the balance of the proceeds permits, of Alabama's preferred stock are necessary or appropriate to the integration or simplifications of section 11 (b) of the act; and

Federal and Alabama having requested that this Commission find that said proposed transactions are necessary or appropriate to the integration or simplification of the holding company system of which Federal and Alabama are mem-

bers and further requesting that such order of orders as we shall issue in this matter conform with the requirements of sections 371 (b), 371 (d), 371 (e), 371 (f) and 1808 (f) of the Internal Revenue Code, as amended, and contain the recitals and specifications described therein;

It is ordered and recited, That the sale for cash by Alabama Water Service Company of the water distribution system of said company serving the City of Bessemer and the Towns of Brighton and Lipscomb and the territory contiguous thereto in Jefferson County, all in Alabama, for the sum of \$1,050,000 in cash plus adjustments at closing said properties being more completely specified, itemized and described in a document entitled "Specification and Itemization of Properties of Alabama Water Service Company to be Sold" marked Exhibit H of Amendment No. 6-A and filed with the Securities and Exchange Commission as a part of the record in this proceeding, which said document is hereby incorporated by reference in this order and made a part hereof with the same force and effect as if set forth at length herein; the sale for cash by Alabama Water Service Company of the water distribution system of said company serving the City of Abbeville and territory contiguous thereto in Henry County, all in Alabama, for the sum of \$47,000, said properties being more completely specified, itemized and described in a document entitled "Specification and Itemization of Properties of Alabama Water Service Company to be Sold" marked Exhibit H of Amendment No. 7 and filed with the Securities and Exchange Commission as a part of the record in this proceeding, which said document is hereby incorporated by reference in this order and made a part hereof with the same force and effect as if set forth at length herein; and the use of part of the proceeds from the sale of the properties of Alabama Water Service Company located in the City of Bessemer and the Towns of Brighton and Lipscomb and the territory contiguous thereto in Jefferson County, all in Alabama, for the retirement of First Mortgage Bonds, 3 $\frac{3}{4}$ % Series, due 1965 of Alabama Water Service Company and the use of the balance of such proceeds together with all of the proceeds from the sale of the properties of Alabama Water Service Company located in the City of Abbeville and territory contiguous thereto in Henry County, all in Alabama, for the redemption of the 6% Cumulative Preferred Stock of Alabama Water Service Company, are necessary or appropriate to the integration or simplification of the Federal Water and Gas Corporation holding company system of which Alabama Water Service Company is a member and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

It is further ordered, That the sales of said properties shall be completed within six months from the date of this order and the proceeds of the said sales shall be applied to the redemption, retirement and cancellation of First Mortgage Bonds and 6% Cumulative Pre-

ferred Stock of Alabama Water Service Company not later than September 1, 1945.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-2719; Filed, Feb. 17, 1945;
3:46 p. m.]

[File No. 70-908]

CITIES SERVICE POWER & LIGHT CO.

ORDER EXTENDING TIME WITHIN WHICH
TRANSACTIONS SHALL BE CONSUMMATED

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 15th day of February, A. D. 1945.

The Commission having on August 1, 1944 issued its order authorizing the sale by Cities Service Power & Light Company of its entire interest in its subsidiary, City Light & Traction Company, to Missouri Public Service Corporation, said order being subject to the provisions of Rule U-24 requiring that proposed transactions shall be consummated within 60 days after the order of the Commission permitting a declaration to become effective or granting an application; and

Upon the request of Cities Service Power & Light Company, the Commission having subsequently issued its orders extending the time within which such proposed transactions should be consummated until February 15, 1945;

Cities Service Power & Light Company having now requested that the time within which said transactions shall be consummated be further extended until March 15, 1945 in order that the purchaser (which is not a registered holding company or subsidiary thereof) may obtain authorizations from other regulatory agencies; and

The Commission finding that granting of such extension would not be detrimental to the public interest or to the interest of investors or consumers;

It is ordered, That the time within which the proposed transactions as set forth in our opinion and order in this matter dated August 1, 1944 shall be consummated, be and hereby is extended until March 15, 1945.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-2720; Filed, Feb. 17, 1945;
3:46 p. m.]

[File No. 70-931]

PORTSMOUTH GAS CO., AND ASSOCIATED
ELECTRIC CO.

ORDER GRANTING APPLICATION AND PERMITTING
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 15th day of February 1945.

Associated Electric Company, a registered holding company, and its wholly-owned subsidiary, The Portsmouth Gas Company, having filed an application-declaration, and amendments thereto,

pursuant to the Public Utility Holding Company Act of 1935, and particularly sections 6 (b), 9 (a), 10, and 12 thereof and Rules U-43, U-44, and U-45 promulgated thereunder; said application-declaration, as amended, being concerned with the following:

(1) The proposed refunding by The Portsmouth Gas Company of \$480,000 of its open account indebtedness to Associated Electric Company by issuing and delivering in payment thereof its five-year promissory note in the same principal amount, bearing 4% interest;

(2) The proposed donation by Associated Electric Company to The Portsmouth Gas Company of so much of the latter's open account indebtedness as exceeds \$480,000;

(3) The proposed sale by Associated Electric Company of all of the outstanding capital stock of The Portsmouth Gas Company consisting of 4,000 shares of common stock, the proposed purchasers having the option of also purchasing, or causing to be purchased for cash, the said \$480,000 note of The Portsmouth Gas Company; and

(4) The proposed transfer by The Portsmouth Gas Company to Associated Electric Company of its holdings (consisting of 490 shares) of the capital stock of Atlantic Utility Service Corporation; and

A public hearing having been held after appropriate notice, the Commission having considered the record in this matter 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 application declaration, as amended, be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations under the act.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 45-2721; Filed, Feb. 17, 1945;
3:46 p. m.]

[File No. 54-43]

GREAT LAKES UTILITIES CO.

NOTICE OF FILING OF AMENDED PLAN AND
ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 16th day of February, A. D. 1945.

Great Lakes Utilities Company ("Great Lakes"), a registered holding company, having heretofore filed a plan pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for compliance with sections 11 (b) (1) and 11 (b) (2) of said act; the Commission having instituted proceedings with respect to Great Lakes and its subsidiaries under sections 11 (b) (1) and 11 (b) (2) of the act; and the Commission having consolidated the proceedings with respect to these matters (Holding Company Act Release No. 3243, January 8, 1942); and

The plan filed by Great Lakes and the amendments thereto having provided, among other things, for the extension of the maturity date of Great Lakes' outstanding First Lien Collateral Trust Gold Bonds, 5½%, due 1942, for the sale of all the assets of Great Lakes and for the application of the proceeds from the sale of the assets ratably to the payment of principal and interest on Great Lakes' bonds and to the payment of necessary expenses and the distribution of the balance of such proceeds, if any, to Great Lakes' stockholders and for the subsequent dissolution of Great Lakes; and

The Commission having approved the section 11 (e) plan and amendments thereto, and the maturity date of Great Lakes' outstanding First Lien Collateral Trust Gold Bonds having been extended to May 1, 1945; and

Great Lakes having sold assets and applied the proceeds therefrom to the reduction of the unpaid principal amount of its bonds from \$1,582,500 to \$514,312 as of September 30, 1944 and having paid all interest as such bonds due and payable to May 1, 1942, the unpaid principal amount of its bonds and interest thereon as of September 30, 1944 amounting to \$596,273, and Great Lakes having stated that further efforts to sell its remaining assets on a satisfactory basis have been unsuccessful;

Notice is hereby given that Great Lakes has filed with this Commission applications and declarations, designated as Amended Plan dated October 1, 1944, pursuant to section 11 (e) of the act and any other applicable sections of the act or rules thereunder, with respect to various proposed transactions designed to effectuate the completion of the liquidation and dissolution of Great Lakes.

All interested persons are referred to said amended plan which is on file with this Commission for a full statement of the transactions therein proposed which may be summarized as follows:

1. Great Lakes will distribute \$308,588 in cash and 70.158% of the capital stock of its subsidiaries, The Ohio Gas, Light & Coke Company ("Ohio") and Rochelle Gas Company ("Rochelle") in complete payment and satisfaction of the claims of the holders of Great Lakes First Lien Collateral Trust Gold Bonds, the principal amount of which with unpaid accumulated interest thereon from May 1, 1942 to September 30, 1944 aggregates \$596,273. The remaining 29.842% of the common stock of Ohio and Rochelle will be distributed to the holders of the 150,780 outstanding shares of Great Lakes common stock (represented by Voting Trust Certificates). Under the proposed allocation each bondholder of Great Lakes in exchange for a claim amounting to \$376.79 per bond as of September 30, 1944 will receive \$195 in cash and 16 shares of the capital stock of Ohio and 8 shares of the capital stock of Rochelle; the holders of Great Lakes' common stock will receive for each share of such stock .07143 share of the capital stock of Ohio and .03572 share of the capital stock of Rochelle.

2. Prior to the distribution of the stock of Rochelle, but after obtaining the ex-

press approval of the Illinois Commerce Commission, Rochelle will acquire the properties of Paxton Gas Company ("Paxton"), a subsidiary of Great Lakes, on the basis of the estimated original cost thereof, and will acquire the current assets (except cash) of Paxton, which will thereupon be dissolved; Rochelle will amend its Articles of Incorporation to reclassify its outstanding 600 shares of \$100 par value capital stock into 18,045 shares of \$10 par value capital stock and will reclassify its property account at original cost as estimated by the management. Rochelle will also receive a capital contribution from Great Lakes in the total amount of \$196,988 as of September 30, 1944 consisting of indebtedness of \$187,843 owed by Paxton to Great Lakes (assumed by Rochelle) and \$9,145 in cash, both as of September 30, 1944.

3. Prior to the distribution of the stock of Ohio, but after obtaining the express approval of the Ohio Public Utilities Commission, Ohio will issue and sell at private sale to Massachusetts Mutual Life Insurance Company at the principal amount thereof \$325,000 of 20 year First Mortgage Bonds, Series A 4% dated August 1, 1944 and will amend its Articles of Incorporation to reclassify its outstanding 1,901 shares of \$100 par value capital stock into 36,090 shares of capital stock of a par value of \$10 per share and will reclassify its property account at original cost as estimated by the management. The proceeds from such sale will be transferred to Great Lakes in payment of an equal amount of Ohio's indebtedness to Great Lakes on Ohio's First Mortgage 6% bonds and Great Lakes will contribute to the capital of Ohio all of the remaining indebtedness owed by Ohio to Great Lakes, amounting to \$1,474,640 as of September 30, 1944.

4. Following the distribution described hereinabove, Great Lakes will donate its remaining cash, if any, to Ohio and as soon as practicable thereafter Great Lakes will be dissolved.

5. Distribution of cash and the new stocks of Ohio and Rochelle will be made upon surrender of Great Lakes' bonds and Voting Trust Certificates for common stock to a distributing agent to be designated by Great Lakes.

6. As soon as practicable after the issuance by the court of an order to enforce and carry out the terms and provisions of the Amended Plan, Great Lakes will notify the holders of its bonds and Voting Trust Certificates that the rights of the holders thereof cease to exist except that thereafter the holders thereof shall be entitled, upon surrender of such bonds and Voting Trust Certificates, to receive the cash and/or shares of new stock distributable in respect thereof under the Amended Plan.

7. No fractional shares of the capital stocks of Ohio or Rochelle will be issued, but in lieu thereof, non-dividend paying, non-voting scrip, in bearer form, will be issued. Such scrip, when combined with other scrip, will be exchangeable for full shares of the capital stocks of Ohio and Rochelle (including any dividends which may have been paid

thereon) upon surrender to the distributing agent at any time during period of three years.

8. As soon as practicable after the expiration of three years from the date distribution is commenced, the distributing agent will sell in the over-the-counter market the shares of stock of Ohio and Rochelle then represented by unexchanged bonds and common stock and scrip certificates. Thereafter notice will be given to the holders of unexchanged Great Lakes' bonds and Voting Trust Certificates that the new stocks of Rochelle and Ohio have been sold and that they will be entitled upon surrender thereof to receive their proportionate share of the net proceeds. At the expiration of two years from the date of such notification, all rights pertaining to Great Lakes' bonds, Voting Trust Certificates and to scrip certificates shall cease and thereafter the cash held by the distributing agent (including undistributed cash payable to bondholders pursuant to the plan dated March 1, 1942) shall be distributed to Ohio and Rochelle as provided in the plan.

Great Lakes has requested that this Commission, upon approval of the amended plan, apply to an appropriate United States District Court for an order to enforce and carry out the provisions of such plan and to make them binding on all of Great Lakes' security holders.

Great Lakes has further requested that if this Commission shall enter its order approving the amended plan, as proposed or as modified, that such order shall contain an order conforming with sections 371 (a), 373 (a) and 1808 (f) of the Internal Revenue Code, as amended, and shall contain the recitals, specifications and itemizations described in Sections 371 (f) and 1808 (f) thereof.

The Commission being required by the provisions of section 11 (e) of the act, before approving any plan thereunder, to find after notice and opportunity for hearing that the plan, as submitted or as modified, is necessary to effectuate the provisions of subsection (b) of section 11, and is fair and equitable to the persons affected thereby, and it appearing appropriate to the Commission that notice be given and a hearing be held upon the amended plan to afford all interested persons an opportunity to be heard with respect thereto:

It is ordered, That the record of these proceedings be reopened and that the hearing be reconvened at 11 a. m., e. w. t., on the 8th day of March 1945, at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated at that time by the hearing room clerk in room 318. All persons desiring to be heard, or otherwise wishing to participate in the proceedings, should notify the Commission in the manner provided by its Rules of Practice, Rule XVII, on or before March 7, 1945;

It is further ordered, That Charles S. Lobingier, or any other officer or officers designated by the Commission to preside at such hearing, shall exercise all powers granted to the Commission under section 18 (c) of said act and to a Trial Examiner

under the Commission's rules of practice;

It is further ordered, That without limiting the scope of the issues presented by these proceedings, particular attention will be directed at said hearing to the following matters and questions:

1. Whether the amended plan, as proposed or as modified, is necessary to effectuate the provisions of section 11 (b) of the act, and is fair and equitable to the persons affected thereby;

2. Whether the proposed distribution of \$308,588 in cash and the allocation of 70.158% of the common stocks of Ohio and Rochelle to the holders of the First Lien Collateral Trust Gold Bonds of Great Lakes and 29.842% of the stocks of Ohio and Rochelle to the common stock of Great Lakes is fair and equitable, or whether such allocation should be modified so as to provide a greater or smaller allocation to the bondholders;

3. Whether the proposed issue and sale of bonds by Ohio is solely for the purpose of financing the business of Ohio or, if not, whether such issue and sale meet the requirements of section 7;

4. Whether the proposed accounting entries on the books of Great Lakes and of its subsidiaries are appropriate and in conformity with the requirements of the act;

5. Whether the amended plan should be modified to provide that the applicant and its subsidiaries pay such fees and expenses as may be allowed, awarded or allocated by the Commission;

6. What, if any, terms and conditions with respect to the proposed transactions should be prescribed in the public interest or for the interest of investors or consumers;

7. Generally, whether in any respect the proposed transactions are detrimental to the public interest or the interest of investors or consumers or will tend to contravene or circumvent any provisions of the Act or the rules, regulations or orders thereunder;

8. What order or orders, if any, should be entered pursuant to subparagraphs (1) and (2) of section 11 (b) of said act requiring that Great Lakes Utilities Company and/or its above-named subsidiaries take action, additional or different from that contemplated by the plan, in order to limit the operations of their holding-company system to a single integrated public-utility system or to such single system and additional systems which may be retained under Clauses (A), (B) and (C) of section 11 (b) (1) and to such other businesses as are reasonably incidental or economically necessary or appropriate to the operations of such integrated public-utility system, or systems, and in order to ensure that the corporate structure or continued existence of any company in the holding-company system will not unduly or unnecessarily complicate the structure or unfairly or inequitably distribute voting power among security holders of such holding-company system.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order by registered mail

to Great Lakes Utilities Company, The Ohio Gas, Light & Coke Company, Rochelle Gas Company, Bank of The Manhattan Company, The Pennsylvania Company for Insurances on Lives and Granting Annuities, The Ohio Public Utilities Commission and Illinois Commerce Commission, and that notice be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Holding Company Act; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER; and

It is further ordered, That Great Lakes Utilities Company shall give further notice of this hearing to each holder of Great Lakes' First Lien Collateral Trust Gold Bonds, 5½% Series, and to the holders of Great Lakes' Voting Trust Certificates (insofar as the identity of such bondholders and Voting Trust Certificate holders is known or available to Great Lakes Utilities Company) by mailing to each of said bondholders and Voting Trust Certificate holders a copy of this notice at his last known place of address, at least fifteen days prior to the date of the hearing. Any interested security holder may obtain a copy of the amended plan and the accompanying exhibits, without expense, upon request, addressed to the Secretary of Great Lakes Utilities Company, 90 Broad Street, New York, N. Y.; and

It is further ordered, That jurisdiction be and is hereby reserved to separate, whether for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters hereinbefore set forth or which may arise in these proceedings, or to consolidate with these proceedings other filings or matters pertaining to said amended plan or to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-2738; Filed, Feb. 19, 1945;
9:30 a. m.]

[File No. 59-5]

THE MIDDLE WEST CORP., ET AL.

ORDER REQUIRING DISPOSITION OF PROPERTIES
AND MODIFYING PRIOR ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of February, A. D. 1945.

The Commission having on January 24, 1944, issued its findings, opinion and order requiring The Middle West Corporation, a registered public-utility holding company, and certain of its subsidiaries which are also registered public-utility holding companies to effect certain dispositions in compliance with section 11 (b) (1) of the Public Utility Holding Company Act of 1935; determination of certain issues respecting, among other companies in the system,

Central and South West Utilities Company, a registered public-utility holding company, and its subsidiaries having been reserved pending further evidence and argument; and certain issues having been reopened upon petition for leave to present further evidence and argument; further evidence having been received, proposed findings and briefs having been filed and argument having been heard on the issues thus reserved and reopened; and the Commission having this day issued its findings and opinion respecting such reserved and reopened issues, on the basis of said findings and opinion,

It is ordered, That Central and South West Utilities Company, by means not inconsistent with this order and the policies and provisions of the Public Utility Holding Company Act of 1935, shall cease to own or control, directly or indirectly, and shall dispose of all its direct or indirect interest in:

(1) The water properties of Central Power and Light Company, and all non-utility operations in The Big Bend District,

(2) West Vernon Sewer Company,

(3) All water distribution properties of West Texas Utilities Company,

(4) The ice properties of West Texas Utilities Company in Dalhart.

(5) All water properties of Public Service Company of Oklahoma,

(6) All natural gas properties of Public Service Company of Oklahoma save those used to provide fuel for electric generating purposes,

(7) The water properties of Southwestern Gas and Electric Company,

(8) Peoples Ice Company, and

(9) The ice properties of Southwestern Gas and Electric Company;

Provided, however, That with respect to Peoples Ice Company and the ice properties of Southwestern Gas and Electric Company set forth in items (8) and (9) above, and only respecting these items, this order shall become effective on the thirtieth day following the date hereof; and

It is further ordered, That the order of the Commission respecting The Middle West Corporation and its subsidiaries heretofore issued on the 24th day of January 1944 be, and the same hereby is, modified in the following respect:

The provision requiring disposition of the utility assets of Central Power and Light Company in the so-called Pleasanton area, more fully described in the findings and opinion herein, is deleted.

It is further ordered, That neither The Middle West Corporation nor any subsidiary thereof which is required pursuant to this order or the order respecting such companies dated January 24, 1944 shall, directly or indirectly, henceforth sell or otherwise dispose of any securities, assets or other interest pursuant to the said orders unless, either

(1) a declaration pursuant to Rule U-43 or Rule U-44 with respect thereto shall have been permitted to become effective, if either of such rules shall be applicable; or (2) such companies shall have given at least ten days' notice of the terms and

conditions of such proposed sale or disposition and shall not have received notification from the Commission within said ten-day period that a declaration should be filed with respect to said proposed transaction; or (3) in the event such notification shall have been given by the Commission, the required declaration shall have been filed and permitted to become effective.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-2739; Filed, Feb. 19, 1945;
9:30 a. m.]

[File Nos. 812-192, 812-193, 812-194]

PROVIDENTIA, LTD., ET AL.

NOTICE OF AND ORDER FOR HEARING; AND
ORDER CONSOLIDATING PROCEEDINGS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of February, A. D. 1945.

In the matter of Providentia, Ltd., The Nineteen Corporation, Instoria, Inc.; File Nos. 812-192, 812-193, 812-194.

Applications having been filed by Providentia, Ltd., The Nineteen Corporation and Instoria, Inc., under and pursuant to section 6 (c) of the Investment Company Act of 1940, for orders granting an extension to November 30, 1945, of exemption from the provisions of the Investment Company Act heretofore granted to applicants and extended to February 28, 1945, by order of the Commission dated November 30, 1944;

It appearing to the Commission that said applications are related and present questions of law and fact common to each of said applications;

It is ordered, That the proceedings on the three applications be and the same hereby are consolidated;

It is further ordered, Pursuant to section 40 (a) of said act, that a hearing on the consolidated matter be held on February 26, 1945 at 10:15 a.m. e.w.t. in Room 318 in the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia 3, Pennsylvania;

It is further ordered, That Allen MacCullen or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on this matter. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to the applicants and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-2740; Filed, Feb. 19, 1945;
9:30 a. m.]

UNITED STATES COAST GUARD.

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4426, 4481, 4488, and 4491, as amended, 49 Stat. 1544 (46 U.S.C. 375, 391a, 404, 474, 481, 489, 367), and Executive Order 9083, dated February 28, 1942 (3 CFR, Cum. Supp.), the following approval of equipment is prescribed:

APPROVAL OF EQUIPMENT

LIFEBOAT

26' x 8.5' x 3.825' metallic motor lifeboat, Type MHMS (40-person peacetime capacity, 33-person wartime capacity) (General Arrangement and Construction Details Dwg. No. 493, dated April, 1944), submitted by Tregoning Boat Company, Seattle, Washington.

LIFE RAFT

20-person improved type reversible life raft (Dwgs. No. LR-10, LR-11 and LR-12, dated 7 December, 1944, Alt. 0), submitted by Leyde and Leyde, Falls Church, Virginia.

PORTABLE ELECTRIC MEGAPHONE

Portable electric megaphone, Type TPM-2 (Dwg. No. 105.6, dated 3 February, 1945 and Dwg. No. 105.9, dated 5 February, 1945), submitted by Taybern Equipment Co., 120 Greenwich Street, New York 6, N. Y.

LUMINOUS MARKING FOR INTERIOR ACCOMMODATIONS

Luminous marking, designated "ALL-PLASTIC", submitted by Century Lighting Inc., 419 West 55th Street, New York 19, N. Y.

Dated: February 17, 1945.

L. T. CHALKER,
Rear Admiral, USCG,
Acting Commandant.

[F. R. Doc. 45-2673; Filed, Feb. 17, 1945;
10:56 a. m.]

WAR FOOD ADMINISTRATION.

Farm Security Administration.

WARREN COUNTY, PA.

DESIGNATION OF LOCALITIES FOR LOANS

Designation of localities in county in which loans, pursuant to Title I of the Bankhead-Jones Farm Tenant Act, may be made.

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, as extended by the War Food Administrator's delegation of authority issued August 2, 1944, loans made in the county mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

REGION I
PENNSYLVANIA
Warren County

Locality I: Consisting of the townships of Brokenstraw, Columbus, Conewango, Corydon, Elk, Farmington, Freehold, Glade, Kinzua, Mead, Pine Grove, Pittsfield, Pleasant, Sheffield, Spring Creek, and Sugar Grove; boroughs of Bear Lake, Clarendon, Sugar Grove, Warren, and Youngsville; and Corn Planter Indian Reservation.....	\$3,395
Locality II: Consisting of the townships of Cherry Grove, Deerfield, Eldred, Limestone, Southwest, Triumph, and Watson; boroughs of Grand Valley, and Tidoute.....	2,233

The purchase price limit previously established for the county above-mentioned is hereby cancelled.

Approved: February 17, 1945.

FRANK HANCOCK,
Administrator.

[F. R. Doc. 45-2751; Filed, Feb. 19, 1945; 11:11 a. m.]

WAR MANPOWER COMMISSION.

ATLANTIC CITY, N. J., AREA

EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for the Atlantic City War Manpower Commission Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective September 17, 1943 and amended January 10, 1944, and July 1, 1944.

Sec.

1. Control of hiring and solicitation of workers.
2. Minimum standards.
3. Existing contracts.
4. Advertising.
5. Advance notice of lay-offs.
6. Limited statements of availability.
7. Request to remain on or return to a job.
8. Employment ceiling and manpower allowance.
9. Definitions—as used in this plan.

In furtherance of the war effort and for the purpose of achieving the most effective utilization of the services of labor in essential and locally needed activities, the Area Director of the War Manpower Commission for the Atlantic City Area with the concurrence of the Regional War Manpower Committee, pursuant to the authority granted by War Manpower Commission Regulation No. 7 and the regional plan adopted August 23, 1943, hereby establishes the following plan for the area with respect to the stabilization of employment throughout the area to take effect as of September 17, and to be operative thereafter:

SECTION 1. Control of hiring and solicitation of workers. All hiring and solicitation of workers in, or for work in, the Atlantic City War Manpower Commission Area shall be conducted in accordance with the provisions of this employment stabilization plan.

SEC. 2. Minimum standards—(a) General. A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(1) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the United States Employment Service, and

(2) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

(b) *Issuance of statements of availability by employers.* An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(1) He has been discharged, or his employment has been otherwise terminated by his employer, or

(2) He has been laid off for an indefinite period, or for a period of seven or more days, or

(3) Continuance of his employment would involve undue personal hardship, or

(4) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(5) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

(c) *Issuance of statements of availability by United States Employment Service.* (1) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in paragraph (b) is found to exist in his case. If the employer fails or refuses to issue a statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

(2) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who, the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission employment stabilization plan, regulation or policy, and for so long as such employer continues non-compliance after such finding.

(d) *Referral in case of under utilization.* If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the United States Employment

Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

(e) *Workers who may be hired only upon referral by the United States Employment Service.* On and after July 1, 1944, no new employee may be hired solely upon presentation of a statement of availability, but such employee shall be hired only upon referral by, or with the consent of, the U. S. Employment Service. However, a new employee whose last regular employment was in agriculture and who is to be hired for non-agricultural work, shall not be referred to non-agricultural work, except after consultation with a designated representative of the War Food Administration; but such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

(f) *Exclusions.* No provision of the employment stabilization plan shall be applicable to:

(1) The hiring of a new employee for agricultural employment;

(2) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "Last employment" for the purposes of the program, unless the employee is customarily engaged in work of less than seven days' duration;

(3) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii;

(4) The hiring by a foreign, State, county, or municipal government, or their political subdivisions, or their agencies and instrumentalities, or the hiring of any of their employees, unless such foreign, State, county, or municipal government, or political subdivision or agency or instrumentality has indicated its willingness to conform to the maximum extent practicable under the Constitution and laws applicable to it, with the program;

(5) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service;

(6) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

(g) *Appeals.* Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this employment stabilization plan, in accordance with regulations and procedures of the War Manpower Commission.

(h) *Content of statements of availability.* A statement of availability issued to an individual pursuant to this plan shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, and such other information not prejudicial to the employee in seeking new

employment as may be authorized or required by the War Manpower Commission.

(i) *Solicitation of workers.* No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization plan, except in a manner consistent with such restrictions.

(j) *Hiring.* The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

(k) *Representation.* Nothing contained in this plan shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member, or any other representative freely chosen by him, at any step in the operation of this plan.

(l) *General referral policies.* No provision in the program shall limit the authority of the United States Employment Service to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

SEC. 3. *Existing contracts.* Nothing in this plan shall be construed to prejudice existing seniority rights of an employee under any agreement with his employer.

SEC. 4. *Advertising.* Employer's advertisements for employees are required to meet the following conditions:

(a) Indicate clearly that employees now employed in essential activity cannot be considered without statements of availability.

(b) The name of the advertising employer must be included in any advertisement which does not include reference to the use of facilities of the United States Employment Service, except through arrangement with the United States Employment Service.

(c) Advertisements for employees possessing skills which appear on the list of critical occupations must state that hires may be made only through referral by or with the consent of the United States Employment Service.

(d) Advertisements of employers located outside the Atlantic City War Manpower Commission Area shall state clearly that persons now employed or residing within the Atlantic City War Manpower Commission Area will not be considered.

(e) Advertisements of employers shall contain no mention of wage rates or possible earnings.

SEC. 5. *Advance notice of lay-offs.* Employers are required when possible to provide at least three days' advance notice to the United States Employment Service whenever a lay-off of ten or more employees will occur, and such notice shall contain a statement as to the number of employees to be laid off by occupation.

SEC. 6. *Limited statements of availability.* Limited statements of availability specifying a particular date on which employees shall be returned to

their previous employer shall be issued by the United States Employment Service of the War Manpower Commission, whenever, in the judgment of the appropriate Area Manpower Director, the best interests of the war effort will be served by such action, provided that such action is agreeable to both the employer and employee involved, and provided further that such limited statements of availability shall not be issued for a period longer than 3 months.

SEC. 7. *Request to remain on or return to a job.* The United States Employment Service of the War Manpower Commission shall request any employee to return to or remain on his job and shall request any employer to retain such employee in his employ:

(a) Pending any determination of the employee's request for a statement of availability.

(b) Pending decision on the employee's appeal from a determination denying him a statement of availability.

(c) Upon a final determination that the employee is not entitled to a statement of availability.

SEC. 8. *Employment ceiling and manpower allowance.* The Area Manpower Director may fix for all or any establishments in Area VI, fair and reasonable employment ceilings and/or allowances, limiting the number of employees or specified types of employees, which such establishments may employ during specified periods. Such ceilings and/or allowances will be determined on the basis of establishments' actual labor requirements, the available labor supply, and/or the relative urgency of establishments' products or services to the war effort. Except as authorized by the Area Manpower Director, no employer shall hire any new employee if the hiring of such employee would result in the establishment's exceeding the employment ceiling and/or manpower allowance currently applicable to it.

SEC. 9. *Definitions as used in this plan—*(a) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(b) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(c) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission.

(d) "Essential activity" means any activity included in the War Manpower

Commission list of essential activities. (9 F.R. 3439)

(e) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(f) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employments mean his principal employment.

(g) "Employment stabilization plan" includes any arrangement involving restrictions on separation or hiring of workers, whether through issuance of statements of availability, referral by the United States Employment Service or otherwise.

(h) "The Atlantic City Area" comprises the counties of Atlantic, Cape May, Cumberland and Salem, the southern portion of Burlington County and the southern tips of Camden and Gloucester Counties, serviced by the Atlantic City, Bridgeton, Hammonton, Millville, Salem and Wildwood local offices of the United States Employment Service. The southern portion of Burlington County includes the municipalities of Bass River, Shamong and Washington.

The southern tip of Camden County includes the municipalities of Waterford and Winslow and the Borough of Chesilhurst.

The southern tip of Gloucester County includes the municipalities of Monroe and Franklin and the Borough of Newfield.

Dated: October 23, 1944.

IRENE E. POPPER,
Area Director.

Approved: October 31, 1944.

FRANK L. McNAMEE,
Regional Director.

[F. R. Doc. 45-2691; Filed, Feb. 17, 1945; 11:40 a. m.]

[Amdt. 3]

ATLANTIC CITY, N. J., AREA

EMPLOYMENT STABILIZATION PLAN

The employment stabilization plan for the Atlantic City, New Jersey Area, effective September 17, 1943, is hereby amended as follows:

Paragraph (e) of section 2 is amended as follows:

SEC. 2. *Minimum standards.* * * *

(e) *Workers who may be hired only upon referral by the United States Employment Service.* (1) Atlantic City Area, exclusive of the Bridgeton Labor Market Area: On and after July 1, 1944, a new employee may not be hired in and for work in the Atlantic City Area exclusive of the Bridgeton Labor Market Area, solely upon presentation of a statement of availability, but may be hired only upon referral by or in accordance with arrangements with the United States Employment Service when

(i) The new employee is a male,
(ii) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period.

(iii) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work; *Provided*, That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration; *And provided*, That such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

(2) Bridgeton Labor Market Area: On and after July 1, 1944, no new employee may be hired in and for work in the Bridgeton Labor Market Area solely upon presentation of a statement of availability, but may be hired only upon referral by or in accordance with arrangements with the United States Employment Service.

Dated: January 17, 1945.

IRENE E. POPPER,
Area Director.

Approved: February 7, 1945.

PAUL C. LEWIS,
Regional Director.

[F. R. Doc. 45-2692; Filed, Feb. 17, 1945;
11:40 a. m.]

[Amdt. 4]

ATLANTIC CITY, N. J., AREA
EMPLOYMENT STABILIZATION PLAN

The employment stabilization plan for the Atlantic City, New Jersey Area, effective September 17, 1943, is hereby amended as follows:

Paragraph (i) of section 9 is added to read as follows:

SEC. 9. *Definitions.* * * *

(i) "The Bridgeton Labor Market Area comprises the counties of Cumberland and Salem, Southern tip of Gloucester County which includes the municipalities of Monroe and Franklin, and the borough of Newfield, and the Western tip of Buena Vista Township in Atlantic County, which includes Downes-town, Buena, Richland, East Vineland, New Italy, Landsville, and Minotola.

Dated: December 5, 1944.

IRENE E. POPPER,
Area Director.

Approved: December 13, 1944.

FRANK L. McNAMEE,
Regional Director.

[F. R. Doc. 45-2693; Filed, Feb. 17, 1945;
11:40 a. m.]

NEW BEDFORD, MASS., AREA
EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for the New Bedford Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs", effective August 16, 1943, (8 F.R. 11338).

- Sec.
1. Purpose.
 2. Definitions.
 3. Control of hiring and solicitation of workers.
 4. Authority and responsibilities of Management-Labor Committee.
 5. Encouragement of local initiative and use of existing hiring channels.
 6. General.
 7. Issuance of statements of availability by employers.
 8. Issuance of statements of availability by United States Employment Service.
 9. Referral by United States Employment Service.
 10. Hiring contrary to the program.
 11. Exclusions.
 12. Appeals.
 13. Contents of statements of availability.
 14. Solicitation of workers.
 15. Hiring.
 16. Representation.
 17. General referral policies.
 18. Effective date.

SECTION 1. *Purpose.* This employment stabilization program has been adopted in the New Bedford Area, with the approval of the Regional Director. Its purpose is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management and necessary for the effective prosecution of the war:

- (a) The elimination of wasteful labor turnover in essential activities,
- (b) The reduction of unnecessary labor migration,
- (c) The direction of the flow of scarce labor where most needed in the war program,
- (d) The maximum utilization of manpower resources.

SEC. 2. *Definitions.* As used in this employment stabilization program:

(1) "The New Bedford Area" is comprised of the territory designated in Appendix A.

(2) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(3) "State" includes Alaska, Hawaii, and the District of Columbia.

(4) "New Employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(5) "Employment ceiling" means the highest level of employment or specified types of employees which an establishment is not permitted to exceed, based upon an approved and necessary production schedule. Ceilings may be established so as to:

- (i) Permit employment expansion,

(ii) Maintain employment at present levels, or

(iii) Reduce the employment level.

The employment ceiling is subject to change as production schedules change.

(6) "Priority referral" is a program which provides that employers, except agricultural employers, in any area may hire workers only from among those referred by the United States Employment Service of the War Manpower Commission or in accordance with arrangements approved by the United States Employment Service, so that workers may be referred to jobs in the order of the relative importance of those jobs to the war effort.

(7) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities.

(8) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(9) The terms "employment" and "work" as supplied to an individual engaged in principal and supplementary employment mean his principal employment.

SEC. 3. *Control of hiring and solicitation of workers.* All hiring and solicitation of workers in, or for work in, the New Bedford Area, shall be conducted in accordance with this employment stabilization program.

This shall include any hiring or solicitation, whether conducted within or outside the area, if the work is to be performed within the area.

SEC. 4. *Authority and responsibilities of Management-Labor Committee.* The Area Management-Labor War Manpower Committee for the New Bedford Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization program, and to make recommendations concerning the same to the Area Manpower Director.

It shall be the responsibility of this committee to hear and decide appeals or to delegate such responsibility to an Area Appeals Committee in accordance with regulations of the War Manpower Commission governing appeals.

SEC. 5. *Encouragement of local initiative and use of existing hiring channels.* The War Manpower Commission shall encourage local initiative and cooperative efforts to the end that the maximum use shall be made by arrangement with the Area Director, of existing hiring channels, such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions and government agencies.

This section shall not be interpreted or deemed to be a waiver of any of the provisions of this program.

SEC. 6. *General.* No employer in the New Bedford Area shall hire any new worker except upon referral by or in accordance with arrangements with the United States Employment Service.

Notices of referral received by any employer pursuant to this program shall be retained during the continuance of this

program and for a reasonable time thereafter. They shall be made accessible to the Area Manpower Director or his representative upon request.

SEC. 7. Issuance of statements of availability by employers. (a) An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(1) He has been discharged, or his employment has been otherwise terminated by his employer, or

(2) He has been laid off for an indefinite period, or for a period of seven or more days, or

(3) Continuance of his employment would involve undue personal hardship, or

(4) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulations, or

(5) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wages in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

(b) Workers receiving statements of availability from their employer may not be hired upon presentation of the statement of availability to a new employer. A worker shall present the statement of availability to the local office of the United States Employment Service of the War Manpower Commission for referral by it to a new job.

SEC. 8. Issuance of statement of availability by United States Employment Service. (a) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in section 7 is found to exist in his case. If the employer fails or refuses to issue a statement of availability to an individual entitled to such statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

(b) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission employment stabilization program, regulation or policy, and for so long as such employer continues his non-compliance after such finding.

SEC. 9. Referral by United States Employment Service. The United States Employment Service shall refer a worker:

(a) Upon his request, if it is found that he is employed at less than full time or at a job which does not utilize his highest recognized skill, to other available employment in which it finds

that his skill will be more fully utilized in the war effort,

(b) Upon his request, to a former employer when it is found that he has received from such employer with whom he has reemployment rights, under an existing collective bargaining agreement, a notice that he must return to his former employer in order to preserve his seniority status,

(c) Who has not been engaged in an essential or locally needed activity during the preceding 60-day period,

(d) Upon his request, a worker whose last regular employment was in agriculture except after consultation with a designated representative of the War Food Administration: *Provided*, That such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

SEC. 10. Hiring contrary to the program. An employer shall, upon written request of the United States Employment Service, promptly release from employment any worker hired in violation of this program.

SEC. 11. Exclusions. No provision of this employment stabilization program shall be applicable to:

(a) The hiring of a new employee for agricultural employment, or

(b) The hiring of an agricultural worker for non-agricultural employment for a period not to exceed six weeks' duration, or

(c) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of this program, unless the employee is customarily engaged in work of less than seven days' duration, or

(d) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii, or

(e) The hiring by a foreign, State, county, or municipal government or their political subdivisions or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county or municipal government or political subdivision or agency or instrumentality has indicated its willingness to conform to the maximum extent practicable under the Constitution and laws applicable to it with the program, or

(f) The hiring of a new employee for domestic services or to the hiring of a new employee whose last regular employment was in domestic service, or

(g) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

SEC. 12. Appeals. Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this employment stabilization program, in accordance with regulations and procedures of the War Manpower Commission.

SEC. 13. Content of statements of availability. A statement of availability issued to an individual pursuant to the program shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer or War Manpower Commission officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

SEC. 14. Solicitation of workers. No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization program, except in a manner consistent with such restrictions.

SEC. 15. Hiring. The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship. The Area Manpower Director may fix for all or any establishments in the New Bedford Area, fair and reasonable employment ceilings and allowances, limiting the number of employees or other specified types of employees which such establishments may employ during specified periods. Such ceilings and allowances will be determined on the basis of the establishment's actual labor needs, the available labor supply, and/or the relative urgency of the establishment's products or services to the war effort. Except as authorized by the Area Manpower Director, no employer shall hire any new employee for work in such establishments if the hiring of such employee would result in such establishment's exceeding the employment ceiling or allowances currently applicable to it.

The Federal Government shall be considered as a single essential employer for the purposes of this program, and all hiring for departments and agencies of the Federal Government subject to the Civil Service Act, rules and regulations, shall be conducted by the U. S. Civil Service Commission which shall recruit in accordance with the policies of the War Manpower Commission.

SEC. 16. Representation. Nothing contained in this program shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the program.

SEC. 17. General referral policies. (a) No provision in this program shall limit the authority of the United States Employment Service or any other government agency designated by the War Manpower Commission to make referrals in accordance with approved policies and

instructions of the War Manpower Commission.

(b)¹ The Area Manpower Director, after consultation with the Area Management-Labor War Manpower Committee to determine the degree necessary, may adopt certain standards of priority referral of workers to be followed by the United States Employment Service Offices located within the area. Such standards shall be consistent with the policies of the War Manpower Commission and a copy of such standards as are currently in force shall be maintained available for public inspection at each area and local employment office within the area.

Sec. 18. *Effective date.* This program shall become effective August 18, 1944, and is in substitution for and supersedes the employment stabilization plan in effect prior to such date. It shall, subject to such amendments as the War Manpower Commission may promulgate, continue in effect for six months following termination of the war, unless sooner terminated by the War Manpower Commission.

Dated: August 18, 1944.

PAUL N. DEVINE,
Area Director.

Approved: November 4, 1944.

ARTHUR C. GERNES,
Regional Director.

APPENDIX A—DESIGNATION OF THE NEW BEDFORD AREA

The New Bedford Area is comprised of the territories included in the following cities and towns in the Commonwealth of Massachusetts: Acushnet, Barnstable, Bourne, Dartmouth, Fairhaven, Falmouth, Lakeville, Marion, Mattapoisett, New Bedford, Rochester, Sandwich and Wareham.

[F. R. Doc. 45-2714; Filed, Feb. 17, 1945; 3:28 p. m.]

¹ Adopted September 14, 1944.

WAR PRODUCTION BOARD.

[C-264]

ABBOTT FLUORESCENT CO., INC., ET AL.

CONSENT ORDER

Abott Fluorescent Co., Inc. and Abott Industries, Inc. are two New York corporations with an office and place of business at 52-56 West Houston Street in the City of New York. They are engaged in the manufacture of electrical equipment consisting of transformers and ballasts, starters, switches and sockets, and in their sale and disposition. Harry Rosenthal is Vice President and Engineer of both corporations and their operating head. They are charged by the War Production Board with wilful violations of General Limitation Order L-78, as amended December 9, 1943, in that during the months of March, April and May, 1944, they sold and delivered component parts of fluorescent lighting fixtures upon purchase orders bearing no preference ratings. The order forbade sale and delivery of fluorescent lighting fixtures or any of the component parts except upon purchase orders bearing a preference rating of A-1-j or better, or bearing a specifically assigned preference ratings.

They are further charged with a wilful violation of Priorities Regulation 3, as amended February 26, 1944, in that they applied or extended a preference rating of AA-2X in order to purchase 50,000 corrugated boxes, whereas the preference rating, AA-2X, had been applied or extended to them for the delivery of electric transformers or ballasts.

Abott Fluorescent Co., Inc., Abott Industries, Inc., and Harry Rosenthal, individually, admit these charges and do not care to contest the charge of wilfulness in their commission of the illegal acts above described. Wherefore, upon the agreement and consent of Abott Fluorescent Co., Inc., Abott Industries, Inc., and Harry Rosenthal, individually, the Regional Compliance Manager and

the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered, That:*

(a) Abott Fluorescent Co., Inc., Abott Industries, Inc., and Harry Rosenthal, individually, their successors and assigns, shall not sell or deliver any fluorescent lighting fixtures or component part thereof except to or for the account of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Veterans Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, Defense Supplies Corporation, Metals Reserve Company, or any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), unless, on application, written authorization by the War Production Board is given to sell and deliver on a purchase order bearing a preference rating of AA-1 or higher. This order shall not affect deliveries on rated purchase orders on hand or in the house on January 29, 1945.

(b) Nothing contained in this order shall be deemed to relieve Abott Fluorescent Co., Inc., Abott Industries, Inc., and Harry Rosenthal, individually, their successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect February 17, 1945, and shall expire on December 31, 1945.

Issued this 10th day of February 1945.

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

[F. R. Doc. 45-2676; Filed, Feb. 17, 1945; 11:11 a. m.]