THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 10 NUMBER 41

Washington, Tuesday, February 27, 1945

Regulations

TITLE 7—AGRICULTURE

Chapter I—War Food Administration (Standards, Inspections, Marketing Practices)

Subchapter B—Marketing of Perishable Agricultural Products

PART 47—RULES OF PRACTICE UNDER THE PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

Pursuant to the provisions of the Perishable Agricultural Commodities Act, 1930, as amended (46 Stat. 531, 7 U.S.C., 499a et seq., and Sup. III, 499b), the rules of practice issued thereunder (7 CFR, Cum. Supp., 47.1 et seq.), are amended to read as follows:

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AUTHORITY: §§ 47.1 to 47.43, inclusive, issued under 46 Stat. 531, as amended, 7 U.S.C., 499a et seq., and Sup. III, 499b; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783.

GENERAL PROVISIONS

§ 47.1 *Meaning of words.* Words in the regulations in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 47.2 *Definitions.* As used in the regulations in this part, the terms as defined in section 1 of the act shall apply with equal force and effect. Unless otherwise defined, the following terms whether used in the regulations in this part, in the act, or in the trade shall be construed as follows:

(a) "Act" means the Perishable Agricultural Commodities Act, 1930, approved June 10, 1930, as amended (46 Stat. 531, 7 U. S. C., 499a et seq., and Sup. III, 499b), and legislation supplementary thereto and mandatory thereof.

(b) "Department" means the United States Department of Agriculture.

(c) "Administration" means the War Food Administration.

(d) "Administrator" means the War Food Administrator or any person to

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Published daily, except Sundays, Mondays, and days following legal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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

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whom authority has heretofore lawfully been delegated or to whom authority may hereafter lawfully be delegated to act in his stead.

(e) "Director" means the Director of Marketing Services of the Administration, or any officer or employee of the Administration to whom the Director has heretofore delegated or may hereafter delegate the authority to act in his stead.

(f) "Solicitor" means the Solicitor of the Department or any employee of the Office of the Solicitor to whom the authority to act in his stead has heretofore been or may hereafter be delegated.

(g) "Branch" means the Fruit and Vegetable Branch of the Office of Marketing Services of the Administration.

(h) "Chief of Branch" means the Chief of the Fruit and Vegetable Branch or any officer or employee of the Branch to whom has heretofore or may hereafter be delegated the authority to act in his stead.

(i) "Examiner" means any employee of the Administration or of the Department duly designated to conduct hearings, and to perform all duties incident thereto under the act.

(j) "Examiner's report" means the examiner's analysis of the proceeding, proposed findings of fact, proposed conclusions, and proposed order.

(k) "Hearing" means that part of the proceeding which involves the submission of evidence and may or may not include an oral hearing.

(l) "Hearing clerk" means the hearing clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C.

(m) "Disciplinary proceeding" means any proceeding (other than a reparation proceeding) arising under the act, in which proceeding it is required by law that the order or other determination duly issued shall be made only after an opportunity for a hearing, and, if a hearing be held, only upon the basis of a record made in the course of such hearing.

(n) "Reparation proceeding" means a proceeding in which money damages are claimed and in which the Administration is not a party.

(o) "Party" includes the Administration in those instances in which the proceeding is instituted upon moving papers filed in an official capacity by an official or employee of the Department.

(p) "Complainant" means the party upon whose moving paper the proceeding is instituted.

(q) "Respondent" means the party proceeded against, whether the proceeding is instituted by the Administration or by a private person.

(r) "Moving paper" means any formal complaint, petition, or order to show cause, by virtue of which a proceeding under the act is instituted.

§ 47.3 *Institution of proceedings*—(a) *Informal complaints*—(1) *Filing.* Any interested person (including any officer or agency of any State or Territory having jurisdiction over commission merchants, dealers, or brokers in such State or Territory, and any employee of the Administration or of the Department) desiring to complain of any violation of any provision of the act by any commission merchant, dealer, or broker may file with the Chief of Branch an informal complaint. Informal complaints may be made the basis of either a disciplinary complaint, or a claim for damages, or both. If the informal complaint is to be made the basis of a claim for damages, it must be filed within 9 months after the cause of action accrues; if the informal complaint is not to be made the basis of a claim for damages, it may be filed at any time within 2 years after the violation of the act occurred: *Provided,* That the 2-year limitation herein prescribed shall not apply to complaints charging flagrant or repeated violations of the act.

(2) *Form and contents.* Informal complaints may be made by telegram, by letter, or by a preliminary statement of facts, setting forth the essential details of the transaction complained of. So far as practicable, every such informal complaint shall state such of the following items as may be applicable:

(i) The name and address of each person and of the agent, if any, representing him in the transaction involved;

(ii) Quantity and quality or grade of each kind of produce shipped;

(iii) Date of shipment;

(iv) Car initial and number, if carlot;

(v) Shipping and destination points;

(vi) If a sale, the date, sale price, and amount actually received;

(vii) If a consignment, the date, reported proceeds, gross, net;

(viii) Amount of damages claimed, if any; and

(ix) Statement of other material facts, including terms of contract.

(3) *Attachments.* The informal complaint should, so far as practicable, be accompanied by true copies of all available papers relating to the transaction complained about, including shipping documents, letters, telegrams, invoices, manifests, inspection certificates, accounts sales, and any special contracts or agreements.

(b) *Investigation and disposition of informal complaints.* (1) Upon receipt of all the information and supporting evidence submitted by the person filing the informal complaint, the Chief of Branch shall cause such investigation to be made as, in his opinion, is justified by the facts. If such investigation discloses that no violation of the act has occurred, no further action shall be taken and the person filing the informal complaint shall be so informed.

(2) If the statements in the informal complaint seem to warrant such action, the Chief of Branch shall call upon the person complained against to state his side of the controversy in an effort to effect an amicable or informal adjustment of the matter. Should such adjustment not be made and the information secured by correspondence or investigation indicate the probability of a violation of the act, further proceedings shall be based either upon a formal complaint for damages filed by the person aggrieved or upon a formal complaint for disciplinary action filed by the Director.

(c) *Status of person filing informal complaint.* The person filing an informal reparation complaint shall not be a party to any disciplinary proceeding which may be instituted as a result of the informal complaint, and such person shall have no legal status in any such proceeding, except as he may be subpoenaed as a witness or his deposition taken without expense to him.

§ 47.4 *Service; proof of service.* Service of all papers and documents required to be served on the parties in any proceeding under these rules shall be made by the Branch, unless otherwise provided herein or directed by the examiner or the Administrator, and shall be made either (a) by registering and mailing a copy of the document or paper, addressed to the individual, partnership, corporation, organization, or association, or to his or its attorney or agent of record, at his or its last known principal office or place of business; or (b) if such registered matter is refused by the addressee and is returned undelivered, by mailing by regular mail a copy of the document or paper, addressed to such individual, partnership, corporation, organization, or association, or to his or its attorney or agent of record, at his or its last known principal place of business; or (c) by leaving a copy of the document or paper at the principal office, or place of business or residence, of such individual, partnership, corporation, organization, or association, or of his or its attorney or agent of record; or (d) by delivering a copy of the document or paper to the individual to be served, or to a member

of the partnership to be served, or to the president, secretary, or other executive officer or any director of the corporation, organization, or association to be served, or to the attorney or agent of record of such individual, partnership, corporation, organization, or association. Proof of service hereunder by a person other than an employee of the Administration or the Department or a United States Marshal or his deputy shall be made by the affidavit of the person who actually made the service. Proof of service hereunder by an employee of the Department or a United States Marshal or his deputy shall be made by the certificate of the person who actually made the service: *Provided*, That if the service be made by registered mail, as outlined in (a) above, proof of service shall be made by the return post-office receipt, except that, if the registered matter is refused and returned undelivered, proof of service may be made by the certificate of the person who thereafter mailed the same matter by regular mail. The affidavit, certificate, or post-office receipt contemplated herein shall be filed with the hearing clerk, and the fact of filing thereof shall be noted on the docket of the proceeding.

§ 47.5 *Scope and applicability of rules of practice.* Sections 47.6 to 47.25 shall be applicable to the procedure governing the filing and disposition of formal complaints in reparation proceedings. Sections 47.26 to 47.43 shall be applicable to the procedure governing the filing and disposition of formal complaints and other moving papers instituting disciplinary proceedings. Sections 47.1 to 47.5 and § 47.44 shall be applicable to all proceedings under the regulations in this part.

RULES APPLICABLE TO REPARATION PROCEEDINGS

§ 47.6 *Formal complaints*—(a) *Filing; contents; number of copies.* If the procedure provided in § 47.3 (b) fails to effect an amicable or informal adjustment and indicates the probability of a violation of the act, the person filing the informal complaint may, if further proceedings are desired, file with the Branch a formal complaint setting forth the information and accompanied by the papers indicated in § 47.3 (a) (2) and (3) including a statement of the amount of damages claimed, with the basis therefor, and the method of determination. The original and three copies shall be furnished for filing, and service on the respondent. If there is more than one respondent, a further copy shall be furnished for each additional respondent.

(b) *Bond required if complainant is non-resident.* If formal complaint for reparation is filed by a non-resident of the United States, complainant shall first file a bond in double the amount of the claim either with a surety company approved by the Treasury Department of the United States as surety or with two personal sureties, each of whom shall be a citizen of the United States and shall qualify as financially responsible for the entire amount of the bond. The bond shall run to the respondent and be conditioned upon the payment of costs, including reasonable attorney's fees, for the respondent if the respondent shall prevail, and of any reparation award that may be issued by the Administrator against the complainant on any counterclaim asserted by respondent: *Provided*, That the furnishing of a bond shall be waived if the complainant is a resident of a country which permits filing of a complaint by a resident of the United States against a citizen of that country without the furnishing of a bond.

(c) *Service upon respondent; proof of service.* If, upon receipt by the Branch of the formal complaint, the complaint is found to be in proper form, a copy thereof shall be served by the Branch upon the respondent in accordance with § 47.4. If the complaint is not in the proper form, the Branch shall return it and inform the complainant of the deficiencies therein.

(d) *Amendments.* At any time prior to the close of the hearing, the complaint may be amended; but, in case of an amendment adding new provisions, the hearing shall, if the respondent so requests, be adjourned for a reasonable time to be determined by the examiner: *Provided*, That, if the amendment introduces a new or different cause of action, it must be filed within 9 months after the cause of action accrued. Amendments subsequent to the first amendment or subsequent to the filing of an answer by the respondent may be made only with leave of the examiner or with the written consent of the adverse party.

§ 47.7 *Service of report of investigation.* At the same time that it serves upon the respondent a copy of the formal complaint, the Branch shall serve upon each of the parties a copy of the report made by the Branch in connection with its investigation of the informal complaint, and a copy of the report of such investigation as the Branch deems necessary to make in connection with the formal complaint. Whenever the Chief of Branch, or the examiner, or the Administrator deem it necessary, a supplemental investigation shall be made by the Branch and a copy of the report thereon shall also be served upon the parties. Any such information shall be considered as part of the evidence in the proceeding: *Provided*, That either party shall be permitted to submit evidence in rebuttal in the same manner as is provided in the regulations in this part for the submission of evidence in general.

§ 47.8 *The answer*—(a) *Filing and service.* Within 20 days after service of the formal complaint, unless extension of time has been requested and granted, the respondent may file with the Branch, an answer, in triplicate, signed by the respondent or his attorney. A copy of the answer shall be served upon the complainant by the Branch as provided in § 47.4.

(b) *Contents.* Such answer shall contain (1) a precise statement of the facts which constitute the grounds of defense, including any set-off or counterclaim, and shall specifically admit, deny, or explain each of the allegations of the complaint, unless respondent is without knowledge, in which case the answer shall so state; or (2) a statement that the respondent admits all of the allegations of the complaint; or (3) a statement containing an admission of liability in an amount less than that alleged in the complaint (in which event, an order may be made, pursuant to section 7 (a) of the act, directing payment of the undisputed amount), and a denial, as in (1) of this paragraph, of liability for the remaining amount. The answer may contain a waiver of hearing.

(c) *Failure to file answer; effect of.* Failure to file an answer within the time prescribed shall constitute a waiver of hearing and an admission of the facts alleged in the complaint. If the facts deemed admitted are considered insufficient to support the amount of reparation sought, the proceeding shall continue on the question of damages only.

§ 47.9 *The reply*—(a) *Filing and service.* If the answer asserts a counterclaim or a set-off, the complaining party, within 10 days after receipt of the answer, may file a reply with the Branch. A copy of the reply shall be served upon the respondent by the Branch as provided in § 47.4.

(b) *Contents.* The reply shall be confined strictly to the matters alleged in the counterclaim or set-off in the answer. It shall contain a precise statement of the facts which constitute the grounds of defense to the counterclaim or set-off, unless the complainant is without knowledge, in which case the reply shall so state.

(c) *Failure to file reply.* Failure to file a reply shall not be deemed a waiver of hearing or an admission of the allegations contained in the answer. If no reply is filed, the allegations of the answer shall be regarded as denied.

§ 47.10 *Docketing of proceeding.* Immediately following the expiration of the period of time heretofore prescribed for the filing of the answer or reply, the Branch shall transmit all of the papers which have been filed in the proceeding to the hearing clerk, who shall assign a docket number to the proceeding. Thereafter the proceeding may be identified by such number.

§ 47.11 *Examiners*—(a) *Designation and assignment.* The Administrator shall designate employees of the Department to serve as examiners, and the Solicitor shall assign the proceedings under the act to the designated examiners. No person who (1) has any pecuniary interest in any matter of business involved in the proceeding, or (2) is related within the third degree by blood or marriage to any of the persons involved in the proceeding shall serve as examiner in such proceeding.

(b) *Request for disqualification of examiner.* (1) Any party may file with the hearing clerk a timely request, in affidavit form, for the disqualification of the examiner, which request shall set forth with particularity the grounds of alleged disqualification. After such investigation or hearing as the Administrator may deem necessary, he shall either deny or grant the request. If the request is granted, another examiner shall be assigned to the proceeding. If the request is denied, the request, any record made thereon, and the finding and order of the

Administrator thereon shall be made a part of the record.

(c) *Powers.* Subject to review by the Administrator, as provided elsewhere in the regulations in this part, the examiner, in any proceeding assigned to him, shall have power to

(1) Rule upon motions and requests;

(2) Set the time and place of hearing, adjourn the hearing from time to time, and change the time and place of hearing;

(3) Administer oaths and affirmations and take affidavits;

(4) Issue subpoenas requiring the attendance and testimony of witnesses and the production of books, contracts, papers, and other documentary evidence;

(5) Summon and examine witnesses and receive evidence;

(6) Take, or order (over the facsimile signature of the Administrator) the taking of, depositions;

(7) Admit or exclude evidence;

(8) Hear oral argument on facts or law;

(9) Do all acts and take all measures necessary for the maintenance of order at the hearing and for the efficient conduct of the proceeding.

(d) *Who may act in absence of examiner.* In case of the absence, illness, resignation, or death of the examiner who has been assigned to a proceeding, or, in case the Solicitor determines that, for other good cause, such examiner should not act, the powers and duties to be performed by him under these rules of practice in connection with such proceeding may, subject to the provisions of paragraph (a) of this section, be assigned to any other employee of the Department whom the Administrator shall have designated to serve as an examiner.

§ 47.12 *Intervention.* At any time after the institution of a proceeding and before it has been submitted to the Administrator for final consideration, the Administrator or the examiner may, upon petition in writing and for good cause shown, permit any person to intervene therein. The petition shall state with preciseness and particularity: (a) The petitioner's relationship to the matters involved in the proceeding; (b) the nature of the material he intends to present in evidence; (c) the nature of the argument he intends to make; and (d) any other reason that he should be allowed to intervene.

§ 47.13 *Motions and requests*—(a) *General.* (1) All motions and requests made after the formal filing of the proceeding with the hearing clerk shall be filed with the hearing clerk, except that those made during an oral hearing may be stated orally and made a part of the transcript.

(2) The examiner may rule upon all motions and requests filed or made prior to the transmittal of the record to the Administrator as hereinafter provided. The Administrator shall rule upon all motions and requests filed after that time.

(b) *Certification to Administrator.* The submission or certification of any motion, request, objection, or other question to the Administrator prior to the transmittal of the record to the Administrator as hereinafter provided shall be in the discretion of the examiner.

§ 47.14 *Prehearing conferences.* In any proceeding in which it appears that such procedure will expedite the proceeding, the examiner, at any time prior to or during the course of the oral hearing, may request the parties or their counsel to appear at a conference before him to consider (a) the simplification of issues; (b) the necessity or desirability of amendments to pleadings; (c) the possibility of obtaining stipulations of fact and of documents which will avoid unnecessary proof; (d) the limitation of the number of expert or other witnesses; or (e) such other matters as may expedite and aid in the disposition of the proceeding. No transcript of such conference shall be made, but the examiner shall prepare and file for the record a written summary of the action agreed upon or taken at the conference, which shall incorporate any written stipulations or agreements made by the parties at the conference or as a result of the conference. If the circumstances are such that a conference is impracticable, the examiner may request the parties to correspond with him for the purpose of accomplishing any of the objects set forth in this section. The examiner shall forward copies of letters and documents to the parties as the circumstances require. Correspondence in such negotiations shall not be a part of the record, but the examiner shall submit a written summary for the record if any agreement is reached or action is taken.

§ 47.15 *Oral hearing before the examiner*—(a) *When permissible.* (1) Where the amount of damages claimed does not exceed $500, an oral hearing shall not be held, unless deemed necessary or desirable by the Branch or unless granted by the examiner upon application of complainant or respondent setting forth the peculiar circumstances making an oral hearing necessary for a proper presentation of the case. In lieu of an oral hearing in any proceeding where the amount of damages claimed does not exceed $500, the proceeding shall be decided upon a record formed under the shortened procedure provided in § 47.20.

(2) Where the amount of damages claimed is in excess of $500, the procedure provided in this section (except as provided in § 47.20 (b) (2)) shall be applicable.

(b) *Request for hearing.* Any party may request an oral hearing on the facts by including such request in the complaint, answer, or reply, or by a separate request filed with the Branch. Failure to request an oral hearing within the time allowed for filing of the reply, or (if no reply is allowed) within 10 days after the expiration of the time allowed for filing an answer, shall constitute a waiver of such hearing, and any party so failing to request an oral hearing will be deemed to have agreed that the proceeding may be decided upon a record formed under the shortened procedure provided in § 47.20.

(c) *Time and place.* If and when the proceeding has reached the stage of oral hearing, the Solicitor or the examiner, giving careful consideration to the convenience of the parties, shall set a time for hearing and shall file with the hearing clerk a notice stating the time and place of hearing. Unless the parties otherwise agree, the place of hearing shall be the place in which the respondent is engaged in business. If any change in the time or place of the hearing becomes necessary, it shall be made by the examiner, who, in such event, shall file with the hearing clerk a notice of the change. Such notice shall be served upon the parties, unless it is made during the course of an oral hearing and made a part of the transcript.

(d) *Appearances*—(1) *Representation.* In any proceeding under the act, the parties may appear in person or by counsel or other representative. Nothing contained in this paragraph shall be construed to require the complainant to appear either in person or by counsel or other representative; instead, he may be permitted to submit his evidence in the form of depositions, taken in the manner provided in § 47.16.

(2) *Failure to appear.* If any party to the proceeding, after being duly notified, fails to appear at the hearing, he shall be deemed to have waived the right to an oral hearing in the proceeding. In the event that a party appears at the hearing and no party appears for the opposing side, the examiner may determine whether the party who is present shall present his evidence, in whole or in part, in the form of affidavits or by oral testimony.

(3) *Debarment of counsel or representative.* (i) Whenever, while a proceeding is pending before him, the examiner finds that a person acting as counsel or representative for any party to the proceeding is guilty of unethical or unprofessional conduct, the examiner may order that such person be precluded from further acting as counsel or representative in such proceeding. An appeal to the Administrator may be taken from any such order, but the proceeding shall not be delayed or suspended pending disposition of the appeal: *Provided,* That the examiner may suspend the proceedings for a reasonable time for the purpose of enabling the party to obtain other counsel or representative.

(ii) In case the examiner has issued an order precluding a person from further acting as counsel or representative in the proceeding, the examiner, within a reasonable time thereafter, shall submit to the Administrator a report of the facts and circumstances surrounding the issuance of the order and shall recommend what action the Administrator should take respecting the appearance of such person as counsel or representative in other proceedings before the Administrator. Thereafter, the Administrator may, after notice and an opportunity for hearing, issue such order respecting the appearance of such person as counsel or representative in proceedings before the Administrator as the Administrator finds to be appropriate.

(e) *Order of proceeding.* The complainant shall proceed first at the hearing and shall have the burden of proof, except that a party asserting a set-off

or counterclaim shall have the burden of proof on such issue.

(f) *Evidence*—(1) *In general.* (i) The testimony of witnesses at a hearing shall be upon oath or affirmation and subject to cross-examination.

(ii) Any witness may, in the discretion of the examiner, be examined separately and apart from all other witnesses except those who may be parties to the proceeding.

(iii) The examiner shall exclude, insofar as practicable, evidence which is immaterial, irrelevant, or unduly repetitious, or which is not of the sort upon which responsible persons are accustomed to rely.

(2) *Objections.* (i) If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination, he shall state briefly the grounds of such objections, whereupon an automatic exception will follow if the objection is overruled by the examiner. The transcript shall not include argument or debate thereon except as ordered by the examiner. The ruling of the examiner on any objection shall be a part of the transcript.

(ii) Only objections made before the examiner may subsequently be relied upon in the proceeding.

(3) *Depositions.* The deposition of any witness shall be admitted in the manner provided in and subject to the provisions of § 47.16.

(4) *Affidavits.* Except as is otherwise provided in these rules, affidavits may be admitted only if the evidence is otherwise admissible and the parties agree (which may be determined by their failure to make timely objections) that affidavits may be used.

(5) *Proof and authentication of official records or documents.* An official record or document, if admissible for any purpose, shall be admissible in evidence without the production of the person who made or prepared the same. Such record or document shall be evidenced by an official publication thereof or by a copy attested by the person having legal authority to make such attestation. The person attesting the copy shall make a certificate showing such authority.

(6) *Exhibits.* (i) All written statements, charts, tabulations, or similar data offered in evidence at the hearing shall, after identification by the proponent and upon a satisfactory showing of the admissibility of the contents thereof, be numbered as exhibits, received in evidence, and made a part of the record. Unless the examiner finds that the furnishing of copies is impracticable, a copy of each exhibit shall be filed with the examiner for the use of each other party to the proceeding. The examiner shall advise the parties as to the exact number of copies which will be required to be filed.

(ii) If the testimony of a witness refers to a statute, a report, document, or transcript, the examiner, after inquiry relating to the identification of such statute, report, document, or transcript, shall determine whether the same shall be produced at the hearing and physically be made a part of the evidence as an exhibit, or whether it shall be incorporated into the evidence by reference. If relevant and material matter offered in evidence is embraced in a report, document, or transcript containing immaterial or irrelevant matter, such immaterial or irrelevant matter shall, insofar as practicable, be designated by the party and segregated and excluded.

(7) *Official notice.* Official notice may be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical, scientific, or commercial fact of established character.

(8) *Offer of proof.* Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof shall consist of a brief statement describing the evidence to be offered. If the evidence consists of a brief oral statement or of an exhibit, it shall be inserted into the transcript in toto. In such event, it shall be considered a part of the transcript if the Administrator decides that the examiner's ruling in excluding the evidence was erroneous. The examiner shall not allow the insertion of such evidence in toto if the taking of such evidence will consume a considerable length of time at the hearing. In the latter event, if the Administrator decides that the examiner erred in excluding the evidence, and that such error was substantial, the hearing shall be reopened to permit the taking of such evidence.

(g) *Oral argument before examiner.* The examiner may permit the parties or their counsel to argue orally at the hearing or at some other time prior to the transmittal of the record to the Administrator as hereinafter provided. Such argument may be limited by the examiner to any extent that he finds necessary for the expeditious or proper disposition of the proceeding.

(h) *Transcript.* The Department will secure bids and thereafter employ a reporter to take and transcribe testimony at the place where the hearing is to be held. Bids will be submitted on the basis of furnishing an original and one carbon copy to the Department and such additional copies as the parties may require. The reporter will deliver the original transcript, with exhibits thereto attached, to the examiner, who will retain the original for use in preparing his report, and shall forward the extra copy to the hearing clerk. Parties to the proceeding who desire a transcript of the hearing may place orders at the close of the hearing with the reporter who will furnish and deliver such copies direct to the purchaser upon payment of the rate per page covered by the contract for such reporting service.

§ 47.16 *Depositions*—(a) *Application for taking deposition.* Upon the application of a party to the proceeding, the examiner may, at any time after the filing of the moving papers, order, over the facsimile signature of the Administrator, the taking of testimony by deposition. The application shall be in writing, shall be filed with the hearing clerk, and shall set forth: (1) The name and address of the proposed deponent; (2) the name and address of the person (referred to hereinafter in this section as the "officer"), qualified under the regulations in this part to take depositions, before whom the proposed examination is to be made; (3) the proposed time which, unless otherwise agreed, shall be at least 15 days after the date of the mailing of the application and place of the examination; and (4) the reasons why such deposition should be taken.

(b) *Examiner's order for taking deposition.* If, after examination of the application, the examiner is of the opinion that the deposition should be taken, he shall order its taking. The order shall be filed with the hearing clerk, shall be served by the hearing clerk upon the parties in accordance with § 47.4, and shall state: (1) The time (which unless otherwise agreed shall not be less than 7 days after the filing of the order) and place of the examination; (2) the name of the officer before whom the examination is to be made; (3) the name of the deponent. The officer and the time and place need not be the same as those suggested in the application.

(c) *Qualification of officer.* The deposition shall be made before the examiner or before an officer authorized by the law of the United States or by the law of the place of the examination to administer oaths, or before an officer authorized by the Administrator to administer oaths.

(d) *Procedure on examination.* (1) The deponent shall be examined under oath or affirmation and shall be subject to cross-examination. The testimony of the deponent shall be recorded by the officer or by some person under his direction and in his presence. In lieu of oral examination, parties may transmit written questions to the officer prior to the examination and the officer shall propound such questions to the deponent.

(2) The applicant shall arrange for the examination of the witness either by oral examination or by written questions. If the place of business of the opposing party is more than 100 miles from the place of the examination, the applicant will be required to conduct the examination by means of written questions, unless the parties otherwise agree or the examiner otherwise orders. If the examination is conducted by means of written questions, copies of the questions shall be served upon the other party to the proceeding at least 10 days prior to the date set for the examination, unless otherwise agreed, and the other party shall be afforded an opportunity to file with the officer cross-questions at any time prior to the time of the examination.

(e) *Certification by officer.* The officer shall certify on the deposition that the deponent was duly sworn by him and that the deposition is a true record of the deponent's testimony. He shall then securely seal the deposition, together with one copy thereof (unless there are more than two parties to a proceeding, in which case there should be another copy for each additional party), in an envelope and mail the same by registered mail to the hearing clerk.

(f) *Use of depositions.* A deposition taken in accord with this section or in

accord with the provisions of the Rules of Civil Procedure of the Courts of the United States, may be used in a proceeding under the act if the examiner finds that the evidence is otherwise admissible. If a deposition has been taken, and the party upon whose application it was taken refuses to offer it in evidence, the other party may offer the deposition, or any part thereof, in evidence.

§ 47.17 *Subpoenas*—(a) *Issuance of subpoenas.* The attendance of witnesses and the production of documentary evidence from any place in the United States on behalf of any party to the proceeding may, by subpoena, be required at any designated place of hearing. Subpoenas may be issued by the Administrator, or by the examiner, over the facsimile signature of the Administrator, upon a reasonable showing by the applicant of the grounds, necessity, and reasonable scope thereof.

(b) *Application for subpoena duces tecum.* Subpoenas for the production of documentary evidence shall be issued only upon a verified written application. Such application shall specify, as exactly as possible, the documents desired and shall show their competency, relevancy, materiality, and the necessity for their production.

(c) *Service of subpoenas.* Subpoenas may be served (1) by a United States Marshal or his deputy, or (2) by any other person who is not less than 18 years of age, or (3) by registering and mailing a copy of the subpoena addressed to the person to be served at his or its last known principal place of business or residence. Proof of service may be made by the return of service on the subpoena by the United States Marshal or his deputy; or, if served by an employee of the Department, by a certificate stating that he personally served the subpoena upon the person named therein; or, if served by another person, by an affidavit of such person stating that he personally served the subpoena upon the person named therein; or, if service was by registered mail, by an affidavit made by the person mailing the subpoena that it was mailed as provided herein and by the signed return post-office receipt: *Provided,* That, where the subpoena is issued on behalf of the Administrator, the return receipt without an affidavit or certificate of mailing shall be sufficient proof of service. In making personal service, the person making service shall leave a copy of the subpoena with the person subpoenaed, or, if such person is not immediately available, with any other responsible person residing or employed at the place of residence or business of the person subpoenaed. The original of the subpoena, bearing or accompanied by the required proof of service, shall be returned to the official who issued the same.

§ 47.18 *Fees and mileage.* Witnesses who are subpoenaed and who appear in the proceeding, including witnesses whose depositions are taken, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and persons taking depositions shall be entitled to the same fees as are paid for like services in the courts of the United States, to be paid by the party at whose request the deposition is taken. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear, and claims therefor shall be presented to such party.

§ 47.19 *Post-hearing procedure before the examiner*—(a) *Filing the transcript of evidence.* (1) As soon as practicable after the close of the hearing, the examiner shall transmit to the hearing clerk the transcript of the testimony and the original and all copies of the exhibits not already on file in the office of the hearing clerk. The examiner shall attach to the original transcript of the testimony his certificate stating that, to the best of his knowledge and belief, the transcript is a true, correct, and complete transcript of the testimony given at the hearing, except in such particulars as he shall specify, and that the exhibits transmitted are all the exhibits received in evidence at the hearing, with such exceptions as he shall specify. A copy of such certificate shall be attached to each copy of the transcript of testimony. In accordance with such certificate the examiner shall note on the original transcript, and the hearing clerk shall note upon each copy of the transcript, each correction detailed in such certificate by adding or crossing out (but without obscuring the text as originally transcribed) at the appropriate places any words necessary to make the text conform to the correct meaning, as certified by the examiner. If a copy of the transcript is sent direct to the parties by the reporter the examiner shall make on the original transcript any corrections, and will notify the parties of such corrections.

(2) Immediately following the filing of the transcript, the hearing clerk shall advise each party to the proceeding as to the date of such filing.

(b) *Suggested findings of fact, conclusions, and order.* The examiner shall decide and shall announce at the hearing whether suggested findings of fact, conclusions, and order may be filed by the parties. If allowed by the examiner, such findings of fact, conclusions, and order shall be filed within 10 days (unless the examiner shall have announced at the hearing a shorter or longer period of time) after the filing of the transcript with the hearing clerk, as provided in paragraph (a) of this section. Such findings of facts, conclusions, and order shall be based solely upon the evidence of record. They may be accompanied by supporting briefs and by a statement of objections made to the rulings of the examiner at the hearing.

(c) *Briefs.* If the examiner does not allow suggested findings of fact, conclusions, and order to be filed, the parties will be given 10 days (unless the examiner shall have announced at the hearing a shorter or longer period of time) after the filing of the transcript with the hearing clerk, as provided in paragraph (a) of this section, to file a brief.

(d) *The examiner's report.* The examiner, with the assistance and collaboration of such employees of the Department as may be assigned for the purpose, and within a reasonable time after the filing of the transcript with the hearing clerk, as provided in paragraph (a) of this section or, within a reasonable time after the termination of the period allowed for the filing of suggested findings of fact, conclusions, and orders or briefs, shall prepare, upon the basis of the evidence received at the hearing, and shall file with the hearing clerk, his report. Such report shall be prepared in the form of a final order for the signature of the Administrator, but shall not be served upon the parties, unless and until it shall have been signed by the Administrator, as hereinafter provided.

§ 47.20 *Shortened procedure* — (a) *Definition.* The shortened or informal procedure described in this section shall, whenever it is applicable as provided in paragraph (b) of this section, take the place and serve in lieu of the formal or oral hearing procedure hereinbefore provided. Under the shortened procedure, parties will be permitted to submit written or documentary proof in support of the complaint, answer, or reply, as the case may be, in the form of verified statements of fact. Exhibits to the statements of fact may include records comprising the file made by the Branch in connection with its investigation of the informal complaint.

(b) *When applicable* — (1) *Where damages claimed do not exceed $500.* The shortened or informal procedure provided for in this section shall (except as provided in § 47.15 (a)) be used in all reparation proceedings in which the amount of damages claimed (either in a complaint or in a counterclaim) does not exceed $500.

(2) *Where damages claimed exceed $500.* In any proceeding in which the amount of damages claimed (either in the complaint or in the counterclaim) is greater than $500, the examiner, whenever he is of the opinion that proof may be fairly and adequately presented by use of the informal procedure provided for in this section, shall suggest to the parties that they consent to the use of such procedure. Except where oral hearing has been waived by failure to request it in proper time or otherwise, parties are free to consent to such procedure if they choose; declination of consent will not affect or prejudice the rights or interests of any party. A party, if he has not waived oral hearing, may consent to the use of the shortened procedure on the condition that the statements of fact be submitted in the form of depositions rather than affidavits, as provided in paragraph (f) of this section. In such case, if the other party agrees, depositions shall be required to be filed in lieu of affidavits. If any party who has not waived oral hearing does not consent to the use of the shortened procedure, the proceeding will be set for oral hearing. The request that the shortened procedure be used need not originate with the examiner; any party may address a request to the examiner asking that the shortened procedure be used. The examiner, in his suggestion to the parties, shall set a period of time (not to exceed 15 days) in which the parties may

indicate their consent to the shortened procedure; at the end of such period the examiner shall notify the parties that the shortened procedure will or will not be used. All requests, suggestions, and notices mentioned in this section shall be filed with the hearing clerk.

(c) *Complainant's opening statement.* The complainant may file, in triplicate and in the form of an affidavit, an opening statement of facts within 20 days after receipt of notice that the shortened procedure will be used. If the complainant so chooses and indicates in writing to the examiner, however, he may, subject to the provisions of paragraphs (f) and (h) of this section, have the complaint and the papers filed in connection therewith considered as his opening statement. The hearing clerk shall serve promptly a copy of the opening statement upon the respondent or, in case the complaint and supporting papers are to be considered as the opening statement, shall so notify the respondent.

(d) *Respondent's answering statement.* The respondent may file, in triplicate and in the form of an affidavit, an answering statement of facts within 20 days after receipt of the complainant's opening statement or of notification by the hearing clerk that the complaint will be considered as the opening statement. If the respondent so chooses and indicates in writing to the examiner, however, he may, subject to the provisions of paragraphs (f) and (h) of this section, have the answer and the papers filed in connection therewith considered as his answering statement. The hearing clerk shall serve promptly a copy of the answering statement upon the complainant or, in case the answer and supporting papers are to be considered as the answering statement, shall so notify the complainant.

(e) *Complainant's statement in reply.* The complainant may file in triplicate and in the form of an affidavit, a statement in reply within 10 days after receipt of the respondent's answering statement or of notification by the hearing clerk that the answer will be considered as the answering statement. Such statement shall be confined strictly to replying to the facts and arguments set forth in the answering statement and a copy thereof shall be served promptly by the hearing clerk upon the respondent.

(f) *Contents of statements.* As used in this section, the term "statement" includes (1) statements of fact, signed and sworn to by persons having knowledge of those facts; (2) any documents filed as a part of the proof of the alleged facts (which documents shall be properly identified by verified statements in the statement filed or otherwise authenticated in such a manner that they would be admissible in evidence at an oral hearing under the regulations in this part); and (3) briefs containing argument to sustain the contentions of the party submitting the statement. When practicable, the documents which constitute the record of any transaction in dispute should be made a part of the statement. Documents (other than briefs) accompanying statements in deposition form must have been offered as proof at the time of the taking of the deposition.

(g) *Time allowed for statements in deposition form.* If, as provided in paragraph (b) (2) of this section, the statements referred to in this section are to be submitted in the form of depositions, rather than affidavits, the time stated in paragraphs (c) and (d) of this section shall be 30 days, instead of 20 days, and the time stated in paragraph (e) of this section shall be 20 days, instead of 10, with respect to each such statement.

(h) *Verification.* Any facts set forth in a statement in affidavit form must be sworn to (before a person legally authorized to administer oaths or before a person designated by the Administrator for the purpose) by a person who states in the affidavit that he has actual knowledge of the facts. Except under unusual circumstances, which shall be set forth in the affidavit, any such person shall be one who would appear as a witness if an oral hearing were held. The original of each document must show the signature, capacity, and impression seal (if the officer is required by law to have a seal) of the officer administering the oath and the date thereof. Copies must indicate that the original shows the data required in this respect.

(i) *Stipulations.* In addition to or in lieu of the statements referred to in this section, the parties may file with the hearing clerk stipulations of fact signed by the parties or their representatives. Such stipulations shall be filed with the hearing clerk and shall become a part of the record.

(j) *Waiver of right to file.* Failure to file, within the time prescribed, any statement or stipulation required or authorized by this section shall constitute a waiver of the right to file such statement or stipulation.

(k) *The examiner's report.* Within a reasonable time after the time allowed for filing of the complainant's statement in reply, the examiner shall prepare, in the manner prescribed in § 47.19 (d), and shall file with the hearing clerk, his report. In shortened procedure proceedings, no opportunity shall be given to the parties to file suggested findings of fact, conclusions, or orders, except that, in proceedings in which the damages claimed exceed $500, the examiner may give an opportunity for the filing of such documents.

(l) *Assignment for oral hearing.* Wherever it is deemed desirable or necessary for the proper disposition of the proceeding, the examiner, upon his own or any party's motion, may order the proceeding set down for oral hearing at any stage of the proceeding prior to the expiration of the time allowed for the submission of evidence.

§ 47.21 *Transmittal of record.* The hearing clerk, immediately after the filing of the examiner's report, shall transmit to the Administrator the record of the proceeding. Such record shall include: the pleadings; motions and requests filed, and rulings thereon; the report of investigation conducted by the Branch; the transcript of the testimony taken at the hearing, together with the exhibits filed therein; any statements or stipulations filed under the shortened procedure; any documents or papers filed in connection with prehearing conferences; such suggested findings of fact, conclusions, and orders and briefs as may have been permitted to be filed in connection with the hearing as provided in § 47.19 (b) and (c); such statements of objections, and briefs in support thereof, as may have been filed in the proceeding; and the examiner's report.

§ 47.22 *Argument before Administrator*—(a) *Oral argument.* There shall be no right to oral argument other than as provided in § 47.15 (g).

(b) *Briefs.* The Administrator will consider any suggested findings of fact, conclusions, and orders, statements of objections, and briefs filed as provided in § 47.19 (b). Briefs filed in accordance with § 47.19 (c) and those filed in support of statements of fact will also be considered by the Administrator.

§ 47.23 *Issuance of order.* As soon as practicable after the receipt of the record from the hearing clerk, the Administrator, upon the basis of and after due consideration of the record, shall issue his order in the proceeding. Unless he disagrees with the order as drafted for his signature by the examiner, as provided in § 47.19 (d), the Administrator shall issue as his order the order so prepared by the examiner. If the Administrator deems it advisable to do so, he may direct that the order be served upon the parties as a tentative order and that the parties be allowed such period of time, not to exceed 20 days, as he may specify, within which to file exceptions thereto and written argument or briefs in support of such exceptions.

§ 47.24 *Rehearing, reargument, reconsideration of orders, and reopening of hearings*—(a) *Petitions to rehear, reargue, and reconsider.* A petition for rehearing or reargument of the proceeding, or for reconsideration of the order, shall be made by petition to the Administrator filed with the Branch within 10 days after the date of service of the order. Every such petition shall state specifically the matters claimed to have been erroneously decided and the alleged errors. If the Administrator concludes that the questions raised by the petition have been sufficiently considered in the issuance of the order, he shall dismiss the petition without service on the other party. Otherwise he shall direct that a copy of the petition be served upon such party. The filing of a petition to rehear or reargue a proceeding, or to reconsider an order, shall automatically operate to set aside the order pending final action on the petition.

(b) *Petition to reopen.* A petition to reopen the hearing to take further evidence may be filed with the examiner at any time prior to the issuance of the final order. Every such petition shall state briefly the nature and purpose of the evidence to be adduced, shall show that such evidence is not merely cumulative, and shall set forth a good reason why such evidence was not adduced at the hearing. Every such petition shall be served by the hearing clerk on the other party in the proceeding.

(c) *Procedure for disposition of petitions.* Within 10 days following the service of any petition provided for in this section, the other party to the proceeding may file with the hearing clerk an answer thereto. In the event that any such petition is granted the applicable rules of practice shall be followed.

§ 47.25 *Filing; extensions of time; effective date of filing; computation of time; and reopening after default*—(a) *Filing; number of copies.* Except as is provided otherwise herein, all documents or papers required or authorized by these rules to be filed with the hearing clerk shall be filed in triplicate: *Provided,* That, where there are more than two parties to the proceeding, a sufficient number of copies shall be filed so as to provide for service upon all the parties to the proceeding. Any document or paper required or authorized by the regulations in this part to be filed with the hearing clerk shall, during the course of an oral hearing, be filed with the examiner.

(b) *Extensions of time.* The time for the filing of any document or paper (except an informal complaint) required or authorized under the regulations in this part to be filed may be extended by the examiner (before the transmittal of the record to the Administrator) or by the Administrator (after such transmittal), if, in the judgment of the examiner or the Administrator, as the case may be, there is good reason for the extension.

(c) *Effective date of filing.* Any document or paper required or authorized under the regulations in this part to be filed shall be deemed to be filed when it reaches the Department in Washington, D. C.; or, if filed with any officer or employee of the Regulatory Division of the Branch at any place outside the District of Columbia, it shall be deemed to be filed at the time when it is received by such officer or employee.

(d) *Computation of time.* Sundays and holidays shall be included in computing the time allowed for the filing of any document or paper: *Provided,* That, when such time expires on a Sunday or Federal holiday, such period shall be extended to include the next following business day.

(e) *Reopening after default.* A default in the filing of an answer required or authorized under the regulations in this part to be filed may be set aside and the party in default allowed 10 days within which to file an answer by the examiner (before the record is transmitted to the Administrator) or by the Administrator (after the record is transmitted to him) upon motion made within a reasonable time after the time for filing the answer has expired if, in the judgment of the examiner or the Administrator, as the case may be, after notice to and consideration of the views of the other party, there is good reason for granting such relief.

RULES APPLICABLE TO DISCIPLINARY PROCEEDINGS

§ 47.26 *Stipulations and consent orders.* (a) At any time prior to the issuance of the moving paper, the Director may enter into a stipulation with the prospective respondent, whereby the latter admits the material facts and agrees to discontinue the acts or practices which are intended to be set up as violative of the act. Such stipulations shall be admissible as evidence of such acts and practices in any subsequent proceeding against such person before the Administrator.

(b) At any time after the issuance of the moving paper and prior to the hearing in any proceeding, the Administrator may allow the respondent to consent to an order. Upon a record composed of the complaint and the stipulation or agreement consenting to the order, the Administrator may enter the order consented to by the respondent, which shall have the same force and effect as an order made after oral hearing.

§ 47.27 *Formal complaints and other moving papers*—(a) *Filing; service; and number of copies.* If the procedure described in § 47.3 (b) fails to effect an amicable or informal adjustment of the matters complained of and indicates the probability of a violation of the act, and a stipulation has not been entered into in accordance with § 47.26 (a), a formal complaint or other form of moving papers shall be filed, in triplicate, with the hearing clerk, who shall promptly serve a true copy thereof upon the respondent, in the manner provided in § 47.4.

(b) *Who may file.* Disciplinary proceedings may be instituted only upon moving papers filed by the Director acting either as a result of the informal-complaint procedure hereinbefore provided or on his own motion.

(c) *Contents.* A moving paper shall state briefly and clearly the allegations of fact which constitute a basis for the proceeding and shall specify with particularity the matters or things in issue. Moving papers shall not include charges, implied charges, or requirements phrased generally in the words of the act, but the words of the act may be identified and quoted or used in preliminary recitals. Moving papers which propose to deny applications, petitions, or requests shall specify the reason for denial and shall, so far as practicable, contain suggestions as to further procedures or alternatives available to the persons involved.

(d) *Amendments.* At any time prior to the close of the hearing, the moving paper may be amended; but, in case of an amendment adding new provisions, the hearing shall, at the request of the respondent, be adjourned for a reasonable time to be determined by the examiner. Amendments subsequent to the first amendment or subsequent to the filing of an answer by the respondent may be made only with leave of the examiner or with the written consent of the adverse party.

§ 47.28 *Docket number.* Each proceeding, immediately following the institution, shall be assigned a docket number by the hearing clerk, and thereafter the proceeding may be identified by such number.

§ 47.29 *Examiners*—(a) *Designation and assignment.* The Administrator shall designate employees of the Department to serve as examiners, and the Solicitor shall assign the proceedings under the act to the designated examiners. No person shall serve as an examiner in any proceeding if he (1) has any pecuniary interest in the outcome of the proceeding, (2) is related within the third degree by blood or marriage to any of the persons involved in the proceeding, or (3) has participated in the investigation prior to the institution of the proceeding, or in the determination that it should be instituted, or in the preparation of the moving paper, or in the development of the evidence to be introduced therein.

(b) *Request for disqualification of examiner.* (1) Any party may file with the hearing clerk a timely request, in affidavit form, for the disqualification of the examiner, which request shall set forth with particularity the grounds of alleged disqualification. After such investigation or hearing as the Administrator may deem necessary, he shall either deny or grant the request. If the request is granted, another examiner shall be assigned to the proceeding. If the request is denied, the request, any record made thereon, and the finding and order of the Administrator thereon shall be made a part of the record.

(2) An examiner shall ask to be withdrawn from any proceeding in which he deems himself disqualified for any reason.

(c) *Status and conduct.* In the discharge of his duties in connection with the proceeding to which he has been assigned, the examiner shall be subject to the direction and control of the Administrator only, although the examiner may avail himself of the advices of the Solicitor on questions of law or procedure. He shall conduct the proceeding in a fair and impartial manner and shall not discuss ex parte the merits of the proceeding with any person who is or who has been connected in any manner with the proceeding in an advocative or investigative capacity.

(d) *Powers.* Subject to review by the Administrator, as provided elsewhere in the regulations in this part, the examiner, in any proceeding assigned to him, shall have power to:

(1) Rule upon motions and requests;

(2) Set the time and place of hearing, adjourn the hearing from time to time, and change the time and place of hearing;

(3) Administer oaths and affirmations and take affidavits;

(4) Issue subpoenas requiring the attendance and testimony of witnesses and the production of books, contracts, papers, and other documentary evidence;

(5) Summon and examine witnesses and receive evidence;

(6) Take, or order (over the facsimile signature of the Administrator) the taking, of depositions;

(7) Admit or exclude evidence;

(8) Hear oral argument on facts or law;

(9) Do all acts and take all measures necessary for the maintenance of order at the hearing and for the efficient conduct of the proceeding.

(e) *Who may act in absence of examiner.* In case of the absence, illness,

resignation, or death of the examiner who has been assigned to a proceeding, or in case the Solicitor determines that, for other good cause, such examiner should not act, the powers and duties to be performed by him under the regulations in this part in connection with such proceeding may, subject to the provisions of paragraph (a) of this section, be assigned to any other employee of the Department whom the Administrator shall have designated to serve as an examiner.

§ 47.30 *The answer*—(a) *Filing and service.* Within 20 days after service of the moving paper, the respondent may file, in triplicate, with the hearing clerk, an answer, signed by the respondent or his attorney: *Provided,* That the Administrator or the examiner may order that the hearing be held without answer or other pleading. The answer shall be served upon the complainant, and any other party of record, in the manner provided in § 47.4.

(b) *Contents.* Such answer shall (1) contain a precise statement of the facts which constitute the grounds of defense, and shall specifically admit, deny, or explain each of the allegations of the moving paper, unless the respondent is without knowledge, in which case the answer shall so state; or (2) state that the respondent admits all of the allegations of the moving paper. The answer may contain a waiver of hearing.

(c) *Procedure upon admission of facts.* An answer admitting all of the material allegations of fact contained in the moving paper shall constitute a waiver of hearing. Upon such admission of facts, the examiner, without further investigation or hearing, shall prepare his report, in which he shall adopt as his proposed findings of fact the material facts alleged in the moving paper. Unless the parties have waived service of the examiner's report, it shall be served upon them in the manner provided in § 47.4. The parties shall be given 20 days in which to file exceptions, and to request oral argument thereon before the Administrator. Any request to make oral argument to the Administrator must be filed in the manner and within the time provided in § 47.40.

§ 47.31 *Motions and requests*—(a) *General.* (1) All motions and requests shall be filed with the hearing clerk, except that those made during an oral hearing may be stated orally and made a part of the transcript.

(2) The examiner is authorized to rule upon all motions and requests filed or made prior to the transmittal of the record to the Administrator as hereinafter provided. The Administrator shall rule upon all motions and requests filed after that time.

(b) *Certification to Administrator.* The submission or certification of any motion, request, objection, or other question to the Administrator prior to the transmittal of the record to the Administrator, as hereinafter provided, shall be in the discretion of the examiner.

§ 47.32 *Oral hearing before examiner*—(a) *Request for oral hearing.* (1) Any party may request an oral hearing on the facts by including such request in the moving paper or answer or by a separate request in writing filed with the hearing clerk. Failure by the respondent to request an oral hearing within the time allowed for the filing of the answer shall constitute a waiver of such hearing, and any respondent so failing to request an oral hearing will be deemed to have agreed that the proceeding may be decided upon a record formed under the shortened procedure provided for in § 47.38.

(2) Waiver of oral hearing shall not be deemed to be a waiver of the right to make oral argument before the Administrator upon exceptions to the examiner's report. Such argument will be allowed in accordance with the provisions of § 47.40.

(b) *Time and place.* If and when the proceeding has reached the stage of oral hearing, the examiner, giving careful consideration to the convenience of the parties, shall set a time for hearing and shall file with the hearing clerk a notice stating the time and place of hearing. Unless the parties otherwise agree, the place of the hearing shall be the place in which the respondent is engaged in business. If any change in the time or place of the hearing becomes necessary, it shall be made by the examiner, who, in such event, shall file with the hearing clerk a notice of the change. Such notice shall be served upon the parties, unless it is made during the course of an oral hearing and made a part of the transcript.

(c) *Appearances*—(1) *Representation.* In any proceeding under the act, the parties may appear in person or by counsel or other representative. The Administration, if represented by counsel, shall be represented by an attorney assigned by the Solicitor.

(2) *Debarment of counsel or representative.* (i) Whenever, while a proceeding is pending before him, the examiner finds that a person acting as counsel or representative for any party to the proceeding is guilty of unethical or unprofessional conduct, the examiner may order that such person be precluded from further acting as counsel or representative in such proceeding. An appeal to the Administrator may be taken from any such order, but the proceeding shall not be delayed or suspended pending disposition of the appeal: *Provided,* That the examiner may suspend the proceedings for a reasonable time for the purpose of enabling the party to obtain other counsel or representative.

(ii) In case the examiner has issued an order precluding a person from further acting as counsel or representative in the proceeding, the examiner, within a reasonable time thereafter, shall submit to the Administrator a report of the facts and circumstances surrounding the issuance of the order and shall recommend what action the Administrator should take respecting the appearance of such person as counsel or representative in other proceedings before the Administrator. Thereafter, the Administrator may, after notice and an opportunity for hearing, issue such order respecting the appearance of such person as counsel or representative in proceedings before the Administrator as the Administrator finds to be appropriate.

(3) *Failure to appear.* (i) If any party to the proceeding, after being duly notified, fails to appear at the hearing, he shall be deemed to have waived the right to an oral hearing in the proceeding. In the event that a party appears at the hearing and no party appears for the opposing side, the examiner may determine whether the party who is present shall present his evidence, in whole or in part, in the form of affidavits or by oral testimony before the examiner.

(ii) Failure to appear at a hearing shall not be deemed to be a waiver of the right to be served with a copy of the examiner's report, to file exceptions, and to make oral argument before the Administrator with respect thereto, in the manner provide hereinafter.

(d) *Order of proceeding.* Except as may be determined otherwise by the examiner, the moving party shall proceed first at the hearing.

(e) *Evidence*—(1) *In general.* (i) The testimony of witnesses at a hearing shall be upon oath or affirmation and subject to cross-examination.

(ii) Any witness may, in the discretion of the examiner, be examined separately and apart from all other witnesses except those who may be parties to the proceeding.

(iii) The examiner shall exclude, insofar as practicable, evidence which is immaterial, irrelevant, or unduly repetitious, or which is not of the sort upon which responsible persons are accustomed to rely.

(2) *Objections.* (i) If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination, he shall state briefly the grounds of such objections, whereupon an automatic exception will follow if the objection is overruled by the examiner. The transcript shall not include argument or debate thereon except as ordered by the examiner. The ruling of the examiner on any objection shall be a part of the transcript.

(ii) Only objections made before the examiner may subsequently be relied upon in the proceeding.

(3) *Depositions.* The deposition of any witness shall be admitted, in the manner provided in and subject to the provisions of § 47.33.

(4) *Affidavits.* Except as is otherwise provided in the regulations in this part, affidavits may be admitted only if the evidence is otherwise admissible and the parties agree (which may be determined by their failure to make timely objections) that affidavits may be used.

(5) *Proof and authentication of official records or documents.* An official record

or document, if admissible for any purpose, shall be admissible in evidence without the production of the person who made or prepared the same. Such record or document shall be evidenced by an official publication thereof or by a copy attested by the person having legal authority to make such attestation. The person attesting the copy shall make a certificate showing such authority.

(6) *Exhibits.* (i) All written statements, charts, tabulations, or similar data offered in evidence at the hearing shall, after identification by the proponent and upon a satisfactory showing of the admissibility of the contents thereof, be numbered as exhibits, received in evidence, and made a part of the record. Unless the examiner finds that the furnishing of copies is impracticable, a copy of each exhibit shall be filed with the examiner for the use of each other party to the proceeding. The examiner shall advise the parties as to the exact number of copies which will be required to be filed and shall make and have noted on the record the proper distribution of the copies.

(ii) If the testimony of a witness refers to a statute, a report, document, or transcript, the examiner, after inquiry relating to the identification of such statute, report, document, or transcript, shall determine whether a copy of the same shall be produced at the hearing and physically be made a part of the evidence as an exhibit, or whether it shall be incorporated into the evidence by reference. If relevant and material matter offered in evidence is embraced in a report, document, or transcript containing immaterial or irrelevant matter, such immaterial or irrelevant matter shall, insofar as practicable, be designated by the party and segregated and excluded.

(7) *Official notice.* Official notice shall be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical, scientific, or commercial fact of established character: *Provided*, That the parties shall be given adequate notice of matters so noticed, and (except where official notice is taken, for the first time in the proceeding, in the final order) shall be given adequate opportunity to show that such facts are erroneously noticed.

(8) *Offer of proof.* Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The officer of proof shall consist of a brief statement describing the evidence to be offered. If the evidence consists of a brief oral statement or of an exhibit, it shall be inserted into the transcript in toto. In such event, it shall be considered a part of the transcript if the Administrator decides that the examiner's ruling in excluding the evidence was erroneous. The examiner shall not allow the insertion of such evidence in toto if the taking of such evidence will consume a considerable length of time at the hearing. In the latter event, if the Administrator decides that the examiner erred in excluding the evidence, and that such error was substantial, the hearing will be reopened to permit the taking of such evidence.

(f) *Oral argument before examiner.* In disciplinary proceedings, oral argument before the examiner shall not be allowed unless the examiner finds that the denial of such argument will be likely to deprive the parties of an adequate opportunity for oral argument subsequently in the proceeding. Such argument, which shall be reduced to writing and made part of the transcript, may be limited by the examiner to any extent that he finds necessary for the expeditious disposition of the proceeding.

(g) *Transcript.* The Department will secure bids and thereafter will employ a reporter to take and transcribe testimony at the place where the hearing is to be held. Bids will be submitted on the basis of furnishing an original and one carbon copy to the Department and such additional copies as the parties may require. The reporter will deliver the original transcript, with exhibits thereto attached, to the examiner who will retain the original for use in preparing his report and shall forward the extra copy to the hearing clerk. Parties to the proceeding who desire a transcript of the hearing may place orders at the close of the hearing with the reporter who will furnish and deliver such copies direct to the purchaser upon payment of the rate per page covered by the contract for such reporting service.

§ 47.33 *Depositions*—(a) *Procedure in lieu of deposition.* Before taking testimony by deposition, a party may execute and submit to the other party an affidavit which shall set forth the facts to which the witness would testify, if the deposition should be taken. If, after examination of such affidavit, the other party agrees to the use of the affidavit in lieu of a deposition, the examiner shall admit the affidavit in evidence and shall not order the deposition to be taken.

(b) *Application for taking deposition.* Upon the application of a party to the proceeding, the examiner may, at any time after the filing of the moving papers, order, over the facsimile signature of the Administrator, the taking of testimony by deposition. The application shall be in writing, shall be filed with the hearing clerk, and shall set forth: (1) The name and address of the proposed deponent; (2) the name and address of the person (referred to hereinafter in this section as the "officer"), qualified under the regulations in this part to take depositions, before whom the proposed examination is to be made; (3) the proposed time and place of the examination, which shall be at least 15 days after the date of the mailing of the application; and (4) the reasons why such deposition should be taken.

(c) *Examiner's order for taking deposition.* If, after examination of the application, the examiner is of the opinion that the deposition should be taken, he shall order its taking. The order shall be filed with the hearing clerk, shall be served upon the parties, and shall state: (1) The time and place of the examination (which shall not be less than 7 days after the filing of the order); (2) the name of the officer before whom the examination is to be made; (3) the name of the deponent. The officer and the time and place need not be the same as those suggested in the application.

(d) *Qualifications of officer.* The deposition shall be made before the examiner or before an officer authorized by the law of the United States or by the law of the place of the examination to administer oaths, or before an officer authorized by the Administrator to administer oaths.

(e) *Procedure on examination.* (1) deponent shall be examined under oath or affirmation and shall be subject to cross-examination. The testimony of the deponent shall be recorded by the officer or by some person under his direction and in his presence. In lieu of oral examination, parties may transmit written questions to the officer prior to the examination and the officer shall propound such questions to the deponent.

(2) The applicant shall arrange for the examination of the witness either by oral examination or by written questions. If the place of business of the opposing party is more than 100 miles from the place of the examination, the applicant will be required to conduct the examination by means of written questions, unless the parties otherwise agree or the examiner otherwise orders. If the examination is conducted by means of written questions, copies of the questions shall be served upon the other party to the proceeding at least 10 days prior to the date set for the examination unless otherwise agreed, and the other party shall be afforded an opportunity to file with the officer cross-questions at any time prior to the time of the examination.

(f) *Certification by officer.* The officer shall certify on the deposition that the deponent was duly sworn by him and that the deposition is a true record of the deponent's testimony. He shall then securely seal the depositions, together with one copy thereof (unless there are more than two parties in a proceeding, in which case there should be another copy for each additional party), in an envelope and mail the same by registered mail to the hearing clerk.

(g) *Use of depositions.* A deposition ordered and taken in accordance with the provisions of this section may be used in a proceeding under the act if the examiner finds that the evidence is otherwise admissible and (1) that the witness is dead; or (2) that the witness is at a distance greater than 100 miles from the place of hearing, unless it appears that the absence of the witness was procured by the party offering the deposition; or (3) that the witness is unable to attend or testify because of age, sickness, infirmity, or imprisonment; or (4) that the party offering the deposition has endeavored to procure the attendance of the witness by subpoena, but has been unable to do so; or (5) that such excep-

tional circumstances exist as to make it desirable, in the interests of justice, to allow the deposition to be used. If a deposition has been taken and the party upon whose application it was taken refuses to offer it in evidence, the other party may offer the deposition or any part thereof in evidence.

§ 47.34 *Subpoenas*—(a) *Issuance of subpoenas.* The attendance of witnesses and the production of documentary evidence from any place in the United States on behalf of any party to the proceeding may, by subpoena, be required at any designated place of hearing. Subpoenas may be issued by the Administrator or by the examiner, over the facsimile signature of the Administrator, upon a reasonable showing by the applicant of the grounds, necessity, and reasonable scope thereof.

(b) *Application for subpoeno duces tecum.* Subpoenas for the production of documentary evidence shall be issued only upon a verified written application. Such application shall specify, as exactly as possible, the documents desired and shall show their competency, relevancy, and materiality and the necessity for their production.

(c) *Service of subpoenas.* Subpoenas may be served (1) by a United States Marshal or his deputy, or (2) by any other person who is not less than 18 years of age, or (3) by registering and mailing a copy of the subpoena addressed to the person to be served at his or its last known principal place of business or residence. Proof of service may be made by the return of service on the subpoena by the United States Marshal or his deputy; or, if served by an employee of the Department, by a certificate stating that he personally served the subpoena upon the person named therein; or, if served by another person, by an affidavit of such person stating that he personally served the subpoena upon the person named therein; or, if service was by registered mail, by an affidavit made by the person mailing the subpoena that it was mailed as provided herein and by the signed return post-office receipt: *Provided*, That, where the subpoena is issued on behalf of the Administration, the return receipt without an affidavit or certificate of mailing shall be sufficient proof of service. In making personal service, the person making service shall leave a copy of the subpoena with the person subpoenaed, or, if such person is not immediately available, with any other responsible person residing or employed at the place of residence or business of the person subpoenaed. The original of the subpoena, bearing or accompanied by the required proof of service, shall be returned to the official who issued the same.

§ 47.35 *Fees and mileage.* Witnesses who are subpoenaed and who appear in the proceeding, including witnesses whose depositions are taken, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and persons taking depositions shall be entitled to the same fees as are paid for like services in the courts of the United States, to be paid by the party at whose request the deposition is taken. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear, and claims therefor, as to witnesses subpoenaed on behalf of the Administration, shall be proved before the person issuing the subpoena, and, as to witnesses subpoenaed on behalf of any other party, shall be presented to such party.

§ 47.36 *Prehearing conferences.* In any proceeding in which it appears that such procedure will expedite the proceeding, the examiner, at any time prior to or during the course of the oral hearing, may request the parties or their counsel to appear at a conference before him to consider (a) the simplification of issues; (b) the necessity or desirability of amendments to pleadings; (c) the possibility of obtaining stipulations of fact and of documents which will avoid unnecessary proof; (d) the limitation of the number of expert or other witnesses; and (e) such other matters as may expedite and aid in the disposition of the proceeding. No transcript of such conference shall be made, but the examiner shall prepare and file for the record a written summary of the action agreed upon or taken at the conference, which shall incorporate any written stipulations or agreements made by the parties at the conference or as a result of the conference. If the circumstances are such that a conference is impracticable, the examiner may request the parties to correspond with him for the purpose of accomplishing any of the objects set forth in this section. The examiner shall forward copies of letters and documents to the parties as the circumstances require. Correspondence in such negotiations shall not be a part of the record, but the examiner shall submit a written summary for the record if any agreement is reached or action is taken.

§ 47.37 *Post-hearing procedure before the examiner*—(a) *Filing the transcript of evidence.* (1) As soon as practicable after the close of the hearing, the examiner shall transmit to the hearing clerk the transcript of the testimony and the original and all copies of the exhibits not already on file in the office of the hearing clerk. The examiner shall attach to the original transcript of testimony his certificate stating that, to the best of his knowledge and belief, the transcript is a true, correct, and complete transcript of the testimony given at the hearing, except in such particulars as he shall specify, and that the exhibits are all the exhibits transmitted or are all the exhibits received in evidence at the hearing, with such exceptions as he shall specify. A copy of such certificate shall be attached to each copy of the transcript of testimony. In accordance with such certificate the examiner shall note on the original transcript, and the hearing clerk shall note upon each copy of the transcript, each correction detailed in such certificate by adding or crossing out (but without obscuring the text as originally transcribed) at the appropriate places any words necessary to make the text conform to the correct meaning, as certified by the examiner. If a copy of the transcript is sent direct to the parties by the reporter the examiner shall make on the original transcript any corrections and will notify the parties of such corrections.

(2) Immediately following the filing of the transcript, the hearing clerk shall advise each party to the proceeding as to the date of such filing.

(b) *Suggested findings of fact, conclusions, and orders.* It will be in the discretion of the examiner whether suggested findings of fact, conclusions, and order, and briefs in support thereof, may be filed by the parties. If allowed by the examiner, the parties will be either notified at the hearing or in writing, and such findings of fact, conclusions, and order, and briefs shall be filed within 10 days (unless the examiner shall give a shorter or longer period of time) after the transcript has been filed with the hearing clerk, as provided in paragraph (a) of this section. Such findings of fact, conclusions, and order shall be based solely upon the evidence of record.

(c) *Examiner's report.* The examiner, within a reasonable time after the filing of the transcript with the hearing clerk, as provided in paragraph (a) of this section, or, if the filing of suggested findings of fact, conclusions, and order, and briefs in support thereof, has been allowed, within a reasonable time after the termination of the period allowed for such filing, shall prepare, upon the basis of the evidence received at the hearing, and shall file with the hearing clerk, his report, a copy of which (together with notification of the date fixed by the examiner for the filing of exceptions thereto) shall be served by the hearing clerk upon each of the parties.

(d) *Exceptions.* Within a period of time (to be fixed by the examiner, but not to exceed 20 days) after receipt of the examiner's report, the parties may file exceptions to the report. Any party who desires to take exception to any matter set out in the report shall transmit his exceptions in writing to the hearing clerk, referring, where practicable, to the relevant pages of the transcript, and suggesting a corrected finding of fact, conclusion, or order. Within the same period of time, each party shall transmit to the hearing clerk a brief statement in writing concerning each of the objections taken to the action of the examiner, as provided in § 47.32, upon which the party wishes to rely, referring, where practicable, to the pertinent pages of the transcript. A party, if he files exceptions or a statement of objections, may file a brief in support

thereof, and shall state in writing at the time of such filing whether he desires to make an oral argument thereon before the Administrator; otherwise, it shall be considered that he does not desire to make such oral argument.

(e) *Revision of examiner's report.* If exceptions are filed to the examiner's report, as provided in paragraph (d) of this section, the examiner, after consideration of such exceptions, shall within 20 days file with the hearing clerk a supplemental report which shall include such revision of his original report as he deems to be appropriate in view of such exception. If the examiner determines that a revision of his original report is unnecessary the examiner shall so state in his supplemental report.

§ 47.38 *Shortened procedure* — (a) *Consent of parties.* Whenever it appears to the examiner who is assigned to a proceding that the proof may be fairly and adequately presented by use of the informal procedure provided for in this section, he shall suggest to the parties that they consent to the use of such procedure. The parties are free to consent to such procedure if they choose; and declination of consent will not affect or prejudice the rights or interests of any party. Unless the parties agree to the use of affidavits, as provided in paragraph (e) of this section, proof in the shortened procedure shall, subject to the provisions of § 47.33 (a), be submitted by depositions. Depositions filed under the shortened procedure shall conform to the provisions set forth in § 47.33. If any party who has not waived oral hearing does not consent to the use of the shortened procedure, the proceeding will be set for oral hearing. The request that the shortened procedure be used need not originate with the examiner; any party may address a request to the examiner asking that the shortened procedure be used. The examiner, in his suggestion to the parties, will set a period of time (not to exceed 15 days) in which the parties may indicate their consent to the shortened procedure; at the end of such period the examiner will notify the parties that the shortened procedure will or will not be used. All requests, suggestions, and notices mentioned in this section shall be filed with the hearing clerk.

(b) *Complainant's opening statement.* Within 10 days after receipt of notice that the shortened procedure will be used, complainant may apply for an order to take depositions in lieu of an opening statement of facts, or in addition thereto. If the parties have so agreed as provided in (a) of this section, the complainant may file, in triplicate, in support of the complaint, an opening statement of facts within 15 days after receipt of notice that the shortened procedure will be used. A copy of the opening statement shall be served promptly by the hearing clerk upon the respondent.

(c) *Respondent's answering statement.* Within 10 days after service of the opening statement or deposition in lieu thereof, respondent may apply for an order to take depositions in lieu of an answering statement of facts, or in addition thereto. The respondent may file, in triplicate, in support of his answer, an answering statement of facts within 15 days after receipt of the complainant's opening statement. A copy of the answering statement shall be served promptly by the hearing clerk upon the complainant.

(d) *Complainant's statement in reply.* Within 10 days after service of the answering statement or deposition in lieu thereof, complainant may apply for an order to take depositions in lieu of a statement in reply or in addition thereto. The complainant may file, in triplicate, a statement in reply within 15 days after receipt of the respondent's answering statement. Such statement shall be confined strictly to replying to the facts and arguments set forth in the answering statement and a copy thereof shall be served promptly by the hearing clerk upon the respondent.

(e) *Statements in affidavit form; verification.* If the parties agree, the statements referred to in this section may be submitted in the form of affidavits, rather than depositions. In such event the time stated in paragraphs (b), (c), and (d) of this section shall be 10 days, instead of 15 days, with respect to each such statement. If, pursuant to the agreement of the parties, the statements are submitted in affidavit form, any facts set forth in the statement must be sworn to (before a person legally authorized to administer oaths or before a person designated by the Administrator for the purpose) by a person who states in the affidavit that he has actual knowledge of the facts. Except under unusual circumstances, which shall be set forth in the affidavit, any such person shall be one who would appear as a witness if an oral hearing were held. The original of each document must show the signature, capacity, and impression seal (if the officer is required by law to have a seal) of the officer administering the oath and the date thereof. Copies must indicate that the original shows the data required in this respect.

(f) *Documents accompanying statements.* The statements referred to in this section shall be accompanied by any documents filed as a part of the proof of the alleged facts (which documents shall be identified in the statement or authenticated in such manner as to be admissible in evidence at an oral hearing under these rules of practice) and may be accompanied by briefs in support of the contentions of the party submitting the statement: *Provided,* That documents (other than briefs) accompanying statements in deposition form must have been offered as proof at the time of the taking of the deposition.

(g) *Stipulations.* In addition to or in lieu of such statements, the parties may file with the hearing clerk stipulations of fact signed by the parties or their representatives. Such stipulations shall become a part of the record. The stipulations shall be filed with the hearing clerk within 20 days after notice that the shortened procedure will be used; or, if the complainant's opening statement is filed, within 20 days after the filing of such statement; or, if an answering statement is filed, within 20 days after the filing thereof; or, if a statement in reply is filed, within 20 days after the filing thereof.

(h) *Waiver of right to file.* Failure to file, within the time prescribed, any statement or stipulation required or authorized under this section shall constitute a waiver of the right to file such statement or stipulation: *Provided,* That, when a deposition is required, the examiner shall extend the time prescribed in this section to such period as is reasonably necessary in the circumstances.

(i) *Examiner's report under the shortened procedure.* Except as otherwise may be directed by the examiner, the filing of the complainant's statement in reply shall conclude the presentation of evidence. The examiner shall thereupon decide and notify the parties whether suggested findings of fact, conclusions, and order, with briefs in support thereof, may be filed by the parties. If requested by the examiner, such findings, conclusions, order, and briefs shall be filed within such time, not to exceed 20 days after notification, as the examiner shall prescribe. Within a reasonable time after the presentation of evidence has been concluded or, if the filing of suggested findings of fact, conclusions, and orders, and briefs in support thereof, has been allowed, within a reasonable time after the termination of the period allowed for such filing, the examiner shall prepare his report, and the same procedure shall be followed thereafter as in proceedings in which an oral hearing has been held.

(j) *Assignment for oral hearing. Upon* the examiner's own motion or within his discretion upon the request of any party, the proceeding may be set for oral hearing at any stage of the proceeding prior to the expiration of the time allowed for the submission of evidence.

§ 47.39 *Transmittal of record.* The hearing clerk, immediately following the filing of the revision of the examiner's report, or upon notification by the examiner that no revision will be made, shall transmit to the Administrator the record of the proceeding. Such record shall include: The pleadings; motions and requests and rulings thereon; the transcript of the testimony taken at the hearing, together with the exhibits filed therein; any statements filed under the shortened procedure; any documents or papers filed in connection with prehearing conferences; such suggested findings of fact, conclusions, and orders, and briefs in support thereof, as may have been permitted to be filed in connection with the hearing; the examiner's report,

and such exceptions, statements of objections and briefs in support thereof, as may have been filed in the proceeding.

§ 47.40 *Argument before Administrator*—(a) *Oral argument.* Unless a party has included in his exceptions a request for oral argument or has filed a separate request for oral argument prior to the expiration of the last date for filing such exceptions, he shall be deemed to have waived oral argument.

(b) *Briefs.* Briefs filed in accordance with § 47.37 (d), and in support of statements of facts will be considered by the Administrator.

(c) *Scope of argument.* Except where the Administrator determines that argument on additional issues would be helpful, argument, whether oral or in a written brief, shall be limited to the issues raised by the exceptions and statement of objections, or to such issues as the Administrator may indicate. If the Administrator determines that additional issues should be argued, the parties shall be given reasonable notice of such determination, so as to permit the preparation of adequate argument on all the issues to be argued.

§ 47.41 *Consideration and issuance of order*—(a) *Consideration of order.* As soon as practicable after the receipt of the record from the hearing clerk, or, in case argument was had, as soon as practicable thereafter, the Administrator upon the basis of the record, shall begin his consideration of the final order to be issued in the proceeding. If such an oral argument was held, the order shall be considered by and shall be issued over the signature of the person who heard such oral argument, unless the parties shall consent to a different arrangement. At no stage of the proceeding between its institution and the issuance of the order shall the Administrator discuss ex parte the merits of the proceeding with any person who is connected with the proceeding in an advocative or an investigative capacity, or with any representative of such person: *Provided, however,* That the Administrator may discuss the merits of the proceeding with such a person if all parties to the proceeding, or their representatives, have been given an opportunity to be present. If, notwithstanding the foregoing provisions of this section, a memorandum or other communication from any party, or from any person acting on behalf of any party, which relates to the merits of the proceeding, receives the personal attention of the Administrator (or, if an official other than the Administrator is to issue the order, then of such other official), during the pendency of the proceeding, such memorandum or communication shall be regarded as argument made in the proceeding and shall be filed with the hearing clerk, who shall serve a copy thereof upon the opposite party to the proceeding, and opportunity shall be given the opposite party to file a reply thereto.

(b) *Issuance of order.* The order shall be issued and served upon the parties as the final order in the proceeding without further procedure: *Provided,* That, if the terms of the order differ substantially from those proposed in the report of the examiner, the Administrator shall, if he deems it advisable to do so, direct that a copy of the order be served upon the parties as a tentative order; and, in such event, opportunity shall be given the parties within a period of time to be fixed by the Administrator but not to exceed 20 days to file exceptions thereto and written arguments or briefs in support of such exceptions. If exceptions are so filed, the Administrator shall give consideration to and shall make such changes in the tentative order as he deems to be appropriate in view of the exceptions; otherwise, the tentative order shall be issued and served as the final order in the proceeding.

§ 47.42 *Rehearing, reargument, reconsideration of orders, and reopening of hearings*—(a) *Petitions to rehear, reargue, and reconsider.* A petition for rehearing or reargument of the proceeding, or for reconsideration of the order, shall be made by petition to the Administrator filed with the hearing clerk within 10 days after the date of service of the order. Every such petition shall state specifically the matters claimed to have been erroneously decided and the alleged errors. If the Administrator concludes that the questions raised by the petition have been sufficiently considered in the issuance of the order, he shall dismiss the petition without service on the other party. Otherwise he shall direct that a copy of the petition be served upon such party. The filing of a petition to rehear or reargue a proceeding or to reconsider an order shall automatically operate to set aside the order pending final action on the petition.

(b) *Petition to reopen.* A petition to reopen the hearing to take further evidence may be filed with the examiner at any time prior to the issuance of the final order. Every such petition shall state briefly the nature and purpose of the evidence to be adduced, shall show that such evidence is not merely cumulative, and shall set forth a good reason why such evidence was not adduced at the hearing. Every such petition shall be served by the hearing clerk on the other party in the proceeding.

(c) *Procedure for disposition of petitions.* Within 20 days following the service of any petition provided for in this section, the other party to the proceeding may file with the hearing clerk an answer thereto. In the event that any such petition is granted the applicable rules of practice shall be followed.

§ 47.43 *Filing; extensions of time; effective date of filing; computation of time*—(a) *Filing; number of copies.* Except as is provided otherwise herein, all documents or papers required or authorized by the regulations in this part to be filed with the hearing clerk shall be filed in triplicate: *Provided,* That, where there are more than two parties to the proceeding, a sufficient number of copies shall be filed so as to provide for service upon all the parties to the proceeding. Any document or paper required or authorized by the regulations in this part to be filed with the hearing clerk shall, during the course of an oral hearing, be filed with the examiner.

(b) *Extensions of time.* The time for the filing of any document or paper (except an informal complaint) required or authorized under the regulations in this part to be filed may be extended by the examiner (before the transmittal of the record to the Administrator) or by the Administrator (after such transmittal) upon request, if, in the judgment of the examiner or the Administrator, as the case may be, there is good reason for the extension.

(c) *Effective date of filing.* Any document or paper required or authorized under the regulations in this part to be filed shall be deemed to be filed when it reaches the hearing clerk.

(d) *Computation of time.* Sundays and holidays shall be included in computing the time allowed for the filing of any document or paper: *Provided,* That when such time expires on a Sunday or Federal holiday, the period shall be extended to include the next following business day.

Effective date. These rules shall take effect on March 10, 1945. They shall govern all matters arising under the act after they take effect and also all matters then pending, except to the extent that their application would not be feasible or would work injustice, in which event the rules issued on July 16, 1941 (7 CFR, Cum. Supp., 47.1, et seq.) shall apply.

Done at Washington, D. C., this 24th day of February 1945.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 45-3047; Filed, Feb. 24, 1945; 3:16 p. m.]

Chapter III—Bureau of Entomology and Plant Quarantine

[B. E. P. Q. 533, Revised]

PART 301—DOMESTIC QUARANTINE NOTICES

JAPANESE BEETLE QUARANTINE REGULATIONS; MODIFICATION

Introductory note. This revision of the administrative instructions (B.E.P.Q. 533) makes no change in the list of articles that are exempted from Japanese beetle certification. The revision is solely for the purpose of bringing the citation of authority into line with the appropriate proviso in the current revision of the quarantine.

§ 301.48d *Administrative instructions; articles exempt from certification.* Pursuant to the authority conferred upon

the Chief of the Bureau of Entomology and Plant Quarantine by the second proviso of the Japanese beetle quarantine (§ 301.48, 10 F.R. 1951) the following articles, the interstate movement of which is not considered to constitute a risk of Japanese beetle dissemination, are hereby exempted from the requirements of the reguations of that quarantine.

Nursery stock: Under this classification, the following articles are hereby exempted:

True bulbs, corms, and tubers, when dormant, except for storage growth, and when free from soil.
Single dahlia tubers or small dahlia root-divisions when free from stems, cavities, and soil. (Dahlia tubers, other than single tubers or small root-divisions meeting these conditions, require certification.)
Orchid plants when growing exclusively in Osmunda fiber.
Trailing arbutus, or Mayflower (*Epigaea repens*), when free from soil.
Moss and clubmoss, ground-pine or running-pine, when free from soil.
Soil-free aquatic plants.
Soil-free sweetpotato draws.
Soil-free plant cuttings without roots.
Soil-free rooted cuttings, which, at the time of shipment have not developed a root system sufficient to conceal larvae of the Japanese beetle.

Cut flowers: Under this classification, cut orchids are hereby exempted.

These instructions shall be effective March 1, 1945, and shall thereafter remain in effect until further modified or revoked.

(Sec. 8, 39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 161)

Done at Washington, D. C., this 10th day of February 1945.

AVERY S. HOYT,
Acting Chief.

[F. R. Doc. 45-2994; Filed, Feb. 24, 1945; 11:07 a. m.]

Chapter IX—War Food Administration
(Production Orders)

[WFO 127]

PART 1220—FEED

LIMITATIONS ON THE DELIVERY AND SHIPMENT OF HAY

The fulfillment of requirements for the defense of the United States has resulted in a shortage in the supply of hay for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest to prevent loss of livestock due to storm conditions that made it impossible to move essential feed supplies to certain areas and to promote the national defense:

§ 1220.22 *Limitations on delivery and shipment of hay*—(a) *Delivery and shipment.* Except as herein otherwise provided, no person shall deliver for shipment or ship hay located in the designated area to any point in the United States, except to points in the States of Connecticut, Massachusetts, and Rhode Island.

(b) *Exemption.* (1) Any person may, upon application to the Chief of the AAA, be authorized by him, in writing, to deliver for shipment or ship hay located in the designated area to any point in the United States in an amount specified in such authorization.

(2) Any holder of an authorization issued by the Chief of the AAA in accordance with paragraph (b) (1) hereof may deliver for shipment or ship hay located in the designated area to any point in the United States in an amount specified in such authorization.

(3) Any person who delivers for shipment or ships hay in accordance with the provisions of any authorization issued by the Chief of the AAA under this order shall comply with all directions contained in such authorization.

(c) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not and includes any State or political subdivision or agency thereof.

(2) "Hay" means all kinds and grades of hay as established and defined in the Handbook of Official Hay and Straw Standards of the United States Department of Agriculture, as revised September 1, 1944.

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

(4) "Designated area" includes the State of Nebraska and the following counties in Iowa and South Dakota:

Iowa, Counties of: Lyon, Sioux, Plymouth, Woodbury, Monona, Harrison, Pottawattamie.
South Dakota, Counties of: Gregory, Charles Mix, Douglas, Hutchinson, Bon Homme, Yankton, Turner, Clay, Lincoln, Union.

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

(e) *Records and reports.* (1) The Chief of the AAA shall be entitled to obtain such information from and require such reports and the keeping of such records by any person as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(2) Every person subject to this order shall, for at least one year, maintain an accurate record of his deliveries for shipment and shipments of hay during the effective period of this order.

(f) *Audits and inspections.* The Chief of the AAA shall be entitled to make such audit or inspection of the books, records and other writings, premises, or stocks of hay of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

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

(h) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using hay. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

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

(j) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Chief of the AAA, be addressed to the Chief of the Agricultural Adjustment Agency, United States Department of Agriculture, Washington 25, D. C., Ref.: WFO 127.

This order shall become effective at 12:01 a. m., c. w. t., February 27, 1945, and shall terminate at 12:01 a. m., c. w. t., March 10, 1945.

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

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

Issued this 24th day of February 1945.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 45-3079; Filed, Feb. 24, 1945; 4:31 p. m.]

Chapter XI—War Food Administration (Distribution Orders)

[WFO 126, Amdt. 1]

PART 1410—LIVESTOCK AND MEATS

DIRECTOR OR ACTING DIRECTOR OF MARKETING SERVICES DELEGATION OF AUTHORITY UNDER OFFICE OF ECONOMIC STABILIZATION DIRECTIVE 31

Pursuant to the authority vested in me by Directive 31 of the Office of Economic Stabilization, issued January 30, 1945 (10 F.R. 1336), and to effectuate the purposes thereof, War Food Order No. 126 (10 F.R. 1691), is hereby amended to read as follows:

§ 1410.21 *Delegation of authority to establish percentages and slaughter bases, and to grant or deny relief*—(a) *Authority delegated.* The Director of Marketing Services, or in his absence or inability to act, the Acting Director of Marketing Services, is hereby authorized as follows:

(1) To establish, publish, and certify to the Defense Supplies Corporation, from time to time and with respect to any class or species of livestock, percentages of the total slaughter of livestock during particular accounting periods of 1944 on the basis of which livestock slaughter payments may be made, during corresponding accounting periods of 1945, to slaughterers whose establishments are not operated under Federal inspection;

(2) To establish slaughter bases against which percentages shall be computed in those cases where no livestock slaughter payment was claimed for a particular accounting period of 1944, and to grant or deny relief in cases where it is contended that the established percentage, when applied to the actual live weight slaughtered during a particular accounting period of 1944, will result in an exceptional or unreasonable hardship. The authority to establish slaughter bases and to grant or deny relief may be redelegated to any employee of the United States Department of Agriculture. In establishing such slaughter bases, and in granting or denying such relief, the Director or Acting Director or their delegatee shall take into consideration any facts submitted by the petitioner, together with such other facts as may be deemed material.

(b) *Authority reserved.* Nothing contained in this delegation shall be construed as affecting any power or authority vested in the War Food Administrator.

(c) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., February 24, 1945.

(E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of February 1945.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 45-3011; Filed, Feb. 24, 1945; 11:11 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service

PART 95—ENROLLMENT AND DISBARMENT OF ATTORNEYS AND REPRESENTATIVES

ADMISSION TO PRACTICE OF PERSONS OTHER THAN ATTORNEYS AND REPRESENTATIVES

FEBRUARY 17, 1945.

Section 95.10, Title 8, Chapter I, Code of Federal Regulations is hereby amended to read as follows:

§ 95.10 *Admission of persons other than attorneys and representatives.* A person who has practiced before the Board or the Service for at least five years immediately prior to May 1, 1944, and who during such period pursued such practice as his principal occupation, may, if he applies before May 1, 1945, is otherwise qualified and satisfies the Board that he is well qualified by training and experience to represent his clients before the Board and the Service, be admitted, in the discretion of the Board, to practice under this part although he is not an attorney or representative. In any case under this section, the officer in charge, the district director, or the Commissioner may timely file objections to the admission of the applicant, which together with the reasons supporting such objections will be considered by the Board in reaching its decision. An application under this section shall be treated in the manner provided by § 95.4 (c). The Board may conduct or cause to be conducted appropriate inquiry with respect to any application under this section. A person admitted under this section shall be subject to the provisions of this part regulating the practice of attorneys and representatives.

(Sec. 161, Revised Statutes of the United States, as amended, 5 U.S.C. 22; sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675; 8 U.S.C. 102, 222, 458; sec. 1 Reorg. Plan No. V, 5 F.R. 2223; 8 CFR 90.1, 8 F.R. 8735; 8 CFR, Cum. Supp., 90.2)

T. B. SHOEMAKER,
Acting Commissioner of Immigration and Naturalization.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 45-3016; Filed, Feb. 24, 1945; 11:14 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5185]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

DODGE, INC.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service.* In connection with the offering for sale, sale and distribution of metal-covered books in commerce representing, directly or by implication, that said books will stop or deflect bullets or similar projectiles or will otherwise afford any substantial protection from such projectiles; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C. sec. 45b) [Cease and desist order, Dodge, Incorporated, Docket 5185, January 19, 1945]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of January, A. D. 1945.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, certain facts and other evidence stipulated into the record at a hearing before an examiner of the Commission theretofore duly designated by it, and other facts later stipulated by counsel (report by the trial examiner, the filing of briefs, and oral argument having been waived), and the Commission having made its findings as to the facts and its conclusions that the respondent in this proceeding has violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondent Dodge, Incorporated, a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of metal-covered books in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that said books will stop or deflect bullets or similar projectiles or will otherwise afford any substantial protection from such projectiles.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 45-3015; Filed, Feb. 24, 1945; 11:14 a. m.]

[Docket No. 4919]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HAWKEYE SALES, INC., AND TIM LAKE

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or services.* In connection with the offering for sale, sale or distribution of Blu-V-Spray or Jermite, or any products of substantially similar composition or possessing substantially similar properties whether sold under the same name or under any other name, disseminating, etc., any advertisements by means of United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparations, which advertisements represent, directly or through inference (a) that the use of Blu-V-Spray will result in germ-free poultry or poultry

of greater weight or higher quality; (b) that the use of Blu-V-Spray will make the killing of sick poultry or the adoption of other precautions unnecessary in cases of sickness or will prevent sickness ruining an entire flock; (c) that Blu-V-Spray is a competent or effective treatment for colds, gapes, or other respiratory troubles in poultry; (d) that the use of Blu-V-Spray will prevent sickness or loss of life of poultry due to weather conditions; (e) that the use of Jermite will substantially improve the physical condition of poultry or will enable poultry to consume the maximum amount of food and obtain full benefit therefrom; (f) that Jermite will materially improve or stimulate the appetite of poultry or aid poultry in the proper digestion of food; (g) that the addition of Jermite to buttermilk fed to poultry will materially reduce the amount of buttermilk required or will thus result in any substantial saving in feed costs; or (h) that the concurrent use of Blu-V-Spray and Jermite will produce substantial beneficial results, or results worth hundreds of times the cost or any number of times the cost; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C. sec. 45b) [Cease and desist order, Hawkeye Sales, Inc., et al., Docket 4919, January 18, 1945]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of January, A. D. 1945.

In the Matter of Hawkeye Sales, Inc., a Corporation, and Tim Lake, 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 exceptions thereto, and brief in support of the complaint (respondent not having filed brief and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Hawkeye Sales, Inc., a corporation, its officers, representatives, agents, and employees, and respondent Tim Lake, an individual, his representatives, agents, and employees, jointly or severally, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of Blu-V-Spray or Jermite, or any products of substantially similar composition or possessing substantially similar properties whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or through inference:

(a) That the use of Blu-V-Spray will result in germ-free poultry or poultry of greater weight or higher quality.

(b) That the use of Blu-V-Spray will make the killing of sick poultry or the adoption of other precautions unnecessary in cases of sickness or will prevent sickness ruining an entire flock.

(c) That Blu-V-Spray is a competent or effective treatment for colds, gapes, or other respiratory troubles in poultry.

(d) That the use of Blu-V-Spray will prevent sickness or loss of life of poultry due to weather conditions.

(e) That the use of Jermite will substantially improve the physical condition of poultry or will enable poultry to consume the maximum amount of food and obtain full benefit therefrom.

(f) That Jermite will materially improve or stimulate the appetite of poultry or aid poultry in the proper digestion of food.

(g) That the addition of Jermite to buttermilk fed to poultry will materially reduce the amount of buttermilk required or will thus result in any substantial saving in feed costs.

(h) That the concurrent use of Blu-V-Spray and Jermite will produce substantial beneficial results, or results worth hundreds of times the cost or any number of times the cost.

2. Disseminating or causing to be disseminated, by any means, any advertisement for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of Blu-V-Spray or Jermite, which advertisement contains any of the representations prohibited in Paragraph One hereof.

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. 45-3099; Filed, Feb. 26, 1945; 11:21 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

[Docket No. FDC-26]

PART 14—CACAO PRODUCTS

DEFINITIONS AND STANDARDS OF IDENTITY, ORDER POSTPONING THE EFFECTIVE DATE

Upon the application of the Office of Marketing Services of the War Food Administration and for good cause shown, *It is ordered*, That the effective date of the regulations fixing and establishing definitions and standards of identity for cacao products (9 F.R. 14329) be and hereby is postponed until October 1, 1945.

[SEAL] WATSON B. MILLER, *Acting Administrator.*

FEBRUARY 24, 1945.

[F. R. Doc. 45-3102; Filed, Feb. 26, 1945; 11:57 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 8—RULES GOVERNING SHIP SERVICE

EXTRA COMPENSATION FOR OVERTIME SERVICES BY INSPECTORS

The Commission on February 20, 1945, effective immediately, amended paragraph (f) of § 8.301 *Extra compensation for overtime services by inspectors* (47 CFR, Cum. Supp.) to read:

(f) In computing the amount earned for overtime at the rate of "½ day's pay for each 2 hours or fraction thereof of at least 1 hour that the overtime extends beyond 5 p. m.," ½ day's pay shall be ½ of the gross daily rate of pay; each 2 hours is the time period for the purpose of computation; at least 1 hour means the minimum service in any such 2 hour overtime period for which extra pay may be granted, and each additional period in the amount of 2 hours or fraction thereof of at least 1 hour will entitle the inspector to an additional ½ day's pay. Payment of extra compensation for services consisting of at least 1 hour is authorized from 5 p. m., even though such services may not actually begin until later, *Provided*, That the inspector rendering the service remained on duty from 5 p. m., in which case the time between 5 p. m., and the time of beginning the actual service shall be computed as waiting time. Where the performance of actual services is preceded by such a waiting time there should be an affirmative statement that the inspector was required to remain on duty between 5 p. m., and the time of beginning the actual services.

(Sec. 4 (f) (2), 48 Stat. 1066, as amended March 23, 1941, 55 Stat. 46; 47 U.S.C. 154. Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154. Sec. 303 (r), 48 Stat. 1082, as amended May 20, 1937, 50 Stat. 190, 191; 47 U.S.C. 303)

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 45-3018; Filed, Feb. 24, 1945; 10:57 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

Subchapter B—Respiratory Protective Apparatus; Tests for Permissibility; Fees

[Schedule 14E]

PART 13—GAS MASKS

Part 13 is hereby amended to read as follows: [1]

Preliminary statement: The Bureau of Mines is prepared at its Central Experiment Station, Pittsburgh, Pennsylvania, to conduct tests of gas masks to determine their permissibility.

This Part 13 is issued for the information and guidance of those who may desire to submit gas masks for approval and also to inform consumers and other interested persons regarding qualities the Bureau believes such devices should have.

The purpose of investigations under this Part 13 is to provide a list of gas masks that meet the Bureau's requirements for safety, efficiency, and durability in their fields of industrial use.

Lists of permissible gas masks are published from time to time for the guidance of consumers.

The authority for conducting these tests is contained in an act of Congress (37 Stat. 681) approved February 25, 1913, and amended June 30, 1932 (47 Stat. 410), and in Executive Order No. 6611, February 22, 1934. The act, as amended, and as modified by the Executive order, reads in part as follows (30 U.S.C. 5, 7):

> The Director of the Bureau of Mines shall prepare and publish, subject to the direction of the Secretary of the Interior, under the appropriations made from time to time by Congress, reports of inquiries and investigations, with appropriate recommendations of the bureau, concerning the nature, causes, and prevention of accidents, and the improvement of conditions, methods, and equipment, with special reference to health, safety, and prevention of waste in the mining, quarrying, metallurgical, and other mineral industries; the use of explosives and electricity, safety methods and appliances, and rescue and first-aid work in said industries; the causes and prevention of mine fires; and other subjects included under the provisions of this act.
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> For tests or investigations authorized by the Secretary of the Interior under the provisions of this act, except those performed for the Government of the United States or State governments within the United States, a fee sufficient in each case to compensate the Bureau of Mines for the entire cost of the services rendered shall be charged, according to a schedule prepared by the Director of the Bureau of Mines and approved by the Secretary of the Interior, who shall prescribe rules and regulations under which such tests or investigations may be made. All moneys received from such sources shall be paid into the Treasury to the credit of miscellaneous receipts.

This document, consisting of §§ 13.1 to 13.12, inclusive, is Schedule 14E.

Sec.

AUTHORITY: §§ 13.1 to 13.12, inclusive, issued under 37 Stat. 681, as amended by sec. 311, 47 Stat. 410, 30 U.S.C. 3, 5, 7, and Executive Order 6611, February 22, 1934.

§ 13.1 *Definition of a permissible gas mask.* The Bureau of Mines considers a gas mask permissible for use in air containing limited percentages of certain irrespirable gases and vapors with or without particulate contaminants (dusts, fumes, mists, fogs, and smokes),[2] if all the materials and details of construction and the chemical and physical properties of the absorbents are the same in all respects as those of the gas masks that met the requirements and passed the inspection and tests of the Bureau of Mines as hereinafter described.

Bureau of Mines approval applies only to a complete gas mask and not to integral parts thereof.

§ 13.2 *Types of gas masks.* For the purpose of the regulations in this part gas masks are classified as follows:

(a) *Type A.* For protection against acid gases such as chlorine, formic acid, hydrogen chloride, hydrogen cyanide, hydrogen sulfide, phosgene, and sulfur dioxide.

(b) *Type B.* For protection against organic vapors such as acetone, alcohol, aniline, benzene, carbon disulfide, carbon tetrachloride, chloroform, ether, formaldehyde, gasoline and petroleum distillates, toluene, and similar volatile organic compounds.

(c) *Type C.* For protection against ammonia.

(d) *Type D.* For protection against carbon monoxide. In addition to the type designed for regular service, a special self-rescue device will be approved. This special device is to enable the wearer to escape if dangerous concentrations of carbon monoxide should occur, as in a mine fire or explosion.

(e) *Types AB, ABC, etc.* For protection against combinations of gases and vapors as indicated by type letters.

(f) *Types AE, BE, CE, DE, etc.* For protection against the gases and vapors indicated by the first type letter; and dusts, fumes, mists, fogs, and smokes. The type letter E is used to indicate protection against particulate contaminants.

(g) *Type N.* For protection against all of the contaminants listed under the preceding types.

§ 13.3 *Range of concentrations within which gas masks will be approved.* The maximum concentration for which approval will be granted is 2 percent of acid gases, 2 percent of organic vapors, 2 percent of carbon monoxide, 3 percent of ammonia, or a total of 2 percent of toxic gases or vapors when more than one is present at a time.

The minimum concentration for which approval will be granted is 1 percent of acid gases, 2 percent of organic vapors, 2 percent of carbon monoxide, and 3 percent of ammonia.

The maximum concentration for which any particular type of gas mask has been approved shall become the minimum requirement, and no subsequent approval will be granted to any applicant on a gas mask of this type for a maximum concentration lower than this. For example, if approval has been granted on a Type C gas mask for protection against a maximum concentration of 3 percent ammonia, no subsequent approval will be granted to any applicant on a Type C gas mask for protection against a maximum concentration of less than 3 percent ammonia.

§ 13.4 *Instructions for submitting equipment and conditions under which gas masks will be tested*—(a) *Consultation.* Applicants or their representatives may visit or communicate with the Central Experiment Station of the Bureau of Mines at Pittsburgh, Pennsylvania, to obtain criticisms of proposed designs or to discuss the requirements of the regulations in this part in connection with a device to be submitted. No charge is made for this consultation and no written report will be made to the applicant.

(b) *Application.* Before the Bureau of Mines will undertake the active investigation of any gas mask, the applicant shall have filed an application that contains: (1) A description and complete drawings of the device (supplemented by available printed matter); (2) a statement that the device is completely developed and of the design and materials which the applicant believes suitable for a finished marketable device; (3) a statement that the device has been subjected to inspections and tests of the nature described in the regulations in this part and that it has met these requirements when tested by the applicant or his testing agency; (4) a statement describing the nature, adequacy, and continuity of control of the quality of the gas mask (see paragraph (e) of this section); and (5) a request that the necessary inspections and tests leading to approval be made. No gas mask will be accepted for permissibility tests unless it is substantially in the completed form in which it is to be marketed. Application for tests shall be indicative of this understanding by the applicant. The application shall be addressed to the Director, Bureau of Mines, United States Department of the Interior, Washington 25, D. C. A copy of the application, with two copies of all drawings and printed matter, one copy of the results of the applicant's inspection and

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[1] The substance of this amendment was issued as Schedule 14E by the Director of the Bureau of Mines and approved by the Secretary of the Interior on December 24, 1941. It supersedes Schedule 14, issued May 22, 1919; Supplement to Schedule 14, issued January 6, 1920; Schedule 14A (revision of Schedule 14), issued August 25, 1923; Schedule 14B (revision of Schedule 14A), issued August 7, 1930; Schedule 14C (revision of Schedule 14B), issued August 20, 1934; and Schedule 14D (revision of Schedule 14C), issued May 9, 1935.

[2] This Part 13 does not provide for the approval of respirators designed for protection against particulate contaminants alone. Such is done by Part 14 of this Subchapter B.

tests, and one complete specimen of the device for which approval is desired shall be sent to the Chief Chemist, Health Division, Bureau of Mines, United States Department of the Interior, 4800 Forbes Street, Pittsburgh 13, Pennsylvania. On receipt of this application, descriptive material, test data, and specimen to be tested, the applicant will be notified by the Bureau of Mines of its action on the application, the fee necessary, the material required for test, and any additional information or specifications that are deemed necessary. The applicant shall, in turn, furnish the information and materials necessary, with a certified check, bank draft, or United States postal money order payable to the Treasurer of the United States, to cover the fee for inspection and tests. This fee shall be sent to the Director, Bureau of Mines, United States Department of the Interior, Washington 25, D. C. The information regarding the device and all material for tests shall be sent to the Chief Chemist, Health Division, Bureau of Mines, United States Department of the Interior, 4800 Forbes Street, Pittsburgh 13, Pennsylvania. The fee will be placed on special deposit in the Treasury of the United States, pending disposal as hereinafter specified.

(c) *Fees for testing gas masks.* The following fees are charged for testing gas masks under the regulations in this part:

1. Type A—Acid gases, complete mask	$400.00
2. Type B—Organic vapors, complete mask	220.00
3. Type C—Ammonia, complete mask	120.00
4. Type D—Carbon monoxide, complete mask	300.00
5. Type AE, etc.—Dusts, fumes, mists, fogs, and smokes in combination with any of the above gases or vapors. Fee in addition to that required for tests with gases or vapors	150.00
6. Type AB—Acid gases and organic vapors, complete mask	600.00
7. Complete mask with canister designed for a single gas or vapor (except carbon monoxide)	120.00
8. Facepiece testing, complete	20.00
9. Canister testing alone, fee for complete mask minus fee for facepiece.	
10. Extension of approval to another gas or vapor (except carbon monoxide) or retesting with a gas or vapor in case of failure	100.00
11. Type N—Universal gas mask for all gases and vapors ordinarily encountered in industry, including filters for dusts, fumes, mists, fogs, and smokes	900.00

If a gas mask fails to pass the specified tests and the applicant decides to terminate consideration of the device, a portion of the fee sufficient to cover the work done will be turned into the Treasury of the United States to the credit of miscellaneous receipts and the remainder returned to the applicant. If it is desired to resubmit the gas mask for approval after the necessary improvements have been made, an additional fee will be required. The amount of fee charged will be proportional to the additional tests that must be made and will be specified in writing to the applicant in advance of resubmission of the device.

The fees specified herein may be increased to cover the cost of testing a complicated apparatus or performing special tests. The fees are subject to change upon the recommendation of the Director of the Bureau of Mines and the approval of the Secretary of the Interior.

(d) *Drawings and specifications required.* Masks submitted for approval will not be inspected or tested until a complete description and two full sets of drawings showing all the details of construction have been delivered to the Chief Chemist, Health Division, Bureau of Mines, United States Department of the Interior, 4800 Forbes Street, Pittsburgh 13, Pa.

The description of the mask shall include a statement of the chemical composition of the absorbent, which will be kept confidential by the Bureau if so desired by the applicant.

The Bureau of Mines will not be responsible for any disclosure of ideas, principles, or patentable features apparent from visual inspection, because under the terms of the application for tests it is understood that the device is ready for release to public market. Caution will be exercised to prevent disclosure of details of these devices to the public during approval testing.

(e) *Chemical control of absorbents.* The capacities of absorbents for gases or vapors may vary over wide limits, depending on the materials used and the conditions under which each lot is manufactured. To maintain the quality of protection equal to that of devices submitted for permissibility tests and to which approval may be granted, the Bureau of Mines considers it necessary that each lot of absorbent produced or obtained by a manufacturer be adequately sampled and tested for capacity before being used in approved gas masks. The Bureau requires a statement with each application for permissibility tests that will show the nature, adequacy, and continuity of control provided by the applicant. If deemed desirable and requested by the Bureau of Mines, the applicant shall grant permission for a representative of the Bureau to inspect the control-test equipment and control-test records and to interview the personnel conducting the control tests. Tests for approval will be made only after the Bureau is satisfied that such control is effective, and approvals once granted will remain in force only while the control is sustained.

(f) *Material required for approval testing.* The number of complete gas masks, canisters, and other parts required will depend on the type and design of the device. After application for tests is received, the applicant will be notified concerning the material that it will be necessary for him to submit. All materials for test shall be delivered gratis, with transportation charges prepaid by the applicant, to the Chief Chemist, Health Division, Bureau of Mines, United States Department of the Interior, 4800 Forbes Street, Pittsburgh, Pa. The Bureau of Mines may retain as its own property any or all material submitted by the applicant that may be required for record. Material not required for record will be available to the applicant and will be returned at his expense on shipping instructions made in writing to the Chief Chemist, Health Division.

(g) *Date for conducting tests.* Tests will be made in the order of fulfillment of pretest conditions. The applicant will be notified of the date on which tests will be begun. If a device fails to meet any of the requirements it shall lose its order of precedence. Tests will be resumed following completion of other approval work in progress at the time both the request and materials for retesting are received. Exceptions may be made only for minor tests and inspections that may be performed simultaneously with other work in the laboratory.

(h) *Witnesses.* No one is to be present at the tests except the necessary Government personnel and representatives of the applicant. If the applicant's representative is not known to the Chief Chemist of the Health Division, he must have credentials showing that he has been authorized by the applicant to witness the tests. Results of tests shall be regarded as confidential by all present at the tests and shall not be made public before their official publication by the Bureau of Mines. The applicant or his representative shall understand and agree that compliance with the request to keep the results of the tests confidential is one of the requirements for approval and maintenance of approval.

§ 13.5 *Requirements for Bureau of Mines approval.* To obtain the approval of the Bureau of Mines a gas mask must pass the following inspection and tests:

(a) *Color and markings.* Distinctive colors and markings to indicate the purpose of each canister are required to safeguard wearers. Table 1 in this paragraph contains a list of the required colors.

All colors used shall be clearly identifiable by the user and clearly distinguishable from one another. The color coating used shall offer a high degree of resistance to chipping, scaling, peeling, blistering, and fading and to the effects of the ordinary atmospheres to which they may be exposed under normal conditions of storage and use.

TABLE 1—COLOR OF GAS-MASK CANISTERS

Canister, type letter	Contaminants protected against	Colors
A	Acid gases	White.[1]
B	Organic vapors	Black.[1]
C	Ammonia	Green.
D	Carbon monoxide	Blue.
AE, etc.	Dusts, fumes, mists, fogs, and smokes in combination with any of the above gases or vapors.	One-half inch contrasting black or white stripe around the canister near the top.
AB	Acid gases and organic vapors	Yellow.
ABC	Acid gases, organic vapors and ammonia	Brown.
N	All of the above atmospheric contaminants	Red. Filters are included in this canister, but stripes to indicate them are unnecessary.

[1] Canisters for a single gas or vapor other than ammonia or carbon monoxide shall have a ½-inch colored stripe around the canister near the bottom. The color of the stripe will be assigned.

(b) *Materials.* The gas mask shall be constructed in all its parts of materials suitable for the purpose they must serve; this applies to the fabric, rubber, metal, chemical, and other parts. All parts (especially rubber) that come into contact with the skin must be of nonirritating composition. All materials used in the construction of facepieces and breathing tubes shall be of a composition that will withstand repeated sterilization by methods recommended by the applicant and approved by the Bureau of Mines. These approved methods for sterilization shall be described in the instructions for use of the device supplied by the manufacturer.

(c) *Design and construction.* Design, mechanical construction, durability, and workmanship shall be satisfactory from the standpoint of safety of the wearer, freedom of movement, field and clearness of vision, fit of the facepiece, and comfort under all conditions of use. Canisters and other parts of necessarily short life or period of use shall be easily replaceable by new or reconditioned parts, and the tightness of the whole apparatus shall be such as to assure the wearer against leaks of contaminated air both before and after such changes have been made.

The gas mask case shall be made of materials suitable for the purpose and shall be designed so that the mask is properly protected and may be removed from the case readily in an emergency.

(d) *Requirements and tests*—(1) *Facepiece*—(i) *General requirements.* The facepiece shall be so constructed as to assure a quick, gastight fit on persons of widely varying facial shapes and sizes.

The eyepieces shall be of the nonshatter type and so located as to provide a satisfactory field of vision for persons of widely varying facial shapes and sizes. Air shall enter the facepiece in a manner that will inhibit the accumulation of moisture on the eyepieces.

The exhalation valve shall be guarded to prevent distortion and injury.

The elastic head bands shall be adjustable and replaceable.

(ii) *Tightness test.* Two men, each wearing a facepiece attached to an ammonia canister and canister harness, will enter air containing 1 percent by volume [3] of ammonia. Ten minutes will be spent in work designed to provide observation on freedom from leaks and freedom of movement and comfort allowed the wearers. The time will be divided as follows:

5 minutes	Walking, turning head, dipping chin
5 minutes	Pumping air with a hand-operated tire pump into a 1-cubic-foot cylinder to a pressure of 25 pounds per square-inch gage, or equivalent work.

To meet the requirements of this test no ammonia shall be detected in the air breathed, and undue encumbrance and discomfort shall not be experienced because of the fit or other features of the gas mask.

[3] All concentrations given in this Part 13 have been calculated on a basis of 25° C. and 760 mm. mercury pressure.

(2) *Breathing tube.* The flexible rubber breathing tube shall extend from the facepiece to the canister connection. The tube shall permit free head movement and shall not close off by kinking or by chin or arm pressure, or unduly disturb the wearer.

(3) *Canister harness.* The canister harness shall be constructed so that it will hold the canister securely and comfortably in place against the body of the wearer. It shall permit canisters to be replaced readily, and shall provide for holding the facepiece in the "ready" position when the facepiece is not being used.

(4) *Canister*—(i) *Resistance to air flow.* Resistance of the canisters to air flowing at a rate of 85 liters (3 cubic feet) per minute before and after the following machine tests shall not exceed 3 inches (3.25 for Type N) of water-column height at any time.

(ii) *Machine tests.* Canisters separated from the facepiece and harness shall meet the requirements of the machine tests as set forth in the following sections. These tests are made on an apparatus constructed to allow the test atmosphere to enter the canister continuously at predetermined concentrations and rates of flow and that has means for determining the life of the canisters.

(*a*) *Low-concentration and low-rate-of-flow tests.* Tests are made on canisters against low concentrations and at low rates of flow of the appropriate gases or vapors to determine primarily the chemical characteristics of the canisters.

Table 2 in this subdivision lists the conditions for the low-concentration and low-rate-of-flow tests.

TABLE 2—LOW-CONCENTRATION AND LOW-RATE-OF-FLOW TESTS

[Relative humidity of test atmosphere: 50 percent. Temperature: Room temperature (approximately 25° C.). Rate of flow of test atmosphere: 32 liters per minute, continuous flow. Number of canisters: 3 for each test atmosphere]

Type of canister and gas or vapor	Concentration, percent	Maximum leakage allowed	Minimum life, minutes [1]
A:			
Chlorine	0.5	5 p. p. m.	[2] 72
Hydrogen cyanide	.5	5 p. p. m.	[2] 72
Sulfur dioxide	.5	5 p. p. m.	[2] 72
B: Carbon tetrachloride.	.5	5 p. p. m.	[2] 72
C: Ammonia	2.0	100 p. p. m.	27
D:			
For regular service—Carbon monoxide.	1.0	Total: 770 cc. [3]	240
	.5	Total: 770 cc. [3] [4]	60
For self-rescue—Carbon monoxide.	1.0	Total: 770 cc. [3]	60
	.5	Total: 770 cc. [3] [4]	30
AB, AC, BC, ABC			[5]
N:			
Chlorine	.5	5 p. p. m.	40
Hydrogen cyanide	.5	5 p. p. m.	40
Sulfur dioxide	.5	5 p. p. m.	40
Carbon tetrachloride.	.5	5 p. p. m.	40
Ammonia	2.0	100 p. p. m.	15
Carbon monoxide	1.0	Total: 770 cc. [3]	240
	.5	Total: 770 cc. [3] [4]	60

[1] Tests should be continued until maximum allowable leakage occurs.

[2] This value is for canisters on which approval for the maximum permissible concentration is desired. It should be reduced proportionately for canisters on which approval for a lower concentration is desired. For example, the minimum life would be 36 minutes for canisters on which approval for a concentration of 1 percent is desired.

[3] This represents total carbon monoxide leakage for entire minimum life period shown in next column. In terms of concentration it is equivalent to a uniform flow of 0.04 percent carbon monoxide for 1 hour at 32 liters per minute. Maximum leakage shall not exceed 1,000 p. p. m.

[4] This test is made to determine the activity of the catalyst, which effects the oxidation of carbon monoxide to carbon dioxide, under the adverse condition of a low temperature. The canister and a precooling coil for the entering test atmosphere are immersed in an ice-water bath. The relative humidity of the test atmosphere is 100 percent at 0° C.

[5] These combination gas canisters must meet the life requirements for each type of contaminant against which they are designed to protect.

(*b*) *Chemical stability.* To determine the chemical stability of the canister under dry and moist conditions, four canisters (for each type of gas) will be treated as follows:

Two canisters will be individually equilibrated at room temperature [4] by passing through them carbon dioxide-free air of 25 percent relative humidity at a rate of 64 liters per minute for 6 hours.

Two canisters will be individually equilibrated at room temperature by passing through them carbon dioxide-free air of 85 percent relative humidity at a rate of 64 liters per minute for 6 hours.

After equilibration, these canisters will be tested within 18 hours against gases or vapors as described in subdivision (ii) (*a*) of this subparagraph. If not tested immediately, the canisters will be resealed and kept in an upright position at room temperature. The gases or vapors against which the equilibrated canisters will be tested are as follows:

Acid gas canister: Chlorine or specific acid gas for which approval is requested.

Organic vapor canister: Carbon tetrachloride.

Ammonia canister: Ammonia.

Carbon monoxide canister: No test.

Combination gas canister, types AB, AC, BC, or ABC: Two or more of the above gases or vapors.

To meet the requirements of these chemical-stability tests, the life of each canister shall be at least one-half of the minimum life requirement as given in Table 2, in subdivision (ii) (*a*) of this subparagraph.

In canisters designed to protect against carbon monoxide as one of a combination of gases or vapors, the life of a canister for protection against carbon monoxide is directly related to the ability of the drying agent or agents in the canister to remove water vapor from the air passed through it. Such canisters should contain enough drying agent to protect the catalyst adequately from water vapor during a 2-hour period of use. Hence, air of 85 percent relative humidity will be passed through two of the canisters individually at a rate of 25 liters per minute for 2 hours. They will be allowed to cool to room temperature and then will be tested within 18 hours against carbon monoxide as described in subdivision (ii) (*c*) of this subparagraph.

To meet the requirements of this test, the life of each canister shall be at least 15 minutes to a leakage of 770 cc. of carbon monoxide, and during this period leakage shall not exceed 1,500 p. p. m. of carbon monoxide at any time.

(*c*) *High-concentration and high-rate-of-flow tests.* Tests are made on

[4] For uniformity of test conditions, this temperature should be between 23° and 27° C.

the canister at high concentrations and high rates of flow of the appropriate gases or vapors as a measure of the protection afforded the wearer in high concentrations of these gases or vapors at high rates of breathing. The minimum life requirement of these tests has been chosen so that canisters that meet the requirements should meet the life requirements of the man tests.

Table 3 in this subdivision lists the conditions for the high-concentration and high-rate-of-flow tests.

TABLE 3—HIGH-CONCENTRATION AND HIGH-RATE-OF-FLOW TESTS

[Relative humidity of test atmosphere: 50 percent. Temperature: Room temperature (approximately 25° C.). Concentration of gas or vapor: Concentration for which approval is requested.[1] Rate of flow of test atmosphere: 64 liters per minute, continuous flow. Number of canisters: 2 for each test atmosphere]

Type of canister and gas or vapor	Maximum approval concentration, percent	Maximum leakage allowed	Minimum life, minutes
A:			
Chlorine	2.0	5 p. p. m.	9
Hydrogen cyanide.	2.0	5 p. p. m.	9
Phosgene	2.0	5 p. p. m.	9
Sulfur dioxide	2.0	5 p. p. m.	9
B: Carbon tetrachloride.	2.0	5 p. p. m.	9
C: Ammonia	3.0	100 p. p. m.	9
D:			
For regular service—Carbon monoxide.	2.0	Total, 770 cc.[2]	15
For self-rescue—Carbon monoxide.	------	------	No test
AB, AC, BC, ABC	------	------	(3)
N:			
Chlorine	2.0	5 p. p. m.	5
Hydrogen cyanide.	2.0	5 p. p. m.	5
Phosgene	2.0	5 p. p. m.	5
Sulfur dioxide	2.0	5 p. p. m.	5
Carbon tetrachloride.	2.0	5 p. p. m.	5
Ammonia	3.0	100 p. p. m.	5
Carbon monoxide.	2.0	Total, 770 cc.[2]	15

[1] See § 13.3.
[2] Maximum leakage shall not exceed 1,000 p. p. m.
[3] These combination gas canisters must meet the life requirements for each type of contaminant against which they are designed to protect.

(d) *Tests on filters for protection against particulate matter.* Gas-mask canisters containing filters for protection against dust, fumes, mists, fogs, and smokes in combination with gases or vapors will be tested to determine the adequacy of the protection afforded in emergencies. No canister will be tested under the regulations in this part for use in dusts, fumes, mists, fogs, and smokes alone. All filters designed for this purpose will be tested under Part 14, "Filter-Type Dust, Fume, and Mist Respirators," of this Subchapter B.

Three canisters containing the filters will be tested as follows:

Air containing specially prepared tobacco smoke[5] will be admitted to the canister at a rate of 85 liters per minute. The minimum filtering efficiency shall be 50 percent. Efficiency will be determined during the first 5 (approximate) minutes of test.

[5] Katz, S. H., Smith, G. W., and Meiter, E. G., Dust Respirators, Their Construction and Filtering Efficiency: Bureau of Mines Tech. Paper 394, 1926, 52 pp.

(iii) *Indicator for service-life of canister.* Gas masks for protection against carbon monoxide must have a suitable means of indicating when the protection afforded by the canister against carbon monoxide has ended. Tests of such indicators will be arranged by the Bureau to suit the particular case. This requirement does not pertain to the self-rescue devices.

(5) *Complete gas mask*—(i) *Resistance to air flow.* The maximum resistance requirements of the complete gas mask, including facepiece, breathing tube, and canister, to a continuous flow of air at a rate of 85 liters per minute are as follows: Inhalation, 3.5 inches of water (3.75 for Type N); exhalation, 1.25 inches of water.

(ii) *Man tests.* The final criterion for judging a gas mask for approval will be the protection afforded by the complete gas mask when worn by men.

(a) *Gases and vapors.* The complete gas mask will be tested against each of the gases or vapors at the concentration for which approval is requested. Self-rescue devices for protection against carbon monoxide will be tested against 1 percent of carbon monoxide. These tests will be made in duplicate, starting with unused canisters for testing against each gas or vapor. If the test atmosphere does not cause marked discomfort through irritation of the skin or poisoning by absorption through the skin, as by hydrocyanic acid gas,[6] two men will wear the complete masks in the test atmosphere. Otherwise the men will wear the mask for 2 minutes (1 minute in hydrocyanic acid gas) in the test atmosphere; and immediately following this the test will be continued with the canister of the mask attached to a source of the test atmosphere, so that the men are in uncontaminated air.

During these tests the men will perform the schedule of exercise listed in Table 4 in this subdivision.

TABLE 4—SCHEDULE OF EXERCISE FOR MAN TESTS

Schedule	Time, minutes			
	Type N			All other types
	Carbon monoxide	Organic vapors	Acid gases ammonia	
Walking vigorously	5	5	5	5
Sitting at rest	5	5	5	5
Stationary running and calisthenic arm movements.	10	5	5	10
Sitting at rest	5	5	-----	5
Pumping air with a hand-operated tire pump into a 1-cubic-foot cylinder to a pressure of 25 lb./sq. in. gage, or equivalent work.	5	5	-----	5

The average breathing rate of each man while wearing the gas mask and performing the above schedule of exercise will be about 25 liters per minute.

To meet the requirements of this test the gas masks shall give complete respiratory protection to wearers for 30 minutes for all types except Type N, which shall give complete respiratory protection against carbon monoxide for 30 minutes, organic vapors for 25 minutes, acid gases for 15 minutes, and ammonia for 15 minutes. Excessive fogging of the eyepieces must not occur, and undue discomfort must not be experienced because of fit or other physical or mechanical features of the gas mask.

(b) *Particulate matter.* Gas masks designed for protection against dusts, fumes, mists, fogs, and smokes will be tested by two men wearing them under the conditions set forth below.

1. *Cotton smoke.* Two men will wear the gas masks for 10 minutes in a room of about 1,000 cubic feet capacity filled with the smoke from the smudge-burning of 1 pound of cotton waste.

To meet the requirements of this test, the gas masks must afford such protection to the wearers that they will experience no ill effects, such as discomforting irritation of the eyes or respiratory system, during or after the test period.

2. *Tin tetrachloride.* Two men will wear the gas masks for 20 minutes with the canister connected to a room of about 1,000 cubic feet capacity in which is an atmosphere prepared by vaporizing enough tin tetrachloride to give a calculated concentration of 500 p. p. m. by volume of tin tetrachloride in the air. (Vaporized tin tetrachloride hydrolyzes rapidly in moist air to form hydrogen chloride and a dense cloud of stannic hydroxide.)

To meet the requirements of this test, the gas masks must afford such protection to the wearers that they will experience no ill effects, such as discomforting irritation of the eyes or respiratory system, during or after the test period.

§ 13.6 *Changing details of tests.* If it is advisable to omit any of the tests or part of a test previously described or to perform accessory tests, the Bureau reserves the right to modify the test in such manner as to obtain substantially the same information and degree of safety as is provided by the tests described. The applicant will be notified of any changes that may be necessary.

§ 13.7 *Notification of approval or disapproval.* After the Bureau has considered the results of the tests, a formal written notification of approval or disapproval of the gas mask will be supplied to the applicant by the Director of the Bureau of Mines. If the device meets all requirements of the regulations in this part, the notification will not be accompanied by test data or detailed results of tests. If the device fails to meet any of the requirements of the regulations in this part, notification of such failure will be accompanied by details of the failure with a view to possible remedy of the defect or defects in gas masks submitted in the future. Otherwise, results of tests of gas masks that fail to meet the requirements will not be made public by the Bureau.

No verbal reports of the Bureau's decisions concerning the investigations will be given, and no informal approvals will be granted.

[6] With 2 percent of hydrocyanic acid gas in the air, absorption of the gas through the skin is rapid enough so that poisoning may occur after 3 minutes' exposure; 1 percent may be dangerous after 10 minutes; 0.5 percent may produce symptoms after 30 minutes.

§ 13.8 *Approval markings.* With formal notification of approval the applicant will receive photographs of designs of official approval labels, one for the complete gas mask and one for the canister. These labels will bear the seal of the Bureau of Mines and be inscribed in effect as follows:

Permissible gas mask or permissible canister for _____
(Name of atmospheric contaminant)
Bureau of Mines Approval No. _____
Issued to _____
(Name of manufacturer)
Approved for respiratory protection in atmospheres containing not more than _____ percent by volume of _____
(Name of atmospheric contaminant)

Appropriate instruction and caution statements on the use and limitations of the gas mask will be included in these labels.

One label shall be reproduced on the outside of the container of the gas mask. It shall be attached securely and, if a paper label is used, be waterproofed.

The approval label for the canisters shall be suitably reproduced on each canister. If a paper label is used it must be attached to the canister with heatproofed cement. Should the approval label for the canister not be plainly visible when the latter is attached to the canister harness, it may be necessary to attach a similar label to the canister harness.

The main parts of the gas mask, such as the facepiece, canister harness, and canister, shall be marked by stamping, stenciling, or labeling in a legible and permanent manner with the appropriate approval number in letters and figures at least ⅛ inch high placed in a position plainly visible.

Full-scale designs or reproductions of approval labels and markings and a sketch or description of their position on the device shall be submitted to the Chief Chemist, Health Division, for approval before final adoption.

The labels identify the gas mask and canister as being approved and permit the manufacturer to point out that his gas mask complies with the specifications of the Bureau of Mines and has been adjudged safe for use in irrespirable atmospheres under the conditions stated on the approval markings. Permission to place the Bureau's marks of approval on his gas mask obligates a manufacturer to maintain the quality of his product and to see that each mask is constructed in all its parts according to the drawings and records that have been accepted by the Bureau for that mask and are in the Bureau's files. Gas masks that exhibit changes in design or include parts that have not been approved for use with the mask are not permissible gas masks and must not bear the Bureau's approval label.

§ 13.9 *Material required for Bureau of Mines record.* In order that the Bureau may know exactly what it has tested and approved, detailed records of each investigation are kept. These include drawings and actual equipment, as follows:

(a) *Drawings and specifications.* Drawings and specifications submitted with application for tests and final drawings and specifications that the applicant must submit to the Bureau before approval is granted to show the details of the gas mask as approved, will be retained by the Bureau. The company receiving the approval shall keep an exact duplicate of the set of drawings and specifications in the Bureau's records. These are to be adhered to in commercial production of the approved device.

(b) *Actual equipment.* If the Bureau so desires, parts of the gas mask or a complete mask used in the tests may be retained as a permanent record of the investigation and of the mask submitted. Material not required for record will be returned to the applicant at his expense on written shipping instructions to the Chief Chemist, Health Division.

If the gas mask is approved, the applicant shall deliver to the Bureau, gratis, one complete gas mask in the form in which it is to be sold to serve as a record of the commercial product.

§ 13.10 *Changes subsequent to approval.* All approvals are granted with the understanding that the manufacturer will make his gas mask according to final drawings and specifications submitted to the Bureau. Therefore, before making any change in an approved gas mask the manufacturer shall first obtain the Bureau's approval of the change. This procedure is as follows:

(a) The manufacturer shall write to the Director, Bureau of Mines, United States Department of the Interior, Washington 25, D. C., requesting an extension of his original approval and stating the change or changes desired. He shall send a copy of the letter, two sets of revised drawings, and specifications showing the change in detail, and one each of the gas-mask parts affected to the Chief Chemist, Health Division, Bureau of Mines, United States Department of the Interior, 4800 Forbes Street, Pittsburgh 13, Pa.

(b) The Bureau will consider the application and inspect the drawings and parts to determine whether it will be necessary to make tests.

(c) If tests are unnecessary, the applicant will be advised by the Director of the approval or disapproval of the change.

(d) If tests are necessary, the applicant will be advised of the fee and material required.

§ 13.11 *Withdrawal of approval.* The Bureau reserves the right to rescind for cause any approval granted under the regulations in this part.

§ 13.12 *Revision of requirements.* In the original preparation and subsequent revisions of these requirements, there has been a constant endeavor to provide safe, durable, and practicable devices that will meet not only the demands of existing situations for which canister gas masks are designed, but also the demands of potential and anticipated situations. However, with continued adaptation of these devices to new situations and conditions it is possible that instances might arise in which the protection afforded would be inadequate. The Bureau of Mines, with the cooperation of manufacturers and users of gas masks, endeavors to be alert to these new situations. When a situation arises in which inadequacy of protection or unusual hazard attending the use of an approved device is established, the manufacturer of any device involved is requested to affix caution statements or if necessary to cease marketing the device for use in the particular situation or condition until such changes or provisions as will provide adequate protection are made, it being understood that any provisions or changes made must be submitted to the Bureau of Mines and have its approval before they are adopted. Should the situation require a change in the basic requirements and tests provided in the regulations in this part, such change will be issued as an amendment of the regulations in this part.

R. R. SAYERS,
Director.

Approved: February 15, 1945.

ABE FORTAS,
Acting Secretary of the Interior.

[F. R. Doc. 45-2990; Filed, Feb. 24, 1945; 9:35 a. m.]

Subchapter D—Electrical Equipment, Lamps, Methane Detectors; Tests for Permissibility; Fees

[Schedule 2E]

PART 18—JUNCTION BOXES AND ELECTRIC MOTOR-DRIVEN MINE EQUIPMENT

Part 18 is hereby amended to read as follows: [1]

Preliminary statement: The Bureau of Mines is prepared at its Central Experiment Station, Pittsburgh, Pa., to conduct investigations for determining the permissibility of electric motor-driven machines and the appliances used in connecting them to a source of power in gassy and dusty mines.

This Part 18 is issued for the information and guidance of those who may desire to submit such machines and appliances for approval and also to inform purchasers and other interested persons regarding the qualities the Bureau believes such equipment should have.

The purpose of investigations under this Part 18 is to promote the development and use of permissible equipment in mines.

Lists of permissible equipment are published from time to time for the information ang guidance of State mining officials and other interested in safeguarding mines.

The authority for conducting these investigations is contained in an act of Congress (37 Stat. 681), approved February 25, 1913, and amended June 30, 1932 (47 Stat. 410), and in Executive Order No. 6611, February 22, 1934 (30 U.S.C. secs. 5, 7). The act, as amended, and as modified by the Executive order, contains the following provisions:

For tests or investigations authorized by the Secretary of the Interior under the provisions of this act, other than those performed for the Government of the United States or State governments within the

[1] This amendment supersedes Schedule 2D, which was approved May 23, 1936.

United States, a fee sufficient in each case to compensate the Bureau of Mines for the entire cost of the services rendered shall be charged, according to a schedule prepared by the Director of the Bureau of Mines and approved by the Secretary of the Interior, who shall prescribe the rules and regulations under which such tests and investigations may be made. All moneys received from such sources shall be paid into the Treasury to the credit of miscellaneous receipts.

This Part 18 outlines the conditions under which inspections and tests will be made and the requirements to be met in order to obtain an approval under the above authorization. It establishes minimum safety standards to be followed in the construction of acceptable equipment and is in no sense intended to hamper designers unnecessarily.

NOTE: In general, the words "should" and "should be" are used in the sense of recommendation rather than compulsion.

This document consisting of §§ 18.1 to 18.11, inclusive, is Schedule 2E.

Sec.

AUTHORITY: §§ 18.1 to 18.11, inclusive, issued under 37 Stat. 681, as amended by sec. 311, 47 Stat. 410, 30 U. S. C. secs. 5, 7, and Executive Order No. 6611, February 22, 1934.

§ 18.1 *Definitions.* Certain terms are used in the regulations in this part for the sake of brevity and clearness. Their definitions as thus used are as follows:

(a) *Adequate.* Appropriate and sufficient as determined by mutual agreement between the manufacturer and the Bureau of Mines.

(b) *Approval.* Official, written notification stating that a machine or appliance has been judged to comply satisfactorily with the requirements of the regulations in this part for use in gassy and dusty mines. Such notification is issued only by the Director of the Bureau of Mines to responsible organizations. (Approvals will be granted for complete machines only and will not be granted for motors, controllers, rheostats, cables, or other individual parts used in the assembly of machines or appliances.)

(c) *Branch circuit.* Parallel circuit, such as for headlight or drill, connected to the main circuit in a machine.

(d) *Connection box.* Enclosure mounted on a machine to facilitate wiring of the machine without the use of permanent splices.

(e) *Distribution box.* Portable enclosure in which one or more portable cables from permissible machines may be connected to a common source of electrical energy.

(f) *Explosion-proof.* Capable of withstanding internal explosions of methane-air mixtures without ignition of surrounding explosive methane-air mixtures and without damage to the enclosure or discharge of flame.

(g) *Incendive spark.* An electric spark of sufficient intensity to ignite inflammable methane-air mixtures.

(h) *Junction box.* Stationary mounted enclosure by means of which one or more portable cables from permissible machines may be connected to a fixed (stationary) circuit.

(i) *Normal operation.* The performance by a part of those functions for which the part was designed.

(j) *Pressure-piling.* Abnormal explosion pressures resulting from the ignition of adjacent mixtures.

(k) *Permissible.* Completely assembled and conforming in every respect with the design formally approved by the Bureau of Mines, for use in gassy and dusty mines. (Since motors, controllers, and other electrical parts are not approved independently of the machine on which they are used, the Bureau of Mines does not recognize or designate such parts as "permissible.")

(l) *Portable cable.* A flexible cable or cord by means of which portable and semiportable mine equipment may be connected to a source of electrical energy.

(m) *Portable equipment.* Equipment that may be moved frequently and therefore constructed or mounted so as to facilitate moving it from place to place.

(n) *Semiportable equipment.* Equipment that is moved infrequently and therefore not constructed or mounted for ready movement from place to place.

(o) *Splice box.* Enclosure by means of which portable cables can be divided into sections of suitable length.

(p) *Terminal box.* Enclosure used to house the terminals on a motor, controller, rheostat, or other electrical part so that connections can be made conveniently to external circuits.

§ 18.2 *Conditions under which approvals may be granted*—(a) *Preliminary steps*—(1) *Consultation.* By appointment, manufacturers, engineers, or their representatives may visit the Bureau's Central Experiment Station, 4800 Forbes Street, Pittsburgh, Pa., to obtain criticisms of proposed designs or to discuss the requirements of the regulations in this part in connection with equipment to be submitted. No charge is made for such consultations.

(2) *Application for approval.* Before the Bureau of Mines will undertake the active investigation leading to approval of any equipment, the manufacturer shall make application by letter for an investigation of that equipment. This application shall be addressed to the Director, Bureau of Mines, Washington 25, D. C., and shall be accompanied by a certified check or bank draft payable to the Treasurer of the United States to cover all the necessary fees. A copy of the application shall be sent to the Supervising Engineer, Electrical-Mechanical Section, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa., together with detailed drawings and specifications as explained in subparagraph (4) of this paragraph. There are no application blanks to be filled out.

(3) *Fees charged.*

(i) For detailed inspection of each explosion-proof enclosure	$30.00
NOTE: When the enclosure is of such a nature that only a nominal amount of work is involved in the inspection, only half of this fee will be charged.	
(ii) For explosion test of each explosion-proof enclosure	25.00
NOTE: When the explosion-proof qualities of an enclosure can be satisfactorily demonstrated in 20 tests or less, only half of this fee will be charged.	
(iii) For each series of tests necessary to prove the adequacy of electrical clearances and insulation, durability, or ventilation of each enclosure	30.00
(iv) For each inspection made at the factory or elsewhere	[1] 15.00
(v) (*a*) Portable-cable performance tests	25.00
(*b*) Development performance tests will be charged for at the rate of $2.50 for each five runs over the cable, with a minimum charge of $5.00.	
(vi) For the examination and recording of all the necessary drawings and specifications preparatory to issuing an approval	25.00
(vii) For the examination and recording of drawings and specifications for each investigation of a motor, starter, and other individual explosion-proof unit considered independently of a complete machine assembly	10.00
(viii) For the examination and recording of drawings and specifications necessitated in consideration of changes subsequent to the initial investigation, a charge of $25.00 will be made. However, if only a nominal amount of work is involved, the fee will be $10.00.	
(ix) No charge will be made for inspections and tests made for the Bureau's information.	

[1] In addition, the company shall pay the inspector's traveling expenses and subsistence as allowed by standard Government travel regulations.

Should the enclosure prove to be small enough to warrant minimum charges for inspections and tests, the excess fee will be refunded. If the applicant is uncertain as to the amount of fee he should send with his application, the information will be given him upon inquiry addressed to the Supervising Engineer, Electrical-Mechanical Section, at the Central Experiment Station.

(4) *Drawings and specifications required.* The Bureau will not undertake the inspection and test of equipment until a set of legible drawings, bill of material, and specifications sufficient in number and detail to identify the parts fully have been delivered to the Supervising Engineer, Electrical-Mechanical Section, at the Central Experiment Station. No drawings or specifications should be sent to the Washington Office of the Bureau. Drawings should be numbered and dated to facilitate identification and reference in records. The complete rating of each motor shall be specified, and the capacity of all fuses and the setting of overload protective devices shall be given. All drawings are

to be handled as strictly confidential by the Bureau.

The set of drawings shall include the following:

(i) For complete machines, an assembly drawing or drawings clearly showing the over-all dimensions of the machine, the character, size, and relative arrangement of the electrical parts, and wiring between them. In certain cases suitable photographs may be accepted as substitutes for assembly drawings.

When the assembler does not make the electrical parts for his machine, a general assembly or lay-out drawing on which the following information is shown is required:

(*a*) *Each motor.*

1. Name of manufacturer.
2. Complete rating.
3. Complete identification (by style number, drawing-list number, or date of letter of notification issued to manufacturer by the Bureau of Mines).

(*b*) *Each controller.*

1. Name of manufacturer.
2. Complete rating.
3. Overload protection, that is, current rating of fuses, heater elements, and overload relays.
4. Complete identification (same as for motor).

(*c*) *Other compartments.*

1. Headlights, push-button stations, resistor boxes and other explosion-proof accessories must be identified by name of manufacturer, style number, or other suitable designation.

(*d*) *Firing.*

1. The make, gage of conductor, number of conductors, and outside diameter of cables used in stuffing boxes for connecting motor and starter, also of cables to headlights and other compartments.
2. When stuffing-box cable entrances are used, details covering proper packing of stuffing boxes should be included, unless this information is given on drawings furnished by the manufacturer of the electrical parts.
3. Make, inside diameter, length, and designation of conduit between motor and starter, also of conduit to headlights and other compartments.
4. Method of securing conduits. Details and location of clamps used to hold conduits, especially those required to hold conduits away from moving parts.

(*e*) *Portable cable.*

1. Manufacturer, type (concentric, duplex, etc.), gage of conductors, and length of cable that will be used.
2. If strain clamp is not incorporated in starter design, or if additional clamp is necessary to hold the portable cable, details of the clamp are required.

(*f*) *Portable-cable attachment.*

1. Manufacturer, catalog number, and other identification of devices used for connecting portable cable to power supply. If fused trolley tap is used, give rating of fuse supplied.

(*g*) *General.*

1. Over-all dimensions of the assembled machine.
2. The delineations of the parts should indicate the methods of locking, sealing, or otherwise securing handhole covers, headlight covers, and lead-entrance glands.

(ii) A drawing or drawings that shall specify the material and detailed dimensions of all parts that make up explosion-proof enclosures, also those parts that form any portion of the joints through which possible flames might escape. Upon request, the manufacturer shall specify the material and dimensions for such other parts as the Bureau considers necessary for proper record.

(iii) Any other drawings found necessary to identify or explain any feature that has to be considered in determining whether a machine or parts thereof meet the requirements. For example, when a motor has a bearing of complex flame-path construction, the drawings should include a section through the bearing to show the relative position of each part in the assembly.

(iv) A wiring diagram shall be submitted, and when drawings do not clearly indicate the purpose and functioning of electrical interlocks and special features in automatic or remote-control circuits, a description explaining their purpose shall be furnished the Supervising Engineer, Electrical-Mechanical Section, at the Central Experiment Station.

(v) The following exception is made concerning the type of drawings required for squirrel-cage induction motors:

(*a*) In lieu of furnishing individual detailed shop drawings, the motor manufacturer may have the option of supplying one or more "skeleton" drawings for official record, giving essential information concerning the materials of which the parts are made as well as dimensions and clearances at all flame paths, such as joints, bearings, and cable entrances for the motor and its conduit box.

(*b*) If full detailed dimensions are not given for all parts, this drawing (or drawings) may show the assembled motor in section, provided the section or sections show the parts in their correct proportions and location with respect to each other. A skeleton drawing shall not cover more than one motor-frame diameter. It shall include information covering the ratings, range of voltages, speeds, and frequencies for which the motor will be available in this frame. Each rating shall have a suitable designation for purposes of reference and identification.

(*c*) In addition to the foregoing, detailed shop drawings will be required in connection with the initial inspection of a given motor. Such drawings will be used in making the inspection and will serve as a guide in determining whether sufficient information is given by the skeleton drawings. These detail drawings will not be officially listed or recorded.

(*d*) The Bureau reserves the right to make periodic factory inspections of motors submitted under the foregoing conditions, for which listed charges will be made.

EXPLANATORY NOTE: The reason for limiting the exception to squirrel-cage induction motors is that this type of motor is nonsparking in normal operation.

(5) *Factory inspection forms.* Every manufacturer will be required to furnish the Bureau with a copy of the form that will be used by him in the inspection of assembled equipment at the factory. This form shall draw special attention to the wiring as well as to features that must be observed in order to make certain that explosion-proof enclosures are complete in all respects and agree with drawings filed with the Bureau. The following sample form may be used as a guide in drafting one suited to a particular machine:

SAMPLE FACTORY INSPECTION SHEET

Date_____ Unit serial No._____
Motor make, type, and frame_____
Motor serial No.____ Hp.__ Speed__ Voltage__
Motor wound_____ Model or drawing list No._____
Starter make and type _____
Starter hp_____ Starter voltage____ Drawing list_____
Overload setting_____ Short circuit_____
Portable cable length____ Size____ Make____
No. of conductors_____ Conductor markings (+)_____
(—)_____
Ground_____
Are motor covers wired and sealed? (or padlocked?)_____
Is motor gland packed with at least ½ inch of packing along cable when compressed?_____
Is motor gland secured against loosening?___
Are lock washers in place on all bracket bolts?_____
Are lock washers in place on retaining-plate bolts?_____
Are lock washers in place on pole-piece bolts?_____
Do end brackets fit tightly against frame?___
Are there any openings into the interior of the motor?_____
Is air-hose conduit in good condition?_____
Is air-hose conduit securely clamped to motor packing gland?_____
Is air-hose conduit clamped to base securely? _____
Is air-hose conduit clamped securely to starter packing gland?_____
Is starter motor-cable gland properly packed? _____
Is starter motor-cable gland secured against loosening?_____
Is starter portable-cable gland properly packed?_____
Is starter portable-cable gland secured against loosening?_____
Are stuffing boxes for starter-, motor-, and portable-cable glands secured against loosening?_____ How?_____
By headless set screw?_____
By fillister head screw?_____
By brazing or welding?_____
Are motor-cable connections in starter tight?_____
Are the portable-cable connections in starter tight? _____
If used, is ground connection in starter tight? _____
Is positive conductor in portable cable connected to positive side of starter? _____
Is negative conductor in portable cable connected to negative side of starter? _____
Is ground conductor (if used) properly connected? _____
Is starter portable-cable-gland strain clamp properly insulated? _____
Does starter portable-cable-gland strain clamp hold cable firmly so as to prevent strain on terminals? _____
Are lock washers in place on all cover bolts? _____
Is cover-to-box flange joint tight? _____
What size feeler can be inserted in joint (if any)? _____
Is positive ( ) conductor in portable cable connected to trolley tap? _____
Is negative ( ) conductor in portable cable connected to ground clamp? _____
Is ground ( ) conductor (if present) of portable cable connected to ground clamp? _____
Trolley tap make and type _____
Fuse for trolley tap make, type, and rating _____
Ground clamps make and type _____
Are there any through holes into the starter compartment? _____
Does the trailing cable pass over sharp corners or edges on machine? _____

Is trailing cable liable to sharp bends or kinks at the machine? _____
Does motor-to-starter conduit pass over sharp corners or edges? _____
Is motor-to-starter conduit liable to injury from moving parts? _____

(6) *Material required for investigation.* It is not necessary to ship a completely assembled machine for the purpose of inspection and test when approval is desired. Gearing and mechanical parts, unless needed to complete explosion-proof enclosures, can be omitted. Only one motor, controller, rheostat, or other electrical unit of a given size and design need be shipped to the Central Experiment Station.

When the design necessitates the setting of tolerances to assure satisfactory running fits or safety of joints in explosion-proof casings, the parts submitted for test shall, if feasible, have the tolerances that give the maximum opening at the joints. Where a wide margin of tolerances (over 0.005 inch) is considered necessary by the manufacturer, the Bureau reserves the right to require test of a part under the conditions of maximum tolerance that the manufacturer wishes to use.

Pinion pullers and any other special tools needed in disassembling any parts for inspection or test shall be furnished with the equipment submitted.

(7) *Shipments.* All shipments must be prepaid and should be plainly marked for the attention of the Supervising Engineer, Electrical-Mechanical Section, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa. The manufacturer shall arrange and pay for any trucking that may be necessary between the freight depot and the testing station. He shall also take care of crating and removal of parts upon completion of the investigation.

Unless instructed to the contrary, manufacturers may ship parts to the testing station for inspection and test immediately after filing application. Inspection and test usually are undertaken in the order of receipt of parts, provided that the application, fees, and drawings have been received.

(8) *Assistance required during investigations.* When requested to do so, the manufacturer shall provide a man to assist in disassembling parts for inspection and to prepare them for test by drilling and tapping them for pipe connections. He shall also assist in mounting and connecting the parts for test. He may serve as witness of the tests.

(9) *Witnesses.* No one is to be present during the tests of any equipment except the representatives of the manufacturer of that equipment, the necessary Bureau of Mines engineers, their assistants, and such other persons as may be mutually agreed upon by the manufacturer and the Bureau.

(b) *General requirements*—(1) *Classification of parts.* The electrical parts of a machine that may cause ignition of mine gas or coal dust are divided into three classes. These classes, together with the general type of enclosure that must be provided for the purpose of preventing ignitions, are as follows:

Class 1. Class 1 shall include motors, controllers, fuses, switches, contactors, and all other parts that may produce sparks or flashes as the result of normal operation. Headlights, meters, rheostats, electromagnets, squirrel-cage-type induction motors, and similar parts which may become dangerous because of failure of electrical circuits in them are also included in this class. Explosion-proof casings shall be used to enclose this class of parts.

Class 2. Class 2 shall include all parts, such as batteries and external connections and wiring between enclosures, that do not produce sparks or flashes as the result of normal operation but may do so as the result of accident. Such connections and wiring shall have adequate shields or guards of a strength and character proportionate to the risk of injury, or else they shall be enclosed in explosion-proof casings.

Class 3. Class 3 shall include all parts, such as disconnecting switches, plugs, and receptacles, that may produce sparks or flashes in normal operation but are not of necessity operated while the equipment is in a gassy place. Such parts shall be enclosed in explosion-proof or adequately locked casings. If locked casings are used, they shall have adequate mechanical strength.

(2) *Operating voltage of equipment.* For the safety of operators, the Bureau does not recommend potentials above 250 volts direct current or 220 volts alternating current; however, approvals may be granted for certain machines if the operating potential does not exceed 550 volts at the motor terminals of direct-current machines or 650 volts at the motor terminals of alternating-current machines. No drill or other apparatus intended to be held in the hands or supported against the body while in use will be approved for potentials above 250 volts direct current or 220 volts alternating current.

(3) *Switches.* Every machine shall have a main service switch or its equivalent, such as line contactors or circuit breakers, by means of which all power conductors can be opened. This service switch shall be designed and constructed so that it can be operated readily from the machine either directly or by remote control. It shall be capable of interrupting operating overloads up to values at which the fuses or other automatic circuit-interrupting devices protecting the machine actually open the circuit, without grounding or destructive arcing. A manually operated controller is not acceptable as a service switch except that for small motors (with a continuous rating not exceeding 5 hp. or an intermittent rating of not more than 10 hp.) a suitable controller and protective device combined will be considered. When a controller is accepted as a service switch, it must open all power conductors.

When it is not practical to mount the service switch on the machine proper, a switch suitably mounted on a cable-reel truck or a skid may be accepted, provided not more than 75 feet of cable is used to connect the switch to the machine. It is recommended that the length of cable be kept to 50 feet or less.

A separate switch or switches shall be provided for headlights and floodlights so that, if lenses are broken, it will be possible to open all conductors of the circuit to each damaged unit, unless the circuit can be opened without hazard by the removal of interlocked headlight fuses.

Post drills, hand-held drills, and portable blowers shall be provided with a switch at the motor, with one pole for each power conductor of the portable cable.

(4) *Automatic protection of circuits and equipment.* The portable cable for every machine shall be protected by a fuse or other automatic circuit-interrupting device of suitable capacity in each ungrounded conductor.

An automatic circuit-interrupting device shall be placed at every point where there is a reduction in the size of wire to protect the small wire, unless the protection of the larger wire also protects the smaller one.

Fuses or other automatic circuit-interrupting devices shall be inserted in each conductor at the point where branch circuits are connected to the main circuits on a machine if the branch circuit conductors have a carrying capacity of less than 50 percent of the main conductors. For headlight and control circuits this requirement is to be construed as meaning that each conductor having a current-carrying capacity of less than 50 percent of the main to which it connects must be protected by a fuse or its equivalent at the point of connection. Control circuits that are entirely self-contained on a single insulating panel may be exempted from this requirement.

Every wire and cable leaving the battery box of storage-battery-operated equipment shall have protection placed as close as practicable to the battery terminal to which the wire or cable is connected.

Every motor shall be protected by an automatic circuit-interrupting device. If more than one motor is employed on a machine, each motor should have individual overload protection; however, in some instances more than one motor may be grouped under one protective device if the motors perform the same function on a machine or if their size and duty permit reasonable protection. For direct-current machines to be operated on grounded systems and having two or more motors of unequal rating, the largest motor of the group may be protected by a protective device in the ungrounded line only. Protective devices may be required in both lines for the smaller motor. An additional protective device may be used in the grounded line to the largest motor if the functioning of this device will cause both lines to open. Protective devices that do not give short-circuit protection shall be supplemented by a fuse, instantaneous operating relay, or equivalent connected in the ungrounded line. (A trolley tap fuse is not considered to fulfill this requirement.) If protection is not inserted in the grounded line, particular attention shall be given to marking the polarity at terminals or to other means of minimizing the possibility of reversing connections that would change the protection to the grounded line.

For 3-phase alternating current each of the three lines shall be provided with a fuse or with an automatic circuit breaker of such design that the opening of one phase will cause the other two

phases to open. (Overload relays in two phases may be accepted if a line fuse is used in the third phase.)

The interrupting capacity of contactors and automatic circuit breakers used to protect both alternating- and direct-current equipment shall be adequate for the service intended. The Bureau reserves the right to test contactors and circuit breakers when their adequacy is in question. (See § 18.6 (b).)

The functioning of main protective devices other than fuses shall open each pole of the contactors or circuit breakers in the main conductors, and these devices shall be arranged to permit resetting without opening the compartment in which they are enclosed. Reset mechanisms shall not prevent the proper functioning of circuit-interrupting devices designed to give short-circuit protection. Overload relays that do not give short-circuit protection may be used if fuses or equivalent are inserted in the same conductors with them.

(5) *Fuses and switches to be interlocked.* Main fuses and also fuses protecting branch circuits other than headlight and control circuits shall be interlocked with a switch or circuit breaker to permit quick and convenient renewal of fuses without introducing the hazard of igniting methane or coal dust. Fuses on small machines, such as hand-held drills and portable blowers, when enclosed in locked or sealed explosion-proof compartments, may be exempted from the requirements for an interlock, provided they can be renewed conveniently.

Multiple fuses arranged to be successively inserted in circuit may be construed as meeting this requirement for main fuses if enclosed in locked or sealed explosion-proof compartments on storage-battery-operated equipment.

(6) *Conductors, conduits, and wiring.* Every conductor shall have adequate insulation from ground and from conductors of opposite polarity.

All conductors shall have a current-carrying capacity adequate for the intended duty.

All wiring, particularly that outside of locked or explosion-proof enclosures, shall have adequate mechanical and electrical protection. If rigid conduit is unsuitable or undesirable for any reason, a good grade of rubber air hose or equivalent may be construed as meeting the requirement for mechanical protection. Flexible metal conduit is not acceptable. All conduit ends must be adequately clamped or otherwise secured to prevent their being pulled out. Rubber hose ends should have inserts or special fittings to insure positive fastening. Cables exceeding 25 feet in length for remote-control circuits may be exempted from the requirement of conduit protection, providing these circuits are energized from a source that will not give an incendive spark. The conductors of such cables shall not be less than No. 16 for two-conductor or less than No. 18 for three-conductor cables, and 600-volt all-rubber or equivalent insulation shall be used in their construction.

Sharp edges and corners shall be removed at all points where there is a possibility of damaging the insulation of wires, cables, or conduits by cutting or abrasion.

Wiring and conduits on machines shall be well-cleated or otherwise held to prevent rubbing against moving parts and to minimize vibration or displacement. Conduits on machines should be placed where they will not be subjected to damage by falling materials, by tools and materials carried on the machines, or by derailments. Conduit runs should be as short and direct as is consistent with adequate mechanical protection. Wires and cables also should be kept off the bottom of motors and other enclosures where water, oil, and grease might accumulate.

The ends of wires and cables shall be held or clamped in a manner that will minimize the possibility of the ends coming loose from their connections and swinging against the sides of enclosing casings or against parts of opposite polarity.

(7) *Connection boxes on machines.* When it is not feasible to wire a machine without providing joints in the conductors between parts, such joints are permitted: *Provided,* That suitable connectors adequately insulated and securely held are used. Connection boxes or their equivalent shall be used to give adequate shielding against mechanical injury to the connections. It is recommended that explosion-proof enclosures be provided for this purpose. A connection box will be acceptable where it would facilitate renewal of portable cables without opening less-accessible explosion-proof casings.

(8) *Grounding.* The frames of motors and their control equipment shall be electrically connected, preferably through the base or frame of the machine which the motor or motors operate. When the controller or starting device is not mounted on the base of the machine, the requirement for connection will be satisfied by an additional conductor in the connecting cable or by a rigid metal conduit electrically continuous throughout its length, which connects the casing of the controller or starter with the frame of the motor.

It is recommended that an adequate ground be provided for all machine frames. The frame of a portable machine which receives power from an external source and which cannot be considered as being in intimate electrical contact with the earth, as when resting on timber, or mounted on rubber tires, shall be adequately grounded.[2] The power conductors shall not be used for grounding.

On semiportable machines which are essentially stationary, such as room hoists, pumps, and conveyors, provision must be made for grounding.

The frames of mining machines, conveyors, and other equipment designed for operation in the same room at the same time, as in conveyor mining, shall be electrically connected together and shall be adequately grounded.

The frames of mining machines regularly transported on separate trucks shall be electrically connected to the truck frames if power connection are made to the trucks. If power connections are not made to the trucks, provision for grounding shall be the same as for other machines not transported on separate trucks.

Frames of longwall mining machines that use a junction box or its equivalent shall be electrically connected to the latter by a separate conductor in the portable cable.

All drills and other tools intended to be held in the hands or supported against the body while in use shall have a grounding conductor in addition to the power conductors in the portable cable.

Junction boxes shall be provided with an adequate means for grounding their cases. An external lug for attaching a grounding conductor to the case may be acceptable for the purpose.

Distribution-box cases shall be grounded by means of an additional conductor in the portable cable, and the frames of machines receiving power from distribution boxes shall be electrically connected thereto by an additional conductor in the connecting cables.

Push-button enclosures not mounted on the frames of machines or on control equipment shall be grounded to the latter frames unless the source of supply will not give an incendive spark, or unless the stations are to be mounted on a separate grounded support. In the latter case a ground wire should not be used.

Cover bolts and other fastenings needed to maintain tight joints in explosion-proof enclosures shall not be used to hold grounding connections or terminals.

When the grounding conductor is one of several making up a portable cable or a connecting cable, the size (cross-sectional area) of the grounding conductor (or conductors) shall be determined in accordance with the following:

(i) If the grounding conductor is one of three or four conductors in a cable, it shall not be smaller than the power conductors.

(ii) If the grounding conductor is one of more than four conductors in a cable, it is recommended that the grounding conductor be of the same size as the power conductors. If this is not feasible, a smaller grounding conductor may be acceptable, provided it is not less than half the size of the power conductors.

(9) *Electrical clearances and insulation.* The clearances between live parts and casings shall be such as to minimize the possibility of arcs striking to the casings, or if space is limited, the casings shall be lined with adequate insulation. This requirement applies especially to switches and controllers.

Phenolic and other insulating materials that give off highly explosive gases when decomposed electrically should not be placed within explosion-proof enclosures where they might be subjected to destructive electrical action.

(10) *Portable cables.* Every machine operated from an external source of power shall have a portable cable of ade-

[2] One year after this amendment to this Part 18 becomes effective, the provision for grounding portable equipment, other than track-mounted machines, will be mandatory for equipment ordered after that date.

quate length and current-carrying capacity. This cable shall have an outer sheath of rubber or other equally suitable material highly resistant to abrasion and water. The conductors shall have high-grade insulation of rubber or its equivalent. The use of colored insulation or other suitable markers is recommended for identifying individual conductors to facilitate proper connections and splicing according to polarity. The number of conductors in the portable cable should be kept to the minimum necessary for feasible operation of the machine.

The portable cable shall be held firmly by means of an adequate insulated clamp or by other equally suitable means for eliminating strain upon the terminal connections. The cable entrance and fastenings shall be so designed and arranged as to prevent short bends in the cable and mechanical injury to its insulation. These requirements are of particular importance in connection with drills and equipment employing cables with conductors smaller in size than No. 6.

When a portable cable has conductors smaller than No. 6 and the conductors are separated to make connection to a trolley tap and rail clamp, a rubber-sheathed or equivalent single-conductor cable of not less than No. 6 gage shall be spliced to each conductor of the portable cable at the point of separation. The splice should be adequate both electrically and mechanically. It is recommended that such splices be vulcanized.

(11) *Trolley taps and rail clamps.* The free ends of portable cables shall be provided with means for attaching the cables to the power circuit without personal hazard. Fused trolley taps, rail clamps, or other attachments used for this purpose shall be completely specified, also the rating of the trolley-tap fuses. The capacity of the fuse shall not exceed that necessary to prevent destructive heating of the cable. A separate rail clamp or attachment shall be used for the grounding conductors.

The trolley tap for self-propelled machines may be connected to a rolling contact that will permit "tramming" without holding the trolley tap in the hand. Such rolling contact must not be arranged for any purpose other than tramming.

(12) *Cable reels.* Self-propelled machines designed to travel at speeds exceeding 2½ miles per hour shall have a suitable mechanically or electrically driven reel upon which to wind the portable cable. The Bureau reserves the right to require such cable reels for speeds under 2½ miles per hour if the service imposed upon the portable cable is judged to be unduly severe. The construction of the housing for moving contacts or slip rings shall conform to the requirements for Class 1 parts.

The Bureau also reserves the right to require hand-operated reels or suitable "horns" upon which to wind the portable cable for machines that are not self-propelled. When it is not practical to mount such reels or horns on the machines, the Bureau may grant the option of mounting them on separate trucks or skids.

§ 18.3 *Detailed requirements for Class 1 parts*—(a) *Enclosure casings*—(1) *Materials and construction.* The casings forming the enclosure for Class 1 parts shall be of suitable material, adequate strength, and especially durable, in order that, with proper care and maintenance, the explosion-proof qualities of the parts will remain unimpaired not only when subjected to pressures developed during explosion tests but also under the severe conditions imposed by mining service. Sheet metal used for walls and covers in fabricating explosion-proof casings shall be of sufficient thickness, unless adequately reinforced with ribs or their equivalent, to prevent permanent distortion by explosion tests. Material of less than 3/16-inch thickness is not recommended. When welding is employed to join pieces forming walls of explosion-proof casings, the joints shall be continuously and effectively welded. Joints that are machined after welding shall be reinforced to compensate for any weakening caused by such machining.

Casings may be either of the totally enclosed type in which no provision is made for ventilation of the interior or else of the type having provision for ventilation or relief of pressure from internal explosions. Totally enclosed construction, however, is recommended by the Bureau. Complicated casings and fabricated housings shall be pressure-tested at the factory to reveal blowholes and other weaknesses, if, in the judgment of the Bureau engineers, inspection is inadequate to determine those weaknesses.

If provision is not made for pressure relief through special devices, the casing will need to be strong enough to withstand explosion pressures approaching 100 pounds per square inch with an adequate factor of safety. However, if a casing communicates with another through a small passage or is itself divided by a partition the effect of "pressure-piling" may be produced, and pressures considerably in excess of 100 pounds per square inch may be anticipated.

(2) *Joints and machining tolerances.* When an explosion-proof enclosure consists of two or more metal parts held together by bolts or other suitable means, the flanges comprising the joints between parts shall have surfaces making metal-to-metal contact. Glass-to-metal joints are permitted in casings, such as those for headlights and meters. Gaskets, if adequate, may be used to obtain a firm seat for the glass, but not elsewhere. Rubber, putty, and plaster of paris are not acceptable as gasket materials.

The surfaces comprising a flange joint need not be all in one plane. For enclosures having an unoccupied volume (air space) of more than 60 cubic inches, the total width of joint measured along the shortest path from inside to outside of the enclosure shall not be less than 1 inch, except as follows: A rabbet joint having a total width of ¾ inch may be accepted if neither the cylindrical nor the plane fit is less than ⅛ inch wide. If the unoccupied volume (air space) is 60 cubic inches or less, a minimum width of ¾ inch may be accepted for plane joints, but a 1-inch width of plane or rabbet joint is recommended. In rabbet joints the diametrical clearance for cylindrical fits shall not exceed 0.004 inch. The edge of a rolled-steel plate forming part of an explosion-proof enclosure may be used as a plane flange, provided the width does not fall short of the previously specified flange widths by more than 1/64 inch.

The width of blowholes in joint surfaces will be deducted in measuring flange widths. Diameters of holes for bolts or screws required to maintain tight joints will also be deducted in such measurement only: (i) If excessive clearance is allowed for the bolt in its hole; (ii) if the diameter of the bolt hole is more than half of the required metal-to-metal contact. It is recommended that bolt and screw holes be located so that the shortest distance along the joint from the interior of the enclosure to the edge of the hole is not less than 7/16 inch. However, less than ¼ inch will not be accepted for 1-inch joints or less than 7/16 inch for joints under 1 inch. (Exception may be made for narrow interpoles, in which case the distance from the edge of the pole piece to the bolt hole in the motor frame shall be not less than ⅛ inch and the diametrical clearance around the bolt shall not exceed 1/64 inch for not less than ½ inch. Furthermore, the pole piece shall seat against the frame surface.)

Bolts and screws shall be close-fitting in holes that cut through joint surfaces. If the edge of a bolt or screw hole is less than 7/16 inch from the interior of the enclosure, the diametrical clearance around the bolt or screw shall not exceed 1/32 inch, and this clearance shall be maintained for at least ½ inch as measured from the joint. (When ½-inch rolled-steel plate is used for covers, a finished thickness of not less than 7/16 inch may be accepted as meeting this requirement.)

When the flanges of a joint cannot be brought into actual contact with each other, owing to warping or faulty machining of parts or necessity for sliding fits, the requirement for metal-to-metal contact will be construed as having been met for plane flanges under the following conditions:

1. If the separation does not exceed 0.004 inch at any point.
2. If the 0.004-inch separation does not extend over 6 inches along the joint.
3. If the joint does not permit discharge of flame during explosion tests.

When it is necessary in manufacture to provide for a running fit between cylindrical surfaces other than for shafts, a shoulder shall be included in the design to provide a change in direction through the flame path between the parts. In the joints of this type, the diametrical clearance between cylindrical surfaces shall be kept as small as feasible, but in no case shall it exceed 0.01 inch. The length of cylindrical fit shall be at least 1 inch for volumes over 60 cubic inches and at least ¾ inch for volumes of 60 cubic inches or less.

Laminated motor frames having end rings assembled as an integral part under high pressure may be considered with less width of contact between the end rings and laminations than that

specified in the preceding paragraphs. It is recommended that the metal-to-metal contact be kept as near the 1-inch standard as practical, but less than ¼ inch will not be accepted. If less than the 1-inch standard width is used for joints of this type, the construction must permanently preclude any separation between the end rings and laminations, and if a 0.0015-inch-thickness gage can be inserted ⅛ inch at any point, the construction will be considered unsatisfactory. The joint should not tend to open under explosion pressures.

(3) *Bolts and similar fastenings.* Bolts and similar means of clamping flange joints together shall be generously proportioned to minimize stripping of threads and give adequate strength. Soft metals should not be tapped for bolts and screws if the threads can be stripped or damaged easily. Clamping bolts and screws should be at least ¼ inch in diameter and preferably not less than ½ inch. The Bureau reserves the right to prohibit the use of clamping bolts and screws for purposes in addition to that of fastening parts of the enclosure together.

Unless the design permits especially rigid construction between bolts, spacings greater than 6 inches are not recommended for flange joints.

All bolts, nuts, and screws used in fastening flange joints, as well as those in holes through enclosure walls for holding parts, such as pole pieces, brush rigging, and bearing caps, shall be provided with lock washers or other suitable means to prevent loosening. The length of threads in bottomed holes and on bolts, screws, and studs shall be such that the joint can be made tight even though lock washers are omitted. Where feasible, bolts of unequal lengths should be avoided to prevent mistakes in assembly.

(4) *Through holes for bolts, screws, and rivets.* Through holes into explosion-proof casings shall be kept to a minimum. Holes for bolts, screws, etc., shall be "blind" or bottomed if the omission of a bolt or screw would leave an unprotected opening into the casing. If unavoidable, holes may be made through casings for bolts, studs, or screws that are necessary to hold essential parts, such as pole pieces and brush rigging, provided the bolts, etc., have an adequate long close fit through the casing and provided at least two bolts, studs, or screws are used for each part held. In addition, one of the following optional conditions shall apply: (i) each hole must be bottomed in the part held and adequate metal-to-metal contact provided between the part and the casing to insure an effective internal seat around the hole if the bolt or screw is omitted or lost, or (ii) if studs are used, they must be permanently fastened in the part held, or (iii) bolts passing entirely through pole pieces must be arranged so that they cannot be removed without removal of the armature, or (iv) special nonremovable bolts must be adequate for the intended purpose.

Holes shall not be drilled through walls of explosion-proof casings for screws holding name plates or approval plates.

(5) *Inspection openings and covers.* The number of openings in explosion-proof enclosures shall not exceed the minimum required for proper assembly and inspection of parts. Openings, such as those necessary for inspection of motor commutator and brushes, are permitted if suitable covers are provided. These covers must have the width of flange joint previously specified or a threaded joint with sufficient threads to give the required width of surface in contact. Screw covers and those held by special clamps and screws must be secured against unauthorized opening by means of a lock or a nonrusting wire and seal. Where the seal wire alone is of insufficient mechanical strength, an additional fastening such as a set screw or a pin should be used. The distance between two holes through which the seal wire is threaded shall be made as short as feasible.

(6) *Bearings and shaft clearances.* Armature, controller, switch, and other shafts or rods carried through walls of explosion-proof enclosures do not require stuffing boxes, but to prevent discharge of flame the path shall be made up of metal parts having lengths and clearances as follows:

For plain journaled bearings, the diametrical clearance between the shaft and bearing shall not exceed 0.01 inch to provide for a running fit, and this running fit shall not be less than 1 inch for enclosures having more than 60 cubic inches of air space or less than ¾ inch long for an enclosure having an internal air space of 60 cubic inches or less.

Roller and ball bearings are not accepted as suitable barriers for stoppage of flames, therefore a flame path shall be provided between a shaft and the parts of bearing housings which shall not be less than 1 inch long for enclosures of more than 60 cubic inches of air space. If the air space is 60 cubic inches or less, this part of the flame path may be reduced to ¾ inch. In either case the diametrical clearance shall not be greater than 0.03 inch at any point in the ¾- or the 1-inch path. This clearance is allowed provided it does not permit discharge of flame.

Oil grooves in bearings and felt rings, oil grooves, or grease seals in bearing housings are not to be included in the measurement of the length of running fit along a shaft. Such grooves are allowed if not of sufficient volume to reduce the effectiveness of the path. Openings made for filling and draining bearings shall be outside of the required length of path. A removable outer bearing cap is not considered part of the required length of fit, unless the cap is essential to hold the bearing in place.

Labyrinths or other special arrangements may be accepted if they provide equivalent lengths and clearances and are made up of rugged parts not likely to be readily omitted.

If large-diameter bearings are used, reduced clearances may be required. It is recommended that flame paths at bearings be of as small diameter as feasible.

(7) *Lead entrances.* All electrical conductors that pass through the walls of explosion-proof enclosures shall be provided with adequate insulation and guards at the point of entrance to the enclosure in accordance with one or more of the following:

(i) If stuffing-box lead entrances are used, the packing material shall be untreated asbestos, such as woven valve-stem packing, and it shall be not less than 3/16 inch in diameter. The size and kind shall be specified on the drawings or bills of material. The amount of packing material in each stuffing box shall be such that, when compressed, it will completely surround the wire or cable for not less than ½ inch measured along the wire or cable.

The stuffing-box design and the amount of packing used shall be such that, with the packing properly compressed, the gland still has a clearance distance of ⅛ inch or more to travel without meeting interference by parts other than packing. The glands shall be secured against loosening. The use of insulating bushings in stuffing boxes is recommended, especially for voltages that exceed 250. When an outer braid insulation covering is used on wires and cables passing through stuffing boxes, it should be made of asbestos or slow-burning material.

The width of space for packing material shall not exceed the diameter or width of the uncompressed material by more than 50 percent. At other points small clearances shall be maintained between the stuffing-box parts and the cables or wires passing through them. A diametrical clearance greater than 1/16 inch will not be accepted if packing material less than ¼-inch diameter is used. If untreated, woven packing material of ¼ inch or greater nominal diameter is used, a diametrical clearance not greater than ⅛ inch will be accepted.

Corners shall be well-rounded at all points where cables and wires emerge from bushings, glands, and stuffing boxes to prevent cutting of insulation. Stuffing boxes, if not made integral with enclosures, shall be securely held to enclosures on which they are used.

Stuffing boxes and the fittings connected to them shall be so placed or guarded that they are not likely to be damaged in derailments and other accidents.

(ii) If insulated studs are used, they shall be designed and spaced to minimize the possibility of electrical creepage to parts of opposite polarity or to the casing. Terminal lugs shall be keyed to their studs or shielded by insulating barriers so that they cannot come into contact with each other or with any metal not of the same potential or polarity. Adequate means shall be provided to prevent loosening of the studs and lugs by vibration or by expansion and contraction. External electrical connections shall not be held by the same means that are used to fasten the studs. Special attention shall be given to the shielding of external stud connections so that they cannot be short-circuited or grounded by accidental or careless contact or by water when the machine is properly assembled. The width of contact between the compartment wall and the insulating materials shall be not less than 1 inch total for volumes of 60 cubic inches or over or ¾ inch for volumes less than 60 cubic inches.

(iii) If wires and cables are taken through openings closed with sealing compounds, the design of the opening and characteristics of the compounds shall be such as to hold the sealing material in place without tendency of the material to crack or flow out of its place. The material also must withstand explosion tests without cracking or loosening.

(iv) Tubes, bushings, or their equivalent shall not be used alone to take wires and cables through walls and partitions of explosion-proof enclosures unless both ends of each wire and cable opening are wholly within such enclosures. The length of each opening and the clearance around the wire or wires in it should be such as to prevent pressure-piling if flame passes through it. (In general, a diametrical clearance of 1/16 inch should not be exceeded for single cables in such openings.) Bushings and tubes shall be secured against loosening and preferably should be of incombustible material.

(v) Leads or conductors between separate compartments may be carried in pipes or in passageways in castings if sufficiently sealed or filled with conductors to prevent propagation of flames.

(8) *Special devices for pressure relief, drainage, or ventilation.* Special devices incorporated in the design of explosion-proof casings for the purpose of (i) preventing the development of high pressures from internal explosion, (ii) providing for drainage of oil or water, or (iii) obtaining a degree of ventilation shall be capable of repeatedly performing their functions without allowing the passage of flame through them. While in place they shall be guarded to prevent mechanical injury or the entrance of foreign material that might interfere with or destroy their proper functioning. They shall also be strong mechanically so that, with reasonable care in handling, they may be cleaned and inspected without impairing their effectiveness. All special devices shall be securely fastened in place. They should preferably be made of nonrusting materials.

(b) *Special requirements for Class 1 parts*—(1) *Temperature limitations.* Accessories, such as rheostats, headlights, and clutches, shall be so designed and proportioned that the temperature of the external surfaces of their enclosures does not exceed 200° C. at any point during normal operation.

(2) *Motors.* The construction of motor bearings shall be such as to prevent the escape of flame during explosion tests with outer bearing caps removed, unless the caps are essential to hold the bearing in place. If the outer caps are essential, their construction shall comply with that required for Class 1 parts. The use of glass-covered peepholes for motors is not recommended.

(3) *Rheostats.* Particular attention shall be given to the choice of installation for conductors used both inside and outside of rheostats and to the type of lead entrance to prevent grounds and short circuits that might result from deterioration due to heat.

(4) *Meters.* Meters on storage-battery-operated equipment shall be insulated from the explosion-proof casings in which they are enclosed. The glass in meter enclosures shall not be less than ½ inch thick and shall be shielded by position or have a guard to prevent damage to the glass.

(5) *Headlights.* Headlights shall be mounted in protected positions where they are not likely to be damaged by passing objects. The glass in headlights shall not be less than ½ inch thick and shall be guarded to prevent damage to it.

(6) *Push buttons and push-button stations.* Push rods passing through walls of explosion-proof casings shall not be less than ¼ inch in diameter. They shall have a shoulder, head, or equivalent at the inside to prevent accidental loss or removal from the outside. Cotter pins or parts held by cotter pins are not acceptable as means of preventing this loss or removal.

The diametrical clearance between the push rod and its hole shall not exceed 0.01 inch to provide for sliding fit, and this sliding fit shall not be less than 1 inch for enclosures having more than 60 cubic inches air space or less than ¾ inch long for an enclosure having an internal air space of 60 cubic inches or less. In either case, the required length of sliding fit shall not be decreased when the button is depressed.

When it is important that accidental operation of push buttons be prevented, the Bureau reserves the right to require suitable guards or shields for the protection of the external ends of push buttons.

For requirements on grounding of separately mounted push-button stations, see § 18.2 (b) (8).

(7) *Junction boxes.* Junction boxes shall be provided with a plug or plugs as follows: (i) Arranged and interlocked to prevent connection or disconnection of a portable cable while the contacts in the plug receptacles are alive or (ii) capable of opening and closing the circuit under load, if necessary, without injury to themselves or to any part of the box, hazard to persons, or danger of causing an ignition of methane or coal dust. If the design does not prevent making contacts in a plug socket alive when the plug is out, the contacts shall be arranged to prevent ready access to them. When single-pole plugs are used, the design shall prevent energizing the circuit unless all the plugs are in place.

Fuses or other automatic circuit-interrupting devices of adequate capacity shall be incorporated in the design of junction boxes. Such devices shall comply with the requirements for renewal, resetting, and functioning as specified in § 18.2 (b) (4).

Junction boxes shall be provided with a suitable clamp or clamps that will prevent strains being imposed upon the cable connections in the plug or plugs.

The rating and service for which it is intended shall be marked plainly upon each junction box.

The type of enclosure required for junction boxes shall be governed by the class of parts to which it belongs.

Provision shall be made for grounding the cases of junction boxes. (See § 18.2 (b) (8).)

(8) *Distribution boxes.* Distribution boxes, when mounted on skids or their equivalent to facilitate movement from place to place, shall be elevated several inches and shall be stable.

The requirements for junction boxes shall also apply to distribution boxes having plugs for connection of branch circuits. In addition, the following requirements must be met:

Boxes having provision for more than one branch circuit shall have a cap or dummy plug locked in place to close each socket or receptacle if interlocking features do not prevent energizing of contacts in the socket with the regular plug removed. A chain or other suitable means shall be provided to prevent loss of the cap or plug. Such caps or dummy plugs may be omitted if the sockets are arranged to prevent ready access to the contacts within.

Each branch circuit shall be plainly and permanently marked to show the maximum current that can be taken from it, and plugs shall be polarized or otherwise arranged to prevent inserting them in the wrong socket.

In addition to circuit contacts, each plug and socket shall contain contacts by means of which the frames of machines served by the distribution box can be grounded to the box. The plug and socket design shall be such that the grounding connection is completed before the circuit contacts are energized, or else the length of the grounding contacts shall be such that the grounding connection is made before the other connections are made and broken after the other connections are broken. (See also § 18.2 (b) (8).)

For distribution boxes not using plugs for connection of branch circuits, the requirements for junction boxes shall apply, except as follows:

(i) Connection for branch circuits may be made by means of bolted or equivalent connections, provided the connections are adequately insulated and securely held.

(ii) The enclosure for the branch connections shall have a cover interlocked with the circuit-opening device to prevent access to the branch connections while they are alive.

(iii) Each branch circuit shall be plainly marked to show the maximum current that can be taken from it.

(iv) Insulated clamps shall be provided for each cable to prevent strains on the connections.

(v) Each branch cable shall have a common grounding connection in the connection box, and the frame of the box also shall be grounded.

(9) *Splice boxes.* Splice boxes shall have explosion-proof enclosures with locked or sealed covers. Internal connections shall be rigidly held and adequately insulated.

(10) *Terminal boxes.* When wires and cables are brought out of an explosion-proof casing into a terminal box by any method other than one of the first three methods described in paragraph (a) (7) of this section, the terminal box must be of explosion-proof construction. For this construction, the wires must be closely fitted in the opening between the casing and the terminal box in a manner adequate to inhibit flame propagation resulting in pressure-piling, or else the opening between them must be large enough to prevent pressure-piling. A

short piece of metal tube or rigid conduit permanently secured to both may be used between the casing and terminal box when necessary.

The terminal box also must comply with all the requirements for Class 1 compartments, and the lead entrance for the external connections shall comply with the requirements for one of the first three methods described in paragraph (a) (7) of this section. Flame-path joints having a minimum width of ½ inch will be accepted as an option in the construction of an explosion-proof terminal or conduit box on squirrel-cage induction motors provided the leads are adequately sealed in the motor and the connections in the box are adequately insulated and securely held.

(11) *Longwall mining machines.* Longwall mining machines should be equipped with a switch to open all power conductors, also with fuses or other automatic circuit-interrupting devices at the machine. When it is not feasible to incorporate such switch and current-interrupting devices in the design of the machine, the controller on the machine shall be capable of opening all power conductors entering it; in addition, a junction box or a distribution box containing a suitable switch and circuit-interrupting device shall be used for connecting the machine to the power circuit.

In the above arrangement, the machine shall be grounded to the enclosure for the automatic circuit-interrupting device by a separate conductor in the portable cable.

The use of cable reels with longwall mining machines is not required.

§ 18.4 *Special requirements for class 2 parts*—(a) *Battery boxes and batteries.* Battery boxes shall be made of material equivalent in strength to sheet steel not less than 3/16 inch in thickness or of wood reinforced with steel and shall have a substantial cover or covers lined with insulation of adequate strength, quality, and dimensions. The cover or covers shall be provided with suitable means for locking them in the closed position to prevent opening by unauthorized persons.

Battery boxes shall be provided with means for ample ventilation to prevent accumulation of explosive hydrogen-air mixtures above the battery. Ventilating openings shall be guarded to prevent access to the cell terminals from the outside.

The battery cells shall be insulated from the battery box in an adequate manner. For cells in metal containers mounted in "open"-type trays, a lining of wood or equally suitable insulation shall be provided for the bottom of the battery box. All wood and other insulating lining shall be treated or painted with suitable material to resist destruction by battery electrolyte.

The number, type, rating, and manufacturer of the cells comprising the battery shall be specified.

A diagram showing the connections between cells and between trays shall be submitted. The connections shall be such that the maximum total battery potential will not be placed between any two adjacent cells.

(b) *Plugs and receptacles.* The "running" plug for locomotives and similar storage-battery-operated equipment shall be interlocked with a switch so that the plug can neither be inserted nor withdrawn while the receptacle contacts are alive, or it shall be locked in its receptacle to prevent removal by unauthorized persons. If not interlocked, the plug shall be held in place by means of a threaded ring or other suitable mechanical fastening in addition to the lock.

On locomotives and other mobile storage-battery-operated equipment, receptacles used for charging purposes only shall be provided with a cover or dummy plug that is to be locked in place when the battery is not being charged to prevent access to live terminals while the equipment is in operation.

A plug that is used for connecting the portable cable of one permissible machine to a circuit on another permissible machine shall be interlocked so that the plug can neither be inserted nor withdrawn while the plug or receptacle contacts are alive. If the interlock does not prevent making the receptacle contacts alive when a plug is out, the contacts shall be protected by a cap or cover to be locked in place when the plug is out, or the contacts shall be arranged to prevent ready access to them. A chain or its equivalent shall be provided to prevent loss of the cover. The circuit served by the plug shall be protected by fuses or other automatic circuit-interrupting devices as specified in § 18.2 (b) (4).

When the portable cable for a machine is arranged to be connected and disconnected from it by means of a plug, the plug shall be interlocked or constructed so that it can be inserted and withdrawn without creating the hazard of igniting gas or dust. In addition, the plug shall be kept locked in its receptacle to prevent removal by unauthorized persons. The contacts in the plug shall be adequately shielded or recessed in it to prevent accidental grounds or short circuits while the plug is out of its receptacle.

When single-pole plugs are used for the individual conductors of a cable or circuit, the design shall prevent energizing the circuit unless all the plugs of the circuits are in place.

Every plug shall have a suitable holding device or clamp to prevent any strains coming on the plug while it is in its receptacle, unless the interlock is of adequate strength to hold the plug securely in place. In either case, the design of the plug shall include an insulated clamp for holding the cable to prevent strains on the connections in the plug.

§ 18.5 *Detailed inspection.* In the investigation of any equipment, explosion-proof casings shall be given a careful inspection by the Bureau's engineers. This inspection shall include the following items.

1. A detailed check of parts against drawings as to materials, dimensions, and position, making notations for necessary correction of discrepancies between the drawings and the parts checked.
2. Measurement of joints, bearings, and other possible flame paths.
3. Examination for unnecessary through holes.
4. Examination for adequacy of lead-entrance design and construction.
5. Examination for adequacy of electrical clearances or insulation between live parts of opposite polarity and between live parts and ground.
6. Examination for adequacy and security of fastenings.

For further information regarding the details of this inspection, reference should be made to Information Circular 7185, Inspection and Testing of Mine-Type Electrical Equipment for Permissibility.

§ 18.6 *Character of tests*—(a) *Explosion tests.* To test enclosures for their ability to retain flame, they will be filled and surrounded with explosive mixtures containing varying percentages of Pittsburgh natural gas[3] and air. The mixture within the enclosures will be ignited by a spark plug or other suitable means, and a record of explosion pressures developed will be taken. The point of ignition will be varied to determine the condition that gives the greatest pressure. For some of the tests, bituminous-coal dust will be introduced into enclosures, and the effects will be noted. Motor armatures and rotors will be stationary in some tests and revolving in others.

Not less than 10 tests will be made of each design of explosion-proof enclosure.[4] If, on account of the size of enclosure or questionable construction features, it is the judgment of the Bureau's engineers that the explosion-proof qualities cannot be completely demonstrated in 10 tests, more than that number will be made.

The explosion tests of an enclosure shall not result in: (1) Discharge of flame from any joint, bearing, or opening, (2) ignition of surrounding explosive mixtures, (3) development of dangerous afterburning,[5] or (4) rupture or permanent distortion of the enclosure. An enclosure will be rejected if failing to meet any one of the foregoing conditions and also if abnormal pressures are developed or potentially hazardous conditions are exhibited by the tests.

(b) *Adequacy tests.* In addition to explosion tests, certain other tests may be made at the option of the Bureau's engineers, such as tests to determine the

[3] Investigation has shown that, for practical purposes, Pittsburgh natural gas (containing a high percentage of methane) is a satisfactory substitute for pure methane in these tests.

[4] If the internal air space of a squirrel-cage induction motor is not changed by more than 20 percent of that of a previously tested motor, it may be accepted without further inspection or explosion test, provided the motor of greater (or less) internal volume has the same frame diameter and the same length and clearance at the flame path of all joints and bearings as those of the previously tested motor.

[5] The term "afterburning" as used in this Part 18 is applied to combustion, immediately after an internal explosion, of a gaseous mixture that was not in the enclosure at the time of that explosion but was drawn in as the result of the cooling of the products of the original explosion or otherwise.

adequacy of an accessory for the service intended:

(1) Where the durability of battery cells, headlights, or other parts is in doubt, such mechanical tests as are deemed necessary may be made to determine points requiring strengthening.

(2) If there is any question on the efficacy of ventilation of battery boxes, tests may be made to check the ventilation.

(3) Switches and devices serving as switches shall be capable of interrupting any overload currents that the automatic circuit protective devices will permit to flow. They also shall be capable of opening these overloads five times at 2-minute intervals without grounding or short-circuiting, and tests may be made to determine their ability to meet these requirements.

(4) Fuses or other automatic circuit-interrupting devices may be tested to determine whether they provide the necessary protection without damaging the explosion-proof qualities of their enclosures.

(c) *Portable-cable performance tests.* The following performance test has been established for determining the durability of portable cables for use with permissible equipment, and cables that pass this test will be listed for this service.

The cable will be placed across the two rails of a track and a four-wheeled car of 7 tons gross weight will be run over it 50 times. The speed of the car shall be approximately 3½ miles per hour, and potential shall be applied to the cable during tests. The cable will be shifted after each passage of the car, thus giving 100 places in the cable over which two wheels have passed. If the cable fails by short-circuiting or grounding to the rails or wheels at 11 or more places, it will not be listed by the Bureau.

§ 18.7 *Inspection and test of parts supplied by other manufacturers.* All the accessory parts for an approved machine need not be made by the manufacturer requesting the approval. If parts are obtained from other manufacturers, these accessories may be submitted for inspection and test, either by the builder of the permissible machine or directly by the manufacturer of the accessory. All the requirements to be met under either option are identical. Application for such inspection and test by an accessory manufacturer shall be made by a letter addressed to the Director, Bureau of Mines, Washington, D. C., and shall be accompanied by the required fee (see § 18.2 (a) (3)). When the accessory has successfully met all the requirements the Bureau, upon request, will give the manufacturer thereof a letter stating that further test or inspection of the accessory will not be required if it is constructed in strict accordance with the specifications on file at the Bureau. This letter may be cited to the builder of the complete approved machine. Since the Bureau of Mines approves complete machines only, any other use of the Bureau's name by implication or directly, as on any label or plate attached to a separate accessory, or advertising such an accessory as permissible or approved will not be sanctioned.

§ 18.8 *Final inspection.* In addition to the detailed inspections and the tests, the Bureau reserves the right to inspect the machine as a whole at the close of the investigation to ascertain whether the assembly of motors, controllers, rheostats, and other parts in relation to each other has any unsafe features, special note being made of the position and guarding of wiring between these parts. The drawings and specifications also will be checked to see that they have been corrected to show all changes made in parts during the course of the investigation.

Manufacturers shall notify the Supervising Engineer, Electrical-Mechanical Section, at the Central Experiment Station, when the first of a given design of machine built for approval will be completed in order that a Bureau engineer may have an opportunity to examine it, when such examination is considered necessary. Examinations are preferably made at the factory, where cranes and other facilties make it possible to inspect a machine more thoroughly and quickly than elsewhere. Final inspections are made before approvals are granted.

§ 18.9 *Inspection and test reports.* Written reports, giving the results of inspections and tests, will be made to the manufacturer to keep him informed of the progress of the investigation of his equipment. These reports also will indicate whether or not any changes are required. They are not to be construed as giving approval to the equipment under consideration, or to any of its parts.

§ 18.10 *Approvals*—(a) *Approval letter.* After all tests, as well as detailed and final inspections, have been satisfactorily completed and suitable drawings and specifications have been placed on file, the manufacturer of the completed equipment will be given official notification by letter from the Director of the Bureau of Mines at Washington, D. C., stating that his equipment has been judged to satisfy the conditions of this Part 18 and that it is therefore approved as permissible for use in gassy and dusty mines. The letter will assign an approval number for reference and identification of the equipment approved. No informal, temporary, or verbal approvals will be granted.

An official drawing list numbered to correspond to the approval number assigned will accompany each approval letter. This list will include the drawings and specifications covering the details of construction upon which the approval is based.

The manufacturer shall not advertise his equipment as permissible or approved until he has received the formal notification of approval from Washington.

(b) *Approval plate.* With the approval letter the manufacturer will receive a photograph of a design of approval plate. This plate shall bear the seal of the Bureau of Mines, United States Department of the Interior, a space for the approval number, the name of the class of equipment to which the equipment belongs, and the name of the manufacturer. When necessary, an appropriate statement giving the precautions to be observed in maintaining the equipment in an approved condition shall be added.

The manufacturer himself shall have this design reproduced either as a separate plate or by stamping or molding it in some suitable place on each permissible machine. The size and location of the approval plate shall be satisfactory to the Bureau, and a sample of the plate adopted shall be sent to the Supervising Engineer, Electrical-Mechanical Section, at the Central Experiment Station. The method of attaching the plate shall not impair the explosion-proof features of any enclosure.

(c) *Purpose and significance of approval plate.* The approval plate is a label which identifies the equipment so that anyone can tell at a glance whether or not that equipment is of permissible type. This plate is the manufacturer's guarantee that his equipment complies with the requirements of the Bureau of Mines and that it has been judged to be suitable for use in gassy and dusty mines. Without a plate, an approved machine loses its permissible status.

The use of the approval plate on his equipment obligates the manufacturer to maintain the quality of his product and to see that each permissible machine is constructed according to the drawings and specifications accepted and recorded by the Bureau. Equipment having changes in design which do not have official authorization from the Bureau is not permissible and therefore must not bear an approval plate.

(d) *Withdrawal of approval.* The Bureau reserves the right to rescind for cause, at anytime, any approval granted under the regulations in this part.

§ 18.11 *Changes in design after approval.* Every approval is granted with the understanding that all equipment built under that approval will be in exact accordance with drawings and specifications that have been examined and recorded by the Bureau in the approval. Therefore, when a manufacturer desires to make any change in the design of his approved equipment, he shall first of all obtain the Bureau's authorization of the change.

The procedure is as follows:

(a) The manufacturer shall write a letter to the Director, Bureau of Mines, Washington 25, D. C., applying for an extension of his original approval and describing the change or changes proposed. This letter should be accompanied by a certified check or bank draft payable to the Treasurer of the United States to cover all the necessary fees. If the applicant is uncertain as to the amount he should submit, the information will be given him upon inquiry addressed to the Supervising Engineer, Electrical-Mechanical Section, at the Central Experiment Station, 4800 Forbes Street, Pittsburgh 13, Pa. A copy of the application, together with revised drawings and specifications showing the changed design in detail, should be sent to the Supervising Engineer, Electrical-Mechanical Section, at the Central Experiment Station.

(b) The Bureau will consider the application and examine the drawings and specifications to determine whether they are sufficiently detailed for the Bureau's

records and whether it will be necessary to have the modified part submitted for tests. (In general, changes increasing the air space more than 10 percent, modification of joints and bearings, or use of a different material for explosion-proof enclosures will make explosion tests of the modified enclosure necessary. Adequacy tests also may be necessary if changes such as reduction in electrical clearance and insulation are proposed.) If tests are judged to be necessary, the applicant will be informed of the parts that will be required.

(c) When the modification has been found to comply with the requirements of the regulations in this part, both as to construction and drawings, formal authorization, known as an extension of approval, allowing the modification will be issued in the form of a letter by the Director of the Bureau of Mines. This letter will be accompanied by a list of new and corrected drawings to be added to the official drawing list.

(d) Revisions in drawings or specifications which do not involve actual change in the explosion-proof features of equipment may be handled informally by the Central Experiment Station at Pittsburgh.

R. R. SAYERS,
Director.

Approved: February 15, 1945.

ABE FORTAS,
Acting Secretary of the Interior.

[F. R. Doc. 45-2989; Filed, Feb. 24, 1945; 9:35 a. m.]

Chapter VI—Solid Fuels Administration for War

[SFAW Reg. 24, Amdt. 2]

PART 602—GENERAL ORDERS AND DIRECTIVES

SPECIAL PURPOSE COAL IN DISTRICT 14

In order to assure an adequate supply for the consumers of domestic sizes of coal produced in some sections of Producing District No. 14, it is deemed necessary to permit a free movement of the slack coals produced in those sections. Accordingly, SFAW Regulation No. 24 is amended in the following respects:

A new paragraph is added to § 602.575 of SFAW Regulation No. 24 (10 F.R. 235, 919) which reads as follows:

§ 602.575 *Limitations upon applicability of this regulation.* * * *

(c) This regulation does not apply to the shipment or receipt of special purpose coal produced in Production Groups 1, 2 and 11 of District No. 14, as defined in the Minimum Price Schedule of the former Bituminous Coal Division when such coal is for use in a smelter.

This amendment shall become effective immediately.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 176 and 58 Stat. 827)

Issued this 23d day of February 1945.

C. J. POTTER,
Deputy Solid Fuels Administrator for War.

[F. R. Doc. 45-3019; Filed, Feb. 24, 1945; 11:59 a. m.]

PART 602—GENERAL ORDERS AND DIRECTIVES

DIRECTION TO ALL PRODUCERS OF BITUMINOUS COAL

In order to assure the proper and equitable distribution of bituminous coal, it is necessary, pursuant to SFAW Regulation No. 1, as amended, to issue the following direction:

Every producer of bituminous coal is prohibited from shipping prior to April 1, 1945, any bituminous coal for transshipment via the Great Lakes unless he has first obtained the written permission of the SFAW Area Distribution Manager for the district in which the coal is produced. Producers in District 7 shall obtain permission from Mr. W. G. Caperton, Solid Fuels Administration for War, Washington 25, D. C.

This prohibition shall not affect coal in transit on the date this direction is issued.

This direction shall become effective immediately.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 176 and 58 Stat. 827)

Issued this 26th day of February 1945.

C. J. POTTER,
Deputy Solid Fuels Administrator for War.

[F. R. Doc. 45-3090; Filed, Feb. 26, 1945; 10:57 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 276]

REPORT OF PHYSICAL EXAMINATION AND INDUCTION

ORDER PRESCRIBING FORMS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, I hereby prescribe the following changes in DSS Forms:

Revision of DSS Form 221, entitled "Report of Physical Examination and Induction."[1] The supply of DSS Form 221 (Revised 6/19/44) on hand will be used until exhausted.

The foregoing revision shall become a part of the Selective Service regulations effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

FEBRUARY 16, 1945.

[F. R. Doc. 45-3045; Filed, Feb. 24, 1945; 3:03 p. m.]

[No. 277]

TRANSMISSION OF REPORTS OF PHYSICAL EXAMINATION AND INDUCTION

ORDER PRESCRIBING FORMS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, I hereby prescribe the following change in DSS Forms:

Discontinuance of DSS Form 205, entitled "Transmission of Reports of Physical Examination and Induction."

The foregoing discontinuance shall become a part of the Selective Service Regulations effective March 1, 1945.

LEWIS B. HERSHEY,
Director.

FEBRUARY 24, 1945.

[F. R. Doc. 45-3044; Filed, Feb. 24, 1945; 3:03 p. m.]

[1] Filed as part of the original document.

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 3293—CHEMICALS

[General Preference Order M-69, as Amended Feb. 24, 1945]

DISTILLED SPIRITS

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

§ 3293.101 *General Preference Order M-69*—(a) *Definitions.* (1) "Distilled spirits" means ethyl alcohol of 190 proof or higher produced from corn or grain.

(2) "High wines" means spirits distilled at less than 190 proof from corn or grain.

(3) "Producer" means any person engaged in the operation of a distillery under a registered distillery permit issued by the Bureau of Internal Revenue.

(4) "Distillery" means any distillery which has equipment and facilities to convert corn or grain into distilled spirits or high wines.

(b) *Restrictions on operations of distilleries.* No producer shall, except as specifically authorized or directed by the War Production Board, operate any part of his distillery except for the production of distilled spirits: *Provided, however,* That the War Production Board, on a proper showing by a producer that the equipment and facilities of his distillery, or of any part of his distillery, cannot be converted or adapted to the production of distilled spirits, may authorize the operation thereof for the production of high wines.

(c) *Restrictions on use.* No producer, except as specifically authorized or directed by the War Production Board shall use, bottle or barrel for beverage purposes or otherwise allocate or appropriate to such purposes any distilled spirits produced on or after February 20, 1942, or any high wines produced on or after November 1, 1942.

(d) *Directions and restrictions respecting delivery.* (1) The War Pro-

duction Board will from time to time issue authorizations or directions to each producer to deliver specified quantities of distilled spirits to designated persons for designated non-beverage purposes. Except as specifically authorized or directed by the War Production Board, no producer shall deliver to any person distilled spirits produced on or after February 20, 1942: *Provided, however,* That if at any time all deliveries theretofore authorized or directed by the War Production Board have been made or provided for, and a producer has available distilled spirits which he wishes to dispose of, he may apply for permission to do so by filing Form WPB–2947 with the Chemicals Bureau, War Production Board, Washington 25, D. C.

(2) The War Production Board will from time to time issue authorizations and directions to each producer to deliver specified quantities of high wines to designated persons for redistillation into distilled spirits. Except as specifically authorized or directed by the War Production Board, no producer shall deliver high wines produced on or after November 1, 1942 to any person for any purpose. No producer shall deliver high wines produced before that date unless all deliveries theretofore directed by the War Production Board shall have been made or provided for.

(3) No person shall accept delivery of distilled spirits or high wines if such person knows or has reason to believe that the said delivery is made in violation of the restrictions of this paragraph (d).

(e) *Alterations of existing equipment and facilities.* Except as specifically authorized or directed by the War Production Board, no producer whose distillery has equipment and facilities for the production of distilled spirits shall alter such equipment and facilities in any way so as to impair the capacity of such distillery to produce distilled spirits.

(f) *Directions as to use of materials.* War Production Board may from time to time issue directions to producers as to the kinds of raw materials which may be used in the production of distilled spirits or high wines.

(g) *Notification of customers.* Producers of distilled spirits and high wines shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but failure to give such notice shall not excuse any such person from complying with the terms hereof.

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

(2) *Intra-company transactions.* The prohibitions and restrictions of this order with respect to deliveries of distilled spirits and high wines, shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

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

(4) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of material conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board by addressing a letter to the War Production Board, Chemicals Division, Washington, D. C., Ref: M–69, setting forth the pertinent facts and the reasons he considers that he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(5) *Quarterly reports.* All producers shall, on or before the 20th day of each month preceding a calendar quarter, file four copies (one certified) of Form WPB–2947 with the Chemicals Bureau, War Production Board. Fill out Section I as indicated showing proposed shipments during the following quarter to Defense Supplies Corporation, and any other proposed non-beverage shipments, if any. Disregard column headings in Section II and merely indicate across the page estimated production for the following quarter. This report should be filed irrespective of whether the producers' deliveries for the following quarter have been authorized previously by the War Production Board. In case those deliveries have not been authorized, one copy of the form will be returned to the producer on which the War Production Board will indicate the deliveries which may be made.

(6) *Monthly reports.* All producers shall file, on or before the 2d day of each calendar month, one copy of Form WPB–1533 with the Chemicals Bureau, War Production Board.

(7) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Bureau, Washington 25, D. C. Ref: M–69.

Issued this 24th day of February 1945.

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

[F. R. Doc. 45-2993; Filed, Feb. 24, 1945; 11:07 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–728]

DURABILT LUGGAGE MANUFACTURING CO.

Albert Rosen, doing business as Durabilt Luggage Manufacturing Company, is engaged in the manufacture of luggage at 316 Second Avenue South, Seattle, Washington. During the calendar semi-annual period from July 1, 1943 to December 31, 1943, he produced luggage having a net dollar volume of $3,341.40 in excess of his quota under General Limitation Order L–284. Albert Rosen was familiar with the provisions of Limitation Order L–284, and his 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:

§ 1010.728 *Suspension Order S–728.* (a) During the calendar semi-annual period beginning January 1, 1945, and ending June 30, 1945, Albert Rosen, doing business as Durabilt Luggage Manufacturing Company, or under any other name, his successors or assigns, shall reduce the net dollar volume of his production of luggage by $3,341.40 under the amount which he would otherwise be entitled to produce during this period as specified by the provisions of Limitation Order L–284, unless otherwise specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Albert Rosen, doing business as Durabilt Luggage Manufacturing Company or otherwise, his successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 24th day of February 1945.

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

[F. R. Doc. 45-3050; Filed, Feb. 24, 1945; 3:53 p. m.]

PART 3285 [1]—LUMBER AND LUMBER PRODUCTS

[General Preference Order M–186, as Amended Feb. 24, 1945]

AIRCRAFT GRADES OF SITKA SPRUCE LOGS AND LUMBER

General Preference Order M–186 is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United Sates has created a shortage in the supply of Sitka Spruce logs, cants, flitches, and aircraft grades Sitka Spruce lumber 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:

§ 3285.31 [1] *General Preference Order M–186*—(a) *Definitions.* For the purpose of this order:

[1] Formerly Part 1298, § 1298.1.

(1) "Sitka spruce logs" means logs of the botanical species of Picea sitchensis produced in those parts of Oregon and Washington lying West of the Crest of the Cascade Mountain Range and Alaska which grade either select or number 1 sawmill.

(2) "Aircraft grades of Sitka spruce lumber" means any Sitka spruce lumber that meets the prevailing Army and Navy aeronautical specifications.

(3) "Cants and flitches" means Sitka spruce cants and flitches from which aircraft grades of Sitka spruce lumber can be recovered.

(b) *Restrictions on delivery.* (1) On and after March 1, 1945, no person shall accept delivery of Sitka spruce logs, cants, flitches or aircraft grades of Sitka spruce lumber, unless he has received an allocation from the War Production Board on Form WPB–1609. This restriction shall apply to all stocks of Sitka spruce logs, cants, flitches and aircraft grades of Sitka spruce lumber whether in private or in government hands, but shall not apply to manufacturers of aircraft or aircraft parts. In cases where allocations have been made the War Production Board may from time to time direct the manner and quantities in which deliveries to particular persons shall be made or withheld. Such allocations and directions will be made to insure the satisfaction of essential military and civilian aircraft requirements, and they may be made in the discretion of the War Production Board without regard to any preference ratings assigned to particular contracts or purchase orders. The War Production Board may also take into consideration the possible dislocation of labor and the necessity of keeping a plant in operation so that it may be able to fulfill war orders and essential civilian requirements.

(2) No manufacturer of aircraft or of aircraft parts shall accept delivery of aircraft grades of Sitka spruce lumber unless they are to be used on a contract or subcontract for aircraft or aircraft parts approved by the Aircraft Scheduling Unit, Wright Field, Dayton, Ohio. The Aircraft Scheduling Unit on behalf of the War Production Board may direct the manner and quantities in which deliveries to particular manufacturers of aircraft and aircraft parts shall be made or withheld by remanufacturers of aircraft grades of Sitka spruce lumber.

(3) The foregoing restrictions do not apply to Sitka spruce logs, cants, flitches and aircraft grades of Sitka spruce lumber which were in transit on or before March 1, 1945.

(c) *Applications and reports.* (1) Authorization to accept delivery of Sitka spruce logs, cants, flitches and aircraft grades of Sitka spruce lumber may be obtained by persons other than manufacturers of aircraft and aircraft parts by making application to the War Production Board on Form WPB–1609. This form must be filed in accordance with instructions contained on that form.

(2) Any person engaged in scaling Sitka spruce logs shall, when directed by the War Production Board, forward to the Western Log and Lumber Administrator a copy of each scaling certificate issued by such person.

(d) *Sawmills must report production and shipments of cants, flitches and aircraft grades of Sitka spruce lumber.* Beginning with the month of February, 1945 every sawmill located West of the Crest of the Cascade Mountain Range in the States of Oregon and Washington, and Alaska, which produce Sitka spruce cants, flitches and aircraft grades of Sitka spruce lumber must report on Form WPB–2735 its production of Sitka spruce cants, flitches and aircraft grades of Sitka spruce lumber. This form must be filled out and mailed in accordance with the instructions contained on the form. Every sawmill making a shipment of Sitka spruce cants, flitches, or aircraft grades of Sitka spruce lumber shall mail to the War Production Board either a copy of the manifest or a copy of the invoice of the shipment. If the invoice is used the price listed should be removed or obliterated from the copy mailed to the War Production Board.

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

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

(g) *Bureau of the Budget approval.* The above reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(h) *Reports.* Every person shall file with the War Production Board such reports and questionnaires as the War Production Board may from time to time require subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(i) *Order L–335 applies to all other Sitka spruce lumber.* Sitka spruce lumber or Sitka spruce cants or flitches which are not subject to the provisions of this order (including aircraft grades of Sitka spruce lumber specifically released by a letter from the Western Log and Lumber Administrator) are subject to the provisions of Order L–335.

(j) *Applications and communications.* Form WPB–1609 for use in filing applications for authorization under this order and Form WPB–2735 may be obtained from the Western Log and Lumber Administrator. All communications, including applications by persons other than manufacturers of aircraft and aircraft parts must be addressed as follows: Western Log and Lumber Administrator, War Production Board, 708 Bedell Building, Portland 4, Oregon, Ref.: M–186. Manufacturers of aircraft and aircraft parts must address all communications including applications to the Aircraft Scheduling Unit, Wright Field, Dayton, Ohio.

Issued this 24th day of February 1945.

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

[F. R. Doc. 45–3048; Filed, Feb. 24, 1945; 3:53 p. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[General Limitation Order M–386]

AIRCRAFT GRADES OF NOBLE FIR LOGS AND LUMBER

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of Noble fir logs, cants, flitches, and aircraft grades Noble fir lumber 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.

§ 3285.131 General Limitation Order M–386—(a) *Definitions.* For the purpose of this order:

(1) "Noble fir logs" means logs of the botanical species of Abies nobilis produced in those parts of Oregon and Washington lying West of the Crest of the Cascade Mountain Range, which grade number 1, number 2, "peeler", or "aircraft".

(2) "Aircraft grades of Noble fir lumber" means any Noble fir lumber that meets the prevailing Army and Navy aeronautical specifications.

(3) "Cants and flitches" mean Noble fir cants and flitches from which aircraft grades of Noble fir lumber can be recovered.

(b) *Restrictions on delivery.* (1) On and after March 1, 1945, no person shall accept delivery of Noble fir logs, cants, flitches or aircraft grades of Noble fir lumber, unless he has received an allocation from the War Production Board on Form WPB–1609. This restriction shall apply to all stocks of Noble fir logs, cants, flitches and aircraft grades of Noble fir lumber whether in private or in government hands, but shall not apply to manufacturers of aircraft or aircraft parts. In cases where allocations have been made the War Production Board may from time to time direct the manner and quantities in which deliveries to particular persons shall be made or withheld. Such allocations and directions will be made to insure the satisfaction of essential military and civilian aircraft requirements, and they may be made in the discretion of the War Production Board without regard to any preference ratings assigned to particular contracts or purchase orders. The War Production Board may also take into consideration the possible dislocation of labor and the necessity of keeping a plant in opera-

tion so that it may be able to fulfill war orders and essential civilian requirements.

(2) No manufacturer of aircraft or of aircraft parts shall accept delivery of aircraft grades of Noble fir lumber unless they are to be used on a contract or subcontract for aircraft or aircraft parts approved by the Aircraft Scheduling Unit, Wright Field, Dayton, Ohio. The aircraft Scheduling Unit on behalf of the War Production Board may direct the manner and quantities in which deliveries to particular manufacturers of aircraft and aircraft parts shall be made or withheld by remanufacturers of aircraft grades of Noble fir lumber.

(3) The foregoing restrictions do not apply to Noble fir logs, cants, flitches and aircraft grades of Noble fir lumber which were in transit on or before March 1, 1945.

(c) *Applications and reports.* (1) Authorization to accept delivery of Noble fir logs, cants, flitches and aircraft grades of Noble fir lumber may be obtained by persons other than manufacturers of aircraft and aircraft parts by making application to the War Production Board on Form WPB–1609. This form must be filed in accordance with instructions contained on that form.

(2) Any person engaged in scaling Noble fir logs shall, when directed by the War Production Board, forward to the Western Log and Lumber Administrator a copy of each scaling certificate issued by such person.

(d) *Sawmills must report production and shipments of cants, flitches and aircraft grades of Noble fir lumber.* Beginning with the month of February, 1945 every sawmill located West of the Crest of the Cascade Mountain Range in the States of Oregon and Washington, which produce Noble fir cants, flitches and aircraft grades of Noble fir lumber must report on Form WPB–2735 its production of Noble fir cants, flitches and aircraft grades of Noble firm lumber. This form must be filled out and mailed in accordance with the instructions contained on the form. Every sawmill making a shipment of Noble fir cants, flitches, or aircraft grades of Noble fir lumber shall mail to the War Production Board either a copy of the manifest or a copy of the invoice of the shipment. If the invoice is used the price listed should be removed or obliterated from the copy mailed to the War Production Board.

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

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

(g) *Bureau of the Budget approval.* The above reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(h) *Reports.* Every person shall file with the War Production Board such reports and questionnaires as the War Production Board may from time to time require subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(i) *Order L–335 applies to all other Noble Fir lumber.* Noble fir lumber or Noble fir cants or flitches which are not subject to the provisions of this order (including aircraft grades of Noble fir lumber specifically released by a letter from the Western Log and Lumber Administrator) are subject to the provisions of Order L–335.

(j) *Applications and communications.* Form WPB–1609 for use in filing applications for authorization under this order and Form WPB–2735 may be obtained from the Western Log and Lumber Administrator. All communications, including applications by persons other than manufacturers of aircraft and aircraft parts must be addressed as follows: Western Log and Lumber Administrator, War Production Board, 708 Bedell Building, Portland 4, Oregon, Ref.: M–386. Manufacturers of aircraft and aircraft parts must address all communications including applications to the Aircraft Scheduling Unit, Wright Field, Dayton, Ohio.

Issued this 24th day of February 1945.

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

[F. R. Doc. 45–3049; Filed, Feb. 24, 1945; 3:53 p. m.]

Chapter XI—Office of Price Administration

PART 1340—FUEL

[MPR 120,[1] Amdt. 133]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

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

Section 1340.215 is amended to read as follows:

§ 1340.215 *Appendix D: Maximum prices for bituminous coal produced in District No. 4.* (a) The maximum prices set forth in paragraph (b) of this section are subject to the maximum price instructions provided in § 1340.210.

(b) The following maximum prices are established in cents per ton of 2000 pounds f. o. b. transportation facilities at the mine or preparation plant from which delivery is made.

(1) Maximum prices in cents per net ton for shipment to all destinations for all uses (including Railroad Fuel) and by all methods of transportation except truck or wagon.

For coals produced at any mine in the following subdistricts	Maximum prices, by size group numbers								
	1, 2	3, 3A, 4, 5	6	7		9	10	11	12
1. Eastern Ohio	305	285	270	235	225	260	210	205	270
2. Cambridge	305	285	270	235	225	260	210	.....	270
3. Bergholz	325	310	290	250	240	280	235	.....	290
4. Middle	325	310	290	250	240	280	235	.....	290
5. Hocking	365	325	305	280	270	305	245	.....	305
6. Crooksville	325	295	285	245	245	250	210	.....	250
7. Jackson	345	315	285	255	245	275	245	.....	285
8. Pomeroy	325	295	285	245	245	250	210	.....	260

(2) Maximum prices in cents per net ton for shipment by truck or wagon to all destinations for all uses.

Coals produced at any mines in the following subdistricts	Type of operation	Maximum prices by size group numbers					
		1, 2, 3	3A, 4	5, 6	7	8	9, 12
1, Eastern Ohio; 2, Cambridge; and 3, Bergholz	Deep	360	320	290	265	255	290
	Strip	350	310	280	255	245	280
4. Middle:							
4A—							
All mines in the #5 seam	Deep or strip	375	355	305	300	260	305
All other mines	Deep	350	320	290	255	245	290
All other mines	Strip	350	320	280	255	245	280
4B—							
All mines in the #5 seam	Deep or strip	370	330	265	230	220	265
All other mines	Deep	360	320	265	230	220	265
All other mines	Strip	360	320	255	230	220	255
4C—							
All mines in the #5 seam	Deep or strip	385	345	305	270	260	305
All other mines	Deep or strip	375	335	305	270	260	305
4D—							
All mines in the #1 seam	Deep or strip	415	375	345	300	290	345
All deep mines in the #5 seam	Deep	360	320	290	255	245	290
All other mines	Deep or strip	350	320	290	255	245	290
4E—							
All mines	Deep or strip	440	400	360	315	305	360
5. Hocking	Deep or strip	390	350	290	250	240	290
6. Crooksville	Deep or strip	360	320	265	230	230	265
7. Jackson; 8. Pomeroy	Deep or strip	375	335	265	240	230	265

[1] 9 F.R. 5042, 5875, 5587.

(3) Specific descriptions of size group numbers referred to in subparagraphs (1) and (2) of this paragraph (b).

1. (Includes former truck size group 1) All single-screened lump coals bottom size larger than 5".

2. (Includes former truck size group 2) All single-screened lump coals bottom size larger than 2" but not exceeding 5". All double-screened coals bottom size larger than 2".

3. (Includes former truck size group 3) All single-screened lump coals bottom size larger than 1¼" but not exceeding 2".

3A. (Includes former truck size group 4) All double-screened coals bottom size larger than 1¼" but not exceeding 2".

4. (Includes former truck size group 5) All single-screened lump coals bottom size 1¼" and smaller.

All double-screened coals top size larger than 2" and bottom size not exceeding 1¼".

All forked coal.

5. (Includes part of former truck size group 6) All double-screened coals top size not exceeding 2", and bottom size larger than 10 mesh.

6. (Includes part of former truck size group 6)

Straight run of mine coal.

All mine run resultants larger than 2" x 0.

All altered run of mine from which any intermediate size has been removed.

All crushed coal larger than 2" x 0 from which no sizes have been removed.

All substandard coal which is not crushed, pulverized, or reduced in size by any method, and all substandard coal which is reduced to a size larger than 2" x 0.

7. (Includes former truck size Group 7) All screenings top size larger than ¾" x 0 but not exceeding 2" x 0.

All altered screenings top size not exceeding 2" from which any intermediate size has been removed.

8. (Includes former truck size group 8) All screenings top size not exceeding ¾" x 0.

9. (Includes part of former truck size group 6) All double-screened dedusted screenings top size not exceeding 2" and bottom size larger than 100 mesh but not exceeding 10 mesh.

10. (Substandard coal) All first cut, low grade, crop coal produced by the strip mining method which is crushed, pulverized, or reduced by any method to a size which shall not exceed 2".

11. (Substandard coal) Low grade, reject coal separated at the preparation facilities or loaded separately at Mine Index 154 of the Wheeling Township Coal Mining Company and shipped to the Goodyear Tire & Rubber Company.

12. All coal (except substandard coal) crushed, pulverized, or reduced by any method to a size not exceeding 2" x 0.

(4) Identification of sub-district numbers.

Subdistrict nos.		Descriptions
Rail	Truck	
1—Eastern Ohio	1	Belmont County, Harrison County (except Monroe, Franklin, Washington and Freeport Townships) Jefferson County (except Brush Creek, Saline, Ross, Knox and Springfield Townships), and Monroe County.
2—Cambridge	2	Guernsey County (except Wheeling, Monroe, Washington, Knox, Liberty, Jefferson, Adams and Westland Townships), Noble County and Washington County.
3—Bergholz	3	The northern part of Jefferson County, to wit: Brush Creek, Saline, Ross, Knox and Springfield Townships.
4—Middle	4A	Carroll, Holmes and Tuscarawas Counties and the following Townships in Harrison County: Monroe, Franklin, Washington and Freeport.
	4B	Coshocton County, and the following townships in Guernsey County: Wheeling, Monroe, Washington, Liberty, Jefferson.
	4C	Columbiana and Mahoning Counties.
	4D	Medina, Portage, Stark, Summit and Wayne Counties.
	4E	Trumbull County.
5—Hocking	5	Athens and Hocking Counties. Perry County: that part of Salt Lick and Monroe Townships south of a line drawn directly South of McCuneville and Rendville. Vinton County: Brown Township only. Morgan County: Homer and Marion Townships only.
6—Crooksville	6	Muskingum County. Guernsey County: Knox, Adams, and Westland townships only. Morgan County, (except Homer and Marion Townships). Perry County: that part of Salt Lick and Monroe Townships North of a line drawn directly South of McCuneville and Rendville.
7—Jackson	7	Jackson, Lawrence and Scioto Counties. Vinton County (except Brown Township). Gallia County: Huntington Township only.
8—Pomeroy	8	Meigs County: Gallia County (except Huntington Township).

(5) All orders of adjustment issued prior to Feb. 14, 1945 and all adjustments computed on OPA Form 653–638 under § 1340.207 (e) (added by Amendment No. 74 shall be void as of March 1, 1945.)

This amendment shall become effective March 1, 1945.

Issued this 24th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3021; Filed, Feb. 24, 1945; 11:54 a. m.]

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

[RO 1A, Corr. to Amdt. 93]

TIRES, TUBES, RECAPPING AND CAMELBACK

The date "March 2, 1945" appearing in the first sentence of § 1315.804 (j) is corrected to read "February 24, 1945".

Issued this 24th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3025; Filed, Feb. 24, 1945; 11:51 a. m.]

PART 1382—HARDWOOD LUMBER

[RMPR 97, Incl. Amdts. 1–13, Corr.]

SOUTHERN HARDWOOD LUMBER

The compilation of Revised Maximum Price Regulation 97, including amendments 1–13 is corrected as follows:

"§ 1382.114 *Appendix B: Description of Southern hardwood area*" is corrected to read "§ 1382.114 *Appendix C: Description of Southern hardwood area*".

This correction shall become effective as of May 20, 1944.

Issued this 24th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3022; Filed, Feb. 24, 1945; 11:51 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C, Amdt. 175]

MILEAGE RATIONING: GASOLINE REGULATIONS

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

Ration Order 5C is amended in the following respects:

1. Section 1394.8218 (f) is revoked.

2. In § 1394.8225 (e) (1) the second sentence is amended by placing a comma after the word "valid" and inserting the following language: "stolen coupons as defined in § 1394.8229 (a)".

3. The text of § 1394.8229 (a) is amended to read as follows:

(a) If the District Director or his designee finds upon an examination that any coupons deposited to the ration bank account of any distributor, or any other coupons of a dealer or distributor are expired (this shall not include coupons received by a dealer or intermediate distributor from a consumer prior to their expiration date if he is entitled to avail himself of the provisions of § 1394.8216 (b)), counterfeit, not yet valid, stolen (a stolen coupon for the purposes of this section includes only a coupon which has never been issued as a ration to a person or persons by the Office of Price Administration and which was in the possession of or surrendered by a dealer or distributor after February 28, 1945), or do not bear complete legible notations as required by the provisions of this order, the following action shall be taken:

4. Section 1394.8230 (a) is amended by placing a comma after the word "valid" and inserting the following language: "stolen coupons as defined in § 1394.8229 (a)".

5. Section 1394.8230 (d) (2) (ii) is amended by adding the following language at the end of the sentence: "or stolen coupons as defined in § 1394.8229 (a)".

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

6. Section 1394.8230 (d) (2) (iii) is amended by inserting after "December 3, 1944," the phrase: "or stolen coupons as defined in § 1394.8229 (a)".

7. Section 1394.8231 (a) is amended by placing a comma after the phrase "not yet valid" and inserting the following language: "stolen coupons as defined in § 1394.8229 (a)".

This amendment shall become effective February 28, 1945.

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.

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

Issued this 24th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3026; Filed, Feb. 24, 1945; 11:52 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,[1] Amdt. 90]

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

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

In section 8, paragraph (a), subparagraphs (15) and (16) are added to read as follows:

(15) "Terminal sales platform" means a platform, building or other structure (other than a store or warehouse) to which the particular commodity being priced has been moved from railroad cars or trucks standing alongside the structure.

(16) "Store or warehouse" means a structure at which the seller of the particular commodity being priced has facilities for storage, sorting, repacking and other handling of such fruit.

This amendment shall become effective February 24, 1945.

Issued this 24th day of February 1945.

CHESTER BOWLES,
Administrator.

Approved: February 19, 1945.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 45-3024; Filed, Feb. 24, 1945; 11:51 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, 9239, 9356, 9509, 9512, 9549, 9785, 9396, 9897, 10192, 10499, 10877, 10777, 10878, 11350, 11534, 15546, 12038, 12208, 12340, 12341, 12263, 12412, 12537, 12643, 12968, 12973, 13067, 13138, 13205, 13761, 13934, 14062, 13995, 14437, 14731, 15107.

PART 1499—COMMODITIES AND SERVICES

[MPR 188, Amdt. 49]

FURNITURE

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. 188 is amended in the following respects:

1. Section 1499.166 (b) (4) is amended to read as follows:

(4) *Furniture.* All types of furniture manufactured from any new material or from new materials and used inner spring units, used filling materials, used upholstery frames, or used joinery hardware, for any purpose to be used in any location, and any other articles manufactured from new materials which are made to serve the functional purposes of furniture.

Furniture frames.
Assembled wood furniture parts.

2. The word "fiber" appearing after the listing "automobile seat coverings" in § 1499.166 (b) (20) is deleted.

This amendment shall become effective on the 1st day of March 1945.

Issued this 24th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3023; Filed, Feb. 24, 1945; 11:51 a. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

[RMPR 109, Amdt. 7[1]]

AIRCRAFT LUMBER

NOTE: A correction to the statement of considerations involved in the issuance of Amendment 7 to Revised Maximum Price Regulation 109 was filed with the Division of the Federal Register as F.R. Doc. 45-1937 (N.P.), on February 24, 1945, at 12:03 p. m.

PART 1305—ADMINISTRATION

[Gen. RO 5,[2] Amdt. 95]

FOOD RATIONING FOR INSTITUTIONAL USERS

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

Section 13.7 is added to read as follows:

SEC. 13.7 *New refreshment users of shortening and oils.* (a) (1) Any person who does not have a refreshment base for foods covered by Revised Ration Order 16 and after March 3, 1944 made an institutional use of lard, or after April 16, 1944 made an institutional use of shortening, salad or cooking oils for services of refreshments only and who needs allotments because lard was added on January 19, 1945 to the foods covered by Revised Ration Order 16, or because shortening, salad and cooking oils were given a point value greater than zero, may apply for registration as an institutional user (other than a Group I or Group II user) and for a refreshment base for those foods.

(2) He must file the application with the Board for the place where his establishment is located. If he has more than one such institutional user establishment, he must either apply for each such establishment separately on a separate form or he must apply for all of them together on a single form. If he has more than one such establishment and registers them together, the application must be filed with the Board for the place where his principal business office is located. If he has more than one such establishment and registers them separately, applications must be filed with the Board for the place where each is located.

(3) Application may be made at any time between March 1, 1945, and March 15, 1945, on OPA Form R-315, and must state:

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

(ii) His best estimate of the amount of such foods used between the date reported in (1) and January 19, 1945; and

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

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

(5) If the District Office finds that the facts stated in the application are true, it shall register the applicant and grant him a base and allotment in the following way:

(i) The quantity of lard, shortening, cooking, and salad oils of which he made an institutional use for refreshment services between March 3, 1944 (in the case of lard) or April 16, 1944 (in the case of shortening, cooking or salad oils) and January 19, 1945 is divided by the number of days the establishment was in operation;

(ii) The figure obtained in (1) is multiplied by 45;

(iii) The result is his refreshment base for foods covered by Revised Ration Order 16.

(6) His refreshment allotment for those foods for the March-April 1945 allotment period and for each subsequent allotment period shall be computed by multiplying the refreshment base by the refreshment multiplier fixed in Supplement 3.

(b) (1) Any institutional user (other than a Group I or Group II user) who is

[1] 10 F.R. 1968.

[2] 8 F.R. 10002, 11479, 11480, 11676, 12403, 12483, 12557, 12744, 14472, 15489, 16787, 17436; 9 F.R. 401, 692, 1810, 2212, 2252, 2267, 2476, 2476, 2789, 3030, 3075, 3340, 3577, 3704, 5196, 4393, 4647, 4873, 5041, 5232, 5684, 5919, 6108, 6504, 6628, 6176, 7260, 7703, 7704, 8242, 8815, 9952, 10069.

already registered under this order but does not have a refreshment base for foods covered by Revised Ration Order 16; and after March 3, 1944 made an institutional use of lard, or after April 16, 1944 made an institutional use of shortening, salad or cooking oils for services of refreshment only, may apply for a refreshment base for foods covered by Revised Ration Order 16.

(2) Application may be made at any time between March 1, 1945 and March 15, 1945, on OPA Form R–315, with the Board with which he is registered, and must state the items listed in paragraph (a) (3). Such application shall be acted upon in the way described in paragraph (a) (4) and a refreshment base shall be computed in the way described in paragraph (a) (5).

(3) His refreshment allotment for those foods for the March-April 1945 allotment period and for each subsequent allotment period shall be computed by multiplying the refreshment base by the refreshment multiplier fixed in Supplement 3.

This amendment shall become effective March 1, 1945.

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

Issued this 26th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–3117; Filed, Feb. 26, 1945; 12:03 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 5,[1] Amdt. 4 to Supp. 3 [2]]

FOOD RATIONING FOR INSTITUTIONAL USERS

Supplement No. 3 to General Ration Order No. 5 is amended in the following respects:

Section 1305.216 (e) is amended by changing the reference to foods covered by Revised Ration Order 16 to read as follows:

Foods covered by Revised Ration Order 16:	
For the March–April 1944 allotment period	2
For the May–June 1944 allotment period to the January–February 1945 allotment period, inclusive	0
For the March–April 1945 and subsequent allotment periods	2

This amendment shall become effective March 1, 1945.

Issued this 26th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–3118; Filed, Feb. 26, 1945; 12:04 p. m.]

[1] 8 F.R. 10002, 11676, 11480, 11479, 12483, 12557, 12403, 12744, 14472, 15488, 16787, 17486; 9 F.R. 401, 455, 692, 1810, 2212, 2287, 2252, 2476, 2789, 3030, 3075, 3340, 3704, 3577, 4196, 4393, 4647, 4847, 5041, 5232, 5684, 5826, 5915, 6108, 6504, 6628, 7167, 7260, 7703, 7770, 8242, 8813, 9952, 10069, 10578, 12121, 12449, 12919.

[2] 9 F.R. 2019.

PART 1346—BUILDING MATERIALS

[RPS 40, Amdt. 4]

BUILDERS' HARDWARE AND INSECT SCREEN CLOTH

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

Revised Price Schedule No. 40 is amended in the following respects:

1. Section 1346.1 (b) (3) is amended to read as follows:

(3) The maximum price for new models or types of builders' hardware or insect screen cloth first offered for sale by a manufacturer subsequent to June 8, 1943, shall be determined in accordance with the provisions of § 1499.154 of Maximum Price Regulation 188, as amended.

Every manufacturer required to establish a maximum price under the provisions of this subparagraph (3), shall notify each purchaser, in writing, at the time of the issuance of the first invoice, of the maximum price so established for him.

2. Section 1346.1 (b) (4) is amended to read as follows:

(4) The maximum price for new models or types of builders' hardware and insect screen cloth first offered for sale by any jobber subsequent to March 3, 1945, shall not be more than the manufacturer's maximum price for such builders' hardware or insect screen cloth (determined in accordance with this schedule) plus a mark-up of 33⅓ percent, plus transportation charges paid by the jobber in obtaining delivery.

This amendment shall become effective March 3, 1945.

Issued this 26th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–3108; Filed, Feb. 26, 1945; 11:55 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 53, Amdt. 41]

FATS AND OILS

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.

A new Article XX is added to read as follows:

ARTICLE XX—DOMESTIC HEMPSEED OIL

SEC. 20.1 *Maximum prices of hempseed oil.* The maximum price of raw hempseed oil, f. o. b. producers, mill shall be the following prices:

	Cents per pound
Tank cars	14.

(a) The usual or normal differentials for type of container other than tank cars which apply on a sale of linseed oil shall apply to sales of hempseed oil.

(b) When hempseed oil is sold in quantities other than tank cars, the usual or normal differential for a like quantity of linseed oil shall apply.

(c) The differentials applying on linseed oil for grades other than raw linseed oil set forth in Article VII hereof shall apply to an equivalent grade of hempseed oil.

This amendment shall become effective March 3, 1945.

Issued this 26th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–3111; Filed, Feb. 26, 1945; 11:57 a. m.]

PART 1358—TOBACCO

[MPR 500, Amdt. 4]

BURLEY TOBACCO (TYPE NO. 31) OF THE 1943 AND 1944 CROPS

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. 500 is amended in the following respects:

1. Section 5 (c) is revoked.
2. Section 5 (d) is redesignated section 5 (c).

This amendment shall become effective March 3, 1945.

Issued this 26th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–3109; Filed, Feb. 26, 1945; 11:56 a. m.]

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

[MPR 448, Amdt. 3]

CANNED CLAMS

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. 448 is amended in the following respects:

1. In section 1, paragraph (b) is amended to read as follows:

(b) *Razor clams.* The prices set forth below are maximum prices per dozen cans f. o. b. car at Seattle, Washington, for razor clams canned in territory outside the continental United States and f. o. b. car at the shipping point nearest cannery for razor clams canned within the United States. The maximum prices are gross prices and the seller shall deduct therefrom his customary allowances, discounts and differentials to purchasers of different classes.

	Per dozen cans
Razor minced:	
No. ½ flat	$2.25
No. 1 E. O.	2.75
Razor whole:	
No. 1 E. O.	3.10
No. 1 tall	4.45

2. In section 1, subparagraph (1) is added to paragraph (b) to read as follows:

(1) With the first delivery, after March 2, 1945, of minced razor clams packed in No. 1 E. O. cans, every seller covered by this regulation must give written notice of the new maximum price established by this amendment, to each wholesaler, retailer or other distributor purchasing the item from him. This notice must be given in accordance with the directions in paragraph (f) of this section 1.

This amendment shall become effective March 3, 1945.

Issued this 26th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3105; Filed, Feb. 26, 1945; 11:55 a. m.]

PART 1373—PERSONAL AND HOUSEHOLD ACCESSORIES

[MPR 564, Amdt. 3]

FOUNTAIN PENS AND MECHANICAL PENCILS

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. 564 is amended in the following respects:

1. The introductory paragraph of section 5 (b) is amended to read as follows:

(b) On and after January 1, 1945 a manufacturer may not sell or deliver any fountain pen or mechanical pencil unless the article is listed in section 23 and the manufacturer has fulfilled the requirements below. These requirements, however, do not apply to sales to any government agency; to U. S. Army Post Exchanges, U. S. Navy Ships Service Stores and similar establishments; for export or to an exporter for shipment outside continental United States; or to a commercial, industrial or institutional user.

2. Section 19 (b) (2) is amended to read as follows:

(2) Removal of a retail ceiling price tag from an article covered by this regulation before it is sold at retail. The tag may however be removed before sale, if the sale is to any government agency; to U. S. Army Post Exchanges, U. S. Navy Ships Service Stores or similar establishments; for export or to an exporter for shipment outside continental United States; or to a commercial, industrial or institutional user.

3. Section 23, Table of retail ceiling prices, is amended by including the following manufacturers and adding retail ceiling prices for their fountain pens and mechanical pencils as set forth below:

Name	Brand	Article	Model	Retail ceiling price
Advertising Pencil Company.	Sharpencil	Mechanical pencil	176	$1.20
J. Battino	Packard	Fountain pen	C100	.92
	do	do	B100	1.67
Duo Craft Co	do	do	P2, P3	3.85
John Holland Gold Pen Co	J. H. Regular	do	2, 2V, 2D	3.00
	do	do	2TC, 2TCY	3.50
	J. H. Jewel	do	3, 3V, 3D	5.00
	do	do	3WB, 2WBV	6.50
	do	do	6, 6V, 6D	7.00
	do	do	3CV, 3CBV	8.00
	Jewel Deluxe	do	3LS, 3LSV, 3WM, 3WMV	10.00
	do	do	3YM, 3YMV	13.50
	do	do	14KT. Trim, 14KT. Trim V.	20.00
		Mechanical pencil	2 J. H	3.00
		do	2WM, 2WC	5.00
		do	2YC, 2YCV	6.50
		do	14KT. Trim	10.00
Joffe Pen Co		Fountain pen	221	.85
		Mechanical pencil	220	.80
Laughlin Mfg. Co		Fountain pen	Ink pencil	2.50
		do	No. 2 Regular	3.00
		do	No. 3 Regular	4.00
		do	No. 4 Regular	5.00
		do	No 3 Acct	5.00
		do	No. 4 Deluxe Manifold	6.00
No-Mek Pen Products		Fountain pen (without filler).	FQG, FPG, FLG	5.80
		do	FQI, FPI, FLI	4.80
St. Louis Pencil Co	Arelite	Mechanical pencil	75	.45

4. Section 23 is amended by changing the listings of the following manufacturers to read as set forth below:

Manufacturer	Brand	Article	Model	Retail ceiling price
Esterbrook Steel Pen Manufacturing Co.	Re-New-Point	Fountain pen holders	A, B, H, W	$0.75
	do	do	J	1.25
	Duracrome	Re-New-Point fountain pen points.	Series 1000, 2000	.25
	Osmiridium	do	Series 3000	.50
	Master	do	Series 9000	.75
	Palladar	do	Series 8000	1.75
	Re-New-Point	Fountain pen	A, B, H, or W holders with 1000 or 2000 series points.	1.00
	do	do	A, B, H, or W holders with 3000 series points.	1.25
	do	do	A, B, H, or W holders with 9000 series points.	1.50
	do	do	A, B, H, or W holders with 8000 series points.	2.50
	do	do	J holders with 1000 or 2000 series points.	1.50
	do	do	J holders with 3000 series points.	1.75
	do	do	J holders with 9000 series points.	2.00
	do	do	J holders with 8000 series points.	3.00
	Push Pencil	Mechanical pencil	P, F, PH, FH	1.00
	do	do	PJ, FJ	1.50
David Kahn, Inc	Supreme	Fountain pen	262	.25
	do	do	290	.29
	do	do	174	.50
	Wearever	do	831, Deluxe	1.00
	do	do	845, Zenith	1.95
	do	do	855	2.75
	do	Mechanical pencil	325	.15
	do	do	345	.25
	do	do	45, Zenith	.80
	do	do	31, Deluxe	.90
	do	do	55	1.00
Parker Pen Co	Duofold	Fountain pen	295	2.95
	do	do	395	3.95
	Vac-Duo	do	109, 119, 129, 139, 159, 500	5.00
	do	do	4, 6, 14, 16, 20, 21, 24, 26, 30, 31, 34, 36, 40, 41, 54, 56, 875, 1109, 1119, 1129, 1139.	8.75
	"51"	do	1250, 51001, 51002, 51003, 51004, 51121, 51122, 51123, 51124.	12.50
		do	1500, 51011, 51012, 51013, 51014, 51111, 51112, 51113, 51114.	15.00
	"51"	do	1750, 51024, 51025, 51026, 51027.	17.50
	"51"	do	2500, 51031, 51032, 51033, 51034.	25.00
	Duofold	Mechanical pencil	200	2.00
	do	do	250	2.50
	Vac-Duo	do	375, 609, 619, 629, 639, 659	3.75
	do	do	400, 504, 506, 514, 516, 520, 521, 524, 526, 530, 531 534, 536, 540, 541, 554, 556, 1609, 1619, 1629, 1659.	4.00
	"51"	do	500, 51501, 51502, 51503, 51504. 51621, 51622, 51623, 51621.	5.00
	do	do	750, 51511, 51512. 51513, 51514, 51611, 51612, 51613, 51614.	7.50
	do	do	1000, 51524, 51525, 51526, 51527.	10.00
	do	do	1500, 51531. 51532, 51533, 51534.	15.00
	Duofold	Pen-pencil set	410	4.10
	do	do	500	5.00

5. Section 23 is amended by adding retail ceiling prices for new model fountain pens and mechanical pencils as set forth below:

Manufacturer	Brand	Article	Model	Retail ceiling price
Associated Pen Co		Fountain pen	440B	$0.80
			PLS4B	.88
Autopoint Co		Mechanical pencil	68	1.75
			69	2.65
			70	3.75
Columbia Pencil Co	Wings	do	266	.89
Eberhard Faber	Permapoint	Fountain pen	1401	1.50
Salz Brothers, Inc	Stratford	do	838SP	1.69
Schlosser Manufacturing Co.	Wonder	do	58	3.60
Travelers Pen Co		do	200	.65
			400	.81
			250	.84
			610	.87
			450	.96
			650	1.01
Universal Fountain Pen & Pencil Co.		do	Rite-O-Matic	2.00

6. Section 23 is amended so that the Eagle Pencil Company listings of fountain pens with retail ceiling prices of $2.41 and of mechanical pencils with retail ceiling prices of $0.17 read as follows:

Manufacturer	Brand	Article	Model	Retail ceiling price
Eagle Pencil Co	Palmer Method Belmont.	Fountain pen	5200, Anpaco	$2.41
		Mechanical pencil	75-60, S2166	.17

7. Section 23 is amended by changing the manufacturer's name "Grodin Pen & Pencil Co." to read "Nidor-Graph Pen Co."

8. Section 23 is amended by changing the retail ceiling price of the Duopoint fountain pen manufactured by C. J. Kavenaugh from $1.25 to $1.95.

9. Section 23 is amended by inserting the name "Non-Stop" in the column headed "Brand" before the article manufactured by Peerless Fountain Pen and Pencil Company listed as:

Article and model:	*Retail ceiling price*
Pen-pencil set (with leather case), Deluxe	$4.85

10. Section 23 is amended by changing the listing of J. Ullrich and Company's articles with ceiling price of $2.00 to read as follows:

Manufacturer	Brand	Article	Model	Retail ceiling price
J. Ullrich & Co	Independent, Juco, Lord Hamilton.	Fountain pen	8, 28, M8-J22	$2.00

11. Section 23 is amended so that in the listing of the L. E. Waterman Company, the retail ceiling price of fountain pen models 302 and 302V are changed from $3.00 to $2.95; the model designation of their fountain pens with retail ceiling price of $11.00 is amended to read: "1101, Silver Cap"; the model designation of their fountain pens with retail ceiling price of $13.50 is amended to read: "1351V, 1352, 0552½V, Gold Cap"; and the following additional articles are added:

Manufacturer	Brand	Article	Model	Retail ceiling price
L. E. Waterman Co		Fountain pen	42 Artist	$3.00
			72½ Gillott, 72½ Gregg	4.00
			876	8.75

This amendment shall become effective the 3d day of March 1945.

Issued this 26th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3116; Filed, Feb. 26, 1945; 12:04 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 271,[1] Amdt. 29]

POTATOES AND ONIONS

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

In section 9 (b) (3) the words, "to the premises of dehydrating plants or" are inserted immediately after the words, "For sales of potatoes or onions by country shippers on a delivered basis * * *."

This amendment shall become effective February 26, 1945.

Issued this 26th day of February 1945.

CHESTER BOWLES,
Administrator.

Approved: February 23, 1945.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 45-3115; Filed, Feb. 26, 1945; 12:03 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C, Amdt. 176]

MILEAGE RATIONING: GASOLINE REGULATIONS

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

Ration Order 5C is amended in the following respects:

1. Section 1394.7852 (b) (2) is amended to read as follows:

(2) The Board shall issue to the applicant ration evidences only sufficient to afford the applicant the quantity of gasoline allowed. The Board shall make a record of its action on the application and shall issue such ration subject to the following provisions:

(i) In the case of a ration issued pursuant to § 1394.7851 (b) (8) (Hardship Ration) the Board shall issue the ration in the form of gasoline purchase permits (Form OPA R-571).

(ii) In all other cases the Board shall issue the ration in the form of gasoline purchase permits, coupons of any appropriate class except Class A coupons, or both.

(iii) Coupons so issued shall be serially numbered and shall be accompanied by an appropriate folder. The person issuing the ration shall mark on such folder the word "Special", the date of issuance, the date on which the ration expires and that the ration will expire on that date, the identification of any vehicle for which the ration is issued and the serial numbers of the coupons issued.

(iv) The Board shall note on each gasoline purchase permit the informa-

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

[1] 8 F.R. 15587, 15663; 9 F.R. 2298, 3589, 4027, 4647, 5379, 6151, 7504, 7771, 7852, 8931, 9356, 9783, 10089, 10199, 10981, 10778, 12270, 12475, 13262; 10 F.R. 1334.

tion required by the form. No one gasoline purchase permit shall be issued for an amount of gasoline in excess of ten gallons nor for a fractional part of a gallon.

(v) If a mileage rationing record is required to be presented pursuant to § 1394.7851 (d), the Board shall write on such record the following information:

(*a*) The date of issuance.
(*b*) The purpose for which the ration is issued.
(*c*) The gallonage allowed.
(*d*) The designation of the issuing Board.

2. Section 1394.7852 (b) (3) is revoked.
3. Section 1394.7852 (b) (4) is revoked.
4. Section 1394.8014 (b) is revoked.
5. Section 1394.8014 (c) is revoked.

This amendment shall become effective March 2, 1945.

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

Issued this 26th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3112; Filed, Feb. 26, 1945; 11:56 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C, Amdt. 177]

MILEAGE RATIONING: GASOLINE REGULATIONS

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

Ration Order 5C is amended in the following respects:

1. In § 1394.8216 (a) (1) the last sentence is amended by substituting the words "four months" for the words "three months and fifteen days".
2. In § 1394.8216 (b) (1) the last sentence is amended by substituting the words "four months" for the words "three months and fifteen days".
3. Section 1394.8217 (a) (1) is amended by substituting the words "four months" for the words "three months and fifteen days".
4. Section 1394.8217 (a) (2) is amended by substituting the words "four months" for the words "three months and fifteen days".
5. Section 1394.8217 (a) (3) is amended by deleting the words "gasoline deposit certificates" in both places where such words appear and by substituting the words "four months" for the words "three months and fifteen days" and the words "inventory evidences" for the words "inventory coupons or".
6. In § 1394.8217 (a) (4) the first paragraph is amended by deleting the words "gasoline deposit certificates" and by substituting the words "four months" for the words "three months and fifteen days".

This amendment shall become effective March 2, 1945.

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

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

Issued this 26th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3119; Filed, Feb. 26, 1945; 12:03 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Rev. RO 11,[1] Amdt. 46]

FUEL OIL

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

Revised Ration Order 11 is amended in the following respects:

1. Section 1394.5153 (a) is amended by adding after the period at the end of the paragraph the following parenthetical sentence: "(Paragraph (e) of this section sets forth a further restriction upon the issuance of rations for space heaters in non-residential premises.)"
2. Section 1394.5153 (e) is added as follows:

(e) (1) No ration shall be issued or used for furnishing heat or hot water to a non-residential premise by means of one or more space heaters if:

(i) Any of the space heaters was installed, or is equipment converted to the use of fuel oil, after February 26, 1945, and

(ii) The ration for the entire heating year would be 10,000 gallons or more.

(2) However, the restriction in subparagraph (1) shall not apply if the Petroleum Administration for War has granted the applicant a currently valid exception under Petroleum Distribution Order No. 13, as amended, with respect to all of the space heaters to be used for the purpose.

(3) The provisions of paragraph (b) (4) and (5) of this section shall not apply to this paragraph (e).

This amendment shall become effective on March 2, 1945.

Issued this 26th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3113; Filed, Feb. 26, 1945; 11:56 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Rev. RO 11,[1] Amdt. 47]

FUEL OIL

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

Revised Ration Order 11 is amended in the following respects:

1. The first sentence of § 1394.5153 (b) (1) is amended to read as follows: "The District Director, upon finding that an adequate supply of fuel oil is available in the area, has (with the prior approval of the Deputy Administrator for Rationing, in the Washington Office) designated the area in which the applicant's standby facility would be used as one in which a sufficient supply of the alternate fuel required for its operation is not available and the Board finds that the standby facility cannot be used because the alternate fuel is not available to the applicant."
2. The first sentence of § 1394.5156 (a) (1) is amended to read as follows: "The District Director, upon finding that an adequate supply of fuel oil is available in the area, has (with the prior approval of the Deputy Administrator for Rationing, in the Washington Office) designated the area in which the facility will be used as one in which a sufficient supply of the alternate fuel required for its operation is not available and the Board finds that the alternate fuel is not available to the applicant."
3. The first sentence of § 1394.5157 (a) (1) is amended to read as follows: "The District Director, upon finding that an adequate supply of fuel oil is available in the area, has (with the prior approval of the Deputy Administrator for Rationing, in the Washington Office) designated the area in which the standby facility would be used as one in which a sufficient supply of the alternate fuel required for its operation is not available and the Board finds that the standby facility cannot be used because the alternate fuel is not available to the applicant."
4. The first paragraph of § 1394.5575 (a) is amended to read as follows:

(a) Any Regional Administrator for a region which includes, in whole or in part, any of the states enumerated in paragraph (c) of this section, who finds that within any locality or localities in such area an emergency in the transportation or distribution of fuel oil exists which endangers the public health or welfare or the war effort, may, with the prior approval of the Deputy Administrator for Rationing, in the Washington Office:

This amendment shall become effective on March 2, 1945.

Issued this 26th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3114; Filed, Feb. 26, 1945; 11:55 a. m.]

[1] 9 F.R. 2357.

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373, Corr. to Amdt. 126]

APPLES IN HAWAII

Amendment 126 to Maximum Price Regulation 373 is corrected by changing the wholesale maximum price of apples in the table following section 21 (d) (1) from "$8.48 per box" to "$6.48 per box."

This correction shall become effective as of January 15, 1945.

Issued this 26th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3107; Filed, Feb. 26, 1945; 11:55 a. m.]

PART 1499—COMMODITIES AND SERVICES

[RMPR 165, Including Amdts. 1–7, Correction]

SERVICES

The text preceding section 1 (a) is corrected to read as follows:

SECTION 1. *Services covered.* This regulation covers all services previously covered by Maximum Price Regulation No. 165, as amended, Services, except as indicated below. It also covers all other services except:

This correction is issued February 26, 1945.

Effective February 26, 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3106; Filed, Feb. 26, 1945; 11:55 a. m.]

PART 1499—COMMODITIES AND SERVICES

[RMPR 165, Rev. Supp. Service Reg. 28]

SERVICES OF ALTERING AND REPAIRING MILITARY UNIFORMS IN CERTAIN COUNTIES IN CALIFORNIA, OREGON AND WASHINGTON

Supplementary Service Regulation 28 is redesignated Revised Supplementary Service Regulation 28 and is revised and amended to read as follows:

A statement of the considerations involved in the issuance of this Revised Supplementary Service Regulation No. 28 has been filed with the Division of the Federal Register. For the reasons set forth in that statement 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, and Executive Orders Nos. 9250 and 9328, Revised Supplementary Service Regulation No. 28 is hereby issued. The specifications and standards set forth in this supplementary service regulation are those which, prior to the issuance of the regulation, were in general use by the trade in the affected area.

§ 1499.2259 *Services of altering and repairing military uniforms in certain counties in California, Oregon and Washington*—(a) *Maximum prices.* The maximum prices established by Revised Maximum Price Regulation No. 165, for the services of altering and repairing military uniforms when sold and supplied other than in connection with the sale of a military uniform, by persons located in the following counties in California, Oregon, and Washington are hereby modified and shall henceforth be the prices set forth in Appendix A: In the state of California: the counties of San Diego, Riverside, Orange, Los Angeles, San Bernardino, Ventura, Santa Barbara, San Luis Obispo, San Francisco, Alameda, Contra Costa, Solano, and Marin. In the state of Oregon: the counties of Multnomah, Clatsop, Tillamook, Benton, Linn, Umatilla, Deschutes, Coos, Jackson, and Klamath. In the state of Washington: the counties of Clark, King, Kitsap, and Pierce.

(b) *Posting requirements.* Within 30 days after the issuance of this revised regulation every person subject to it selling the services of altering and repairing military uniforms shall post on his premises in a place and manner so that it is plainly visible to the purchasing public a placard, setting forth the maximum prices established in Appendix A.

(c) *Elimination of individual adjustments.* Section 16 of the Revised Maximum Price Regulation No. 165 shall no longer be available to persons covered by this regulation.

(d) *Other services supplied by persons altering or repairing military uniforms.* Alteration and repair services not listed in Appendix A which are performed on military uniforms by persons covered by this regulation shall be governed by Revised Maximum Price Regulation No. 165.

(e) *Extra services.* No extra charge shall be made for quick service, for service "while-you-wait," for the pressing incidental to the repair job, or for any other purpose.

(f) *Less than maximum prices.* Lower prices for any of the services covered by this supplementary service regulation may be charged, offered, demanded or paid.

APPENDIX A—SERVICES OF ALTERING AND REPAIRING MILITARY UNIFORMS

Service	*Maximum price*
A. Sailor blue uniforms:	
1. New Stars (machine), each	$0.25
2. New Stars (hand), each	.40
3. Taking in pants waist (darts)	.50
4. Shortening or lengthening pants (machine)	.50
5. Shortening or lengthening pants (hand)	.75
6. Taking in waist and seat to crotch seam	1.25
7. Taking in waist and seat to crotch seam and resetting eyelets (finished)	2.50
8. Taking in or letting out seat and thigh	1.25
9. Belling pants by taking in at inseam only	.75
10. Belling pants by taking in at inseam only where rebinding necessary	1.00
11. Spiking and belling pants (where two piece gusset inserted)	2.00
12. Sewing on rates double stitched (where rates furnished by customer)	.25
13. Sewing on service stripes (where service stripes furnished by customer)	.25
14. Cross stitching by hand rates or service stripes (where service stripes furnished by customer)	.50
15. Sewing on seaman's or fireman's watch mark including material	.25
16. Shortening Pea Coat, with binding replaced and lining turned under	2.00
17. Shortening Pea Coat sleeves	1.00
18. Taking in and letting out jumper sides	.75
19. Shortening jumper	.75
20. Narrowing sleeves, using felled seam	.75
21. Shortening sleeves	1.00
22. Narrowing and shortening sleeves	1.50
23. Taping jumper collar and cuffs, including material	1.50

APPENDIX A—SERVICES OF ALTERING AND REPAIRING MILITARY UNIFORMS—Continued

A. Sailor blue uniforms—Continued.	
24. Retaping cuffs, including material—two stripes	$0.35
25. Retaping cuffs, including material, three stripes	.50
Service	*Maximum price*
A. Sailor blue uniforms:	
26. Removing tape and taping collar and cuffs, including material	2.50
27. Changing undress jumper to dress, where all necessary operations are performed, including: narrowing sleeves, adjusting length of sleeves, if needed, making and attaching cuffs, taking in or letting out sides, shortening jumper to desired length, taping collar and cuffs, embroidering stars on collar either by hand or machine, including tape and buttons and button holes	5.00
28. Changing undress jumper to dress where same operations as described in 26 above are made without alterations	3.50
B. Marine and Army enlisted men's uniforms:	
1. Shortening Marine dress coat	2.50
2. Shortening Marine Green coat	1.75
3. Taking in or letting out Army coat sides	1.50
4. Taking in or letting out Marine coat sides	2.00
5. Shortening or lengthening Marine green or dress coat sleeves	1.50
6. Shortening or lengthening Army coat sleeves	1.00
7. Shortening Army coats	1.50
8. Shortening or lengthening collar Marine Dress blue coat—by removing collar	1.50
9. Shortening or lengthening collar Marine Dress blue coat—without removing collar	.50
10. Shortening lapel collars	1.50
11. Padding shoulders, material furnished by tailor	1.00
12. Taking in or letting out sides of Marine Overcoat	2.00
13. Taking in or letting out sides of Army Overcoat	1.50
14. Pleating overcoat including pressing pleats	1.00
15. Raising or lowering pockets (maintaining same size)	1.25
16. Shortening pockets without resetting	.65
17. Sewing on chevrons or regimental patches (where furnished by customer)	.25
18. Sewing red stripes on Marine pants, both sides (material extra)	1.50
19. Taking in or letting out pants waist	.50
20. Taking in or letting out pants waist, crotch and thigh	1.00
21. Shortening pants (machine)	.50
22. Shortening pants (hand)	.75
23. Taking in or letting out military shirt sides	.75
24. Shortening sleeves of military shirts, and narrowing where necessary	.50

This Revised Supplementary Service Regulation No. 28 shall become effective March 3, 1945.

Issued this 26th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3110; Filed, Feb. 26, 1945; 11:56 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office

Appendix—Public Land Orders

[Public Land Order 263]

COLORADO

ABOLISHING HOLY CROSS NATIONAL FOREST AND TRANSFERRING ITS LANDS TO WHITE RIVER NATIONAL FOREST

By virtue of the authority vested in the President by the act of June 4, 1897, 30 Stat. 11, 36 (U.S.C. title 16, sec. 473), and pursuant to Executive Order No. 9337 of April 24, 1943, and upon recommendation of the Secretary of Agriculture, it is ordered as follows:

The Holy Cross National Forest, Colorado, as defined by Proclamation No. 1109 of December 16, 1910 (36 Stat. 2769), and as subsequently modified, is hereby abolished, and the lands heretofore comprising said national forest are transferred to and consolidated with the White River National Forest, Colorado, effective January 1, 1945.

It is not intended by this order to give a national-forest status to any publicly owned lands which have not hitherto had such a status, or to remove any publicly owned lands from a national-forest status.

ABE FORTAS,
Acting Secretary of the Interior.

FEBRUARY 19, 1945.

[F. R. Doc. 45-3042; Filed, Feb. 24, 1945; 2:52 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

MISCELLANEOUS AMENDMENTS

Pursuant to the authority of Executive Order No. 9083 (7 F.R. 1609) the following amendments of Subchapters D, G, H, I, J, and O of this chapter are prescribed:

Subchapter D—Tank Vessels

PART 36—LICENSED OFFICERS AND CERTIFICATED MEN

1. Section 36.1-13 is hereby amended by adding at the end of paragraph (a) the following: "In computing the 12 months' renewal period provided for herein, the period of any licensee's military service, as that term is defined in section 101 of Article I of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. 511) shall not be included."

2. There is added after § 36.1-19 a new section reading:

§ 36.1-19a *Sea service as member of armed forces of United States as qualifying experience.* Sea service as member of the armed forces of the United States shall be accepted as qualifying experience for an original license or a raise in grade of license to the extent that the Officer in Charge, Marine Inspection, with the approval of the District Coast Guard Officer, finds such sea service is a fair and reasonable equivalent of the qualifying sea experience otherwise required. Where appropriate in this connection, intermediate grades may be skipped.

Subchapter G—Ocean and Coastwise: General Rules and Regulations

PART 62—LICENSED OFFICERS AND CERTIFICATED MEN

1. Section 62.9 is hereby amended by adding at the end of the first paragraph thereof the following: "In computing the 12 months' renewal period provided for herein, the period of any licensee's military service, as that term is defined in section 101 of Article I of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. 511) shall not be included."

2. There is inserted after § 62.15 a new section reading:

§ 62.15a *Sea service as member of armed forces of United States as qualifying experience.* Sea service as member of the armed forces of the United States shall be accepted as qualifying experience for an original license or a raise in grade of license to the extent that the Officer in Charge, Marine Inspection, with the approval of the District Coast Guard Officer, finds such sea service is a fair and reasonable equivalent of the qualifying sea experience otherwise required. Where appropriate in this connection, intermediate grades may be skipped.

3. There is inserted after § 62.111 a new section reading:

§ 62.111a *Sea service as member of armed forces of United States as qualifying experience.* Sea service as member of the armed forces of the United States shall be accepted as qualifying experience for an original license or a raise in grade of license to the extent that the Officer in Charge, Marine Inspection, with the approval of the District Coast Guard Officer, finds such sea service is a fair and reasonable equivalent of the qualifying sea experience otherwise required. Where appropriate in this connection, intermediate grades may be skipped.

4. § 62.116 is hereby amended by adding at the end of paragraph (e) thereof the following: "In computing the 1 year's renewal period provided for herein, the period of any licensee's military service, as that term is defined in Section 101 of Article I of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. 511) shall not be included."

5. There is inserted after § 62.204 a new section reading:

§ 62.205 *Sea service as member of armed forces of United States as qualifying experience.* Sea service as member of the armed forces of the United States shall be accepted as qualifying experience for an original license or a raise in grade of license to the extent that the Officer in Charge, Marine Inspection, with the approval of the District Coast Guard Officer, finds such sea service is a fair and reasonable equivalent of the qualifying sea experience otherwise required. Where appropriate in this connection, intermediate grades may be skipped.

Subchapter H—Great Lakes: General Rules and Regulations

PART 78—LICENSED OFFICERS AND CERTIFICATED MEN

1. Section 78.9 is hereby amended so as to be identical with § 62.9 of this chapter as amended.

2. There is inserted after § 78.15 a new section reading:

§ 78.15a *Sea service as member of armed forces of United States as qualifying experience.* Sea service as member of the armed forces of the United States shall be accepted as qualifying experience for an original license or a raise in grade of license to the extent that the Officer in Charge, Marine Inspection, with the approval of the District Coast Guard Officer, finds such sea service is a fair and reasonable equivalent of the qualifying sea experience otherwise required. Where appropriate in this connection, intermediate grades may be skipped.

3. There is inserted after § 78.105 a new section reading:

§ 78.106 *Sea service as member of armed forces of United States as qualifying experience.* Sea service as member of the armed forces of the United States shall be accepted as qualifying experience for an original license or a raise in grade of license to the extent that the Officer in Charge, Marine Inspection, with the approval of the District Coast Guard Officer, finds such sea service is a fair and reasonable equivalent of the qualifying sea experience otherwise required. Where appropriate in this connection, intermediate grades may be skipped.

Subchapter I—Bays, Sounds and Lakes Other Than the Great Lakes: General Rules and Regulations

PART 96—LICENSED OFFICERS AND CERTIFICATED MEN

1. Section 96.9 is hereby amended so as to be identical with § 62.9 of this chapter, as amended.

2. There is inserted after § 96.15 a new section reading:

§ 96.15a *Sea service as member of armed forces of United States as qualifying experience.* Sea service as member of the armed forces of the United States shall be accepted as qualifying experience for an original license or a raise in grade of license to the extent that the Officer in Charge, Marine Inspection, with the approval of the District Coast Guard Officer, finds such sea service is a fair and reasonable equivalent of the qualifying sea experience otherwise required. Where appropriate in this connection, intermediate grades may be skipped.

Subchapter J—Rivers: General Rules and Regulations

PART 115—LICENSED OFFICERS

1. Section 115.9 is hereby amended so as to be identical with § 92.9 of this chapter, as amended.

2. There is inserted after § 115.15 a new section reading:

§ 115.15a *Sea service as member of armed forces of United States as qualify-*

ing experience. Sea service as member of the armed forces of the United States shall be accepted as qualifying experience for an original license or a raise in grade of license to the extent that the Officer in Charge, Marine Inspection, with the approval of the District Coast Guard Officer, finds such sea service is a fair and reasonable equivalent of the qualifying sea experience otherwise required. Where appropriate in this connection, intermediate grades may be skipped."

Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

PART 155—LICENSED OFFICERS AND CERTIFICATED MEN: REGULATIONS DURING EMERGENCY

There is inserted after § 155.35 a new section reading:

§ 155.35a *Sea service as member of armed forces of United States as qualifying experience.* Sea service as member of the armed forces of the United States shall be accepted as qualifying experience for an original license or a raise in grade of license to the extent that the Officer in Charge, Marine Inspection, with the approval of the District Coast Guard Officer, finds such sea service is a fair and reasonable equivalent of the qualifying sea experience otherwise required. Where appropriate in this connection, intermediate grades may be skipped.

Dated: February 26, 1945.

L. T. CHALKER,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 45-3083; Filed, Feb. 26, 1945; 9:48 a. m.]

Appendix A—Waivers of Navigation and Vessel Inspection Laws and Regulations

MARITIME COMMISSION TANK VESSELS

INSPECTION OF MASTER CONTROL VALVE FOR STEAM SMOTHERING SYSTEM

Vessels engaged in business connected with the conduct of the war.

The Acting Secretary of the Navy having by order dated 1 October, 1942 (7 F.R. 7979), waived compliance with the navigation and vessel inspection laws administered by the Coast Guard, in the case of any vessel engaged in business connected with the conduct of the war to the extent and in the manner that the Commandant, United States Coast Guard, shall find to be necessary in the conduct of the war; and

The United States Maritime Commission, Washington, D. C., having indicated that the efficient prosecution of the war would be impeded by the application to Maritime Commission tank vessels, design T2-SE-A1, of certain inspection regulations in 46 C.F.R., Part 34, requiring the location of the control value for the steam smothering system to be housed in a fire-resisting compartment located in an accessible place on the weather deck;

Now, therefore, upon request of the United States Maritime Commission I hereby find it to be necessary in the conduct of the war that for tank vessels engaged in business connected with the conduct of the war there be waived compliance with the vessel inspection regulation in 46 C.F.R., 34.3-5 (b), to the extent necessary to permit the master control valve for the steam smothering system to be located in the engine room hatch off the upper deck, instead of in a fire-resisting compartment on the weather deck on Maritime Commission tank vessels, design T2-SE-A1.

Dated: February 23, 1945.

L. T. CHALKER,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 45-2988; Filed, Feb. 24, 1945; 9:33 a. m.]

Chapter III—War Shipping Administration

[G. O. 16, Corr. to Supp. 7 [1]]

PART 303—CONTRACTS FOR CARRIAGE ON VESSELS OWNED OR CHARTERED BY THE WAR SHIPPING ADMINISTRATION

UNIFORM OCEAN BILL OF LADING

The caution clause at the end of *Warshipshortblading,* prescribed by § 303.32 *Uniform ocean bill of lading, short form, "Warshipshortblading,"* is hereby corrected by striking out the figure "38" and inserting in lieu thereof the figure "32" so that the entire provision shall read as follows:

Caution. This document contains information affecting the national defense of the United States within the meaning of the Espionage Act, 50 U. S. C., 31 and 32 as amended. Its transmission or the revelation of its contents in any manner to an unauthorized person is prohibited by law.

(E.O. 9054, 3 CFR Cum. Supp.)

[SEAL] E. S. LAND,
Administrator.

FEBRUARY 23, 1945.

[F. R. Doc. 45-3060; Filed, Feb. 26, 1945; 9:28 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S.O. 80, Amdt. 28]

PART 95—CAR SERVICE

APPOINTMENT OF PERMIT AGENT WITH RESPECT TO SOYBEANS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23d day of February, A. D. 1945.

Upon further consideration of the provisions of Service Order No. 80, as amended (codified as § 95.19 of Title 49 CFR):

It is ordered, That C. T. Finlayson of Central Soya Co., Inc., Decatur, Indiana, is hereby designated and appointed as Agent of the Commission to issue permits for the movement of soy beans under the terms of this order at Decatur, Indiana, in lieu of E. V. McCann. The appointment of E. V. McCann is hereby vacated. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U.S.C. 1 (10)-(17).)

And it is further ordered, That this amendment shall become effective March 1, 1945; that copies of this amendment 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 amendment be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-3095; Filed, Feb. 26, 1945; 11:14 a. m.]

[2d Rev. S. O. 244]

PART 95—CAR SERVICE

DISTRIBUTION OF GRAIN CARS

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of February, A. D. 1945.

It appearing, that the demand for box cars for loading various commodities including grain at all stations in the United States is placing a severe burden on the car supply, and that the need for an equitable distribution of cars for loading grain to obtain a fair supply for all shippers is of vital importance; in opinion of the Commission an emergency requiring immediate action exists in all sections of the country. It is ordered, that:

(a) *Definitions.* (i) The term "prompt loading," as used in these rules, is intended to mean that a car placed for loading not later than 12:00 noon must be loaded and billing instructions tendered on or before 10:00 a. m. the following business day, failing which, such car will be charged against the consignor's or shipper's allotment as an additional empty for each succeeding day held for loading, or for billing instructions.

(ii) The term "blocked elevator," as used in these rules, shall be held to mean an elevator containing grain to at least 90% of its rated capacity and that the carrier's agent has been notified to this effect in writing and other consignors or shippers have been given an opportunity for verification. The term "rated capacity" shall be held to mean the capacity filed with State authorities as basis for license.

[1] Paragraph (b) of § 303.33 *Uniform ocean bill of lading for Government cargo, "Warshipshortblading (U. S. Gov. Form)"* (General Order 16, Supp. 7, Amended) provides in part that "Warshipshortblading (U. S. Gov. Form)" shall be identical with the form prescribed by § 303.32. Accordingly the foregoing correction should be made in "Warshipshortblading (U. S. Gov. Form)".

(b) *Cars not to be furnished or supplied for grain loading.* No common carrier by railroad subject to the Interstate Commerce Act shall supply or furnish any car to any consignor or shipper of grain for loading and transportation unless such consignor or shipper has first:

(i) Advised the carrier's agent daily of the total quantity of grain on hand available for prompt loading to be tendered for rail shipment on a subsequent day or days, and

(ii) Made a written order on the carrier's agent (see Note below) for cars wanted for grain loading showing the (a) date of order, (b) number of cars wanted, (c) whether car is for bulk or sacked grain, (d) destinations, (e) date wanted to load, (f) quantity of each kind of grain on hand and conveniently located for prompt loading tendered for rail shipment, and (g) name of shipper.

NOTE: Orders from shippers served by more than one railroad shall be placed jointly when cars are required from more than one carrier. Copies of all orders, whether single or joint, shall be sent as information to each of the other roads serving the industry. Such combined orders shall not exceed the total grain conveniently located for prompt loading tendered for shipment.

(c) *Distribution.* After a consignor or shipper has complied with paragraph (b) hereof, each common carrier by railroad subject to the Interstate Commerce Act shall supply a car or cars to such consignor or shipper but such carrier or carriers shall distribute its cars available for grain loading in accordance with the following rules:

(i) The ratio of the quantity of grain reported in accordance with paragraph (b) (i) hereof by each consignor or shipper to the total quantity of grain reported by all consignors or shippers shall be the percentage basis for the distribution of available cars at each station on any particular day for grain loading.

(ii) When a consignor's or shipper's pro-rata share of the available car supply is a fraction of a car, the fraction will be carried to the consignor's or shipper's credit, and the consignor or shipper will be entitled to car supply on the basis of the aggregate of such fractional credits.

(ii) Cars shall not be furnished in excess of a consignor's or shipper's ability to load and ship promptly.

(iv) In case one or more elevators at a station are blocked, the available cars shall be distributed as follows: the first car to first elevator blocked and thereafter during such time as elevators remain blocked, cars shall be distributed consecutively to blocked elevators in the order in which they became blocked until the blocked condition in all elevators is relieved. After each blocked elevator has been furnished one car, any cars remaining will be furnished all shippers at such station in accordance with the provisions of paragraph (c) hereof.

(d) *Application.* (i) The provisions of this order shall apply to intrastate as well as interstate commerce.

(ii) This order shall apply at all points located in the United States.

(e) *Effective date.* This order shall become effective at 12:01 a. m., February 26, 1945.

(f) *Expiration date.* This order shall expire at 11:59 p. m., March 1, 1946, unless otherwise modified, changed, suspended, or annulled by order of this Commission. (40 Stat. 101, sec. 402, 41 Stat. 476 sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17))

It is further ordered, that this order shall vacate and supersede Revised Service Order No. 244 on the effective date hereof; that a copy of this order and direction shall be served upon all state regulatory bodies regulating common carriers by railroad, 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. 45-3096; Filed, Feb. 26, 1945; 11:14 a. m.]

[S. O. 286]

PART 95—CAR SERVICE

RESTRICTION OF GARBANZOS FROM GALVESTON AND HOUSTON, TEX.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of February, A. D. 1945.

It appearing, that the demand for railroad freight cars for loading various commodities at all stations in the United States for movement within this country is placing a severe burden on the supply of such cars; that this Commission has been notified by the Director of the Office of Defense Transportation that garbanzos (mexican beans) now held in storage at Galveston and Houston, Texas, by the U. S. Department of Agriculture, the War Food Administration, the U. S. Commercial Corporation, Commodity Credit Corporation or the Texas Star Flour Milling Company, are being or are about to be moved through the United States to ports in Canada for movement beyond by water or to other points and that their movement would unduly deplete the present supply of such cars, and that in order to secure an adequate supply of such cars for the domestic movement of various commodities it is necessary to restrict the movement of garbanzos (mexican beans) from Galveston and Houston during the period of such shortage; the Commission is of opinion an emergency exists requiring immediate action in that section of the country to best promote the service in the interest of the public and the commerce of the people: It is ordered, that:

(a) *Movement of garbanzos (Mexican beans) from Galveston and Houston, Texas, prohibited.* No common carrier by railroad subject to the Interstate Commerce Act shall furnish or supply a railroad freight car or cars for loading with, or shall transport or move a railroad freight car loaded with, garbanzos (mexican beans) originating at Galveston, Texas, or Houston, Texas.

(b) *Application.* This order shall apply to all shipments tendered to the carrier on or after the effective date hereof.

(c) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances.

(d) *Effective date.* This order shall become effective at 6:00 p. m., February 24, 1945.

(e) *Expiration date.* This order shall expire at 12:01 a. m., April 30, 1945, unless otherwise modified, changed, suspended or annulled by order of this Commission. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17))

It is further ordered, that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-3098; Filed, Feb. 26, 1945; 11:14 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bureau of Mines.

NEW WORLD MINING CO.

ORDER REVOKING LICENSES

In the matter of licensees A. de Lisle and G. A. Flading, partners doing business under the name of New World Mining Company. Proceedings for revocation of licenses.

To: A. de Lisle, G. A. Flading, New World Mining Company, 1517 East Washington Street, Phoenix, Arizona.

Based upon the records in this matter, including your answer, I make the following findings of fact:

1. On January 5, 1945, a specification of charges against you setting forth violations of the Federal Explosives Act (55 Stat. 863), as amended, and the regulations issued thereunder of which you were accused was mailed to you giving

you notice to mail an answer within 15 days from January 5, 1945, answering the charges against you and requesting an oral hearing if you wished.

2. Your answer dated January 10, 1945, requesting an oral hearing, was received on January 20, 1945, and has been considered. You were advised by a notice dated January 26, 1945, that you would be granted an oral hearing in Phoenix, Arizona, on February 21, 1945. Thereafter you advised the Phoenix office of the Bureau of Mines that you do not wish to have an oral hearing and you confirmed that fact by a letter to me dated February 9, 1945, which also stated that you had already disposed of all of your explosives.

3. You have stored explosives in an unlocked magazine, in a magazine not meeting the standards set forth in the regulations, and on premises not marked with a sign containing the words "Explosives—Keep Off," all as more particularly set out in the specification of charges.

Now, therefore, by virtue of the authority vested in me by the Federal Explosives Act and the regulations thereunder, I hereby order:

1. That the oral hearing set for February 21, 1945, be not held.

2. That all licenses issued to you under the Federal Explosives Act be and they are hereby revoked.

This order shall be published in the FEDERAL REGISTER.

Dated at Washington, D. C. this 16th day of February 1945.

R. R. SAYERS,
Director.

[F. R. Doc. 45-3041; Filed, Feb. 24, 1945; 2:52 p. m.]

Grazing Service.

NEVADA

SPECIAL RULE FOR CLASSIFICATION OF BASE PROPERTIES, GRAZING DISTRICT 4

Pursuant to authority vested in the Secretary of the Interior by the act of June 28, 1934 (48 Stat. 1269, 43 U. S. C. 315, et seq), as amended, commonly known as the Taylor Grazing Act, and in accordance with the provisions of section 15 of the Federal Range Code, approved September 23, 1942;

A proper factual showing of its necessity having been made by the regional grazier and it having been found that local conditions in Nevada Grazing District No. 4 make necessary the application of a special rule for the classification of base properties in order better to achieve an administration consistent with the purposes of the act, either land or water only, or a combination of land and water, may be classified as base property for a single livestock operation in that district. In instances in which a combination of land and water is so recognized, the following further classification will be made:

Class 1. Land dependent by use and full-time prior water.

Class 2. Land dependent by location and full-time water.

C. L. FORSLING,
Director of Grazing.

Approved: February 21, 1945.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 45-3043; Filed, Feb. 24, 1945; 2:52 p. m.]

Office of the Secretary.

WIND RIVER RESERVATION, WYOMING

ORDER OF RESTORATION

Whereas, pursuant to the provisions of the act of March 3, 1905 (33 Stat. 1016), the Shoshone-Arapahoe Tribes of Indians in Wyoming ceded to the United States a large area of their reservation in the State of Wyoming, established under the Treaty of July 3, 1868 (15 Stat. 873), and

Whereas, within ten land use districts there remain certain undisposed-of ceded or "opened" lands described as follows:

WIND RIVER MERIDIAN

DESCRIPTION

	Acreage
Land Use District No. 2:	
T. 7 N., R. 1 W., sec. 23, NW¼	160.00
Land Use District No. 3:	
T. 7 N., R. 3 W., sec. 18	618.28
Land Use District No. 16:	
T. 6 N., R. 1 E., sec. 2, N½SE¼NE¼, S½NE¼SE¼, SE¼SE¼	80.00
Land Use District No. 17:	
T. 8 N., R. 1 E., sec. 24, W½NE¼	80.00
Land Use District No. 21:	
T. 5 N., R. 2 E.,	
sec. 2	640.68
sec. 7, NE¼SE¼	40.00
sec. 22, NW¼NW¼	40.00
T. 5 N., R. 1 E.,	
sec. 35	640.00
sec. 36	640.00
Land Use District No. 22:	
T. 7 N., R. 4 E.,	
sec. 6	624.56
sec. 7	625.32
Land Use District No. 26:	
T. 4 N., R. 2 W., sec. 28, W½SE¼	80.00
Land Use District No. 27:	
T. 2 S., R. 5 E., all of fractional township	5245.48
Land Use District No. 34:	
T. 1 N., R. 5 E.,	
sec. 5, Lot 5	10.13
sec. 19, Lot 3	7.59
sec. 30, Lot 2	13.36
T. 2 N., R. 4 E.,	
sec. 24, S½	320.00
sec. 26, NE¼SE¼	40.00
Land Use District No. 44:	
T. 5 N., R. 6 E.,	
sec. 10, all of fractional section	126.92
sec. 15, all of fractional section	129.04
Total	10,161.36

Whereas, no part of the land use districts involved is under lease or permit to non-Indians, and

Whereas, the Shoshone - Arapahoe Tribes of Indians of the Wind River Reservation require additional grazing lands to support their expanded livestock industry, and

Whereas, the Superintendent of the Wind River Reservation and the Comsioner of Indian Affairs have recommended the restoration of the undisposed-of, ceded lands located within the aforesaid land use districts.

Now, therefore, by virtue of authority vested in the Secretary of the Interior by section 5 of the act of July 27, 1939 (53 Stat. 1128-1130), I hereby find that restoration to tribal ownership of the lands described above, which are classified as undisposed-of, ceded lands of the Wind River Reservation, Wyoming, and which total 10,161.36 acres more or less, will be in the tribal interest, and they are hereby restored to tribal ownership for the use and benefit of the Shoshone-Arapahoe Tribes of Indians of the Wind River Reservation, Wyoming, and are added to and made a part of the existing Wind River Reservation, subject to any valid existing rights, and reserves.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

FEBRUARY 2, 1945.

[F. R. Doc. 45-2992; Filed, Feb. 24, 1945; 9:35 a. m.]

[Order SFA T-2]

BROCK, INC., ET AL.

TERMINATION OF POSSESSION OF COAL MINES

In August and September 1944, Government possession was taken of the bituminous coal mines, collieries and preparation facilities listed in Appendix A of this order to avert loss of production resulting from work stoppages. These work stoppages were occasioned by strikes and labor disturbances incidental to the efforts of the United Clerical, Technical and Supervisory Employees of the Mining Industry, Division of District 50, United Mine Workers of America, to obtain, among other things, recognition as the collective bargaining agent of certain groups of supervisory employees. Shortly after Government possession of these mines was taken, officials of that union stated that, if Government possession of the mines were terminated, the members of the union would not work at the mines. The president of that union has recently advised the Solid Fuels Administration for War that any previous statement "that supervisory personnel would work only under Government possession is * * * withdrawn."

Upon the basis of such advice and information, and after consideration of all of the circumstances, I find that Government possession of the said mines, collieries and preparation facilities is no longer required, and in accordance with Executive Orders Nos. 9474, 9476, 9478, 9481, 9482 and 9483 (9 F.R. 10815, 10817, 11045, 11387, 11459 and 11601) and the War Labor Disputes Act (57 Stat. 163), should be terminated.

Accordingly, I order and direct that possession by the Government of the mines, collieries and preparation facili-

ties listed in Appendix A of this order, including any and all real and personal property, franchises, rights, facilities, funds, and other assets used in connection with the operation thereof and the distribution and sale of their products, be, and it is hereby terminated, and that there be displayed conspicuously at those mining properties copies of a poster to be supplied by the Solid Fuels Administration for War and reading as follows:

Notice. Government possession of this coal mine, and of all property and assets used in connection with the operation thereof, has been terminated by order of the Secretary of the Interior.

Nothing contained herein shall be deemed to preclude the Government from requiring the submission of information relating to operations during the period of Government possession, for the purpose of ascertaining the existence and amount of any claims against the United States so that the administration of the provisions of the Executive orders, pursuant to which Government possession was taken, may be concluded in an orderly manner.

Dated: February 24, 1945.

[SEAL] ABE FORTAS,
Acting Secretary of the Interior.

APPENDIX A

Name of mine, colliery, or preparation facility and location or P. O. address:	*Name and address of company*
Brock No. 4, Cassville, W. Va.	Brock, Inc., Morgantown, W. Va.
Cannelton:	
No. 3, Cannelton, W. Va.	Cannelton Coal & Coke Co., Cannelton, W. Va.
No. 5, Cannelton, W. Va.	Do.
No. 6, Cannelton, W. Va.	Do.
Christopher:	
No. 3, Osage, W. Va.	Christopher Coal Co., Morgantown, W. Va.
No. 6, Four States, W. Va.	Christopher Mining Co., Morgantown, W. Va.
No. 2, Maidsville, W. Va.	Do.
Mine #25, Fairmont, W. Va.	Consolidation Coal Co., Pilgram Bldg., Oakmont, Pa.
Mona (Arkwright), Morgantown, W. Va.	Do.
Renton:	
No. 3, Renton, Pa.	Do.
No. 6, North Bessemer, Pa.	Do.
Mine:	
No. 32, Owings, W. Va.	Do.
No. 63, Monongah, W. Va.	Do.
No. 93, Jordan, W. Va.	Do.
Eccles Nos. 5 and 6, Eccles, W. Va.	Crab Orchard Improvement Co., 332 South Michigan Ave., Chicago, Ill.
Bunker, Morgantown, W. Va.	Davis-Wilson Coal Co., Morgantown, W. Va.
McVeigh No. 7, McVeigh, Ky.	Eastern Coal Corporation, Bluefield, W. Va.
Federal No. 1, Grant Town, W. Va.	Eastern Gas & Fuel Associates, Koppers Coal Division, 1050 Koppers Bldg., Pittsburgh, Pa.
Glen White, Glen White, W. Va.	Do.
Francis, Curtisville, Pa.	Ford Collieries Co., 1615 Ford Bldg., Detroit 26, Mich.
Berry, Curtisville, Pa.	Do.
Alexander, Moundsville, W. Va.	Glendale Gas Coal Co., 800 Western Reserve Bldg., Cleveland, Ohio.
Heisley No. 3, Nanty Glo, Pa.	Heisley Coal Co., 1617 Pennsylvania Blvd., Philadelphia 3, Pa.
Oakmont, Barking, Pa.	Hillman Coal & Coke Co., Grant Bldg., Pittsburgh, Pa.
Hitchman, Benwood, W. Va.	Hitchman Coal & Coke Co., Benwood, W. Va.
Cambria Smokeless, Coalport, Pa.	Imperial Coal Corporation, 703 Johnstown Bank and Trust Bldg., Johnstown, Pa.
Diamond Smokeless, Boltz, Pa.	Do.
Imperial Cardiff, Nettleton, Pa.	Do.

APPENDIX A—Continued

Name of mine, colliery, or preparation facility and location or P. O. address—Continued.	*Name and address of company*
Richard No. 21, Dellslow, W. Va.	Industrial Collieries Corporation, 701 East Third St., Bethlehem, Pa.
Barrackville No. 41, Barrackville, W. Va.	Do.
Carolina No. 43, Carolina, W. Va.	Do.
Jamison:	
No. 8, Farmington, W. Va.	Jamison Coal & Coke Co., 116 N. Main St., Greensburg, Pa.
No. 9, Farmington, W. Va.	Do.
Maiden, Maidsville, W. Va.	Kelley's Creek Colliery Co., 800 Western Reserve Bldg., Cleveland, Ohio.
Besoco, Besoco, W. Va.	Leccony Smokeless Fuel Co., Besoco, W. Va.
Affinity, Affinity, W. Va.	Lillybrook Coal Co., Beckley, W. Va.
Big Stick, Affinity, W. Va.	Do.
Lillybrook, Lillybrook, W. Va.	Do.
Killarney, Killarney, W. Va.	Do.
Mines No. 2, No. 3, No. 6, Eastgulf, W. Va.	C. H. Mead Coal Co., 1425 Terminal Tower Bldg., Celeveland, Ohio.
Revloc, Revloc, Pa.	Monroe Coal Mining Co., 1617 Pennsylvania Blvd., Philadelphia, Pa.
Kramer, Du Bois, Pa.	Northwestern Mining and Exchange Co., Box 391, Scranton, Pa.
Octavia, McAndrews, Ky.	Octavia Coal Mining Corporation, 4011 Carew Tower Bldg., Cincinnati, Ohio.
Penna:	
No. 3, Ehrenfeld, Pa.	Pennsylvania Coal & Coke Corporation, 70 East 45th St., New York, N. Y.
No. 8, Ehrenfeld, Pa.	Do.
No. 21, Marstellar, Pa.	Do.
No. 22, Marstellar, Pa.	Do.
Pursglove No. 2, Pursglove, W. Va.	Pursglove Coal Co., Pursglove, W. Va.
Edwight No. 1 and No. 6, Edwight, W. Va.	Raleigh Wyoming Mining Co., Beckley, W. Va.
Glen Rogers No. 2, Glen Rogers, W. Va.	Do.
Russellton, Russellton, Pa.	Republic Steel Corporation, Republic Bldg., Cleveland, Ohio.
Booth No. 2, Booth, W. Va.	River Seam Coal Co., Booth, W. Va
Ernest, Ernest, Pa.	Rochester & Pittsburgh Coal Co., 655 Church St., Indiana, Pa.
Helvetia, Helvetia, Pa.	Do.
Kent:	
No. 1-2, McIyntyre, Pa.	Do.
No. 4, Clune, Pa.	Do.
Lucerne, Lucernemines, Pa.	Do.
Sagamore, Sagamore, Pa.	Do.
Waterman, No. 2, Tidedale, Pa.	Do.
Yatesboro No. 5, Nu Mine, Pa.	Do.
Springfield:	
No. 1, Nanty Glo, Pa.	Springfield Coal Corporation, St. Benedict, Pa.
No. 2, Nanty Glo, Pa.	Do.
No. 5, Thompsontown, Pa.	Do.
Mine:	
No. 1, Elmgrove, W. Va.	The Valley Camp Coal Co., 800 Western Reserve Bldg., Cleveland, Ohio.
No. 3, Valley Camp, W. Va.	Do.
No. 4, Elmgrove, W. Va.	Do.
Morgan, Rivesville, W. Va.	Virginia & Pittsburgh Coal & Coke Co., Fairmont, W. Va.
Wyco, Wyco, W. Va.	Wyoming Coal Co., Tams, W. Va.

[F. R. Doc. 45-3020; Filed, Feb. 24, 1945; 11:59 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

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

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

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Division of the Apparel Industry, Learner Regulations, July 20, 1942, (7 F.R. 4724), as amended by Administrative Order March 13, 1943, (8 F.R. 3079), and Administrative Order, June 7, 1943, (8 F.R. 7890).

Hosiery Learner Regulations, September 4, 1940, (5 F.R. 3530), as amended by Administrative Order March 13, 1943, (8 F.R. 3079).

Independent Telephone Learner Regulations, July 17, 1944 (9 F.R. 7125).

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

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

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

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

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

M. Janowitch & Sons, Mahanoy City, Pennsylvania; cotton and rayon dresses and blouses; 10 percent (T); effective February 18, 1945, expiring February 17, 1946.

The Juvenile Manufacturing Company, Inc., San Antonio, Texas; children's and infants' wearing apparel, herringbone twill combat jackets; 10 percent (T); effective February 16, 1945, expiring February 15, 1946.

Meyersdale Manufacturing Company, Meyersdale, Pennsylvania; army shirts, men's and boys' directive shirts, civilian shirts; 10 percent (T); effective February 17, 1945, expiring February 16, 1946.

H. B. Spoont Company, Shenandoah, Pennsylvania; shirts and playsuits; 10 learners (T); effective February 19, 1945, expiring February 18, 1946.

Thurmond Manufacturing Company, Madison, Georgia; boys' pants and shirts, shelter halves for army, navy underwear; 10 percent (T); effective February 21, 1945, expiring August 20, 1945.

HOSIERY INDUSTRY

Halifax County Hosiery Mills, Inc., Scotland Neck, North Carolina; seamless hosiery; 10 percent (AT); effective February 15, 1945, expiring August 14, 1945.

Spalding Knitting Mills, South Pittsburg, Tennessee; seamless hosiery; 5 learners (T); effective February 21, 1945, expiring February 20, 1946.

Whisnant Hosiery Mills, Hickory, North Carolina; seamless hosiery; 5 percent (T); effective February 18, 1945, expiring February 17, 1946.

TELEPHONE INDUSTRY

Ellinwood Telephone Exchange, Ellinwood, Kansas; to employ 3 learners (AT) as commercial switchboard operators at its Ellinwood, Kansas exchange, located at Ellinwood, Kansas; effective February 21, 1945, expiring August 20, 1945.

Freeman Telephone Company, Freeman, South Dakota; to employ 1 learner (T) as commercial switchboard operator at its Freeman, South Dakota exchange, located at Freeman, South Dakota; effective February 16, 1945, expiring February 15, 1946.

TEXTILE INDUSTRY

Bernson Silk Mills, Inc., Buena Vista, Virginia; rayon and nylon cloth; 6 percent (AT); effective February 20, 1945, expiring August 19, 1945.

Kerstetter Silk Throwing Company, Mocanaqua, Pennsylvania; rayon throwing; 5 learners (T); effective February 16, 1945, expiring February 15, 1946.

Ninety Six Cotton Mill, Ninety Six, South Carolina; cotton grey goods; 3 percent (T); effective February 17, 1945, expiring February 16, 1946.

CIGAR INDUSTRY

Jno. H. Swisher & Son, Inc., Valdosta, Georgia; cigars; 10 percent (T); cigar machine operating for a learning period of 320 hours at 30 cents per hour; cigar packing for a learning period of 160 hours at 30 cents an hour; stripping machine operating for a learning period of 160 hours at 30 cents per hour; effective February 17, 1945, expiring February 16, 1946.

Signed at New York, New York, this 21st day of February 1945.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 45-3100; Filed, Feb. 26, 1945; 11:39 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

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

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the act are issued under section 14 thereof and § 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective as of the date specified in each listed item below.

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

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

Peter Paul, Inc., 1101 Ellamae Avenue, Tampa, Florida; coconut peeling; 16 learners; desiccating and dehydrating fresh coconut meat for a learning period of 160 hours at 30 cents per hour, and 80 hours at 35 cents per hour; effective February 14, 1945, expiring August 14, 1945.

The Waseca Journal, 211 North State Street, Waseca, Minnesota; printer; 1 learner; commercial printing and publishing for a learning period of 500 hours at 30 cents per hour, and 500 hours at 35 cents per hour; effective February 12, 1945, expiring September 12, 1945.

J. F. Wieder, Macungie, Pennsylvania; staying machine operator, topping machine operator 2 learners; set-up paper boxes for a learning period of 240 hours at 35 cents per hour; effective February 20, 1945, expiring August 20, 1945.

Signed at New York, New York, this 21st day of February 1945.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 45-3101; Filed, Feb. 26, 1945; 11:39 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. SA-100]

ACCIDENT NEAR MARION, VA.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 18142, which occurred near Marion, Virginia, on February 23, 1945.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding, that hearing is hereby assigned to be held on Thursday, March 1, 1945, at 9:00 a. m. (e. w. t.) in the Council Room, Municipal Building, Marion, Virginia.

Dated at Washington, D. C., February 26, 1945.

W. K. ANDREWS,
Presiding Officer.

[F. R. Doc. 45-3138; Filed, Feb. 26, 1945; 12:15 p. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6743]

INTERSTATE AND FOREIGN TELEPHONE TOLL SERVICE AT MARYVILLE, MO., AREA

ORDER FOR INVESTIGATION AND STATEMENT OF ISSUES

At a session of the Federal Communications Commission held at its offices in

Washington, D. C., on the 20th day of February, 1945;

The Commission having under consideration the matter of interstate and foreign telephone service for members of the public residing in certain areas in the State of Missouri;

It appearing, that the Peoples Telephone Exchange, Inc., operates a telephone exchange at Maryville, Missouri and other telephone facilities in surrounding rural areas in Nodaway County, Missouri serving a large number of persons residing in Maryville and in such areas; and

It further appearing, that such persons now receive no interstate or foreign telephone service through the facilities of the Peoples Telephone Exchange, Inc., except telephone communication to and from certain nearby communities in the State of Iowa, for the reason that no physical connection of such facilities now exists whereby such service may be made available; and

It further appearing, that the Hanamo Telephone Company operates a telephone exchange in Maryville, Missouri connected with the lines of the Southwestern Bell Telephone Company, by means of which connection comprehensive interstate and foreign telephone service is available to the subscribers of the Hanamo Telephone Company; and

It further appearing, that request has been made of the Southwestern Bell Telephone Company and the Hanamo Telephone Company to establish physical connection of their facilities with those of the Peoples Telephone Exchange, Inc. in order that adequate and comprehensive interstate and foreign telephone service may be made available to the persons hereinabove referred to who are not now receiving such service, and that both the Hanamo Telephone Company and the Southwestern Bell Telephone Company have failed or refused to establish such connection; and

It further appearing, that the Southwestern Bell Telephone Company, the Hanamo Telephone Company and the Peoples Telephone Exchange, Inc. are each common carriers engaged in interstate and foreign communication by wire, that each is subject to section 201 of the Communications Act of 1934, as amended, and that the Southwestern Bell Telephone Company is further subject to section 214 of said act; and

It further appearing, that for the purpose of making available adequate and comprehensive interstate and foreign telephone service to the persons hereinabove referred to who are not now receiving such service, it may be necessary or desirable in the public interest that the facilities of the Southwestern Bell Telephone Company or the Hanamo Telephone Company, or both, be physically connected with those of the Peoples Telephone Exchange, Inc., and that through routes and charges applicable thereto and the divisions of such charges be established, and that facilities and regulations for operating such through routes be established and provided, and that it may reasonably be required in the interest of public convenience and necessity, that the Southwestern Bell Telephone Company should extend its line to connect with the facilities of the Peoples Telephone Exchange, Inc. for the aforementioned purpose, or otherwise to provide itself for this purpose with adequate facilities for the expeditious and efficient performance of its service as a common carrier;

It is ordered, That an investigation be, and it is hereby, instituted, upon the Commission's own motion, to determine the following:

(1) Whether adequate and comprehensive interstate and foreign telephone service is now available to persons residing in the county of Nodaway, Missouri;

(2) Whether it is necessary or desirable in the public interest:

(a) That the facilities of the Southwestern Bell Telephone Company or the Hanamo Telephone Company, or both, be physically connected with those of the Peoples Telephone Exchange, Inc. for the purpose of making available adequate and comprehensive interstate and foreign telephone service to such persons;

(b) That through routes and charges applicable thereto be established for such service over the physically interconnected facilities;

(c) That facilities and regulations for operating such through routes be established and provided;

(3) The just and reasonable charges and divisions of such charges applicable to such through routes, the necessary facilities, and the just and reasonable regulations for operating such through routes;

(4) Whether it is reasonably required in the interest of public convenience and necessity that the Southwestern Bell Telephone Company should extend its lines to connect with the facilities of the Peoples Telephone Exchange, Inc. for the purpose of making available adequate and comprehensive interstate and foreign telephone service to such persons, or should otherwise provide itself, for such purpose, with adequate facilities for the expeditious and efficient performance of its service as a common carrier;

It is further ordered, That the Southwestern Bell Telephone Company, the Hanamo Telephone Company and the Peoples Telephone Exchange, Inc., be, and each of them is hereby, directed to appear and show cause: (1) Why the Commission should not order either or each of them (a) to establish a physical connection of its or their respective facilities for the purpose of making available adequate and comprehensive interstate and foreign telephone service to such persons; and (b) to establish through routes for such service over the physically interconnected facilities, just and reasonable charges applicable thereto, and just and reasonable divisions of such charges; and (c) to establish and provide the necessary facilities and regulations for operating such through routes; and (2) Why the Commission should not order the Southwestern Bell Telephone Company to extend its lines to connect with the facilities of the Peoples Telephone Exchange, Inc. in order to make available adequate and comprehensive interstate and foreign telephone service to such persons or otherwise to provide itself, for such purpose, with adequate facilities for the expeditious and efficient performance of its service as a common carrier;

It is further ordered, That the Southwestern Bell Telephone Company, the Hanamo Telephone Company, and the Peoples Telephone Exchange, Inc. be, and they are hereby, made respondents to this proceeding and that each of them shall file a verified response to this order within thirty days from the date of service hereof;

It is further ordered, That a copy of this order shall be mailed to the Governor of the State of Missouri and the Public Service Commission of the State of Missouri and that leave is hereby given to said parties to intervene in this proceeding upon filing with this Commission within twenty days from the date hereof a notice of intention to appear and participate in this proceeding;

It is further ordered, That a copy of this order shall be caused to be published in a newspaper or newspapers having general circulation in the county of Nodaway, Missouri:

It is further ordered, That a hearing upon the issues herein be held at a time and place to be hereafter fixed by the Commission.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 45-3017; Filed, Feb. 24, 1945; 10:57 a. m.]

[Docket No. 6651]

NON-GOVERNMENTAL SERVICES

NOTICE SETTING TIME AND PLACE AND DESIGNATING ARRANGEMENT OF PRESENTATIONS OF 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.

Oral argument in the above matter will commence on Wednesday, February 28, 1945, at 10:30 a. m. It will be held at the National Museum on Constitution Avenue at the foot of 10th Street. The Commission will sit daily and hopes to conclude no later than Saturday, March 3, 1945. If the argument is not concluded by then the Commission will sit on Monday, Tuesday, and Wednesday, March 5, 6 and 7.

Oral argument or additional testimony as to any of the services or group of services will be received in the following order:

Fixed public services (other than Alaska).
Coastal, marine relay, ship, mobile press, and fixed public service in Alaska.
Aviation radio services.
International broadcasting.
Amateur radio service.
Standard broadcast service and other broadcast services.
FM broadcast service.
Non-commercial educational broadcast service.
Television broadcast service.

Police radio services.
Fire radio service.
Forestry and conservation radio service.
Special services.
Miscellaneous radio services.
Facsimile broadcast service.
New radio services:
Railroad radio service.
General mobile radio service.
Citizens radiocommunication service.
Theatre television.
Rural telephone service.
Centercasting.
Limited private radiotelephone service.
Industrial, medical and scientific services
Relay systems.

This is the order in which the services or groups of services are listed in Part II of the proposed report.

Within each service or group of services the order in which particular persons will be heard will be announced at the argument by Commission counsel.

Persons who desire to be heard with respect to more than one service will present their material as that particular service is reached. Exceptions to this rule may be made for good cause shown. Persons desiring an exception should communicate with Commission counsel prior to the argument.

Dated: February 23, 1945.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 45-3091; Filed, Feb. 26, 1945; 10:58 a. m.]

[Docket No. 6742]

ADELAIDE LILLIAN CARRELL

ORDER DESIGNATING APPLICATION FOR HEARING UPON STATED ISSUE

In re application of Adelaide Lillian Carrell (New), Wichita, Kansas, for construction permit. File No. B4-P-3852.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 20th day of February 1945.

The Commission having under consideration an application (filed February 1, 1945) by Adelaide Lillian Carrell for construction permit for a new standard broadcast station at Wichita, Kansas (File No. B4-P-3852), and

It appearing that there are three stations now located in Wichita, Kansas.

It is ordered, That in accordance with the procedure set forth in the Public Notice of January 25, 1945, the application be, and the same is hereby, designated for hearing to be held at 10:00 a. m. on the 28th day of March 1945, upon the following issue:

1. To determine whether the granting of this application would be in conformity with the Commission's supplemental statement of policy of January 16, 1945.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules and regulations. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's rules and regulations.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 45-3092; Filed, Feb. 26, 1945; 10:58 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-394]

CENTRAL ILLINOIS PUBLIC SERVICE CO., ET AL.

ORDER POSTPONING HEARING

FEBRUARY 23, 1945.

In the matter of Central Illinois Public Service Company, Petitioner, v. Panhandle Eastern Pipe Line Company and Kentucky Natural Gas Corporation, Respondents.

It appearing to the Commission that:

(a) By its order of February 13, 1945, the Commission ordered that the hearing in the above-docketed matter commence on March 7, 1945, at 10:00 a. m. (c. w. t.), in Room 705, United States Custom House, Chicago, Illinois;

(b) Counsel for the Petitioner and Respondents by telegram received February 20, 1945, have requested that the hearing in the above matter be postponed for a period of 30 days;

(c) It may be in the public interest to postpone the hearing in the above matter, as requested.

The Commission orders that:

The hearing in the above matter, now set to commence on March 7, 1945, in Room 705, United States Custom House, Chicago, Illinois, be and the same is hereby postponed to commence at 10:00 a. m. (c. w. t.) on April 12, 1945, at the same place.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 45-2991; Filed, Feb. 24, 1945; 9:35 a. m.]

[Docket Nos. G-617, G-618]

MONTANA-DAKOTA UTILITIES CO.

ORDER FIXING DATE OF HEARING

FEBRUARY 23, 1945.

It appearing to the Commission that:

(a) On January 22, 1945, Montana-Dakota Utilities Co. filed an application under section 7 (c) of the Natural Gas Act, as amended, for a certificate of public convenience and necessity for the extension and enlargement of its facilities consisting of one new 300 horsepower 8 X. V. G. Ingersoll Rand Compressor to be installed in applicant's Saco Compressor Plant situated in section 13, Township 31 North, Range 34 East, Valley County, Montana, and two 300 horsepower 8 X. V. G. Ingersoll Rand Compressors to be installed in applicant's Ft. Peck Compressor Plant located in section 28, Township 27 North; Range 41 East, Valley County, Montana; that this application has been designated in the files of the Commission as Docket No. G-618.

(b) On January 22, 1945, Montana-Dakota Utilities Co. filed a further application under section 7 (b) of the Natural Gas Act, as amended, seeking approval of the abandonment of certain of its existing facilities described in the application as 9.594 miles of six inch natural gas pipe line located wholly within Valley County, Montana, extending from a point in section 3, Township 28 North, Range 39 East, to a point in section 31, Township 30 North, Range 38 East; that the application further states that the line in question was looped by an eight inch pipe line laid in 1940, and due to deterioration the said six inch line is now out of service; that the capacity of the eight inch line is sufficient to accommodate all gas now being transported or expected to be transported in the future between the termini of the line described; that the removal of the six inch line will not occasion any change or interruption in the service afforded any of applicant's customers; that such application has been designated in the files of the Commission as Docket No. G-617.

The Commission *orders* that: (a) A public hearing be held commencing on March 7, 1945, at 10:00 a. m. (e. w. t.) in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters involved and the issues presented in these proceedings.

(b) Interested State commissions may participate in said hearing as provided in § 67.4 of the provisional rules of practice and regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 45-3081; Filed, Feb. 26, 1945; 9:51 a. m.]

[Docket Nos. G-597, G-598]

ALLEGANY GAS CO. AND NORTH PENN GAS CO.

ORDER AUTHORIZING FURTHER HEARING

FEBRUARY 23, 1945.

On February 7, 1945, and after hearing in the above dockets had been concluded, Allegany Gas Company and North Penn Gas Company filed a joint petition setting forth facts purporting to show that neither North Penn Gas Company nor Allegany Gas Company would effect any savings in Federal income taxes for the calendar years 1944 and 1945, such as they had for the year 1943, inasmuch as such companies were no longer qualified to participate in the consolidated income tax return of Pennsylvania Gas and Electric Corporation; that such facts were not determined until subsequent to the closing of the prior hearing. Applicants request that counsel for all parties stipulate as to the facts, or that the Commission reopen the proceedings for further hearing in order

that applicants may establish such facts of record;

It appearing to the Commission that: The joint petition of Allegany Gas Company and North Penn Gas Company may not set forth all necessary facts required by the Commission for a determination of the question as to whether applicants may, or may not, participate with other affiliated companies in filing a joint Federal income tax return, and that a further hearing is desirable;

It is ordered, That: (a) The record in the above-entitled proceedings be and it is hereby reopened to receive testimony and evidence upon the single issue as to whether or not Allegany Gas Company and North Penn Gas Company, or either of them, may effect any savings in Federal income taxes by reason of the fact that they are entitled to participate in the consolidated Federal income tax return of Pennsylvania Gas and Electric Corporation as one or more companies of an affiliated group; (b) A public hearing, limited to the issue specified in (a) above, be held commencing at 10:00 a. m. (e. w. t.) on March 6, 1945, in the Hearing Room of the Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 45-3082; Filed, Feb. 26, 1945; 9:51 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 284]

FLOOD CONDITIONS; REROUTING OF FREIGHT TRAFFIC

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23d day of February, A. D. 1945.

It appearing, That due to the existence of flood conditions of the Pearl River which interfere with operation of the Canton & Carthage Railroad Company between Cook, Mississippi, and River Hill, Mississippi, that carrier by railroad is unable to transport the traffic offered to it; the Commission is of the opinion an emergency exists requiring immediate action in that section of the country to best promote the service in the interest of the public and the commerce of the people: It is ordered, that:

(A) *Flood conditions; rerouting of freight traffic.* The Canton & Carthage Railroad Company is hereby directed to forward freight traffic routed over its lines between Cook, Mississippi, and River Hill, Mississippi, by routes most available to expedite its movement and prevent congestion, without regard to the routing thereof made by shippers or by carriers from which the traffic is received, or to the ownership of cars, and that all rules, regulations, and practices of said carriers with respect to car service are hereby suspended and superseded only insofar as conflicting with the directions hereby made: *Provided,* That the billing covering all cars rerouted shall carry a reference to this order as authority for the rerouting.

(B) *Rates to be applied.* Inasmuch as the routing of traffic pursuant to the order is deemed to be due to carriers' disability, the rates applicable to traffic routed pursuant to this order shall be the same as would have applied had the shipments moved as originally routed.

(C) *Division of rates.* In executing the orders and directions of the Commission provided for in this order, the common carriers involved shall proceed without reference to contracts, agreements, or arrangements now existing between them with reference to the divisions of the rates of transportation applicable to said traffic; such divisions shall be, during the time this order remains in force, voluntarily agreed upon by and between said carriers; and upon failure of the carriers to so agree, said division shall be hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(D) This order shall become effective at 5:00 p. m., February 23, 1945.

(E) This order shall expire at 11:59 p. m., March 2, 1945, unless otherwise modified, changed, suspended, or annulled by order of this Commission. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U.S.C. 1 (10)-(17))

It is further ordered, That copies of this order and direction shall be served upon the Canton & Carthage 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 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. 45-2995; Filed, Feb. 24, 1945; 11:09 a. m.]

[S. O. 70-A, Special Permit 884]

RECONSIGNMENT OF TOMATOES AT KANSAS CITY, MO.-KANS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Kansas City, Missouri-Kansas, February 21, 1945, by E. E. Fadler Co., of car FGE 34537, tomatoes, now on the K. C. S. R. R. to Haley Neeley Co., Sioux City, Iowa (Burl.).

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 21st day of February 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-2996; Filed, Feb. 24, 1945; 11:09 a. m.]

[S. O. 285]

UNLOADING OF SECOND HAND TRUCKS AT ST. LOUIS, MO.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of February, A. D. 1945.

It appearing, that certain cars containing second hand trucks at St. Louis, Missouri, on the Missouri-Kansas-Texas Railroad Company have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered that:

Second hand trucks at St. Louis, Missouri, be unloaded. (a) The Missouri-Kansas-Texas Railroad Company, its agents or employees, shall unload forthwith the following cars containing second hand trucks all consigned to Chas. Millner:

W. M., 51086.
Milw., 361699.
M. K. T., 13428.

(b) Said carrier shall notify the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., when the cars have been completely unloaded. Upon receipt of such notice this order shall expire. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17), 15 (2))

It is further ordered, that this order shall become effective immediately, and that a copy of this order and direction shall be served upon the Missouri-Kansas-Texas 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. 45-3097; Filed, Feb. 26, 1945; 11:14 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 20A–13, Revocation]

---- -- La Crosse, Wis., Area

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Whereas it appears that the City Car Company and the Yellow Cab Company, of La Crosse, Wisconsin, have recently merged their separate operations, and that the joint action plan covered by Supplementary Order ODT 20A–13 (8 F.R. 11979) is no longer necessary.

It is therefore ordered, That Supplementary Order ODT 20A–13 be, and it hereby is, revoked.

Issued at Washington, D. C., this 24th day of February, 1945.

J. M. Johnson,
Director,
Office of Defense Transportation.

[F. R. Doc. 45–2986; Filed, Feb. 23, 1945; 2:31 p. m.]

[Notice and Order of Termination 13]

Mohawk Freight Lines

POSSESSION, CONTROL AND OPERATION OF MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Mohawk Freight Lines by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Mohawk Freight Lines, 939 W. 8th Street, Kansas City, Missouri, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the notice and order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., February 24, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 13."

Issued at Washington, D. C., this 24th day of February 1945.

J. M. Johnson,
Director,
Office of Defense Transportation.

[F. R. Doc. 45–2987; Filed, Feb. 23, 1945; 2:31 p. m.]

[Supp. Order ODT 3, Rev. 545]

Mississippi

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 3, Revised, as amended, (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of 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 March 2, 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 26th day of February 1945.

J. M. Johnson,
Director,
Office of Defense Transportation.

Appendix 1

T. J. McLemore, doing business as McLemore Transfer & Storage, Meridian, Miss.

J. May Smith, doing business as Smith Transfer & Storage Co., Meridian, Miss.

Mrs. Hattie Mae Miller, doing business as Miller Transfer, Meridian, Miss.

Edgar Evans, doing business as Evans Transfer & Storage Co., Tupelo, Miss.

Louis Gandy, doing business as Gandy Transfer & Storage, Tupelo, Miss.

G. W. Chambless, doing business as Chambless Transfer & Coal Co., Greenwood, Miss.

Ricks Storage Co., Inc., Jackson, Miss.

Leo Russell McGehee, doing business as Mississippi Moving & Storage Co., Jackson, Miss.

H. and L. Delivery Service, Inc., Hattiesburg, Miss.

Holloway Trucking & Supply Co., Hattiesburg, Miss.

W. P. Dear and Mrs. Frances Fayard, Administratrix of the Estate of W. H. Fayard, deceased, doing business as O. K. Transfer & Storage Co., Gulfport, Miss.

Clara I. Evans, doing business as Coast Cities Transfer Co., Gulfport, Miss.

[1] Filed as part of the original document.

G. Clem Wentzell and Frank M. Wentzell, copartners, doing business as Biloxi Transfer & Storage Co., Biloxi, Miss.

R. L. McGehee, doing business as McGehee Transfer & Storage Co., Jackson, Miss.

John L. Bunch, doing business as Vicksburg Transfer & Storage Co., Vicksburg, Miss.

Ernest B. Lewy, Greenville, Miss.

[F. R. Doc. 45-3051; Filed, Feb. 24, 1945; 4:06 p. m.]

[Supp. Order ODT 3, Rev. 547]

ALABAMA

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 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778) a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of 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 March 2, 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 26th day of February 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

John W. Mallory, doing business as Nixon Transfer, Coal & Storage Co., Anniston, Ala.

Richard O'Shields and F. L. O'Shields, copartners, doing business as O'Shields Transfer & Coal Co., Anniston, Ala.

James G. Ledbetter, doing business as Ledbetter Transfer Co., Anniston, Ala.

[F. R. Doc. 45-3052; Filed, Feb. 24, 1945; 4:06 p. m.]

[Supp. Order ODT 3, Rev. 549]

NORTH CAROLINA

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 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of 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

[1] Filed as part of the original document.

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 March 2, 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 26th day of February 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

R. G. Abernathy, doing business as Abernathy Transfer & Storage Co., Hickory, N. C.

J. C. Townsend, doing business as Berry & Decker Transfer Co., Hildebran, N. C.

Tallant Transfer Co., Inc., Hickory, N. C.

L. R. Yount, doing business as Yount Transfer, Hickory, N. C.

[F. R. Doc. 45-3053; Filed, Feb. 24, 1945; 4:06 p. m.]

[Supp. Order ODT 3, Rev. 550]

ALABAMA

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 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of 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 carrier's 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 March 2, 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 26th day of February 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Grace H. Echols and John W. Maynor, copartners, doing business as Elliott Transfer Co., Decatur, Ala.

W. J. Williams and E. R. Williams, copartners, doing business as Decatur Transit, Decatur, Ala.

[F. R. Doc. 45-3054; Filed, Feb. 24, 1945; 4:07 p. m.]

[1] Filed as part of the original document.

[Supp. Order ODT 3, Rev. 551]

DUBUQUE, IOWA, AND FENNIMORE, WIS.

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Gateway City Trans-

fer Company, Inc., LaCrosse, Wisconsin, and Hare Trucking Company, Monroe, 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 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 March 2, 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 26th day of February 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-3055; Filed, Feb. 24, 1945; 4:05 p. m.]

[Supp. Order ODT 3, Rev. 553]

MOBILE, ALA., AND NEW ORLEANS, LA.

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 3, Revised, as amended (8 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of 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

[1] Filed as part of the original document.

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 March 2, 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 26th day of February 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Mobile Express, Incorporated, New Orleans, La.
Acme Freight Lines, Inc., Jacksonville, Fla.

[F. R. Doc. 45-3056; Filed, Feb. 24, 1945; 4:07 p. m.]

[Supp. Order ODT 3, Rev. 556]

GREENVILLE AND CLARKSDALE, MISS.

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 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

[1] Filed as part of the original document.

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 March 2, 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 26th day of February 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Gordons Transports, Inc., Memphis, Tenn.
Far-Go Truck Lines, Memphis, Tenn.
Melvin McNeal Grantham, doing business as Grantham Motor Lines, Clarksdale, Miss.

[F. R. Doc. 45-3057; Filed, Feb. 24, 1945; 4:07 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 260, Order 628]

HALPER 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) Halper Cigar Company, 2218 East 39th Street, Cleveland 15, Ohio (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
			Per M	*Cents*
Halper's Eagle Brand.	Eagles	50	$44.00	2 for 11
La Zella	Coronet	50	78.75	2 for 21

(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 24, 1945.

Issued this 23d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2976; Filed, Feb. 23, 1945; 11:45 a. m.]

[MPR 64, Order 170]

TENNESSEE STOVE WORKS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 11 of Maximum Price Regulation No. 64; *It is ordered:*

(a) The maximum prices for all sales by retailers to ultimate consumers in each zone of the Model No. C-20 Magazine Type Coal Circulating Heater, manufactured by Tennessee Stove Works, Chattanooga, Tennessee, are as follows:

Zone 1. $97.50.
Zone 2. $101.25.
Zone 3. $107.00.
Zone 4. $113.50.

These maximum prices are subject to each seller's customary terms, discounts, allowances, and other price differentials in effect on sales of similar articles.

(b) At the time of or prior to the first invoice to each retailer after the effective date of this order, Tennessee Stove Works shall notify the purchaser in writing of the maximum prices and conditions set by this order for resales by the purchaser. This notice may be given in any convenient form.

In addition, Tennessee Stove Works, shall, before delivering any Model No. C-20 Magazine Type Coal Circulating Heater, after the effective date of this order, attach securely to each stove a tag or label which plainly states the maximum price for sales to ultimate consumers in each zone.

(c) For the purposes of this order, Zones 1, 2, 3, and 4, comprise the following states:

Zone 1. New York, Michigan, Pennsylvania, Delaware, Illinois, Indiana, Ohio, West Virginia, Virginia, Kentucky, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina, Florida, Maryland, and District of Columbia.

Zone 2. Iowa, Missouri, Minnesota, Wisconsin, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Arkansas, Maine, Louisiana, New Hampshire.

Zone 3. North Dakota, South Dakota, Wyoming, Nebraska, Colorado, Kansas, New Mexico, Texas and Oklahoma.

Zone 4. Washington, Montana, Idaho, Oregon, California, Nevada, Utah, and Arizona.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 26th day of February 1945.

Issued this 24th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3040; Filed, Feb. 24, 1945; 11:55 a. m.]

[MPR 120, Order 1297]

BITUMINOUS COAL IN DISTRICT 4

ORDER CONSOLIDATING ADJUSTMENTS FOR INDIVIDUAL MINES

For reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.207 (a) of Maximum Price Regulation No. 120; *It is ordered:*

(1) The following maximum prices in cents per ton are established by size for all methods of shipment except truck or wagon for bituminous coal from the mines indicated by index number and name, all of which are in District 4.

Mine index No.	Mine name	Subdistrict	Rail shipments including railroad fuel maximum prices by size group Nos.						
			1, 2	3, 3A, 4, 5	6	7	8	9	12
7	Apex	1	305	285	270	265	255	265	285
31	Castner	1	330	300	285	235	225	285	270
34	Crow Hollow #1	1	310	290	290	250	250	290	290
35	Crow Hollow #2	1	310	290	290	250	250	290	290
54	Florence [1]	1	330	290	285	250	250	275	275
65	High Shaft	1	475	425	425	280	255	315	315
76	Kimberly	5	370	340	325	325	295	325	325
102	Nicholson #3	1	320	300	295	265	240	260	270
121	Rigby	2	330	300	285	260	250	285	285
122	Freemont	1	360	325	310	285	275	310	310
138	Rend-Mar #9	6	365	315	305	275	275	280	280
152	Webb	1	320	295	280	245	240	280	280
2274	Wedding (B & W)	3	325	310	300	250	240	280	280
3126	Brownfield #1	6	360	315	305	275	275	250	280

[1] Void on and after May 12, 1945.

(2) The following maximum prices in cents per ton are established by size for shipment by truck or wagon for bituminous coal from the mines indicated by index number and name, all of which are in District 4.

Mine index No.	Mine name	Subdistrict	Truck or wagon shipments, maximum prices by size group Nos.					
			1, 2, 3	3A, 4	5, 6	7	8	9, 12
26	Brettell	1	415	370	365	280	280	365
31	Castner	1	445	420	335	265	255	335
65	High Shaft	1	475	425	425	280	255	315
102	Nicholson #3	1	370	370	290	265	255	290
122	Freemont	1	410	370	340	315	305	340
400	Shepherds	4C	430	405	380	270	260	380
444	Ginger	4C	515	465	440	365	260	440
618	Rensi	1	410	370	370	365	255	370
623	Dodig #2	1	370	320	350	265	255	350
1086	Jackson Hill	7	380	390	290	265	265	290
1349	Magnolia	4A	370	335	305	270	260	305
1398	H. M. Hill	4C	440	390	360	270	270	360
1400	Brookwood	4C	465	415	415	270	260	415
1439	Ulbrich	4C	445	370	370	310	300	370
1442	Star Mining	4C	460	415	365	270	260	365
1445	Weikart	4C	450	410	320	270	260	320
1501	Hook #3	4B	370	320	280	235	235	280
1560	Fred J. Brown	4A	360	320	300	255	245	300
1579	Kaser	4A	370	340	290	255	245	290
1597	Williams	4C	450	410	410	375	365	410
1602	Leonard	4C	460	415	365	300	300	365
1613	Silver Creek	4C	450	335	405	275	275	405
1622	Black Diamond	4D	485	385	345	300	290	345
1683	Massillon	4D	475	375	360	300	290	360
1955	Brightwell	4C	455	410	380	270	260	380
2609	Greentown	4D	395	320	320	255	245	320
2632	Buffalo Hill	4A	375	340	310	275	265	310
2935	Gilliland	7	390	335	295	240	230	295
2992	Johnson Coal	4D	460	410	345	300	290	345
3067	Camp Creek	4D	530	475	385	300	290	385
3126	Brownfield #1	6	385	350	295	260	250	295
4113	Maxwell	4A	400	320	320	255	245	320

(3) The size group numbers referred to in the paragraph above are the same as those described in Amendment No. 133 to Maximum Price Regulation No. 120. Where no exception price appears in this order for a certain size or method of shipment, the maximum price provided in the schedule (as amended by Amendment No. 133) for District 4 shall apply.

(4) The following orders, as revised and amended under Maximum Price Regulation No. 120, are revoked: Order Numbers 46, 74, 92, 139, 152, 154, 157, 160, 165, 170, 171, 173, 183, 184, 207, 221, 223, 243, 252, 257, 275, 331, 350, 351, 363, 372, 407, 444, 449, 466, 468, 480, 522, 548, 559, 611, 625, 681, 682, 685, 704, 710, 711, 741, 745, 805, 829, 845, 851, 852, 855, 859, 863, 865, 882, 949, 956, 1000, 1065, 1076, 1088, 1132, 1147, 1150, 1151, 1184, 1187, 1196, 1211, 1238, 1241, L–7, L–8, L–12.

(5) This Order No. 1297 may be amended or revoked by the Office of Price Administration at any time.

(6) Except as is specifically provided in this order, the provisions of Maximum Price Regulation No. 120 governing the sale of bituminous coal shall remain in effect.

(7) The prices established herein are f. o. b. the mine or preparation plant for truck shipments, and f. o. b. the rail shipping point for rail shipments and for railroad locomotive fuel.

(8) The applicant shall include a statement on all invoices in connection with the sales of coal priced under this order that the price charged includes an adjustment granted by Order No. 1297 under Maximum Price Regulation No. 120 of the Office of Price Administration.

This order shall become effective March 1, 1945.

Issued this 24th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–3028; Filed, Feb. 24, 1945; 11:53 a. m.]

[MPR 136 and MPR 188, Order 412]

DENVER FIRE CLAY CO.

DETERMINATION OF MAXIMUM PRICES

Order No. 412 under Maximum Price Regulation 136, as amended, Machines and parts, and machinery services and Maximum Price Regulation 188, Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. The Denver Fire Clay Company. Docket No. 6083–136. 25a–59.

For the reasons set forth in an opinion, issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1390.25a of Maximum Price Regulation 136, as amended, and § 1499.161 of Maximum Price Regulation 188, *It is ordered:*

(a) The maximum prices of The Denver Fire Clay Company, Denver, Colorado, for its sale of the following machine items and parts, which it produces, shall be determined by multiplying by 110% the maximum prices which it had in effect to each class of its purchasers just prior to issuance of this order.

(1) Those items and parts listed by the page and item numbers designated below in The Denver Fire Clay Company's Catalog Number 14, filed with the Secretary of the Office of Price Administration, Washington, D. C.—

Page No.:	*Catalog Nos.*
145	1418 to 1424 inclusive.
146	1426 to 1426B inclusive.
147	1428A to 1432 inclusive.
149	1433.
150	1434 to 1434A
151	1434B, 1434C and 1434D.
152	1435 and 1436.
153	1437 and 1439.
154	1441 to 1447 inclusive.
154A	1454 to 1454B inclusive.
154B	1454C and 1454D.
189	1715 and 1716.
190	1717, 1718 and 1719.
200	1824 to 1835D inclusive.
254	2190 to 2196 inclusive.
256	2204 to 2205 inclusive.
257	2206 to 2212 inclusive.
258	DFC Crusher Parts.
263	2220 to 2222.
264	2224, 2225 and 2226.
265	2232.
300	2577.
306	2790 to 2796 inclusive.
307	2798 to 2808 inclusive.
308	2810 to 2830 inclusive
309	2832 to 2840 inclusive.
310	2842 to 2858 inclusive.
382	3929A.
383	3929A to 3929TT inclusive.
385	3920 to 3946–C inclusive.
386	3948 to 3964–C inclusive.
387	3966 to 3982–C inclusive.
388	3984 to 4000–C inclusive.
390	Furnaces, Assay, DFC, Muffle Type—Parts.
391	4006 to 4023 BC inclusive.
392	4024 to 4041 BC inclusive.
393	Furnace Parts, Assay, DFC, Gas Fired.
394	4042.
395	4044, 4046 and 4047.
396	4048.
397	4050 to 4064 inclusive.
398	4068 to 4069.
399	Parts for DFC Tilting Furnaces.
400	4070 to 4072A inclusive.
400	Parts for Potless Furnace.
401	4073 to 4073C inclusive.
402	4074 to 4076.
402	Parts for DFC Stationary Furnaces.
403	4080.
404	4082 to 4089 inclusive.
405	4104 to 4120 inclusive.
406	4122 to 4123.
407	4124.
409	4125A to 4125P inclusive.
410	4127A to 4127P inclusive.
412	4129A to 4131C inclusive.
413	4133A to 4135C inclusive.
545	4924 and 4926.
546	4928 to 4930.
547	4931 and 4932.
608	5739, 5740 and 5741.
609	5747 and 5748.
617	5794 to 5814 inclusive.
618	5816 to 5830 inclusive.
671	6170.
717	6563A to 6563D inclusive.
718	Parts for DFC Pulverizer No. 6563A, B, C and D.

(2) Also, the following items not listed in Catalog Number 14:

DFC Potter's Wheel—Constant Speed, Type A and Variable Speed, Type B.
DFC Potter's Whirler.

(b) Resellers' maximum prices for the items and parts listed in paragraph (a) shall be determined as follows: The reseller shall add to the maximum net price that he had in effect to a purchaser of the same class just prior to the issuance of this order, the dollar-and-cents amount by which his net invoiced cost has been increased due to the adjustment granted The Denver Fire Clay Company by this order.

(c) The Denver Fire Clay Company shall give written notice to all customers who purchase the items listed in paragraph (a) for resale of the amounts by which this order permits resellers to increase their maximum net prices. A copy of each such notice shall be filed with the Office of Price Administration, Washington, D. C.

(d) All requests not granted herein are denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective February 26, 1945.

Issued this 24th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–3038; Filed, Feb. 24, 1945; 11:55 a. m.]

[MPR 188, Order 84 Under Order A–2]

W. E. KAUTENBERG CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Order A–2 under § 1499.159b of Maximum Price Regulation No. 188, and section 6.4 of Second Revised Supplementary Regulation No. 14; *It is ordered:*

(a) *Manufacturer's maximum prices.* W. E. Kautenberg Company, Freeport, Illinois, may sell and deliver the Model No. 77 mopsticks of its manufacture at an adjusted price of $11.80 per gross for sales to jobbers. This adjusted price applies to the article for which a maximum price was established under Maximum Price Regulation No. 188 prior to the effective date of this order. The adjusted prices are subject to the manufacturer's customary discounts, allowances, and other price differentials in effect during March 1942 on sales to each class of purchaser.

(b) *Maximum prices of purchasers for resale.* For all sales and deliveries by persons other than the manufacturer on or after the effective date of this order, of the Model No. 77 mopsticks for which the manufacturer's maximum price has been adjusted provided in paragraph (a), to the following class of purchasers, the maximum prices are those set forth below:

Article	Model No.	Maximum price to retailers	Maximum price to ultimate consumer
		Per gross	*Each*
Mopstick	77	$14.40	$0.15

These prices are subject to the seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles to each class of purchaser.

(c) *Notification.* At the time of or prior to the first invoice to each purchaser for resale, the manufacturer or any other seller shall notify the purchaser, in writing, of the maximum prices established by this Order for resales. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 26th day of February 1945.

Issued this 24th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3029; Filed, Feb. 24, 1945; 11:54 a. m.]

[MPR 188, Order 75 Under 2d Rev. Order A-3]

B. L. MARBLE CHAIR CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to second Revised Order A-3 under § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturer's maximum prices.* The B. L. Marble Chair Company, Bedford, Ohio, may sell and deliver the wood and upholstered office chairs, couches, benches, stools and customers' stools which it currently manufactures, at prices no higher than its net maximum prices for such sales in effect immediately prior to the effective date of this order, plus an adjustment charge of 2 percent of each such maximum price. This adjustment charge applies to every item currently being produced for which a maximum price was established under Maximum Price Regulation No. 188 prior to the effective date of this order, and may be made and collected only if separately stated. The adjusted prices are subject to the manufacturer's customary discounts, allowances, and other price differentials in effect during March 1942 on sales to each class of purchaser.

(b) *Maximum prices of purchasers for resale.* Any purchaser for resale, who handles the wood and upholstered office chairs, couches, benches, stools and custumers' stools for which the manufacturer's maximum prices have been adjusted as provided in paragraph (a) in the course of their distribution from the manufacturer to the user, may add to his properly established maximum prices for those articles, in effect immediately prior to the effective date of this order, the dollar-and-cents amount of the adjustment charge which he is required to pay the manufacturer, provided such amount is separately stated. The adjusted prices are subject to the seller's customary discounts, allowances, and other price differentials in effect during March 1942 on sales to each class of purchaser.

(c) *Notification.* Every person who makes a sale or delivery at an adjusted price permitted by this order shall furnish the purchaser with an invoice containing the following notice:

NOTICE OF OPA ADJUSTMENT

Order No. 75 under 2d Revised Order A-3 under MPR 188 authorizes all sellers of the articles covered by this invoice to adjust their ceiling prices, in effect prior to February 26, 1945 by adding no more than the exact dollar-and-cents amount of the adjustment charge appearing on this invoice: *Provided,* That amount is separately stated on an invoice which contains this notice.

(d) *Profit and loss statements.* After the effective date of this order, The B. L. Marble Chair Company, shall submit to the Office of Price Administration a detailed quarterly profit and loss statement within thirty days after the close of each quarter.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 26th day of February 1945.

Issued this 24th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3030; Filed, Feb. 24, 1945; 11:54 a. m.]

[MPR 188, Order 76 Under 2d Rev. Order A-3]

RICHARDSON BALL BEARING SKATE CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Second Revised Order A-3 issued under § 1499.159b of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes adjusted maximum prices for certain sales and deliveries of specified models of rink roller skates manufactured by Richardson Ball Bearing Skate Company, 3312-18 Ravenswood Avenue, Chicago, Illinois, as follows:

(1) *Manufacturer's Maximum Prices.* (i) For all sales and deliveries by the manufacturer of models Nos. 99, 100 and 101 rink roller skates to Army, Navy, dealers, and to roller skating rinks, the adjusted maximum prices are established in the following manner:

Article	Model	Basic maximum price	Permitted adjustment	Adjusted maximum price
		Per pair	*Per pair*	*Per pair*
Rink roller skate....	99	$3.00	$0.60	$3.60
	101	2.72	.68	3.40
	100	3.00	1.05	4.05

This adjustment may be made and collected only when separately stated on each invoice. The adjusted prices are subject to the manufacturer's customary terms, discounts, allowances and other price differentials in effect during March 1942 on sales to each class of purchaser.

(2) *Maximum price to purchasers for resale.* Any purchaser for resale of a rink roller skate for which the manufacturer's maximum price has been adjusted as provided in this order may add to his properly established maximum price, in effect immediately prior to the effective date of this order, the dollars-and-cents amount of this adjustment which he is required to pay the manufacturer. However, such adjustment may be made and collected only when separately stated on each invoice. Such adjusted prices are subject to the seller's customary terms, discounts, allowances and other price differentials in effect on sales of the same or similar articles to each class of purchaser.

(b) *Notification.* Every person who makes a sale or delivery to a purchaser for resale of a rink roller skate at an adjusted price permitted by this order shall furnish the purchaser with an invoice containing the following notice:

NOTICE OF OPA ADJUSTMENT

Order No. 76 under Second Revised Order A-3 under Maximum Price Regulation No. 188 authorizes all sellers of the articles covered by this invoice to adjust their ceiling prices in effect immediately prior to February 26, 1945, by adding no more than the exact dollar-and-cents amount of the adjustment charges appearing on this invoice, provided that amount is separately stated on an invoice which contains this notice.

(c) *Denial.* All requests for adjustments of maximum prices not specifically permitted by this order are denied.

(d) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 26th day of February 1945.

Issued this 24th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3031; Filed, Feb. 24, 1945; 11:54 a. m.]

[MPR 188, Rev. Order 2741]

BRIDGE TABLES AND NOVELTIES INC.

APPROVAL OF MAXIMUM PRICES

Order No. 2741 under § 1499.158 of Maximum Price Regulation No. 188 is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered:*

(a) This revised order establishes maximum prices for sales and deliveries, of sixteen items of pine and oak bridge and tilt-top tables manufactured by Bridge Tables and Novelties Inc., Lowell, Massachusetts.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to retailers
		Each	*Each*
Bridge table	150 (Pine)	$1.52	$1.90
	160 (Pine)	1.68	2.10
	300 (Pine)	1.08	1.35
	320 (Pine)	1.32	1.65
Tilt-top table	2000 (Pine)	1.48	1.85
Tilt-top coffee table	2170 (Pine)	1.68	2.10
	4150 (Pine)	1.00	1.25
	4170 (Pine)	1.08	1.35
Bridge table	150 (Oak)	2.02	2.53
	160 (Oak)	2.17	2.71
	300 (Oak)	1.56	1.95
	320 (Oak)	1.81	2.26
Tilt-top table	2000 (Oak)	2.32	2.90
Tilt-top coffee table	2170 (Oak)	2.54	3.17
	4150 (Oak)	1.66	2.08
	4170 (Oak)	1.73	2.16

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's applications dated August 24 and November 29, 1944.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified, the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this revised order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum prices are those set forth below, f. o. b. factory:

Article	Model No.	Maximum price to retailers
		Each
Bridge table	150 (Pine)	$1.90
	160 (Pine)	2.10
	300 (Pine)	1.35
	320 (Pine)	1.65
Tilt-top table	2000 (Pine)	1.85
Tilt-top coffee table	2170 (Pine)	2.10
	4150 (Pine)	1.25
	4170 (Pine)	1.35
Bridge table	150 (Oak)	2.53
	160 (Oak)	2.71
	300 (Oak)	1.95
	320 (Oak)	2.26
Tilt-top table	2000 (Oak)	2.90
	2170 (Oak)	3.17
Tilt-top coffee table	4150 (Oak)	2.08
	4170 (Oak)	2.16

These prices are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated August 24 and November 29, 1944.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchased or on other terms and conditions of sale, maximum prices shall be determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this revised order for such resales. This notice may be given in any convenient form.

(c) This revised order may be revoked or amended by the Price Administrator at any time.

This revised order shall become effective on the 26th day of February 1945.

Issued this 24th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3032; Filed, Feb. 24, 1945; 11:56 a. m.]

[MPR 188, Rev. Order 3186]

PAN AMERICAN PLASTIC CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered*, That Order No. 3186 under § 1499.158 of Maximum Price Regulation No. 188 be revised to read as follows:

(a) This revised order establishes maximum prices for sales and deliveries of certain articles manufactured by Pan American Plastic Company, 1743 West 54th Street, Los Angeles, California.

(1) For all sales and deliveries to the following classes of purchasers by all sellers, the maximum prices are those set forth below:

Article	Model No.	Maximum price to distributors	Maximum price to jobbers	Maximum price to retailers	Maximum price to consumers
		Dozen	*Dozen*	*Dozen*	*Each*
Faucet spray head	2 in 1	$1.65	$2.10	$2.81	$0.39

These are for the articles described in the manufacturer's application dated August 12, 1944.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. Those prices are f. o. b. factory, subject to a cash discount of 2% for payment in 10 days, net 30 days. When used in this order the words distributor and jobber mean the classes of purchasers identified as such by the Pan American Plastic Company during March 1942.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this revised order. These prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$.39 each
DO NOT DETACH

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This revised order may be revoked or amended by the Price Administrator at any time.

(e) This revised order shall become effective on the 26th day of February 1945.

Issued this 24th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3033; Filed, Feb. 24, 1945; 11:57 a. m.]

[MPR 188, Order 3404]

COLONIAL IRON CRAFTSMEN

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the provisions of § 1499.158 of Maximum Price Regulation No. 188; it is ordered:

(a) *Maximum prices.* The maximum prices for all sales and deliveries by any person of the hoes, cultivators, ice scrapers, snow shovels and snow pushers manufactured by Colonial Iron Craftsmen, 3220 Walnut Street, Philadelphia 4, Pennsylvania which are listed below are as follows:

Article	Model No.	Maximum prices on sales to—			
		Jobbers (per doz.)	Retailers (per doz.)	Ultimate consumers	
				Per doz.	Each
Ice scraper	33	$3.18	$4.24	$6.36	$0.53
Snow shovel	99	6.80	9.06	13.60	1.13
Snow pusher	77	6.33	8.44	12.66	1.06
Sugar beet hoe	66	3.335	4.45	6.67	.56
2-prong weeding hoe	5200	4.725	6.30	9.45	.79
2-prong weeding hoe	4300	3.98	5.31	7.96	.66
3-tine cultivator	139	4.80	6.40	9.60	.80
5-tine cultivator	159	5.64	7.52	11.28	.94

Maximum prices for sales by the manufacturer are f. o. b. Philadelphia, Pennsylvania, and they are subject to a cash discount of 2% for payment within 10 days, net 30 days. Maximum prices for sales by jobbers are f. o. b. seller's city and they are subject to terms, discounts and allowances no less favorable than those customarily granted by the seller.

(b) *Tagging.* On each hoe, cultivator, ice scraper, snow shovel and snow pusher shipped to a purchaser for resale, the manufacturer shall attach a tag or label which plainly states the retail selling price. This tag or label may not be removed until delivery to the ultimate consumer.

(c) *Notification.* At the time of or prior to the first invoice to each purchaser for resale, the seller shall notify the purchaser for resale, in writing, of the maximum prices and conditions established by this order for such resales. This written notice may be given in any convenient form.

(d) *Definitions.* Unless the context otherwise requires, the definitions set forth in Section 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 26th day of February 1945.

Issued this 24th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3034; Filed, Feb. 24, 1945; 11:57 a. m.]

[MPR 188, Order 3405]

GOODLOE E. MOORE CO., OF DANVILLE, ILL.

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 § 1499.158 of Maximum Price Regulation 188, *It is ordered:*

(a) The maximum list prices, f. o. b. Danville or Champaign, Illinois, for sales by the Goodloe E. Moore Company of the following commodities shall be:

Commodity and Quantity	*List price*
Gemco hanger support (standard), per M	$100.00
Gemco hanger support (special 2 x 2 plate), per M	92.00
Gemco insulation hanger (bonderized), per M	65.00
Gemco insulation hanger (not bonderized), per M	60.00
Gemco anchor for plaster grounds, per M	60.00
Gemco anchor bolts, per M	75.00
Gemco insulation washers, per M	10.00
Gemco ½" cable clamps, per C	3.50
Gemco ¾" cable clamps, per C	4.50
Gemco wall ties (bonderized insulation hanger), per M	65.00
Gemco industrial kit #1 (100 hanger supports and 1 qt. M. A.), each	13.00
Gemco industrial kit #2 (100 hanger bolts and nuts, and 1 qt. M. A.), each	9.70
Gemco industrial kit #3 (100 anchors and plaster ground modified insulation hanger and 1 qt. M. A.), each	9.80
Gemco electrician's special kit #1 (100 hanger supports, 1 qt. M. A., 100 pipe straps or cable clamps for ½" conduit), each	17.00
Gemco electrician's special kit #2 (100 hanger supports 1 qt. M. A., 100 pipe straps or cable clamps for ¾" conduit), each	18.00

(b) The maximum list prices specified in (a) above are subject to the following successive discounts:

	Percent
On sales to distributors	40–20–20
On sales to sub-distributors	40–20–10
On sales to wholesalers	40–20
On sales to dealers	40
On sales to consumers	List prices

(c) *Distributors maximum prices.* The maximum prices for sales by distributors of the commodities specified in (a) above, manufactured by the Goodloe E. Moore Company, shall be the list prices set forth in (a) above, subject to the following successive discounts:

	Percent
On sales to sub-distributors	40–20–10
On sales to wholesalers	40–20
On sales to dealers	40
On sales to consumers	List prices

(d) *Sub-distributors maximum prices.* The maximum prices for sales by sub-distributors of the commodities specified in (a) above, manufactured by the Goodloe E. Moore Company, shall be the list prices set forth in (a) above, subject to the following successive discounts:

	Percent
On sales to wholesalers	40–20
On sales to dealers	40
On sales to consumers	List prices

(e) *Wholesalers maximum prices.* The maximum prices for sales by wholesalers of the commodities specified in (a) above, manufactured by the Goodloe E. Moore Company, shall be the list prices set forth in (a) above, subject to the following discounts:

	Percent
On sales to dealers	40
On sales to consumers	List prices

(f) *Dealers maximum prices.* The maximum prices for sales by dealers of the commodities specified in (a) above manufactured by the Goodloe E. Moore Company on sales to consumers shall be the list prices set forth in (a) above.

(g) The maximum prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(h) The maximum prices for sales on an installed basis of the products covered by this order shall be determined in accordance with Revised Maximum Price Regulation 251.

(i) The Goodloe E. Moore Company and each reseller shall notify each of its purchasers in writing at or before the time of the first invoice, of the maximum prices established by this order on sales to such purchaser and the maximum prices established for such purchaser for resale.

(j) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective February 26, 1945.

Issued this 24th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3035; Filed, Feb. 24, 1945; 11:56 a. m.]

[2d Rev. MPR 213, Order 17]

SUPERIOR SLEEPRITE CORPORATION

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 9 (b) (1) of Second Revised Maximum Price Regulation No. 213; *It is ordered:*

(a) This order establishes maximum prices for sales of new steel frame helical top single and double deck bedsprings equipped with an angle border and meeting all the specifications for Class 101, Class 102 and Class 111 coil bedsprings as set forth in Second Revised Maximum Price Regulation No. 213, manufactured by Superior Sleeprite Corporation of 2219 South Halsted Street, Chicago, Illinois, as follows:

(1) For all sales by the manufacturer to retailers the price of the Class 101 spring with angle border is $5.40; the price of the Class 102 spring with angle border is $5.95; and the price of the Class 111 spring with angle border is $7.25. These prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days, net 30 days.

(2) For all sales at retail by any person, the cash maximum price of the Class 101 spring with angle border is $10.25, the price of the Class 102 spring with angle border is $11.25, and the price of the Class 111 spring with angle border is $14.00. These prices are subject to the seller's customary terms, discounts and allowances in effect during March 1942 on sales of comparable bedsprings.

(b) For sales in the "Far West Zone" described in Second Revised Maximum Price Regulation No. 213, the following sums may be added to the prices set forth in paragraph (a) above.

For sales of Class 101 and 102 springs with angle border by the manufacturer, 50 cents.
For sales of Class 101 and 102 springs with angle border by retailers, 85 cents.
For sales of Class 111 springs with angle border by the manufacturer, 75 cents.
For sales of Class 111 springs with angle border by retailers, $1.25.

(c) Superior Sleeprite Corporation shall notify, in writing, all retailers who purchase the bedsprings described above, of the maximum prices established by this order for sales at retail. This notice may be given in any convenient form, and shall be given at the time of or prior to the first invoice to each retailer covering a sale of any of the bedsprings described above.

(d) Before delivering any of the bedsprings described above, Superior Sleeprite Corporation must attach securely to each bedspring a durable tag containing in easily readable lettering the following, with the blank space properly filled in:

OPA has established a retail ceiling of $ _____ for this bedspring. Lower prices may be charged. This tag may not be removed until after delivery to the consumer.

(e) Unless the context otherwise requires, the definitions set forth in Second Revised Maximum Price Regulation No. 213 shall apply to the terms used in this order.

(f) This order may be revoked or amended by the Price Administrator at any time.

(g) This order shall become effective on the 26th day of February 1945.

Issued this 24th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3036; Filed, Feb. 24, 1945; 11:55 a. m.]

[2d Rev. MPR 213, Order 18]

MITCHELL MANUFACTURING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 9 (b) (1) of Second Revised Maximum Price Regulation No. 213, *It is ordered:*

(a) This order establishes maximum prices for sales of new steel frame helical top single and double deck bedsprings equipped with an angle border and meeting all the specifications for Class 102 coil bedsprings as set forth in Second Revised Maximum Price Regulation No. 213, manufactured by Mitchell Manufacturing Company of Fort Smith, Arkansas, as follows:

(1) For all sales by the manufacturer to retailers the price of the Class 102 spring with angle border is $5.95. This price is f. o. b. factory and is subject to a cash discount of 2% for payment within 10 days, net 30 days.

(2) For all sales at retail by any person, the cash maximum price of the Class 102 spring with angle border is $11.25. This price is subject to the seller's customary terms, discounts and allowances in effect during March 1942 on sales of comparable bedsprings.

(b) For sales in the "Far West Zone" described in Second Revised Maximum Price Regulation No. 213 the following sums may be added to the prices set forth in paragraph (a) above.

For sales of Class 102 springs with angle border by the manufacturer, 50 cents.
For sales of Class 102 springs with angle border by retailers, 85 cents.

(c) Mitchell Manufacturing Company shall notify, in writing, all retailers who purchase the bedspring, described above, of the maximum prices established by this order for sales at retail. This notice may be given in any convenient form, and shall be given at the time of or prior to the first invoice to each retailer covering a sale of the bedspring described above.

(d) Before delivering the bedspring described above, Mitchell Manufacturing Company must attach securely to each bedspring a durable tag containing in easily readable lettering the following, with the blank space properly filled in:

OPA has established a retail ceiling of $_____ for this bedspring. Lower prices may be charged. This tag may not be removed until after delivery to the consumer.

(e) Unless the context otherwise requires, the definitions set forth in Second Revised Maximum Price Regulation No. 213 shall apply to the terms used in this order.

(f) This order may be revoked or amended by the Price Administrator at any time.

(g) This order shall become effective on the 26th day of February 1945.

Issued this 24th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3037; Filed, Feb. 24, 1945; 11:55 a. m.]

[MPR 260, Order 629]

EDWARD E. BERGLIND

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) Edward E. Berglind, Central St., Route 1, West Acton, Mass. (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
E. B.	*Inch* 5	50	*Per M* $75	*Cents* 10

(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 26, 1945.

Issued this 24th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3039; Filed, Feb. 24, 1945; 11:56 a. m.]

[Administrative Notice 13]

WHITE FLESH POTATOES, 1945 CROP

NOTICE TO GROWERS OF PROPOSED MAXIMUM PRICES

Pursuant to the provisions of the Emergency Price Control Act of 1942, as amended, the Price Administrator hereby gives notice to growers of certain prices he proposes to establish for white flesh potatoes of the 1945 crop.

The following are the proposed prices for U. S. No. 1 potatoes, graded, sacked and loaded on carrier, f. o. b. country shipping point which the Administrator proposes to establish.

TABLE OF PROPOSED PRICES FOR WHITE FLESH POTATOES, U. S. No. 1 GRADE, PER 100 POUNDS, 1945 CROP

State	Producing area	1945		
		July	August	September
North Atlantic:				
Maine	All	$2.60	$2.40	$2.25
New Hampshire	do	2.95	2.85	2.60
Vermont	do	2.95	2.85	2.60
Massachusetts	do	2.95	2.85	2.60
Rhode Island	do	2.95	2.85	2.60
Connecticut	do	2.85	2.75	2.60
New York	Long Island	2.85	2.75	2.60
	Rest of State	2.75	2.65	2.50
New Jersey	All	2.85	2.75	2.60
Pennsylvania	do	2.80	2.70	2.55

TABLE OF PROPOSED PRICES FOR WHITE FLESH POTATOES, U. S. NO. 1 GRADE, PER 100 POUNDS, 1945 CROP—Cont.

State	Producing area	1945		
		July	August	September
East North Central:				
Ohio	All	2.95	2.70	2.55
Indiana	do	2.95	2.70	2.55
Illinois	Counties of Madison, St. Clair, Monroe, Clinton, Washington, Randolph, Perry, Jackson, Union, and Alexander.	2.70	2.70	2.55
	Rest of State	2.95	2.70	2.55
Michigan	All	2.85	2.60	2.45
Wisconsin	do	2.65	2.45	2.30
West North Central:				
Minnesota	Counties of Traverse, Grant, Douglas, Todd, Morrison, Mille Lacs, Kanabec, Pine, and all counties north thereof.	2.50	2.30	2.15
	Rest of State	2.65	2.45	2.30
Iowa	All	2.80	2.65	2.45
North Dakota	do	2.50	2.30	2.15
South Dakota	do	2.60	2.40	2.25
Nebraska	do	2.80	2.60	2.45
Kansas	do	2.50	2.45	2.30
Missouri	Counties of Lincoln, Warren, St. Charles, St. Louis, Franklin, Washington, Jefferson, St. Francois, St. Genevieve, Perry, Madison Bollinger Cape Girardeau, Scott, and Mississippi.	2.70	2.70	2.55
	Rest of State	2.50	2.45	2.30
South Atlantic:				
Delaware	All	2.70	2.70	2.50
Florida	do	2.70	2.70	2.50
Georgia	do	2.70	2.70	2.50
Maryland	do	2.70	2.70	2.50
North Carolina	do	2.70	2.70	2.50
South Carolina	do	2.70	2.70	2.50
Virginia	do	2.70	2.70	2.50
West Virginia	do	2.70	2.70	2.50
South Central:				
Kentucky	do	2.70	2.70	2.50
Tennessee	do	2.70	2.70	2.50
Alabama	do	2.70	2.70	2.50
Mississippi	do	2.70	2.70	2.50
Arkansas	do	2.70	2.70	2.50
Louisiana	do	2.70	2.70	2.50
Oklahoma	do	2.70	2.70	2.50
Texas	do	2.70	2.70	2.50
West:				
Montana	Madison, Gallatin, and Beaverhood Counties	2.60	2.40	2.25
	Rest of State	2.80	2.60	2.45
Idaho	All	2.60	2.40	2.25
Wyoming	do	2.60	2.40	2.25
Colorado	Counties of La Plata, Hinsdale, Gunnison, Pitkin, Eagle, Routt, and all counties west thereof.	2.55	2.35	2.20
	Rest of State	2.60	2.40	2.25
New Mexico	All	2.70	2.70	2.50
Arizona	do	2.75	2.75	2.55
Utah	do	2.50	2.30	2.15
Nevada	do	2.75	2.55	2.40
Washington	do	2.70	2.50	2.35
Oregon	Malheur County	2.60	2.40	2.25
	Curry, Jackson, Josephine, Klamath, Lake, Harney, Crook, and Deschutes Counties.	2.50	2.55	2.45
	Rest of State	2.70	2.50	2.35
California	Modoc and Siskiyou Counties	2.50	2.55	2.45
	Rest of State	2.50	2.75	2.60

The foregoing prices will be incorporated into an amendment to Revised Maximum Price Regulation No. 271 and will be subject to the differentials for size, grade and packaging set forth in that regulation.

Issued and effective this 24th day of February 1945.

CHESTER BOWLES,
Administrator.

Approved: February 23, 1945.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 45-3058; Filed, Feb. 24, 1945; 4:10 p. m.]

Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register February 15, 1945.

REGION I

Concord Order 7–F, covering fresh fruits and vegetables in certain cities in New Hampshire, filed 9:31 a. m.

Concord Order 19–C, covering poultry in the state of New Hampshire, filed 9:31 a. m.

Montpelier Order 1–O, covering eggs in the state of Vermont, filed 9:55 a. m.

REGION II

Binghamton Order 2–F, Amendment 18, covering fresh fruits and vegetables in certain areas in New York, filed 9:30 a. m.

Buffalo Order 1–F, Amendment 42, covering fresh fruits and vegetables in certain cities in New York, filed 9:49 a. m.

Buffalo Order 2–F, Amendment 42, covering fresh fruits and vegetables in certain cities in New York, filed 9:50 a. m.

Philadelphia Order 6–F, Amendment 12, covering fresh fruits and vegetables in Philadelphia, Pennsylvania, filed 9:55 a. m.

Philadelphia Order 7–F, Amendment 12, covering fresh fruits and vegetables in certain counties in Pennsylvania, filed 9:51 a. m.

Philadelphia Order 8–F, Amendment 12, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 9:51 a. m.

REGION III

Charleston Order 3–F, Amendment 58, covering fresh fruits and vegetables in certain counties in West Virginia, filed 9:49 a. m.

Charleston Order 7–F, Amendment 44, covering fresh fruits and vegetables in certain counties in West Virginia, filed 9:49 a. m.

Charleston Order 8–F, Amendment 44, covering fresh fruits and vegetables in certain counties in West Virginia, filed 9:49 a. m.

Charleston Order 9–F, Amendment 44, covering fresh fruits and vegetables in certain counties in West Virginia, filed 9:48 a. m.

Charleston Order 10–F, Amendment 39, covering fresh fruits and vegetables in certain counties in West Virginia, filed 9:47 a. m.

Charleston Order 11–F, Amendment 29, covering fresh fruits and vegetables in certain counties in West Virginia, filed 9.47 a. m.

Charleston Order 12–F, Amendment 33, covering fresh fruits and vegetables in certain counties in West Virginia, filed 9:47 a. m.

Charleston Order 13–F, Amendment 29, covering fresh fruits and vegetables in certain counties in West Virginia, filed 9:48 a. m.

Cleveland Order 33, covering community food prices in the Cleveland Area, filed 9:30 a. m.

Cincinnati Order 4–F, Amendment 4, covering fresh fruits and vegetables in Hamilton County, Ohio, filed 9:46 a. m.

Cincinnati Order 5–F, Amendment 4, covering fresh fruits and vegetables in certain counties in Ohio, filed 9:46 a. m.

Grand Rapids Order F–14–D, Amendment 14, covering fresh fruits and vegetables in certain counties in Michigan, filed 9:42 a. m.

Grand Rapids Order F–14–D, Amendment 15, covering fresh fruits and vegetables in certain counties in Michigan, filed 9:42 a. m.

Grand Rapids Order F–14–C, Amendment 20, covering fresh fruits and vegetables in certain counties in Michigan, filed 9:43 a. m.

Grand Rapids Order F–14–C, Amendment 21, covering fresh fruits and vegetables in certain counties in Michigan, filed 9:42 a. m.

Grand Rapids Order F–14–A, Amendment 43, covering fresh fruits and vegetables in certain counties in Michigan, filed 9:45 a. m.

Grand Rapids Order F–14–B, Amendment 43, covering fresh fruits and vegetables in certain counties in Michigan, filed 9:43 a. m.

Grand Rapids Order F–14–A, Amendment 44, covering fresh fruits and vegetables in certain counties in Michigan, filed 9:44 a. m.

Grand Rapids Order F–14–B, Amendment 44, covering fresh fruits and vegetables in certain counties in Michigan, filed 9:43 a. m.

Lexington Order 1–F, Amendment 67, covering fresh fruits and vegetables in Fayette County, Ky., filed 9:41 a. m.

Lexington Order 3–F, Amendment 58, covering fresh fruits and vegetables in Boyd County, Ky., filed 9:40 a. m.

Lexington Order 4–F, Amendment 9, covering fresh fruits and vegetables in certain counties in Kentucky, filed 9:41 a. m.

Louisville Order 1–M, covering community food pricing in Louisville and Jefferson County, Ky., filed 11:18 a. m.

Louisville Order 8–F, Amendment 2, covering fresh fruits and vegetables in certain counties in Kentucky, filed 9:54 a. m.

Louisville Order 9–F, Amendment 2, covering fresh fruits and vegetables in certain counties in Kentucky, filed 9.54 a. m.

Louisville Order 10–F, Amendment 2, covering fresh fruits and vegetables in certain counties in Kentucky, filed 9:29 a. m.

Louisville Order 11–F, Amendment 2, covering fresh fruits and vegetables in certain counties in Kentucky, filed 9.29 a. m.

REGION IV

Jacksonville Order 10–F, Amendment 16, covering fresh fruits and vegetables in certain cities in Florida, filed 9:55 a. m.

Jacksonville Order 11–W, Amendment 1, covering dry groceries in certain counties in the State of Florida, filed 9:40 a. m.

Jacksonville Order 12–W, Amendment 1, covering dry groceries in certain counties in the State of Florida, filed 9:40 a. m.

Jacksonville Order 34, Amendment 1, covering dry groceries in certain counties in the State of Florida, filed 9:39 a. m.

Jacksonville Order 35, Amendment 1, covering dry groceries in certain counties in the State of Florida, filed 9:40 a. m.

Jacksonville Order 36, Amendment 1, covering dry groceries in certain counties in the State of Florida, filed 9:39 a. m.

Jacksonville Order 37, Amendment 1, covering dry groceries in certain counties in the State of Florida, filed 9:38 a. m.

Jacksonville Order 38, Amendment 1, covering dry groceries in certain counties in the State of Florida, filed 9:38 a. m.

Jacksonville Order 39, Amendment 2, covering dry groceries in certain counties in the state of Florida, filed 9:38 a. m.

Roanoke Order 1–P, Amendment 1, covering poultry in certain counties in Virginia, filed 9:52 a. m.

Roanoke Order 2–P, Amendment 1, covering poultry in certain counties in Virginia, filed 9:52 a. m.

REGION V

Dallas Order 1–F, Amendment 49, covering fresh fruits and vegetables in the Dallas, Tex., Area, filed 9:38 a. m.

Lubbock Order 3–F, Amendment 38, covering fresh fruits and vegetables in the Lubbock, Tex., Area, filed 9:37 a. m.

Lubbock Order 3–F, Amendment 39, covering fresh fruits and vegetables in the Lubbock, Tex., Area, filed 9:37 a. m.

New Orleans Order 1–W, Amendment 7, covering community food pricing in the New Orleans Area, filed 9:52 a. m.

New Orleans Order 2–F, Amendment 57, covering fresh fruits and vegetables in certain counties in Louisiana, filed 9:52 a. m.

New Orleans Order 2–W, Amendment 7, covering community food pricing in the New Orleans Area, filed 9:51 a. m.

Wichita Order 2–F, Amendment 15, covering fresh fruits and vegetables in the Wichita, Kans., Area., filed 9:36 a. m.

REGION VII

Wyoming Order 3–B, covering fresh fruits and vegetables in the State of Wyoming, filed 9:57 a. m.

REGION VIII

Los Angeles Order 1–C, Amendment 3, covering poultry in the Los Angeles Area, filed 9:58 a. m.

Los Angeles, Order 1–F, Amendment 52, covering fresh fruits and vegetables in the San Bernardino-Riverside Area, filed 9:58 a. m.

Los Angeles Order 2–C, Amendment 3, covering poultry in the Los Angeles Area, filed 9:59 a. m..

Nevada Order 10–F, Amendment 8, covering fresh fruits and vegetables in certain counties in Nevada, filed 10:00 a. m.

Phoenix Order 1–F, Amendment 7, covering fresh fruits and vegetables in the Tucson Area, filed 9:59 a. m.

Phoenix Order 3–F, Amendment 58, covering fresh fruits and vegetables in the Phoenix Area, filed 9:59 a. m.

San Francisco Order F–1, Amendment 58, covering fresh fruits and vegetables in certain cities and counties in California, filed 9:56 a. m.

San Francisco Order F–2, Amendment 46, covering fresh fruits and vegetables in certain cities in California, filed 9:56 a. m.

San Francisco Order F–3, Amendment 45, covering fresh fruits and vegetables in certain cities in California, filed 9:56 a. m.

San Francisco Order F–4, Amendment 44, covering fresh fruits and vegetables in certain cities in California, filed 9:56 a. m.

San Francisco Order F–5, Amendment 43, covering fresh fruits and vegetables in certain cities in California, filed 9:56 a. m.

San Francisco Order F–6, Amendment 39, covering fresh fruits and vegetables in certain cities in California, filed 9:57 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–3027; Filed, Feb. 24, 1945; 11:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

E. H. ROLLINS & SONS, INC., AND WALTER CECIL RAWLS

ORDER REVOKING REGISTRATION AND SUSPENDING MEMBERSHIP

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 22d day of February, A. D. 1945.

In the matter of E. H. Rollins & Sons, Incorporated, 44 Wall Street, New York, New York, and Walter Cecil Rawls, 314 North Broadway, St. Louis, Missouri.

The Commission having instituted proceedings under sections 15 (b) and 15A (*l*) (2) of the Securities Exchange Act of 1934 to determine whether the registrations of E. H. Rollins & Sons, Incorporated, and Walter Cecil Rawls, or either of them, as brokers and dealers in the over-the-counter markets should be revoked, and whether or not they, or either of them, should be suspended or expelled from the National Association of Securities Dealers, Inc., a registered national securities association.

Hearings having been held after appropriate notice, the Commission being duly advised and having this day issued its findings and opinion herein; on the basis of said findings and opinion:

It is ordered, Pursuant to section 15 (b) of said act, that the registration of Walter Cecil Rawls as a broker and dealer be and it hereby is revoked, this revocation to be effective immediately.

It is further ordered, Pursuant to section 15A (*l*) (2) of said Act, that E. H. Rollins & Sons, Incorporated, be and it hereby is suspended from membership in the National Association of Securities Dealers, Inc., for a period of 60 days beginning at the opening of business on March 6, 1945.

It is further ordered, That jurisdiction be and it hereby is reserved to the Commission to determine whether the registration of E. H. Rollins & Sons, Incorporated, should be revoked, with leave to said respondent to submit further evidence within 30 days from the date hereof, for the purposes indicated in the findings and opinion this day issued.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45–2984; Filed, Feb. 23, 1945; 2:19 p. m.]

[File 54–75, 70–726]

COMMONWEALTH & SOUTHERN CORP. (DEL.)

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 22d day of February, A. D. 1945.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company.

Notice is further given that any interested person may, not later than March 10, 1945, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, said declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U–23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rules U–20 (a) and U–100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Comission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of the Commission, for a statement of the transaction therein proposed which is summarized below:

Commonwealth proposes, subject to the approval of the Commission, to pay a dividend of $1.25 per share, an aggregate of $1,852,500, on the outstanding shares of its preferred stock. The dividend was declared on February 20, 1945, and is payable on the 28th day after approval by this Commission to stockholders of record at the close of business on the 14th day after such approval. The pending application is similar in substance to three applications approved by the Commission in 1943 and four applications approved in 1944, covering proposed distributions to preferred stockholders (see Holding Company Act Release Nos. 4383, June 24, 1943; 4560, September 13, 1943; 4709, November 26, 1943; 4933, March 8, 1944; 5084, June 3, 1944; 5268, September 5, 1944 and 5508, December 21, 1944).

Applicant considers sections 11 and 12 (c) of the act and Rule U–46 as applicable to the proposed transaction.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45–2985; Filed, Feb. 23, 1945; 2:19 p. m.]

[File No. 70–1029]

HAVERHILL ELECTRIC CO., ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 23d day of February 1945.

In the matter of Haverhill Electric Company, North Boston Lighting Properties, Massachusetts Power and Light Associates, New England Power Association; File No. 70–1029.

Notice is hereby given that joint applications and declarations have been filed with the Commission pursuant to the Public Utility Holding Company Act of 1935 by New England Power Association ("NEPA"), a registered holding company, by Massachusetts Power and Light Associates ("MP&L"), a non-registered subsidiary holding company of

NEPA, by North Boston Lighting Properties ("NOBO"), a non-registered subsidiary holding company of MP&L, and by Haverhill Electric Company ("Haverhill"), a subsidiary utility company of NOBO. All interested persons are referred to said document which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

1. Haverhill proposes to issue and sell for cash 26,000 shares of additional capital stock (par value $25 each) at the price of $25 per share. In accordance with the provisions of section 18 of Chapter 164 of the General Laws of Massachusetts, the shares will be offered to the stockholders of Haverhill proportionately to their then holdings, and warrants representing shares or fractions of shares to which each stockholder is entitled will be issued to the stockholders. No fractional shares will be issued, but warrants representing rights to buy fractional shares may be combined to purchase a whole share. Holders of warrants will be allowed a period of twenty-one days after the mailing thereof within which to exercise their subscription rights and upon the expiration of said period of time said warrants will become void. The proceeds ($650,000) to be received upon the sale of the shares are to be used by Haverhill to pay part of its indebtedness of $800,000 to NOBO, which indebtedness is evidenced by promissory notes which were due July 30, 1943 and bearing interest at the rate of 3% per annum.

2. NOBO, owning approximately 53.33% of the outstanding capital stock of Haverhill, will be entitled to receive warrants to subscribe for 13,866 full shares and fractional warrants representing 24,286/119,629ths shares. NOBO proposes to exercise its rights to subscribe to such additional stock and to acquire sufficient fractional warrants which will entitle it to subscribe to a full share. NOBO further proposes to purchase and acquire from Haverhill at $25 per share all shares not subscribed for by minority stockholders, subject to the approval by the Massachusetts Department of Public Utilities of such sale by Haverhill, or alternately, will bid $25 per share for such unsubscribed shares if sold at public auction.

In accordance with the terms of the bank credit letter agreement securing an original issue of $13,000,000 of 2½% notes of NOBO, due October 1, 1947, all shares of capital stock of Haverhill to be acquired by NOBO will be pledged under the said agreement. In addition thereto, an amount of cash equal to the difference between the cost of the shares so pledged and the amount of the notes to be released will be deposited under said letter agreement in order to obtain the release of $650,000 face amount of promissory notes of Haverhill.

3. MP&L, owning approximately 14.98% of the oustanding capital stock of Haverhill, will be entitled to receive warrants to subscribe for 3,896 full shares and fractional warrants representing 1,416/119,629ths shares. MP&L proposes to exercise its rights to subscribe to such additional shares of capital stock and to acquire sufficient fractional warrants which will entitle it to subscribe to a full share.

4. NEPA, owning approximately .050% of the outstanding capital stock of Haverhill, will be entitled to receive warrants to subscribe for 13 full shares and fractional warrants representing 4,823/119,629ths shares. NEPA proposes to exercise its right to subscribe to such additional shares of capital stock and also to acquire sufficient fractional warrants which will entitle it to subscribe to a full share.

Applicants-declarants have designated sections 6 (b) and 10 of the act and Rule U-44 as applicable to the proposed transactions and state that the Massachusetts Department of Public Utilities is the only state commission having jurisdiction over the proposed issue of capital stock and subscription rights in connection therewith, and that no state commission has jurisdiction over the proposed acquisitions. The Massachusetts Department of Public Utilities has already approved, subject to certain conditions, the proposal by Haverhill.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said applications and declarations and that said applications and declarations shall not be granted or permitted to become effective except pursuant to further order of the Commission:

It is ordered, That a hearing on said applications and declarations under the applicable provisions of the act and rules of the Commission thereunder be held on March 14, 1945, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. At such hearing cause shall be shown why such applications shall be granted and such declarations permitted to become effective.

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of issues presented by said applications and declarations, particular attention be directed at said hearing to the following matters and questions:

(1) Whether the proposed issue and sale of additional shares of capital stock by Haverhill Electric Company are solely for the purpose of financing its business, and whether it is appropriate in the public interest or for the protection of investors and consumers to impose any terms or conditions in connection therewith, and if so, what those terms and conditions should be.

(2) Whether the proposed acquisitions by North Boston Lighting Properties, Massachusetts Power and Light Associates and New England Power Association are in conformity with the applicable standards of section 10 and are not detrimental to the carrying out of the provisions of section 11.

(4) The propriety of the proposed accounting treatment of the several tranactions on the books of the respective applicants and declarants.

(5) Whether the fees and expenses in connection with the proposed transactions are reasonable.

(6) Generally, whether the proposed transactions comply with all the applicable provisions and requirements of the act and of the rules, regulations and orders promulgated thereunder.

It is further ordered, That any person desiring to be heard in connection with the proceedings, or otherwise wishing to participate in these proceedings shall file with the Secretary of the Commission on or before March 12, 1945, his request or application therefor, as provided by Rule XVII, of the rules of practice of the Commission.

It is further ordered, That the Secretary of the Commission shall serve by registered mail copies of this order on the Massachusetts Department of Public Utilities and on applicants-declarants herein; and that notice of said hearing be given to all other persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-3012; Filed, Feb. 24, 1945; 11:11 a. m.]

[File No. 70-1021]

NORTHERN STATES POWER CO. (WIS.)

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 22d day of February 1945.

Northern States Power Company (Wisconsin), a public utility subsidiary of Northern States Power Company (Minnesota), a registered holding company and subsidiary of Northern States Power Company (Delaware), also a registered holding company, having filed an application pursuant to sections 9 and 10 of the Public Utility Holding Company Act of 1935 regarding its proposal to acquire the steam heating business of the Willow River Power Company, a Wisconsin corporation, all the property of which is being acquired by the applicant pursuant to a contract dated August 31, 1944 for a total consideration of $840,000, subject to adjustments for date of closing; and the Public Service Commission of Wisconsin and the Federal Power Commission having heretofore authorized and approved the acquisition of all the aforesaid property, which includes electric properties consisting of a distribution system, transmission lines, four hydro-electric generating plants, one internal combustion electric generating plant, and one steam electric generating plant in connection with which is operated the aforesaid steam heating

business which serves 43 commercial customers in Hudson, Wisconsin; and

Said application having been filed on January 22, 1945 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application within the period prescribed in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that all applicable statutory requirements are satisfied, and deeming it appropriate in the public interest and for the protection of investors and consumers to grant said application;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application be and the same hereby is granted forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-3013; Filed, Feb. 24, 1945; 11:12 a. m.]

[File No. 70-1010]

AMERICAN GAS AND POWER CO. AND SAVANNAH GAS CO.

ORDER PERMITTING DECLARATION, AS AMENDED, 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 23d day of February, A. D. 1945.

American Gas and Power Company, a registered holding company, subsidiary of Community Gas and Power Company, also a registered holding company, and Savannah Gas Company, subsidiary of American Gas and Power Company, having filed with this Commission a joint declaration and amendments thereto regarding the sale for an aggregate consideration of $2,205,000 subject to certain closing adjustments, of all the fixed assets and certain current assets of Savannah Gas Company to Savannah-St. Augustine Gas Company, a non-affiliated company, the liquidation and dissolution of Savannah Gas Company and the payment of a liquidating distribution by Savannah Gas Company to American Gas and Power Company for payment to the trustee under a debenture indenture of American Gas and Power Company; and

American Gas and Power Company and Savannah Gas Company having requested that the Commission's order conform to the formal requirements of section 1808 (f) of the Internal Revenue Code, as amended; and

A public hearing having been held on such matter after appropriate notice, the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That such declaration, as amended, be and the same is hereby permitted to become effective subject, however, to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the sale of all the fixed assets and certain current assets of Savannah Gas Company for the sum of $2,205,000, subject to certain closing adjustments, and use of the proceeds thereof by Savannah to (1) redeem its outstanding bonds and serial notes and (2) pay a liquidating distribution to American Gas and Power Company in an amount to be determined at the date of closing, said distribution, less any expenses incurred in connection with said sale, to be deposited with the successor trustee of American Gas and Power Company under its debenture indenture, are necessary to effectuate the provisions of section 11 of the act and are fair and equitable to the persons affected thereby.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-3014; Filed, Feb. 24, 1945; 11:12 a. m.]

[File 70-1023]

NORTHERN PENNSYLVANIA POWER CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of February 1945.

Northern Pennsylvania Power Company (Northern) a subsidiary of NY PA NJ Utilities Company, a registered holding company, in turn a subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, also a registered holding company, having filed an application, as amended, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of section 6 (a) of the act of the issue and sale, in accordance with the competitive bidding requirements of Rule U-50, of $4,000,000 principal amount of First Mortgage Bonds dated January 1, 1945 and maturing January 1, 1975, the proceeds from such sale to be used in substantial part to redeem outstanding bonds, and the balance to be deposited with the indenture Trustee and to be used for new construction or the retirement of bonds; and

A public hearing having been held after appropriate notice, and the Commission having considered the record in this matter, and having made and filed its findings and opinion herein:

It is ordered, Pursuant to the applicable provisions of said act, that the aforesaid application, as amended, be, and hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the further condition that the proposed issuance and sale of securities shall not be consummated until the results of competitive bidding pursuant to Rule U-50 have been made a matter of record in this proceeding and a further order shall have been entered by the Commission in the light of the record so completed, which order may contain further terms and conditions as may then be deemed appropriate, jurisdiction being reserved for this purpose.

It is further ordered, That jurisdiction be, and hereby is, reserved over the payment of all legal fees and expenses of all counsel in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-3089; Filed, Feb. 26, 1945; 10:40 a. m.]

[File 54-105]

STANDARD POWER AND LIGHT CORP. AND STANDARD GAS AND ELECTRIC CO.

ORDER APPROVING PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 22d day of February 1945.

Standard Power and Light Corporation, a registered holding company, and its subsidiary, Standard Gas and Electric Company, also a registered holding company, having on September 27, 1944, filed a joint application for approval of a plan pursuant to the provisions of section 11 (e) of the Public Utility Holding Company Act of 1935 and the rules and regulations of the Commission promulgated thereunder, providing for the transfer, upon the amended plan for the recapitalization of Standard Gas and Electric Company (File No. 54-72) becoming effective, of substantially all the assets of Standard Power and Light Corporation to Standard Gas and Electric Company in exchange for Common stock of the latter company and for the settlement of certain claims of Standard Gas and Electric Company against Standard Power and Light Corporation;

The Commission having, on June 19, 1942, ordered that Standard Power and Light Corporation be liquidated and its existence terminated;

The applicants having requested that the Commission enter an order finding that the proposed transactions are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and fair and equitable to the persons affected thereby, and that such order conform to the formal requirements specified in sections 371 and 1808 (f) of the Internal Revenue Code, as amended;

A public hearing having been held on such matters, after appropriate public notice; the Commission having considered the record in the matter and having made and filed its findings and opinion herein; and

The Commission having found that the proposed transactions are necessary to effectuate the provisions of section 11 (b) of said act, and fair and equitable to the persons affected thereby;

It is hereby ordered, That said joint application be and it hereby is granted and that said plan, be and it is hereby approved, subject however to the conditions specified in Rule U-24 and to the following additional terms and conditions;

(1) That jurisdiction be and it hereby is reserved as to all fees and expenses to

be paid by Standard Power and Light Corporation in connection with the plan;

(2) That this order shall not be operative to authorize the consummation of transactions proposed in the plan until an appropriate United States District Court shall, upon application thereto, enter an order enforcing such plan; and

(3) That jurisdiction be and it hereby is reserved to the Commission to entertain such further proceedings, to make such supplemental findings and to take such further action as it may deem appropriate in connection with the plan, the transactions incident thereto and the consummation thereof and, in the event the plan be not consummated, to enter such further orders as it may deem appropriate under sections 11 (b), 11 (d), 15 (f) and 20 (a) of the act;

It is further ordered, That the transfer by Standard Power and Light Corporation to Standard Gas and Electric Company of $328,000 Standard Gas and Electric Company 6% Gold Notes due 1948, $216,000 Standard Gas and Electric Company 6% Convertible Gold Notes due 1948, $146,000 Standard Gas and Electric Company 6% Gold Debentures Series A due 1951, $6,000 Standard Gas and Electric Company 6% Gold Debentures due 1957, $98,000 Standard Gas and Electric Company 6% Gold Debentures Series B due 1966, $179,000 Standard Power and Light Corporation 6% Gold Debentures due 1957, 40,751-30/100th shares of Standard Gas and Electric Company Prior Preference Stock $7 Cumulative, $50,000 United States Treasury Bonds 2½% due 1963–68, $57,000 United States Treasury Bonds 2½% due 1964–69, $5,000 United States Treasury Bonds 2½% due 1965–70, $1,000 United States Savings Bonds, Defense Series G, 2½%, $5,000 Atchison, Topeka and Santa Fe Railway Company 4% Bonds due 1995, $5,000 Great Northern Railway Company General 5½% Series B Bonds due 1952, $5,000 Kings County Lighting Company First Refunding 6½% Bonds due 1954, $5,000 Louisville and Nashville Railroad Company First Refunding 5% Series B Bonds due 2003, 1,980 shares of Louisville Gas and Electric Company Common class "B" Stock, 1,267-65/100 shares of Mountain States Power Company Common Stock, 9,750 shares of Philadelphia Company Common Stock, 23,388 shares of Southern Colorado Power Company Common class "A" Stock; and the issuance and delivery of 567,581 shares of new Common Stock of Standard Gas and Electric Company by Standard Gas and Electric Company to Standard Power and Light Corporation be effected as a step in compliance with the aforementioned order of this Commission dated June 19, 1942, and as necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935; and

It is further ordered, That the transfers, exchanges and issuances, specified in the next preceding paragraph hereof, are necessary or appropriate to the integration or simplification of the holding company system of which Standard Gas and Electric Company and Standard Power and Light Corporation are members and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utilities Holding Company Act of 1935, 49 Stat. 820 (U.S.C., Title 15, sec. 79k (b));

The applicants, pursuant to the provision of section 11 (e) of the act, having requested the Commission to apply to a court in accordance with the provisions of subsection (f) of section 18 of the act to enforce and carry out the terms and provisions of the plan;

It is further ordered, That counsel for the Commission be, and they are hereby authorized and directed to make application on behalf of the Commission to an appropriate United States District Court to enforce and carry out the terms and provisions of the plan, pursuant to the provisions of section 11 (e) and in accordance with the provisions of section 18 (f) of the act and the request duly filed herein by the applicants.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-3085; Filed, Feb. 26, 1945; 10:41 a. m.]

[File 50-104]

STANDARD POWER AND LIGHT CORP.

ORDER APPROVING PLAN PURSUANT TO SECTION 11 (E)

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 22d day of February 1945.

Standard Power and Light Corporation, a registered holding company, having filed an application for approval of a plan, and an amendment thereto, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, providing for the settlement, upon the joint Plan of Standard Gas and Electric Company and Standard Power and Light Corporation (File No. 54-105) becoming effective, of certain claims and the distribution of its assets in liquidation to the holders of its Preferred and Common stocks on a basis giving effect to such settlements;

The Commission having ordered, on June 19, 1942, pursuant to section 11 (b) (2) of said act, that Standard Power and Light Corporation be liquidated and its existence terminated;

A public hearing having been held after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinion herein; and

The applicant having requested that the Commission enter an order finding that the proposed transactions are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and fair and equitable to the persons affected thereby, and that such order conform to the formal requirements specified in sections 371 and 1808 (f) of the Internal Revenue Code, as amended;

The Commission having found that the proposed transactions are necessary to effectuate the provisions of section 11 (b) of said act and fair and equitable to the persons affected thereby;

It is ordered, That said application be and it is hereby granted and that the said plan, as amended, be, and it is hereby approved, subject however to Rule U-24 and the following additional terms and conditions:

(1) That jurisdiction be and it hereby is reserved to the Commission as to all fees and expenses to be paid by Standard Power and Light Corporation in connection with the plan, as amended, except the fee and expenses to be paid counsel for the plaintiffs in the action entitled Cora Hcmewood, et al. v. Standard Power and Light Corporation, et al., being Civil Action No. 229 in the District Court of the United States for the District of Delaware;

(2) That this order shall not be operative to authorize the consummation of transactions proposed in the plan, as amended, until an appropriate United States District Court shall, upon application thereto, enter an order enforcing such plan, as amended;

(3) That jurisdiction be and it hereby is reserved to the Commission to entertain such further proceedings, to make such supplemental findings and to take such further action as it may deem appropriate in connection with the plan, as amended, the transactions incident thereto and the consummation thereof and, in the event the plan, as amended, be not consummated, to enter such further orders as it may deem appropriate under sections 11 (b), 11 (d), 15 (f) and 20 (a) of the act;

It is further ordered, That the distribution of 567.581 shares of new Common stock of Standard Gas and Electric Company by Standard Power and Light Corporation to the holders of its preferred and common stocks on the basis of 14½ shares of such new common stock for each share of its preferred stock, 4.8 shares of such new common stock for each 100 shares of its common stock, 4.8 shares of such new common stock for each 100 shares of its common stock, Series B, and 5.158 shares of such new common stock to H. M. Byllesby and Company, as more specifically set forth in said plan, as amended, be effected as a step in compliance with the aforementioned order of this Commission dated June 19, 1942, and as necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935; and

It is further ordered, That the distributions, specified in the next preceding paragraph hereof, are necessary or appropriate to the integration or simplification of the holding company system of which Standard Power and Light Corporation 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, 49 Stat. 820 (U.S.C. Title 15, Sec. 79k (b));

The applicant, pursuant to the provision of section 11 (e) of the act, having requested the Commission to apply to a court in accordance with the provisions of subsection (f) of section 18 of the act to enforce and carry out the terms and provisions of the plan, as amended;

It is further ordered, That counsel for the Commission be, and they are hereby authorized and directed to make application forthwith on behalf of the Commission to an appropriate United States

District Court to enforce and carry out the terms and provisions of the plan, as amended, pursuant to the provisions of section 11 (e) and in accordance with the provisions of section 18 (f) of the act and the request duly filed herein by the applicant.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-3086; Filed, Feb. 26, 1945; 10:41 a. m.]

[File 70-1031]

FLORIDA POWER CORP. AND GENERAL GAS & ELECTRIC CORP.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of February 1945.

Notice is hereby given, That a joint application or declaration (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by General Gas & Electric Corporation, a registered holding company, and its subsidiary, Florida Power Corporation.

All interested persons are referred to said filing which is on file in the office of the Commission for a statement of the transaction therein proposed, which may be summarized as follows:

Florida Power Corporation proposes to sell all of its utility facilities relating to the manufacture, transmission, distribution and sale of gas in the cities of Orlando, Winter Park, Sanford, Orange City, Maitland and De Land, in the State of Florida, to a non-affiliate, Florida Utilities Corporation, for a base price of $1,210,000 in cash, subject to adjustments.

The filing designates section 12 (d) of the act and Rule U-44 thereunder as applicable to the proposed transaction.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to such matters:

It is ordered, That a hearing on such matters under the applicable provisions of the act and rules of the Commission thereunder be held on April 4, 1945, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That any person desiring to be heard or otherwise wishing to participate in said proceeding shall file with the Secretary of the Commission, on or before April 2, 1945, his request or application therefor, as provided by Rule XVII of the rules of practice of this Commission.

It is further ordered, That without limiting the scope of the issues presented by said application-declaration, particular attention will be directed at such hearing to the following matters:

1. Whether the proposed transaction is in the public interest and in the interest of investors and consumers;

2. Whether the consideration to be received for the proposed sale is fair and reasonable;

3. The propriety of the accounting treatment to reflect the proposed transaction on the books of Florida Power Corporation;

4. Whether and to what extent it is necessary or appropriate in the public interest or for the protection of investors or consumers to impose terms or conditions with respect to the accounts of Florida Power Corporation, or otherwise, in regard to the proposed transaction;

5. Whether in all respects, the proposed transaction complies with the applicable provisions and requirements of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-3088; Filed, Feb. 26, 1945; 10:41 a. m.]

[File 30-106]

EL PASO ELECTRIC CO.

MEMORANDUM OPINION AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 22d day of February 1945.

Declaration of status. Declared to Have Ceased to be a Holding Company. Application having been filed by a registered holding company pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 for an order declaring that it has ceased to be a holding company, granted, the Commission finding that the applicant has ceased to be a holding company.

El Paso Electric Company (El Paso), a Delaware corporation, a registered holding company and a subsidiary of Engineers Public Service Company (Engineers), also a registered holding company, has filed an application pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 for an order that it has ceased to be a holding company.

Prior to December 31, 1943, El Paso owned 100% of the capital stock of El Paso and Juarez Traction Company and 100% of the voting stock of El Paso Electric Company, a Texas corporation and an operating public-utility company. The latter company owned and operated a street railway and bus system in the City of El Paso and vicinity, and also operated a street railway system owned by El Paso and Juarez Traction Company with served Juarez, Mexico. In addition, both El Paso Electric Company, a Texas corporation, and El Paso and Juarez Traction Company owned two international toll bridges over the Rio Grade River between the Cities of El Paso and Juarez; the American halves were owned by El Paso Electric Company, the Texas corporation, and the Mexican halves by El Paso and Juarez Traction Company.

On September 16, 1942, in connection with section 11 (b) (1) proceedings directed to Engineers and all its subsidiaries, we ordered (Holding Company Act Release No. 3796) Engineers to divest itself of its interest in certain companies and businesses including El Paso, El Paso Electric Company, a Texas corporation, and El Paso and Juarz Traction Company. We also ordered El Paso to cease to own or operate the transportation and toll bridges businesses conducted by El Paso and Juarez Traction Company and El Paso Electric Company, the Texas corporation.

Engineers and its subsidiaries filed a petition to review our order of September 16, 1942, in the Federal Courts, which matter is now pending in the Supreme Court of the United States (writs of certiorari having been granted by the Supreme Court on June 5, 1944). However, on December 31, 1943, El Paso sold the capital stock of El Paso and Juarez Traction Company, and El Paso Electric Company, the Texas corporation, sold its interest in the transportation and toll bridge businesses, which sales left El Paso with but one subsidiary, El Paso Electric Company, a Texas corporation, whose operations were then confined to the electric utility business.

Subsequently, Engineers and El Paso filed a joint application-declaration with the Commission whereby the dissolution of El Paso was proposed in accordance with a plan of liquidation, said plan providing, among other things, for the distribution of El Paso's interest in the common stock of El Paso Electric Company, a Texas corporation, to Engineers as a first and final liquidating dividend in complete cancellation of all the common stock of El Paso owned by Engineers. On December 13, 1944, the Commission ordered the joint application-declaration to be granted and permitted to become effective (Holding Company Act Release No. 5499) and thereafter El Paso disposed of all its properties and assets pursuant to the transactions outlined in our findings and opinion therein. On December 16, 1944, pursuant to a certificate of dissolution issued by the Secretary of the State of Delaware, El Paso was dissolved.

It is therefore ordered, That said applicant has ceased to be a holding company and that the registration of said company cease to be in effect.

By the Commission (Commissioners Healy, Pike, and McConnaughey), Chairman Purcell being absent and not participating.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. 45-3087; Filed, Feb. 26, 1945; 10:41 a. m.]

[File 54-110]

CONSOLIDATED ELECTRIC AND GAS CO.

ORDER APPROVING PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 23d day of February, A. D., 1945.

Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, having filed a plan, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, which plan provides for the satisfaction and discharge of certain bonds, assumed by Consolidated and known as Southern Cities Utilities Company's Thirty Year 5% First Lien and Collateral Trust Bonds, Series A, due April 1, 1958 ("Southern Cities' Bonds"), by payment of the principal amount of such bonds plus accrued interest, but without payment of the premium provided in the said bonds as being payable upon voluntary redemption;

Consolidated proposing, in connection with the said plan, to apply to the acquisition, satisfaction, discharge, and retirement of Southern Cities' Bonds certain sums of cash which represent the proceeds, or unused portions thereof, received on sales by Consolidated, pursuant to orders of this Commission, of securities of subsidiary companies, which securities had been pledged under the indenture securing Collateral Trust Bonds of Consolidated; all of said orders having contained, at the requests of Consolidated, certain recitals, itemizations, and specifications for the purpose of meeting the requirements of §§ 373 (a), 371 (b), 371 (f), and 1808 (f) of the Internal Revenue Code, as amended, regarding the use of said sums to acquire, satisfy, discharge, and retire Collateral Trust Bonds of Consolidated;

Consolidated having requested that the Commission enter its order herein approving the plan under section 11 (e) of the act; and having requested that our order to issue herein contain, by way of supplementing and amending the aforementioned orders of this Commission, the recitals, specifications, and itemizations described in §§ 373 (a), 371 (b), 371 (f), and 1808 (f) of the Internal Revenue Code, as amended, as to the application of the proceeds from the above-described sales to the acquisition, satisfaction, discharge, and retirement of Southern Cities' Bonds or the Collateral Trust Bonds of Consolidated; and having further requested that the Commission apply, in accordance with the provisions of section 18 (f) of the act, to an appropriate Federal Court to enforce and carry out the terms and provisions of the plan; and

A public hearing having been held on said plan after appropriate notice and the Commission having been fully advised in the premises and having made and filed its findings and opinion herein;

It is ordered, Subject to the provisions of Rule U-24, that said plan, as amended, be, and hereby is, approved;

It is further ordered and recited, That the acquisition, satisfaction, discharge, and retirement of the Thirty Year 5% First Lien and Collateral Trust Bonds, Series A, due April 1, 1958, of Southern Cities Utilities Company, assumed by Consolidated Electric and Gas Company, and which at November 30, 1944 were outstanding in the aggregate principal amount of $4,774,000, by the payment of principal amount thereof and accrued interest thereon, as provided in said plan, but without the payment of the premium provided by the terms of said bonds as being payable upon voluntary redemption, 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 and recited, That all pertinent previous orders of this Commission concerned with the acquisition, satisfaction, discharge, and retirement of Collateral Trust Bonds of Consolidated Electric and Gas Company with the proceeds from the divestments by Consolidated Electric and Gas Company, pursuant to orders of this Commision, of securities of its subsidiaries, which securities had been pledged under the indenture securing Consolidated Electric and Gas Company's Collateral Trust Bonds, be, and hereby are, supplemented and amended to provide that the use of the cash which represents the proceeds, or unused portions thereof, derived from said divestments for the acquisition, satisfaction, discharge, and retirement of Thirty Year 5% First Lien and Collateral Trust Bonds, Series A, due April 1, 1958, of Southern Cities Utilities Company, and the Collateral Trust Bonds, due August 1, 1957 and August 1, 1962, of Consolidated Electric and Gas Company, is necessary or appropriate to effectuate the provisions of sections 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-3084; Filed, Feb. 26, 1945; 10:40 a. m.]

WAR FOOD ADMINISTRATION.

FERTILIZERS

DELEGATION OF AUTHORITY TO CHIEF, CHEMICALS AND FERTILIZERS BRANCH

The authority vested in me by War Food Order No. 5 (9 F.R. 7294, 7593) and by War Food Order No. 105 (9 F.R. 7296) is hereby delegated to the Chief, Chemicals and Fertilizers Branch, Office of Materials and Facilities, War Food Administration.

Issued this 24th day of February 1945.

F. B. NORTHRUP,
Director,
Office of Materials and Facilities.

[F. R. Doc. 45-3046; Filed, Feb. 24, 1945; 3:13 p. m.]

WAR MANPOWER COMMISSION.

[Amdt. 5]

MANCHESTER, N. H., AREA

EMPLOYMENT STABILIZATION PROGRAM

The employment stabilization program for Manchester, New Hampshire, Area effective October 1, 1943 (9 F.R. 12192), is hereby amended as follows:

1. Section 6 (b) is hereby amended by adding a comma after the word "from" in the first line, by striking out the words "his last employment in an essential or locally needed activity," and by inserting a comma after the word "by" in the third line, so that the said paragraph shall read as follows:

(b) Such individual presents a statement of availability from, or is referred by, the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

2. Section 7 is hereby amended by striking out the words "by employers" in the title of the section, and by further striking out the words "from his employer" in the first paragraph, so that said section shall read in part as follows:

SEC. 7. *Issuance of statements of availability.* An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability if:

3. Section 8 is hereby amended by striking out the first part of the second sentence "if the employer fails or refuses to issue a statement of availability to an individual entitled to such statement," and by making the following word the beginning of the second sentence, said sentence to read "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."

4. Section 8 is further amended by adding a new paragraph (d) to read as follows:

(d) An individual who leaves essential employment without grounds for a statement of availability or referral and obtains within the 60-day period some new employment in violation of the program or employment in some category excluded from the program will not be able to take advantage of the time spent in the illegal or excluded employment for the purpose of the 60-day clause. Instead such periods will be disregarded and the employee may be required to wait a sufficient length of time to make up a full 60 days not counting his period of illegal or excluded employment.

5. Section 14 is hereby amended by deleting in the first paragraph, third line, the words "the name and address of the issuing employer,".

Dated: January 30, 1945.

ABBY L. WILDER,
Area Director.

Approved: February 2, 1945.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 45-2908; Filed, Feb. 22, 1945; 11:43 a. m.]

[Amdt. 4]

PORTSMOUTH, N. H., AREA

EMPLOYMENT STABILIZATION PROGRAM

The employment stabilization program for Portsmouth, New Hampshire, Area effective October 1, 1943 (9 F.R. 12189), is hereby amended as follows:

1. Section 6 (b) is hereby amended by adding a comma after the word "from" in the first line, by striking out the words "his last employment in an essential or locally needed activity," and by inserting a comma after the word "by" in the third line, so that the said paragraph shall read as follows:

(b) Such individual presents a statement of availability from, or is referred by, the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

2. Section 7 is hereby amended by striking out the words "by employers" in the title of the section, and by further striking out the words "from his employer" in the first paragraph, so that said section shall read in part as follows:

SEC. 7. *Issuance of statements of availability.* An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability if:

3. Section 8 is hereby amended by striking out the first part of the second sentence "If the employer fails or refuses to issue a statement of availability to an individual entitled to such statement," and by making the following word the beginning of the second sentence, said sentence to read "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."

4. Section 8 is further amended by adding a new paragraph (d) to read as follows:

(d) An individual who leaves essential employment without grounds for a statement of availability or referral and obtains within the 60-day period some new employment in violation of the program or employment in some category excluded from the program, will not be able to take advantage of the time spent in the illegal or excluded employment for the purpose of the 60-day clause. Instead such periods will be disregarded and the employee may be required to wait a sufficient length of time to make up a full 60 days not counting his period of illegal or excluded employment.

5. Section 14 is hereby amended by deleting in the first paragraph, third line, the words "the name and address of the issuing employer,".

Dated: January 30, 1945.

JOHN L. BARRY,
Area Director.

Approved: February 2, 1945.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 45-2909; Filed, Feb. 22, 1945; 11:43 a. m.]

[Amdt. 3]

LOWER NAUGATUCK VALLEY, CONN., AREA

EMPLOYMENT STABILIZATION PROGRAM

The employment stabilization program for the Lower Naugatuck Valley Area, effective October 15, 1943 (9 F.R. 10902), is hereby amended as follows:

Section 15 of said program is hereby amended by adding the following new third paragraph, thereby making the present third paragraph the fourth paragraph thereof:

The Area Manpower Director may set for all or any establishments in the Lower Naugatuck Valley Area fair and reasonable employment ceilings fixing the number of employees or specified types of employees which such establishments may not exceed. Such ceilings 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 establishment if the hiring of such employee would result in such establishment's exceeding the employment ceiling applicable to it.

Dated: January 11, 1945.

WM. J. CRONIN, Jr.,
Area Director.

Approved: January 16, 1945.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 45-2910; Filed, Feb. 22, 1945; 11:41 a. m.]

[Amdt. 3]

BENNINGTON, VT., AREA

EMPLOYMENT STABILIZATION PROGRAM

The employment stabilization program for the Bennington Area, effective October 15, 1943 (9 F.R. 10235), is hereby amended as follows:

1. Section 2 (d) is hereby amended by striking out the second sentence so that the definition shall read as follows:

(d) "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.

2. Section 7 is hereby amended by substituting the words "the United States Employment Service" for the word "employers" appearing in the title and also by substituting the words "the Local Office of the United States Employment Service" for the words "his employer", immediately after the word "from" and before the word "if" appearing in the second line so that the section shall read as follows:

SEC. 7. *Issuance of statements of availability by the United States Employment Service.* An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from the local office of the United States Employment Service if:

3. Section 8 is hereby amended by adding to the beginning of the present title the words, "Further matters pertaining to the", so that the title shall read as follows: "*Further matters pertaining to the issuance of statements of availability by United States Employment Service.*"

4. Section 8 (a) is hereby amended by obliterating the second sentence so that the section shall read as follows:

(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. Pending such finding the United States Employment Service shall either request the worker to remain on his present job, or to return to it in instances where the worker has voluntarily terminated his employment. When none of the circumstances set forth in section 7 is found to exist in an individual's case, the United States Employment Service shall attempt to persuade such individual to return to his former employment in an essential or locally needed activity providing the employer will reemploy the worker without prejudice.

5. Section 13 is hereby amended by deleting paragraph (b) in its entirety. Paragraph (c) of section 13 thereby becomes paragraph (b). Paragraph (d) of section 13 thereby becomes paragraph (c) and is hereby amended by inserting in parenthesis immediately after the word "or", which follows the 5th comma, and before the word "to" the following: "(for purposes of section 6 only)," so that the same shall read as follows:

(c) The hiring by a foreign, State, county, or municipal government, or their political subdivisions or their agencies and instrumentalities, or (for purposes of section 6 only) 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

Paragraph (e) necessarily becomes paragraph (d) and is hereby amended by deleting all of the words following the word "service" appearing in the first line so that the same shall read as follows:

(d) The hiring of a new employee for domestic service, or

Paragraph (f) of section 13 necessarily becomes paragraph (e).

Dated: January 19, 1945.

E. REYNOLD JOHNSON,
State Director.

Approved: January 22, 1945.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 45-2911; Filed, Feb. 22, 1945; 11:41 a. m.]

[Amdt. 3]

RUTLAND, VT., AREA

EMPLOYMENT STABILIZATION PROGRAM

The employment stabilization program for the Rutland Area, effective October

15, 1943, (9 F.R. 10232), is hereby amended as follows:

1. Paragraph (d) of section 13 is hereby amended by inserting in parenthesis immediately after the word "or", which follows the 5th comma, and before the word "to" the following: "(for purposes of section 6 only)," so that the same shall read as follows:

(d) The hiring by a foreign, State, county, or municipal government, or their political subdivisions or their agencies and instrumentalities, or (for purposes of section 6 only) 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

2. Paragraph (e) of section 13 is hereby amended by deleting all of the words following the word "service" appearing in the first line so that the same shall read as follows:

(e) The hiring of a new employee for domestic service, or

Dated: January 20, 1945.

E. REYNOLD JOHNSON,
State Director.

Approved: January 25, 1945.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 45-2912; Filed, Feb. 22, 1945; 11:41 a. m.]

[Amdt. 4]

NASHUA, N. H., AREA

EMPLOYMENT STABILIZATION PROGRAM

The employment stabilization program for Nashua, New Hampshire, Area effective October 1, 1943, (9 F.R. 12322), is hereby amended as follows:

1. Section 6 (b) is hereby amended by adding a comma after the word "from" in the first line, by striking out the words "his last employment in an essential or locally needed activity," and by inserting a comma after the word "by" in the third line, so that the said paragraph shall read as follows:

(b) Such individual presents a statement of availability from, or is referred by, the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

2. Section 7 is hereby amended by striking out the words "by employers" in the title of the section, and by further striking out the words "from his employer" in the first paragraph, so that said section shall read in part as follows:

SEC. 7. *Issuance of statements of availability.* An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability if:

3. Section 8 is hereby amended by striking out the first part of the second sentence "If the employer fails or refuses to issue a statement of availability to an individual entitled to such statement," and by making the following word the beginning of the second sentence, said sentence to read "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."

4. Section 8 is further amended by adding a new paragraph (d) to read as follows:

(d) An individual who leaves essential employment without grounds for a statement of availability or referral and obtains within the 60-day period some new employment in violation of the program or employment in some category excluded from the program, will not be able to take advantage of the time spent in the illegal or excluded employment for the purpose of the 60-day clause. Instead such periods will be disregarded and the employee may be required to wait a sufficient length of time to make up a full 60 days not counting his period of illegal or excluded employment.

5. Section 14 is hereby amended by deleting in the first paragraph, third line, the words "the name and address of the issuing employer,".

Dated: January 30, 1945.

ABBY L. WILDER,
Area Director.

Approved: February 2, 1945.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 45-2913; Filed, Feb. 22, 1945; 11:43 a. m.]

[Amdt. 4]

CLAREMONT, N. H., AREA

EMPLOYMENT STABILIZATION PROGRAM

The employment stabilization program for Claremont, New Hampshire Area, effective October 1, 1943 (9 F.R. 12325), is hereby amended as follows:

1. Section 6 (b) is hereby amended by adding a comma after the word "from" in the first line, by striking out the words "his last employment in an essential or locally needed activity," and by inserting a comma after the word "by" in the third line, so that the said subparagraph shall read as follows:

(b) Such individual presents a statement of availability from, or is referred by, the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

2. Section 7 is hereby amended by striking out the words "by Employers" in the title of the section, and by further striking out the words "from his employer" in the first paragraph, so that said section shall read in part as follows:

SEC. 7. *Issuance of statements of availability.* An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability if:

3. Section 8 is hereby amended by striking out the first part of the second sentence "If the employer fails or refuses to issue a statement of availability to an individual entitled to such statement," and by making the following word the beginning of the second sentence, said sentence to read "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."

4. Section 8 is further amended by adding a new paragraph (d) to read as follows:

(d) An individual who leaves essential employment without grounds for a statement of availability or referral and obtains within the 60-day period some new employment in violation of the program or employment in some category excluded from the program, will not be able to take advantage of the time spent in the illegal or excluded employment for the purpose of the 60-day clause. Instead such periods will be disregarded and the employee may be required to wait a sufficient length of time to make up a full 60 days not counting his period of illegal or excluded employment.

5. Section 14 is hereby amended by deleting in the first paragraph, third line, the words "the name and address of the issuing employer,".

Dated: January 30, 1945.

ABBY L. WILDER,
Area Director.

Approved: February 2, 1945.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 45-2914; Filed, Feb. 22, 1945; 11:42 a. m.]

[Amdt. 4]

CONCORD, N. H., AREA

EMPLOYMENT STABILIZATION PROGRAM

The employment stabilization program for Concord, New Hampshire, area, effective October 1, 1943 (9 F.R. 12313) is hereby amended as follows:

1. Section 6, paragraph (b) is hereby amended by adding a comma after the word "from" in the first line, by striking out the words "his last employment in an essential or locally needed activity," and by inserting a comma after the word "by" in the third line, so that the said paragraph shall read as follows:

(b) Such individual presents a statement of availability from, or is referred by, the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

2. Section 7 is hereby amended by striking out the words "by employers" in the title of the section, and by further striking out the words "from his employer in the first paragraph, so that said section shall read in part as follows:

SEC. 7. *Issuance of statements of availability.* An individual whose last em-

ployment is or was in an essential or locally needed activity shall receive a statement of availability if:

3. Section 8 is hereby amended by striking out the first part of the second sentence "If the employer fails or refuses to issue a statement of availability to an individual entitled to such statement," and by making the following word the beginning of the second sentence, said sentence to read "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."

4. Section 8 is further amended by adding a new paragraph (d) to read as follows:

(d) An individual who leaves essential employment without grounds for a statement of availability or referral and obtains within the 60 day period some new employment in violation of the program or employment in some category excluded from the program, will not be able to take advantage of the time spent in the illegal or excluded employment for the purpose of the 60-day clause. Instead such periods will be disregarded and the employee may be required to wait a sufficient length of time to make up a full 60 days not counting his period of illegal or excluded employment.

5. Section 14 is hereby amended by deleting in the first paragraph, third line, the words "the name and address of the issuing employer,".

Dated: January 30, 1945.

ABBY L. WILDER,
Area Director.

Approved: February 2, 1945.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 45-2915; Filed, Feb. 22, 1945; 11:42 a. m.]

[Amdt. 4]

LACONIA, N. H., AREA

EMPLOYMENT STABILIZATION PROGRAM

The employment stabilization program for Laconia, New Hampshire, area effective October 1, 1943 (9 F.R. 12319), is hereby amended as follows:

1. Section 6, paragraph (b) is hereby amended by adding a comma after the word "from" in the first line, by striking out the words "his last employment in an essential or locally needed activity", and by inserting a comma after the word "by" in the third line, so that the said paragraph shall read as follows:

(b) Such individual presents a statement of availability from, or is referred by, the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

2. Section 7 is hereby amended by striking out the words "by employers" in the title of the section, and by further striking out the words "from his employer" in the first paragraph, so that said section shall read in part as follows:

SEC. 7. *Issuance of statements of availability.* An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability if:

3. Section 8 is hereby amended by striking out the first part of the second sentence "If the employer fails or refuses to issue a statement of availability to an individual entitled to such statement," and by making the following word the beginning of the second sentence, said sentence to read "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."

4. Section 8 is further amended by adding a new paragraph (d) to read as follows:

(d) An individual who leaves essential employment without grounds for a statement of availability or referral and obtains within the 60 day period some new employment in violation of the program or employment in some category excluded from the program, will not be able to take advantage of the time spent in the illegal or excluded employment for the purpose of the 60-day clause. Instead such periods will be disregarded and the employee may be required to wait a sufficient length of time to make up a full 60 days not counting his period of illegal or excluded employment.

5. Section 14 is hereby amended by deleting in the first paragraph, third line, the words "the name and address of the issuing employer,".

Dated: January 30, 1945.

ABBY L. WILDER,
Area Director.

Approved: February 2, 1945.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 45-2916; Filed, Feb. 22, 1945; 11:42 a. m.]

[Amdt. 4]

KEENE, N. H., AREA

EMPLOYMENT STABILIZATION PROGRAM

The employment stabilization program for Keene, New Hampshire Area effective October 1, 1943 (9 F.R. 12316), is hereby amended as follows:

1. Section 6, paragraph (b) is hereby amended by adding a comma after the word "from" in the first line, by striking out the words "his last employment in an essential or locally needed activity," and by inserting a comma after the word "by" in the third line, so that the said paragraph shall read as follows:

(b) Such individual presents a statement of availability from, or is referred by, the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

2. Section 7 is hereby amended by striking out the words "by employers" in the title of the section, and by further striking out the words "from his employer" in the first paragraph, so that said section shall read in part as follows:

SEC. 7. *Issuance of statements of availability.* An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability if:

3. Section 8 is hereby amended by striking out the first part of the second sentence "If the employer fails or refuses to issue a statement of availability to an individual entitled to such statement," and by making the following word the beginning of the second sentence, said sentence to read "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."

4. Section 8 is further amended by adding a new paragraph (d) to read as follows:

(d) An individual who leaves essential employment without grounds for a statement of availability or referral and obtains within the 60 day period some new employment in violation of the program or employment in some category excluded from the program, will not be able to take advantage of the time spent in the illegal or excluded employment for the purpose of the 60-day clause. Instead such periods will be disregarded and the employee may be required to wait a sufficient length of time to make up a full 60 days not counting his period of illegal or excluded employment.

5. Section 14 is hereby amended by deleting in the first paragraph, third line, the words "the name and address of the issuing employer,".

Dated: January 30, 1945.

ABBY L. WILDER,
Area Director.

Approved: February 2, 1945.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 45-2917; Filed, Feb. 22, 1945; 11:42 a. m.]