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Regulations

TITLE 7—AGRICULTURE

Chapter VIII—War Food Administration (Sugar Orders)

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF FAIR AND REASONABLE WAGE RATES FOR PERSONS EMPLOYED IN PRODUCTION, CULTIVATION, OR HARVESTING OF SUGARCANE IN HAWAII DURING 1945

Pursuant to the provisions of subsection (b) of section 301 of the Sugar Act of 1937, as amended, and Executive Order No. 9322, issued March 26, 1943, as amended by Executive Order No. 9334, issued April 19, 1943, and Executive Order No. 9392, issued October 23, 1943, the following determination is hereby issued.

§ 802.34h *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Hawaii during the calendar year 1945.* The requirements of section 301 (b) of the Sugar Act of 1937, as amended, shall be deemed to have been met with respect to the production, cultivation, or harvesting of sugarcane in Hawaii during the calendar year 1945, if all persons employed on the farm during that period in the production, cultivation, or harvesting of sugarcane shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates not less than the following:

(a) For all work performed on a time basis:
Rate per hour for each worker:

	Nonharvesting operations (per hour)	Harvesting operations (per hour)
	Cents	Cents
Adult males.....	25.0	30.0
Adult females.....	20.0	22.5
Children 14-16 years of age..	20.0	20.0

¹ Maximum employment of such children not to exceed 8 hours per day.

(b) For all work performed on a piece rate basis:
The applicable piece rate for any operation shall be the rate agreed upon be-

tween the producer and the laborer but in no instance shall the average hourly earnings resulting from such agreed upon rate be less than the applicable hourly rate provided in paragraph (a). Piece rates for adult women and children 14 to 16 years of age shall be the same as for adult males for comparable work.

(c) *General provisions.* (1) If the producer and laborer agree upon a wage for any operation, or combination of operations, higher than that prescribed in this determination, payment in full of the amount agreed upon must be made to qualify the producer for payment.

(2) In addition to the foregoing wages of this determination, the producer shall furnish the laborer without charge, the perquisites customarily furnished by him, such as a house, garden plot, and similar incidentals, unless the furnishing of such is restricted by military authority.

(3) The producer shall not, through any subterfuge or device whatsoever, reduce the wage rates to laborers below those determined above.

(Sec. 301, 50 Stat. 909; 7 U.S.C. 1940 ed. 1131; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392; 8 F.R. 14783)

Issued this 26th day of February 1945.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 45-3172; Filed, Feb. 27, 1945; 11:12 a. m.]

Chapter XI—War Food Administration (Distribution Orders)

PART 1400—DELEGATIONS OF AUTHORITY

DIRECTOR OF MARKETING SERVICES; DELEGATION WITH RESPECT TO LIVE POULTRY PRICES

Pursuant to the authority vested in me as War Food Administrator, there is hereby delegated to the Director of Marketing Services, War Food Administration, authority to consider and approve any maximum base price for live poultry as adjusted from time to time, by any Regional Administrator of the Office of Price Administration pursuant to § 2.3 (b) (5) of Second Revised Maximum Price Regulation No. 269.

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NOTICE

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The authority delegated herein may be redelegated by the Director of Marketing Services to any employee of the United States Department of Agriculture.

When used herein, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

The term "Second Revised Maximum Price Regulation No. 269" means Second Revised Maximum Price Regulation No. 269, Amendment 2 (9 F.R. 15095, 10 F.R. 521, 2097), of the Office of Price Administration, as amended and in effect at the time the authority delegated herein is exercised.

The term "live poultry" shall have the same meaning as that which it has when used in said Second Revised Maximum Price Regulation No. 269.

The term "Regional Administrator" shall have the same meaning as that which it has when used in said Second Revised Maximum Price Regulation No. 269.

(56 Stat. 23, 50 U.S.C., 1940 ed., Sup. III, 901 et seq.; 56 Stat. 765, 50 U.S.C. 1940 ed., Sup. III, 961 et seq.; P. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of February 1945.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 45-3173; Filed, Feb. 27, 1945; 11:12 a. m.]

PART 1400—DELEGATIONS OF AUTHORITY
CHIEF, DAIRY AND POULTRY BRANCH, OFFICE
OF MARKETING SERVICES; DELEGATION
WITH RESPECT TO LIVE POULTRY PRICES

Pursuant to the authority vested in me by the War Food Administrator, there is hereby delegated to the Chief, Dairy and Poultry Branch, Office of Marketing Services, War Food Administration, authority to consider and approve any maximum base price for live poultry as adjusted, from time to time, by any Regional Administrator of the Office of Price Administration pursuant to § 2.3 (b) (5) of Second Revised Maximum Price Regulation No. 269.

When used herein, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

The term "Second Revised Maximum Price Regulation No. 269" means Second Revised Maximum Price Regulation No. 269, Amendment 2 (9 F.R. 15095, 10 F.R. 521, 2097), of the Office of Price Administration, as amended and in effect at the time the authority delegated herein is exercised.

The term "live poultry" shall have the same meaning as that which it has when used in said Second Revised Maximum Price Regulation No. 269.

The term "Regional Administrator" shall have the same meaning as that which it has when used in said Second Revised Maximum Price Regulation No. 269.

(56 Stat. 23, 50 U.S.C., 1940 ed., Sup. III, 901 et seq.; 56 Stat. 765, 50 U.S.C., 1940 ed., Sup. III, 961 et seq.; P. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of February 1945.

H. E. REED,
Acting Director of
Marketing Services.

[F. R. Doc. 45-3174; Filed, Feb. 27, 1945;
11:12 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4766]

PART 3—DIGEST OF CEASE AND DESIST
ORDERS

EN-EX CO. AND EN-EX DISTRIBUTING CO.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or services:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* In connection with the offering for sale, sale, or distribution of "En-Ex", or any preparation of substantially similar properties, whether sold under the same or any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, purchase in commerce, etc., of said medicinal preparation, which advertisements represent, directly or through inference (a) that said prepara-

tion constitutes a cure or remedy for psoriasis; or will cause eruptions, blotches, or other psoriatic lesions to disappear permanently or contribute more to their disappearance than to remove or assist in the removal of the scales therefrom; (b) that said preparation is a cure or remedy for or will prevent falling hair; or (c) that said preparation is a cure or remedy for or has therapeutic value in the treatment of dandruff in excess of affording temporary relief; or which advertisements fail to reveal that said preparation should not be allowed to come into contact with the eyes or any mucous membrane of the body and that if irritation results from its use on the skin its use should be discontinued; prohibited, subject to the provision, however, as respects said last prohibition that such advertisements need contain only the statement, "Caution: Use Only as Directed" if and when the directions for use, wherever they appear on the label, in the labeling, or both on the label and in the labeling, contain warnings to the above effect. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, The En-Ex Company, etc., Docket 4766, January 23, 1945]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of January, A. D. 1945.

In the Matter of Phillip Bartell, Trading as The En-Ex Company and The En-Ex Distributing Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence in support of and in opposition to the allegations of said complaint taken before an examiner of the Commission theretofore duly designated by it, report of the trial examiner, 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 respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Phillip Bartell, an individual, trading as En-Ex Company or En-Ex Distributing Company, or under any other name, his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of "En-Ex," or any preparation of substantially similar properties, whether sold under the same or 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 said preparation constitutes a cure or remedy for psoriasis; or will cause eruptions, blotches, or other psoriatic lesions to disappear perma-

nently or contribute more to their disappearance than to remove or assist in the removal of the scales therefrom.

(b) That said preparation is a cure or remedy for or will prevent falling hair.

(c) That said preparation is a cure or remedy for or has therapeutic value in the treatment of dandruff in excess of affording temporary relief.

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 said medicinal preparation, which advertisement contains any of the representations prohibited in paragraph one hereof, or which fails to reveal that said preparation should not be allowed to come into contact with the eyes or any mucous membrane of the body and that if irritation results from its use on the skin its use should be discontinued; *Provided, however,* That such advertisement need contain only the statement, "Caution: Use Only as Directed" if and when the directions for use, wherever they appear on the label, in the labeling, or both on the label and in the labeling, contain warnings to the above effect.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 45-3153; Filed, Feb. 27, 1945;
10:42 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Amdt. 287]

PART 629—PHYSICAL EXAMINATIONS

RECORDS AND REPORTS

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

1. Amend paragraph (a) of § 629.3 to read as follows:

§ 629.3 *Preparing records for a group ordered to report for preinduction physical examination.* (a) As soon as the local board has mailed Orders to Report—Preinduction Physical Examination (Form 215) to all registrants who are directed to appear for such preinduction physical examination at a particular time and place, it shall:

(1) Prepare in triplicate a Physical Examination List (Form 217), entering thereon the name and order number of each such registrant and indicating in column 3 thereof whether such registrant is a nonfather or a father.

(2) Prepare the original and copy of the Report of Physical Examination and

Induction (Form 221) for each such registrant, and complete Section I thereof.

(3) Prepare the original and copy of Certificate of Fitness (Form 218) for each such registrant, placing thereon the local board stamp and the registrant's name and order number.

(4) Assemble and attach to the registrant's Report of Physical Examination and Induction (Form 221) the prepared original and copy of the Certificate of Fitness (Form 218); any waiver of disqualification, order terminating civil custody, Alien's Personal History and Statement (Form 304) or Statement of United States Citizen of Japanese Ancestry (Form 304A) bearing the armed forces' endorsement of acceptability for military service; all records available bearing upon the medical, social, and educational history of such registrant; and all other information that should be considered by the armed forces in determining the fitness of the registrant for military service.

2. Amend paragraph (b) of § 629.4 to read as follows:

§ 629.4 *Local board physical examination authorized for certain registrants.* * * *

(b) When a registrant believes that he has a disqualifying defect which is manifest, as listed in the List of Defects (Form 220), he may present himself for examination at the office of the local board at any time. If the registrant claims that he has a disqualifying defect which is manifest, as listed in the List of Defects (Form 220), the member or clerk of the local board to whom such registrant presents himself shall, from the information received from the registrant, complete (a), (b), and (c) of Item 18 of Section II of the registrant's Report of Physical Examination and Induction (Form 221). The member or clerk of the local board shall then refer the registrant to the local board examining physician for examination.

3. Amend paragraph (e) of § 629.11 to read as follows:

§ 629.11 *Certain registrants may request transfer.* * * *

(e) Immediately upon receiving the approved Transfer—Preinduction Physical Examination (Form 216), the registrant's own local board shall endorse on the original thereof the order transferring the registrant for preinduction physical examination. It shall then mail the original of the Transfer—Preinduction Physical Examination (Form 216) to the local board to which the registrant is being transferred for preinduction physical examination and shall file the copy in the registrant's Cover Sheet (Form 53). It shall also mail to the local board to which the registrant is being transferred for preinduction physical examination, the original and copy of the Report of Physical Examination and Induction (Form 221), all other records referred to in subparagraph (4) of paragraph (a) of § 629.3, and any other records designated by the Director of Selective Service.

4. Amend paragraph (c) of § 629.12 to read as follows:

§ 629.12 *Transfers for preinduction physical examination directed by Director of Selective Service.* * * *

(c) To accomplish the transfer for preinduction physical examination under paragraphs (a) or (b) of this section, the registrant's own local board shall complete the Transfer—Preinduction Physical Examination (Form 216) in duplicate by inserting the date, name, and present address of the registrant and the words "By direction of the Director of Selective Service" on the front of such forms and by completing the second endorsement on the back of such forms. The copy of the Transfer—Preinduction Physical Examination (Form 216) shall be filed in the registrant's Cover Sheet (Form 53). The local board shall then forward the original Transfer—Preinduction Physical Examination (Form 216), the original and copy of Report of Physical Examination and Induction (Form 221), all other documents referred to in subparagraph (4) of paragraph (a) of § 629.3, and any other records designated by the Director of Selective Service to the State Director of Selective Service of the State in which the registrant is located. The State Director of the State in which the registrant is located shall check such documents and insert thereon the name and address of the local board in his State to which the registrant is transferred for preinduction physical examination and forward the documents to such local board. The local board to which the registrant is transferred shall cause the registrant to be given a preinduction physical examination and shall take the other actions provided for in paragraphs (f) and (g) of § 629.11.

5. Amend paragraph (d) of § 629.22 to read as follows:

§ 629.22 *Forwarding registrants for preinduction physical examination.* * * *

(d) The leader shall be given the following:

(1) The original and all copies of the Physical Examination List (Form 217).

(2) For each registrant being forwarded, the original and copy of the Report of Physical Examination and Induction (Form 221) and the original and copy of the Certificate of Fitness (Form 218), other records referred to in subparagraph (4) of paragraph (a) of section 629.3, and any other records designated by the Director of Selective Service.

(3) Transportation and meal and lodging requests for the group, both for the trip to the induction station and for the return trip. The leader shall be instructed to deliver the original and copies of the Physical Examination List (Form 217), all Reports of Physical Examination and Induction (Form 221), all Certificates of Fitness (Form 218), and other information to the commanding officer of the induction station or his representative. He shall be instructed to return any unused portions of the transportation requests or any unused meal and lodging requests to the local board.

6. Amend § 629.31 to read as follows:

§ 629.31 *Records returned to local board.* (a) The Commanding Officer of

the induction station will return to the local board the following documents concerning registrants forwarded for preinduction physical examination: The original Physical Examination List (Form 217) indicating under column 4 the disposition of each registrant forwarded for preinduction physical examination, the original and copy of the Report of Physical Examination and Induction (Form 221), and all other records forwarded by the local board except the records bearing upon the medical, social, and educational history of the registrant.

(b) Upon receipt of the documents described in paragraph (a) above, the local board shall take the following actions:

(1) File the original Physical Examination List (Form 217).

(2) For each registrant found qualified for general military service, or acceptable for military services or whose acceptability has not been determined, file the original and copy of the Report of Physical Examination and Induction (Form 221) in the Cover Sheet (Form 53).

(3) For each registrant rejected or found qualified for limited service only, file the original of the Report of the Physical Examination and Induction (Form 221) in the registrant's Cover Sheet (Form 53) and distribute the copy in the manner directed by the State Director of Selective Service.

7. Amend § 629.31-1 to read as follows:

§ 629.31-1 *Disposition of other records by armed forces.* The Commanding Officer of the induction station will dispose of the documents described below as follows concerning registrants forwarded for preinduction physical examination:

(1) Retain one copy of Physical Examination List (Form 217).

(2) Forward one copy of the Physical Examination List (Form 217) to the State Director of Selective Service.

(3) Forward all records bearing upon the medical, social, and educational history of the registrant to the State Director of Selective Service.

The foregoing amendments to the Selective Service regulations shall be effective within the continental United States on March 1, 1945, and shall be effective outside the continental limits of the United States on the 30th day thereafter.

LEWIS B. HERSHEY,
Director.

FEBRUARY 24, 1945.

[F. R. Doc. 45-3142; Filed, Feb. 26, 1945;
3:43 p. m.]

[Amtd. 288]

PART 633—DELIVERY AND INDUCTION
RECORDS AND REPORTS

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

1. Amend paragraph (a) of § 633.3 to read as follows:

§ 633.3 *Preparing records for a group ordered to report for induction.* (a) As soon as the local board has mailed Orders to Report for Induction (Form 150) to all registrants who are directed to report for induction at a particular time and place, it shall:

(1) Prepare in triplicate a Delivery List (Form 151) entering thereon (A) the name and order number of each such registrant and (B) the name and order number of each registrant who should be entered upon such Delivery List (Form 151) under the provisions of § 633.24 and indicating in column 3 thereof whether such registrant is a nonfather or a father.

(2) Assemble and attach to the registrant's Report of Physical Examination and Induction (Form 221) the X-ray film made at the time of preinduction physical examination; any waiver of disqualification; any order terminating civil custody; any Alien's Personal History and Statement (Form 304) or Statement of United States Citizen of Japanese Ancestry (Form 304A) bearing the armed forces' endorsement of acceptability for military service; and all other information bearing on the fitness of the registrant for military service except records bearing upon the medical, social, and educational history of the registrant.

2. Amend paragraphs (e) and (f) of § 633.11 to read as follows:

§ 633.11 *Certain registrants may request transfer for induction.* * * *

(e) When the registrant's own local board receives the approved Request for Transfer for Delivery (Form 154) and it has already mailed an Order to Report for Induction (Form 150) to the registrant, it shall:

(1) Immediately endorse on the original of the Request for Transfer for Delivery (Form 154) the order transferring the registrant for induction;

(2) Mail the original of the Request for Transfer for Delivery (Form 154) to the local board to which the registrant is being transferred for induction, together with the original and copy of the Report of Physical Examination and Induction (Form 221), all other records referred to in subparagraph (2) of paragraph (a) of § 633.3, and any other records designated by the Director of Selective Service; and

(3) File the copy of the Request for Transfer for Delivery (Form 154) in the registrant's Cover Sheet (Form 53).

(f) When the registrant's own local board receives the approved Request for Transfer for Delivery (Form 154) and it has not yet issued to the registrant an Order to Report for Induction (Form 150), it shall:

(1) Immediately endorse on the original of the Request for Transfer for Delivery (Form 154) the order transferring the registrant for induction and place such Request for Transfer for Delivery (Form 154) in the registrant's Cover Sheet (Form 53) until such time as it selects the registrant to fill a call;

(2) When it selects the registrant to fill a call, prepare an Order to Report for

Induction (Form 150) for the registrant in the usual manner, but instead of mailing the original of such Order to Report for Induction (Form 150) to the registrant, attach it to the original of the Request for Transfer for Delivery (Form 154), mail such original request for Transfer for Delivery (Form 154) with the original Order to Report for Induction (Form 150) attached thereto, together with the original and copy of the Report of Physical Examination and Induction (Form 221), and all other records referred to in subparagraph (2) of paragraph (a) of § 633.3, and any other records designated by the Director of Selective Service to the local board to which the registrant is transferred for induction.

(3) File the copy of the Request for Transfer for Delivery (Form 154) and a copy of the Order to Report for Induction (Form 150) in the registrant's Cover Sheet (Form 53).

3. Amend paragraph (c) of § 633.12 to read as follows:

§ 633.12 *Transfers for induction directed by Director of Selective Service.* * * *

(c) To accomplish the transfer for induction under paragraph (a) or (b) of this section, the registrant's own local board shall complete the Request for Transfer for Delivery (Form 154) in duplicate by inserting the name and present address of the registrant and the words "By direction of the Director of Selective Service" and by completing the second endorsement on such forms. A copy of Request for Transfer for Delivery (Form 154) shall be filed in the registrant's Cover Sheet (Form 53). The local board shall then forward the original Request for Transfer for Delivery (Form 154), the original and copy of Report of Physical Examination and Induction (Form 221), all other documents referred to in paragraph (f) of § 633.11, and any other records designated by the Director of Selective Service to the State Director of the State in which the registrant is located. The State Director of the State in which the registrant is located shall check such documents and, if not already accomplished, insert thereon the name and address of the local board in his State to which the registrant is transferred for induction and forward the documents to such local board. Unless the transfer of the registrant for induction is cancelled under paragraph (d) of this section, the local board to which the registrant is transferred shall cause the registrant to be delivered for induction, and shall take the other actions provided for in paragraphs (g), (h), and (i) of § 633.11.

4. Amend § 633.22 to read as follows:

§ 633.22 *Forwarding registrants for induction.* When the registrants who are to be forwarded for induction have assembled, the local board shall proceed as follows:

(a) The roll shall be called, using the previously prepared Delivery List (Form 151) and noting any absences thereon in column 3 under "Remarks." If any registrant fails to report for delivery, fails to report at the place of induction, is transferred to another local board for

delivery, or is rejected, the local board shall not furnish a replacement for such registrant.

(b) A leader and assistant leaders shall be appointed and furnished with proper credentials. Leaders and assistant leaders shall have such authority as is necessary to deliver the group to the place of induction.

(c) The leader shall be given the following:

(1) The original and all copies of the Delivery List (Form 151).

(2) For each registrant being forwarded, the original and copy of the Report of Physical Examination and Induction (Form 221), and all other records referred to in subparagraph (2) of paragraph (a) of § 633.3, and any other records designated by the Director of Selective Service.

(3) When it is necessary, transportation and meal and lodging requests for the group, covering their trip to the place of induction. The leader shall be instructed to deliver the original and all copies of the Delivery List (Form 151), the originals and copies of Reports of Physical Examination and Induction (Form 221), and all other information concerning the registrants in the group to the Commanding Officer of the induction station or to his representative.

(4) The local board shall instruct all registrants in the group that it is their duty to obey the instructions of the leader or assistant leaders during the time they are going to the place of induction; that they will be met by proper representatives of the armed forces at the place of induction; that while they are at the place of induction, they will be subject to and must obey the orders of the representatives of the armed forces; that they must present themselves for and submit to induction; that if they are rejected, the representative of the armed forces will, to the extent prescribed by the regulations of the armed forces, provide transportation and subsistence for their return trip.

5. Amend § 633.31 to read as follows:

§ 633.31 *Records returned to local board.* (a) The commanding officer of the induction station will return to the local board the following documents concerning registrants forwarded for induction:

(1) The original Delivery List (Form 151), indicating under column 4 the disposition of each registrant forwarded for induction.

(2) For each registrant inducted, the copy of Report of Physical Examination and Induction (Form 221) and any previous Reports of Physical Examination and Induction (Form 221) submitted.

(3) For registrants not inducted, the original and copy of the Report of Physical Examination and Induction (Form 221).

(b) Upon receipt of the documents described in paragraph (a) above, the local board shall take the following action:

(1) File the original Delivery List (Form 151).

(2) File the copy of Report of Physical Examination and Induction (Form 221) in the Cover Sheet (Form 53) for each registrant inducted.

(3) File the original of the Report of Physical Examination and Induction (Form 221) in the Cover Sheet (Form 53) for each registrant rejected and distribute the copy in the manner directed by the State Director of Selective Service.

6. Amend § 633.32 to read as follows:

§ 633.32 *Disposition of other records by armed forces.* The commanding officer of the induction station will dispose of the documents described below as follows concerning registrants forwarded for induction.

(a) For registrants inducted, retain the original of the Report of Physical Examination and Induction (Form 221).

(b) Retain one copy of the Delivery List (Form 151).

(c) Forward one copy of the Delivery List (Form 151) to the State Director of Selective Service.

The foregoing amendments to the Selective Service regulations shall be effective within the continental United States on March 1, 1945 and shall be effective outside the continental limits of the United States on the 30th day thereafter.

LEWIS B. HERSHEY,
Director.

FEBRUARY 24, 1945.

[F. R. Doc. 45-3143; Filed, Feb. 26, 1945;
3:43 p. m.]

[Amdt. 289]

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

REPORT OF CONSCIENTIOUS OBJECTOR

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

1. Amend paragraph (c) of § 652.1 to read as follows:

§ 652.1 *Report of conscientious objector to Director of Selective Service.* * * *

(c) Four copies of the Conscientious Objector Report (Form 48) shall be filled out and signed by a member of the local board. Under "Remarks" the local board should add any additional information that might aid in the proper assignment of the registrant. The original and two copies of the Conscientious Objector Report (Form 48), the original of the Report of Physical Examination and Induction (Form 221) showing results of final-type physical examination given within 90 days of submission of the attached Conscientious Objector Report (Form 48), and X-ray film shall be mailed to the State Director of Selective Service. The remaining copy of Conscientious Objector Report (Form 48) and copy of Report of Physical Examination and Induction (Form 221) shall be retained in the registrant's Cover Sheet (Form 53). The State Director of Selective Service shall immediately transmit the original and one copy of the Conscientious Objector Report (Form 48),

the original of the Report of Physical Examination and Induction (Form 221), and X-ray film to the Director of Selective Service and shall file the remaining copy of the Form 48.

2. Amend paragraph (a) of § 652.11 to read as follows:

§ 652.11 *Preparation and distribution of order to report; delinquency of IV-E registrants.* (a) Upon receipt of an Assignment to Work of National Importance (Form 49) for a registrant, the local board shall prepare six copies of an Order to Report for Work of National Importance (Form 50). The local board shall then proceed as follows:

(1) In the case of a registrant classified in Class IV-E: Mail the original of the Order to Report for Work of National Importance (Form 50) to the registrant at least 10 days before the date set for him to report. At the time the registrant leaves the local board for the camp, mail the remaining five copies of the Order to Report for Work of National Importance (Form 50) to the camp director.

(2) In the case of a registrant discharged from the land or naval forces because of conscientious objections which make him unadaptable for military service: Mail or deliver to the registrant before the time set for him to report, the original of the Order to Report for Work of National Importance (Form 50). At the time the registrant leaves the local board for the camp, mail the remaining five copies of the Order to Report for Work of National Importance (Form 50), together with a letter explaining the circumstances under which the registrant was ordered to report for work of national importance, to the camp director at such camp. No other records shall be forwarded to the camp director with such registrant. When an Order to Report for Work of National Importance (Form 50) is mailed or delivered to a registrant, as hereinbefore provided, it shall be his duty to comply therewith, to report to the camp at the time and place designated therein, and to thereafter perform work of national importance under civilian direction for the period, at the place, and in the manner provided by law.

The foregoing amendments to the Selective Service regulations shall be effective within the continental United States on March 1, 1945 and shall be effective outside the continental limits of the United States on the 30th day thereafter.

LEWIS B. HERSHEY,
Director.

FEBRUARY 24, 1945.

[F. R. Doc. 45-3144; Filed, Feb. 26, 1945;
3:43 p. m.]

[Amdt. 290]

PART 653—WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

RECEPTION AT CAMPS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Reg-

ulations, Second Edition, are hereby amended in the following respect:

Amend paragraphs (b) and (c) of § 653.11 to read as follows:

§ 653.11 *Reception at camps.* * * *

(b) As soon as possible after the assignee has reported to camp, the camp physician shall give him a physical examination and report to the Director of Selective Service any physical defects which may render the assignee unfit for general camp service.

(c) Irrespective of the results of the physical examination given the assignee after he has reported to camp, the acceptance of the assignee at the camp to which he has been assigned shall occur when the camp director completes and signs the Order To Report for Work of National Importance (Form 50) concerning such assignee.

The foregoing amendment to the Selective Service regulations shall be effective within the continental United States on March 1, 1945 and shall be effective outside the continental limits of the United States on the 30th day thereafter.

LEWIS B. HERSHEY,
Director.

FEBRUARY 24, 1945.

[F. R. Doc. 45-3145; Filed, Feb. 26, 1945;
3:43 p. m.]

Chapter IX—War Production Board

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

PART 937—ZINC

[M-11 as Amended Feb. 27, 1945]

SLAB ZINC

Section 937.1 *General Preference Order M-11* is hereby amended to read as follows:

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

§ 937.1 *General Preference Order M-11—(a) Scope of this order.* This order controls deliveries of zinc from a producer or dealer. No producer or dealer shall deliver zinc to any person, and no person shall accept delivery of zinc from any producer or dealer, except as provided in this order. The use of zinc in manufacture is controlled by Conservation Order M-11-b or, in the case of certain specific products, by other orders of the War Production Board relating to those products. These use restrictions must also be complied with whether the zinc is purchased from a producer or a dealer.

(b) *Definitions.* (1) "Zinc" means all grades of metallic slab zinc (spelter) produced directly from ores, concentrates or other primary material; or re-

distilled from zinc scrap, including ashes, dross, skimmings, clippings, castings, engravers' plates, die castings, die cast scrap, or any secondary zinc-bearing material.

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

(3) "Dealer" means any person who regularly receives physical delivery of zinc and sells or holds the same for resale without changing the form. A person who produces any zinc or who has the same produced for him under toll agreement, is a producer as to such zinc, and not a dealer.

(c) *Acceptance of deliveries of zinc from a producer.* (1) Except as allocated by the War Production Board on Form WPB-2893, no person, other than the Metals Reserve Company, shall accept delivery of zinc from a producer. The Metals Reserve Company may accept deliveries of zinc for the sole purpose of stockpiling or redistribution without change in form.

(2) Any person wishing to apply for an allocation certificate to accept delivery of zinc from a producer should apply on Form WPB 2893 for an allocation not later than the twelfth day of the month preceding the month in which shipment is desired. Applications for allocation certificates to accept delivery of zinc for which shipment is to be made before April 30, 1945, shall be made not later than the twelfth day of March 1945.

(3) An allocation certificate will authorize the holder to accept from a producer or the Metals Reserve Company deliveries of zinc in the amount and grade specified, shipped not later than the end of the month for which the certificate is issued. A producer is authorized to ship zinc in the amount and grade specified on notification from the purchaser of the date and serial number of the allocation certificate authorizing him to accept delivery of zinc. Preference ratings on purchase orders supported by allocation certificates are not applicable.

(4) No producer shall make any delivery of zinc except as permitted under this paragraph (c).

(d) *Acceptance of deliveries of zinc from a dealer.* No allocation certificate will be issued by the War Production Board to permit any person to accept deliveries of zinc from a dealer. However, a person may accept delivery of zinc from a dealer only if such delivery meets all the following conditions:

(1) The delivery in question, combined with all other deliveries of zinc to the purchaser during the calendar month, from whatever source, will not aggregate as much as twenty short tons; and

(2) The purchaser has not requested from the War Production Board authorization for that particular month to accept delivery of zinc in any quantity—see paragraph (c) above (a request to the War Production Board shall be deemed a request within the meaning of this paragraph, regardless of whether it has been granted or denied).

A dealer shall not make any delivery if he knows, or has reason to believe,

that the person accepting the delivery will not comply with all the provisions of this paragraph.

(e) *Specific directions.* The War Production Board may, from time to time, issue special directions to any person as to the source, destination, grades and amounts of zinc, to be delivered or acquired by any person.

(f) *Applicability of regulations.* Except as provided in paragraph (c) (3) above, this order and all transactions affected thereby are subject to all applicable regulations of the War Production Board as amended from time to time.

(g) *Reports.* All producers, dealers, and users of zinc shall file, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, such reports as the War Production Board may from time to time prescribe.

(h) *Communications.* All applications, statements or other communications filed pursuant to this order or concerning the subject matter hereof, should be addressed to: War Production Board, Tin, Lead and Zinc Division, WPB Dept. 7512, Washington 25, D. C., Ref: M-11.

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

(j) *Effective date.* This order as amended September 15, 1944, shall continue in effect until April 1, 1945, on which date this amendment shall become effective.

Issued this 27th day of February 1945.

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

[F. R. Doc. 45-3160; Filed, Feb. 27, 1945;
11:18 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE
OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 3, as Amended, Feb. 27, 1945]

§ 944.23 *Priorities Regulation 3—(a) Purpose of this regulation.* This regulation states the rules for the use of preference ratings, what kind of purchase orders or services may be rated and how a rating may be put on an order. It also places restrictions on the use of ratings and includes lists of products for which ratings may not be used at all or for which certain kinds of ratings may not be used. In general this regulation should be consulted before using a rating whether it was gotten directly from the War Production Board or from a customer.

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

(1) "Person" and "material" mean the same thing they do in Priorities Regulation 1.

(2) "Assignment" of a preference rating. A preference rating is assigned to a person when the War Production Board or someone that it has authorized issues an order or preference rating certificate giving him the right to use the rating.

(3) "Application" of a preference rating. A preference rating is applied when the person to whom it is assigned uses the rating. A rating is applied also when any governmental agency which is authorized by the War Production Board rates an order for delivery of material directly to it.

(4) "Extension" of a preference rating. A preference rating is extended when it is used by the person to whom it is applied or extended by another person.

(c) *Use of ratings in general.* (1) When a regulation, preference rating order or preference rating certificate assigns a rating to any person, either by naming him or by describing the class of persons to which he belongs (as is done in the schedules to CMP Regulation 5), that person may apply the rating to get delivery of material or the performance of certain services. Also, a person may under certain conditions extend a rating which has been applied or extended to his deliveries of material, but not one applied to services. More detailed rules as to how and when ratings may be applied or extended are set out below in this regulation.

(2) When a War Production Board order or certificate states the quantities and kinds of material or the particular services which are rated, the person to whom it is assigned may use the rating to get only that quantity and kind of material or that particular service named in the order or certificate. If the quantities of material are not stated in the order or certificate assigning the rating it may be applied only to get the minimum amount needed.

(3) No person may place rated orders for more material than he is authorized to rate even though he intends to cancel some of the orders or reduce the quantity of material ordered to the authorized amount before it is all delivered.

(d) *When ratings may be extended for material.* The following provisions of this paragraph (d) apply to all extensions of preference ratings to get deliveries of material, unless they are modified by or are inconsistent with the provisions of any particular order.

(1) A manufacturer of Class B products under the Controlled Materials plan and a holder of Form WPB-2613 (formerly PD-870) may not extend his customers' ratings (except AAA) as explained in more detail in CMP Regulation 3 and in Priorities Regulation 11B.

(2) When a person has received a rated order for the delivery of material, he may extend the rating to get the material which he will deliver on that order, or which will be physically incorporated in material which he will deliver. If the material is to be processed, this includes the portion of it which would normally be consumed or converted into scrap or by-products in the course of processing.

(3) If a person has made delivery of material, or has incorporated it into other material which he has delivered

on a rated order, he may extend the rating to replace it in his inventory. However, if after delivering the material he still has a practicable working minimum inventory he may not extend the rating to replace the material delivered; and if by making the delivery his inventory is reduced below this minimum, the rating may be extended to get only the amount necessary to restore the inventory to a practicable working minimum. Any material ordered to replace in inventory must be substantially the same as the material which the person delivered or incorporated in the material which he delivered, except for minor variations in size, shape or design. Substitution of less scarce materials which do not substantially alter the purpose for which the material is to be used is, however, permitted.

(4) A person to whom a rating has been applied or extended to get material may not extend that rating to get containers or closures to pack the material except as permitted by any order in the Containers, Part 3270, Series (Orders P-140 and P-146 are the only ones that now permit the extension of such ratings). Nor may he extend such rating to get any material for his own plant improvement, expansion or construction, or to get machine tools or other items which he will carry as capital equipment, or to get business machines for his own use whether purchased or leased, or to get maintenance, repair or operating supplies for his own use. Other orders or regulations, such as CMP Regulation 5 and some orders in the "P" series, assign ratings which may be used by the proper persons to get maintenance, repair or operating supplies and minor capital additions.

(e) *Additional restrictions upon use of ratings for certain materials.* Because of special circumstances which exist with respect to certain materials and products, the use of preference ratings to get items on Lists A or B attached to this regulation is restricted as follows:

(1) *Items as to which preference ratings have no effect; List A.* Any item on List A may be produced or delivered without regard to preference ratings. No person shall apply or extend any rating to get any of these items and no person selling any such item shall require a rating as a condition of sale. Any rating purporting to be applied or extended to any such item shall be void and no person shall give any effect to it in filling an order.

(2) *Items to which blanket MRO ratings do not apply; List B.* Blanket MRO ratings may not be applied to get any item on List B, except as permitted by the list. A blanket MRO rating means a rating assigned by CMP Regulation 5 or 5A, or by any other War Production Board regulation, order (including an order in the "P" series), form or certificate which assigns a rating for maintenance, repair or operating supplies without specifying the kind and quantity of the material to which the rating may be applied. Where the quantity of material is specified in terms of dollar value only, the rating is a blanket MRO rating. No person shall give any

effect to any rating applied to his deliveries of any item on List B if he knows or has reason to believe that it is a blanket MRO rating. Any blanket MRO rating applied to an order for any item on List B which was not delivered before the date the item was added to the list shall be deemed void. The restrictions of this paragraph are not applicable when the blanket MRO rating is applied to get an item on the list for use on board ship, but in such a case the rating may not be extended by the person to whom it is applied.

(3) *Illustration.* A manufacturer of a product listed in Schedule II of CMP Regulation 5 is assigned a rating of AA-2 for operating supplies. He may not use the rating to buy wooden shelving for his own use since it is on List B. A contractor has received an order bearing a rating of AA-3 to install wooden shelving in an Army camp. He may extend that rating to get the wooden shelving from the manufacturer since in this case the shelving is production material as to him and not operating supplies. If, however, wooden shelving were on List A instead of List B, neither rating could be used.

(f) *Use of ratings for services—(1) Ratings may not be used for personal services.* Preference ratings may never be used to get labor or personal services as distinct from services performed in the course of a regular business involving the use of plant, machinery or equipment owned by the person furnishing the services. For example, ratings may be used to get a repair job done in a repair shop as explained below but may not be used to compel an individual employee to work on a repair job or to obtain the services of a consulting engineer.

(2) *Three cases where ratings may be used for services.* There are only three situations in which a preference rating may be used to get services, as distinct from the production or delivery of material:

(i) *A rating assigned for the purpose.* If the War Production Board assigns a rating to a named person to get specified services, he may use the rating for that purpose.

(ii) *For processing.* When a person has a rating which he may use to get processed material, he may (unless prohibited by another regulation or order) furnish the unprocessed material to a processor and use the same rating to get it processed.

(iii) *For repairs.* A blanket MRO rating may be applied by the person to whom it is assigned to get his plant, machinery or equipment repaired even if the repair job does not involve the delivery of repair parts or materials. See paragraph (e) (2) for definition of a blanket MRO rating. A rating assigned on Form WPB-541 (formerly PD-1A) or WPB-542 (formerly PD-3A), or any other rating which may be applied to the delivery of specific repair parts or materials, may also be applied to the installation of the repair parts or materials or to the repair job alone if it is found that installing the parts or materials is not necessary. However, in the case of ordinary plumbing, heating, electrical, automotive or refrigeration repairs, a rating may not

be applied to repair work even if the rating is expressly applicable to repair parts or materials. As used in this subparagraph, "repair" means to fix a plant, machinery or equipment after it has broken down or when it is about to break down. "Repair" does not mean upkeep or maintenance service such as periodic inspection, cleaning, painting, lubricating, etc.

(3) *Ratings for services only may not be extended.* A person to whom a rating for services, as distinct from the production or delivery of material, has been applied or extended may not extend the rating for any purpose.

(g) *How to apply or extend a rating.* (1) When a person applies or extends a preference rating he must put the rating (and symbol, if appropriate) on the order together with a certification signed as prescribed in Priorities Regulation 7. He may use the standard certification set out in that regulation, or if he prefers the following:

CERTIFICATION

The undersigned purchaser hereby represents to the seller and to the War Production Board that he is entitled to apply or extend the preference ratings indicated opposite the items shown on this order, and that such application or extension is in accordance with Priorities Regulation 3 as amended, with the terms of which the undersigned is familiar.

 (Name of Purchaser)

 (Address)

 By -----
 (Signature and Title of
 Duly Authorized Officer)

 (Date)

The person who receives the certification shall be entitled to rely on it as a representation of the buyer unless he knows or has reason to know that it is false.

NOTE: (Subparagraphs (2) and (3) deleted April 25, 1944. They are superseded by paragraphs (o) and (p) of Priorities Regulation 7, which state the rules for placing rated orders orally or by telephone or telegraph.)

(4) When a person applies or extends a rating he shall also include on his purchase order or contract any information which may be required by any applicable War Production Board order. However, he is not required to include the serial number of the preference rating certificate assigning the rating.

(5) Each person who applies or extends a rating must keep at his regular place of business all documents including purchase orders and preference rating orders and certificates which authorize him to apply or extend the rating. These documents, orders and certificates must be kept in such a way that they can be readily segregated and furnished to representatives of the War Production Board for inspection.

(6) When either certification authorized in this paragraph (g) is used it will not be necessary to use any other certification in order to apply or extend a preference rating, nor will it be necessary to furnish a copy of any preference rating order no matter what any regulation, preference rating order or preference

rating certificate says unless it expressly states that this regulation does not apply. This does not affect the requirements of Priorities Regulation No. 9 (§ 944.30) when ratings are applied to certain types of exports, in which case its terms control.

(7) No person shall knowingly purport to apply or extend a preference rating to any order unless he is entitled to do so. No person shall apply or extend a rating for material or services after he has received the material or after the services have been performed, and any person who receives such a rating shall not extend it.

(h) *Provisions applicable to extensions; deferment and grouping.* No matter what any applicable preference rating order or certificate may say,

(1) No person may extend any rating to replace inventory after three months have passed from the time he could have first extended it;

(2) When a person has two or more ratings of the same grade which were assigned by different preference rating certificates or orders he may combine them and extend them to one delivery; and

(3) When a person has two or more ratings of different grades, or where they were assigned by the same or different certificates or orders, he may extend them to deliveries under one purchase order. However, the purchase order must show the amount of each material to which a particular grade of rating is extended. If the type and quantity of the material is such that the supplier can readily determine the exact effect of the extension of the rating on his production and delivery schedule from percentage figures alone, then the purchase order may show the amount of the material to which the particular grade of rating is extended on a percentage basis; otherwise, it must be shown as a separate item. In order to avoid production or delivery of material in quantities smaller than the minimum commercially practicable a person may combine ratings of different grades and extend the rating of the lowest grade to the total production or delivery.

(i) *Restrictions in other orders.* When any person applies or extends a rating he shall be subject to any applicable rule or restriction which may be set forth in the order of the War Production Board which assigns the rating or any other order which regulates transactions in the material or the facilities for which he is using the rating. This includes restrictions as to the kind and amount of material to which ratings may be applied or extended, requirements for written approval of any particular transaction, restrictions on certain uses of material or facilities and any other rules which may be applicable to the particular transaction. However, the rules of paragraphs (g) (4) and (g) (6) apply unless some other order or certificate expressly says that they do not.

Issued this 27th day of February 1945.

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

No. 42—2

LIST A

The following items may be delivered without regard to any War Production Board preference ratings:

Chemicals of the following types manufactured or produced for exclusive use in the petroleum industry, as petroleum industry is defined in Preference Rating Order P-98-b:

- a. Antioxidants (gum inhibitors) for motor fuels.
- b. Chemical additives and compound bases for heavy duty gasoline engine, diesel engine and aviation engine oils.
- c. Chemical additives and compound bases for hypoid gear oils.
- d. Synthetic catalysts for oil cracking operation.
- e. Synthetic catalysts for cumene and co-dimer manufacture.
- f. Synthetic catalysts for petroleum isomerization operations.
- g. Synthetic catalysts for petroleum sweetening operations.
- Communications services.
- Dental burs.
- Electric energy
- Gas, manufactured combustible, of the type generally distributed by utilities.
- Gas, natural.
- Petroleum; restricted products as defined in Order M-201.
- Silicon carbide settling tank and dust collector fines.
- Steam heating, central.
- Sterilizer equipment, as defined in Order L-266.
- Track-laying tractor repair parts (See Limitation Order L-53-b).
- Ice.
- Tobacco.¹
- Vegetable, fish, marine animal and animal fats and oils, whether edible or inedible, and including their by-products and residues (whether resulting from refining, distillation, saponification, pressing or settling).¹
- Sulfated, sulfonated, and sulfurized fats and oils.¹
- Tall oil.¹
- Wool grease.¹
- Soap (other than metallic).¹
- Fatty acids.¹
- Food for human or animal consumption.¹
- Glycerine.¹
- Graphite crucibles.
- Pig iron.
- Alarm clocks
- Waste paper
- Water.
- Containerboard, as defined in Order M-290.
- Low and high temperature fractional distillation equipment for gas and gasoline analysis.
- Roofing granules.

LIST B

NOTE: List B amended Feb. 27, 1945.

Blanket MRO ratings, as defined in paragraph (e) (2), may not be used to obtain the items on this list. If a rating is needed to get a specified quantity of any product on the list, application may be made on Form WPB-541 (formerly PD-1A) or on any other form which may be designated for a particular product or for use by a particular person in a War Production Board order.

Adhesive tape backed with cellophane or similar transparent material derived from cellulose.

- Animal traps.
- Anti-freeze, all types.
- Athletic and sport equipment.
- Auger Bits, Type 1 as defined in Schedule VIII to Order L-157.
- Automotive maintenance equipment as defined in Limitation Order L-270.

¹Subject to War Food Order 71 (formerly FD Regulation No. 1) of the War Food Administration.

Automotive replacement batteries as defined in Limitation Order L-180.

Automotive replacement parts as defined in Limitation Order L-158.

Award emblems, badges, buttons and other similar award pins (not including identification badges).

Blowers and industrial vacuum cleaners governed by Limitation Order L-222.

Can, jar and bottle capping, closing and sealing machinery and equipment (other than screw capping machines) having a retail sales value of \$25 or more, inclusive of motors.

Cast iron cooking utensils.

Cellophane and cellulose acetate film less than three one thousandths (0.003) of one inch thick.

Cellulose caps or bands of any gauge.

Chemicals listed in Direction No. 5 of this regulation. (See that direction for MRO ratings which may be used.)

Chinaware.

Civilian defense devices; any device, equipment, instrument, preparation or other material designed or adapted for use in connection with:

- a. Air raid warnings or detection of the presence of enemy aircraft; or
- b. Blackouts or dimouts; or
- c. The protection of civilians, either individually or collectively, against enemy action or attack.

Clocks and watches.

Clock and watch repair materials including mainsprings.²

Closures and closing devices required for packaging products to be shipped or delivered, as follows:

- a. Closures for glass containers.
- b. Gunned stay and sealing tape, paper and cloth.
- c. Paper and paperboard bottle caps, closures, and hoods.

Containers, fabricated (in knock-down or set-up form, whether assembled or unassembled) required for packaging products to be shipped or delivered. For the purpose of this item the word "containers" shall not include steel strapping, shipping reels and skids, or any item which is specifically excluded from the following sub-items (such as "shell containers" in sub-item f.). It shall, however, include but is not limited to:

- a. Bags, all types, and specialty envelopes (including those made of paper, textile, combinations of materials, transparent films, metallic foils, parchment, kraft or sulphite).
- b. Baskets and hampers.
- c. Cans, as defined in Order M-81.
- d. Collapsible tubes.
- e. Cooperage, tight and slack.
- f. Fibre cans, fibre tubes (except shell containers), fibre bottles, fibre mailing cases, and fibre drums.
- g. Folding and set-up boxes (paperboard)
- h. Gas cylinders, as defined in M-233.
- i. Glass containers.
- j. Ice cream cans (paperboard) and paraffin cartons and pails.
- k. Paper cups and paper food containers, except as permitted by Order L-336.
- l. Paper milk containers.
- m. Steel shipping drums as defined in Order L-197.

n. Wooden and fibre inner containers.

o. Wooden and fibre shipping containers and parts, as defined in Order P-140.

Corrugated and solid fibre sheets, not constituting "fibre shipping containers" as defined in Order P-146.

Cutlery, as defined in any order of the L-140 series.

Drums, hard rubber.

Electrical appliances as defined in Order L-65.

Electronic heating generators.

²It is not contemplated that any preference ratings will be assigned by the War Production Board on Form WPB-541 for clock and watch repair materials including mainsprings.

Electronic intercommunicating systems, including public address systems.

Enameled ware, as defined by Limitation Order L-30-b.

Filing cabinets, wooden.

Fire protective equipment, including only:

a. Fire pumps.

b. Fire sprinkler systems.

Flatware.

Frying pans.

Fuel

Furniture for any use, except furniture specifically designed for schools.

Galvanized ware and non-metal coated metal articles as governed by Limitation Order L-30-a (except for funnels, oil and gasoline cans having a capacity of from 1 to 5 gallons, inclusive, and flexible spout measures).

Glass tableware

Glass tumblers.

Incandescent photoflash lamps.

Industrial air circulators, new.

Kitchenware, heavy duty (except ratings

applied by a food processor, which includes any person engaged in the business of preparing, processing, canning, packing or packaging human or animal foods for distribution. It does not include any person who prepares food for consumption on the premises (such as a hotel, restaurant, hospital or educational institution) or distributes it at retail (such as a grocery or retail meat market)):

a. Bakery utensils;

b. Butcher benches;

c. Butcher blocks;

d. Canopies or hoods;

e. Carriers, food;

f. Carriers, tray;

g. Coffee mills and grinders;

h. Counters, cafeteria, lunch and serving;

i. Counter protectors;

j. Cutters, french fry;

k. Cutters, meat, bone and fish;

l. Dispensers, milk and cream;

m. Display racks;

n. Dough dividers;

o. Dough troughs;

p. Knife sharpeners and grinders;

q. Pans, cold;

r. Potato mashers;

s. Potato and vegetable parers or peelers;

t. Racks, bread (bakery);

u. Racks, dump (bakery);

v. Racks, pans (bakery);

w. Sandwich units;

x. Slicers, meat and bread;

y. Tables, bakers;

z. Tables, cooks, chef, salad and work;

aa. Tables, soiled and clean dish;

bb. Toaster stands;

cc. Tray stands;

dd. Trucks, food;

ee. Urn stands;

Insulation blowing machines complete (new only), and the following parts thereof:

(a) Internal combustion engines, or electric motors.

(b) Blowers.

(c) Speed reduction units.

Kitchen household and miscellaneous articles governed by Limitation Order L-30-d.

Laboratory instruments and equipment, including parts thereof. (Except ratings assigned by Preference Rating Orders P-43, P-68, P-89 and P-98-b, and ratings assigned pursuant to Order P-56; but those ratings may not be used for items on List A of Order L-144.)

Lawn mowers, including power and gang mowers.

Lighting fixtures, fluorescent (as defined in Order L-78), and electric floodlights Blanket MRO ratings of AA-2 or higher may, however, be used.

Lockers, wooden, for offices and factories.

Medical, surgical and dental equipment and supplies (except parts for the maintenance or repair of existing equipment) including:

a. Anaesthesia and oxygen equipment and accessories;

b. Atomizers;

c. Clinical thermometers;

d. Crutches;

e. Dental consumable supplies;

f. Dental equipment and appliances (except dental lathes);

g. Diagnostic instruments and apparatus;

h. Electric light bulbs for diagnostic instruments;

i. Hearing aids;

j. Hospital and medical rubber drug sundries, except surgeons' gloves when acquired in accordance with Appendix III of Order R-1.

k. Hospital enamelware and stainless steel ware;

l. Hypodermic needles and syringes;

m. Operating and examining room furniture;

n. Operating and examining room lights;

o. Ophthalmic goods.

p. Orthopedic appliances including splints, belts and trusses;

q. Physical therapy equipment and supplies;

r. Sterilizers;

s. Surgical dressings;

t. Suture needles;

u. Sutures;

v. X-ray equipment and supplies, including X-ray tubes, X-ray valve tubes, X-ray developing hangers, X-ray timers, and similar supplies and accessories.

Medical, surgical and dental instruments. Medicinal preparations, including vitamins.

Monorail system and additions thereto, except one complete addition valued at less than \$200.00.

Pails and tubs, wooden, including wooden mop pails.

Paper and paperboard and products manufactured therefrom and molded pulp products; excluding carbon paper, tracing paper, reproduction paper, sensitized paper, engineering graph paper, chemically treated paper for engineering use, litmus paper and filter paper and paper tags.

Paper charts for recording instruments. Pencils, mechanical.

Pencils, wood cased.

Pens, fountain.

Pen holders.

Pen nibs, steel.

Photographic film sensitized, as controlled by Order L-233.

Photographic papers, sensitized, except blueprint, whiteprint, ozalid, photostat, rectigraph and other line reproduction papers. (See Direction 24 to CMP Regulation 5.)

Pins, common and safety.

Printing and publishing:

a. Printed matter including items such as letterheads, envelopes, forms and printed and ruled stationery;

b. Processed printing plates;

c. Type metal, stereotyping metal and electrotype backing-metal;

d. Printing paper, paperboard and binders board;

e. Book cloth;

f. Blankbook and loose-leaf binders, metal parts and units;

g. Mechanical bindings.

Radio transmitters, receivers and transceivers.

Refrigeration and air conditioning systems and parts, except as permitted by Order L-38.

Screen cloth, metal insect.

Scales, Class D, as defined in Order L-190.

Softwood plywood, as defined in Limitation Order L-150-a.

Tire retreading, recapping and repair equipment, including full circle and sectional air bags.

Venetian blinds.

Wooden shelving.

Woodworking machinery, Class I, as defined in Order L-311.

NOTE: Lists A and B of this regulation will, in general, be revised on or about the 15th of every second month. Another revision may be expected April 15, 1945.

INTERPRETATION 1

Interpretation 1 of Priorities Regulation 3 [Revoked Nov. 17, 1943.]

INTERPRETATION 2

EFFECT OF LISTS A AND B ON UNFILED ORDERS

The restrictions on the use of ratings for the items on Lists A and B apply to orders for such items which had been placed before the date the item was put on the list but were not yet filled. (Issued Nov. 17, 1943.)

INTERPRETATION 3

FIRE PROTECTIVE EQUIPMENT

The term "Fire protective equipment" on List B of Priorities Regulation 3 includes only the end items listed and does not include materials or parts required for the repair or maintenance of those items.

For example, fire pumps and fire sprinkler systems are listed and therefore may not be obtained on blanket MRO ratings, whereas a part required to repair a pump or sprinkler system may be obtained on blanket MRO ratings. Similarly, blanket MRO ratings may not be used to extend an existing sprinkler system, but such ratings may be used to repair or replace sprinkler heads which have been opened up by fire or damaged in any other way. (Issued Oct. 21, 1944.)

INTERPRETATION 4

CMPL-224 AND CMPL-127 AUTHORIZATIONS

A great many orders of the War Production Board permit the delivery of materials pursuant to preference ratings assigned by a P-19-h Order, or by an order in the P-19 series. Forms CMPL-224 and CMPL-127 are generally used in place of orders in the P-19 series. It is expressly stated on Form CMPL-224:

"This authorization is issued in lieu of preference rating order of the P-19 series. Any reference in any order of the War Production Board to said preference rating orders shall constitute a reference to this authorization."

It is set forth in CMPL-127:

"This authorization is issued in lieu of Preference Rating Order P-19-h or P-55. Any reference in any order of the War Production Board to said Preference Rating Order P-19-h or P-55 shall constitute a reference to this authorization."

Consequently, it is proper for any person to deliver material or equipment pursuant to a rating assigned by Forms CMPL-224 or CMPL-127, if he is permitted under existing orders of the War Production Board to deliver said material pursuant to a rating assigned by a P-19-h order or an order in the P-19 series. (Issued Aug. 13, 1943.)

INTERPRETATION 5

RESTRICTIONS OF OTHER ORDERS; "MASKING" TAPE

(a) Restrictions of other orders on use of ratings or delivery. The provisions of paragraph (e) relate only to the items which appear on the lists. When any other order of the War Production Board restricts the use of preference ratings to obtain any product, or restricts delivery of a product in any way, those restrictions are applicable even though that product is not listed in Priorities Regulation 3 (§ 944.23). This rule specifically applies to the items which were on List C before the amendment of August 10, 1943.

(b) "Masking" tape. Blanket MRO ratings may be used to get industrial pressure

sensitive adhesive tape (paper and cloth), also called "masking" tape. This type of tape is not included in "Gummed stay and sealing tape, paper and cloth."

This interpretation is not applicable to adhesive tape backed with cellophane or similar transparent materials derived from cellulose which may not be obtained with blanket MRO ratings. (Issued Dec. 18, 1943.)

INTERPRETATION 6

EFFECT OF PREFERENCE RATING CERTIFICATE REFERRING TO PRODUCT OF A PARTICULAR MANUFACTURER

(a) When a preference rating certificate in assigning a rating to a product describes the product by its trade name or by the manufacturer's name and catalogue number, the rating may ordinarily be used to get the product from any manufacturer if the model actually obtained is substantially identical in size, operation and function with that named in the certificate.

(b) The rule stated in the preceding paragraph is consistent with the statement in paragraph (c) (2) of Priorities Regulation 3 (§ 944.23), that a preference rating may be applied only to the specific quantities and kinds of material authorized. Ordinarily a reference in a preference rating certificate to a particular product of a particular manufacturer is no more than a shorthand way of describing the product. It is safe to assume, unless the certificate clearly states otherwise, that what is being rated is a certain kind and size of product which may be obtained from any manufacturer who makes that kind and size. If it is intended to confine the rating to a particular product of a particular manufacturer, the certificate should say so explicitly (Issued Sept. 8, 1943.)

INTERPRETATION 7

LIMITATIONS ON THE RIGHT TO USE RATINGS TO GET MATERIALS PROCESSED

(a) *What this interpretation covers.* This interpretation explains the limitations on the use of a preference rating assigned to the delivery of a material to get material processed under paragraph (f) (2) (ii) of the regulation.

(b) *Controlled materials.* Preference ratings cannot be used to buy controlled materials (steel, copper, and aluminum in controlled material form) from a producer or warehouse and consequently no rating may be used to get material processed into a controlled material by a producer or warehouse. There is one exception to this general rule which is covered by paragraph (d-1) of CMP Regulation No. 8, which assigns a preference rating to steel producers for use in getting steel processed into a controlled material form.

(c) *Class B products.* Paragraph (g) (3) of CMP Regulation No 1 prohibits allotments of controlled materials to B product manufacturers except by the War Production Board and, as explained in Interpretation No. 16 to CMP Regulation No 1, also prohibits a customer from furnishing controlled materials to a B product manufacturer. A special exception to this general rule is provided in Direction 36 to CMP Regulation No. 1. In all cases not covered by the exception, it is improper for a person to furnish controlled materials to a B product manufacturer for processing and consequently no preference rating can be used to get such processing done. In this connection, attention is called to the fact that all products, whether Class A products or Class B products, which are bought for use as maintenance, repair, or operating supplies are treated as though they were Class B products. This is covered by paragraph (k-1) (2) of CMP Regulation No. 1. As pointed out in Interpretation No. 13 to CMP Regulation No. 1, a Class A repair part is handled on a Class B basis and therefore

paragraph (g) (3) of the regulation is applicable.

(d) *Ratings not to interfere with authorized controlled material orders.* While a person who has been assigned a rating to get material may use the rating to get the use of the facilities of a controlled materials producer to have the material processed (if the material, when processed, is not a controlled material) rated orders for the use of a controlled materials producer's facilities must not interfere with the acceptance, production, or delivery of orders which he is permitted to fill under paragraph (t) (3) of CMP Regulation No. 1. Attention is called to Interpretation No. 4 to Priorities Regulation No. 1 on this subject. (Issued Nov. 18, 1943.)

INTERPRETATION 9

CERTAIN MRO RATINGS ASSIGNED UNDER P-98-b ARE NOT BLANKET MRO RATINGS

Paragraph (e) (2) of Priorities Regulation 3 prohibits the use of a "blanket MRO rating" to get any item on List B. See that paragraph for a definition of a "blanket MRO rating". Some of the items which are on List B also appear on Schedule B of Preference Rating Order P-98-b. That schedule provides a way to get a rating for the items which appear on it so that such P-98-b ratings will not be "blanket MRO ratings". These ratings are assigned to specific purchase orders for a specific kind and quantity of the material desired.

Therefore, when a rating assigned pursuant to Schedule B of P-98-b (as evidenced by the symbol MRO-P-3) is applied to a purchase order for any item which is set out on Schedule B of that order that rating is valid, despite the fact the item is also on List B of Priorities Regulation 3.

The order does not require the purchaser to furnish a copy of his approved purchase order to the supplier, and the supplier should give effect to the rating and certification unless he knows or has reason to believe that the purchase order has not been rated as provided in Schedule B of Order P-98-b. (Issued Jan. 24, 1944.)

INTERPRETATION 10

USE OF RATING TO OBTAIN LEASED MACHINERY

(a) A preference rating which has been assigned for the delivery of an item of machinery or equipment may be used to lease the equipment as long as the following conditions are fulfilled:

(1) The lease must be a long-term semi-permanent arrangement where both parties contemplate the comparatively permanent installation of the machine or equipment. For instance, a rating could be used to obtain a machine under lease where the lease was for one year, with provision for renewal at the end of each year, and both parties expected that the lease would be renewed from time to time. However, the rating could not be used to obtain a machine for a month's use.

(2) If the rating is limited by specific dollar amount, it may be used only to lease machinery or equipment whose fair market value is no greater than the amount specified. For example, CMP Regulation No. 5 assigns a rating for the purchase of minor capital additions not exceeding \$500. This rating can be used to lease a machine if its fair market value is not more than \$500.

(b) If the instrument assigning the ratings specifies a lease rather than a purchase, it is not necessary to comply with the above conditions. (Issued April 25, 1944.)

INTERPRETATION 11

IDENTIFICATION OF BLANKET MRO RATINGS

Generally speaking, ratings accompanied by the symbol "MRO" are blanket MRO ratings when they are applied to get an item on List

B of Priorities Regulation 3. Therefore, any person receiving an order for a List B item bearing a rating accompanied by the symbol "MRO" must assume that the rating is a blanket MRO rating and give it no effect, unless the person who applied or extended it demonstrates (1) that it is not a blanket MRO rating or (2) that it is an extension of a blanket MRO rating applied on an order which was filled before the item was added to List B. (See paragraph (e) (2) of Priorities Regulation 3 for definition of "blanket MRO rating.")

It should not be assumed, however, that all blanket MRO ratings are accompanied by the "MRO" symbol. Several "P" and "U" Orders assign blanket MRO ratings which are accompanied by symbols other than "MRO." For example, a blanket MRO rating is assigned by Preference Rating Order P-68, but the symbol accompanying the rating is "S-8".

The question has been raised whether the War Production Board assigns the symbol "MRO" in connection with the assignment of a rating on Form WPB-541 (PD-1A) for a List B item. The answer to this question is "No." Therefore, no rating which was assigned on Form WPB-541 for a List B item could properly be accompanied by the "MRO" symbol. (Issued April 25, 1944.)

INTERPRETATION 12

RECORDS OF EXPORTERS

Paragraph (g) (5) of Priorities Regulation No. 3 requires each person who applies or extends a rating to keep all documents including preference rating orders and certificates which authorize him to apply or extend the rating at his regular place of business. The Foreign Economic Administration and its predecessors, the Board of Economic Warfare and the Office of Economic Warfare, have assigned preference ratings to exporters for export by endorsing appropriate legends upon export licenses. The original of every export license, however, is required by other government regulations to be surrendered to export officials at the time of shipment. Consequently, persons who receive their assignments of preference ratings on export licenses are not in a position to retain the original of the export license and thus are not required to do so by paragraph (g) (5) except only in those cases where other government regulations do not require the surrender to the government of the documents referred to. (Issued April 25, 1944.)

INTERPRETATION 13

TIME LIMIT ON USE OF RATINGS

Preference ratings may not be extended to replace material in inventory after three months from the time delivery was made to the customer. This is the rule of paragraph (h) (1) of the regulation.

When a rating is being applied (except a blanket rating such as one assigned by CMP Regulation 5) or when any rating is extended for some purpose other than to replace inventory, this may be done only within a reasonable time after the rating was received. Generally speaking, more than three months is deemed to be an unreasonable delay in the use of a rating. In a particular case there may be circumstances which make a reasonable time shorter or longer than three months. For example,

(1) A rating assigned to a construction project on a form which says when the rating expires (such as GA-1456 or CMPL 593) may be applied for material going into the project until the expiration date stated, even though more than three months may have elapsed.

(2) A rating assigned in connection with an export license may be applied as long as the license is valid and expires when the license expires or is revoked. (For explanation of this rule see Interpretation 2, Directive 27.)

(3) When a rating is applied to a long term contract (such as the construction of a ship), it may be extended for material needed to fill the contract, even though more than three months have elapsed.

(4) If the purpose for which the rating was assigned no longer exists, the rating may not be applied even though three months have not elapsed.

(5) When a rating is extended by a person to get material to deliver to his customer, or to incorporate in such material, the time within which it may be done will, in general, be controlled by the delivery date on his customer's order.

The fact that a person has not been able to get his rated order accepted by a supplier does not lengthen the time within which he may use his rating. (Issued June 23, 1944.)

[F. R. Doc. 45-3167; Filed, Feb. 27, 1945; 11:17 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 3, Interpretation 8, as Amended Feb. 27, 1945]

ELECTRONIC INTERCOMMUNICATING SYSTEMS

The following interpretation is issued with respect to Priorities Regulation 3:

List B of Priorities Regulation 3 (§ 944.23) forbids the use of blanket MRO ratings to obtain electronic intercommunicating systems. This restriction applies only to getting systems not yet installed. Therefore, blanket MRO ratings may be used to obtain repair parts and materials for existing intercommunicating systems. Also, those blanket MRO ratings which may be used for minor capital additions, may within prescribed dollar limits be used to add stations to an existing intercommunicating system to bring it to its designed capacity. Thus, if an intercommunicating system is designed for 16 stations, with only 12 stations originally installed, four stations may be added by the use of blanket MRO ratings. However, an expansion beyond the 16 stations, or an enlargement of or an extension beyond the designed capacity, may not be obtained by use of blanket MRO ratings.

NOTE: Last paragraph deleted Feb. 27, 1945.

Issued this 27th day of February 1945.

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

[F. R. Doc. 45-3168; Filed, Feb. 27, 1945; 11:18 a. m.]

PART 960—CHLORINE AND PRODUCTS CONTAINING AVAILABLE CHLORINE

[Supplementary Order M-19-a, Revocation]

Section 960.2 *Supplementary Order M-19-a* is hereby revoked. This revocation does not affect any liabilities incurred under the order.

High test calcium hypochlorite is subject to allocation under General Allocation Order M-300 as an Appendix B material, subject to Schedule 93 issued simultaneously with this revocation. Allocation control of chloride of lime is hereby removed.

Regular and interim allocations of high test calcium hypochlorite heretofore issued under Order M-19-a are effective under this schedule, but are

limited in duration as if originally issued under this schedule.

Issued this 27th day of February 1945.

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

[F. R. Doc. 45-3161; Filed, Feb. 27, 1945; 11:18 a. m.]

PART 965—IRON AND STEEL SCRAP

[General Preference Order M-24, Direction 2]

SPECIAL INVENTORY LIMITATION ON CAST IRON SCRAP

The following direction is issued pursuant to General Preference Order M-24:

(a) *What this direction does.* A shortage has developed in the supply of cast iron scrap. In order to insure that sufficient quantities are made available for war production and that available supplies are equitably distributed, it is necessary to limit the inventories of cast iron scrap in the hands of all consumers.

(b) *Restrictions on acceptance by consumers.* No consumer of cast iron scrap shall accept delivery of cast iron scrap if his total inventory of cast iron scrap (both home and purchased) is, or will become by virtue of such delivery, in excess of a sixty day supply of purchased cast iron scrap based on his current melt schedules. In estimating the amount of purchased cast iron scrap required for any sixty day period based on current melt schedules, the consumer must take into consideration the amount of home scrap which he would normally recycle during the period. For example, if a consumer estimates his total requirements of cast iron scrap for a sixty day period at 200 tons, and he is recycling home scrap at a rate sufficient to meet 50% of those requirements, he will need 100 tons of purchased scrap during the sixty day period. If his inventory of both home and purchased cast iron scrap is less than 100 tons, he may accept delivery of enough scrap to bring his total inventory up to 100 tons, and no more.

(c) *Exceptions.* A consumer may, without regard to the provisions of paragraph (b) of this direction: (1) carry a total inventory of not more than 50 gross tons of home and purchased cast iron scrap; (2) accept delivery of cast iron scrap in transit on the date of this direction.

Issued this 27th day of February 1945.

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

[F. R. Doc. 45-3162; Filed, Feb. 27, 1945; 11:18 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Direction 44 as Amended Feb. 27, 1945]

SALE OF STEEL NOT NEEDED BY PRODUCERS AND DISTRIBUTORS TO FILL AUTHORIZED CONTROLLED MATERIAL ORDERS

The following amended direction is issued pursuant to CMP Regulation 1:

(a) Producers having steel in stock of the kind described in paragraph (c) may fill orders bearing a Z-1E allotment symbol (except orders for alloy steel, including stainless

steel, required to be reported by the producer on form WPB-2933) without specific approval of the War Production Board.

(b) In addition, a producer or distributor may apply to the War Production Board for permission to dispose of material of the type described in paragraph (c) without requiring the customer to furnish a CMP allotment, allotment symbol or certification on his order. Each application should be addressed to the Distribution Branch of the Steel Division, War Production Board, Washington 25, D. C., and must contain the following information:

- (1) Name of proposed customer.
- (2) Product to be made.
- (3) Quantity and description of material.
- (4) Location of material.
- (5) Length of time held in stock.

(c) A producer or distributor may classify as idle and excess inventory any steel in stock not needed to fill orders which he is required to fill under a CMP Regulation, provided that it has been in the stock of the producer for a period of not less than 30 days or in the stock of the distributor for a period of not less than 120 days. If a delivery permitted under this direction will require the conversion of steel from one controlled material form to another, the specific approval of the War Production Board must be obtained. Application for this approval should be made in the way described in paragraph (b), with a description of the processing required to convert the steel.

(d) However, until March 1, 1945, a producer may dispose on Z-1E orders (a distributor sells steel on Z-1E orders in accordance with paragraph (m) (2) (ii) of CMP Regulation 4) and a producer or distributor may dispose on orders authorized under paragraph (b) prior to March 1, 1945, any steel he has in stock which is not needed to fill orders which he is required to fill under CMP Regulations, and which he has on hand or which the distributor may deliver after converting any form of semi-finished material on hand without the use of additional manpower.

Issued this 27th day of February 1945.

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

[F. R. Doc. 45-3157; Filed, Feb. 27, 1945; 11:17 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Direction 54, as Amended, Feb. 27, 1945]

DEFERRED ALLOTMENTS

The following amended direction is issued pursuant to CMP Regulation 1.

(a) *General.* This direction describes the operation of deferred allotments. These allotments and authorized controlled material orders based on them are identified with the letter "Z" as the initial letter of the CMP allotment symbol. In most cases, this symbol will be "Z-1". Deferred allotments and authorized controlled material orders based on them are exactly the same as regular allotments and authorized controlled material orders, except as provided in this direction or as may be provided under other regulations.

(b) *Treatment by a controlled material producer of authorized controlled materials*

orders based on deferred allotments. (1) A controlled material producer must accept or reject an authorized controlled material order identified by the symbol "Z" in the same way that he must accept or reject any other authorized controlled material order. However, if after accepting orders identified by a "Z" symbol, he receives orders (other than "Z" orders), which he is otherwise required to accept but would be unable to accept because of the provision of paragraph (t) (2) (iii) or Direction 23 of CMP Regulation 1 (relating to the amount of orders that can be accepted), he must defer his most recently accepted "Z" orders to the extent necessary and accept the other order.

(2) A controlled material producer must defer production of his most recently accepted "Z" order to the extent necessary to make deliveries on time on other authorized controlled material orders or other orders which he is required to fill.

(3) If at the time a "Z" order is required to be deferred by paragraph (b) (1) or (b) (2) it is scheduled for delivery within less time than the "lead times" of Schedule III to CMP Regulation No. 1, the producer need not defer such order if deferring the orders would stop or interrupt his production or operations in a way which would cause a substantial loss of total production or a substantial delay in operations. For instance, if a steel producer receives an authorized controlled material order with an "N-1" symbol and, under the provisions of paragraphs (b) (1) and (b) (2) he would be required to defer a "Z" order for carbon pipe which is scheduled for delivery in less than 30 days (the lead time specified in Schedule III for carbon pipe) and deferring the order would result in a substantial loss in total production he need not defer such order.

(4) If a "Z" order is deferred because of the provisions of paragraph (b) (1) or (b) (2) of this direction, it may be scheduled for delivery in a later month only if a new "Z" order could be accepted for delivery in such a month under the provisions of this direction and paragraph (t) of CMP Regulation No. 1. However, if the order is scheduled for delivery in a later month and that month is in a later quarter, it is not necessary for the customer to make any change in his order or have an allotment valid for the later quarter. The provisions of paragraph (t) (4) of CMP Regulation 1 and paragraph (g) of Direction 23 to that regulation, relating to prior scheduling of past due orders, do not apply to "Z" orders.

(5) Whenever a controlled material producer finds that he will be unable to fill a "Z" order within the month promised he must promptly notify the customer, stating approximately when he expects to make delivery.

(c) Deliveries from mill stock. A controlled material producer must not fill from mill stock, including mill accumulations of rejected material, any "Z" order until he has filled all other orders which he has received calling for similar items which he is required to fill under CMP regulations.

(d) Deliveries of steel for further conversion to fill "Z" orders. If a steel producer orders controlled material from another controlled material producer which he will convert into another controlled material form for delivery on a "Z" order, he should obtain his material in the same way as provided for other orders for further conversion by Direction 6 of CMP Regulation No. 1.

(e) Reports to the War Production Board. Producers shall treat "Z" orders separately on all reports required to be filed with the

War Production Board which requires segregation of shipments, orders, or production by major program symbol.

(f) Treatment by steel producers of orders identified by the symbol "Z-1E" is explained in Direction No. 44 to CMP Regulation No. 1.

(g) Removal of deferred orders from schedules. If a "Z" order has been deferred by a producer for more than thirty days after the quarter in which the order was originally scheduled for delivery, and the producer is unable to schedule it for delivery in the quarter following the one for which it was originally scheduled, the "Z" order must be cancelled and removed from the production schedule of the producer. If an order has been re-scheduled for the later quarter and must be again deferred beyond that quarter, it must be cancelled and may not be re-scheduled for delivery in any subsequent quarter. The customer must be immediately notified of cancellation in either case.

(h) Special treatment of certain AM orders for aluminum. Orders placed by certain warehouses bearing the symbol AM-9600 under the provisions of Order M-1-j shall be treated as though bearing the initial letter "Z" under the provisions of this direction.

Issued this 27th day of February 1945.

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

[F. R. Doc. 45-3158; Filed, Feb. 27, 1945;
11:17 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Direction 62 as Amended Feb. 27, 1945]

SUSPENSION OF CERTAIN "Z" ORDERS FOR STEEL

The following amended direction is issued pursuant to CMP Regulation 1:

(a) Because of the present critical shortage of most steel products it is necessary to forbid production on certain marginal orders. However, authorizations to place the orders will not generally be cancelled, in order that they may be promptly re-instated when the supply situation permits.

(b) No producer shall produce or deliver any steel on orders bearing the CMP allotment symbol ZW placed under Direction 3 to Order M-21-b-1.

(c) No producer shall produce or deliver any stainless steel on orders identified by a CMP allotment symbol whose initial letter is "Z" (Z-1, Z-1E, Z-2, etc.).

(d) No producer shall accept any orders for stainless steel identified by the CMP allotment symbol whose initial letter is Z. Any order for stainless steel which has already been accepted must be cancelled, or removed from schedule, and returned to the customer.

Issued this 27th day of February 1945.

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

[F. R. Doc. 45-3159; Filed, Feb. 27, 1945;
11:17 a. m.]

PART 3290—TEXTILES, CLOTHING AND LEATHER

[General Conservation Order M-310, Gen. Direction 10 as Amended Feb. 27, 1945]

DELIVERY OF GOATSKIN LEATHER ON MILITARY ORDERS

The following amended general direction is issued pursuant to General Conservation Order M-310:

The exemptions in paragraphs (e) (2) and (e) (3) of § 944.2 of Priorities Regulation 1 shall not apply to rated orders for goatskin or kid leather placed with tanners or converters of such leather. Each tanner and converter of such leather must accept all rated orders as otherwise provided in Priorities Regulation 1 and he must produce or cause to be produced for his account sufficient leather meeting military specifications to fill rated orders he has accepted. However, unless he so desires, no such tanner or converter need accept after February 27, 1945 rated orders which call for total deliveries in any calendar month commencing with March 1945 in excess of 25% of the total footage of all goatskin and kid leather produced by him or for his account during such month. Nothing in this direction shall relieve any tanner or converter from making deliveries under rated orders previously placed and accepted.

Issued this 27th day of February 1945.

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

[F. R. Doc. 45-3164; Filed, Feb. 27, 1945;
11:19 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-310, Gen. Direction 14]

PRODUCTION AND DELIVERIES OF UPHOLSTERY LEATHER, ACCOUTREMENT LEATHER AND LUGGAGE LEATHER

The following direction is issued pursuant to General Conservation Order M-310:

No tanner shall put into process and no tanner, currier or finisher shall deliver during any calendar quarter more cattle hide leather for any of the purposes shown below than the quantity obtained by applying the percentages indicated below to the quantities delivered for such purposes during the three months period of June, July and August, 1944:

Type	Permitted during 1st quarter, 1945		Permitted during each succeeding quarter	
	Put into process	Deliveries	Put into process	Deliveries
Furniture leather (upholstery, top grains and machine buffs only) essential for repair and maintenance of transportation equipment and office and commercial furniture.	Pct. 100	Pct. 125	Pct. 66 2/3	Pct. 66 2/3

Type	Permitted during 1st quarter, 1945		Permitted during each succeeding quarter	
	Put into process	Deliveries	Put into process	Deliveries
Luggage handles and attaching pieces, welts, bindings, corners and closures for types of luggage permitted by Schedule I of General Limitation Order L-284 made from the types of leather permitted by paragraphs (b)(1)(iv), Rifle scabbards, rifle slings, pistol holsters and pistol belts to be sold to peace officers, guards or cowboys....	Pct. 100	Pct. 125	Pct. 66%	Pct. 66%
	100	125	66%	66%

Nothing in this direction authorizes the delivery of any of the foregoing types of leather except as permitted by paragraph (b) (3) and Schedule A of General Conservation Order M-310.

Issued this 27th day of February 1945.

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

[F. R. Doc. 45-3165; Filed, Feb. 27, 1945;
11:17 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-310, Gen. Direction 15]

DELIVERIES OF CATTLE HIDE ATHLETIC GOODS LEATHERS

The following general direction is issued pursuant to General Conservation Order M-310:

No tanner shall deliver, during any calendar quarter, more athletic goods leathers made of cattle hides (excluding kips and calfskins) than shown below.

Deliveries permitted during first quarter, 1945:

200% of quantity delivered during January, 1945 plus 100% of quantity delivered during February, 1945.

Deliveries permitted during each succeeding quarter:

300% of the quantity delivered during August, 1944.

Nothing in this direction authorizes the delivery of any of the foregoing types of leather except as permitted by paragraph (b) (3) and Schedule A of General Conservation Order M-310.

Issued this 27th day of February 1945.

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

[F. R. Doc. 45-3166; Filed, Feb. 27, 1945;
11:19 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Schedule 93]

HIGH TEST CALCIUM HYPOCHLORITE

§ 3293.1093 Schedule 93 to Allocation Order M-300—(a) Definition. "High

test calcium hypochlorite" means the chemical compound calcium hypochlorite having an available chlorine content of 65% or more, by weight.

(b) *General provisions.* High test calcium hypochlorite is subject to the provisions of General Allocation Order M-300 as an Appendix B material. The initial allocation date is July 6, 1942 when high test calcium hypochlorite first became subject to allocation under Order M-19-a (revoked). The allocation period is the calendar month. The small order exemption without use certificate is 45 pounds (one case) per person per month for any purpose, except for use by commercial or institutional laundries.

(c) *Special provisions.* (1) Regular and interim allocations heretofore issued under M-19-a are effective under this schedule, but authorizations to deliver are limited in duration as if originally issued under this schedule. Pending applications need not be refilled.

(2) For the purpose of this schedule, the restrictions in Order M-300 on "suppliers" shall only apply to producers and to those distributors who purchase for resale more than 1,000 pounds per month in the aggregate from all suppliers.

(3) Distributors who purchase for resale between 45 pounds and 1,000 pounds per month in the aggregate from all suppliers need not obtain War Production Board authorization on Form WPB-2947 to resell. Instead they must specify on their end use certificate to their supplier the end uses for which the high test calcium hypochlorite will be resold. Instructions for filing out this certificate are set forth in paragraph (e) of this schedule. The certificate may only be based upon actual certified purchase orders on hand from customers of the distributor, except for anticipated exempt small orders. If a distributor's certificate specifies more than one end use, and the supplier delivers the entire quantity of high test calcium hypochlorite called for on the distributor's order, the distributor shall not resell that chemical for any other end uses than those appearing on his certificate, nor shall he resell a greater quantity for a particular end use than that appearing on his certificate opposite that end use. If the distributor's certificate specifies more than one end use, and his supplier does not deliver the entire quantity called for on his purchase order, the distributor shall not resell a greater quantity for a particular end use than the supplier notifies him is being delivered to him for resale for that end use.

(4) In the event a supplier does not deliver the entire quantity of high test calcium hypochlorite called for on a purchase order accompanied by a certificate specifying more than one end use, the supplier shall notify the purchaser in writing (either on the invoice or otherwise) what portion of the total amount of that chemical delivered to the purchaser may be used or resold (in case the purchaser is a distributor) for each end use appearing on the purchaser's certificate.

(d) *Suppliers' applications on Form WPB-2947.* Each supplier seeking authorization to use or deliver over 1,000

pounds per month, shall file application on Form WPB-2947 (formerly PD-602). Filing date is the 10th day of the month before the proposed delivery month. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-93. The unit of measure is pounds. List the names of all customers ordering more than 1,000 pounds per month and indicate the quantity requested by each such customer for each end use. With respect to customers ordering between 45 and 1,000 pounds per month, their orders may be lumped according to end uses indicated on their certificates, without specifying such customers by name. An aggregate quantity may be requested without specifying customers' names for delivery on uncertified exempt small orders for any purpose, except for use by commercial or institutional laundries. Fill in Table II.

(e) *Certified statements of use.* Each person placing orders for delivery of more than 45 pounds of high test calcium hypochlorite per month, in the aggregate from all suppliers, shall furnish each supplier with a certified statement of proposed use in the form prescribed in Appendix E, of Order M-300. End use may be specified in the terms of the following:

Potable water treatment.
Sewage treatment.
Hospital, clinic and sanatoria sanitation.
Dairy and food processing plant sanitation.
Public eating and drinking establishment sanitation.
Swimming pool sanitation.
Medical and surgical sanitation.
Diaper laundry.
Sugar refining.
Industrial water treatment.
Petroleum production and refining.
Paper pulp processing.
Textile bleaching and processing.
Laundry bleaching.
Shrinkproofing of socks.
All others specify.
*Resale on further authorization.
Resale on exempt small orders.
Export (specify destination and export license number).

Each distributor ordering 1,000 pounds or less, in the aggregate from all suppliers per month for resale, shall lump his customers' orders according to the end uses indicated on his customers' certificates, and the distributor shall specify on his certificate which he gives to his supplier, the quantity desired for resale for each end use. The distributor may also specify an aggregate quantity for resale on uncertified exempt small orders, for any purpose except for use by commercial or institutional laundries.

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

(g) *Communications to War Production Board.* Reports and communications concerning this schedule shall be addressed to War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-93.

*This end use may only be given by suppliers who order for resale more than 1,000 pounds per month.

Issued this 27th day of February 1945.

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

[F. R. Doc. 45-3163; Filed, Feb. 27, 1945;
11:18 a. m.]

PART 4500—POWER, WATER, GAS, AND CENTRAL STEAM HEAT

[Supplementary Utilities Order U-1-f, as Amended Feb. 27, 1945]

§ 4500.7 *Supplementary Utilities Order U-1-f—(a) Definitions.* For the purposes of this supplementary order:

(1) "Domestic consumer" means a prospective consumer who is requesting an extension of service to a building used exclusively for dwelling purposes.

(2) "Industrial consumer" means a prospective consumer who is requesting an extension of service to a building used in whole or in part for the manufacture, processing or assembly of products or materials.

(3) "Commercial consumer" means a prospective consumer not classified in this order as "domestic" or "industrial."

(b) *Permission to build certain extensions.* In accordance with the provisions of paragraph (i) of Utilities Order U-1, extensions of electric, water, gas, and central steam heating facilities may be made or connected by producers when all of the following conditions are satisfied:

(1) If construction or remodeling by the consumer is involved, no specific direction, order, certificate or other authorization for construction has been issued by the War Production Board to authorize such construction or remodeling. If such authorization has been issued, the construction of utility facilities, except to farm buildings other than farm dwellings, is governed by Supplementary Utilities Order U-1-d.

(2) Electric extensions, including any part built by or for the consumer, can be built within the limits of the Electric Utilities Construction Standards, shown in Schedule I of this order. However, notwithstanding the length limits required by Schedule I, the length of secondary circuit for operation at 600 volts or less, if underbuilt on existing poles, need not be included in determining the length of extensions permitted.

(3) The cost of material for any continuous extension built in any calendar quarter, excluding the cost of material for any part built by or for the consumer, does not exceed \$10,000.

(4) The extension does not duplicate an adequate service of the same type already installed or constitute a stand-by service.

(5) The smallest quantities and sizes of equipment, conductor and pipe required to furnish service at minimum standards shall be used in the construction of extensions of service under this Supplementary Order U-1-f.

(c) *Other orders.* This order does not constitute a release, in the case of gas producers or consumers, from the restric-

tions of Utilities Order U-7 or Limitation Order L-174.

(d) *Effect of amendment of this order on construction started.* Construction of extensions permitted by Supplementary Utilities Order U-1-f prior to this amendment may be completed if, in the case of overhead construction, the right of way clearing and staking has been completed and not less than 20% of the number of poles that will be required for the proposed extension have been erected. In the case of underground construction, the extension may be completed if any work has been done on the extension.

Issued this 27th day of February 1945.

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

SCHEDULE I—ELECTRIC UTILITIES CONSTRUCTION STANDARDS

I. Extensions to domestic consumers, including primary, secondary, and service drop. a. In the case of extensions of service to dwellings used seasonally, the length of the extension shall not exceed 250 feet per consumer, but no transformer may be installed except to replace a transformer in service.

b. In the case of extensions of service to dwellings used the year around and where the consumer has installed an electric range, refrigerator or washing machine, the length of the extension shall not exceed 1,000 feet per consumer and one transformer may be installed for service to each such consumer.

c. In the case of extensions of service to dwellings used the year around but where the consumer does not have installed an electric range, refrigerator or washing machine, the length of the extension shall not exceed 1,000 feet per consumer but no transformer may be installed except to replace a transformer in service.

II. Extensions to industrial and commercial consumers, including primary, secondary, and service drop. a. Notwithstanding the provision of section II (b) (iii) below, in the case of electric facilities to operate an electric motor for oil well drilling or pumping, no limitation on the length of an extension is imposed other than that indirectly imposed by the \$10,000 limit on value of materials in paragraph (b) (3) of this order.

b. A limitation of 5,000 feet as to the length of an extension of electric facilities shall apply in cases where the extension is to serve an industrial or commercial consumer who is (i) engaged, as his principal activity, in the manufacture of a product or in the conduct of a business or activity to which the Preference Rating AA-1 or AA-2 has been assigned for the acquisition of MRO material according to Schedule A of CMP Regulation 5; or (ii) an electric, water, gas, steam heat, telephone or telegraph utility; or (iii) engaged in the petroleum industry, except in retail marketing, as those terms are defined in Preference Rating Order P-98-b; or (iv) engaged in the business of mining or burning refractories, and has been assigned a serial number under Preference Rating Order P-56; or (v) engaged

in the business of radio communication or radio broadcasting; or (vi) a hospital.

c. Except as provided in subsections a. and b. above and subsection d. below, facilities to serve an industrial or commercial consumer shall not exceed more than 1,000 feet of extension. This length shall include primary, secondary and service drop and no new transformer installations may be made except to replace transformers installed and in service.

d. In the case of extensions of facilities to serve additional street lights, all of the following conditions must be satisfied:

(1) The additional street lights are certified to the utility in writing by local public authority to be necessary for the public safety, and

(2) Not more than 500 feet of extension may be installed per street light to be served, and

(3) No distribution transformer is installed except to replace a distribution transformer in service, and

(4) No additional street light is installed closer than 250 feet from another street light except as necessary to provide a single street light at a street intersection or at the ends of a bridge, tunnel, or viaduct.

[F. R. Doc. 45-3169; Filed, Feb. 27, 1945;
11:18 a. m.]

PART 4500—POWER, WATER, GAS, AND CENTRAL STEAM HEAT

[Supplementary Utilities Order U-1-g,
Revocation of Direction 1]

TEMPORARY EXTENSIONS TO SERVE CHRISTMAS LIGHTING DISPLAYS

Direction 1 under Supplementary Utilities Order U-1-g is hereby revoked. This revocation does not affect any liabilities incurred under the direction.

Utilities Order U-9 prohibits the use of electricity for outdoor lighting displays, and, in effect, thereby supersedes this direction.

Issued this 27th day of February 1945.

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

[F. R. Doc. 45-3170; Filed, Feb. 27, 1945;
11:18 a. m.]

Chapter XI—Office of Price Administration

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Rev. RO 11¹, Amdt. 7 to Supp 1]

FUEL OIL

Section 1394.9208 (b) (9) is added as follows:

(9) In Zones A-1, B-1 and C-1, and A-3, B-3 and C-3, the value of one unit represented by coupons numbered "5" on Class 4A coupon sheets, and the value of five units represented by coupons numbered "5" on Class 5A coupon sheets, and the value of twenty-five units represented by coupons numbered "5" on Class 6A coupon sheets are hereby fixed

¹ 9 F.R. 2357.

at ten (10) gallons, fifty (50) gallons and two hundred fifty (250) gallons of fuel oil, respectively.

This amendment shall become effective March 1, 1945.

Issued this 26th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3146; Filed, Feb. 26, 1945;
3:49 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16, Amdt. 32 to 2d Rev. Supp. 1]

MEAT, FATS, FISH AND CHEESES

The Official Table of Consumer Point Values (No. 22) and the Official Table of Trade Point Values (No. 22) referred to in § 1407.3027 (a) are amended by increasing the point values of the following Revised Ration Order 16 foods:

Item:	Point value (per pound)
Lard.....	4
Shortening.....	4
Salad and cooking oils.....	4
Margarine.....	5

This amendment shall become effective 12:01 a. m. February 25, 1945.

Issued this 25th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3147; Filed, Feb. 26, 1945;
3:49 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 3, Supp. 8]

WET CORN MILLING BY-PRODUCTS FOR ANIMAL AND POULTRY FEEDS

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

ARTICLE I—GENERAL PROVISIONS

Sec.

1. Explanation of the relation of this supplement to Food Products Regulation No. 3.
2. Applicability.
3. Sales at other than maximum prices.
4. Definitions.
5. Other provisions of general applicability.

ARTICLE II—PRICING PROVISIONS

6. Base per ton prices for wet corn milling by-products.
7. Maximum prices for sales by processors.
8. Maximum prices for sales by wholesalers and retailers.
9. Charges for sacks and sacking.

AUTHORITY: § 1351.471 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. Explanation of the relation of this supplement to Food Products

¹ 9 F.R. 6772, 6825, 7262, 7438, 8147, 8931, 9266, 9278, 9785, 9896, 10425, 10875, 10876, 10777, 11426, 11513, 11906, 11955, 11961, 12814, 12867.

² 9 F.R. 11504.

Regulation No. 3. Not all of the provisions affecting maximum prices for sales of wet corn milling by-products for animal and poultry feeds are stated in this supplement. Those which are not specifically set forth here are stated in Food Products Regulation No. 3 and they are just as much a part of this supplement as if they were printed here.

The particular sections of Food Products Regulation No. 3 which are applicable to this supplement are listed in appropriate places in the provisions which follow. When any applicable section of the regulation is amended, the amendment is also applicable to this supplement.

SEC. 2. *Applicability.* Except for those sales exempted by paragraph (a) of this section, this supplement shall apply to all sales of wet corn milling by-products for animal and poultry feeds within the United States, and to all deliveries of such products, whether immediate or future.

(a) *Exempt sales.*—(1) *Export sales.* Section 2.1 of Food Products Regulation No. 3, dealing with export sales, is applicable to this supplement.

(2) *Emergency purchases.* Section 2.2 of Food Products Regulation No. 3, dealing with emergency purchases, is applicable to this supplement.

SEC. 3. *Sales at other than maximum prices.* (a) Regardless of any contract or obligation, no person shall sell or deliver, and no person shall, in the course of trade or business, buy or receive any commodity covered by this supplement at a price above the maximum price established by this supplement; nor shall any person agree, solicit, offer or attempt to do any of the foregoing; *Provided, however,* That certain agreements to raise prices are permissible as provided for in subparagraph (1) of this paragraph.

(1) *Adjustable pricing.* Section 2.3 of Food Products Regulation No. 3, dealing with adjustable pricing, is applicable to this supplement.

(b) Prices lower than the maximum prices established by this supplement may, of course, be charged or paid.

SEC. 4. *Definitions.*—(a) *Definitions appearing in Food Products Regulation No. 3.* Definitions of the following terms, set forth in the designated sections of Food Products Regulation No. 3, are applicable to all of the provisions of this supplement.

"Person": Sec. 1.1 of Food Products Regulation No. 3.

"United States": Sec. 1.2 of Food Products Regulation No. 3.

"Processor": Sec. 1.3 of Food Products Regulation No. 3.

"Store": Sec. 1.4 of Food Products Regulation No. 3.

"Retailer": Sec. 1.5 of Food Products Regulation No. 3.

"Car door seller": Sec. 1.6 of Food Products Regulation No. 3.

"Trucker-merchant": Sec. 1.7 of Food Products Regulation No. 3.

"Wholesaler": Sec. 1.9 of Food Products Regulation No. 3.

"Feeder": Sec. 1.10 of Food Products Regulation No. 3.

"Supplier": Sec. 1.11 of Food Products Regulation No. 3.

"Customer": Sec. 1.12 of Food Products Regulation No. 3.

"Importer": Sec. 1.13 of Food Products Regulation No. 3.

"Your supplier's maximum price on the sale to you": Sec. 1.14 of Food Products Regulation No. 3.

"Commodity": Sec. 1.15 of Food Products Regulation No. 3.

"Transportation cost": Sec. 1.20 of Food Products Regulation No. 3.

"Hauling allowance": Sec. 1.21 of Food Products Regulation No. 3.

"Carload shipment": Sec. 1.22 of Food Products Regulation No. 3.

"Pool car lot": Sec. 1.23 of Food Products Regulation No. 3.

"Less-than-carload lot": Sec. 1.24 of Food Products Regulation No. 3.

"Unit of protein": Sec. 1.25 of Food Products Regulation No. 3.

"Applicable supplement": Sec. 1.26 of Food Products Regulation No. 3.

(b) *Additional definitions.* When used in this supplement, the following terms shall have the following meanings:

"Wet corn milling by-products for animal and poultry feeds" means those by-products of the milling of corn by the wet corn milling process which are used for feeding animals and poultry. These by-products include but are not limited to corn gluten feed, corn gluten meal, corn oil cake, and corn germ meal as each is defined in the 1943 issue of the official Publication of the Association of American Feed Control officials.

SEC. 5. *Other provisions of general applicability.* Provisions relating to the following matters are set forth in Food Products Regulation No. 3, and the sections of that regulation listed below are applicable to and made a part of this supplement as though set forth herein in full.

(a) *Evasion.* Section 2.4 of Food Products Regulation No. 3.

(b) *Enforcement.* Section 2.5 of Food Products Regulation No. 3.

(c) *Licensing.* Section 2.6 of Food Products Regulation No. 3.

(d) *Documents, records and reports.* Section 2.7 of Food Products Regulation No. 3.

(e) *Interpretations, protests and petitions for amendment.* Section 2.8 of Food Products Regulation No. 3.

ARTICLE II—PRICING PROVISIONS

SEC. 6. *Base per ton prices for wet corn milling by-products.*—(a) *Base per ton prices for domestic wet corn milling by-products.* Base prices for domestic wet corn milling by-products are set forth below. These prices depend upon the giving and fulfilling of a guarantee of minimum protein content.

"Standard protein content" is 41 per cent for gluten meal and 23 per cent for gluten feed.

The base prices set forth in this section are for sales and deliveries of 60,000 pounds or more, for carload shipments, and for pool carlots. In the event you sell and deliver a less-than-carload lot, you may add \$1.00 per ton to the price listed below in arriving at your base price.

(1) If you guarantee at the time of sale that the lot will contain at a minimum the standard protein content, and you fulfill such guarantee by delivering a lot with at least that protein content, the base per ton price shall be as follows:

(i) At Chicago, Illinois, Kansas City, Missouri and St. Louis, Missouri, the applicable price set forth below:

Commodity:	Per ton
Gluten meal.....	\$45.00
Gluten feed.....	38.00
Corn oil cake.....	40.00
Corn oil meal.....	40.00
Corn germ meal.....	40.00
All other wet corn milling by-products.....	38.00

(ii) The base per ton price at any point other than Chicago, Illinois, Kansas City, Missouri and St. Louis, Missouri, shall be the applicable base price set forth above plus a transportation charge equal to the lowest carload commodity rate on grain and grain by-products applicable to the commodity being priced (including the 3% transportation tax) or if none, the grain by-products reshipping rate (including the 3% transportation tax) to such point from Chicago, Kansas City or St. Louis, whichever results in the lowest price at the point of delivery.

(2) If you guarantee, at the time of sale, that the lot will contain, at a minimum, any specified protein content less than the standard protein content for the commodity, and you fulfill such guarantee by delivering a lot with at least the minimum protein content guaranteed, you determine your base price by deducting from the price for the commodity listed in paragraph (1) above, 75 cents per ton for each unit of protein or fraction thereof by which the actual protein content of the lot is under the standard for the commodity.

(3) If at the time of sale you guarantee any minimum protein content and you do not fulfill such guarantee on delivery, your base per ton price shall be reduced in such proportion as the deficiency bears to the guarantee.

(b) *Base per ton price for imported wet corn milling by-products.* The base per ton price of an importer is the appropriate price set out in paragraph (a) (1) above for the domestic commodity sold and delivered under the same circumstances and produced at the point of entry. In determining the amount to be added for sellers transportation cost for imported wet corn milling by-products, the charge shall not exceed the lowest applicable domestic rail rate of freight (including 3% transportation tax) on the commodity from the point of entry to destination.

Sec. 7. Maximum prices for sales by processors. Section 3.1 of Food Products Regulation No. 3, which provides a pricing method for processors, is applicable to this supplement.

(a) *Base prices.* The base price referred to in section 3.1 is the appropriate base price found in section 6 of this supplement.

NOTE: If you are the importer as well as the processor of the lot, you determine your base price under section 6 (b) of this supplement.

(b) *Maximum markup.* As a processor you are not permitted to add a maximum markup in figuring the maximum price for the sale of any lot unless you have unloaded such lot into a ware-

house or store operated by you as a separate place of business not located at the production plant and you sell from such warehouse or store. If, as to any lot, you comply with this requirement, you may add the appropriate one of the following markups:

	Per ton
If you sell to a feeder from a store.....	\$4.50
In all other cases.....	1.50

Sec. 8. Maximum prices for sales by wholesalers and retailers. Section 3.4 of Food Products Regulation No. 3, which provides a pricing method for wholesalers and retailers, and section 3.5 of Food Products Regulation No. 3, which provides base prices for wholesalers and retailers, are applicable to this supplement.

(a) *Base prices.* Base prices referred to in section 3.4 are the base prices set out in section 3.5 of Food Products Regulation No. 3.

(b) *Maximum markup.* This regulation aims to prevent the inclusion in any maximum price of more than one markup for any class of seller. As a retailer, you can always add a retailer's maximum markup, since a seller can qualify as a retailer only when he is selling a particular lot to a person who will use the lot and will not resell it. It is therefore impossible for two retailers to handle the same lot. As a wholesaler, however, you are permitted to add the maximum markup set out below in figuring the maximum price for the sale of any lot only if no other wholesaler has already handled the lot. On this condition, the following maximum markups may be added:

	Per ton
Wholesalers.....	\$2.50
Retailers.....	5.50

Sec. 9. Charges for sacks and sacking. Section 3.6 of Food Products Regulation No. 3, dealing with increases for sacks, and section 3.7 of Food Products Regulation No. 3, dealing with sacking charges, are applicable to this supplement.

This supplement shall become effective March 5, 1945.

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

Issued this 27th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3186; Filed, Feb. 27, 1945; 11:43 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS
[MPR 422, Amdt. 41]

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

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

⁹ F. R. 5656, 6828, 6951, 7339, 7520, 7937, 9354, 9719, 10258, 10982, 11537, 11711, 11901, 12343, 12593, 12589, 12590, 12746, 12972.

Maximum Price Regulation 422 is amended in the following respects:

1. Section 16 (c) is amended to read as follows:

(c) Effective March 5, 1945, this regulation requires that the year 1944 be used as the basis for figuring your "annual gross sales" instead of the year 1943. If you find that as a result of that change your store is in a group different from the one it was in before, you must, by the opening of business on Thursday, March 29, 1945, refigure all of your ceiling prices. For "dry grocery" items you must use as your "net cost" the same "net cost" you used in figuring your existing ceiling prices. For "perishable" items you must use as your "net cost" the same "net cost" you would have used in refiguring your ceiling prices on that Thursday under section 8 of this regulation (or under section 8 of Maximum Price Regulation No. 423² if you become a Group 1 or Group 2 store). If, under that section, you would not have been required to refigure your ceiling price for any "perishable" item on that Thursday, you must use as your "net cost" for that item the same "net cost" on which your existing ceiling price is based. Further, if any store becomes a Group 1 or Group 2 store, it is on and after March 29, 1945, subject to all other provisions of Maximum Price Regulation No. 423.

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

(b) Your application must be filed in duplicate with your nearest District OPA office on a form which you may get from that office. You may combine on one form the applications of more than one of your stores. If your application is finally approved, OPA will tell you when to begin using the Group 1 mark-ups, and from such time on you shall post a sign in your store designating it as a "Group 1" store, and it shall be considered a Group 1 store for all orders issued under Revised General Order No. 51³ and for the purpose of all "special pricing provisions" contained in Maximum Price Regulation No. 423.

3. Section 27 (c) is amended to read as follows:

(c) If you filed an application under this section or under section 26 of Revised Maximum Price Regulation No. 238 or section 25 of Revised Maximum Price Regulation No. 268⁴ and such application has been denied, you are not eligible for adjustment under this section. If your application has been allowed, you may use the mark-ups for a Group 1 store in Tables A and B of Maximum Price Regulation No. 423 and may consider your store a Group 1 store for the purpose of all "special pricing provisions" contained in that regulation and you must post a Group 1 sign, but you are subject to all other provisions of this regulation.

² 9 F. R. 5671, 6829, 7340, 7520, 7937, 9354, 9720, 10259, 10982, 11537, 11711, 11902, 12340, 12593, 12746, 12972.

³ 9 F. R. 408, 11982.

⁴ 8 F. R. 6129, 7116, 7661, 7592, 8682, 9365, 9299, 9460, 10568; 9 F. R. 14600, 14676.

4. Section 30 is amended to read as follows:

SEC. 30. *How you find the "annual gross sales" of your store.* (a) To find your "annual gross sales", take your total sales for the calendar year 1944. Include all sales as shown on your books, except sales made by a restaurant operated in conjunction with your store. You can use your Federal Income Tax Return to get your gross sales for all or part of the calendar year 1944 which is covered by such return. If you own more than one store, figure the sales for each store separately, treating each as a separate retailer.

(b) If you were in business during only part of the year 1944, you must divide your total sales from the time you began operation up to March 5, 1945, by the number of weeks you were in business. This will get you your weekly average sales. Multiply this figure by 52 and the result is your "annual gross sales".

5. The first paragraph in section 31 (c) is amended to read as follows:

(c) *New stores.* If you open a retail store after January 1, 1945, you may consider yourself a Group 1 or Group 3 retailer, depending upon whether or not at that date your store is an "independent" store and you must figure your ceiling prices accordingly. (If you are a Group 1 store, you must figure your ceiling prices under Maximum Price Regulation No. 423.) However, after you have been in business for 3 months you must determine again what group your store is in. To do this, take your total sales for the 3-month period and multiply by 4. Use the result as your "annual gross sales" in determining the group in which your store belongs.

This amendment shall become effective March 5, 1945.

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

Issued this 27th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3183; Filed, Feb. 27, 1945;
11:43 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS
[MPR 423, Amdt. 40]

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

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

Maximum Price Regulation 423 is amended in the following respects:

1. Section 17 (c) is amended to read as follows:

¹⁹ F. R. 5671, 6829, 7340, 7520, 7937, 9354, 9720, 10259, 10982, 11537, 11711, 11902, 12340, 12593, 12746, 12972.

(c) Effective March 5, 1945, this regulation requires that the year 1944 be used as the basis for figuring your "annual gross sales" instead of the year 1943. If you find that as a result of that change your store is in a group different from the one it was in before, you must, by the opening of business on Thursday, March 29, 1945, refigure all of your ceiling prices. For "dry grocery" items you must use as your "net cost" the same "net cost" you used in figuring your existing ceiling prices. For "perishable" items you must use as your "net cost" the same "net cost" you would have used in refiguring your ceiling prices on that Thursday under section 8 of this regulation (or under section 8 of Maximum Price Regulation No. 422² if you become a Group 3 or Group 4 store). If, under that section, you would not have been required to refigure your ceiling price for any "perishable" item on that Thursday, you must use as your "net cost" for that item the same "net cost" on which your existing ceiling price is based. Further, if any store becomes a Group 3 or Group 4 store, it is on and after March 29, 1945, subject to all other provisions of Maximum Price Regulation No. 422.

2. Section 20 is amended to read as follows:

SEC. 20. *How you find the "annual gross sales" of your store.* (a) To find your "annual gross sales", take your total sales for the calendar year 1944. Include all sales as shown on your books, except sales made by a restaurant operated in conjunction with your store. You can use your Federal Income Tax Return to get your gross sales for all or part of the calendar year 1944 which is covered by such return. If you own more than one store, figure the sales for each store separately, treating each as a separate retailer.

(b) If you were in business during only part of the year 1944, you must divide your total sales from the time you began operation up to March 5, 1945, by the number of weeks you were in business. This will get you your weekly average sales. Multiply this figure by 52 and the result is your "annual gross sales."

3. The first paragraph in section 21 (c) is amended to read as follows:

(c) *New stores.* If you open a retail store after January 1, 1945, you may consider yourself a Group 1 or Group 3 retailer, depending upon whether or not at that date your store is an "independent" store and you must figure your ceiling prices accordingly. (If you are a Group 3 store, you must figure your ceiling prices under Maximum Price Regulation No. 422.) However, after you have been in business for 3 months, you must determine again what group your store is in. To do this, take your total sales for the 3-month period and multiply by 4. Use the result as your "annual gross sales" in determining the group in which your store belongs.

⁹ F. R. 5656, 6828, 6951, 7339, 7520, 7937, 9354, 9719, 10258, 10982, 11537, 11711, 11901, 12343, 12593, 12569, 12590, 12746, 12972.

This amendment shall become effective March 5, 1945.

Issued this 27th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3184; Filed, Feb. 27, 1945;
11:43 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS
[MPR 479, Revocation]

WET CORN MILLING BY-PRODUCTS FOR ANIMAL
AND POULTRY FEEDS

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

Maximum Price Regulation 479 is revoked, subject to the provisions of Supplementary Order No. 40.

This order shall become effective March 5, 1945.

Issued this 27th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3181; Filed, Feb. 27, 1945;
11:42 a. m.]

PART 1364—FRESH, CURED AND CANNED
MEAT AND FISH PRODUCTS
[MPR 336, Amdt. 20]

RETAIL CEILING PRICES FOR PORK CUTS AND
CERTAIN SAUSAGE PRODUCTS

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

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

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

(e) Consult the directions given in sections 11, 12 and 13 to find your annual gross sales.

⁸ Effective March 5, 1945, this regulation requires that the year 1944 be used as the basis for figuring your annual gross sales instead of the year 1943. If you find that as a result of that change your store is in a group different from the one it was in before, you must, on and after March 29, 1945, use the ceiling prices fixed for the group in which you are now classified.

2. Paragraph (a) of section 11 is amended by changing the figures "1943" appearing in both the first and third sentences to read "1944".

3. The first sentence of paragraph (b) of section 11 is amended to read as follows:

(b) If you were in business during only part of the year 1944, you must divide your total sales from the time you began operation up to March 5, 1945, by the number of weeks you were in business.

4. Section 13 is amended to read as follows:

Sec. 13. How to find your annual gross sales if you are a new retailer. If you open a retail store after January 1, 1945, which is not a chain store, you must consider yourself a "Group 1 and 2" retailer and figure your ceiling prices accordingly. But after you have been in operation for three months you must determine again what group your store is in. To do this, take your gross sales for the 3-month period and multiply by 4. If you own four or more stores which have been in operation for this 3-month period, you must take your gross sales for each of these stores for the 3-month period and multiply by 4. Use the result as your "annual gross sales" in order to find in what group your store or stores belong. If you then find that your store or stores no longer fall in "Group 1 and 2", but in "Group 3 and 4", you must take the ceiling prices for "Group 3 and 4" stores for the applicable zone or zones.

5. Paragraphs (b) and (c) of section 16 are amended to read as follows:

(b) Your application must be filed in duplicate with your nearest District OPA office on a form which you may get from that office. You may combine on one form the applications of more than one of your stores. If your application is finally approved OPA will tell you when to begin using the ceiling prices for "Group 1 and 2" stores, and from such time on you shall post a sign in your store designating it as a "Group 1 and 2" store.

(c) If you met the requirements of paragraph (a), hereof, and filed an application under this section or section 18 of Maximum Price Regulation No. 355 prior to June 24, 1944, and have not received notice that your application has been denied, your application is deemed to have been granted, you need not file another application, you may continue to use the ceiling prices for "Group 1 and 2" stores, and you must keep a "Group 1 and 2" sign posted. If your application has been denied, however, you are not eligible for adjustment under this section.

This amendment shall become effective March 5, 1945.

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

Issued this 27th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3177; Filed, Feb. 27, 1945; 11:41 a. m.]

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

[MPR 364, Amdt. 27]

FROZEN FISH AND SEAFOOD

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. 364 is amended in the following respects:

1. In section 13, Table of Base Prices, the following schedules are revoked: Schedules Nos. 5, 7, 9, 10, 11 (a), 11 (b), 11 (c), 11 (d), 11 (e), 11 (f), 13, 14, 16, 18, 22, 27, 39, 43, 47, 48 and 53.

2. In section 13, following the Table of Base Prices the following footnotes are revoked: Footnotes 2, 3, 4, 8 and 11.

This amendment shall become effective March 9, 1945, except as to sales of the species of frozen fish or seafood listed herein which, prior to March 9, 1945 have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to the purchaser. Maximum Price Regulation No. 364 remains in full force and effect with respect to such sales of frozen fish or seafood.

Issued this 27th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3178; Filed, Feb. 27, 1945; 11:41 a. m.]

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

[MPR 418, Amdt. 41]

FRESH FISH AND SEAFOOD

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. 418 is amended in the following respects:

1. In section 22, Tables A, B, C and D, the following schedules are revoked: Schedules Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 64, 65.

2. In section 22, Footnote 1 following Table A and Footnote 37 following Table B, are revoked.

This amendment shall become effective March 9, 1945, except as to sales of the species of fresh fish or seafood listed herein which, prior to March 9, 1945, have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to the purchaser. Maximum Price Regulation No. 418 remains in full force and effect with respect to such sales of fresh fish or seafood.

Issued this 27th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3182; Filed, Feb. 27, 1945; 11:42 a. m.]

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

[RMPR 507, Amdt. 1]

CEILING PRICES OF CERTAIN FRESH AND FROZEN FISH AND SEAFOOD SOLD AT RETAIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith,

¹ 9 F.R. 14601.

has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 507 is amended in the following respects:

1. Section 12 (a) is added to read as follows:

(a) Effective March 5, 1945, this regulation requires that the year 1944 be used as the basis for figuring your "annual gross sales" instead of the year 1943. If you find that as a result of that change your store is in a group different from the one it was in before, you must, by the opening of business on Thursday, March 29, 1945, refigure all of your ceiling prices. You must use as your "net cost" the same "net cost" you would have used in refiguring your ceiling price on that Thursday under section 3 of this regulation.

2. Section 17 (c) is amended to read as follows:

(c) Your application must be filed in duplicate with your nearest District OPA office on a form which you may obtain from that office. You may combine on one form the applications of more than one of your stores. If your application is finally approved, OPA will tell you when to begin using the Group 1 and 2 mark-ups, and from such time on you shall post a sign in your store designating it as a "Group 1" store, and it shall be considered a Group 1 store for all orders issued under Revised General Order No. 51.²

3. Section 19 is amended to read as follows:

SEC. 19. How you find the "annual gross sales" of your store. (a) To find your "annual gross sales", take your total sales for the calendar year 1944. Include all sales as shown on your books, except sales made by a restaurant operated in conjunction with your store. You can use your Federal Income Tax Return to get your gross sales for all or part of the calendar year 1944 which is covered by such return. If you own more than one store, figure the sales for each store separately, treating each as a separate retailer.

(b) If you were in business during only part of the year 1944, you must divide your total sales from the time you began operation up to March 5, 1945, by the number of weeks you were in business. This will get you your weekly average sales. Multiply this figure by 52 and the result is your "annual gross sales".

4. The first paragraph in section 20 (b) is amended to read as follows:

(b) **New stores.** If you open a retail store after January 1, 1945, you may consider yourself a Group 1 store if you are an "independent" store, or a Group 3 store if you are not an "independent" store. However, after you have been in business for three months, you must determine again what group your store is in. To do this, take your total sales for the three-month period and multiply by four. Use the result as your "annual gross sales" in determining the group in which your store belongs.

² 9 F.R. 408, 11982.

This amendment shall become effective March 5, 1945.

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

Issued this 27th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3180; Filed, Feb. 27, 1945;
11:42 a. m.]

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

[MPR 579]

CERTAIN SPECIES OF FRESH AND FROZEN FISH
AND SEAFOOD

In the judgment of the Price Administrator, it is necessary in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, that maximum prices be established for certain species of fresh and frozen fish and seafood.

So far as practicable, the Price Administrator has consulted and advised with representative members of the industry which will be affected by the regulation. In the judgment of the Price Administrator, the prices established are generally fair and equitable and will effectuate the purposes of the act.

A statement of the considerations involved in the issuance of the regulation has been issued herewith and filed with the Division of the Federal Register.

ARTICLE I—GENERAL PROVISIONS

- SEC.
- 1.1 What this regulation does.
 - 1.2 Maximum prices for sales by brokers and by distributors other than producers, processors, wholesalers and retailers.
 - 1.3 Prohibition against selling or buying above maximum prices.
 - 1.4 Where this regulation applies.
 - 1.5 Relation to other regulations.
 - 1.6 Invoices, records and reports.
 - 1.7 Evasion.
 - 1.8 Licensing.
 - 1.9 Enforcement.
 - 1.10 Petitions for amendment.
 - 1.11 Adjustable pricing.
 - 1.12 General definitions.

ARTICLE II—FRESH FISH AND SEAFOOD (NORTH ATLANTIC SPECIES)

- 2.1 General provisions.
- 2.2 Sales by producers.
- 2.3 Sales to canners.
- 2.4 Maximum prices for wholesale sales.
- 2.5 Primary fish shipper sales.
- 2.6 Port sales.
- 2.7 Wholesale sales other than primary fish shipper sales and port sales.
- 2.7a Importer sales.
- 2.8 Sales to ultimate consumers.
- 2.9 Delivery allowance.
- 2.10 Custom dressing allowance.
- 2.11 Transportation allowances.
- 2.12 Container allowances.

ARTICLE III—FROZEN FISH AND SEAFOOD

- 3.1 General provisions.
- 3.2 Maximum prices for sales by processors and wholesalers.
- 3.3 Sales by processors.
- 3.4 Wholesale sales generally.
- 3.5 Importer sales.
- 3.6 Primary distributor sales.

- Sec.
- 3.7 Wholesale sales not covered by section 3.5 and 3.6.
 - 3.8 Sales to ultimate consumers.
 - 3.9 Delivery allowance.
 - 3.10 Custom dressing allowance.
 - 3.11 Transportation allowance.
 - 3.12 Container differentials and allowances.
 - 3.13 Storage allowances.

ARTICLES IV TO IX (INCLUSIVE)—TO BE INSERTED AS THE OCCASION ARISES

ARTICLE X—TABLES

- 10.1 Tables of prices for fresh and frozen fish and seafood.
- 10.2 List of species covered by regulation.

AUTHORITY: § 1364.358 issued under 56 Stat. 423, 765; 57 Stat. 566 Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

ARTICLE I—GENERAL PROVISIONS

SECTION 1.1 *What this regulation does*—(a) *General*. This regulation fixes maximum prices for sales of certain species of fresh fish and seafood by producers and wholesalers, of certain species of frozen fish and seafood by processors and wholesalers, and of those species of fresh and frozen fish and seafood by certain other persons, not including retailers. It sets prices for various types of sales by such persons according to species, size, and style of dressing.

(b) *Sales by retailers*. For the purposes of this regulation, a "retailer" is a person who buys fresh or frozen fish or seafood and resells 80 percent or more of it to ultimate consumers. ("Ultimate consumers" do not include commercial, industrial or institutional users). This regulation does not apply to any sale by a retailer. All of his sales are covered by Revised Maximum Price Regulation No. 507.

(c) *Sales by combination retailer-wholesalers*. A combination retailer-wholesaler is a person who buys fresh or frozen fish or seafood and resells more than 50 percent but less than 80 percent of it to ultimate consumers. He is a "wholesaler" or "other distributor" under this regulation with respect to his sales to persons other than ultimate consumers and with respect to all his purchases (see sections 2.4 and 3.4), since he resells more than 20 percent of his fish and seafood to persons other than ultimate consumers. (He is also a retailer under Revised Maximum Price Regulation No. 507 with respect to his sales to ultimate consumers, since he sells more than 50 percent of his fish and seafood to ultimate consumers.) This regulation does not apply to his sales to ultimate consumers, which are covered by Revised Maximum Price Regulation No. 507. However, this regulation fixes maximum prices for his sales to all persons other than ultimate consumers (for instance, to purveyors of meals or to other retailers).

(d) *Sales by persons other than retailers or combination retailer-wholesalers*. This regulation sets maximum prices for all sales at retail or otherwise, by any person who is a producer of fresh fish or seafood, a processor of frozen fish or seafood, or who buys fresh or frozen

fish or seafood and resells 50 percent or less of it to ultimate consumers.

(e) *Sales to government agencies*. The maximum price for sales to government agencies shall be determined by reference to the class of sale and the type of service involved in the particular sale. However, the table price for sales of frozen fish by processors is the price listed in column I of Table IB (section 10.1).

SEC. 1.2. *Maximum prices for sales by brokers and by distributors other than producers, processors, wholesalers and retailers*—(a) *Brokers*. The maximum prices established by this regulation include all brokerages, commissions or other customary selling fees, transportation and other expenses incurred in making sales for which no additional charge may be made. In accordance with trade custom every broker or other agent is considered the agent of the seller and not of the buyer. The amount paid by the buyer to the seller plus any amount paid by the buyer to a broker or other agent shall not exceed the seller's maximum price plus any applicable allowance provided by this regulation for transportation actually paid by the broker or other agent.

(b) *Distributors not specifically provided for in this regulation*. The maximum price for sales of fresh fish or seafood covered by this regulation by any person, other than a producer, wholesaler or retailer or of frozen fish or seafood covered by this regulation by a person, other than a processor, wholesaler or retailer, is his supplier's maximum price plus any applicable allowance provided by this regulation for transportation actually paid by him.

SEC. 1.3. *Prohibition against selling or buying above maximum prices*. Regardless of any contract or obligation, no person shall make any sale, or any purchase in the course of trade or business, of fresh or frozen fish or seafood, for which sale or purchase a maximum price is established by this regulation, at a price higher than that maximum price; and no person shall agree, offer, solicit or attempt to do any of the foregoing. However, prices lower than maximum prices may be charged and paid.

SEC. 1.4. *Where this regulation applies*. The provisions of this regulation shall apply to the forty-eight states of the United States and the District of Columbia. Notwithstanding the provisions of Maximum Price Regulation No. 194, they shall also apply to the Territory of Alaska with respect to fresh fish and seafood covered by this regulation.

SEC. 1.5. *Relation to other regulations*—(a) *Fresh fish and seafood*. Article II of this regulation covers certain species of fresh fish and seafood, which are listed in Table IA of section 10.1 of Article X. Except as provided in paragraph (d), the provisions of this regulation supersede Maximum Price Regulation No. 418, as amended (Fresh Fish and Seafood) with respect to the species so listed, from and after the effective date of this regulation. Maximum Price Regulation No. 418, as amended, will continue after the effective date of

this regulation in full force and effect with respect to species not listed in Table IA of section 10.1 of this regulation.

(b) *Frozen fish and seafood.* Article III of this regulation covers certain species of frozen fish and seafood of certain styles of processing, which are listed in Table IB of section 10.1 of Article X. Except as provided in paragraph (d) the provisions of this regulation supersede Maximum Price Regulation No. 364, as amended, (Frozen Fish and Seafood) with respect to the species so listed, from and after the effective date of this regulation. Maximum Price Regulation No. 364, as amended, will continue, after the effective date of this regulation, in full force and effect with respect to species and styles of dressing listed in section 13 of that regulation which are not listed in Table IB of section 10.1 of this regulation. The General Maximum Price Regulation applies to sales of frozen fish and seafood of any species or style of dressing not listed in either Table IB of section 10.1 of this regulation or section 13 of Maximum Price Regulation No. 364.

(c) *Exports.* The maximum price at which a person may export fresh or frozen fish or seafood shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation issued by the Office of Price Administration.

(d) *Sales to which this regulation does not apply.* The provisions of this regulation shall not be applicable to sales or deliveries of fresh or frozen fish or seafood to a purchaser if, prior to the effective date of this regulation, such fresh or frozen fish or seafood has been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser. Maximum Price Regulation No. 418 remains in full force and effect with respect to such sales of fresh fish or seafood, and Maximum Price Regulation No. 364 remains in full force and effect with respect to such sales of frozen fish or seafood.

SEC. 1.6. *Invoices, records and reports.*—(a) *Invoices to be furnished by sellers.* Every person making a sale of fish or seafood subject to this regulation shall furnish to the purchaser at the time of delivery a written statement containing (i) the date of delivery; (ii) the name and address of the buyer and seller; (iii) the species sold; (iv) a statement that the fish or seafood sold is fresh or is frozen; (v) the quantity, size, grades, and styles of dressing of the fish or seafood sold (where price differences are based on these factors); (vi) the types and sizes of containers used; (vii) the price charged, including separate statements of container allowances and transportation allowances. If the statement fails to identify the size, grade and style of dressing of any fish or seafood sold, the seller's maximum price for that fish or seafood is his maximum price for the lowest-priced size, grade or style of dressing of that fish or seafood. If the statement fails to identify the fish or seafood sold as fresh or frozen, the seller's maximum price for that fish or seafood is the lower of the prices listed for that fish or

seafood in the applicable columns of Table IA of section 10.1 (fresh fish and seafood) and Table IB of section 10.1 (frozen fish and seafood).

However, this paragraph does not apply to sales of fresh fish or seafood by producers (who are not also wholesalers under section 2.2 (d)). Such producers shall furnish to purchasers on such sales invoices, statements, or other records of the kind customarily furnished by them, if any.

(b) *Records and reports.* Every seller furnishing, and every purchaser, in the course of trade or business, receiving, a statement pursuant to paragraph (a), shall keep available for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, either a copy of such statement or a record of all the information contained in it. In addition, each purchaser of fresh fish from a producer shall keep an accurate record of each such purchase, containing all the information specified in paragraph (a) for statements. Further, each person making a sale, or a purchase in the course of trade or business, subject to this regulation, shall keep all records of the kinds which he has customarily kept relating to such sale or purchase and to his inventories of fresh or frozen fish or seafood. Each such person shall, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942, submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required by this paragraph as the Office of Price Administration may from time to time require.

(c) *Authorization to regional offices to modify invoice provisions.* Any Regional Administrator of the Office of Price Administration may, by order, alter, modify or suspend any of the requirements of paragraph (a) of this section, if in his judgment such action is necessary in order that fish may be marketed efficiently within his jurisdiction and is consistent with the effective enforcement of this regulation. The Regional Administrator may alter, modify or suspend such requirements with reference to such types of sales and such localities within his jurisdiction as he may designate, but only when the buyer and seller are both within his jurisdiction. He may make such provisions for posting the items required in paragraph (a) as in his judgment are necessary to prevent the circumvention or evasion of this regulation. The Regional Administrator may issue such order on his own initiative or upon application for adjustment of the requirements in paragraph (a) by any person subject to them. Subpart B of Revised Procedural Regulation No. 1 shall apply to such application for adjustment.

SEC. 1.7. *Evasion.* (a) The price limitations set forth in this regulation shall not be evaded, either by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to, fresh or frozen fish or seafood separately or in combination with any other

commodity or service, or by way of any commission, service, transportation, container, packaging or other charge, or discount premium or other privilege, or by tying agreement or other trade understanding, or by changing the style of dressing of fresh or frozen fish or seafood, or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited:

(1) Falsely or incorrectly invoicing fresh or frozen fish or seafood.

(2) Offering, selling or delivering fresh or frozen fish or seafood on condition that the purchaser is required to purchase some other commodity or service.

(3) A producer offering to sell, selling or delivering, any person offering to purchase, purchasing or receiving from a producer, at a price higher than the current market price or 5 cents per pound, whichever is lower, any fresh fish or seafood not priced by this regulation or by Maximum Price Regulation No. 418, in combination with a sale or purchase of fresh fish or seafood the price of which is controlled by this regulation, if the fresh fish or seafood not priced by this regulation or by Maximum Price Regulation No. 418 constitutes 75 percent or less of the total weight of the fresh fish or seafood sold or purchased.

(4) A wholesaler or other distributor (other than a retailer) offering to sell, selling or delivering, or any person offering to purchase, purchasing or receiving from a wholesaler or other distributor, at a price higher than the current market price, any fresh fish or seafood not priced by this regulation or by Maximum Price Regulation No. 418, in combination with a sale or purchase of fresh or frozen fish or seafood the price of which is controlled by this regulation.

(5) Charging, paying, billing or receiving any consideration for, or in connection with, any service for which a specific allowance has not been provided by this regulation, or by any regional order (under the authority delegated in Revised Maximum Price Regulation No. 165) which applies specifically to services performed in connection with the handling of fresh or frozen fish or seafood.

SEC. 1.8. *Licensing.* The provisions of Licensing Order No. 1, licensing persons who make sales under price control, are applicable to sellers subject to this regulation or schedule. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of the suspension, make any sale for which his license has been suspended.

SEC. 1.9. *Enforcement.* On and after the effective date of this regulation, any person violating any provision of this regulation shall be subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for revocation of licenses provided by the Emergency Price Control Act of 1942, as amended.

SEC. 1.10. *Petitions for amendment.* Petitions for amendment of this regulation shall be filed in accordance with the

provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration. Applications for amendment of the provisions for transportation allowances or container allowances shall be filed in the regional office for the region in which the petitioner resides.

SEC. 1.11. Adjustable pricing. Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

SEC. 1.12. General definitions. When used in this maximum price regulation the term "artificially frozen" means fish which are frozen by a method other than exposure to the elements.

"Butterfly fillet" means two single fillets which are held together as a single unit by leaving intact the belly wall of the fish.

"Carload lot," with respect to frozen fish or seafood, means a shipment of 24,000 pounds or more of frozen fish or seafood.

"Center cut" or "Cut-center" means a cross section cut (not a head cut or tail cut) from the middle portion of and not exceeding $\frac{1}{2}$ of the length of the dressed fish.

"Chain store warehouse" means the receiving point for a unit of four or more stores under one ownership.

"Chunk" or "cut" means a cross section cut from the dressed fish not exceeding in thickness $\frac{1}{3}$ of the length.

"Container" means a rigid box, barrel, carton or crate, of wood, cardboard, metal or other substance used for packing fish. An immediate container as applied to fresh fillets and steaks means a covered container and does not include baskets, crates or any other partially open container.

"Cry-o-vac wrapped" means packed in a bag of cry-o-vac composition or like material.

"Drawn fish" means fish from which the viscera or entrails have been removed, with the head left on.

"Dressed fish" means fish from which the head and viscera or entrails have been removed or any portion of such fish which is not otherwise priced in this regulation.

"Established place of business" means the plant where a person handles and distributes fresh or frozen fish or sea-

food (with reference to frozen fish and seafood, a cold storage warehouse, other than the original freezer, in which the seller rents space and stores his frozen fish or seafood is considered his established place of business).

"Fillet" means the heavily meated section or strip of fish cut from along the backbone and outside the rib bones, extending from the nape and gills to the tail, or portions thereof.

"Frozen fish" means fish that have been naturally or artificially frozen regardless of the condition in which they are ultimately sold.

"Frozen seafood" means shellfish that have been naturally or artificially frozen regardless of the condition in which they are ultimately sold.

"Government agency" means the United States Government or a Department, Agency, Commission, Corporation, or other such instrumentality of the United States Government.

"Grade" means any qualification of the name of the fish or seafood listed in Table IA of section 10.1 and Table IB of section 10.1.

"Gutted" means fish from which the viscera or entrails have been removed.

"Head cut" or "Cut-head" means a cross section cut from the head end of the dressed fish.

"Headed" means fish from which the head has been removed.

"Individually frozen" means fish which are singly frozen.

"Layer pack" means fish which have been placed in a container in layers that are divided by sheets of paper. In the case of frozen fish the term means fish so placed before they are frozen.

"Naturally frozen" means fish which are frozen by exposure to the elements.

"New York City" means the five boroughs of New York City and an area along the New Jersey shore of the Hudson River opposite Manhattan, and includes the area supervised by the Port of New York Authority.

"Pan frozen" means fish which are frozen in pans, trays or similar receptacles in a solid cake or block.

"Parchment wrapped" means fish or fillets individually wrapped in parchment paper.

"Price per pound" means the price for 16 net ounces of fresh or frozen fish or seafood.

"Round fish or seafood" means fish and seafood as it comes from the water.

"Saddles" means the pectoral fins and the connecting cartilaginous strip of a rajafish.

"Scaled" means fish from which the scales have been removed but the skin left intact.

"Skinned" means fish from which the skin is removed.

"Steak" or "Slice" means a cross section cut from the dressed fish after the tail, fins and collar bone (nape bone) have been removed which does not exceed in thickness its largest diameter or 4 inches, whichever is smaller.

"Tail cut" or "Cut-tail" means a cross section cut from the tail end of the dressed fish.

"Troll caught" means fish caught by hook and line in ocean waters.

"Wings" means the pectoral fins of a rajafish.

Various other terms such as "producer", "wholesaler", "retailer", etc. are defined in the text of the regulation. Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein which are not defined in this section or outlined in the body of this regulation.

ARTICLE II—FRESH FISH AND SEAFOOD (NORTH ATLANTIC SPECIES)

SEC. 2.1. General provisions—(a) Scope of this article. This article sets maximum prices for sales by producers and wholesalers of certain species of fresh fish and seafood listed in Table IA of section 10.1. Table IA (North Atlantic species) lists only species which are primarily landed at North Atlantic ports. (All fresh fish and seafood of any species listed are included, even though they are occasionally landed elsewhere. Fresh fish and seafood primarily landed in other areas, such as halibut, are not included, even though they are occasionally landed at North Atlantic ports.)

(b) *Unlisted styles of dressing and sizes.* Where a species of fresh fish (not including seafood) listed in Table IA is sold in a style of dressing not listed in Table IA the table price for that style of dressing is the lowest price listed in Table IA for any style of dressing for that particular species. Where a fresh seafood (not including fish) listed in Table IA is sold in a style of dressing not listed in Table IA for that particular seafood, the table price for that style of dressing is the lowest price listed in Table IA (section 10.1) or Table A of Maximum Price Regulation No. 418 for any style of dressing for any seafood. For the purposes of this paragraph, "round" is a style of dressing. Where a species of fresh fish or seafood listed in Table IA is sold in a size not listed in Table IA, the table price for that size is the price listed for the lowest priced size of that species.

(c) *Fresh fish.* As used in this article, the words "fresh fish" mean all fresh fish and seafood of the species listed in Table IA of section 10.1, unless the context indicates otherwise.

SEC. 2.2. Sales by producers—(a) What a producer is. A "producer" is a fisherman or any other person who is allied with him in the catching or landing of fish, or who sells or delivers, at a port of entry or at any other place, fresh fish which he bought and received on a vessel owned or hired by him. A person who is a producer with respect to fresh fish of any species, is treated as a producer with respect to all the fresh fish of that species which he handles.

(b) *Maximum prices for producers' sales.* The maximum price for a sale of fresh fish, ex-vessel or otherwise, by a producer who is not also a wholesaler (see paragraph (d)), to any person other than an ultimate consumer, is the price

listed in Column A of Table IA (section 10.1) for that species and month. However, if such producer ships his fish by common carrier, or by other means of transportation, not including local trucking, hauling or handling, and boxes or barrels his fish for such shipment, he may add one cent to the price listed in column A.

(c) *Regional adjustments of producers' prices.* Any regional office of the Office of Price Administration may by order modify the price established by column A of Table IA for any species and style of dressing whenever, and to the extent that, it determines such modification to be necessary to prevent the avoidance of the prices established by Table IA or to prevent disruption of the customary methods of landing and selling fish: *Provided*, That the prices as thus modified shall be in line with the prices established by Table IA for the particular species, making allowance for the difference in the method by which, or the place at which, the fish are removed from the vessel or delivered to the buyer. No modification may be issued which would require an increase in the prices established by any other table or by any other regulation. Such modification shall apply to sales at such areas or localities within the jurisdiction of the regional office as it may determine. No order or modification shall be issued until it shall have been submitted to and approved by the Office of Price Administration in Washington. If the price is modified for any species which is customarily landed in any other region, the order of modification shall not be submitted to Washington until it has been submitted to the regional office for such other region.

(d) *Sales by producers who are also wholesalers.* If a producer sells and distributes his fish from the stock of his established place of business, and also sold and distributed fish from the stock of his established place of business for the substantial portion of the year prior to July 13, 1943, he is a wholesaler with respect to such sales. Those sales are primary fish shipper sales, and are covered by section 2.5.

SEC. 2.3 *Sales to canners.* The maximum price for a sale of fresh fish to a canner by any person is the price established by section 2.2 for a sale by a producer (other than a producer-wholesaler).

SEC. 2.4. *Maximum prices for wholesale sales—(a) What "wholesaler" and "wholesale sales" are.* A person, other than a producer, who buys fresh fish for resale and sells more than 20 percent of it to persons other than ultimate consumers, is a "wholesaler" with respect to all his purchases (including his purchases of fish which he sells at retail). A sale by such person is a "wholesale" sale, and the seller is a "wholesaler" with respect to such sale, if:

- (1) Such fish is sold and distributed from the stock of such person's domestic established place of business;
- (2) The fish is sold and delivered to a retailer or a purveyor of meals, without advance order, from the stock of the

seller's motor truck or wagon in which he delivers it to the retailer's individual store or to the place of business of the purveyor of meals, and the seller has no established place of business. (This type of wholesale sale is called a wagon jobber sale, and the seller is called a wagon jobber with respect to such sales.) With the exception of the wagon jobber sale, however, if the fish is not sold and distributed from the domestic established place of business of such seller, the sale is not a "wholesale sale." That seller is a "distributor" with respect to that sale, which is covered by section 1.2 or in the case of an importing distributor by section 2.7a.

(b) *Maximum prices for wholesale sales.* The maximum price for a wholesale sale of fresh fish (other than a sale to an affiliated retail store by a retailer-owned cooperative wholesaler) is the table price provided by Article X for that sale (section 10.1), plus all applicable allowances (provided by section 2.9 through 2.12). If Article X does not specifically provide a table price for the sale, the maximum price is the lowest table price provided by Article X for any sale by that seller, plus all applicable allowances.

(c) *Maximum prices for sales of lots of more than 500 pounds.* Where a wholesaler sells and delivers more than 500 pounds of any one species of fresh fish to a customer on any one day the maximum price for such sale (notwithstanding the table prices provided in subsequent sections for sales to retailers and purveyors of meals) is the appropriate table price fixed for sales to wholesalers plus all applicable allowances.

(d) *Maximum prices for sales by retailer-owned cooperative wholesalers.* A retailer-owned cooperative wholesaler is a wholesaler who is either a non-profit organization or a corporation of which 51 percent or more of the stock is owned by its retail customers. The maximum price for a sale by such wholesaler to an affiliated retail store is the price computed pursuant to paragraph (b) less one cent. (The maximum price for a sale by such wholesaler to any person other than an affiliated retail store is the price computed pursuant to paragraph (b)).

(e) *Allowances generally.* No allowance provided by section 2.9 through 2.12 of this article may be added by a seller to his table price for any sale unless he separately states that allowance on an invoice to his customer.

SEC. 2.5 *Primary fish shipper sales—*

(a) *What a primary fish shipper sale is.* A primary fish shipper sale is a sale of fresh fish by a wholesaler who bought such fish from a producer, or from a distributor (other than a producer, wholesaler, or retailer) who in turn bought or received it from a producer. The term also includes a sale from his established place of business by a producer who is also a wholesaler (see section 2.2 (d)).

(b) *Table prices for primary fish shipper sales.* The table price for a primary fish shipper sale, other than an inland warehouse sale covered by paragraph (c), is as follows:

(1) To a wholesaler, chain store warehouse or retailer-owned cooperative wholesaler—the price listed in column B of Table IA (section 10.1).

(2) To a retailer or purveyor of meals—the price listed in column C of Table IA (section 10.1).

(c) *Inland warehouse sales.* Where a primary fish shipper ships fresh fish from his domestic established place of business at which he received such fish to his warehouse which is not within any of the States of Maine, New Hampshire, Massachusetts, Connecticut or Rhode Island, and at which he has two or more full-time employees stationed and engaged in making sales and performing services there exclusively for him, and he sells and distributes that fish from the stock of that warehouse, the table price for the sale is as follows:

(1) To a wholesaler, chain store warehouse or retailer-owned cooperative wholesaler—the price listed in column E of Table IA (section 10.1);

(2) To a retailer—the price listed in column F of Table IA (section 10.1);

(3) To a purveyor of meals:

(i) If the sale involves transportation to the buyer other than local trucking, hauling or handling, or if the seller is entitled to a delivery allowance for the sale under section 2.9—the price listed in column F of Table IA (section 10.1), plus one cent.

(ii) If the sale does not fall within subdivision (i)—the price listed in column F of Table IA (section 10.1).

SEC. 2.6 *Port sales—(a) What a port sale is.* A port sale is a wholesale sale, other than a primary fish shipper sale, of fresh fish which was imported into the United States or landed at a point in Maine, New Hampshire, Massachusetts, Connecticut or Rhode Island, which sale involves delivery at or from a place within any of those states and in the case of domestic fish from a place within 50 miles from the point at which the fish was landed. The term "port sale" also includes a wholesale sale, other than a primary fish shipper sale, which involves delivery at or from a place within a "port area" established for the species sold and the time of sale, by the Administrator, or by order pursuant to paragraph (b). The seller is called a "port wholesaler" with respect to a port sale.

(b) *Regional designation of port areas.* Any regional office of the Office of Price Administration, or any other office which is authorized by the appropriate regional office to do so, may by order designate as a port area for any species and period of time, any area within its jurisdiction in which a substantial volume of that species is landed or to which a substantial volume is shipped by producers.

(c) *Table prices for port sales.* The table price for a port sale of fresh fish is as follows:

(1) To a wholesaler, chain store warehouse or retailer-owned cooperative wholesaler—the price listed in column B of Table IA (section 10.1).

(2) To a retailer—the price listed in column C of Table IA (section 10.1).

(3) To a purveyor of meals—the price listed in column D of Table IA (section 10.1).

SEC. 2.7. Wholesale sales other than primary fish shipper sales and port sales—(a) Table prices. The table price for a wholesale sale of fresh fish other than a primary fish shipper sale or a port sale is as follows: (but see paragraphs (b) and (c)).

(1) To another wholesaler, a chain store warehouse or a retailer-owned cooperative wholesaler—the price listed in column E of table IA (section 10.1).

(2) To a retailer—the price listed in column F of Table IA (section 10.1).

(3) To a purveyor of meals:

(i) if the sale involves transportation to the buyer other than local trucking, hauling or handling, or if he is entitled to a delivery allowance for the sale under section 2.9—the price listed in column F of Table IA (section 10.1) plus one cent.

(ii) If the sale does not fall within subdivision (i)—the prices listed in column F of Table IA (section 10.1).

(b) Certain sales to retailers and purveyors of meals at Column G prices. Notwithstanding the provisions of paragraph (a), the table price for a sale of fresh fish by a wholesaler, other than a primary fish shipper or a port wholesaler, to a retailer or purveyor of meals, is the price listed in column G of Table IA (section 10.1). *Provided*, That such wholesaler bought such fish through a properly qualified inland warehouse sale or from the domestic established place of business of another wholesaler who is not a primary fish shipper, importer or port wholesaler, and, during the year preceding the issuance date of this regulation he purchased 80 percent or more of the fish of that species which he handled from such inland warehouse or domestic wholesalers other than primary fish shippers, importers and port wholesalers, and the sale is made to a purveyor of meals or to a retailer who is classified as a Group I or II retailer under Revised Maximum Price Regulation No. 507. However, a wholesaler, selling from an established place of business more than 75 air miles from the Fulton Fish Market, New York City and outside Long Island, may not sell fish transported to him from New York City at prices based on those listed in column G. A processing wholesaler who purchases fresh fish other than fillets which he processes into fillets may not sell such fillets pursuant to this paragraph (b), if, during the year preceding the issuance date of this regulation, he processed from fish other than fillets more than 50 percent of the fillets he sold. No sales may be made pursuant to this paragraph (b) until the seller has filed with the District Office of the Office of Price Administration for the district in which he is located a signed statement containing (1) his name and address, (2) the species of fresh fish which he intends to sell pursuant to this paragraph, (3) the quantity of fresh fish of such species he purchased during the year preceding the issuance date of this regulation, (4) the names and addresses of the suppliers from whom he purchased that species and the amount purchased from each, and (5) the names and addresses of the customers to whom he intends to sell that species pursuant to this paragraph.

Where a sale is made, pursuant to this paragraph (b), to a purveyor of meals, which sale involves transportation to such purveyor other than local trucking, hauling or handling, or for which sale the seller is entitled to a delivery allowance under section 2.9, the table price for such sale is the price listed in column G of Table IA plus one cent.

(c) Sales to retailers at Column G prices on permission of district offices. Any district office of the Office of Price Administration may, on application, grant permission by order to any wholesaler within its jurisdiction who qualifies to sell fresh fish of any species pursuant to paragraph (b), to sell fish of the same species at the same price to such group 3 and 4 retailers as it may designate. The application shall contain the names and addresses of all group 3 and 4 stores to which the applicant is currently making sales. Such permission shall be granted if in the judgment of the district office it is necessary to secure a proper distribution of fish. Subpart B of Revised Procedural Regulation No. 1 shall apply to such applications for adjustment.

SEC. 2.7a. Importer sales. (a) An importer sale is a sale of fresh fish which the seller (including the agent of a foreign seller) imported into the United States. It also includes sales by a wholesaler or any other person of imported fish which he bought from an importing distributor (other than a wholesaler or retailer). Such a seller is an importer with respect to such sales. The maximum prices for such sales are the table prices established for primary fish shipper sales plus all applicable allowances.

(b) Inland warehouse sales. Where an importing wholesaler ships imported fish from his domestic established place of business at which he received the fish to a warehouse which is not within any of the States of Maine, New Hampshire, Massachusetts, Connecticut, or Rhode Island, and at which he has two or more full-time employees stationed and engaged in making sales and performing services exclusively for him and he sells and distributes that fish from the stock of that warehouse, the maximum prices for such sales are the table prices established for inland warehouse sales (section 2.5 (c)) plus all applicable allowances.

SEC. 2.8. Sales to ultimate consumers. The maximum price for a sale of fresh fish to an ultimate consumer by a producer is the price listed in column B of Table IA (section 10.1) plus the mark-up over that price, provided by Revised Maximum Price Regulation No. 507 for group 3 and group 4 retail stores. The maximum price for a sale of fresh fish to an ultimate consumer by any person other than a producer, who buys the fish for resale and sells 50 percent or more of it to persons other than ultimate consumers, is either the price listed in column B of Table IA (section 10.1), plus all applicable allowances, or his supplier's table price on the sale to him plus all applicable allowances, plus the mark-up over the total thus obtained provided by Revised Maximum Price Regulation No.

507 for group 3 and group 4 retail stores. (The maximum price for a sale to an ultimate consumer by a person who buys fresh fish and resells more than 50 percent of it to ultimate consumers is fixed by Revised Maximum Price Regulation No. 507.)

SEC. 2.9. Delivery allowance—(a) Basic allowance. Where a wholesale sale is made to a retailer or purveyor of meals, and the fresh fish is delivered by the seller in his own motor truck or wagon, or in a motor truck or wagon used solely for his own deliveries, to the retailer's individual store or to the place of business of the purveyor of meals, the seller may add 1½ cents to his table price.

(b) Additional mileage allowance. Where a delivered sale by a wholesaler for which an allowance is made by paragraph (a) is made to an individual retail store or place of business of a purveyor of meals, which is located more than 25 air miles from the seller's point of shipment, the seller may add to his table price, in addition to the allowance provided in paragraph (a), the appropriate charge listed below:

Distance:	Allowance in cents per pound
26 to 75 miles.....	½
76 to 150 miles.....	¾
151 to 250 miles.....	1
Over 250 miles.....	1¼

SEC. 2.10. Custom dressing allowance. (a) Where a wholesale sale is made to a purveyor of meals of custom-dressed fresh fish (that is, of fish with the head, entrails, scales and fins removed), the seller may add 3 cents per pound to his table price for the dressed fish. If the applicable table lists a price for round fish but not for dressed fish, the dressed fish price is deemed to be 40 percent more than the listed round fish price. If the applicable table lists a price for drawn fish but not for round or dressed fish, the dressed fish price is deemed to be 25 percent more than the listed drawn fish price. No charge shall be made for any other customary services performed by the seller, such as slicing, removing collar bone, wrapping, etc.

SEC. 2.11. Transportation allowance—(a) General. The allowances provided by this section for transportation costs do not apply to local trucking, hauling, or handling charges, for which no charge may be made. No allowance taken for transportation costs pursuant to this section may exceed the common carrier rate from shipping to receiving points. Where a wholesaler further processes the fresh fish he receives before he sells it, he may add to his table price for the processed fish an amount which will enable him to recover the full allowance provided by this section for his incoming transportation.

(b) Wholesaler's or other distributor's incoming transportation. Any wholesaler, or other distributor covered by section 1.2, who buys fresh fish from another domestic wholesaler may add to his table price the actual cost of the transportation of such fish from his seller's shipping point to his receiving point.

(c) *Wholesaler's transportation to branch warehouse.* A wholesaler who ships fish from his place of business to his warehouse or other distribution point which is remote from that place of business, and which is not in a port area for that species, may add to his table price the actual cost of transportation from his place of business to that warehouse or other distribution point.

(d) *Importer's incoming transportation.* An importer may add as a transportation allowance to this table price the smallest of the following:

(1) The actual cost of transportation from the seller's shipping point to the importer's receiving point;

(2) The actual cost of transportation to the importer's receiving point from the point at which the fish entered the United States, or the carload rail rate from the point in the United States nearest the foreign shipper's shipping point, whichever is designated by the importer;

(3) The cost of transportation for the type of shipment used to the importer's receiving point from Boston.

(e) *Allowance paid by purchasing wholesaler.* A purchasing wholesaler who has paid to his domestic supplier an allowance for transportation costs pursuant to paragraphs (b), (c) or (d), may add that allowance to his table price.

(f) *Authorization to regional offices to fix transportation allowances.* Any regional office of the Office of Price Administration, and such other offices as may be authorized by the appropriate regional office, may by order determine and fix for any area or locality within its jurisdiction, a transportation allowance applicable to any species of fresh fish or seafood. The allowance shall be ascertained by reference to the principal source or sources from which the particular species is shipped to the area or locality and the method of transportation generally used. The transportation allowance thus fixed shall be used by all wholesalers in lieu of the actual transportation cost, in determining their maximum price for the sale, in the area or locality, of the designated species of fresh fish or seafood. The transportation allowances may be made effective for such time as the appropriate office finds proper, and may be changed from time to time to reflect changes in the principal sources of designated species of fish or seafood or methods of shipment which occur in the regular course of business. In determining the maximum prices for sales of fresh fish and seafood in any area or locality for which a transportation allowance is not established, wholesalers shall add actual transportation cost as provided in paragraph (a) of this section. Any transportation allowance established pursuant to the provisions of this paragraph shall have the same force and effect as if specifically established in this regulation.

Sec. 2.12. *Container allowances—(a) Sales by primary fish shipper—(1) Fish other than fillets or steaks.* A primary fish shipper may add to his table price for a sale in a container of fresh fish other than fillets or steaks, an outgoing

container allowance in the applicable amount listed in paragraph (e), but only if the container is not returned to him.

(2) *Fillets or steaks.* A primary fish shipper may add to his table price for a sale of fillets or steaks an allowance for the immediate container in which he sells them in the applicable amount listed in paragraph (e). If the sale involves transportation to the buyer other than local trucking, hauling or handling, he may also add to his table price an allowance for an outgoing outer container in the applicable amount listed in paragraph (e), but only if he is not entitled to a delivery allowance for the sale under section 2.9, and if the outer container is not returned to him.

(3) *Inland warehouse sales.* This paragraph (a) does not apply to a sale by a primary fish shipper from his inland warehouse pursuant to section 2.5 (c). For the purposes of this section, such a sale is treated as a sale made by a wholesaler other than a primary fish shipper.

(b) *Sales by a wholesaler other than a primary fish shipper who paid no container allowance.* A wholesaler other than a primary fish shipper who paid no container allowance authorized by this section on his purchase of fresh fish, may add to his table price for sales of that fish the applicable allowance for his outgoing container provided by paragraph (a) for sales by a primary fish shipper.

(c) *Sales by a wholesaler other than a primary fish shipper who paid a container allowance—(1) Incoming container allowance.* A wholesaler other than a primary fish shipper, who purchased fresh fish in a container (or containers in the case of fillets or steaks) and paid a container allowance authorized by paragraph (a) or (b) of this section, may pass on that allowance as an addition to his table price for sales of that fish. A subsequent wholesaler may pass on, as an addition to his table price for a sale of fresh fish, any container allowance authorized by this section which he paid when he purchased that fish. This is called the wholesaler's "incoming container allowance". If such wholesaler processes that fish into fillets or steaks, or sells it custom-dressed to purveyors of meals, he may add as his incoming container allowance an amount which will enable him to recover the full authorized allowance paid by him when he purchased the fish, but no more than 3 cents for sales of fillets or 2 cents for sales of steaks or custom-dressed fish.

(2) *Outgoing container allowance for sales of fish other than fillets or steaks.* For a sale in a container of fresh fish of any species, other than fillets or steaks, by a port wholesaler (not including a primary fish shipper) to a purveyor of meals, or by a wholesaler, other than a primary fish shipper or port wholesaler, to a retailer or purveyor of meals, the seller may add to his table price, in addition to the incoming container allowance provided by subparagraph (1), an outgoing container allowance in the applicable amount listed in paragraph (e), *Provided, That:*

(i) The sale involves transportation to the buyer other than local trucking, hauling or handling; and

(ii) The seller bought that fish in containers of 100 pounds or more of that species; and

(iii) He sells and ships no more than 80 pounds of fresh fish of that species (exclusive of fillets or steaks) to that customer on the day of such sale and shipment.

(iv) He is not entitled to a delivery allowance for that sale under section 2.9.

(3) *Outgoing immediate container allowance for sales of fillets, or steaks by processing wholesalers.* A processing wholesaler is a wholesaler who purchases fresh fish, other than fillets or steaks, which he processes into fillets or steaks for resale. A processing wholesaler, other than a primary fish shipper, may add to his table price for fillets or steaks processed by him, in addition to the incoming container allowance provided by subparagraph (1), an allowance for the immediate container in which he sells these fillets or steaks, in the applicable amount listed in paragraph (e), if that container is not returned to him.

(4) *Outgoing outer container allowance for sales of fillets or steaks by processing wholesaler.* A processing wholesaler, other than a primary fish shipper, may add to his table price for sales of fillets or steaks processed by him, in addition to the allowances provided by subparagraphs (1) and (3), an allowance for his outgoing outer container, in the applicable amount listed in paragraph (e), *Provided, That:*

(i) The sale involves transportation to the buyer other than local trucking, hauling or handling; and

(ii) The seller is not entitled to a delivery allowance for that sale under section 2.9 and

(iii) The outer container is not returned to the seller.

However, the total of the allowances added to the seller's table price under subparagraph (1) (incoming container allowance) and this subparagraph (outgoing outer container allowance) may not exceed 3 cents for sales of fillets or 2 cents for sales of steaks.

(5) *Outgoing outer container allowance for sales of fillets by a non-processing wholesaler.* A wholesaler other than a primary fish shipper, who purchased fillets or steaks and paid on such purchase pursuant to paragraph (a) or (b), an immediate container allowance but no outer container allowance, may add to his table price for sales of such fillets or steaks, in addition to the incoming container allowance provided by subparagraph (1), an allowance for his outer outgoing container in the applicable amount listed in paragraph (e), *Provided, That:*

(i) The sale involves transportation to the buyer other than local trucking, hauling or handling; and

(ii) The seller is not entitled to a delivery allowance for that sale under section 2.9 and

(iii) The outer container is not returned to the seller.

(d) *Special package shipment to outlying country points.* Where a wholesaler packs fresh fish, and ships such

fish by common carrier to individual retailers or purveyors of meals located in outlying rural areas, he may add to his table price the actual cost of any special outer shipping case he uses plus the actual cost of any special refrigerant not to exceed 2 cents per pound: *Provided*, That he adds no other outgoing container allowances provided in this section 2.12 except an allowance for the outgoing immediate container (where such is permitted) in the case of fillets and steaks.

(e) *Container prices.*

Net weight of fish or seafood:	Cents per pound for container
5.....	1 3/4
10.....	1 1/2
15.....	1
20.....	1
30.....	1
50.....	1 1/2
75.....	1 1/4
100.....	1
150.....	3/4
200.....	5/8
250.....	1/2
300.....	1/2

For any net weight not listed in this section, take the nearest net weight for which provision is made.

* For any net weight falling equally between two listed net weights, take the net weight with the lower allowance. When fish or seafood is cellophane wrapped, add an additional 1/4 cent per pound.

(f) *Authorization to regional offices to fix container allowances.* Any regional office of the Office of Price Administration, or such other office as may be authorized by the appropriate regional office, may by order determine and fix for any area or locality within its jurisdiction a container allowance applicable to such types of sales of such species and styles of dressing of fresh fish or seafood as it may designate. The allowance shall be ascertained by reference to the principal type or types of containers in which such fish is handled in that area or locality and the principal source or sources of supply for that area or locality. The container allowance thus fixed shall be used by all wholesalers in that area or locality in lieu of the container allowances provided by this section, for sales of the designated species and styles of dressing to such classes of purchasers within the jurisdiction of the said office as it may designate. Such allowance may be made effective for such time as the appropriate office finds proper, and may be changed from time to time to reflect changes in the types of containers used and the sources of supply which occur in the regular course of business. For sales in any area or locality for which a container allowance is not established, wholesalers shall add the appropriate container allowances provided by paragraphs (a) through (d) of this section. Any container allowance established pursuant to this paragraph shall have the same force and effect as if specifically fixed by this regulation.

ARTICLE III. FROZEN FISH AND SEAFOOD

SEC. 3.1. *General provisions.*—(a) *Scope of this article.* This article sets maximum prices for sales by processors and wholesalers of certain species of

frozen fish and seafood listed in Table IB of section 10.1. Table IB (North Atlantic species) lists only species which are primarily landed and frozen at North Atlantic ports. (All frozen fish and seafood of any species and style of dressing listed are included, even though they are occasionally landed or frozen elsewhere. Frozen fish and seafood primarily landed and frozen in other areas, such as halibut, are not included, even though they are occasionally landed and frozen at North Atlantic ports.)

(b) *Frozen fish.* As used in this article, the words "frozen fish" mean all frozen fish and seafood of the species and styles of dressing listed in Table IB of section 10.1, unless the context indicates otherwise.

SEC. 3.2 *Maximum prices for sales by processors and wholesalers.*—(a) *Maximum prices.* The maximum price for any sale of frozen fish by a processor (defined in section 3.1) or a wholesaler (defined in section 3.1) is the table price provided for that sale (by sections 3.3 through 3.7), plus all applicable allowances (provided by sections 3.9 through 3.13), and plus or minus any applicable differentials (provided by section 3.12 (a)). If this article does not specifically provide a table price for the sale, the maximum price is the lowest table price provided by this article for any sale by that seller, plus all applicable allowances, and plus or minus any applicable differential.

(b) *Maximum prices for sales of lots of more than 500 pounds.* Where a wholesaler sells and delivers more than 500 pounds of any one species of frozen fish to a customer on any one day the maximum price for such sale (notwithstanding the table prices provided in subsequent sections for sales to retailers and purveyors of meals) is the appropriate table price fixed for sales to wholesalers plus all applicable allowances and plus or minus any applicable differential.

(c) *Allowances generally.* No allowance or differential (provided by sections 3.9 through 3.13) may be added by a seller to his table price unless it is separately stated on an invoice to his customer.

SEC. 3.3. *Sales by processors.*—(a) *What a processor is.* A "processor" of frozen fish is a person who owns the frozen fish before it leaves the original freezer.

(b) *What a secondary processor is.* A "secondary processor" with respect to frozen fish of any species, is a person other than a producer or producer-wholesaler (defined in section 2.2), of fresh fish of that species, or a primary processor of frozen fish of the same species, who freezes fresh fish which he purchased, pursuant to Article II, at the table price listed in column B of Table IA (section 10.1) or higher, and who normally purchases 80 percent or more of the fresh fish of that species which he freezes at the table price listed in column B of Table IA (section 10.1) or higher. He is a secondary processor only with respect to fish of that species purchased at such prices which he

freezes. The term also includes a person, other than a primary processor of the same species, who acquires such frozen fish from such secondary processor before the fish leaves the original freezer.

(c) *What a primary processor is.* A processor of any frozen fish who fails to fill the requirements of paragraph (b) with respect to that frozen fish, is a primary processor of that frozen fish. A person who is a primary processor with respect to more than 20 percent of the frozen fish of any species which he sells, is considered, for the purposes of this regulation, a primary processor with respect to all the frozen fish of that species which he sells.

(d) *Table prices for sales by a primary processor.* The table price for a sale of frozen fish by a primary processor, other than a sale covered in paragraph (e), is as follows:

(1) To a wholesaler, chain store warehouse or retailer-owned cooperative wholesaler—the price listed in column I of Table IB (section 10.1).

(2) To a retailer or purveyor of meals—the price listed in column II of Table IB (section 10.1).

(e) *Inland warehouse sales by a primary processor.* Where a primary processor ships frozen fish to a warehouse, which is (i) remote from the original freezer, (ii) not within any of the States of Maine, New Hampshire, Massachusetts, Connecticut, or Rhode Island, and (iii) at which warehouse he has two or more full-time employees stationed and engaged in selling frozen fish and performing related services for him exclusively, and he sells and distributes such frozen fish from the stock of that warehouse in less-than-carload lots, his table prices for such sales are the prices listed below, *Provided, however*, That during the greater portion of the year preceding April 13, 1943, he received frozen fish of the same species at that warehouse, for the most part in carload lots, and sold and distributed it from there for the most part in less-than-carload lots:

(1) To a wholesaler, chain-store warehouse, or retailer-owned cooperative wholesaler—the price listed in column III of Table IB (section 10.1), but only if such fish was received at the warehouse in carload lots.

(2) To a retailer—the price listed in column IV of Table IB (section 10.1).

(3) To a purveyor of meals:

(i) If the sale involves transportation to the buyer other than local trucking, hauling, or handling, or if the seller is entitled to a delivery allowance for the sale under section 3.9 the price listed in column IV of Table IB (section 10.1) plus 1/2 cent.

(ii) If the sale is not covered by subdivision (i) the price listed in column IV of Table IB (section 10.1).

(f) *Table prices for sales by a secondary processor.* The table price for a sale of frozen fish by a secondary processor is as follows:

(1) To a wholesaler, chain store warehouse or retailer-owned cooperative wholesaler—the price listed in column I of Table IB (section 10.1).

(2) To a retailer:

(i) If the sale is made by a secondary processor who has no place of business within any of the States of Maine, New Hampshire, Massachusetts, Connecticut or Rhode Island, and the fish is frozen at, and delivered from or at, a place which is not within any of those states—the price listed in column IV of Table IB (section 10.1).

(ii) If the sale is not covered by subparagraph (i)—the prices listed in column II of Table IB (section 10.1).

(3) To a purveyor of meals:

(i) If the sale involves transportation to the buyer other than local trucking, hauling or handling, or if the seller is entitled to a delivery allowance for the sale under section 3.9—the prices listed in column IV of Table IB (section 10.1) plus ½ cent.

(ii) If the sale is not covered by subdivision (i)—the prices listed in column IV of Table IB (section 10.1).

Sec. 3.4 Wholesale sales generally—

(a) What "wholesale sales" and "wholesalers" are. A person other than a processor who buys frozen fish for resale, and sells more than 20 percent of it to persons other than ultimate consumers, is a "wholesaler" with respect to all his purchases (including his purchases of fish which he sells at retail). His sales of that fish are "wholesale sales", and he is a "wholesaler" with respect to those sales, if:

(1) He sells and distributes the greater part of such fish from the stock of his domestic established place of business; or

(2) He has no established place of business, and he sells and delivers such fish to a retailer or purveyor of meals, without advance order, from the stock of his motor truck or wagon in which he delivers it to the retailer's individual store or to the place of business of the purveyor of meals. (This type of wholesale sale is called a wagon jobber sale. The seller is a wagon jobber with respect to such sale.)

With the exception of the wagon jobber sale, however, if the seller does not sell and distribute the greater part of his fish from the stock of his domestic established place of business, he is not a wholesaler, but is a distributor whose sales are covered by section 1.2, or in the case of an importing distributor by section 3.5. (For the purposes of this article a seller's "established place of business" includes a cold storage warehouse, other than the original freezer, in which the seller rents space and stores his fish.)

Sec. 3.5. Importer sales. (a) An importer sale is a sale of frozen fish which the seller (including the agent of a foreign shipper) imported into the United States. It also includes sales by a wholesaler or any other person of imported fish which he bought from an importing distributor (other than a wholesaler or retailer). Such a seller is an importer with respect to such sales. The maximum prices for such sales are the table prices established for sales by primary processors plus all applicable allowances (provided by sections 3.9 through 3.13) and plus or minus any applicable differentials (provided by section 3.12 (a)).

(b) Inland warehouse sales. Where an importing wholesaler receives imported frozen fish at his domestic established place of business and ships such fish to another warehouse in less-than-carload lots or in carload lots which he assembled at his domestic established place of business, and such other warehouse and sales from it meet the qualifications set out in section 3.2 (e) (Inland warehouse sales by a primary processor), the maximum prices for such sales are the table prices established by that section plus all applicable allowances and plus or minus any applicable differentials.

Sec. 3.6. Primary distributor sales—

(a) What a primary distributor sale is. A sale by a wholesaler (other than an importer sale) to another wholesaler, chain store warehouse or retailer-owned cooperative, of frozen fish purchased frozen in carload lots and distributed in the United States in less-than-carload lots, is a primary distributor sale: Provided, however, That the seller handled the same species of frozen fish during the year preceding April 13, 1943 and during the greater portion of that year bought in carload lots the greater portion of that species which he handled and distributed from an established place of business in the United States, the greater portion in less-than-carload lots. The seller is called a primary distributor with respect to such sales.

(b) Table price. The table price for a primary distributor sale is the price listed in column III of Table IB (section 10.1).

Sec. 3.7. Wholesale sales not covered by sections 3.5 and 3.6—(a) Table prices. The table price for a wholesale sale of frozen fish which is not covered by section 3.5 or 3.6 is as follows (but see paragraph (b)).

(1) To a wholesaler, chain store warehouse or retailer-owned cooperative wholesaler—the prices listed in column I of Table IB (section 10.1).

(2) To a retailer:

(i) By a retailer-owned cooperative wholesaler to an affiliated retail store—the price listed in column IV of table IB (section 10.1) minus one cent. (A retailer-owned cooperative wholesaler is a wholesaler who is either a non-profit organization or a corporation of which 51 percent or more of the stock is owned by its retail customers.)

(ii) By a wholesaler except as provided in the immediately preceding subdivision (i)—the price listed in column IV of Table IB.

(3) To a purveyor of meals:

(i) If the sale involves transportation to the buyer other than local trucking, hauling or handling, or if the seller is entitled to a delivery allowance for the sale under section 3.9—the prices listed in column IV of Table IB (section 10.1) plus ½ cent.

(ii) If the sale is not covered by subparagraph (i)—the prices listed in column IV of Table IB (section 10.1).

(b) Certain sales to retailers and purveyors of meals at Column V prices. Notwithstanding the provisions of paragraph (a), a wholesaler who purchases frozen fish from a primary distributor, or from an inland warehouse of a proc-

essor or importer pursuant to section 3.2 (d) or section 3.5 (b) may sell that fish to retailers or purveyors of meals at the following table prices:

(1) To a retailer:

(i) If the seller is a retailer-owned cooperative wholesaler (defined in paragraph (a) (2) (i)—selling to an affiliated retail store—the prices listed in column V of Table IB (section 10.1) minus one cent.

(ii) If the seller is not a retailer-owned cooperative wholesaler—the price listed in column V of Table IB (section 10.1).

(2) To a purveyor of meals:

(i) If the sale involves transportation to the buyer other than local trucking, hauling or handling, or if the seller is entitled to a delivery allowance for the sale under section 3.9—the price listed in column V of Table IB (section 10.1) plus ½ cent.

(ii) If the sale is not covered by subdivision (i)—the price listed in column V of Table IB (section 10.1).

Sec. 3.8. Sales to ultimate consumers.

The maximum price for a sale of frozen fish to an ultimate consumer by a processor, or by an importer-wholesaler who is a primary processor of fish of the same species, is the price listed in column I of Table IB (section 10.1), plus all applicable allowances, plus the mark-up over the total thus obtained provided by Revised Maximum Price Regulation No. 507 for group 3 and group 4 retail stores. The maximum price for a sale of frozen fish to an ultimate consumer by any person other than a processor, who buys frozen fish for resale and sells 50 percent or more of it to persons other than ultimate consumers, is either the price listed in column I of Table IB (section 10.1) plus all applicable allowances, or his supplier's table price on the sale to him plus all applicable allowances, plus the mark-up over the total thus obtained provided by Revised Maximum Price Regulation No. 507 for group 3 and group 4 retail stores. (The maximum price for a sale to an ultimate consumer by a person who buys fresh fish and resells more than 50 percent of it to ultimate consumers is fixed by Revised Maximum Price Regulation No. 507.)

Sec. 3.9 Delivery allowance—(a) Basic allowance. Where a wholesale sale is made to a retailer or purveyor of meals, and the frozen fish is delivered by the seller in his own motor truck or wagon, or in a motor truck or wagon used solely for his own deliveries, to the place of business of the purveyor of meals, the seller may add 1½ cents to his table price.

(b) Additional mileage allowance. Where a delivery sale by a wholesaler for which an allowance is provided by paragraph (a) is made to an individual retail store or place of business of a purveyor of meals, which is located more than 25 air miles from the seller's place of business, the seller may add to his table price, in addition to the allowance provided in paragraph (a), the appropriate charge listed below.

Distance:	Allowance in cents per pound
28 to 75 miles.....	½
76 to 150 miles.....	¾
151 to 250 miles.....	1
Over 250 miles.....	1½

SEC. 3.10. Custom dressing allowance.
 (a) Where a wholesale sale is made to a purveyor of meals of custom-dressed frozen fish (that is, of fish with the head, entrails, scales and fins removed), the seller may add 3 cents per pound to his table price for the dressed fish. If the applicable table lists a price for round fish but not for dressed fish, the dressed fish price is deemed to be 40 percent more than the listed round fish price. If the applicable table lists a price for drawn fish but not for round or dressed fish, the dressed fish price is deemed to be 25 percent more than the listed drawn fish price. No charge shall be made for any customary services performed by the seller, such as slicing, removing collar bone, wrapping, etc.

SEC. 3.11. Transportation allowances—
 (a) *General.* The allowances provided by this section for transportation costs do not apply to local trucking, hauling or handling charges, for which no charge may be made. No allowance taken for transportation costs pursuant to this section may exceed the common carrier rate from shipping to receiving points.

(b) *Incoming fresh fish transportation for processors.* If a primary or secondary processor freezes fish in a place, which is remote from the place where that fish was landed, he may add to his table price the per pound transportation costs, not to exceed the carload rail freight rate per pound for fresh fish (if such rate is available) from the nearest port where that species is landed, ex-vessel.

(c) *Incoming transportation for wholesalers and other distributors.* Any wholesaler or other distributor who purchases frozen fish from a domestic supplier may add to his table price the transportation cost from his supplier's shipping point to his receiving point.

(d) *Importer's incoming transportation.* Any importer may add as a transportation allowance to his table price for sales of frozen fish imported by him the smallest of the following:

(1) The cost of transportation to his receiving point from his supplier's shipping point;

(2) The cost of transportation to his receiving point from the point at which the fish entered the United States, or the carload rail rate from the point in the United States nearest his supplier's shipping point, whichever is designated by him;

(3) The cost of transportation for the type of shipment used to his receiving point from Boston.

(e) *Outgoing transportation for processors, wholesalers and distributors.* Any processor, wholesaler, or other distributor, not including an importer, who ships frozen fish from one of his warehouses to another of his warehouses or to his distribution point which is remote from his shipping point and from the original freezing point, may add to his table price for frozen fish distributed from or at that remote warehouse, or other distribution point, the transportation cost from the shipping point nearest the first warehouse to such remote warehouse or other distribution point.

(f) *Allowance paid by purchasing wholesaler.* A purchasing wholesaler who has paid to his domestic supplier a transportation allowance authorized by paragraphs (a), (b), (c), (d), or (e) may add that allowance to his table price.

(g) A wholesaler who further processes the frozen fish he receives before he sells it, may add to his table price for the processed fish an amount which will enable him to recover the full incoming transportation allowance provided by paragraph (c), (d) or (f).

(h) *Mileage allowance for wholesalers.* Any wholesaler of frozen fish may add to his table price for sales to retailers and purveyors of meals 25 percent of the carload freight charge from Boston to his receiving point.

(i) *Authorization to regional offices to fix transportation allowances.* Any regional office of the Office of Price Administration, and such other offices as may be authorized by the appropriate regional office, may by order determine and fix for any area or locality within its jurisdiction, a transportation allowance applicable to any species of frozen fish or seafood. The allowance shall be ascertained by reference to the principal source or sources from which the particular species is shipped to the area or locality and the method of transportation generally used. The transportation allowance thus fixed shall be used by all wholesalers in lieu of the actual transportation cost, in determining their maximum prices for the sale, in the area or locality, of the designated species of frozen fish or seafood. The transportation allowance may be made effective for such time as the appropriate office finds proper, and may be changed from time to time to reflect changes in the principal sources of designated species of fish or seafood or methods of shipment which occur in the regular course of business. In determining the maximum prices for sales of frozen fish and seafood in any area or locality for which a transportation allowance is not established, wholesalers shall add actual transportation cost as provided in paragraph (a) of this section. Any transportation allowance established pursuant to the provisions of this paragraph shall have the same force and effect as if specifically established in this regulation.

SEC. 3.12 Container differentials and allowances—(a) *Generally.* The table prices established by this article for sales of frozen fish include an allowance for the usual containers in which the fish is packed. This section sets forth the amount which may be added to, or which must be subtracted from, those table prices when the frozen fish is not packed in containers or is packed in containers of the sizes and kinds herein listed.

Parchment wrapped in 15 lb. wood or paper box.....Add Base price
 Parchment wrapped in 10 lb. wood or paper box.....Add ¼¢ per lb.
 Parchment wrapped in 5 lb. wood or paper box.....Add ½¢ per lb.
 Parchment wrapped in 1 lb. wood or paper box.....Add 1½¢ per lb.

Cellophane wrapped in 15 lb. wood or paper box.....Add ¼¢ per lb.
 Cellophane wrapped in 10 lb. wood or paper box.....Add ½¢ per lb.
 Cellophane wrapped in 5 lb. wood or paper box.....Add ¾¢ per lb.
 Cellophane wrapped in 1 lb. wood or paper box.....Add 1¾¢ per lb.
 Layer pack in 15 lb. wood or paper box.....Subtract ½¢ per lb.
 Layer pack in 10 lb. wood or paper box.....Subtract ¼¢ per lb.
 Layer pack in 5 lb. wood or paper box.....Base price

Cry-o-vac: When Cry-o-vac bags or containers of similar materials are used in conjunction with any of the above methods of wrapping or packing add to the above differentials: ¼ cent per pound for a unit of 15 pounds net weight; ½ cent per pound for a unit of 10 pounds net weight; ¾ cent per pound for a unit of 5 pounds net weight.

Frozen fish and frozen sea foods not packed in boxes or other containers . . . subtract 1 cent per pound.

(b) *Less-than-box-lot shipment to retailers or purveyors of meals.* Where a wholesaler purchases, or an inland warehouse of a primary wholesaler qualifying under section 3.2 (e) receives, a species of frozen fish in containers of 100 pounds or more, and resells that fish to a retailer or a purveyor of meals in lots of 80 pounds or less in any one day, and the sale involves transportation from him to the buyer other than local trucking, hauling or handling, that wholesaler, or processor selling from an inland warehouse pursuant to section 3.2 (e), may add 1 cent to his table price for such sales as a container allowance for a broken box lot sale. However, no allowance may be added under this paragraph for a sale of fillets or steaks.

(c) *Special package shipments to outlying country points.* Where a processor or wholesaler packs frozen fish in special containers and ships such fish by common carrier to individual retail stores or purveyors of meals located in rural areas he may add to his table price the actual cost of any special outer shipping case used and any special refrigerant used, the total not to exceed 2 cents per pound.

SEC. 3.13. Storage allowances—(a) *Inland storage.* For inland warehouse sales, primary distributor sales, and other wholesale sales priced on the basis of column III or IV, the seller may add ½ cent per pound to the applicable table price if the seller has previous to the sale stored the fish in a freezer other than the original freezer.

(b) *Winter storage.* Any person making a sale of the listed species of fish during the listed months may add to the appropriate table price the applicable amount:

Species	January	February	March	April
Codfish, cusk, blackback, sea dab and yellowtail, haddock hake, mud hake, pollock, gray sole, sea scallops, wolfish.....	Cents ¼	Cents ½	Cents ¾	Cents 1
Whiting.....	¼	½	¾	1

ARTICLE X—TABLES

Sec. 10.1 North Atlantic species—(a) Table IA—North Atlantic fresh fish and seafood maximum prices in cents per pound.

The following are the table prices applicable to various types of producer and wholesaler sales. Under certain circumstances one or more allowances may be added to these table prices as indicated below:

PRODUCER ALLOWANCE

Boxed fish—See section 2.2 (b)

WHOLESALE ALLOWANCE

Containers—See section 2.12

Transportation—See section 2.11

Delivery to retailers and purveyors of meals—See section 2.9

Custom dressing on sales to purveyors of meals—See section 2.10

Column

A—Producer Sales.

B—Port and Primary Fish Shipper Sales to Wholesalers and Chain Store Warehouses.

C—Port Sales to Retailers and Primary Fish Shipper Sales to Retailers and Purveyors of Meals.

D—Port Sales to Purveyors of Meals (Other than Primary Fish Shipper Sales).

E—Non-Port Wholesaler Sales to other Wholesalers and Chain Store Warehouses.

F—Non-Port Wholesaler Sales to Retailers and Purveyors of Meals. (On common carrier shipments and delivered sales to purveyors of meals add 1 cent per pound to these prices. See section 2.7 (a) (3) (1).)

G—Certain Other Wholesaler Sales to Retailers and Purveyors of Meals—See section 2.7 (b) (On common carrier shipments and delivered sales to purveyors of meals add 1 cent per pound to these prices.)

Sched. No.	Species	Item No.	Style of dressing	Size	Season	A	B	C	D	E	F	G	
1	Alewives and Sea Herring, Codfish Atlantic.	1	Round	All	All year	1 1/4	2 1/4	3	4 1/4	3 1/4	4 1/4	5 1/4	
2		2	Drawn	Under 2 1/2#	Apr.-Sept.	5 1/2	7	7 1/2	8 1/2	8 1/2	8 1/2	9 1/2	10 1/2
		3	Drawn	10 to 10#	Apr.-Sept.	6 1/2	8 1/2	8 1/2	9 1/2	9 1/2	9 1/2	10 1/2	11 1/2
		4	Drawn	25# and up	Apr.-Sept.	6 1/2	8 1/2	8 1/2	9 1/2	9 1/2	9 1/2	10 1/2	11 1/2
		5	Dressed	5 to 10#	Apr.-Sept.	8	10 1/2	10 1/2	10 1/2	10 1/2	10 1/2	11 1/2	12 1/2
		6	Dressed	10 to 25#	Apr.-Sept.	8 1/2	10 1/2	10 1/2	10 1/2	10 1/2	10 1/2	11 1/2	12 1/2
		7	Dressed	25# and up	Apr.-Sept.	8 1/2	10 1/2	10 1/2	10 1/2	10 1/2	10 1/2	11 1/2	12 1/2
		8	Round	Under 1 1/2#	Apr.-Sept.	2	3	3 1/2	3 1/2	3 1/2	3 1/2	3 1/2	3 1/2
		9	Round	1 1/2 to 2#	Apr.-Sept.	3	4	4 1/2	4 1/2	4 1/2	4 1/2	4 1/2	4 1/2
		10	Round	2# to 10#	Apr.-Sept.	3 1/2	4 1/2	4 1/2	4 1/2	4 1/2	4 1/2	4 1/2	4 1/2
		11	Round	10 to 25#	Apr.-Sept.	4	5 1/2	5 1/2	5 1/2	5 1/2	5 1/2	5 1/2	5 1/2
		12	Round	25# and up	Apr.-Sept.	4 1/2	5 1/2	5 1/2	5 1/2	5 1/2	5 1/2	5 1/2	5 1/2
		13	Fillets (skin on).	All	Apr.-Sept.	20 1/2	22	24 1/2	24 1/2	24 1/2	24 1/2	24 1/2	26 1/2
		14	Fillets (skin less).	All	Apr.-Sept.	23	24 1/2	27 1/4	27 1/4	27 1/4	27 1/4	27 1/4	28 3/4
15	Steaks	All	Apr.-Sept.	16 1/2	17 1/4	20 1/4	20 1/4	20 1/4	20 1/4	20 1/4	21 1/4		
1	Pout, ocean (eel pout or conger eel).	1	Drawn	Under 2 1/2#	Apr.-Sept.	8 1/2	9 1/2	10 1/2	10 1/2	10 1/2	10 1/2	11 1/2	
2		2	Drawn	2 1/2 to 10#	Apr.-Sept.	8 1/2	9 1/2	10 1/2	10 1/2	10 1/2	10 1/2	10 1/2	
		3	Drawn	10 to 25#	Apr.-Sept.	8 1/2	9 1/2	10 1/2	10 1/2	10 1/2	10 1/2	10 1/2	
		4	Drawn	25# and up	Apr.-Sept.	8 1/2	9 1/2	10 1/2	10 1/2	10 1/2	10 1/2	10 1/2	
		5	Dressed	5 to 10#	Apr.-Sept.	10 1/2	12 1/2	12 1/2	12 1/2	12 1/2	12 1/2	12 1/2	
		6	Dressed	10 to 25#	Apr.-Sept.	10 1/2	12 1/2	12 1/2	12 1/2	12 1/2	12 1/2	12 1/2	
		7	Dressed	25# and up	Apr.-Sept.	10 1/2	12 1/2	12 1/2	12 1/2	12 1/2	12 1/2	12 1/2	
		8	Round	Under 1 1/2#	Apr.-Sept.	3	4	4 1/2	4 1/2	4 1/2	4 1/2	4 1/2	
		9	Round	1 1/2 to 2#	Apr.-Sept.	4	5 1/2	5 1/2	5 1/2	5 1/2	5 1/2	5 1/2	
		10	Round	2# to 10#	Apr.-Sept.	4 1/2	5 1/2	5 1/2	5 1/2	5 1/2	5 1/2	5 1/2	
		11	Round	10 to 25#	Apr.-Sept.	5 1/2	6 1/2	6 1/2	6 1/2	6 1/2	6 1/2	6 1/2	
		12	Round	25# and up	Apr.-Sept.	5 1/2	6 1/2	6 1/2	6 1/2	6 1/2	6 1/2	6 1/2	
		13	Fillets (skin on).	All	Apr.-Sept.	20 1/2	22	24 1/2	24 1/2	24 1/2	24 1/2	24 1/2	
		14	Fillets (skin less).	All	Apr.-Sept.	23	24 1/2	27 1/4	27 1/4	27 1/4	27 1/4	27 1/4	
		15	Steaks	All	Apr.-Sept.	16 1/2	17 1/4	20 1/4	20 1/4	20 1/4	20 1/4	20 1/4	
1	Rajafish (skate).	1	Drawn	Under 2 1/2#	Apr.-Sept.	8 1/2	9 1/2	10 1/2	10 1/2	10 1/2	10 1/2	11 1/2	
2		2	Drawn	2 1/2 to 10#	Apr.-Sept.	8 1/2	9 1/2	10 1/2	10 1/2	10 1/2	10 1/2	10 1/2	
		3	Drawn	10 to 25#	Apr.-Sept.	8 1/2	9 1/2	10 1/2	10 1/2	10 1/2	10 1/2	10 1/2	
		4	Drawn	25# and up	Apr.-Sept.	8 1/2	9 1/2	10 1/2	10 1/2	10 1/2	10 1/2	10 1/2	
		5	Dressed	5 to 10#	Apr.-Sept.	10 1/2	12 1/2	12 1/2	12 1/2	12 1/2	12 1/2	12 1/2	
		6	Dressed	10 to 25#	Apr.-Sept.	10 1/2	12 1/2	12 1/2	12 1/2	12 1/2	12 1/2	12 1/2	
		7	Dressed	25# and up	Apr.-Sept.	10 1/2	12 1/2	12 1/2	12 1/2	12 1/2	12 1/2	12 1/2	
		8	Round	Under 1 1/2#	Apr.-Sept.	3	4	4 1/2	4 1/2	4 1/2	4 1/2	4 1/2	
		9	Round	1 1/2 to 2#	Apr.-Sept.	4	5 1/2	5 1/2	5 1/2	5 1/2	5 1/2	5 1/2	
		10	Round	2# to 10#	Apr.-Sept.	4 1/2	5 1/2	5 1/2	5 1/2	5 1/2	5 1/2	5 1/2	
		11	Round	10 to 25#	Apr.-Sept.	5 1/2	6 1/2	6 1/2	6 1/2	6 1/2	6 1/2	6 1/2	
		12	Round	25# and up	Apr.-Sept.	5 1/2	6 1/2	6 1/2	6 1/2	6 1/2	6 1/2	6 1/2	
		13	Fillets (skin on).	All	Apr.-Sept.	20 1/2	22	24 1/2	24 1/2	24 1/2	24 1/2	24 1/2	
		14	Fillets (skin less).	All	Apr.-Sept.	23	24 1/2	27 1/4	27 1/4	27 1/4	27 1/4	27 1/4	
		15	Steaks	All	Apr.-Sept.	16 1/2	17 1/4	20 1/4	20 1/4	20 1/4	20 1/4	20 1/4	

See footnotes end of table.

ments and delivered sales to purveyors of meals add 1/2 cent per pound to these prices. See section 3.7 (a) (3) (1.).
 V. Certain Other Wholesaler Sales to Retailers and Purveyors of Meals. See section 3.7 (b).
 (On common carrier shipments and delivered sales to purveyors of meals add 1/2 cent per pound to these prices. See section 3.7 (b) (2) (1).)

Sched. No.	Species	Item No.	Style of dressing	Size	I	II	III	IV	V
1	Alewives and sea herring	1	Round	All	4 1/4	5	5 1/2	6 1/4	7 3/4
2	Codfish, Atlantic	1	Drawn	Under 2 1/2#	9	9 1/2	10	11 1/4	12 1/2
3	Cusk	1	Dressed	2 1/2# and up	11 1/2	12	12 1/2	13 1/4	14 1/2
4	Black back	1	Drawn	Under 2 1/2#	11	11 1/2	12 1/4	13 1/4	14 1/4
5	Dab, sea and yellow tail	1	Dressed	2 1/2# and up	10 1/2	11 1/2	12 1/4	13 1/4	14 1/4
6	Fluke	1	Drawn	Under 2 1/2#	10	11	11 1/2	12 1/4	13 1/4
7	Haddock	1	Dressed	2 1/2# and up	12	13	13 1/4	14 1/4	15 1/4
8	Hake	1	Drawn	Under 2 1/2#	8	8 1/2	9	10 1/4	11 1/4
9	Hake, mud	1	Drawn	Under 2 1/2#	5 1/2	6 1/4	7 1/4	8 1/4	9 1/4
10	Pollock	1	Drawn	Under 1 1/2#	5	5 1/2	6 1/4	7 1/4	8 1/4
11	Pout, ocean (eel pout or conger eel)	1	Drawn	Under 2 1/2#	6 1/2	7 1/4	8 1/4	9 1/4	10 1/4
12	Rajafish (skate)	1	Drawn	Under 2 1/2#	10	11	12 1/4	13 1/4	14 1/4
13	Rosefish	1	Drawn	Under 2 1/2#	10	11	12 1/4	13 1/4	14 1/4
14	Scallops, sea	1	Drawn	Under 2 1/2#	20	21 1/2	23 1/4	25 1/4	27 1/4
15	Scallops, bay	1	Drawn	Under 2 1/2#	10	11	12 1/4	13 1/4	14 1/4
16	Sole, gray	1	Drawn	Under 2 1/2#	10	11	12 1/4	13 1/4	14 1/4
17	Sole, lemon	1	Drawn	Under 2 1/2#	11 1/2	12 1/4	13 1/4	14 1/4	15 1/4
18	Swordfish	1	Drawn	Under 2 1/2#	10	11	12 1/4	13 1/4	14 1/4
19	Whiting	1	Drawn	Under 2 1/2#	10	11	12 1/4	13 1/4	14 1/4
20	Wolfish	1	Drawn	Under 2 1/2#	10	11	12 1/4	13 1/4	14 1/4

1 No person shall sell rosefish fillets on the basis of the listed prices until he shall have sold an amount equal to that part of his Oct. 1, 1944 inventory which was not sold before Oct. 3, 1944 at or below a price based on the appropriate table price minus 2 1/2 cents.
 2 When scallops are frozen in sealop bags, deduct 1 1/2 cents per pound from the appropriate table price.
 3 Prices listed for these fillets apply only if they are wrapped and marked as file or lemon sole, whichever is the case; otherwise the applicable prices are those listed for yellow tail and sea dab fillets in Item 3 of Schedule No. 5.

Sched. No.	Species	Item No.	Style of dressing	Size	Season	A	B	C	D	E	F	G
17	Sole, lemon	1	Round	All	Apr.-Sept.	10	11 1/4	12 1/4	15	13	14 1/4	15 1/4
18	Swordfish	1	Fillets	All	Apr.-Sept.	16	18 1/4	19 1/4	21 1/4	18 1/4	19 1/4	21 1/4
19	Whiting	1	Fillets	All	Apr.-Sept.	30	33 1/4	34 1/4	37 1/4	35 1/4	37 1/4	40
20	Wolfish	1	Fillets	All	Apr.-Sept.	10	11 1/4	12 1/4	15	13	14 1/4	15 1/4

1 Add 1 cent per pound when these species are landed ex-vessel in or shipped by a producer to New York City. Any seller other than the producer, who processes this fish may add to his table price for the processed fish that amount which will enable him to recover the full amount of the addition paid for the particular lot of fish involved in the processing.
 2 Prices listed for these fillets apply only if they are wrapped and marked as gray sole or lemon sole, whichever is the case; otherwise the applicable prices are those listed for yellow tail and sea dab fillets in Item 3 of Schedule No. 5.

(b) Table 1B—North Atlantic frozen fish and seafood maximum prices in cents per pound.
 The following are the table prices applicable to various types of processor and wholesaler sales. Under certain circumstances one or more adjustments of these table prices must be made to determine maximum prices.

Adjustments	See section
Container allowances and differentials	3.12
Transportation allowances	3.11
Storage allowances	3.13
Delivery allowance on sales to retailers and purveyors of meals	3.9
Custom-dressing allowance on sales to purveyors of meals	3.10

- Column
 I. Processor Sales to Wholesalers and Chain Store Warehouses.
 II. Processor Sales to Retailers and Purveyors of Meals.
 III. Primary Distributor Sales to Wholesalers and Chain Store Warehouses. (When placed in storage add 1/2 cent per pound to these prices. See section 3.13 (a).)
 IV. Wholesaler Sales to Retailers and Purveyors of Meals. (When placed in storage add 1/2 cent per pound to these prices. See section 3.13 (a).) (On common carrier ship-

Sched. No.	Species	Item No.	Style of dressing	Size	I	II	III	IV	V
21.	Mackerel, Atlantic.....	1	Round.....	Under 1/2#.....	6	6 1/2	7	8	9 1/2
		2	Round.....	1/2 to 1#.....	8	8 3/4	9	10 1/2	11 3/4
		3	Round.....	1 to 1 1/2#.....	10	11	11	12 1/2	13 3/4
		4	Round.....	1 1/2# and up.....	11	12	12	13 1/2	14 3/4
22.	Eel, common.....	5	Fillets.....	All.....	20	21 1/2	21 1/2	23 1/2	25 1/2
		1	Round.....	All.....	11	12	12	13 1/2	14 3/4
		2	Drawn.....	All.....	13	14	14 1/2	15 3/4	17 1/2
		3	Dressed and skinned.....	All.....	18	19 1/2	19 1/2	21 1/2	23 1/2

SEC. 10.2 List of species covered by regulation.

Schedule No.	Common name	Scientific name
1.	Alewives and sea herring.	Pomolobus pseudo-harengus Clupea harengus.
2.	Codfish.....	Gadus callarias.
3.	Cusk.....	Brosme brosme.
4.	Blackback.....	Pseudopleuronectes americanus.
5.	Dab, sea and yellowtail.	Hippoglossoides platessoides and Limanda ferruginea.
6.	Fluke.....	Paralichthys dentatus.
7.	Haddock.....	Melanogrammus aeglefinus.
8.	Hake.....	Urophycis species.
9.	Hake, mud.....	Urophycis species.
10.	Pollack.....	Pollachius virens.
11.	Pout, ocean (eel pout or conger eel).	Zoarces anguillarlis.
12.	Rajafish (skate).....	Raja species.
13.	Rosefish.....	Sebastes marinus.
14.	Scallops, sea.....	Pecten magallanicus.
15.	Scallops, bay.....	Pecten irradians.
16.	Sole, gray.....	Glyptocephalus cynoglossus.
17.	Sole, lemon.....	Pseudopleuronectes dignabilis.
18.	Swordfish.....	Xiphias gladius.
19.	Whiting.....	Merluccius bilinearis.
20.	Wolfish.....	Anarhichas lupus.
21 (frozen).	Mackerel.....	Scomber scombrus.
22 (frozen).	Eel, common.....	Anguilla rostrata.

This regulation shall become effective March 9, 1945.

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

Issued this 27th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3185; Filed, Feb. 27, 1945; 11:43 a. m.]

PART 1386—SOAP AND GLYCERINE

[MPR 390, Amdt. 7]

HOUSEHOLD SOAPS AND CLEANSERS SOLD BY RETAIL FOOD STORES

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

Maximum Price Regulation 390 is amended in the following respects:

1. Paragraph (c) of section 3 is amended to read as follows:

(c) *Reclassification of store groups.* Effective March 5, 1945, this regulation requires that the year 1944 be used for figuring your "annual gross sales" instead of the year 1943. If you find that

¹ 8 F.R. 6428.

as a result of that change, your store is now in a group different from the one it was in before, you must, after March 29, 1945, use the ceiling prices fixed for the group in which you are now classified.

2. Wherever "1943" appears in section 11 (a), it is amended to read "1944."

3. The first sentence of section 11 (b) is amended to read as follows:

If you were in business during only part of the year 1944, you must divide your total sales from the time you began operation up to March 5, 1945, by the number of weeks you were in operation.

4. Wherever "May 25, 1944" appears in paragraphs (a) and (b) of section 13, it is amended to read "January 1, 1945."

5. By deleting the following words from paragraph (c) and (d) of section 16: "On or before June 24, 1944".

This amendment shall become effective March 5, 1945.

Issued this 27th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3179; Filed, Feb. 27, 1945; 11:41 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 10, Amdt. 28]

FOOD RATIONING REGULATIONS FOR THE VIRGIN ISLANDS

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

Ration Order 10 is amended in the following respects:

1. Section 1407.623 (a) (1) is hereby revoked.
2. Section 1407.662 is hereby revoked.
3. Section 1407.687 is hereby revoked.
4. Section 1407.704 is hereby revoked.

This amendment shall become effective as of February 18, 1945.

Issued this 27th day of February 1945.

JACOB A. ROBLES,
Territorial Director,
Virgin Islands.

Approved:

JAMES P. DAVIS,
Regional Administrator,
Region IX.

[F. R. Doc. 45-3187; Filed, Feb. 27, 1945; 11:44 a. m.]

¹ 7 F.R. 6887, 8523, 8607, 10707; 8 F.R. 1394, 3315, 3843, 4190, 4892, 5268, 7017; 9 F.R. 2233, 2478, 2656, 2746, 3652.

PART 1418—TERRITORIES AND POSSESSIONS [RO 20, Amdt. 3]

LAUNDRY SOAP RATIONING REGULATIONS FOR THE VIRGIN ISLANDS

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

Ration Order 20 is amended in the following respects:

1. Section 6.1 is hereby revoked.
2. Section 6.2 is hereby revoked.
3. Section 6.3 is hereby revoked.
4. Section 6.4 is hereby revoked.

This amendment shall become effective as of February 16, 1945.

Issued this 27th day of February 1945.

JACOB A. ROBLES,
Territorial Director,
Virgin Islands.

Approved:

JAMES P. DAVIS,
Regional Administrator,
Region IX.

[F. R. Doc. 45-3188; Filed, Feb. 27, 1945; 11:44 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS [Restriction Order 10, Amdt. 2]

ALLOCATION OF LAUNDRY SOAP, SOAP FLAKES AND SOAP POWDER IN PUERTO RICO

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

Restriction Order No. 10 is amended in the following respects:

1. Sections 1.1 (a) and (b) are amended by deleting the phrase "in excess of 1/2 (33 1/3%)" after the phrase "laundry soap" and inserting in lieu thereof, in each instance, the phrase "in excess of 3/4 (75%)".

This amendment shall become effective as of February 19, 1945.

Issued this 27th day of February 1945.

SAM GILSTRAP,
Territorial Director,
Puerto Rico.

Approved:

JAMES P. DAVIS,
Regional Administrator,
Region IX.

[F. R. Doc. 45-3190; Filed, Feb. 27, 1945; 11:45 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS [Restriction Order 11, Amdt. 2]

CIGARETTE RESTRICTION ORDER FOR PUERTO RICO

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

Restriction Order No. 11 is amended in the following respects:

¹ 9 F.R. 14229.

1. Sections 1.1 (b) and 6.1 (e) are revoked.

2. The title and the first sentence in the text of 1.2 (e) are amended to read as follows:

(e) *Transfers of cigarettes by wholesaler to wholesaler.* Transfers of cigarettes may be made by a wholesaler to another wholesaler upon written authorization of the Director.

3. Section 3.1 is amended to read as follows:

Sec. 3.1 *Discrimination.* No importer or wholesaler shall discriminate in the transfer of cigarettes among customers entitled to receive transfers of cigarettes under this order.

4. Section 3.2 is amended to read as follows:

Sec. 3.2 *Transfers in violation of Restriction Order No. 11.* No importer or wholesaler shall transfer cigarettes except in accordance with this order.

This amendment shall become effective as of February 19, 1945.

Issued this 27th day of February 1945.

SAM GILSTRAP,
Territorial Director,
Puerto Rico.

Approved:

JAMES P. DAVIS,
Regional Administrator,
Region IX.

[F. R. Doc. 45-3189; Filed, Feb. 27, 1945;
11:44 a. m.]

Chapter XVIII—Office of Economic Stabilization

[Directive 35]

PART 4003—SUBSIDIES; SUPPORT PRICES

1944 LATE CROP IRISH POTATOES

The War Food Administrator by letter and enclosures of February 23, 1945, requested my approval of a program to be carried out by the Commodity Credit Corporation for the absorption of the difference between (a) the total cost of shipping Irish potatoes of the 1944 late crop, stored in Maine, by boat under wartime conditions, and (b) the total cost of shipping such potatoes by all rail.

I hereby find that the measures proposed to me by the War Food Administrator are necessary to effectuate the policy established by Executive Orders 9250 and 9328 and specifically to insure the maximum necessary distribution of Irish potatoes of the 1944 late crop, stored in Maine, to meet military, lend-lease, and civilian requirements.

Accordingly, the War Food Administration is hereby authorized and directed to carry out, through the Commodity Credit Corporation, the measures described in the War Food Administrator's letter and the memorandum enclosed therewith.

(E.O. 9250 and E.O. 9328)

Effective date: February 26, 1945.

Issued this 26th day of February 1945.

FRED M. VINSON,
Economic Stabilization Director.

[F. R. Doc. 45-3150; Filed, Feb. 26, 1945;
4:18 p. m.]

[Directive 36]

PART 4003—SUBSIDIES; SUPPORT PRICES

ASSISTANCE TO PROCESSORS IN CONNECTION WITH 1945-CROP SUGAR BEETS AND SUGAR PRODUCED THEREFROM

The War Food Administrator having, by letter and enclosures dated February 23, 1945, submitted certain information and recommended certain measures for the assistance of processors of 1945-crop sugar beets, including: (1) the absorption by Commodity Credit Corporation of a portion of the costs of transporting sugar beets from agricultural districts in which a processing mill might be closed to districts in which a plant will be operating; and (2) the payment to processors by the Corporation of (a) that part or all of 12½ cents per hundred pounds of sugar produced from 1945-crop beets by which their production costs with respect to such sugar exceed their direct production costs with respect to sugar produced from 1941-crop beets; (b) that part or all of 12½ cents per hundred pounds of sugar produced from 1945-crop beets by which their production costs exceed their net proceeds realized from the sale of such sugar,

I hereby find that the measures proposed to me by the War Food Administrator are necessary to effectuate the policy established by Executive Orders 9250 and 9328 and specifically to insure the maximum necessary production and distribution of refined beet sugar to meet military, lend-lease and civilian requirements.

Accordingly, the War Food Administration is hereby authorized and directed to carry out through the Commodity Credit Corporation the measures described in the War Food Administrator's letter and the memorandum enclosed therewith.

(E.O. 9250 and E.O. 9328)

Effective date: February 26, 1945.

Issued this 26th day of February 1945.

FRED M. VINSON,
Economic Stabilization Director.

[F. R. Doc. 45-3149; Filed, Feb. 26, 1945;
4:18 p. m.]

Chapter XX—Office of Contract Settlement

[Regulation 14]

PART 8014—TERMINATION COST MEMORANDUMS

Pursuant to sections 4 (b) and 6 of the Contract Settlement Act of 1944, the following policies, principles, methods, procedures, and standards are prescribed for

the determination of costs upon termination of fixed-price war supply contracts.

Sec.	Introduction.
8014.0	Recognized commercial accounting practices.
8014.2	General, administrative and distribution expenses.
8014.3	Common items.
8014.4	Partners' and sole proprietors' salaries.
8014.5	Application of the limitation of subparagraph 1 (i) of the Statement of Cost Principles.
8014.6	Materials acquired prior to date of contract.
8014.7	Initial costs.
8014.8	Rejects.

§ 8014.0 *Introduction*—(a) *Prior regulations.* Regulation No. 5¹ of this Office sets forth a Statement of Principles for Determination of Costs Upon Termination of Government Fixed-Price Supply Contracts, hereinafter referred to as the Statement of Cost Principles, and provides for incorporation thereof by reference in the Uniform Termination Article for prime contracts. Regulation No. 7² indicates the extent to which the Statement of Cost Principles is to be taken into account in settlements, whether by formula or by agreement.

(b) *Issuance of termination cost memorandums.* To promote uniformity in the interpretation and application of the Statement of Cost Principles, there are issued herewith Termination Cost Memorandums numbered 1 through 8.³ Additional termination cost memorandums, which will be issued as required, will be numbered in sequence and issued by successive amendments to this regulation.

(c) *Application of termination cost memorandums.* The termination cost memorandums are intended to serve as guides to personnel of prime contractors, subcontractors, and contracting agencies in the proper interpretation of the Statement of Cost Principles wherever that Statement is applicable. They represent a standard of accuracy and acceptability in the accounting treatment of the costs to which they relate. However, accounting data may be accepted when determined on bases different from those set forth in the memorandums if such bases nevertheless represent recognized commercial accounting practices and yield equitable results. Where specific methods of accounting treatment are suggested or illustrated by the memorandums, it is not intended that such methods need be adhered to literally in all cases. Particularly is this so where the amounts involved are relatively small. In such cases, especially for purpose of negotiated settlements, the possibility of greater accuracy to be derived by an exact application of the memorandums may not justify the increased time and effort involved in their use.

(d) *Proper function of accounting.* In applying the Statement of Cost Principles and these termination cost memo-

¹ 9 F.R. 12282.

² 9 F.R. 12285, 13592, 14071.

³ Termination Cost Memorandums 1 to 8 appear below as §§ 8014.1 to 8014.8. They are further identified in brackets at the end of the respective sections.

randums to the settlement of terminated war contracts, the proper function of accounting should constantly be borne in mind. In this connection reference is made to section 5 of Office of Contract Settlement Regulation No. 7, which, in dealing with the negotiation of settlements on the basis of a consideration of costs and profit, reads in part as follows:

* * * Cost and accounting data, like other criteria for judgment, are to be regarded as guides to the ascertainment of fair compensation, and not as rigid measures of it * * *

The Statement of Cost Principles reflects certain policy determinations regarding the type of costs which should be taken into account in determining the compensation to which the contractor is fairly entitled by reason of the termination of his contract for the best interest of the Government. Contractors can properly expect that their costs of the types described by the Statement of Cost Principles as includible will be so taken into account in a settlement by agreement. Conversely, such a settlement should not be made the means for reimbursing expenditures of the types which the statement excludes.

The contracting agencies will of necessity require contractors to submit, and will review, relevant information in support of their claims. This information will include technical and accounting data to the extent deemed necessary. Cost data should serve, however, not as a first step in an attempt at an exact determination of cost but rather as the basis for a business negotiation leading directly to a prompt settlement which will be fair to the contractor and will adequately protect the interest of the Government. Reasonable estimates and approximations may be used for the purpose of expediting settlements; and, to the fullest practicable extent, differences should be compromised and questions of doubt settled by agreement.

§ 8014.1 *Recognized commercial accounting practices—(a) Reference to Statement of Cost Principles.* The statement provides in part as follows:

1. *General principles.* The costs contemplated by this Statement of Principles are those sanctioned by recognized commercial accounting practices and are intended to include the direct and indirect manufacturing, selling and distribution, administrative and other costs incurred which are reasonably necessary for the performance of the contract, and are properly allocable or apportionable, under such practices, to the contract (or the part thereof under consideration).

4. To the extent that they conform to recognized commercial accounting practices and the foregoing Statement of Principles, the established accounting practices of the contractor as indicated by his books of account and financial reports will be given due consideration in the preparation of statements of cost for the purposes of this article.

(b) *Definition.* For purposes of the regulations in this part, costs and expenses "sanctioned by recognized commercial accounting practices" are defined as those costs and expenses which are reasonably incurred in the conduct of a business and are expected to be recovered from the selling price in customary business transactions. In general, they include all the costs necessary to conduct a business except those specifically precluded by the Statement of

Cost Principles. Such costs are generally broader in scope than those ordinarily contemplated in factory cost accounting and those recognized by the Government for purposes of cost-plus-fixed-fee contracts. They include, in addition to direct and indirect factory costs, selling, distribution, administrative, financial, and general expenses incurred in the conduct of a business.

(c) *Interpretations.* (1) The references in the Statement of Cost Principles set forth in paragraph (a) of this section indicate that "recognized commercial accounting practices" are intended to represent the over-all criterion for costs applicable to terminated war contracts. To be recognized, the accounting practices of a war contractor must be sound when tested on an objective basis, such as substantial use by similar organizations, acceptance by independent public accountants, or recognition by other authorities. Accounting practices not supported by these tests must be justified by the contractor through the submission of other satisfactory evidence as to their soundness.

(2) There may be more than one acceptable practice with respect to the accounting treatment of individual items in a contractor's settlement proposal. However, where a contractor has consistently followed an acceptable practice which is applicable in termination, it is expected that such practice will be adhered to. Financial statements, tax returns, or other reports prepared by a war contractor shall be indicative rather than controlling in determining the acceptability of the accounting practices applied in the preparation of termination settlement proposals.

(3) The accounting practices followed by a contractor in preparing termination settlement proposals should be those which it is anticipated will produce acceptable results when consistently applied, considering the contractor's proposals in the aggregate, rather than those which might be especially suited to a particular termination. In order to carry out the policies of speed and equity, the contractor should furnish the Government with the most reliable information readily available to it. The Government should not insist on undue effort on the part of the contractor to obtain precise information which is not readily available if reasonable estimates or approximations may be satisfactorily substituted. [TCM 1]

§ 8014.2 *General, administrative and distribution expenses—(a) Reference to Statement of Cost Principles.* The statement provides for the inclusion of general, administrative and distribution expenses as follows:

1. *General principles.* The costs contemplated by this Statement of Principles are those sanctioned by recognized commercial accounting practices and are intended to include the direct and indirect manufacturing, selling and distribution, administrative and other costs incurred which are reasonably necessary for the performance of the contract, and are properly allocable or apportionable, under such practices, to the contract (or the part thereof under consideration).

(b) *Definitions.* (1) "General, administrative and distribution expenses," as used herein and hereinafter referred to as "administrative expenses," are those expenses incurred in the general management and operation of a business which are not directly related to production. They may include such items as: Salaries of officers, wages of clerical employees, general office expenses, dues and memberships, professional fees, financial expenses, and general selling and distribution expenses.

(2) The term "cost of production", as used herein, refers to the sum of the cost of materials purchased, direct labor, other direct production costs, production engineering costs, and manufacturing overhead.

(3) The term "processing cost", as used herein, represents the cost of production exclusive of the cost of materials purchased.

(c) *Interpretations.* (1) The items classified as administrative expenses will vary as between different contractors and the classification used by a contractor will ordinarily be considered acceptable if its application yields equitable results.

(2) Precise allocation of administrative expenses is not ordinarily practicable any one of several methods for making approximate allocations may be used. Whatever method is used, the amount to be allocated should exclude (i) items required to be excluded as elements of cost by the Statement of Cost Principles or by the terms of the contract; (ii) costs related directly to work of the contractor other than that covered by the terminated contract (e. g., selling expenses related directly to civilian business); and (iii) items, such as advertising and general experimental and research expenses, where they are material in amount and require special treatment in accordance with the Statement of Cost Principles.

(3) Any method of allocating general administrative expenses to terminated contracts may be used provided it is reasonable in the light of the circumstances of the particular case and is consistent with the principles set forth in this section. For companies engaged in manufacturing operations, it will ordinarily be acceptable to make such allocation on the basis of a general rate representing the relation of the total administrative expenses to the total cost of production for a representative period. The rate so determined should be applied to the corresponding costs of the contractor included in its settlement proposal. Other methods of allocation, such as the application of rates based on sales, cost of sales, processing costs, etc., may be used provided they yield equitable results. Allocation based on processing cost will be preferable, where practicable, in those cases where particular or successive settlement proposals contain a disproportionate amount of material.

(4) The methods of allocation indicated in subparagraph (3) of this paragraph will not ordinarily be suitable for contractors, such as distributors, engaged primarily in nonmanufacturing operations, whose termination claims

may either include no inventory, or, where inventories are included, will contain little or no processing costs of the contractor. The operations of such contractors frequently include the rendering of engineering and other services prior or subsequent to the placing of orders, permitting a greater use of the direct application of expenses. Where direct application of administrative and operating expenses is not practicable, allocation may be made on some other basis, such as the application of a general rate based on sales or orders taken, provided the amount allocated to the terminated contract bears a reasonable relation to the work done thereon.

(5) The period used in determining a general rate for the allocation of administrative expenses should be reasonable in the light of the circumstances. In appropriate cases it may be the time required to produce the termination inventory, the most recent fiscal period, or the period of the contract.

(6) The rate used to allocate administrative expenses will vary among different contractors, depending upon the classification of accounts, nature and volume of operations, and method of allocation. Therefore, the rate itself is not controlling, particularly for comparative purposes.

(7) A general rate of allocation should be applied only to the type of items in the termination settlement proposal used in determining the rate. For example, a rate based on the relation of total administrative expenses to total cost of production should be applied to corresponding items of the settlement proposal, such as the contractor's costs of raw materials, purchased parts, finished components, work-in-process, dies, jigs, fixtures, special tools, and other costs of the contractor (other than administrative and settlement expenses). On the other hand, a rate based on processing costs should be applied only to the contractor's direct labor, other direct manufacturing costs, production engineering costs, and manufacturing overhead included in the settlement proposal, excluding all material costs.

(8) Where the relation to each other of the component elements in a contractor's settlement proposal is substantially different from the cost pattern used in arriving at a general rate (e. g., where the settlement proposal of a manufacturer includes a disproportionate amount of raw materials), it may be necessary to adjust the rate or to use some other basis of allocation. In no case should a general rate for the allocation of administrative expenses be applied to the amount of subcontractors' claims included in the settlement proposal of a contractor. However, such administrative expenses as can be demonstrated to be related to the settlement of subcontractors' claims may be included as settlement expenses.

(9) In determining a proper application of administrative expenses, consideration should be given to the character of the contractor's operations and types of costs, and a method adopted which, when consistently followed and considered on the average, will be ac-

ceptable. It should be recognized that the amount of administrative expenses allocated to any one contract may not necessarily represent a precise allocation to that particular contract, and the acceptability of the method should be judged on the basis of all terminations in the aggregate. [TCM 2]

§ 8014.3 *Common items*—(a) *Reference to Statement of Cost Principles*. The statement provides for the inclusion of common inventory and common claims of subcontractors as follows:

1. *General principles*. * * *

(a) *Common inventory*. The costs of items of inventory which are common to the contract and to other work of the contractor.

(b) *Common claims of subcontractors*. The claims of subcontractors which are common to the contract and to other work of the contractor.

(b) *Definitions*. (1) The term "common items" refers to common inventory and common claims of subcontractors.

(2) The term "common inventory" refers to items of inventory which in their existing form and location are usable on the contract and other work of the contractor. It may include unprocessed material or material which is partially or completely processed.

(3) "Common claims of subcontractors" represent claims incident to the furnishing of materials and services common to the terminated contract and other work of the contractor.

(4) The term "other work" refers to all work other than that related to the terminated contract and includes both other Government contracts and civilian business.

(c) *Interpretations*. (1) Regardless of other provisions of this section, the quantities of common items allocated to the terminated contract shall not exceed those which would have been required to complete the contract. In the determination of maximum quantities, reasonable allowance may be made for production spoilage, overruns, and vendors' overshipments consistent with usual trade practices.

(2) Subject to the provisions of subparagraph (3) of this paragraph, there may be allocated to the contract quantities of the common items which, according to sound business practices and the particular circumstances in each case, it is reasonable to have on hand, in transit and on order immediately prior to termination to meet the scheduled shipments of finished products under the contract. Consideration will be given to the time required to receive shipments of purchased material and to complete the manufacturing operations and processes.

(3) Allocation to the contract should be made only to the extent that quantities of the common item on hand, in transit, and on order are in excess of the reasonable quantitative requirements for other work, determined in accordance with the principles set forth in subparagraph (2) of this paragraph. However, this principle of allocation is not intended to prevent a war contractor from allocating to the contract properly allocable items which cannot be used on other work without loss to the contractor. As a general rule, a detailed

determination of such requirements for other work will not be necessary if there is general evidence that the policy of the contractor is to cover the reasonable requirements of both the contract and other work.

(4) Reliance may be placed on the contractor's records and procedures if they furnish a clear and adequate representation of the requirements of the contract and of other work and indicate the quantities of the various kinds of common inventory and claims of subcontractors to be charged to each. Excessive "borrowing" and frequent transfers of common items may indicate that the records are not reliable. Where the contractor's practices are not consistent with its records, the burden of proof is on the contractor to sustain its representations. [TCM 3]

§ 8014.4 *Partners' and sole proprietors' salaries*—(a) *Reference to Statement of Cost Principles*. Although the statement does not refer in specific terms to partners' and sole proprietors' salaries, their recognition is inherent in the general statement of costs included therein.

(b) *Definition*. For purposes of this section, partners' and sole proprietors' salaries are amounts included for services rendered by partners or sole proprietors of unincorporated contractors. Such salaries should not include amounts representing profit or interest on invested capital.

(c) *Interpretations*. (1) In the case of a partnership, regardless of whether the partnership agreement specifically provides for salaries to partners, and in the case of partnerships or sole proprietorships, regardless of whether the salaries are regularly treated in the accounts and records as an expense, a reasonable amount for such salaries may be included.

(2) The charge for services rendered to the enterprise as a whole by a partner or sole proprietor must be reasonable, taking into consideration (i) the nature and extent of the services rendered; (ii) the general level of compensation of persons in similar positions in organizations of similar size and nature; (iii) the amount of similar charges during the periods prior to the assumption of Government contracts; and (iv) the increase in the volume of business due to war contracts.

(3) Partners' and sole proprietors' salaries may be charged either directly to the contract or through overhead, depending upon the nature of the services rendered. However, they may be charged directly to the contract only when the service rendered is engineering or productive labor which can be substantiated as a direct charge. [TCM 4]

§ 8014.5 *Application of the limitation of subparagraph 1 (i) of the Statement of Cost Principles*—(a) *Reference to Statement of Cost Principles*. The statement provides in part as follows:

1. *General principles*. * * *

(i) *Limitation and costs described in subparagraphs (d), (e) (f), (g), and (h)*. In no event shall the aggregate of the amounts allowed under subparagraphs (d), (e), (f), (g), and (h) exceed the amount which

would have been available from the contract price to cover these items, if the contract had been completed, after considering all other costs which would have been required to complete it.

(b) *Definition.* Subparagraphs 1 (d), (e), (f), (g) and (h) of the Statement of Cost Principles relate to experimental and research expense, engineering and development and special tooling, loss on facilities, special leases, and advertising. These items are hereinafter referred to as "costs subject to limitation."

(c) *Interpretations.* (1) The limitation provided in subparagraph 1 (i) is for application only in those cases where it is determined that the contract would have resulted in a loss if it were completed, considering the costs subject to limitation in such determination. Where a contract is terminated in the early stages of performance, in some cases it will be possible to forecast the profit or loss which would have resulted from its completion. However, in other cases uncertainty as to future costs may be so great as to make such determination impracticable. In this connection, it should be borne in mind that high starting load costs or operating losses incurred in the early stages of a contract are not in themselves conclusive evidence of an ultimate loss on a contract (see § 8014.7 on initial costs).

(2) When it has been determined that the terminated contract would have resulted in a loss if completed, the effect of the limitation of subparagraph 1 (i) will be determined in the aggregate for all the costs subject to limitation and not for each one separately. The amount which would have been available from the contract price to cover such costs is the difference between (i) the contract price and (ii) the estimated total of all costs, other than those subject to limitation, which would have been required to perform the entire contract.

(3) The total amount of costs subject to limitation which may be allocated to the terminated contract is limited to the lower of (i) the amount which would have been available from the contract price to cover such costs, as described in subparagraph (2) of this paragraph, and (ii) the total costs subject to limitation incurred up to the date of termination. In settlements on the inventory basis, the amount so applicable to the terminated contract may be allocated to the terminated portion thereof on the basis of units of product or on some other appropriate basis, such as machine or labor hours. [TCM 5]

§ 8014.6 *Materials acquired prior to date of contract—(a) Reference to Statement of Cost Principles.* Although the statement does not refer in specific terms to materials acquired prior to the date of the contract, their recognition is inherent in the general statement of costs included therein.

(b) *Definition.* The materials covered by this section include both raw materials and component parts acquired or produced by the contractor prior to the date of the contract and on hand at that date. Such materials include those which are usable on work other than the terminated contract. They may include also materials which, though spe-

cial in nature, were on hand at the date of the contract because of purchases in anticipation of the contract, surpluses from previous contracts, or for other reasons.

(c) *Interpretations.* (1) Materials acquired prior to the date of a contract may be included in termination inventory if there is satisfactory evidence that such materials were usable and were intended to be used on the contract. They are not to be excluded solely because they were acquired prior to the date of the contract. Application or assignment to the contract may be indicated (i) by records disclosing that reduced quantities were purchased for the contract or (ii) by the fact that alternative courses of action were open to the contractor which he did not pursue because he had applied the items to the contract.

(2) Materials acquired prior to the date of the contract may ordinarily be included at their cost. However, where such cost is materially in excess of the amount at which the materials could have been acquired at the date of the contract, the contractor must be able to sustain the reasonableness of such cost in relation to the terminated contract.

(3) Inclusion of materials acquired prior to the date of the contract shall be limited to the reasonable quantitative requirements of the contract at the date of termination (see § 8014.3 on common items).

(4) Where the materials require some modification for use on the contract, and such modification has been made, the cost of the modification, as well as that of the materials, may be included in accordance with the provisions of subparagraph (2) of this paragraph. [TCM 6]

§ 8014.7 *Initial costs—(a) Reference to Statement of Cost Principles.* The statement provides for the inclusion of initial costs as follows:

(1) *Initial costs.* Costs of a non-recurring nature which arise from unfamiliarity with the product in the initial stages of production should be appropriately apportioned between the completed and the terminated portions of the contract. In this category would be included high direct labor and overhead costs, including training, costs of excessive rejections and similar items.

(b) *Definition.* Initial costs (frequently referred to as "starting load costs") are costs of a non-recurring nature which arise in the early stages of production because of unfamiliarity with the product. Initial costs may include labor costs and a proper portion of the related overhead which are particularly high in the early stages of production due to such causes as (1) excessive defective work resulting from inexperienced labor, (2) idle time and subnormal production occasioned by testing and changing methods of processing, and (3) the cost of training employees. They may also include high material costs incurred in the early stages of production due to abnormal scrap losses. Such costs are includible because of their special nature and not merely because they are high. The term "initial costs", as used herein, does not include such costs as engineering and development, tooling, preparatory expenses, and

the cost of equipment, which may be included in termination settlements but are to be classified and dealt with in a different manner.

(c) *Interpretations.* (1) During the early stages of operation under certain contracts (e. g., contracts calling for a new product or greatly increased production), high production costs may be incurred owing to unfamiliarity or lack of experience with the particular materials, manufacturing processes, or technique involved. After a reasonable volume of production has been attained and initial manufacturing difficulties have been overcome, unit costs will usually tend to level off, indicating the end of the initial period of production. This leveling off point does not necessarily represent the lowest unit cost eventually attainable during the operation of the entire contract.

(2) It is not necessary that the initial or starting load costs be segregated and amortized on the books of the contractor. Such segregation may be made from cost reports and schedules which reflect the high unit costs incurred during the early stages of the contract.

(3) When the settlement proposal is on the inventory basis, a reasonable amount representing the excess production costs incurred during the initial period may be segregated and allocated between the completed and terminated portions of the contract. Such allocation of initial costs should normally be made on the basis of units delivered and to be delivered. However, if the contract includes products of a diverse nature, some other equitable basis may be used, such as machine or labor hours.

(4) When initial costs are included in the settlement proposal as a direct charge, such costs shall not also be included in overhead.

(5) The initial costs of one contract may not be apportioned to other contracts. [TCM 7]

§ 8014.8 *Rejects—(a) Reference to Statement of Cost Principles.* The statement does not refer in specific terms to rejects, except for the inclusion (par. 2) of "excessive rejections" among initial costs (see § 8014.7). However, their recognition is inherent in the general statement of costs included in the Statement of Cost Principles.

(b) *Definitions.* (1) The term "rejects", as used herein, refers to all defective production which is not acceptable in its existing condition, either for further processing or as finished product, because of failure to meet specifications. It includes both work which is reworkable into acceptable product and work which is not so reworkable.

(2) The term "reworkable rejects" refers to rejects which are customarily reworked into acceptable product.

(3) The term "nonreworkable rejects" refers to all rejects other than reworkable rejects. They are commonly referred to as spoilage.

(c) *Interpretations.* (1) The cost of nonreworkable rejects and the cost to rework rejects into acceptable product are usually included in the unit cost of acceptable product. Where the cost of nonreworkable rejects is included in the unit cost at which acceptable product is

stated in the termination inventory, such unit cost should also be reduced by the scrap value of such rejects. The cost of nonreworkable rejects on hand at the time of termination should not be included in the termination inventory.

(2) Reworkable rejects produced under the contract and on hand at the time of termination may be included in the termination inventory. When so included such rejects should be stated at the unit cost of acceptable product and the estimated cost to rework them should be deducted from the termination inventory. Should the contractor's unit cost not include reworking costs it may be appropriately adjusted. Ordinarily, reworking costs should be averaged over the production under the contract and the foregoing treatment is intended to have that effect.

(3) Where a finished product or sub-assembly consists of separable components, one or more of which is nonreworkable, the cost of the acceptable components on hand at the time of termination may be included in the termination inventory.

(4) Where the settlement proposal is prepared on the total cost basis, the total cost of the contract may include the cost of rejects and the cost of reworking rejects into acceptable product. The cost of the contract should be credited with the value of rejects sold or retained by the contractor. [TCM 8]

ROBERT H. HINCKLEY,
Director.

FEBRUARY 22, 1945.

[F. R. Doc. 45-3141; Filed, Feb. 26, 1945;
3:28 p.m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[4th Rev. S. O. 259]

PART 95—CAR SERVICE

PERMIT REQUIRED FOR SHIPMENT OF IRISH POTATOES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C. on the 26th day of February, A. D., 1945.

It appearing, that Irish potatoes grown and harvested in certain States or sections thereof, described in Appendix A hereto, are urgently needed to supply the Armed Services.

It further appearing, that to provide and insure an adequate supply of such potatoes, for the Armed Services, Marvin Jones, War Food Administrator, has issued December 8, 1944, Title 7—Agriculture, Chapter XI—War Food Administration, War Food Order No. 120, Part 1405—Fruits and Vegetables, § 1405.48 effective at 12:01 a. m., e. w. t., December 11, 1944 (9 F.R. 14785) which provides that "no person shall ship Irish potatoes from any area included in the territorial scope of this order * * * (described in Appendix A hereto) until he has applied to the Director for and he has received from the Director a permit to ship the particular lot * * *."

It further appearing, that the War Food Administrator has written to the Director of the Office of Defense Transportation at various times, advising of the urgent needs of the Armed Services and that extension of this order to cover the territories mentioned herein, will conserve car miles and car days;

It further appearing, that the Director of the Office of Defense Transportation has requested this Commission to take such action as it deems appropriate and necessary.

It further appearing, that railroad freight cars, both box and refrigerator, are urgently needed; that the diversion of numerous carloads of potatoes into short haul channels as required herein will save car days and contribute substantially to the short car supply; the Commission is of opinion that an emergency exists requiring immediate action in the section of the country described in Appendix A hereto; it is ordered, that:

(a) *Definition*, as used in this order the term "Irish potatoes" means any and all varieties of the edible tuber of the species *Solanum tuberosum*.

(b) *Permit required for transportation by common carrier by railroad of Irish potatoes*. No common carrier by railroad subject to the Interstate Commerce Act shall transport or move a railroad freight car or cars loaded with Irish potatoes, from any section described in Appendix A hereof, unless or until such carrier has knowledge prior to the transportation or movement of such car or cars that a permit authorizing the shipment of such Irish potatoes has been issued by the War Food Administrator pursuant to the provisions of War Food Order No. 120 or supplements thereto or successive issues thereof.

(c) *Exemptions*. The requirements of paragraph (b) of this order shall not apply to any transportation or movement of Irish potatoes for the shipment of which no permit is required by the provisions of War Food Order No. 120, supplements thereto or successive issues thereof, or by reason of any exemption made or relief granted under that order.

(d) *Application*. (1) The provisions of this order shall apply to intrastate as well as interstate commerce.

(2) The provisions of this order shall apply only to cars loaded with Irish potatoes shipped on or after the effective date hereof.

(e) *Effective date*. This order shall become effective at 12:01 a. m., e. w. t., March 1, 1945.

(f) *Expiration date*. This order shall expire at 12:01 a. m., e. w. t., May 1, 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 this order and direction shall vacate and supersede Third Revised Service Order No. 259 on the effective date hereof; that copies of this order and direction shall be served upon the State railroad regulatory bodies of each State named in Appendix A hereof, or as same may be amended, and upon the Association of American Railroads, Car Service Division, as

agents 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.

APPENDIX A

Section No. 1. The county Malheur in the State of Oregon and the State of Idaho except the county of Idaho and all counties north thereof in the State of Idaho.

Section No. 2. The counties of Crook, Deschutes, and Klamath in the State of Oregon and the counties of Modoc and Siskiyou in the State of California.

Section No. 3. The county of Aroostook in the State of Maine.

Section No. 4. The entire State of Colorado.

Section No. 5. The counties of Becker, Clay, Kittson, Mahanomen, Marshall, Norman, Ottertail, Pennington, Polk, Red Lake and Wilkin in the State of Minnesota.

Section No. 6. The counties of Cass, Cavalier, Grand Forks, Nelson, Pembina, Ramsey, Richland, Steele, Traill, and Walsh in the State of North Dakota.

Section No. 7. The counties of Ottawa, Kent, Ionia, Clinton, Saginaw, Bay and all counties north thereof in the State of Michigan exclusive of that portion of Michigan known as the upper peninsula of Michigan.

[F. R. Doc. 45-3171; Filed, Feb. 27, 1945;
11:17 a. m.]

Notices

CIVIL AERONAUTICS BOARD.

[Docket No. 415 et al.]

AUTOMATIC AIR MAIL, INC., ET AL.; NORTH CENTRAL CASE

NOTICE OF HEARING

In the matter of the applications of Automatic Air Mail, Inc., and others for certificates of public convenience and necessity authorizing additional air services in the States of Minnesota, Wisconsin, Iowa, North Dakota, South Dakota, Nebraska, the eastern half of Montana, the Michigan upper peninsula and that part of Illinois west of Springfield and Chicago, under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that hearing in the above-entitled proceeding is assigned to be held on March 12, 1945, at 10 a. m. (central war time) in the Fort Des Moines Hotel, Des Moines, Iowa, before Examiner F. Merritt Ruhlen.

Dated: Washington, D. C., February 24, 1945.

By the Civil Aeronautics Board.

FRED A. TOOMBBS,
Secretary.

[F. R. Doc. 45-3154; Filed, Feb. 27, 1945;
10:55 a. m.]

[Docket No. 570 et al.]

EASTERN AIR LINES, ET AL.; GREAT LAKES TO FLORIDA CASE

NOTICE OF ORAL ARGUMENT

In the matter of the applications of Eastern Air Lines, Inc., and others for certificates of public convenience and necessity, known as the Great Lakes to Florida Case, under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above-entitled proceeding is assigned to be held on March 7, 1945, at 10 a. m. (eastern war time) in Room 5042, Commerce Building, 14th and Constitution Avenue, N. W., Washington, D. C., before the Board.

Dated: Washington, D. C., February 24, 1945.

By the Civil Aeronautics Board.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45-3155; Filed, Feb. 27, 1945; 10:55 a. m.]

[Docket No. 1596]

NATIONAL AIRLINES, INC.

NOTICE OF HEARING

In the matter of the application of National Airlines, Inc., to include New Bern, N. C., as an intermediate point on route No. 31 under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on March 24, 1945, at 10:00 a. m. (eastern war time), in Room 5132, Commerce Building, 14th and Constitution Avenue NW., Washington, D. C., before Examiner Lawrence J. Kusters.

Dated: Washington, D. C., February 24, 1945.

By the Civil Aeronautics Board.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45-3156; Filed, Feb. 27, 1945; 10:55 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 5170]

EUNICE MAIL ORDER HOUSE

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23d day of February, A. D. 1945.

In the matter of Benjamin Rosenberg, an individual, trading and doing business as Eunice Mail Order House.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That John W. Addison, a trial examiner of this Commission, be

and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, March 12, 1945, at ten o'clock in the forenoon of that day (eastern standard time), in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of facts; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 45-3151; Filed, Feb. 27, 1945; 10:42 a. m.]

[Docket No. 5262]

EMILY A. BATES

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23d day of February, A. D. 1945.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, March 12, 1945, at ten o'clock in the forenoon of that day (eastern standard time), in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of facts; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 45-3152; Filed, Feb. 27, 1945; 10:42 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 885]

RECONSIGNMENT OF ORANGES AT SALT LAKE CITY, UTAH

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 Salt Lake City, Utah, February 21, 1945, by Mutual Orange Distributors, of car PFE 50030, oranges, now on the Union Pacific Railroad, to Milwaukee, Wisconsin (UP-C&NW).

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. 45-2997; Filed, Feb. 24, 1945; 11:09 a. m.]

[S. O. 70-A, Special Permit 886]

RECONSIGNMENT OF CAULIFLOWER AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14626) 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 Philadelphia, Pennsylvania, February 21, 1945, by Chas. Taxin Company, of cars SFRD 38064 and ART 72340, cauliflower, now on the Pennsylvania Produce Terminal (P. R. R.) to Yeckes Eichenbaum, Inc., Newark, N. J. (P. R. R.).

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. 45-2998; Filed, Feb. 24, 1945; 11:09 a. m.]

[S. O. 70-A, Special Permit 887]

RECONSIGNMENT OF LETTUCE AT
BALTIMORE, MD.

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 Baltimore, Md., February 21, 1945, by Lewis D. Goldstein Fruit & Produce Company, of car PFE 43293, lettuce, now on the Pennsylvania Railroad, to themselves at Philadelphia, Penna. (P. R. R.).

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. 45-2999; Filed, Feb. 24, 1945;
11:09 a. m.]

[S. O. 70-A, Special Permit 888]

RECONSIGNMENT OF APPLES AT ATLANTA,
GA.

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 Atlanta, Georgia, February 21 or 22, 1945, by J. M. Wade, of car SFRD 39081, apples, now on the Seaboard Air Line Railway, to J. M. Wade, advise Wilkins Brokerage Company, Greenville, S. C., stop off to partly unload at Anderson, S. C. (SAL-P&N).

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. 45-3000; Filed, Feb. 24, 1945;
11:09 a. m.]

[S. O. 70-A, Special Permit 889]

RECONSIGNMENT OF GRAPEFRUIT AT
CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, February 22, 1945, by S. H. Becker Co., of car MDT 5515, grapefruit, now on the Chicago Produce Terminal to Abe Cohen, Rochester, N. Y. (N. Y. C.).

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 22d day of February 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3001; Filed, Feb. 24, 1945;
11:10 a. m.]

[S. O. 282, Special Permit 21]

REICING OF PEAS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at the Chicago Produce Terminal, Chicago, Illinois, with not to exceed 2,000 lbs. ice for each car.

PFE-34166 peas.

PFE-91750 peas.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of February 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3003; Filed, Feb. 24, 1945;
11:10 a. m.]

[S. O. 282, Special Permit 20]

REICING OF LETTUCE AT CROXTON YARDS,
N. J.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at Croxton Yards, N. J., February 21, 1945, with not to exceed 2,000 lbs. ice for each car.

PFE-60294 lettuce

SFRD-26397 lettuce

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. 45-3002; Filed, Feb. 24, 1945;
11:10 a. m.]

[S. O. 282, Special Permit 22]

REICING OF CABBAGE AT MILWAUKEE, WIS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at Milwaukee, Wisconsin, February 21 or 22, 1945, with not to exceed 2,000 pounds of retop ice, car PFE 52649, cabbage, now on the Chicago and North Western RR., as ordered by the Ben Post Co.

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. 45-3004; Filed, Feb. 24, 1945;
11:10 a. m.]

[S. O. 282, Special Permit 23]

REICING OF CABBAGE AT WAVERLY, N. J.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at Waverly, N. J., February 21, 1945, with not to exceed 2,000 pounds of retop ice, car SFRD 4248, cabbage, now on the Pennsylvania Railroad, as ordered by Atlantic Commission Company.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of February 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3005; Filed, Feb. 24, 1945; 11:10 a. m.]

[S. O. 282, Special Permit 25]

REICING OF SPINACH AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282, of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282, insofar as it applies to the retop icing, one time only, at Chicago, Illinois, February 22, 1945, with not to exceed 2,000 lbs. of retop ice, car PFE 52582, spinach, now on the Wabash Railroad, as requested by Cooney & Korshak.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 22d day of February 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3007; Filed, Feb. 24, 1945; 11:10 a. m.]

[S. O. 282, Special Permit 27]

REICING OF CABBAGE AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at Chicago, Illinois, February 22, 1945, with not to exceed 2,000 lbs. of retop ice, car ART 24348, cabbage, now on the Wabash Railroad, as requested by Chertok & Wilkoff.

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 22d day of February 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3009; Filed, Feb. 24, 1945; 11:11 a. m.]

[S. O. 282, Special Permit 24]

REICING OF BROCCOLI AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at Chicago, Illinois, February 22, 1945, with not to exceed 3,000 lbs. retop ice, car NP 93088, broccoli, now on the Chicago Produce Terminal, as requested by Justman-Frankenthal Co.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 22d day of February 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3006; Filed, Feb. 24, 1945; 11:10 a. m.]

[S. O. 282, Special Permit 26]

REICING OF LETTUCE AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at Chicago, Illinois, February 22, 1945, with not to exceed 3,000 lbs. of retop ice, car SFRD 38940, lettuce, now on the Chicago Produce Terminal, as requested by United Produce Co.

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 22d day of February 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3008; Filed, Feb. 24, 1945; 11:11 a. m.]

[S. O. 282, Special Permit 28]

REICING PEAS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at Chicago, Illinois, February 22, 1945, with not to exceed 2,000 pounds of retop ice, car PFE 41892, peas, now on the Chicago Produce Terminal, as requested by S. H. Becker Co.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 22d day of February 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3010; Filed, Feb. 24, 1945; 11:11 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Supp. Vesting Order 4611]

O. YOSHIZAWA & Co.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation:

1. Having found and determined in Vesting Order Number 169, dated September 24, 1942, that Otokichi Yoshizawa, is a national of a designated enemy country (Japan);

2. Having found and determined in Vesting Order Number 169, dated September 24, 1942, that O. Yoshizawa & Company is a partnership and a business enterprise within the United States, controlled by Otokichi Yoshizawa and a national of a designated enemy country (Japan);

3. Finding that O. Yoshizawa & Company is a partnership composed of Otokichi Yoshizawa, Shosaku Koinuma and Shizuo Kojima;

4. Finding that Shosaku Koinuma and Shizuo Kojima, whose last known addresses are Japan, are nationals of a designated enemy country (Japan);

and determining:

5. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian all right, title and interest of Shosaku Koinuma and Shizuo Kojima in and to O. Yoshizawa & Company, a partnership, and all property of any nature whatsoever situated in the United States, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to O. Yoshizawa & Company.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings pre-

scribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on February 15, 1945.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-3093; Filed, Feb. 26, 1945;
11:03 a. m.]

[Supp. Vesting Order 4624]

EMPIRE STATE PROPERTIES AND TRADING CORPORATION

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation:

1. Having found and determined in Vesting Order Number 2180, dated September 10, 1943, as amended, that Empire State Properties and Trading Corporation, Oscar von Wedekind and Julia von Knorr are nationals of a designated enemy country (Germany);

2. Finding that Oscar von Wedekind and Julia von Knorr have claims against Empire State Properties and Trading Corporation which are represented on the books and records of Empire State Properties and Trading Corporation as dividends payable to Armin Wedekind and Alfred Wyss, Voting Trust Certificate Holders, in the aggregate amount of \$38,850.00 as of December 31, 1943, subject to any accruals or deductions thereafter and which represent interests in Empire State Properties and Trading Corporation;

and determining:

3. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the interests of Oscar von Wedekind and Julia von Knorr more fully described in subparagraph 2 above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Prop-

erty Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on February 20, 1945.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-3094; Filed, Feb. 26, 1945;
11:03 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Supp. Order 94, Order 32]

UNITED STATES TREASURY DEPARTMENT,
PROCUREMENT DIVISIONSPECIAL MAXIMUM PRICES FOR SALES OF
LOW WHITE SHOES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with section 11 of Supplementary Order 94, it is ordered:

(a) *What this order does.* This order establishes maximum prices at which new low white shoes hereinafter described may be sold by United States Treasury Department, Procurement Division and by any subsequent reseller.

(b) *Maximum prices.* Maximum prices per pair of new shoes described herein shall be:

Description of shoes	Treasury's price to wholesaler (f. o. b. shipping point) "where is"	Wholesaler's price f. o. b. shipping point and Treasury's price "where is" to retailer	Price for all sales at retail
"Edgerton" low white shubuck Dundee oxford, leather soles, rubber heels.....	\$3.70	\$4.62	\$7.75

(c) *Discounts.* Every seller shall continue to maintain his customary discounts for cash.

(d) *Notification.* Any person who sells the low white shoes described in paragraph (b) to a retailer shall furnish the retailer with an invoice of sale setting forth the retailer's maximum reselling price, and stating that the retailer is required by this order to attach to each

pair of shoes before sale a tag or label containing the following:

OPA ceiling price: \$7.75

(e) *Tagging.* Any person who sells the shoes described in paragraph (b) at retail shall attach to each pair of shoes before sale a tag or label which plainly states the retail ceiling price.

(f) *Definitions.* (1) "Retailer" means any person whose sales to purchasers

W. M. BIRCHFIELD, HELLIERS, KY., FLATWOODS MINE, FLATWOODS SEAM, MINE INDEX NO. 7168, PERRY COUNTY, KY., SUBDISTRICT 1, RAIL SHIPPING POINT: HELLIERS, KY., F. O. G. 61, DEEP MINE, MAXIMUM TRUCK PRICE GROUP No. 3

Price classification	Size group Nos.													
	1	2	3	4	5	6	7	8	9	10	15, 16, 17	18	19	20, 21
Rail shipment and railroad fuel	K	K	K	K	H	H	G	F	C	C	D	G	G	G
Truck shipment	380	360	350	350	345	335	315	315	315	370	300	295	285	280

HERNSHAW COAL CO., % ERNEST E. JARRELL, P. O. BOX 165, MARMET, W. VA., No. 1 MINE, CEDAR GROVE SEAM, MINE INDEX NO. 7306, KANAWHA COUNTY, W. VA., SUBDISTRICT 4, RAIL SHIPPING POINT: MARMET, W. VA., F. O. G. 123, DEEP MINE, MAXIMUM TRUCK PRICE GROUP No. 4

Price classification	Size group Nos.													
	M	M	M	M	L	L	K	H	F	H	C	F	F	F
Rail shipment	350	350	345	345	320	320	310	305	305	340	300	295	290	290
Railroad fuel	350	350	345	345	320	320	310	310	310	340	300	295	290	290
Truck shipment	390	370	340	350	320	320	290	255	255	255	255	255	255	255

PORTER ELKHORN COAL CO., % HENRY PORTER, ALLEN, KY., PORTER #10 MINE, ELKHORN #1 SEAM, MINE INDEX NO. 7065, FLOYD COUNTY, KY., SUBDISTRICT 1, RAIL SHIPPING POINT: SALISBURY, KY., F. O. G. 61, DEEP MINE, MAXIMUM TRUCK PRICE GROUP No. 3

Price classification	Size group Nos.													
	H	H	H	H	H	H	G	E	O	E	O	G	G	G
Rail shipment and railroad fuel	380	375	360	360	345	335	315	315	315	370	300	295	285	280
Truck shipment	405	385	350	350	320	300	260	255	255	255	255	255	255	255

SHORT CREEK COAL CO., % WALTER DALE, 205 ODD FELLOWS BLDG., CHARLESTON, W. VA., LICK BRANCH MINE, LEWISTON SEAM, MINE INDEX NO. 7295, KANAWHA COUNTY, W. VA., SUBDISTRICT 4, RAIL SHIPPING POINT, CHARLESTON, W. VA., F. O. G. 123, DEEP MINE, MAXIMUM TRUCK PRICE GROUP No. 3

Price classification	Size group Nos.													
	J	J	J	J	L	L	K	H	F	H	D	H	H	H
Rail shipment	375	370	360	360	320	320	310	310	310	340	300	295	285	280
Railroad fuel	375	370	360	360	320	320	310	310	310	340	300	295	285	280
Truck shipment	405	385	350	350	320	300	260	255	255	255	255	255	255	255

TINSLEY COAL CO., % CHAS. H. TINSLEY, TINSLEY, KY., TINSLEY MINE, RM SEAM, MINE INDEX NO. 7307, BELL COUNTY, KY., SUBDISTRICT 5, RAIL SHIPPING POINT: DADE, KY., F. O. G. 111, DEEP MINE, MAXIMUM TRUCK PRICE GROUP No. 3

Price classification	Size group Nos.													
	H	H	H	H	F	F	E	D	O	E	D	K	K	K
Rail shipment and railroad fuel	305	300	375	375	370	370	355	335	335	385	315	300	285	295
Truck shipment	405	385	350	350	320	300	260	255	255	255	255	255	255	255

This order shall become effective February 27, 1945.
 (56 Stat. 23, 765, 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of February 1945.
 CHESTER BOWLES, Administrator.
 [F. R. Doc. 45-3128; Filed, Feb. 26, 1945; 12:00 m.]

[MPR 120, Order 1300]
 LUTHER BATES, ET AL.
 ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS
 For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, It is ordered:
 Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the

LUTHER BATES, WHITESBURG, KY., % L. BATES COAL CO. MINE, ELKHORN SEAM, MINE INDEX NO. 7142, LETCHER COUNTY, KY., SUBDISTRICT 3, RAIL SHIPPING POINT: WHITESBURG, KY., F. O. G. 100, DEEP MINE, MAXIMUM TRUCK PRICE GROUP No. 5

Price classification	Size group Nos.													
	1	2	3	4	5	6	7	8	9	10	15, 16, 17	18	19	20, 21
Rail shipment and railroad fuel	K	K	K	K	K	K	J	G	E	G	D	J	J	J
Truck shipment	380	360	350	350	345	335	315	310	310	345	300	295	285	280

maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 8. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.219 and all other provisions of Maximum Price Regulation No. 120.

for use constitute a substantial part of his total sales.
 (2) "Wholesaler" means any person other than a manufacturer who distributes or sells shoes to resellers.
 (g) *Revocation and amendment.* This order may be revoked or amended at any time.
 This order shall become effective February 26, 1945.
 Issued this 26th day of February 1945.
 CHESTER BOWLES, Administrator.
 [F. R. Doc. 45-3137; Filed, Feb. 26, 1945; 12:03 p. m.]

Big Block Coal Co., % JAMES W. SPEARS, BOX 32, HAZARD, KY., Big Block Mine, No. 5 A and No. 7 Seam, Mine Index No. 7203, Perry County, Ky., Subdistrict 3, Rail Shipping Point, Combs, Ky., F. O. G. 100, Deep Mine, Maximum Truck Price Group No. 5

Price classification	Size group Nos.													
	M	M	M	M	M	M	L	J	G	J	D	J	J	J
Rail shipment	350	350	345	345	320	320	315	310	310	340	300	295	285	280
Railroad fuel	350	350	345	345	320	320	315	310	310	340	300	295	285	280
Truck shipment	380	360	335	335	320	295	260	255	255	255	255	255	255	255

Big Elm Coal Co., % C. C. CRAFT & BEN GAYHART, HURYSVILLE, KY., Big Elm Coal Co. Mine, Elkhorn No. 1 Seam, Mine Index No. 7301, Floyd County Ky., Subdistrict 1, Rail Shipping Point, Bosco, Ky., F. O. G. 61, Deep Mine, Maximum Truck Price Group No. 3

Price classification	Size group Nos.													
	H	H	H	H	H	H	G	E	O	E	D	H	H	H
Rail shipment and railroad fuel	380	375	360	360	345	335	315	315	315	370	300	295	285	280
Truck shipment	405	385	350	350	320	300	260	255	255	255	255	255	255	255

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, It is ordered:
 (a) Coals produced by Diamond "D" Coal Company from the top bench of the D Seam at its Barrie "D" Mine, Mine Index No. 5046, located in Somerset

ordered:
 (a) Coals produced by Diamond "D" Coal Company from the top bench of the D Seam at its Barrie "D" Mine, Mine Index No. 5046, located in Somerset

issued simultaneously herewith and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, It is ordered:
 (a) Coals produced by Diamond "D" Coal Company from the top bench of the D Seam at its Barrie "D" Mine, Mine Index No. 5046, located in Somerset

issued simultaneously herewith and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, It is ordered:
 (a) Coals produced by Diamond "D" Coal Company from the top bench of the D Seam at its Barrie "D" Mine, Mine Index No. 5046, located in Somerset

County, Pennsylvania, in Subdistrict No. 40 of District No. 1, are hereby classified as follows and may be purchased and sold for the indicated uses and movements at per net ton prices in cents per net ton not exceeding the following:

	Size group No.				
	1	2	3	4	5
Price classifications.....	B	B	B	B	C
Rail shipments.....	\$3.50	\$3.70	\$3.50	\$3.40	\$3.30
Truck shipments.....	3.80	3.55	3.55	3.45	3.30
Railroad locomotive fuel.....	3.20	3.20	3.05	2.95	2.95

(b) 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. The prices may be adjusted or changed by amendment to the regulation, but the classifications and the mine index numbers are permanent.

(c) All prayers of applicant not granted herein are hereby denied.

(d) This order may be revoked or amended at any time.

(e) Except as specifically provided by this order, the provisions of Maximum Price Regulation No. 120 shall remain in effect.

(f) Order No. 679 is hereby revoked.

(g) The maximum prices established for the coals of Mine Index No. 5046 by

Order No. 1289 under Maximum Price Regulation No. 120 are hereby revoked.

This order shall become effective February 27, 1945.

Issued this 26th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3129; Filed, Feb. 26, 1945; 12:03 p. m.]

[MPR 120, Order 1302]

DARR SMOKELESS COAL CO.

AUTHORIZATION OF MAXIMUM PRICES

For reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Darr Smokeless Coal Company is hereby assigned Mine Index No. 1056.

(b) Coals produced by Darr Smokeless Coal Company from Davy-Sewell Seam at its Asco No. 5 (Twin Branch) Mine, Mine Index No. 1056, a deep mine located in McDowell County, West Virginia, in Subdistrict No. 4 of District No. 7, are hereby classified as follows and may be purchased and sold for the indicated uses and movements at per ton net prices in cents per net ton not exceeding the following:

	Size group No.									
	1	2	3	4	5	6	7	8	9	10
Price classifications.....	D	D	C	A	A	B	B	D	D	D
Rail shipment.....	380	390	400	355	345	380	380	310	305	300
Truck shipment.....	465	385	415	350	335	330				

RAILROAD LOCOMOTIVE FUEL

Any single-screened lump or double-screened coals.....	365
Run of mine.....	350
Screenings larger than 1 1/4" x 0 but not exceeding 2 1/2" x 0.....	335
Screenings 1 1/4" x 0 and smaller.....	310

(c) 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 railroad locomotive fuel.

(d) The mine index number and price classifications established by this order are permanent, but the maximum prices are subject to change by amendment to the regulation or order issued thereunder.

(e) All prayers of the applicant not granted herein are hereby denied.

(f) This order may be revoked or amended by the Price Administrator at any time.

(g) Except as specifically provided in this order, the provisions of Maximum Price Regulation No. 120 governing the sale of bituminous coal shall remain in effect.

This order shall become effective February 27, 1945.

Issued this 26th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3130; Filed, Feb. 26, 1945; 12:01 p. m.]

Description—Continued.	Maximum price
P-F-C plastic channels for sales in lots of 4.....	\$0.75
P-F-C plastic channels for sales in lots of 100.....	.65

(b) The maximum prices for sales of the fixtures described in paragraph (a) of this order by each class of resellers shall be as follows:

(1) For sales by resellers whose established practice, just prior to the date of this order, was to sell the fixtures at the list price of Edwin F. Guth Company, the maximum prices shall be the prices established by paragraph (a) of this order subject to all discounts, allowances, extra charges and terms of delivery duly in effect for the same class of purchasers just prior to the issuance of this order.

(2) The maximum prices for sales by other resellers shall be determined by increasing or decreasing the maximum prices which such resellers had duly in effect for the same class of purchasers just prior to this order by the same percentage by which their previous invoiced cost has been increased or decreased due to this order.

(c) Edwin F. Guth Company shall give written notification to the resellers mentioned in paragraph (b) of the amounts by which this order increases or decreases their maximum prices, and shall file, within thirty days after the issuance of this order, a copy of such notice with the Office of Price Administration, Washington, D. C.

(d) Between August 1 and August 15, 1945, Edwin F. Guth Company shall file with the Office of Price Administration, Washington, D. C., statements of dollar and unit volume of sales of each item described in paragraph (a) of this order comparing the total amounts realized on such sales at the prices set forth in paragraph (a) with the amounts which would have been realized at the previously established maximum prices.

(e) All requests not granted herein are denied.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective February 27, 1945.

Issued this 26th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3136; Filed, Feb. 26, 1945; 12:02 p. m.]

[MPR 188, Order 3406]

HICKOK OF SAN FRANCISCO

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Hickok of San Francisco, 915 Shreve Building, San Francisco, California.

(1) For all sales and deliveries to the following classes of purchasers by the

Description:	Maximum price
Trucolite fixtures:	
M 3140.....	\$59.50
M 3145.....	63.50
M 3150.....	54.25
M 3155.....	58.25
Flu-O-Indirect:	
M 2320.....	51.00
M 2321.....	32.00
M 2322.....	38.00
M 2325.....	47.00
Futurliter:	
M 2500.....	31.00
M 2501.....	39.50
M 2505.....	26.00
M 2506.....	34.50

sellers indicated below, the maximum prices are those set forth below:

Manufacturers' and persons other than the manufacturers' maximum prices to:

Article	Wholesalers	Retailers	Consumer
Man's duralumin wrist watch bracelet.....	Per doz. \$24	Per doz. \$36	Each \$6

These maximum prices are for the articles described in the manufacturer's application dated January 4, 1945.

(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. These prices are f. o. b. San Francisco, California, and subject to a cash discount of 2% for payment within ten days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this 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 \$6.00 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 order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 27th day of February 1945.

Issued this 26th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3131; Filed, Feb. 26, 1945; 11:59 a. m.]

[MPR 188, Order 3408]

WEST COAST AIRCRAFT 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:

(a) The maximum prices for all sales and deliveries by the West Coast Aircraft Company, 523 South Bixel Street, Los Angeles 13, California, of an aluminum skillet of its manufacture, as described in its application dated December 13, 1944, are as follows:

Article	Model No	Maximum price to jobber	Maximum price to retailer
Aluminum skillet	10", 14 ga. wood handle.	Dozen \$8.70	Dozen \$10.87

These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(b) The maximum prices for all sales and deliveries at wholesale for the aluminum skillet described in paragraph (a) above shall be the prices set forth below as follows:

Article	Model No.	Maximum price to retailer
Aluminum skillet	10", 14 ga. wood handle.	Dozen \$10.87

These prices are f. o. b. seller's city and are subject to terms, discounts and allowances no less favorable than those customarily granted by the seller.

(c) The maximum prices for a sale at retail of the aluminum skillet described in paragraph (a) above shall be as follows:

Article	Model No.	Maximum price to user
Aluminum skillet	10", 14 ga. wood handle.	Each \$1.50

(d) On each skillet shipped to a purchaser for resale the manufacturer shall attach a tag or label which plainly states the retail selling price. Such tag or label shall contain the following statement: "Model-10", 14 ga., wood handle, \$1.50 each. OPA Maximum Selling Price." This tag shall not be removed before delivery to the consumer.

(e) At the time of the first invoice, the manufacturer shall notify in writing each purchaser who buys from it of the maximum prices established by this order for resales by the purchaser; and every jobber who sells an article covered by this order to another jobber shall notify that purchaser in writing of the maximum prices established by this order for resales by that purchaser. This written notice may be given in any convenient form.

(f) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(g) This Order No. 3408 may be revoked or amended by the Price Administrator at any time.

This Order No. 3408 shall become effective on the 27th day of February 1945.

Issued this 26th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3133; Filed, Feb. 26, 1945; 12:02 p. m.]

[MPR 188, Order 3409]

JAMES M. HALL

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, It is ordered:

(a) The maximum prices for all sales and deliveries by James M. Hall, Lexington R. R. No. 5, Lexington, Kentucky, of brooms of his manufacture, as described in his application dated October 12, 1944, are as follows:

Article	Model No.	Maximum price to jobber	Maximum price to retailer
Broom	24# plain handle.	Dozen \$8.95	Dozen \$9.86

These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days. These prices include the 10% as allowed in Order 216 and the \$.03 per lb. as allowed in Order 777.

(b) The maximum prices for all sales and deliveries at wholesale for the brooms described in paragraph (a) above shall be the prices set forth below as follows:

Article and Model No.:	Maximum price to retailer (dozen)
Broom, 24# Plain Handle	\$9.86

These prices are f. o. b. seller's city and are subject to terms, discounts and allowances no less favorable than those customarily granted by the seller. This price includes the 10% as allowed in Order 216 and the \$.03 per lb. as allowed in Order 777.

(c) The maximum prices for a sale at retail of the brooms described in paragraph (a) above shall be as follows:

Article and Model No.:	Maximum price to user (each)
Broom, 24# Plain Handle	\$0.97

This price includes the 10% as allowed in Order 216 and \$.03 per lb. as allowed in Order 777.

(d) On each broom shipped to a purchaser for resale the manufacturer shall attach a tag or label which plainly states the retail selling price. Such tag or label shall contain the following statement: "Model No. 24# Plain Handle—\$0.92. OPA Maximum Selling Price." This tag shall not be removed before delivery to the consumer.

(e) At the time of the first invoice, the manufacturer shall notify in writing each purchaser who buys from it of the maximum prices established by this order for

resales by the purchaser; and every jobber who sells an article covered by this order to another jobber shall notify that purchaser in writing of the maximum prices established by this order for resales by the purchaser. This written notice may be given in any convenient form.

(f) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(g) This Order No. 3409 may be revoked or amended by the Price Administrator at any time.

This Order No. 3409 shall become effective on the 27th day of February 1945.

Issued this 26th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3134; Filed, Feb. 26, 1945; 12:01 p. m.]

[MPR 188, Order 3410]

DELTA NOZZLE CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, It is ordered:

(a) The maximum prices for all sales and deliveries by Delta Nozzle Corporation, 712 E. 136th Street, New York, New York, of fog nozzles of its manufacture, as described in its application dated January 20, 1945, after such articles became subject to Maximum Price Regulation No. 188, are as follows:

Article	Model	Maximum selling prices to—	
		Jobbers	Retailers
Fog nozzle.....	Delta.....	Each \$16.00	Each \$21.31

These maximum prices are f. o. b. New York, New York.

(b) The maximum price for all sales and deliveries at wholesale for the fog nozzles described in paragraph (a) above shall be the price set forth below as follows:

Article and model:	Maximum selling price to retailers, each
Fog Nozzle, Delta.....	\$21.31

These prices are f. o. b. seller's city and are subject to terms, discounts and allowances no less favorable than those customarily granted by the seller.

(c) The maximum price for a sale at retail of the fog nozzles described in paragraph (a) above shall be as follows:

Article and model:	Maximum selling price to consumers, each
Fog Nozzle, Delta.....	\$32.00

(d) On each fog nozzle shipped to a purchaser for resale, the manufacturer shall attach a tag or label which plainly states the retail selling price.

(e) At the time of the first invoice, the manufacturer shall notify in writing each purchaser who buys from it of the

maximum prices established by this order for resales by the purchaser; and every jobber who sells an article covered by this order to another jobber shall notify that purchaser in writing of the maximum prices established by this order for resales by that purchaser. This written notice may be given in any convenient form.

(f) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(g) This Order No. 3410 may be revoked or amended by the Price Administrator at any time.

This Order No. 3410 shall become effective on the 27th day of February 1945.

Issued this 26th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3135; Filed, Feb. 26, 1945; 12:02 p. m.]

[MPR 260, Order 630]

KING HIGH CIGAR FACTORY

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) King High Cigar Factory, 1905 E. Buffalo Ave., Tampa, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Pack- ing	Maximum list price		Maximum retail price
			Per M	Cents	
King High.....	Cadets.....	50	\$56	7	10
	Londres.....	50	75		

(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 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 27, 1945.

Issued this 26th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3120; Filed, Feb. 26, 1945; 11:59 a. m.]

[MPR 260, Order 631]

TAMPA KILO 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) Tampa Kilo Cigar Co., 1414 1/4 13th Ave., Tampa, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Pack- ing	Maximum list price		Maximum retail price
			Per M	Cents	
Flores Negras....	Coronas.....	50	\$93.75	2 for 25	10
	Conchas.....	50	75.00		
	Brevas.....	50	169.00		
	Selectos.....	50	93.75	2 for 25	
	Panetelas.....	50	169.00		
	Deliciosos.....	50	154.00		

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or front-

mark 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 27, 1945.

Issued this 26th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3121; Filed, Feb. 26, 1945; 12:00 m.]

[MPR 260, Order 632]

INFANZEN & RODRIGUEZ, INC.

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) Infanzén & Rodríguez, Inc., #1 Mons. Berrios Street, Caguas, Puerto

Rico (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
Yolande.....	Alfonso.....	50	Per M \$40	Cents 5
Habanera.....	Blunts.....	50	56	7

(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 28, 1945.

Issued this 26th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3122; Filed, Feb. 26, 1945; 11:57 a. m.]

[MPR 260, Order 633]

V. C. KELLER

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) V. C. Keller, East Prospect, Pa., (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Keller's Hand Made.	Perfecto.....	50	Per M \$56	Cents 7

(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 27, 1945.

Issued this 26th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3123; Filed, Feb. 26, 1945;
11:58 a. m.]

[MPR 260, Order 634]

PACIFIC TOBACCO 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) Pacific Tobacco Company, 344 Clay Street, San Francisco 11, Calif. (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
Lee Stanley.....	Queen.....	50	Per M \$105	Cents 14
Tampa Club.....	Bankers.....	50	90	12

(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 27, 1945.

Issued this 26th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3124; Filed, Feb. 26, 1945;
11:58 a. m.]

[MPR 260, Order 635]

ELIZABETH M. BRENNEMAN

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) Elizabeth M. Breneman, 90 East Main St., Windsor, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Radio.....	Corona.....	50	Per M \$48	Cents 6

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective February 27, 1945.

Issued this 26th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3125; Filed, Feb. 26, 1945;
11:58 a. m.]

[MPR 260, Order 636]

HARRY E. HERMAN

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) Harry E. Herman, R. D. #1, Red Lion, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Otter Rest.....	Perfecto.....	50	Per M \$56	Cents 7

(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 27, 1945.

Issued this 26th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3126; Filed, Feb. 26, 1945; 11:59 a. m.]

[MPR 188, Rev. Order 2525]

PIANOS

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 § 1499.159b of Maximum Price Regulation No. 188, and section 6.4 of Second Revised Supplementary Regulation No. 14, *It is ordered*: Order No. 2525 of Maximum Price Regulation No. 188 is revised and amended to read as follows:

(a) *Purpose of this order.* This order establishes maximum prices for sales of new pianos by all persons, including manufacturers, wholesalers, and retailers.

(b) *Manufacturers' maximum prices for all sales except at retail.* Manufacturers may increase their maximum prices in effect prior to October 7, 1944, to each class of purchaser, for all sales except sales at retail as follows:

(1) Subtract the Federal excise tax and any amount for freight which is included in the price.

(2) To this figure add 13% thereof.

(3) The result is the new maximum price to each class of purchaser. The Federal excise tax payable on the increased maximum price and any freight deduction may be added.

(c) *Manufacturers' maximum prices for new or changed models.* In computing maximum prices for new or changed models, the maximum prices of the old or comparable models shall be figured at their maximum prices as increased by paragraph (b) or (d) of this order.

(d) *Additional increases for manufacturers.* Any manufacturer who believes that his maximum prices, as increased by this order, do not equal his total costs in October 1941 adjusted for increases in straight time factory wage rates and direct and indirect material prices, may apply to the Office of Price Administration, Washington 25, D. C., for an adjustment of his maximum prices. The Administrator will grant an adjustment to any such manufacturer if he finds that the manufacturer's total costs, when adjusted in accordance with the method of adjusting total costs employed by the Administrator in determining the extent of the increase granted to the industry, are higher than the manufacturer's maximum price established under this order. The adjustment in the manufacturer's maximum price will be granted in an amount sufficient to permit the recovery of total costs as thus adjusted by the Administrator.

If a manufacturer is permitted a further increase in maximum prices under the provisions of this paragraph, the pro-

visions of paragraph (e) may not be used to compute new maximum retail prices. In such cases, orders will be issued establishing revised maximum prices for sales at wholesale and at retail.

(e) *Maximum prices for sales at retail.* The maximum price for a sale or delivery at retail of a piano which the retailer received on or after October 7, 1944 (except for sales by mail order or for sales by manufacturers who sell exclusively through their own retail outlets) is the total of the following, adjusted upward or downward to the nearest dollar:

The manufacturer's highest maximum price to retailers as established under paragraph (b) or (c) of this order (exclusive of freight and Federal excise tax).

The applicable mark-up over that price indicated in paragraph (1) below.

The amount of Federal excise tax payable by the manufacturer.

The freight allowance indicated in paragraph (2) below.

The maximum retail price so computed includes the Federal excise tax and the permissible charge for freight. No additional amount may be added thereto on account of these terms. Each retailer shall continue to furnish the services he customarily furnished in March 1942 on the sale of a new piano, as, for example, free delivery, tuning, etc. In addition the retailer shall continue in effect, terms, discounts, trade-in and other allowances no less favorable to the purchaser than the retailer allowed in March 1942. Local and state taxes and credit charges (in accordance with the provisions of paragraph (i) may be added, together with other price differentials for which the retailer customarily made a separately stated charge in March 1942.

(1) *Determination of mark-up to be included in the maximum retail price.* If the manufacturer's highest maximum price to retailers (exclusive of freight and Federal excise tax), is:

(i) Not more than \$225.00, add 89% of such maximum price.

(ii) Between \$225.01 and \$338.00, add 85% of such maximum price or \$200.25, whichever is greater.

(iii) Between \$338.01 and \$564.00, add 79% of such maximum price or \$287.30, whichever is greater.

(iv) Over \$564.01, add 75% of such maximum price or \$445.56, whichever is greater.

(2) *Determination of freight allowance to be included in the maximum retail price.* (i) For a piano shipped by the manufacturer to a point within the "metropolitan area" in which his factory is located, no freight allowance may be added. (Metropolitan area means, in the case of a city of a population of 50,000 or over, that area included as the metropolitan area by the U. S. Bureau of Census for the 1940 census (Population, Volume 1, published 1942); in the case of cities of less than 50,000 population, the metropolitan area is the city in or nearest to which the manufacturer's plant is situated.)

(ii) For a piano shipped by the manufacturer to a point outside his metropolitan area, the freight allowance is as follows:

(a) For shipments from points east of the Ohio-Pennsylvania line, the freight

allowances to each zone and the states within each zone are:

Zone I		Zone II		Zone III	
Upright	Grand	Upright	Grand	Upright	Grand
\$7.50	\$12.00	\$15.00	\$24.00	\$25.00	\$40.00
Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin.		Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas.		Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming.	

(b) For shipments from points west of and including New Castle, Indiana, the freight allowances to each zone and the states within each zone are:

Zone I		Zone II		Zone III	
Upright	Grand	Upright	Grand	Upright	Grand
\$7.50	\$12.00	\$15.00	\$24.00	\$22.50	\$36.00
Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin.		Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Nebraska, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Texas, Wyoming.		Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington.	

(c) For shipments from Ohio and other Indiana points, the freight allowances for shipments to each zone and the states within each zone are the same as those in paragraph (b) above, except that North Carolina and South Carolina are included in Zone I instead of Zone II.

Example: Calculation of maximum retail price for a new piano. Spinet model piano shipped from New York City to a state within Zone I.

(a) Manufacturer's March 1942 highest maximum price to retailers exclusive of Federal excise tax and freight.....	\$175.00
(b) 13% increase granted to manufacturers under paragraph (b) or (c).....	22.75
(c) Manufacturer's new highest maximum price to retailers exclusive of Federal excise tax and freight.....	197.75

To this price is added the following:

(d) Percentage mark-up for piano under \$225.00 (89% of c).....	\$176.00
(e) Manufacturer's Federal excise tax (10% of c).....	19.78
(f) Freight allowance for upright piano shipped in Zone I.....	7.50
(g) Maximum retail price. (Total of c, d, e, and f).....	401.03
(h) Maximum retail price appearing on tag. (Adjusted downward to the nearest dollar).....	401.00

(3) Retailers may sell or deliver at the new maximum prices established by this paragraph, all new pianos in their stocks on the effective date of this amendment, which they received since the issuance on October 7, 1944, of Order No. 2525. The retailer shall request and the manufacturer shall compute the new maximum retail price for such pianos and supply a tag in the form required in paragraph (f) of this order.

Maximum retail prices for sales or deliveries of pianos received by the retailer prior to October 7, 1944, are not changed by this order. Maximum prices for such pianos as established under the General Maximum Price Regulation continue in effect. The retailer shall attach a tag to such a piano showing the maximum price.

(f) *Tagging.* (1) Every piano manufacturer shall compute the maximum retail price and provide with each piano shipped to a purchaser for resale, a durable tag with the maximum retail price, the zone number, the brand name and model and a statement that the maximum price has been computed in accordance with the provisions of Order 2525, clearly set forth thereon. A tag in the following form with the blanks properly filled in will be satisfactory.

Brand name and model number.....
 OPA retail ceiling price in Zone \$.....
 (Including Federal excise tax).
 This ceiling price has been computed in accordance with Revised Order No. 2525 under MPR 188.

(2) No person shall display, offer for sale, sell, or deliver a piano at retail unless the appropriate tag is affixed thereto.

(g) *Maximum prices for sales at wholesale; for sales at retail by mail order; and for sales by certain manufacturers.* Any seller at wholesale, mail order seller at retail, or any manufacturer who in March 1942 sold exclusively through his own retail outlets, shall apply to the Office of Price Administration, Washington 25, D. C., for the establishment of maximum prices. Maximum prices for sales by such persons will be established by order in line with the general level of maximum prices established by this order and no sales or deliveries may be made until the maximum prices have been so established. The following information shall be submitted:

1. Net billing price for each model of piano received from the applicant's factory or from the factory supplying the applicant. This price should be either the highest price charged during March 1942, or the highest price charged during March 1942 plus the increase permitted under Order No. 2525. The applicant shall state whether the increase has or has not been included. Prices reported shall be exclusive of freight and excise tax, which shall be specified separately.

2. Applicant's maximum selling price for each model in March 1942, specifying freight and excise tax separately, to each class of purchaser (consumer, retailer, etc.).

3. Manufacturer's suggested retail list price, if any, in effect in March 1942. Indicate whether the list price includes tax, freight and bench and the amount added, if any, for each.

4. Detailed information with respect to all of applicant's discounts, allowances, delivery provisions and all other terms of sale to each class of purchaser in March 1942.

5. Specifications for each model being priced, including the following:

- Type, i. e., upright or grand.
- Style, i. e., modern, Sheraton, Louis XV, etc.
- Finish, i. e., mahogany, walnut, etc.
- Size, i. e., height of upright, length of grand.
- Names and addresses of your suppliers of the following parts (if you are a manufacturer), and your supplier's stock number for each: actions and keys, or components thereof; plates; sounding boards; hammers; strings.
- Any other significant specifications, and a photograph or sketch of the piano.

If, in violation of any of the provisions of this paragraph, a sale, offer to sell, or delivery of a new piano is made before it has been properly authorized, the maximum price applicable to the sale, offer to sell, or delivery, shall be the maximum price which is properly established subsequently.

(h) *Adjustment, correction and revocation of maximum prices.* (1) Any price established by this order may be revoked or amended by order at any time. Such an order will be issued only if it appears that any maximum price is out of line with maximum prices properly established under this regulation, giving due consideration to the seller's customary price relationships with other sellers of the same class. A revocation or adjustment under this paragraph will not apply retroactively.

(2) Any maximum price established under this order may be corrected or revoked by order, if it appears that the price approved was based upon incorrect or misleading information furnished in connection with the request for price approval. Corrections under this paragraph shall be effective as of the date of first sale.

(i) *Credit charges.* Charges for the extension of credit may be added to the maximum retail prices established by this order only to the extent permitted by this paragraph.

(1) Retailers who in March 1942, separately stated and collected an additional charge for the extension of credit on sales of new pianos may collect a charge for the extension of credit on sales under this order. The charge collected must not exceed the charge in March 1942 on a similar sale to the same class of purchasers. Other retailers may make a charge for the extension of credit only on installment plan sales, not on charge account sales. The charge shall not exceed the additional charge separately stated and collected for the extension of similar credit in March 1942 by the retailer's closest competitor who made such a charge.

An installment-plan sale, as used in this order, means a sale where the un-

paid balance is to be paid in instalments over a period of (i) six weeks or more from the date of sale in the case of weekly instalments or (ii) eight weeks or more in the case of other than weekly instalments.

(2) All charges for the extension of credit shall be quoted and billed separately. Any charge which is not quoted and billed separately shall, for the purposes of this order, be considered to be part of the price charged for the piano sold.

(3) No retailer may require as a condition of sale that the purchaser must buy on credit.

(j) *Definitions.* For the purposes of this order: (1) "Sale at wholesale" means a sale of a new piano to a purchaser for resale, by a person who sells the piano in the same form in which he purchases it.

(2) "Sale at retail" means a sale of a new piano to an ultimate consumer.

(3) Unless the context requires otherwise, the definitions contained in § 1499.20 of the General Maximum Price Regulation and § 1499.163 of Maximum Price Regulation No. 188, whichever is applicable, shall apply to all other terms used herein.

(k) *Relationship between this order, The General Maximum Price Regulation and Maximum Price Regulation No. 188.* As to sales and deliveries on and after the effective date of this order, the provisions of the General Maximum Price Regulation and Maximum Price Regulation No. 188 are superseded by the provisions of this order, only to the extent that they are changed or modified by this order.

(1) This revised order may be revoked or amended by the Price Administrator at any time.

Note: The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This revised order shall become effective on the 27th day of February 1945.

Issued this 26th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3148; Filed, Feb. 26, 1945; 3:49 p. m.]

[MPR 188, Order 8407]

BOND PRODUCTS 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:*

(a) The maximum prices for all sales and deliveries by the Bond Products Company, 13139 Hamilton Avenue, Detroit, Michigan, of a blower type fan of its manufacture, as described in its application dated November 17, 1944, are as follows:

Article	Model	Maximum price to jobber	Maximum price to retailer (3 units or more)	Maximum price to retailer (less than 3 units)
12" blower type enclosed fan.	14½" x 14½", 5" in depth, no name.	Each \$5.94	Each \$6.85	Each \$7.39

These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days. They include the Federal Excise Tax.

(b) The maximum prices for all sales and deliveries at wholesale for the fan described in paragraph (a) above shall be the prices set forth below as follows:

Article	Model	Maximum price to retailer (3 units or more)	Maximum price to retailer (less than 3 units)
12" blower type enclosed fan.	14½" x 14½", 5" in depth, no name.	Each \$6.85	Each \$7.39

These prices are f. o. b. seller's city and are subject to terms, discounts and allowances no less favorable than those customarily granted by the seller. They include the Federal Excise Tax.

(c) The maximum price for a sale at retail of the fan described in paragraph (a) above shall be as follows:

Article	Model	Maximum price to user
12" blower type enclosed fan.	14½" x 14½", 5" in depth, no name.	Each \$11.33

This price includes the Federal Excise Tax.

(d) On each fan shipped to a purchaser for resale the manufacturer shall attach a tag or label which plainly states the retail selling price. Such tag or label shall contain the following statement: "Model, 14½" x 14½", 5" in depth—\$11.33. OPA Maximum Selling Price." This tag shall not be removed before delivery to the consumer.

(e) At the time of the first invoice, the manufacturer shall notify in writing each purchaser who buys from it of the maximum prices established by this order for resales by the purchaser; and every jobber who sells an article covered by this order to another jobber shall notify that purchaser in writing of the maximum prices established by this order for resales by that purchaser. This written notice may be given in any convenient form.

(f) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(g) This Order No. 3407 may be revoked or amended by the Price Administrator at any time.

This Order No. 3407 shall become effective on the 27th day of February 1945.

Issued this 26th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3132; Filed, Feb. 26, 1945; 12:01 p. m.]

Regional and District Office Orders.

[Region I 2d Rev. Order G-1 Under 2d Rev. MPR 269, Correction]

POULTRY IN BOSTON

Item Number 4 in Table B is corrected to read as follows:

Seller	Buyer	Quantity and form of sale	Item sold	Base price to which increase is added	Maximum increase in cents per pound for "wholesaler" and "hotel supply house" only		
					Nondelivery sales	Delivery within 25 miles	Delivery beyond 25 miles
4. Hotel supply house....	Purveyor of meals or institutional users.	Less than 10,000 lbs. warehoused, and physically handled.	Any native poultry item other than a live drawn on frozen eviscerated native poultry item.	Maximum base price at seller's shipping point.	Cents 2¼	Cents 2½	Cents 2¾

Issued the 5th day of February 1945.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 45-3074; Filed, Feb. 24, 1945; 4:18 p. m.]

[Region II Order G-1 Under RMPR 165]

LAUNDRY SERVICE IN SCRANTON, PA., AREA

Application for permission to increase its present maximum prices for its laun-

dry and related services, as established under Revised Maximum Price Regulation No. 165, as amended—services, has been filed by the Supreme Laundry Co., 1104 South Main Avenue, Scranton, Pennsylvania, which supplies such services in the Scranton area. After due consideration of its application and other available information, it has been decided that it should be granted in part and denied in part for the reasons set

forth in the accompanying opinion issued simultaneously herewith.

Accordingly, pursuant to the Emergency Price Control Act of 1942, as amended, and section 16 (a) of Revised Maximum Price Regulation No. 165, as amended—Services, *It is hereby ordered:*

(a) The application of the Supreme Laundry Co. is granted to the extent that it is permitted to increase by 10% its

present legal maximum prices for its laundry and related services.

(b) Agent-drivers who are supplied with services by the Supreme Laundry Co. are hereby permitted to add the same percentage increase to their total bills to their customers in the manner provided in paragraph (c) of this order.

(c) The percentage increase permitted to the applicant shall be applied only to the total amount of the bill rendered to each customer for any service afforded, as it would be computed under its existing legal maximum prices. The existing legal maximum prices of the applicant are its maximum prices as established under Revised Maximum Price Regulation No. 165, as amended, as such maximum prices shall have been modified by any order heretofore issued by the New York Regional Office of the Office of Price Administration under section 16 (a) of that regulation. Such increase may not be applied to individual items of service. Existing price lists shall not be altered. If the increased prices so arrived at include a fraction of a cent less than one-half, the price that may be charged shall be reduced to the next lower cent. If, however, the increased price includes a fraction equal to or more than one-half cent, the seller shall be permitted to charge the next higher cent.

(d) The applicant to which this percentage price increase has been granted under the terms of this order shall give written notification of such price increase as follows:

1. Furnish each of its customers within fifteen days after the effective date of this order with a statement clearly describing its services, specifying its lawful maximum prices as established under Revised Maximum Price Regulation No. 165, as amended, and setting forth the percentage increase granted by this order.

2. File a copy of the same statement with the Scranton District Office and with the District Office of any other district of this Office in which it supplies any of its services, within fifteen days after the effective date of this order, together with a statement signed by a responsible official of such laundry service supplier certifying that it has complied with subparagraph 1 above;

3. Upon putting the permitted price increase into effect, the applicant shall inscribe on each bill rendered to any customer, by its choice one or the other of the following statements: "OPA permitted increase of ___% to maintain supply: \$-----"; or "OPA permitted increase to maintain supply: \$-----". The foregoing statement may be omitted upon compliance with the provisions of Order No. 18 under Revised Maximum Price Regulation No. 165.

4. Give all new customers the same notification as hereinabove provided for existing customers.

(e) In addition, the applicant shall immediately give written notification to all its agent-drivers of the amount of the permitted price increase which each of the latter may add to its total bills under the provisions of paragraph (c) of this order.

(f) Customary allowances, discounts, or other price differentials may not be changed by the applicant unless such

change results in prices lower than the prices permitted by this order, after applying the applicant's customary allowances, discounts, or other price differentials; and the applicant shall maintain all of its legal current pricing and other business practices.

(g) Within ten days from the date hereof, the applicant must amend the statement of its maximum prices required by section 14 of Revised Maximum Price Regulation No. 165—Services, and the copy thereof which is on file with its War Price and Rationing Board. This order shall be kept at applicant's place of business and made available to any person during ordinary business hours.

(h) Except as expressly provided by this order, the applicant shall remain in all respects subject to all of the provisions of Revised Maximum Price Regulation No. 165, as amended—Services.

(i) This order may be revoked or amended by the Regional Administrator of Region II, or the Price Administrator through the issuance at any time hereafter of any order or price regulation, or amendment or supplement thereto.

(j) Any relief requested by the applicant not expressly granted herein is denied. To the extent that the application has been denied hereby, the applicant may, within sixty days from the date of mailing of this order, make application for review thereof in the manner provided by Revised Procedural Regulation No. 1.

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

This order shall become effective immediately.

Issued this 12th day of January 1945.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 45-3070; Filed, Feb. 24, 1945;
4:16 p. m.]

[Region II Order G-2 Under RMPR 165]

LAUNDRY SERVICE IN PEEKSKILL, N. Y.

Application for permission to increase its present maximum prices for its laundry and related services, as established under Revised Maximum Price Regulation No. 165, as amended—Services, has been filed by the Peekskill City Laundry Company, 110 South Division Street, Peekskill, New York, which supplies such services in the Peekskill area. After due consideration of its application and other available information, it has been decided that it should be granted in part and denied in part for the reasons set forth in the accompanying opinion issued simultaneously herewith.

Accordingly, pursuant to the Emergency Price Control Act of 1942, as amended, and section 16 (a) of Revised Maximum Price Regulation No. 165, as amended—Services, *It is hereby ordered:*

(a) The application of the Peekskill City Laundry Company is granted to the extent that it is permitted to increase by 7% its present legal maximum prices for its laundry and related services.

(b) Agent-drivers who are supplied with services by the Peekskill City Laundry Company are hereby permitted to add the same percentage increase to their total bills to their customers in the manner provided in paragraph (c) of this order.

(c) The percentage increase permitted to the applicant shall be applied only to the total amount of the bill rendered to each customer for any service afforded, as it would be computed under its existing legal maximum prices. The existing legal maximum prices of the applicant are its maximum prices as established under Revised Maximum Price Regulation No. 165, as amended, as such maximum prices shall have been modified by any order heretofore issued by the New York Regional Office of the Office of Price Administration under section 16 (a) of that regulation. Such increases may not be applied to individual items of service. Existing price lists shall not be altered. If the increased prices so arrived at include a fraction of a cent less than one-half, the price that may be charged shall be reduced to the next lower cent. If, however, the increased price includes a fraction equal to or more than one-half cent, the seller shall be permitted to charge the next higher cent.

(d) The applicant to which this percentage price increase has been granted under the terms of this order shall give written notification of such price increase as follows:

1. Furnish each of its customers within fifteen days after the effective date of this Order with a statement clearly describing its services, specifying its lawful maximum prices as established under Revised Maximum Price Regulation No. 165, as amended, and setting forth the percentage increase granted by this order.

2. File a copy of the same statement with the New York Regional Office within fifteen days after the effective date of this order, together with a statement signed by a responsible official of such laundry service supplier certifying that it has complied with subparagraph 1 above.

3. Upon putting the permitted price increase into effect, the applicant shall inscribe on each bill rendered to any customer, by its choice, one or the other of the following statements: "OPA permitted increase of ___% to maintain supply: \$-----", or "OPA permitted increase to maintain supply: \$-----". The foregoing statement may be omitted upon compliance with the provisions of Order No. 18 under Revised Maximum Price Regulation No. 165.

4. Give all new customers the same notification as hereinabove provided for existing customers.

(e) In addition, the applicant shall immediately give written notification to all its agent-drivers of the amount of the permitted price increase which each of the latter may add to its total bills under the provisions of paragraph (c) of this order.

(f) Customary allowances, discounts, or other price differentials may not be changed by the applicant unless such change results in prices lower than the prices permitted by this order, after ap-

plying the applicant's customary allowances, discounts, or other price differentials; and the applicant shall maintain all of its legal current pricing and other business practices.

(g) Within ten days from the date hereof, the applicant must amend the statement of its maximum prices required by section 14 of Revised Maximum Price Regulation No. 165—Services, and the copy thereof which is on file with its War Price and Rationing Board. This order shall be kept at applicant's place of business and made available to any person during ordinary business hours.

(h) Except as expressly provided by this order, the applicant shall remain in all respects subject to all of the provisions of Revised Maximum Price Regulation No. 165, as amended—Services.

(i) This order may be revoked or amended by the Regional Administrator of Region II, or the Price Administrator through the issuance at any time hereafter of any order or price regulation, or amendment or supplement thereto.

(j) Any relief requested by the applicant not expressly granted herein is denied. To the extent that the application has been denied hereby, the applicant may, within sixty days from the date of mailing of this order, make application for review thereof in the manner provided by Revised Procedural Regulation No. 1.

This order shall become effective immediately.

Issued this 12th day of February 1945.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 45-3060; Filed, Feb. 24, 1945; 4:10 p. m.]

[Scranton Order G-2 Under MPR 426]

FRESH FRUITS AND VEGETABLES IN
SCRANTON, PA., DISTRICT

Amount of freight from basing point to wholesale receiving point allowed for determining maximum prices of certain fresh fruits and vegetables in certain counties of the Commonwealth of Pennsylvania.

For the reasons stated in an opinion issued simultaneously herewith and pursuant to the authority contained in section 8 (a) 7 of Maximum Price Regulation No. 426 this order is issued.

SECTION 1. *What this order does.* This order establishes the amount of freight from basing point to wholesale receiving point which may be added to the maximum basing point price for the purpose of determining maximum selling prices for certain fresh fruits and vegetables at all wholesale receiving points in the area described in section 2 whether received in carlots or trucklots or in lesser quantities from terminal markets.

SEC. 2. *Where this order applies.* This order applies in the Counties of Carbon, Lackawanna, Luzerne, Monroe and Schuylkill in the Commonwealth of Pennsylvania.

SEC. 3. *Determination of the amount of freight allowed in establishing maximum prices.* The amount of freight

from basing point to wholesale receiving point which may be added to the maximum basing point price for the purpose of determining maximum selling prices of the items covered by this regulation at all wholesale receiving points in the area described above and in the markets they serve shall be the amount set forth in the attached appendices.

This amount includes all allowances, if any, for protective and other accessory services and all taxes on transportation costs.

The amount of freight from basing point to any wholesale receiving point in the area above described is determined as follows:

1. For all fruits and vegetables covered by this order received in carlot or trucklot the freight which may be added to the

base point price is set forth in Appendix C.

2. For all fruits and vegetables covered by this order received in less than carlot or less than trucklot out of a terminal market the freight which may be added to the base point price shall be determined by adding the appropriate amount listed in Appendix B to the appropriate amount for the item in Appendix A.

SEC. 4. *Effective date.* This order shall become effective at 12:01 A. M. on January 22, 1945.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; MPR 426, 8 F.R. 16409)

Issued this 18th day of January 1945.

JOHN A. HART,
District Director.

APPENDIX A
FREIGHT FROM BASING POINT TO NEW YORK CITY

Commodity	Standard container and minimum contents	Basing point	Date	Freight allowance
Carrots, bunched	L. A. crate, 72 bunches	El Centro, Calif.	Jan. 16-Mar. 31	\$1.49
	each bunch 1 pound	do	Apr. 1-May 31	1.59
		Salinas, Calif.	June 1-Nov. 30	1.68
Cucumbers, except hot-house	Bushel, 48 pounds	do	Dec. 1-Jan. 15	1.58
	do	Wachula, Fla.	Nov. 1-May 31	.74
	Lug box, 28 pounds	Ponchatoula, La.	June 1-June 30	.76
	Lug box	Wachula, Fla.	Nov. 1-May 31	.44
Cucumbers, hothouse	Per pound	Ponchatoula, La.	June 1-June 30	.42
	1½ bushel crate, 45 pounds	Davenport, Iowa	All year	.02½
Eggplant	Bushel, 30 pounds	Ft. Myers, Fla.	do	.76
	1½ bushels	do	do	.52
Grapefruit, pink (California and Arizona)	1½ bushels	Los Angeles, Calif.	Nov. 16-Apr. 30	1.20
Grapefruit, pink (all other States)	1½ bushels	Weslaco, Tex.	May 1-Oct. 31	1.27
	1½ bushels	do	All year	1.14
Grapefruit, white (California and Arizona)	1½ bushels	Los Angeles, Calif.	Nov. 16-Apr. 30	1.20
	1½ bushels	do	May 1-Oct. 31	1.27
Grapefruit, white, (all other States including "Indian River")	1½ bushels	Homestead, Fla.	All year	.90
	1½ bushels	Los Angeles, Calif.	Nov. 1-Apr. 30	1.24
Lemons; (all States)	1½ bushels	do	May 1-Oct. 31	1.38
	1½ bushels	do	All year	.73
Green peas	Bushel, 28 pounds	Calipatria, Calif.	Sept. 1-Mar. 31	.81
	Bushel, 28 pounds	Santa Barbara, Calif.	Apr. 1-Aug. 31	.81
Lettuce, iceberg	L. A. crate, 60 pounds	Salinas, Calif.	Oct. 16-Dec. 31	1.04
	do	do	Jan-Feb	1.00
	do	do	Mar.-Apr	1.04
Oranges (California and Arizona)	1½ bushels	Los Angeles, Calif.	Nov. 16-Apr. 30	1.33
	1½ bushels	do	May 1-Nov. 15	1.40
Oranges (all others including "Indian River")	1½ bushels	Homestead, Fla.	All year	.90
	Bushel, 28 pounds	Pompano, Fla.	do	.50
Snap beans, all	Bushel, 18 pounds	Crystal City, Texas	do	.42
Spinach	1½ bushel, crated, 37 pounds	Pompano, Fla.	do	.63
	Bushel, 25 pounds	do	do	.42
Sweet peppers	1½ bushel	Homestead, Fla.	All year	.90
	¼ box container	do	do	.45
Tangerines (all States, except California and Arizona)	1½ bushels	Homestead, Fla.	All year	.90
Pears	50 pound box	Sacramento, Cal.	All year	.91
Sweetpotatoes	50 pound basket	Sunset, La.	do	.51

APPENDIX B

Freight From Terminal Markets in the Cities of New York and Philadelphia to Wholesale Receiving Points Located in the Counties of Carbon, Monroe, Lackawanna, Luzerne, Schuylkill in the Commonwealth of Pennsylvania.

Commodity	Container and contents	Date	Freight allowance
Carrots, bunched	L. A. crate, 72 bunches	All year	\$0.48
	Each bunch 1 pound		
Cucumbers, except hothouse	Bushel, 48 pounds	do	.45
	Lug box, 28 pounds	do	.20
Eggplant	1½ bushel crate, 45 pounds	do	.45
	1 bushel, 30 pounds	do	.31
Grapefruit, all	Standard container, 1½ and 1¾ bushels	do	.52
	Standard container	do	.52
Lemons, all	Standard container, 1½ and 1¾	do	.52
	L. A. crates, 60 pound	do	.56
Oranges, all	Bushel, 28 pounds	do	.26
	Bushel, 18 pounds	do	.16
Snap beans, all	Bushel, 18 pounds	do	.45
	1½ bushel, crated, 37 pound	do	.26
Spinach	1 bushel, 25 pound	do	.52
	1½ bushel container	do	.26
Sweet peppers	¼ bushel container	do	.26
	44 to 48 pound box	do	.28
Tangerines	45 pound box	do	.27
	45 pound cured	do	.25
Pears, boxes	45 pound cured	do	.25
	50 pound green	do	.25
Apples, boxes	50 pound green	do	.25
	1 bushel, 28 pounds	do	.26

gional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, Order No. G-53 is amended in the following respect:

1. Appendix A is amended by revising Items Nos. 8 and 9 to read as follows:

APPENDIX A

Kind	Permitted per net ton increase above applicable area ceiling price for anthracite, pursuant to paragraph (b). (For sales of fractions of a net ton, the increase shall be proportionate)				
	Broken	Egg	Stove	Nut	Pea
(8) "Orange Disc" (This includes only anthracite produced and prepared by the Payne Coal Co., Wilkes-Barre, Pa., at its Exeter colliery, and marketed under the trade name "Orange Disc Anthracite.")	\$0.30	\$0.30	\$0.30	\$0.30	\$0.30
(9) "Penn Collieries" (This includes only anthracite produced and prepared by Penn Collieries Co., Scranton, Pa., which is taken from mines operated by that company in Lackawanna County, Pa., and prepared by it at the Von Storch colliery. (This should not be confused with William Penn Colliery Co. anthracite in Item No. 26))	.90	.90	.90	.90	.75

1. Paragraph (g) is amended by adding the following subparagraph designated (2) at the end of the subparagraph designated (1):

(g) * * * *
(2) And further provided, That solid fuel dealers in the State of New Jersey, the Borough of Richmond in the City of New York and in that portion of the Commonwealth of Pennsylvania lying east of 78° longitude west of Greenwich line, and also including the Counties of Crawford, Erie and Warren in the Commonwealth of Pennsylvania, may, subject to the following conditions and limitations, except for coke received from customary suppliers (as described in paragraph (b)), commingle coke with coke or coke with anthracite, and sell and invoice the resultant mixture as indicated below. (Coke from customary sources may not be sold commingled either with other coke or with anthracite, and must continue to be priced under paragraph (b)).

I. Where solid fuels are transported to the dealer's yard in railroad cars. Such dealer shall do the following:

[Region II Order G-53 Under RMPR 122, Amdt. 4]

PENNSYLVANIA ANTHRACITE IN NEW YORK REGION

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.259 (a) (1) and Rule 4 under § 1340.254 of Revised Maximum Price Regulation No. 122, the following respects:

COKE IN NEW YORK REGION

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.259 (a) (1) and Rule 4 under § 1340.254 of Revised Maximum Price Regulation No. 122, the following respects:

[Region II Order G-54 Under RMPR 122, Amdt. 3]

ISSUED THIS 3d DAY OF FEBRUARY 1945.

DANIEL F. WOOLLEY,
Regional Administrator.

[F. R. Doc. 45-3069; Filed, Feb. 24, 1945; 4:16 p. m.]

APPENDIX B—Continued

Commodity	Container and contents	Date	Freight allowance
Apricots.....	Brentwood lug.....	Jan. 1-Mar. 31.....	\$0.22
(a) Plums.....	Northwest lug.....	Apr. 1-May 30.....	.15
(b) Plums.....	3 x 4, 3 x 4 x 4.....	June 1-Nov. 30.....	.26
(c) Plums.....	4 x 4.....	Dec. 1-Jan. 15.....	.25
(d) Plums.....	3 x 4 x 5, 4 x 5.....	June 1-May 31.....	.24
	5 x 5, 5 x 6, 6 x 6.....	Nov. 1-May 31.....	.21
CANTALOUPE, HONEYBALL			
(a) Honeydew.....	Jumbo crates, 78 pound.....		.45
(b) Honeydew.....	Standard crates, 68 pound.....		.40
(c) Honeydew.....	Poney crates, 57 pound.....		.34
HONEYDEW, PERSIAN			
(a) Casaba and Cranshaw melons.....	Jumbo crates, 57 pound.....		.34
(b) Casaba and Cranshaw melons.....	Standard crates, 40 pound.....		.24
(c) Casaba and Cranshaw melons.....	Poney crates, 35 pound.....		.20

APPENDIX C

Freight from Basing Point to All Wholesale Receiving Points in the Counties of Carbon, Monroe, Lackawanna, Luzerne, and Schuylkill in the Commonwealth of Pennsylvania.

Commodity	Standard container and minimum contents	Basing point	Date	Freight allowance
Carrots, bunched.....	L. A. crate, 72 bunches each bunch 1 pound.....	El Centro, Calif.....	Jan. 1-Mar. 31.....	\$1.50
		Salinas, Calif.....	Apr. 1-May 30.....	1.60
		do.....	June 1-Nov. 30.....	1.89
		do.....	Dec. 1-Jan. 15.....	1.59
Cucumbers, except hothouse.....	Bushel, 48 pounds.....	Wachula, Fla.....	Nov. 1-May 31.....	.77
	Bushel, 48 pounds.....	Ponchatoula, La.....	June 1-30.....	.79
	Lug box, 28 pounds.....	Wachula, Fla.....	Nov. 1-May 31.....	.43
	Lug box.....	Ponchatoula, La.....	June 1-30.....	.43
Cucumbers, hothouse.....	Per pound.....	Davenport, Iowa.....	All year.....	.02½
Eggplant.....	1½-bushel crate, 45 lbs.....	Ft. Myers, Fla.....	do.....	.77
	Bushel, 30 lbs.....	do.....	do.....	.57
	1½ bushels.....	Los Angeles, Calif.....	Nov. 16-Apr. 30.....	1.20
	1½ bushels.....	Weslaco, Tex.....	May 1-Oct. 31.....	1.27
	1½ bushels.....	Los Angeles, Calif.....	All year.....	1.24
	1½ bushels.....	Los Angeles, Calif.....	Nov. 16-Apr. 30.....	1.20
	1½ bushels.....	Homestead, Fla.....	May 1-Oct. 30.....	1.27
	1½ bushels.....	Los Angeles, Calif.....	All year.....	.97
Green peas.....	Bushel, 28 pounds.....	Los Angeles, Calif.....	Nov. 1-Apr. 30.....	1.24
Lettuces, iceberg.....	L. A. Crate, 60 pounds.....	Calipatria, Calif.....	May 1-Oct. 30.....	1.38
		Santa Barbara, Calif.....	Sept. 1-Mar. 31.....	.73
		Salinas, Calif.....	Apr. 1-Aug. 31.....	.81
		Los Angeles, Calif.....	Oct. 16-Dec. 31.....	1.64
		Homestead, Fla.....	Jan.-Feb.....	1.60
		do.....	Mar.-Apr.....	1.64
		do.....	May.....	1.69
		do.....	Nov. 16-Apr. 30.....	1.33
		do.....	May 1-Nov. 15.....	1.40
		do.....	do.....	1.07
Oranges (California and Arizona).....	1½ bushels.....	Los Angeles, Calif.....	do.....	.59
Oranges, all other (including Mexican River).....	1½ bushels.....	Homestead, Fla.....	do.....	.40
Snap beans.....	Bushel, 28 pounds.....	Pompano, Fla.....	do.....	.68
Spinach.....	1½ bushel crate, 37 pounds.....	Crystal City, Tex.....	do.....	.48
Sweet peppers.....	Bushel, 25 pounds.....	Pompano, Fla.....	do.....	.68
Tangerines (all States except California and Arizona).....	1½ bushel.....	Homestead, Fla.....	do.....	1.07
Peas.....	¾ box container.....	do.....	do.....	.54
Sweetpotatoes.....	50 pound box.....	Sacramento, Calif.....	do.....	.91
	50 pound basket.....	Sunset, La.....	do.....	.51

[F. R. Doc. 45-3059; Filed, Feb. 24, 1945; 4:10 p. m.]

1. During the first week following the effective date of this order, in which the dealer receives coke in railroad cars,

(i) He may determine his maximum price separately for each carload received, and bill accordingly, or

(ii) If more than one carload is received in one day, he may commingle that carload with coke on hand, if any, or if there is no coke on hand, he may put that through a separate storage space set aside for coke. The maximum price for coke sold and delivered that day shall be determined by adding to the weighted average of the alongside costs of the coke inventory on hand, and the coke received that day, either of the following margins:

(a) For delivered sales by the dealer out of his own yard, \$3.75 per net ton (for cash or credit sales). To this may be added the service charges, if any, applicable to sales of the fuel replaced by the coke, considering the point of replacement as the consumer's premises for yard sales, \$1.25 per net ton (for cash or credit sales). Where yard sales are to other dealers for resale, the invoice, sales slip or receipt, given to such other dealers, shall carry the notation: "OPA Permitted Markup on Resale—\$2.50 Per Net Ton"; or

(b) The dealer's margin over delivered cost in effect during December 1941 on sales of other coke most nearly like the sales now made (taking into account class of purchaser, method and terms of delivery, including discounts and service charges, if any).

If the day's sales of coke do not equal the day's receipts, the balance unsold that day may be sold in the succeeding day or days at that weighted average price, or that balance may be thrown in with a succeeding day's receipts, and sold at a new weighted average price determined as above. In calculating this new weighted average, the balance carried over shall be carried over at the previously determined weighted average price. Dealers may continue to price on an individual carload or daily basis, as set out above, for the duration of this order.

2. At the end of the first week, if the dealer elects not to continue to price on an individual carload or daily basis, he shall price as follows: He shall calculate a weighted average price on the basis of that entire week's receipts, including initial inventory on hand at the beginning of that week. That weighted average price shall be his maximum price for coke received by rail and sold and delivered during the next week. Each week thereafter, the dealer's maximum price for coke received in railroad cars shall likewise be determined by taking the weighted average price for his previous week's receipts.

3. If a storage space has been set aside for coke or a coke mixture, such coke or coke mixture may be sold commingled with a particular size of anthracite provided that the anthracite and the coke or coke mixture are weighed separately when loaded into the truck, and that the invoice separately states the tonnage and price for the quantity of anthracite in the combination, and separately states the tonnage and price for the coke or

coke mixture in the combination. The anthracite must be priced in accordance with existing pricing rules applicable to that fuel for yard sales and delivered sales.

II. *Resellers of dealers who price under I.* Any dealer purchasing mixed coke at the yard from another dealer who has determined his yard maximum price under the foregoing subparagraph I, may determine his own maximum delivered price for such coke, by adding no more than \$2.50 per net ton (for cash or credit sales), exclusive of permissible service charges, in determining his own maximum delivered price for such coke. The only service charges that may be added are the charges, if any, applicable to sales of the fuel replaced by the coke, considering the point of replacement as the consumer's premises.

If mixed coke or coke is sold as part of a mixture including coke and anthracite, the invoice shall separately state the tonnage and price for the quantity of anthracite in the combination, and separately state the tonnage and price for the coke or coke mixture in the combination. The anthracite must be priced in accordance with existing pricing rules applicable to that fuel for yard sales and delivered sales.

III. *Special cases.* Dealers whose yard facilities are such that it is impossible for them to handle coke within the rules of this paragraph (g), or who have the practice of central pricing for multiple yards, may apply to the New York Regional Office of the Office of Price Administration for an exception to those rules. The application shall be in writing and set forth the following:

(1) Detailed reasons why he cannot physically handle coke within the limits of paragraph (g) or of his central pricing practice.

(2) A proposed method of handling and pricing in lieu of that permitted, which must be consistent with the pricing limitations of this paragraph (g).

IV. *Records—1. Dealers receiving coke in railroad cars.* Every dealer who receives coke in railroad cars and sells it subject to this paragraph shall preserve, keep, and make available for examination by the Office of Price Administration a record of every carload received, showing for each the date received, kind, size, quantity, cost of coke f. o. b. supplier's shipping point, cost of transportation, supplier's name, and supplier's shipping point.

Where, during the first week of operations under this paragraph (g), the selling price has been separately determined for each carload, the records shall show the selling price determined for each carload, the names and addresses, if known, of every purchaser at the different prices established for different carloads, the quantity purchased by each, as well as the total quantity sold at a given price. Dealers continuing to price on this basis after the first week shall continue to maintain such records.

Where, during the first week of operations under this paragraph (g), the selling price has been determined on the basis of the weighted average of the day's receipts, with or without an initial inventory on hand, the records shall show

the selling price determined each day for designated carloads received, inclusive of initial inventory on hand, if any, the name and address, if known, of every purchaser at a daily price, the date of sale, quantity sold to each, as well as the total quantity sold each day. Dealers continuing to price on this basis after the first week shall continue to maintain such records.

Commencing with the end of the first week of operations under this paragraph (g), and continuing at the end of each succeeding week, dealers pricing on the weekly weighted average basis, rather than on an individual carload or daily basis, shall maintain records showing the weighted average selling price based on the week receipts, to be in effect for the next week, the name and addresses, if known, of every purchaser at the weekly price, the date of sale, quantity sold to each, as well as the total quantity sold each week.

2. *Resellers.* Resellers purchasing from dealers who price coke under this paragraph (g) shall preserve, keep, and make available for examination by the Office of Price Administration complete and accurate records including the following: Name of each dealer supplying coke priced under paragraph (g), a record of every purchase from each supplier and the price charged, and a record of every resale corresponding to the purchases, showing the name and address of the buyer, if known, the per net ton price charged each, and the quantity sold to each.

3. *Records of price determinations and redeterminations.* Dealers receiving coke in railroad cars, shall preserve, keep, and make available for examination by the Office of Price Administration records showing their calculations for each price determination or redetermination of mixed coke under this paragraph (g).

4. To the extent that the foregoing record-keeping requirements are inconsistent with paragraph (h), they supersede paragraph (h), and only to that extent.

V. *Invoices, sales slips, and receipts.* Apart from the requirements of paragraph (i) of this order, where a dealer sells mixed coke, or a mixture of coke and anthracite, subject to this paragraph (g), the invoice, sales slip, or receipt shall designate a coke mixture as "mixed coke". Any anthracite in the mixture must always be separately stated by size, quantity, and price.

VI. *Reports.* Every dealer making sales of coke subject to this paragraph (g), shall, at the end of each week of operations under this paragraph, file with the District Office of the Office of Price Administration, within whose jurisdiction his principal place of business is located, the following:

(1) A statement of each price determination or redetermination for mixed coke, made during that week.

(2) Where the price determination or redetermination is for a fixed period under this paragraph (g), specify the period.

This Amendment No. 3 to Order No. G-54 shall become effective February 12, 1945 and, unless earlier revoked or

modified, shall expire on midnight, March 31, 1945.

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

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

Issued this 3d day of February, 1945.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 45-3072; Filed, Feb. 24, 1945; 4:17 p. m.]

[Region II Order G-58 Under RMPR 122]

SOLID FUELS IN NEW YORK REGION

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, *It is ordered:* (a) Dealers making sales of solid fuels to consumers, subject to the area dollars-and-cents orders listed in paragraph (b) of this order, may add to their maximum prices for deliveries in units of one ton 25¢ per net ton. Where a total delivery consists of more than one ton of different kinds or sizes of solid fuels, although not more than one ton of any kind or size is included in the delivery, the unit of delivery shall be considered as greater than one ton, and the 25¢ increase shall not be added.

(b) Area dollars-and-cents orders subject to the increase set out in paragraph (a) above:

The following orders and any subsequent revisions thereof:

Second Revised Order No. G-1 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G-3 under § 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G-7 under § 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G-8 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-9 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G-11 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G-12 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G-13 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G-14 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G-15 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G-16 under § 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G-17 under § 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G-18 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G-19 under § 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-20 under § 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-22 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-24 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-27 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-29 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-32 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-35 under § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122.

Order No. G-36 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-37 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-38 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-39 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-40 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-41 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-42 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-44 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-45 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-46 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-49 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-50 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 (issued by the National Office).

Order No. G-51 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 (except for sales of bituminous coal in Zone I, on which no increase is permitted).

Order No. G-52 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

(c) *Emergency sales of coke under Order No. G-54.* Dealers making deliveries of coke subject to the pricing provisions of Order No. G-54 under Revised Maximum Price Regulation No. 122 may establish their maximum price for deliveries to domestic consumers in one ton lots by adding no more than 25¢ to their maximum price for deliveries in two ton quantities. If such dealers' established maximum price for deliveries in one ton lots to domestic consumers exceeds the maximum price for deliveries in two ton lots by 25¢ or more, per net ton, they shall charge no more than their customary price. Where a delivery consists of more than one ton of different kinds or sizes of solid fuels, although not more than one ton of any kind or size is included in the delivery, the unit of delivery shall be considered as greater than one ton, and the 25¢ increase shall not be added.

This Order No. G-58 shall become effective February 7, 1945.

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

Issued this 6th day of February 1945.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 45-3068; Filed, Feb. 24, 1945; 4:15 p. m.]

[Roanoke Rev. Order G-1 Under Gen. Order 50, Amdt. 1]

BEER AND ALE IN ROANOKE, VA., DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Roanoke (Virginia) District Office, Region IV, by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, Executive Orders 9250 and 9328, General Order No. 50, issued by the Administrator of the Office of Price Administration, and Region IV Revised Delegation Order No. 17, issued May 5, 1944, *It is hereby ordered:*

That said Revised Order No. G-1 under General Order No. 50, with Appendix A thereto, issued December 21, 1944, effective January 1, 1945, be and it is hereby amended as follows:

By adding to said order and to the list of brands or trade names in Appendix A thereto the brands or trade names of the following beers and ales and fixing the ceiling prices therefor for sales of same at retail by the eating or drinking establishments covered by and included in said order and appendix in the various groups as provided for in said order, to-wit:

Brand or trade name	Maximum price per bottle	
	12-ounce	32-ounce
GROUP 1-B		
<i>Beer</i>		
Holland.....	Cents 25	Cents 50
Krueger's.....	25	50
Edelbrew.....	13	
<i>Ale</i>		
Krueger's.....	25	50
'76.....	20	45
GROUP 2-B		
<i>Beer</i>		
Holland.....	20	45
Krueger's.....	20	45
Edelbrew.....	13	
<i>Ale</i>		
Krueger's.....	20	45
'76.....	17	40
GROUP 3-B		
<i>Beer</i>		
Holland.....	17	42
Krueger's.....	17	42
Edelbrew.....	(?)	
<i>Ale</i>		
Krueger's.....	17	42
'76.....	15	37

1 13-ounce bottle: 13 cents.
2 7-ounce bottle: 11 cents.

This amendment becomes effective on and after January 15, 1945.

(56 Stat. 23, 765; 57 Stat. 566, Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; G.O. 50, 8 F.R. 4808)

Issued this 15th day of January 1945.

BERNARD C. GOODWIN,
District Director.

[F. R. Doc. 45-3078; Filed, Feb. 24, 1945;
4:20 p. m.]

[Region IV Order G-15 Under 18 (C),
Amdt. 2]

FIREWOOD IN LAWRENCEBURG, TENN.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, it is hereby ordered that section 1 of Order No. G-15 be amended to read as follows:

1. *Maximum prices for firewood.* On and after the 11th of February 1943, regardless of any contract or other obligations, no person shall sell or deliver in Lawrenceburg, Tennessee, or in the area within a radius of three miles of the corporate limits of Lawrenceburg, Tennessee, any firewood, and no person shall buy or receive in the course of trade or business in said area, any firewood, at prices higher than the maximum prices set forth below:

(a) The maximum prices for sales or deliveries at retail of firewood shall be:

1. Firewood cut in lengths of from 14" to 18" \$12.00 per cord, and \$4.00 per rick.
2. Firewood sold as split stove wood \$10.50 per cord, and \$3.50 per rick.

(b) The maximum prices for sales or deliveries of firewood other than at retail shall be:

1. Firewood cut in 4' lengths \$7.80 per unit of 138 cubic feet.
2. Firewood cut in rick lengths of from 14" to 16" \$6.00 per cord.

The prices established in this Atlanta Regional Price Order No. 18 (c)-15 include delivery at the purchaser's premises and other services incident to the sale of firewood customarily performed by the seller in March 1942.

All credit terms, discounts, allowances and price differentials offered by the seller during March 1942, shall be maintained.

This amendment shall become effective immediately.

Issued February 10, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-3075; Filed, Feb. 24, 1945;
4:18 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register February 19, 1945.

REGION III

Columbus Order 5-W, covering community food prices in the Columbus Area, filed 2:49 p. m.

Columbus Order 16, covering community food prices in the Columbus Area, filed 2:50 p. m.

Columbus Order 16, Amendment 1, covering community food prices in the Columbus Area, filed 2:49 p. m.

Columbus Order 16, Amendment 2, covering community food prices in the Columbus Area, filed 2:49 p. m.

Lexington Order 15, covering community food prices in certain counties in Kentucky, filed 2:51 p. m.

Louisville Order 27, covering community food prices in certain counties in Indiana and Kentucky, filed 2:50 p. m.

Louisville Order 29, covering community food prices in certain counties in Kentucky, filed 2:50 p. m.

Louisville Order 31, covering community food prices in certain counties in Kentucky, filed 2:50 p. m.

REGION IV

Atlanta Order 1-F, Amendment 30, covering fresh fruits and vegetables in Bibb County, Ga., filed 2:52 p. m.

Atlanta Order 5-F, Amendment 27, covering fresh fruits and vegetables in certain counties in Georgia and Alabama, filed 2:53 p. m.

Atlanta Order 6-F, Amendment 25, covering fresh fruits and vegetables in certain areas in Georgia, filed 2:52 p. m.

Birmingham Order 3-F, Amendment 7, covering fresh fruits and vegetables in Jefferson County, Alabama, filed 2:43 p. m.

Birmingham Order 4-F, Amendment 4, covering fresh fruits and vegetables in certain counties in Alabama, filed 2:43 p. m.

Jackson Order 15, covering community food prices in the Mississippi Area, filed 2:42 p. m.

Jacksonville Order 10-F, Amendment 14, covering fresh fruits and vegetables in certain cities in Florida, filed 2:44 p. m.

Savannah Order 7-F, Amendment 13, covering fresh fruits and vegetables in certain counties in Georgia, filed 2:48 p. m.

Savannah Order 9-F, Amendment 13, covering fresh fruits and vegetables in certain counties in Georgia, filed 2:48 p. m.

Savannah Order 10-F, Amendment 13, covering fresh fruits and vegetables in certain counties in Georgia, filed 2:47 p. m.

Savannah Order 10-F, Amendment 15, covering fresh fruits and vegetables in certain counties in Georgia, filed 2:53 p. m.

REGION V

St. Louis Order 2-F, Amendment 14, covering fresh fruits and vegetables in the St. Louis Area, filed 2:58 p. m.

REGION VIII

Fresno Order 1-F, Amendment 55, covering fresh fruits and vegetables in the Fresno Area, filed 2:41 p. m.

Fresno Order 2-F, Amendment 43, covering fresh fruits and vegetables in the city of Modesto, filed 2:41 p. m.

Portland Order 2-F, Amendment 5, covering fresh fish and seafood in certain areas in Oregon, filed 2:39 p. m.

Portland Order 4-F, Amendment 9, covering fresh fruits and vegetables in certain cities in Oregon and Washington, filed 2:40 p. m.

Portland Order 5-F, Amendment 8, covering fresh fruits and vegetables in certain cities in Oregon, filed 2:40 p. m.

Portland Order 6-F, Amendment 8, covering fresh fruits and vegetables in certain cities in Oregon, filed 2:40 p. m.

Portland Order 7-F, Amendment 7, covering fresh fruits and vegetables in certain cities in Oregon, filed 2:40 p. m.

Portland Order 8-F, Amendment 7, covering fresh fruits and vegetables in Medford, Ore., filed 2:39 p. m.

Portland Order 9-F, Amendment 7, covering fresh fruits and vegetables in certain cities in Oregon, filed 2:39 p. m.

Portland Order 10-F, Amendment 6, covering fresh fruits and vegetables in certain cities in Washington, filed 2:39 p. m.

Portland Order 11-F, Amendment 6, covering fresh fruits and vegetables in Astoria, Ore., filed 2:39 p. m.

Portland Order 12-F, Amendment 4, covering fresh fruits and vegetables in certain cities in Oregon, filed 2:39 p. m.

Portland Order 28, covering community food pricing in the Klamath Falls Area, filed 2:42 p. m.

Portland Order 28, Amendment 1, covering community food prices in certain areas in Oregon, filed 2:42 p. m.

Portland Order 29, covering community food prices in the Klamath Falls Area, filed 2:41 p. m.

Portland Order 11-C, Amendment 3, covering poultry in the Klickitat, Washington Area, filed 2:40 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45-3103; Filed, Feb. 26, 1945;
11:54 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register February 22, 1945.

REGION VI

Sioux Falls Order 15, Amendment 3, covering certain food items in certain counties in Iowa and Minnesota, filed 3:18 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45-3104; Filed, Feb. 26, 1945;
11:54 a. m.]

[Region IV Order G-33 Under RMPR 122]

BITUMINOUS COAL IN CHATTANOOGA, TENN. AND ROSSVILLE, GA.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation No. 122, it is hereby ordered:

(a) *What this order does.* (1) This order establishes maximum prices for sales of specified solid fuels when the delivery is made to any point in the area set out in paragraph (c) hereinafter.

(2) Paragraph (c) of this order contains a price schedule applicable to sales of the solid fuels named therein. Special charges and discounts applicable to such sales are likewise found in that paragraph.

(b) *What this order prohibits.* Regardless of any contract, agreement, or other obligation, no person shall:

(1) Sell or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this order, but less than maximum prices may, at any time, be charged, paid or offered; or

(2) Obtain a higher than maximum price by:

(i) Charging for a service which is not expressly requested by the buyer or which is not specifically authorized by this order;

(ii) Using any tying agreement by making any requirement that anything other than the fuel requested by the buyer be purchased by him; or

(iii) Using any other device by which a higher than maximum price is obtained, directly or indirectly.

(c) *Price schedule; consumer sales.*

(1) This price schedule sets forth maximum prices for retail sales of specified sizes, kinds, and quantities of solid fuels delivered to consumers by dealers at any point within the corporate limits of Chattanooga, Tennessee and Rossville, Georgia, or within the delivery zone as set out in paragraph (c) (2) (x).

(i) "Direct delivery or domestic" basis:

HIGH VOLATILE BITUMINOUS COAL FROM DISTRICT No. 8—SUBDISTRICT No. 6

Size	Per ton 2,000 pounds	Per ½ ton 1,000 pounds
<i>Lump and block</i>		
Size group No. 3 in price classification A.....	\$9.20	\$4.95
Size group No. 1 from mine index No. 22, and size group Nos. 1 and 3 in price classification E.....	8.95	4.83
Size group Nos. 1 and 3 in price classifications P-S, inclusive.....	7.80	4.25
<i>Egg</i>		
Size group No. 5 in price classification D.....	8.35	4.53
Size group Nos. 6 and 7 in price classifications I, K, M, and N.....	7.60	4.15
<i>Stove</i>		
Size group No. 8 in mine index Nos. 119 and 605.....	8.35	4.53
<i>Stoker</i>		
Size group No. 10 from mine index No. 119.....	7.80	4.25
Size group No. 10 from mine index No. 605.....	8.00	4.35
Run-of-mine for domestic use.....	7.25	3.98

BITUMINOUS COAL FROM DISTRICT No. 13—SUBDISTRICT NOS. 3 AND 5

Size	Per ton 2,000 pounds	Per ½ ton 1,000 pounds
<i>Lump and egg</i>		
Size group Nos. 1, 2, and 3 in price group No. 10.....	\$8.00	\$4.85
<i>Nut</i>		
Size group Nos. 4, 5, and 6 in price group No. 10.....	7.60	4.15
Run-of-mine for domestic use.....	7.25	3.98
Yard slack from districts 8 and 13 coals.....	6.00	3.85

(2) *Maximum authorized service charges and required deductions—(i) Trimming in bins.* If buyer requests such service, the dealer may add not more than 25¢ per ton therefor.

(ii) *Wheeling in.* If buyer requests such service, the dealer may add not more than 50¢ per ton therefor.

(iii) *Carrying from curb.* If buyer requests such service, the dealer may add not more than 75¢ per ton therefor.

(iv) *Carry up stairs.* If buyer requests such service, the dealer may add not more than \$1.00 per ton therefor.

(v) *Yard sales.* When buyer picks up coal at the dealer's yard, the dealer must reduce the domestic price 50¢ per ton.

(vi) *Sacked coal.* For sales at the yard in sacks, the dealer may charge not more than 50¢ for one bushel by measure, including sack.

(vii) *Peddler coal and small sales at the yard.* The dealer may charge not more than 45¢ per 100 pounds.

(viii) *Treated coals.* With the exception of Stoker coals, if a dealer's supplier has subjected the coal to oil or calcium chloride treatment to allay dust or to prevent freezing and makes a charge therefor, the dealer selling such coal may add to the applicable maximum price set by this order the amount of such charge, not to exceed 10¢ per net ton. Any such treatment charge shall be stated separately from all other charges on the invoice.

(ix) *Terms.* The above prices are for cash sales. For extension of credit up to and including 30 days, the dealer may add 25¢ per ton to the maximum prices listed herein. For credit extending beyond 30 days, the dealer may add 50¢ per ton to the maximum prices listed herein.

(x) *Delivery zone.* On sales beyond the corporate limits of Chattanooga, Tennessee, or Rossville, Georgia, the dealer may add not more than the following:

Beyond city limit deliveries:	Per ton
Apison, Tenn.....	\$1.50
Boytown, Tenn.....	1.00
Chickamauga, Ga.....	1.50
Collegedale, Tenn.....	1.50
Daisy, Tenn.....	1.00
Dayton Blvd. beyond Browntown Rd.....	.50
Elder Mountain.....	1.00
Flintstone, Ga.....	.50
Fort Oglethorpe, Ga.....	1.00
Ganns, Tenn.....	1.50
Goldpoint, Tenn.....	1.50
Graysville, Ga.....	1.00
Harrison, Tenn.....	1.50
Hickory Valley Road.....	1.00
Highpoint, Ga.....	1.00
Hixon, Tenn.....	1.00
LaFayette, Ga.....	1.50
Lakeview, Ga.....	.50
Lookout and Signal Mountains.....	.75
Morganville, Ga.....	1.50
Ooltewah, Tenn.....	1.50
Ringgold, Ga.....	1.50
Rising Fawn, Ga.....	1.50
Rock Springs, Ga.....	1.50
Ryall Springs, Tenn.....	1.00
Shepherd, Tenn.....	1.00
Silverdale, Tenn.....	1.00
Trenton, Ga.....	1.50
Tyner, Tenn.....	1.00
Tiftona to Toll Bridge R #41.....	1.50
Wildwood, Ga.....	1.50

(xi) *Adjustments of prices of sizes of coal covered by this order when purchased from new supply source allocated by SFAW.* (a) In the event the Solid Fuels Administrator for War allocates sizes of coal priced in this order to the area covered hereby from a new source of supply having a higher delivered cost to the dealer, a dealer purchasing such coal and offering the same for sale to con-

sumers may file an application for adjustment of the prices set by this order to compensate for such higher delivered cost. Dealers desiring such adjustment shall file their application in duplicate with the Nashville District Office, Office of Price Administration, Nashville, Tennessee, in the case of Tennessee dealers, and with the Atlanta District Office, Office of Price Administration, Atlanta 3, Georgia, in the case of Georgia dealers. Each application so filed shall set forth the following:

(1) The size of the coal purchased from the new supply source;

(2) The normal source of his supply of that size of coal (including mine index number), mine cost of such coal, and freight cost (per ton) as of October and November, 1944;

(3) The new supply source of that size of coal (including mine index number), mine cost of such coal, and freight cost (per ton) thereof;

(4) The difference in the delivered cost (mine cost plus freight) of the coal from the normal source of supply and the delivered cost of the coal from the new source of supply.

(5) The increase proposed to be added by the dealer (which may not exceed the amount of cost differential required to be shown under part (4) of this inferior subdivision (a)), stated on a per ton basis, and also for such less than one ton selling lots as are customarily sold by the dealer.

(b) The increase requested by the applicant shall not be added to the prices established by this order until the District Price Executive, by letter, acknowledges receipt thereof. If such letter contains a request for additional information or for correction of errors in the application, the increase requested shall not be used until the dealer has furnished such information or made such correction and has received acknowledgment thereof from the District Price Executive. The increase may be added, however, if no acknowledgment or request for additional information or for correction of the application shall have been mailed to the applicant within 10 days from the date of mailing of application or of requested additional or corrective information to the District Office.

(c) The Regional Administrator of the Atlanta Regional Office, may at any time disapprove, correct, or modify any requested increase, but such disapproval, correction, or modification shall not be retroactive.

(d) A dealer, in order to make any additions permitted by subdivision (c) (2) (xi), must show the increase as a separate charge on the customer's invoice or sales ticket, bearing the notation "Increase because of SFAW reallocation of supply source".

(xii) *Pricing of new sizes of coal from new supply source allocated by SFAW.* (a) In the event the Solid Fuels Administrator for War allocates coal to the area covered by this order from a new source of supply, and in the event the coal purchased by a dealer from such new supply source is of a size different from the sizes for which prices are set

by this order, the maximum price for such different size of coal shall be a price established hereunder upon request for the establishment of such price by the dealer. No such coal may be sold or offered for sale until a price therefor has been established in accordance with the provisions of this subdivision (c) (2) (xii). The request for establishment of such price shall be filed in duplicate with the Atlanta Regional Office, Office of Price Administration, Solid Fuels Branch, Candler Building, Atlanta 3, Georgia, and shall set forth the following:

(1) The size of the coal purchased from the new supply source;

(2) The supply source of that size of coal (including mine index number), mine cost of such coal, and freight cost (per ton) thereof;

(3) The size of the coal purchased from the dealer's normal source of supply (and having a price established therefor by this order), having a mine cost most nearly equal to the mine cost of the new size from the new supply source; the source of supply of that size of coal (including mine index number), mine cost of such coal, and freight cost (per ton) thereof;

(4) The requested price for the new size from the new supply source (which shall not exceed the mine cost, plus the delivery cost, plus the dealer's normal mark-up).

(b) The price requested by the applicant shall not be used by the dealer until the Regional Price Executive, by letter, acknowledges receipt thereof. If such letter contains a request for additional information or for correction of errors in the application, the price shall not be used until the dealer has furnished such information or made such correction and has received acknowledgment thereof from the Regional Price Executive. The price may be used, however, if no acknowledgment or request for additional information or for correction of the application shall have been mailed to the applicant within 10 days from the date of mailing of the application or of requested additional or corrective information to the regional office.

(c) The Regional Administrator of the Atlanta Regional Office may at any time disapprove, correct, or modify any requested price, but such disapproval, correction, or modification shall not be retroactive.

(d) *Ex Parte 148 freight rate increase; transportation tax*—(1) *The freight rate increase.* Since the Ex Parte 148 Freight Rate Increase has been rescinded by the Interstate Commerce Commission, the dealer's freight rates are the same as those of December 1941; therefore, no dealer may increase any price specified herein on account of freight rates.

(2) *The transportation tax.* Only the transportation tax imposed by Section 620 of the Revenue Act of 1942 may be collected, in addition to the maximum prices set by this order. It may be collected only if the dealer states such tax separately from the price of the coal on the invoice. (The tax need not be stated separately on sales to the United States or any agency thereof—see Amendment 12 to Revised Maximum Price Regula-

tion No. 122.) No part of this tax may be collected in addition to the maximum prices specified on sales of one-quarter ton or lesser amounts of coal, or on sales of any quantity of bagged coal.

(e) *Addition of increases in supplier's prices prohibited.* The maximum prices set by this order may not be increased by a dealer to reflect increases in his purchase cost or in his supplier's maximum prices occurring after the effective date hereof, but increases in the maximum prices set hereby, to reflect such increases are within the discretion of the Administrator or of the Regional Administrator of Region IV.

(f) *Power to amend or revoke.* This order, or any provision thereof, may be revoked, amended, or corrected at any time by the Administrator or by the Regional Administrator of Region IV.

(g) *Petitions for amendment.* Any person seeking an amendment of this order may file a petition for amendment with the Administrator in accordance with the provisions of Revised Procedural Regulation No. 1, or in the alternative, may file such petition with the Regional Administrator, Region IV, Office of Price Administration, Candler Building, Atlanta 3, Georgia. If such petition is filed with the Regional Administrator, action thereon shall be taken by him. When such a petition is filed with the Regional Administrator, all requirements of Revised Procedural Regulation No. 1, relative to the filing of such petitions, are applicable except the place of filing specified therein.

(h) *Applicability of other regulations.*—(1) *Licensing and registration.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this order. A seller's license may be suspended for violations of the license or of one or more applicable price schedules, regulations, or orders. A seller whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(2) *Effect of this order on Revised Maximum Price Regulation No. 122.* To the extent applicable, the provisions of this order supersede the provisions of Revised Maximum Price Regulation No. 122.

(i) *Records and reports.* Every person making sales of solid fuels for which maximum prices are established by this order shall keep a record thereof showing the date, the name and address of the buyer, if known, the per net ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. This record shall also separately state each service rendered and the charge made therefor.

(1) It is not necessary that these records of your maximum prices be filed with the War Price and Rationing Board.

(j) *Posting of Maximum Prices; Sales Slips and Receipts.* (1) Each dealer subject to this order shall post all the maximum prices set hereby for all of his types of sales. He shall post his prices in his place of business in a manner plainly visible to, and understandable by,

the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuels.

(2) Every dealer selling solid fuels for the sale of which a maximum price is set by this order shall, within 30 days after the date of delivery of the fuel, give to the buyer a statement showing: the date of the sale, the name and address of the dealer and of the buyer, the kind, size, and quantity of the solid fuel sold, the price charged, and separately stating any item which is required to be separately stated by this order. This paragraph (j) (2) shall not apply to sales of quantities of less than one-quarter ton or to sales of bagged coal unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December, 1941 customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size, and quantity of the solid fuel sold to him, or the price charged, the dealer shall comply with the buyer's request as made by him.

(k) *Enforcement.* (1) Persons violating any provisions of this order are subject to the civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violations of this order are urged to communicate with the nearest District Office of the Office of Price Administration.

(l) *Definitions and explanations.* When used in this order the term:

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

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase", and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuels except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at a point where this can be done and at the point nearest and most accessible to the buyer's bin or storage space.

(i) "Direct delivery" of bagged fuel or of any fuel in one-quarter ton or lesser lots always means delivery to the buyer's storage space.

(5) "Carry" and "wheel" refer to movement of fuel to the buyer's bin or storage space by wheel barrow, barrel, sack, or otherwise from the seller's truck

or from the point of discharge therefrom when made in the course of "direct delivery".

(6) "Yard sales" means deliveries made by the dealer in his customary manner, at his yard, or at any place other than his truck.

(7) "District No." refers to the geographical bituminous coal producing districts as delineated and numbered by the Bituminous Coal Act of 1937, as amended, as they have been modified by the Bituminous Coal Division and as in effect at midnight, August 23, 1943.

(8) "Lump, egg, stove, stoker, etc." sizes of bituminous coal refer to the size of such coal as defined in the Bituminous Coal Act of 1937, as amended, and as prepared at the mine in accordance with the applicable minimum price schedule as promulgated by the Bituminous Coal Division of the United States Department of the Interior and in effect (or established) as of midnight, August 23, 1943, except that "run-of-mine" shall be that size sold as such by the dealer.

(9) Except as otherwise provided herein, or except as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

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

This order shall become effective February 15, 1945.

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

Issued February 8, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-3076; Filed, Feb. 24, 1945;
4:18 p. m.]

[Region IV Order G-34 Under RMPR 122]

SOLID FUELS IN ATLANTA REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation 122, it is hereby ordered:

(a) *What this order does.* (1) This order supplements every outstanding order issued by the Regional Administrator of Region IV, Office of Price Administration under § 1340.260 of Revised Maximum Price Regulation 122.

(2) Paragraph (b) of this order provides for the passing on by dealers the increased cost to such dealers of the fuels described therein.

(b) The charges made by a producer or distributor to compensate for Sunday work performed during the month of February 1945, are not to be considered as increases in a supplier's maximum price to the dealer and may not be added to the dealer's maximum price established by an order under Revised Maximum Price Regulation 122 except as provided below.

(1) On sales of industrial sizes of coal only, the dealer may collect in addition to his maximum price for bituminous coal produced in Districts Nos. 7, 8, and that part of Subdistricts Nos. 3, 4, and 5 of District No. 13 in the State of Tennessee the amounts per net ton authorized to be charged by the producer or distributor during parts of February and March 1945, on tonnages of coal on which the charge is actually incurred and paid by the dealer and is separately stated on the invoice and identified by the statement, "Extra for Sunday mine work".

(2) For the purposes of this order the following shall be considered domestic sizes of coal rather than industrial regardless of what the use of the coal may be and the charge in the amount of 5¢ per net ton authorized to be made f. o. b. the mine may not be added to the dealer's prices:

DOMESTIC COAL

DISTRICT NO. 7—LOW VOLATILE COAL

Size Groups 1 through 7 when shipped by rail.

Size Groups 1 through 4 when shipped by truck.

DISTRICT NO. 7—HIGH VOLATILE COAL

Size Groups 1 through 17 when shipped by rail.

Size Groups 1 through 4 when shipped by truck.

DISTRICT NO. 8—LOW VOLATILE COAL

Size Groups 1 through 7 when shipped by rail.

Size Groups 1 through 8 when shipped by truck.

DISTRICT NO. 8—HIGH VOLATILE COAL

Size Groups 1 through 17 when shipped by rail.

Size Groups 1 through 6 when shipped by truck.

DISTRICT NO. 13

Size Groups 1 through 9, all methods.

(c) All of the provisions of any order now outstanding establishing dealer's maximum prices to consumers remain of full force and effect.

(d) This order or any provisions thereof may be revoked, amended or corrected at any time by the Administrator or by the Regional Administrator of Region IV.

(e) To the extent applicable the provisions of this order supersede the provisions of Revised Maximum Price Regulation 122.

This order shall become effective February 6, 1945.

Issued February 7, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-3077; Filed, Feb. 24, 1945;
4:20 p. m.]

[Twin Cities Order G-1 Under MPR 426, MPR 285 and RMPR 271, Amdt. 1]

FRESH FRUITS AND VEGETABLES IN TWIN CITIES, MINN., DISTRICT

For the reasons set forth in an opinion which accompanies the issuance of this amendment and pursuant to the authority vested in the District Director of the Twin Cities District Office, Region VI,

of the Office of Price Administration by virtue of the proper delegation of authority and under §§ 1439.3-15, Appendix H (f), Appendix I (g), Appendix J (1) and Appendix K (r) of Maximum Price Regulation No. 426, § 1351.1254a (a) of Maximum Price Regulation No. 285 and § 11 (c) (7) (iv) of Revised Maximum Price Regulation No. 271, it is hereby ordered:

Section 1 of Order G-1 under the sections and regulations hereinabove referred to is amended to read as follows:

SECTION 1. *What this order does.* This order establishes uniform free delivery zones within the territory served by the Twin Cities District Office of the Office of Price Administration for deliveries of certain fresh fruits and vegetables by certain persons engaged in the distribution thereof; and it establishes uniform differentials for certain persons making non-delivered sales and uniform charges for deliveries of certain items beyond the free delivery zones out of which the seller does business. The commodities affected by this order are those within the coverage of Revised Maximum Price Regulation 271, Maximum Price Regulation 285 and Appendices H, I, J and K of Maximum Price Regulation 426. The persons affected by this order are the intermediate sellers of commodities under Revised Maximum Price Regulation 271, the wholesalers of the commodities under Maximum Price Regulation 285 and the secondary jobbers and service wholesalers of commodities under Appendices H, I, J and K of Maximum Price Regulation 426.

Section 3 (b) of Order G-1 under the sections and regulations above referred to is amended to read as follows:

SEC. 3. *Free delivery zone deliveries.* * * *

(b) Where a person affected by this order makes sales of items subject to Appendices H, I, J and K of Maximum Price Regulation 426 on a non-delivered basis, there shall be deducted from the maximum price for delivered sales in the free delivery zone 5¢ per container for standard shipping containers weighing under 50 pounds gross weight, and 10¢ per container for standard containers weighing 50 pounds or more gross weight: *Provided*, That if the commodity is sold in half standard shipping containers or greater, but less than standard shipping containers, or for bulk sales weighing as much as or more than half a standard container, the deduction shall be one-half of the deduction provided for non-delivery in standard shipping containers. No deductions need be made for sales in less than half container and bulk containers which weigh less than a half standard container of the item being sold.

This Amendment No. 1 to Order G-1 under § 1439.3-15, Appendix H (f), Appendix I (g), Appendix J (1) and Appendix K (r) of Maximum Price Regulation No. 426, § 1351.1254a (a) of Maximum Price Regulation No. 285 and section 11 (c) (7) (iv) of Revised Maximum Price Regulation 271 shall become effective February 9, 1945.

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

Issued this 9th day of February 1945.

HAROLD J. SLAWIK,
Acting District Director.

Approved:

E. O. POLLOCK,
Regional Director.

[F. R. Doc. 45-3071; Filed, Feb. 24, 1945; 4:17 p. m.]

[Region VI Order G-3 Under MPR 452]

REBUILT MOTORS IN CHICAGO REGION

Pursuant to the authority vested in the Regional Administrator of Region VI by § 1360.1-16 (a) (1) (ii) (b) of Maximum Price Regulation No. 452, as amended, and for reasons stated in the opinion issued herewith, *It is ordered:*

(a) *What this order does.* This order establishes maximum prices for the sale of rebuilt motors, and provisions generally applicable to the pricing thereof, by manufacturers whose principal places of business are located in the area known as Region VI, which includes the States of Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, and Lake County, Indiana. It also gives dealers the right to pass on such increases.

(b) *Effect of order on Maximum Price Regulation Nos. 452 and 453.* To the extent applicable, the provisions of this order supersede Maximum Price Regulation No. 452, as amended, and 453, as amended. In so far as any provision in this order may be inconsistent with any provision of Maximum Price Regulation No. 452, as amended, and 453, as amended, the provision contained in this order shall be controlling in the area governed by this order. Except as herein otherwise provided, the provisions of Maximum Price Regulation No. 452, as amended, and 453, as amended, shall remain in full force and effect.

(c) *Prices.* (1) The maximum prices for the sale of motors rebuilt by manufacturers whose principal place of business is located in Region VI shall be the prices heretofore established under Maximum Price Regulation No. 452, as amended, plus \$11 per motor.

(2) Dealers who purchase, either from the manufacturer or from other dealers, motors rebuilt by manufacturers subject to this order, are authorized to increase their maximum prices heretofore established under existing OPA regulations by an amount not in excess of the increase in price charged by the manufacturer or other dealer pursuant to the terms of this order.

(3) Before the adjusted maximum price permitted herein may be charged, or any customers informed of the applicable adjusted maximum resale prices, the manufacturer must:

(i) File with the regional office of Region VI in Chicago, Illinois, his previous maximum prices, showing if applicable, net f. o. b. prices, outright prices, exchange allowances, the method for charging both excise tax and freight, suggested resale prices, all discounts, and other allowances and credits.

(ii) File with the regional office his proposed new maximum prices showing for these prices the same information as required by (1) above.

(iii) Receive from the regional office written approval of the adjusted maximum prices; *Provided*, That the proposed new maximum prices shall be deemed approved unless the regional office modifies, corrects, or disapproves said prices within 30 days after receipt thereof.

(4) All practices required under Maximum Price Regulation No. 452, as amended, and 453, as amended, in determining and applying discounts, allowances, rebates, deductions and differentials are equally applicable to the adjustment of prices in accordance with this order or the adjusted maximum prices.

(d) *Notification of purchasers.* (1) Any manufacturer who publishes suggested resale list prices shall increase such suggested resale list prices by an amount not exceeding the amount whereby his own prices are increased pursuant to the permission granted in this order. On the first purchase of a rebuilt motor at a price increased pursuant to the terms of this order, each purchaser shall be notified of the change in the suggested resale list prices.

(2) Manufacturers who do not publish suggested resale list prices and dealers selling to other dealers shall include in or attach to their invoices at the first shipment to any dealer of any motors sold at a price increased pursuant to this order, the following statement:

The price for rebuilt motors has been increased by \$_____ by permission of the OPA. You may add no more than this amount to your heretofore legally established maximum price. If you resell to purchasers other than consumers, this notification must accompany your first invoice.

(e) *Individual orders.* The provisions of this order shall not apply to any person whose maximum prices for rebuilt motors have been or shall be established or adjusted by an individual order of adjustment issued by the Regional Administrator for Region VI and which has not been revoked.

(f) *Definitions.* When used in this order the term,

(1) "Dealer" means a person who purchases rebuilt motors for resale either at wholesale or retail;

(2) "Rebuilt motor" means a reconditioned motor which has been previously used and in which all defective, worn, or missing components needing replacement or repair for satisfactory operation have been replaced or repaired, and is guaranteed to be rebuilt or equivalent to rebuilt and to render satisfactory service;

(3) Except as otherwise provided herein or as the context may otherwise require, all terms used in this order shall bear the meaning given them in Maximum Price Regulation 452 and 453, as amended, or the Emergency Price Control Act of 1942; or if not therein defined, they shall be given their ordinary and popular trade meaning.

(g) This order may be revoked, amended, or modified at any time.

This order shall become effective December 5, 1944.

(56 Stat. 23, 675; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 30th day of November 1944.

RAE E. WALTERS,
Regional Administrator.

[F. R. Doc. 45-3067; Filed, Feb. 24, 1945; 4:15 p. m.]

[Region VI Order G-9 Under MPR 329, Amdt. 2]

FLUID MILK IN TWIN CITIES, MINN., AREA

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 (a) of Maximum Price Regulation No. 329.

It is hereby ordered, That paragraph (a) of Order No. G-9 be and the same is hereby amended to read as follows:

(a) The maximum prices which distributors may pay to producers for milk having a butterfat content of 3.5% sold for human consumption in fluid form shall be the following amounts for the portions of the year set forth:

	Per cwt.
January	\$3.12
February and March	3.08
April, May and June	3.05
July and August	3.18
September and October	3.25
November	3.18
December	3.12

This order shall become effective as of February 1, 1945.

This order has been approved by the Midwest Field Representative, Dairy & Poultry Branch, Office of Distribution of the War Food Administration.

Issued this 31st day of January 1945.

RAE E. WALTERS,
Regional Administrator.

[F. R. Doc. 45-3073; Filed, Feb. 24, 1945; 4:17 p. m.]

[Region VII Order G-26 Under RMPR 122, Amdt. 26]

SOLID FUELS IN DENVER REGION

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1340.259 (a) and 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 26 is issued.

1. Paragraph (r) is redesignated (s) and a new paragraph (r) is inserted to read as follows:

(r) *Permitted increases on coals produced in District 20.* Dealers selling coal produced in District 20 may add to their applicable maximum prices as established by Appendix IX, Grand Junction Trade Area; Appendix XV, Missoula Trade Area; Appendix XVII, Boise Trade Area; Appendix XVIII, Pocatello Trade Area; Appendix XIX, Twin Falls Trade Area; Appendix XX, Nampa Trade Area; Appendix XXI, Idaho Falls Trade Area; Appendix XXII, Park City Trade Area;

Appendix XXIII, Logan Trade Area; Appendix XXIV, Provo-Orem Trade Area; Appendix XXV, Ogden Trade Area; Appendix XXVI, Salt Lake City Trade Area; Appendix XXVII, Springville-Spanish Fork Trade Area; Appendix XXVIII, Davis County Trade Area; Appendix XXIX, Magna-Garfield Trade Area; Appendix XXX, Tooele-Tod Town Trade Area; Appendix XXXI, Nephi Trade Area; Appendix XXXIII, Payson Trade Area; Appendix XXXIV, Salt Lake County Trade Area, and Appendix XXXV, Lehi-Lindon Trade Area; as amended to date, the sum stated below for the applicable kind and group size specified:

Group size	Authorized increase	
	Per ton	Per 1/2-ton
	Cents	Cents
2	40	20
3	10	5
4	15	10
5	10	5
6	15	10
7	10	5
8	10	5
9	10	5
10	15	10
11	15	10
12	15	10
13	10	5
14	10	5
15	10	5

2. **Effective date.** This Amendment No. 26 shall become effective on the 5th day of February 1945.

Issued this 8th day of February 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45-3061; Filed, Feb. 24, 1945; 4:13 p. m.]

[Region VII Order G-26 Under RMPR 122, Amdt. 27]

SOLID FUELS IN DENVER REGION

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1340.259 (a) and 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 27 is issued.

1. The only part of Order No. G-26, as amended to date, that is affected by this Amendment No. 27 is Revised Appendix XXXII.

2. Revised Appendix XXXII is hereby redesignated Second Revised Appendix XXXII, and made to read as follows:

2D REV. APPENDIX XXXII—SOUTH CENTRAL UTAH TRADE AREAS

(1) To what sales this second revised Appendix XXXII applies. This Second Revised Appendix XXXII applies only to sales made by dealers in the South Central Utah Trade Areas, described as follows:

(i) Salina Trade Area, which means all that area within the boundaries of the municipality of Salina and a distance of six miles beyond at all points.

(ii) Richfield Trade Area, which means all that area lying south of a line drawn north and south through a point six miles north of the Town of Sigurd and within a distance of six miles on either side of United States Highway No. 89 to a line drawn east and west through a point six miles south of the Town of Sevier Junction.

(iii) Marysvale Trade Area, which means all that area within the boundaries of the municipality of Marysvale and a distance of ten miles beyond at all points.

(iv) Junction Trade Area, which means the Towns of Kingston, Circleville, and Junction and a distance of eight miles beyond the corporate limits of the Town of Junction at all points.

(v) Panguitch Trade Area, which means all that area contained within Garfield County.

(vi) Kanab Trade Area, which means all that area within the Town of Kanab and a distance of three miles beyond the corporate limits thereof at all points.

(vii) Beaver Trade Area, which means all that area within the Towns of Cove Fort, Beaver, and Minersville, and a distance of five miles beyond the corporate limits of

each at all points, and all that area between any two of said towns lying within a distance of five miles on either side of United States Highway No. 91 and State Highway No. 21.

(viii) Parowan Trade Area, which means all that area within the town of Parowan and a distance of five miles beyond the corporate limits thereof at all points.

(ix) Cedar City Trade Area, which means all that area within the boundaries of the town of Cedar City and a distance of five miles beyond the corporate limits thereof at all points.

(x) St. George Trade Area, which means all that area within Washington County of the State of Utah.

(2) **Relation to other orders.** This Second Revised Appendix XXXII supersedes Revised Appendix XXXII.

(3) **Specific maximum prices.** If you are a dealer and sell in any one or more of the South Central Utah Trade Areas, delivered by truck direct from the mine or from your yard, any one or more of the kinds and sizes of coal named in this Second Revised Appendix XXXII, your maximum prices therefor are those set forth in the following:

TABLE OF MAXIMUM PRICES

	8" and 10" lump	3" lump, 10" x 3" and 8" x 3" stove	1 1/2" lump	3" x 1 1/2" nut	1" x 0" and 1 1/2" x 0" slack	1" x 3/4" screened slack
	A	B	C	D	E	F
Bituminous Coal Produced in District 20, Sub-district 1, Castle Gate:						
Salina trade area:						
Price per ton	\$8.55	\$8.15	\$8.15	\$7.30	\$6.95	
Richfield trade area:						
Price per ton	8.95	8.55	8.55	7.70	7.35	
Marysvale trade area:						
Price per ton	10.05	9.65	9.65	8.80	8.45	
Junction trade area:						
Price per ton	10.60	10.20	10.20	9.35	9.00	
Panguitch trade area:						
Price per ton	11.40	11.00	11.00	10.15	9.80	
Kanab trade area:						
Price per ton	13.50	13.10	13.10	12.25	11.20	
Beaver trade area:						
Price per ton	11.35	10.95	10.95	10.10	9.05	
Parowan trade area:						
Price per ton	12.40	12.00	12.00	11.15	10.10	
Cedar City trade area:						
Price per ton	12.95	12.55	12.55	11.70	10.65	\$11.35
St. George trade area:						
Price per ton	14.55	14.20	14.20	13.10	12.30	12.40
Bituminous Coal Produced in District 20, Subdistrict 2, Cedar City:						
<i>Iron County mines</i>						
Cedar City trade area:						
Price per ton			7.25		5.40	
St. George trade area:						
Price per ton			9.25		7.40	
<i>Kane County mines</i>						
Kanab trade area:						
Price per ton:						
In 5-ton lots or more			7.65		5.55	
In less than 5-ton lots			8.35		6.20	

(4) **Letter designation.** For record-keeping purposes, the letter designation hereinabove set forth may be used to show the kind of solid fuel sold.

(5) **Special service charges.** If, in connection with the sale and delivery of coal made by you in any one or more of the South Central Utah Trade Areas, you, at the request of the purchaser, perform any one or more of the special services set forth below, the maximum prices which you may charge for such services are as follows:

	Per ton
Wheel-in	\$0.50
Pull-back or Trimming	.25
Carrying up or down stairs	1.00
Oil or chemical treatment (slack only)	.35

Less than 1-ton deliveries shall be the proportionate amount of the ton price plus 50¢.

3. **Effective date.** This Amendment No. 27 shall become effective on February 5, 1945.

Issued this 8th day of February 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45-3062; Filed, Feb. 24, 1945; 4:13 p. m.]

[Region VII Order G-26 Under RMPR 122, Amdt. 28]

SOLID FUELS IN DENVER REGION

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and

§§ 1340.259 (a) and 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 28 is issued.

1. This Amendment No. 28 affects only Revised Appendix I, Albuquerque Trade Area, and makes no change whatsoever in any other part of Order No. G-26.

Kind and letter designation	Size	Part 1—Delivered prices		Part 2—Yard prices (per ton)
		Per ton	Per 1/4 ton	
Bituminous coal produced in District 18, Subdistrict 1, Gallup	(G) #1-4" lump	\$12.10	\$6.30	\$11.60
	(H) #3-1 1/2" lump	11.75	6.15	11.25
	(I) #4-8" x 2" egg	11.65	6.10	11.15
	(J) #6-3" x 1 1/2" nut	11.25	5.90	10.75
	(K) #1-1 1/2" x 0" slack	8.35	4.45	7.85
(L) #12-1" x 0" slack	8.05	4.30	7.55	

1 The prices hereinabove established for sizes #11 and #12 slack coal are for commercial deliveries of one ton or more.

3. Effective date. This Amendment No. 28 shall become effective February 12, 1945.

Issued this 9th day of February 1945.
 RICHARD Y. BARTERTON,
 Regional Administrator.

[F. R. Doc. 45-3063; Filed, Feb. 24, 1945; 4:14 p. m.]

[Region VIII Order G-3 Under 18 (c), Amdt. 46]

FLUID MILK IN WASHINGTON

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, it is hereby ordered that Order No. G-3 under § 1499.18 (c), as amended, of the General Maximum Price Regulation, be amended as set forth below.

(a) Section (1) is amended by deleting the schedule of prices under the heading "cities of Chehalis and Centralia" and substituting therefor the following:

22 (a) of Maximum Price Regulation No. 418, as amended, it is hereby ordered that Revised Order No. G-6 under Maximum Price Regulation No. 418 be amended in the following particulars:

(1) Paragraph (a) is hereby amended to read as follows:

(a) *Listed fresh fish and seafood items.* The items covered by this order, hereafter referred to as "listed fresh fish and seafood items" are: Barracuda, California halibut, black sea-bass, white sea-bass, totuava, rock bass, live crab, cooked

Species	Item No.	Basing points	Table A	Table B	Table D
Razor clams	13	Copalis Grayland Lobeath	\$0.085	\$0.105	\$0.13

Footnote (1) Maximum prices under Table A are for sales ex-vessel or ex-beach; for boxed fish add \$0.01 per pound to the maximum prices under Table A. No addition is permitted by sales of razor clams (item No. 13) in sacks.

This amendment shall become effective February 6, 1945.
 Issued this 6th day of February 1945.

CHAS. R. BAIRD,
 Regional Administrator.

[F. R. Doc. 45-3066; Filed, Feb. 24, 1945; 4:15 p. m.]

[Region VIII Order G-7 Under RMPR 122, Amdt. 1]

SOLID FUELS IN TACOMA, WASH., AREA
 For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of

TABLE VII—WASHINGTON, DISTRICT 23, SUBDISTRICT E, MCKAY LAWSON

Size group and trade size	Delivered f. o. b. yard		Delivered to buyer's premises					
	Sacked 100 pounds	Loose, per ton	Sacked			Loose		
			1 ton	1/2 ton	1 ton	1 ton	2 tons	3 tons
1 to 4, including 1" lump and up	\$0.90	\$12.80	\$1.00	\$17.80	\$7.40	\$13.80	\$13.55	-----
6 to 10, including egg and egnut, top size 4", bottom size 1" and larger	.85	12.15	.95	17.15	7.10	13.15	12.90	-----
11 to 14, including nut, coals, top size 2 1/2" bottom size 3/8" and larger	.80	11.55	.90	16.55	6.80	12.65	12.30	-----
15 to 18, including stoker size 1 x 3/4"	.80	11.00	.90	16.00	6.50	12.00	11.75	\$11.50
19 x 3/32" 1 x 9/32" and 3/2" x 0"	.80	11.00	.90	16.00	6.50	12.00	11.75	11.50
21 to 23, including slack, top size not less than 1", not greater than 2"	.75	10.10	.85	15.10	6.05	11.10	10.85	10.60

2. The Table of maximum prices as set forth in Revised Appendix I, Albuquerque Trade Area, as the same appears in Amendment No. 20, is hereby amended as follows:

The prices for bituminous coal produced in District 18, subdistrict 1, Gallup, are all deleted, and in lieu thereof new prices are established for those coals as follows:

Size	Part 1—Delivered prices		Part 2—Yard prices (per ton)	
	Per ton	Per 1/4 ton		
Bituminous coal produced in District 18, Subdistrict 1, Gallup	(G) #1-4" lump	\$12.10	\$6.30	\$11.60
	(H) #3-1 1/2" lump	11.75	6.15	11.25
	(I) #4-8" x 2" egg	11.65	6.10	11.15
	(J) #6-3" x 1 1/2" nut	11.25	5.90	10.75
	(K) #1-1 1/2" x 0" slack	8.35	4.45	7.85
(L) #12-1" x 0" slack	8.05	4.30	7.55	

1 The prices hereinabove established for sizes #11 and #12 slack coal are for commercial deliveries of one ton or more.

3. Effective date. This Amendment No. 28 shall become effective February 12, 1945.

Issued this 9th day of February 1945.
 RICHARD Y. BARTERTON,
 Regional Administrator.

[F. R. Doc. 45-3063; Filed, Feb. 24, 1945; 4:14 p. m.]

This amendment shall become effective February 6th, 1945.

Issued this 6th day of February 1945.

CHAS. R. BAIRD,
 Regional Administrator.

[F. R. Doc. 45-3064; Filed, Feb. 24, 1945; 4:14 p. m.]

[Region VIII Rev. Order G-6 Under MPR 418, Amdt. 6]

FRESH FISH AND SEAFOOD IN CALIFORNIA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by section 2 (d) and section

This amendment shall become effective February 5, 1945.

Issued this 5th day of February 1945.

CHAS. R. BAIRD,
Regional Administrator.

[F. R. Doc. 45-3065; Filed, Feb. 24, 1945;
4:14 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register February 16, 1945.

REGION I

Augusta Order 18, Amendment 10, covering dry groceries in the Augusta, Maine, area, filed 1:36 p. m.

REGION II

New York Order 1-F, Amendment 44, covering fresh fruits and vegetables in the five Boroughs of New York, filed 1:15 p. m.

New York Order 4-C, Amendment 2, covering poultry in certain counties in the States of New York and New Jersey, filed 1:14 p. m.

New York Order 6-F, Amendment 26, covering fresh fruits and vegetables in certain counties in New York, filed 1:15 p. m.

REGION III

Cincinnati Order 4-F, Amendment 5, covering fresh fruits and vegetables in Hamilton County, Ohio, filed 1:26 p. m.

Cincinnati Order 5-F, Amendment 5, covering fresh fruits and vegetables in certain counties in Ohio, filed 1:26 p. m.

Cincinnati Order 6-F, Amendment 1, covering fresh fruits and vegetables in certain counties in Ohio, filed 1:26 p. m.

Escanaba Order 18-3B, Amendment 10, covering fresh fruits and vegetables in certain counties in Michigan and Wisconsin, filed 1:14 p. m.

Escanaba Order 19-3B, Amendment 10, covering fresh fruits and vegetables in certain counties in Michigan and Wisconsin, filed 1:14 p. m.

Lexington Order 1-F, Amendment 68, covering fresh fruits and vegetables in Fayette County, Ky., filed 1:25 p. m.

Lexington Order 2-F, Amendment 62, covering fresh fruits and vegetables in certain counties in Kentucky, filed 1:24 p. m.

Lexington Order 3-F, Amendment 59, covering fresh fruits and vegetables in Boyd County, Ky., filed 1:25 p. m.

Louisville Order 12-F, Amendment 4, covering fresh fruits and vegetables in certain counties in Kentucky and Indiana, filed 1:36 p. m.

Louisville Order 12-F, Amendment 5, covering fresh fruits and vegetables in certain counties in Kentucky and Indiana, filed 1:24 p. m.

Louisville Order 13-F, Amendment 4, covering fresh fruits and vegetables in McCracken County, Ky., filed 1:36 p. m.

Louisville Order 14-F, Amendment 4, covering fresh fruits and vegetables in certain counties in Kentucky, filed 1:36 p. m.

REGION IV

Jacksonville order 11-F, Amendment 4, covering fresh fruits and vegetables in the north Florida area, filed 1:35 p. m.

Montgomery Order 20-F, Amendment 13, covering fresh fruits and vegetables in Mobile County, Ala., filed 1:35 p. m.

Montgomery Order 21-F, Amendment 16, covering fresh fruits and vegetables in Montgomery County, Ala., filed 1:28 p. m.

Montgomery Order 22-F, Amendment 17, covering fresh fruits and vegetables in Houston County, Ala., filed 1:28 p. m.

REGION V

New Orleans Order 2-F, Amendment 55, covering fresh fruits and vegetables in certain areas in Louisiana, filed 1:42 p. m.

San Antonio Order 1-F, Amendment 15, covering fresh fruits and vegetables in the San Antonio, Tex., area, filed 1:24 p. m.

San Antonio Order 2-F, Amendment 15, covering fresh fruits and vegetables in the San Antonio, Tex., area, filed 1:16 p. m.

San Antonio Order 3-F, Amendment 11, covering fresh fruits and vegetables in the San Antonio, Tex., area, filed 1:16 p. m.

San Antonio Order 4-F, Amendment 11, covering fresh fruits and vegetables in the San Antonio, Tex., area, filed 1:16 p. m.

REGION VI

Green Bay Order 9, Amendment 6, covering dry groceries in Waupaca County, Mich., filed 1:41 p. m.

Green Bay Order 1-W, Amendment 2, covering dry groceries in Waupaca County, Mich., filed 1:41 p. m.

Green Bay Order 9, Amendment 7, covering dry groceries in certain counties in Wisconsin and Michigan, filed 1:41 p. m.

Green Bay Order 1-W, Amendment 3, covering dry groceries in certain counties in Michigan and Wisconsin, filed 1:41 p. m.

Green Bay Order 12, Amendment 6, covering dry groceries in certain counties in Michigan and Wisconsin, filed 1:40 p. m.

Green Bay Order 2-W, Amendment 1, covering dry groceries in certain counties in Michigan and Wisconsin, filed 1:40 p. m.

Green Bay Order 2-W, Amendment 2, covering dry groceries in certain counties in Michigan and Wisconsin, filed 1:41 p. m.

Green Bay Order 12, Amendment 7, covering dry groceries in certain counties in Michigan and Wisconsin, filed 1:41 p. m.

Peoria Order 2-F, Amendment 37, covering fresh fruits and vegetables in certain counties in Illinois, filed 1:39 p. m.

Peoria Order 3-F, Amendment 36, covering fresh fruits and vegetables in certain areas in Illinois, filed 1:39 p. m.

Peoria Order 4-F, Amendment 32, covering fresh fruits and vegetables in certain areas in Illinois, filed 1:38 p. m.

Peoria Order 5-F, Amendment 20, covering fresh fruits and vegetables in certain areas in Illinois, filed 1:38 p. m.

La Crosse Order 5-W, covering dry groceries in certain counties in the State of Wisconsin, filed 1:35 p. m.

La Crosse Order 12, covering dry groceries in certain counties in the State of Wisconsin, filed 1:35 p. m.

La Crosse Order 6-W, covering dry groceries in certain counties in the State of Minnesota, filed 1:35 p. m.

La Crosse Order 13, covering dry groceries in certain counties in the State of Minnesota, filed 1:35 p. m.

REGION VII

Boise Order 1-B, Amendment 1, covering community food prices in the Boise, Idaho, area, filed 1:38 p. m.

Wyoming Order 7-F, covering fresh fruits and vegetables in the Cheyenne area, filed 1:27 p. m.

Wyoming Order 8-F, covering fresh fruits and vegetables in the Laramie area, filed 1:27 p. m.

REGION VIII

Phoenix Order 3 under 1-B, Amendment 5, covering community food prices in the Cocino-Yavapai area, filed 1:37 p. m.

Phoenix Order 4 under 1-B, Amendment 4, covering community food prices in the Central Navajo-Apache area, filed 1:37 p. m.

Phoenix Order 11 under 1-B, Amendment 1, covering community food prices in the Navajo-Hopi Reservation area, filed 1:38 p. m.

Phoenix Order 11 under 1-B, Amendment 1, covering community food prices in the Navajo-Hopi Reservation area, filed 1:38 p. m.

Portland Order 11-C, Amendment 2, covering poultry in certain counties in the State of Washington, filed 1:37 p. m.

Copies of any of these orders may be obtained from the OPA office in the designated city.

ERVIN H. POLLACK,
Secretary

[F. R. Doc. 45-3175; Filed, Feb. 27, 1945;
11:41 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register February 19, 1945.

REGION II

Baltimore Order 4-F, Amendment 23, covering fresh fruits and vegetables in Baltimore, Md., filed 4:37 p. m.

Baltimore Order 6-F, Amendment 23, covering fresh fruits and vegetables in Hagerstown, Md., filed 4:37 p. m.

Baltimore Order 8-F, Amendment 4, covering fresh fruits and vegetables in certain counties in Maryland, filed 4:36 p. m.

Newark Order 5-F, Amendment 20, covering fresh fruits and vegetables in certain counties in New Jersey, filed 4:36 p. m.

Newark Order 6-F, Amendment 7, covering fresh fruits and vegetables in certain counties in New Jersey, filed 4:36 p. m.

Trenton Order 7-F, Amendment 22, covering fresh fruits and vegetables in certain counties in New Jersey, filed 4:37 p. m.

Trenton Order 7-F, Amendment 22, covering fresh fruits and vegetables in certain counties in New Jersey, filed 4:37 p. m.

Williamsport Order 2-F, Amendment 23, covering fresh fruits and vegetables in certain counties in Pennsylvania, filed 4:34 p. m.

Wilmington Order 4-F, Amendment 20, covering fresh fruits and vegetables in certain areas in Delaware, filed 4:36 p. m.

REGION IV

Jacksonville Order 39, Amendment 1, covering certain food items in the State of Florida, filed 4:42 p. m.

Savannah Order 7-F, Amendment 12, covering fresh fruits and vegetables in certain counties in Georgia, filed 4:41 p. m.

Savannah Order 9-F, Amendment 12, covering fresh fruits and vegetables in certain counties in Georgia, filed 4:41 p. m.

Savannah Order 10-F, Amendment 12, covering fresh fruits and vegetables in certain counties in Georgia, filed 4:41 p. m.

REGION V

Lubbock Order 5-F, Amendment 8, covering fresh fruits and vegetables in the Lubbock, Tex., area, filed 4:40 p. m.

Lubbock Order 5-F, Amendment 9, covering fresh fruits and vegetables in the Lubbock, Tex., area, filed 4:40 p. m.

Lubbock Order 5-F, Amendment 10, covering fresh fruits and vegetables in the Lubbock, Tex., area, filed 4:40 p. m.

REGION VI

Omaha Order 7-F, Amendment 34, covering fresh fruits and vegetables in certain areas in Nebraska and Iowa, filed 4:38 p. m.

Omaha Order 8-F, Amendment 33, covering fresh fruits and vegetables in Lincoln, Nebr., filed 4:38 p. m.

Twin Cities Order 1-F, Amendment 11, covering fresh fruits and vegetables in St. Paul and Minneapolis, filed 4:33 p. m.

Twin Cities Order 2-F, Amendment 9, covering fresh fruits and vegetables in certain counties in Minnesota and Wisconsin, filed 4:33 p. m.

REGION VII

Wyoming Order 6-F, covering fresh fruits and vegetables in the Casper area, filed 4:33 p. m.

Wyoming Order 9-F, covering fresh fruits and vegetables in the Rock Springs area, filed 4:33 p. m.

Wyoming Order 10-F, covering fresh fruits and vegetables in the Sheridan area, filed 4:33 p. m.

REGION VIII

Portland Order 1-B, Amendment 1, covering food prices in the Portland area, filed 4:38 p. m.

Portland Order 26, covering canned fruits and vegetables in the Portland area, filed 4:32 p. m.

Portland Order 27, covering community food prices in the certain designated counties in Washington and Oregon, filed 4:32 p. m.

Portland Order 29, Amendment 1, covering community food prices in the Klamath Falls area, filed 4:39 p. m.

Portland Order 30, covering community food prices in the Portland area, filed 4:39 p. m.

Portland Order 30, Amendment 1, covering community food prices in the Portland area, filed 4:39 p. m.

Portland Order 30, Amendment 2, covering dry groceries in certain areas in Oregon, filed 4:38 p. m.

San Diego Order 1-F, Amendment 11, covering fresh fruits and vegetables in the San Diego area, filed 4:38 p. m.

San Diego Order 1-O, covering eggs in certain counties in the San Diego area, filed 4:31 p. m.

Spokane Order W-1, covering dry groceries in certain counties in the State of Washington, filed 4:30 p. m.

Spokane Order W-2, covering dry groceries in Spokane County, Wash., filed 4:31 p. m.

Spokane Order W-3, covering dry groceries in Spokane County, Wash., filed 4:32 p. m.

Spokane Order 34, Amendment 1, covering dry groceries in certain counties in the State of Washington, filed 4:30 p. m.

Spokane Order 38, Amendment 1, covering dry groceries in certain areas in Idaho and Washington, filed 4:30 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45-3176; Filed, Feb. 27, 1945;
11:41 a. m.]

